

Child Support Bill, Bill 71 of 1994-95

Research Paper 95/38

14 March 1995



The occasion for this Paper is the Second Reading of the Child Support Bill which is due to take place on Monday 20 March 1995. This Paper therefore describes the changes which the Bill would introduce. As these are only part of a wider package of measures announced in the recent White Paper, *Improving Child Support*, Cm 2745, the Paper will also outline the other changes, which either do not require legislation or are due to be introduced by Regulations. Members are also referred to Library Research Paper 94/20 which this Paper updates but does not replace.

Jo Roll
Education and Social Services Section

House of Commons Library

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I. Introduction

The proposed changes described in this paper are a response to the criticism and controversy which has surrounded the Child Support Agency almost from the beginning, that is from a few months after it started work in April 1993. The most vociferous protests have come from *absent parents* (the technical term used in the legislation to refer to the partner - usually the father - who does *not* have day-to-day care of the child) and by the end of 1993, the Government had already decided that some changes to reduce the impact on absent parents were necessary. In February 1994, it therefore brought several changes into effect.

One of the most common questions from Members during the months following the introduction of the CSA, when its impact first started to be noticed, was about the origins of the Agency: how did something which aroused such ire ever come into being? Library Research Paper 94/20 examined some of the forces which had led to the creation of this particular *Next Steps* Agency. These included various interrelated factors such as the growth in the number of lone parent families claiming Income Support, changes in family values and in family law, as well as some dissatisfaction with the apparently inconsistent results of court decisions. Members who are interested in the background to the setting up of the Child Support Agency or the changes introduced in February 1994, are referred to this earlier Paper.

It soon became clear that these first reforms had not stemmed the flow of complaints. There was criticism both of the operation of the CSA and of the policies which it was implementing. During the year after the changes a large number of critical reports were published by official and semi-official bodies as well as groups affected by the child support system. Indeed, as this paper is being written, two more reports have appeared (last on the list below).

Below is a list of some of the major reports that have come out during the year which are either available in the Library or from the Vote Office (listed in the order in which they were received in the Library). These all contain serious criticisms of the new system, including the Child Support Agency's own annual report, which showed the extent to which it was not meeting its targets.

- **National Council for One Parent Families: The Child Support Agency's First Year: The Lone Parent Case**
- **National Association of Citizens Advice Bureaux: Child Support one year on**

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- **Child Poverty Action Group: Putting the Treasury First: the truth about child support**
- **Child Support Agency : the first two years: annual report 1993-94 and business plan 1994-95**
- **Social Security Select Committee Fifth Report of 1993-94: The Operation of the Child Support Act: Proposals for Change, HC Paper 470 of 1993-94**
- **National Audit Office, Report of the Comptroller and Auditor General; Appropriation Accounts 1993-94 HC 670-ix, paras 41-53**
- **Chief Child Support Officer, Central Adjudication Services, Annual Report for 1993-94**
- **Council on Tribunals Annual Report for 1993-94, HC Paper 22 of 1994-95**
- **Parliamentary Commissioner for Administration, Third Report Session 1994-95: Investigations of Complaints against the Child Support Agency, HC 135 of 1994-95**
- **Social Security Select Committee, Memorandum on the Operation of the Child Support Act, HC 30 of 1994-95**
- **Select Committee on the Parliamentary Commissioner for Administration, The Child Support Agency, HC 99 of 1994-95.**

It should be noted that while the Child Support Bill implements some of the proposals contained in the White Paper it also contains other measures, some of which were announced previously and some of which tidy up loose ends from the earlier legislation. Conversely, some of the measures contained in the White Paper are implemented in other ways, either by means of Regulations under existing powers of the 1991 Child Support Act (which, at the time of writing are expected within the next few days), or by administrative means, or by Regulations which will be made at a future date under new powers introduced by the Bill. Most of the Bill is designed to amend the Child Support Act 1991 although there are also some amendments to social security and income tax laws.

II The Bill

A. Overview

The Child Support Bill embodies part of the Government's response to the criticisms referred to in **Part I** above. It deals with the following topics:

- Departures from the formula (**Clauses 1-9 and Schedules 1 and 2**)
- Child Maintenance Bonus (**Clause 10**)
- Reviews (**Clauses 11-15**)
- Appeals (**Clauses 16-17**)
- Deferral of the right to apply (**Clauses 18-19**)
- Parentage and DNA testing (**Clauses 20-21**)
- Replacing interest with a penalty (**Clause 22**)
- Repayments of overpaid maintenance (**Clause 23**)
- Compensation for reduced maintenance (**Clause 24**)
- Income Support paid gross (**Clause 25**)
- Procedural matters and consequential amendments (**Clauses 26-30 and Schedule 3**)

Of these measures, those that could probably be said to introduce really new features into the child support system are those dealing with **Departures**, the **Child Maintenance Bonus**, **parentage & DNA testing**, and the **compensation for reduced maintenance**. Some of the other measures mainly tidy up loose ends left over from previous legislation (for example where the wording of the legislation did not achieve the desired effect) but others do also represent changes in policy even if these are not as novel as the four measures just mentioned. Section **B Specific Measures** will therefore describe the measures in the order in which they appear in the Bill.

This Paper does not attempt to list all the other changes mentioned in the *White Paper, Improving Child Support* but it should be noted that, although some of the measures due to be introduced in April 1995 (see Chapter 3 of the White Paper), such as provision for property and capital settlements or travel to work costs to be taken into account by the formula, might at a superficial glance appear to overlap with those provided for in the Bill, they are in fact distinct.

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For example, the provisions relating to property and capital settlements made before April 1993 which are to be introduced by Regulations under the existing Child Support Act are only intended to provide a "broad-brush" approach. Where someone would in future qualify under the Bill's provisions, any allowance made under the "broad-brush" provisions would, according to the White Paper, be removed [para 2.13]. The travel to work costs allowed for in the Bill would only, according to the White Paper, be "exceptionally high costs of travel beyond those allowed in the formula." [para 2.6]

The Bill covers Great Britain but also contains provision for an Order in Council to enable corresponding provisions to be applied in Northern Ireland. The public expenditure costs of individual measures relate mostly to the introduction of **Departures** - £10 million a year plus administration costs of £15 million a year (in the long run) - and to the **Child Maintenance Bonus** - £25 million a year in the long run - although the **compensation payments and repayments of overpaid maintenance** are also each expected to add a smaller amount - £1 million a year. The provisions relating to changed review procedures are expected to *save* about £5 million a year.¹

The impact of the legislation on business is not expected to be great. The total cost to business is estimated at £40,000 and this is expected to be spread over 1.2 million employers. It will arise from the introduction of the **Child Maintenance Bonus** as, in order to qualify for a bonus, a claimant will need to satisfy the Department of Social Security that the parent with care or her partner has found work. The Compliance Cost Assessment says that in most instances, the claimant should be able to supply the satisfactory evidence of new employment without recourse to the employer but that there will be a number of cases (an estimated 15,000) where it will be necessary for the Benefits Agency to confirm the new employment with the employer either in writing or by telephone.²

B. Specific Measures

1. Departures

The new system of "departures" from the formula, is intended to introduce a safety valve into the system of child support by introducing a small element of discretion into an otherwise rigid

¹ Financial Memorandum to the Child Support Bill, Bill 71 of 1994-95

² Compliance Cost Assessment, Child Support Bill 1995

formula. Once a maintenance assessment has been made, it will be possible for either parent³ to "appeal" against the assessment although the Government's intention is that this procedure should only apply in a minority of cases. The cost is expected to increase expenditure on benefits by £10 million a year from 1996-97 and the administrative cost is expected to be £25 million in the first two years and £15 million a year thereafter.⁴

Introducing the proposal, the White Paper,⁵ says:

"The Government continues to believe that the principles underlying the child support system are best realised, in the main, through maintenance assessments based on an objective formula. There is no wish in Government or in Parliament to see a return to a discretion-based system, with its attendant problems of inconsistency and unfairness. But the Government recognises that there is a small minority of cases where there are special circumstances which it would be right to take into account but which cannot be reflected in a universal formula." [Para 1.7]

It should be noted that in the debates about the Child Support Agency, the lack of an "appeal" against the formula has been a common complaint. In fact, there is, under the Child Support Act 1991, an appeal procedure, which is similar but not entirely the same as the appeal procedure within the social security system, but this relates to points of fact or law; it is no right of appeal against the formula which is what many people meant when they said there was not appeal. The proposed *departures* from the formula may therefore sometimes be referred to as the introduction of a right of appeal into the system but this should not be confused with the existing right of appeal.

In summary, the Bill would allow either parent to apply to the Secretary of State for a *departure direction* [Clause 1]. In practice, this would mean that a decision on an application would be made by the Child Support Agency (CSA) but there is provision for applicants to appeal against a decision about a departure to an independent Child Support Appeal Tribunal [Clause 8]. There is also provision for the CSA to refer an application to such a tribunal instead of determining it itself.

³ Under the Child Support Act 1991, in Scotland, a child aged 12 and over may apply for child support maintenance. References in this part of the Paper to "either parent" therefore generally also include a child aged 12 and over in Scotland.

⁴ The Child Support Bill 1994-95, Financial and Explanatory Memorandum

⁵ *Improving Child Support*, see above

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The Bill specifies two grounds on which a parent might qualify for a *departure direction* and makes provision for Regulations to prescribe "additional cases" [Schedule 2 Part I]. It also sets out various principles and factors to which the Secretary of State is to have regard in making a decision about a *departure direction* [Clause 5] and there is provision for "regulatory controls" which could limit departures in various ways, for example, by fixing a maximum by which a new assessment can depart from the old [Schedule 2 , Part II].

The two specified situations where a parent might qualify for a *departure direction* are where:

i) he (she) has special expenses that were not and could not have been taken into account by the formula, such as:

- costs incurred in travelling to work;
- costs incurred by an absent parent in maintaining contact with the child;
- costs attributable to a long-term illness or disability of the applicant or dependant;
- debts incurred before the absent parent became an absent parent either for the joint benefit of both parents, the child(ren) concerned, or any other child falling within a prescribed category;
- pre-April 1993 financial commitments from which it is impossible for the parent concerned to withdraw or from which it would be unreasonable to expect that parent to have to withdraw - this would only apply where there is in force a maintenance agreement or court order made before 5 April 1993 (when the present child support scheme started) ;
- costs incurred by a parent in supporting a step-child.

or :

ii) he (she) has made property or capital transfers before April 1993 as a consequence of which maintenance was either lower than it would otherwise have been, non-existent, or the effect of it is not properly reflected in the current CSA assessment.

As the White Paper shows, the two types of condition actually specified are more likely to apply to absent parents who consider that the assessment of the amount that they have to pay is too high rather than to the caring parents who consider that the amount is too low (although the conditions could also apply to a parent with care where she (he) has assessable income and is able to make a contribution to maintenance).

The conditions which are more likely to apply to the parent with care who wishes to apply on the grounds that the assessment is too low are not prescribed directly in the Bill. But the

provisions for Regulations to be made in "additional cases" [Schedule 2 Part II] list certain examples which might be covered and these correspond to conditions listed in the White Paper as applying to a parent with care. The White Paper describes these conditions as follows [para 2.8]:

"In addition, parents with care will also be able to apply on the grounds:

- a. that the assessment is unrealistically low because, although the absent parent has been able to demonstrate a low income, he has substantial assets or an extravagant lifestyle inconsistent with income at that level;
- b. in cases where the absent parent's housing costs are excessive, but are still allowed in full in the formula because he has children in his household or he is sick or disabled, that he is nevertheless able to meet them or has deliberately created the excessive costs in order to escape some or all of child support maintenance liability;
- c. that the absent parent's housing costs allowed under the formula include costs for housing a new partner or new partner and step-children which should be met, or are being met, wholly or in part by the new partner;
- d. that the absent parent receives an allowance under the formula for his travel-to-work costs but he was nevertheless able to meet these costs or had deliberately created the situation in order to escape some or all of his child support maintenance liability."

The White Paper and the Press Notice issued by the Department of Social Security on publication of the Bill⁶ refer to an extra condition of "hardship" to be applied in cases where special expenses would be allowed (and where, according to the White Paper, there was no court order or written agreement before April 1993). This extra condition is not explicitly set out in the Bill but might be provided for under powers provided under the "regulatory controls" provisions (Schedule II Part II).

The Bill does provide that, in addition to the conditions specified, it must, in the opinion of the CSA, be "just and equitable" to give the proposed **direction**. In deciding what is "just and equitable", the CSA is required to have regard to the financial circumstances of both the absent parent and the parent with care, as well as to the welfare of any child likely to be affected by a **direction**. There are also provisions for defining in Regulations what this would mean [Clause 6].

⁶ *Child Support Bill Published*, Department of Social Security Press Notice , 8 March 1995

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In reaching a decision about a **departure direction**, the Bill requires the CSA to take account of any representations made by either parent concerned and to ignore the question whether the parent with care is receiving any social security benefit or whether any decision about child support maintenance could have an effect on that benefit [Clause 5]. Certain principles to which the CSA must have regard are also specified [Clause 5]:

"(2) The general principles are that -

- a) parents should be responsible for maintaining their children whenever they can afford to do so;
- b) where a parent has more than one child, his obligation to maintain any one of them should be no less of an obligation than his obligation to maintain any other of them;
- c) the welfare of any child likely to be affected by the direction."

2. Child Maintenance Bonus

One of the options canvassed during the year preceding the White Paper - an option supported by several pressure groups and a minority of the Social Security Select Committee - was the introduction of a maintenance disregard for recipients of Income Support. The **Child Maintenance Bonus** was proposed in the White paper as the Government's alternative solution. Having discussed the disregard of maintenance that exists for Family Credit or Disability Living Allowance purposes (two benefits which are only payable to people employed for at least 16 hours a week) the White Paper goes on to say:

"5.4 There have been some calls to extend a maintenance disregard into Income Support as well. The Government takes the view that this is not desirable because, like any other increase in out-of-work benefit disregards, it would reduce the clear water between in-and-out-of work benefits and thus make it more difficult to be better off in work. However, the Government accepts that the current situation, where maintenance payments to parents with care on Income Support reduce benefit pound for pound, may discourage some absent parents, and may be seen as unfair by parents with care whose former partners are meeting their obligations.

5.5 So that parents with care on Income Support or Jobseeker's Allowance who receive maintenance can see a direct benefit from it, the Government intends to introduce by primary legislation a scheme building on the principles of the

Back to Work Bonus proposed in the Jobseeker's Allowance Bill.⁷ For each week in which maintenance is paid, a parent with care will receive a credit of £5 (or the actual amount of maintenance if less), which will be payable as a lump sum when she leaves Income Support or Jobseeker's Allowance to take up work of 16 hours or more. This will provide a substantial incentive to take up work and will ease any financial problems during the transition."

The Bill itself mainly provides outline powers for the new measure, with details to be spelled out in Regulations [Clause 10]. It provides for the **bonus** to be payable by way of Income Support or Jobseeker's Allowance (as the case may be) to people who are or have been in receipt of child maintenance and to whom or in respect of whom Income Support or a Jobseeker's Allowance has been paid. The measures relating to the creation of a **Child Maintenance Bonus** are expected to increase benefit expenditure by £15 million in 1997-98 and £25 million in the long-run.

The Bill provides for the **bonus** not to be taxable and it also makes provision for the **bonus** to be payable to another person as determined by Regulations. This would mean that it could be paid to the partner of a parent with care if that partner was claiming Income Support and then found a job.⁸ The power might also be used in other circumstances, for example, where to pay the **bonus** to the parent of a teenage parent with care.

3. Reviews

There are two main types of review of a child support assessment: a *change of circumstances review* and a *periodic review*. The former mean that clients of the CSA can report changes of circumstance as they arise and have their assessment revised accordingly. The latter provide for a full review of both parents' circumstances at set intervals, which are in addition to reviews for reported changes.

The White Paper makes several proposals to reduce the administrative work involved in review procedure which encompass both type of review although not all of them require primary legislation, for example, the proposal to conduct periodic reviews at two yearly intervals instead of one. They are therefore not all included in the Bill. However, the Bill does include

⁷ The Back to Work Bonus proposed in the Jobseeker's Allowance Bill is described in Library Research Paper 94/129 on page 18.

⁸ Referred to the Compliance Costs Assessment of the Bill

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provisions relating to reviews which are expected to save £5 million a year in 1996-97 rising to £7 million a year in 1997-98.⁹

However, the Bill does, for example, include the proposals to enable the CSA to issue an interim assessment while it is conducting a review if the absent parent has not given the necessary information [Clauses 11 and 14] and the proposal that the CSA should cease to act for a parent with care if she (he) is not in receipt of a relevant benefit and fails to provide the information necessary to conduct the review [Clause 14].

The Bill's Financial Memorandum says that the savings from the review measures will be used to meet additional administration costs from the refinements of the child support scheme introduced by the package of Regulations (under the existing 1991 Act) which are planned to come into force in April 1995, and to reduce the backlog of work. It also says that there may be additional costs for legal aid and the courts, and savings from reviews may therefore be needed to fund any necessary costs.

4. Appeals

The two clauses on appeals in the Bill [Clauses 16 and 17] are designed to align the appeal procedure more closely with the one used for social security purposes and also to speed up procedures. The adjudication officer within the CSA is given power to look again at a decision (eg if s/he realises that s/he has made a mistake) so that even if an appeal has been lodged s/he can revise that decision without the necessity of a full appeal procedure [Clause 16]. The Lord Chancellor is also given power to appoint interlocutory officers to deal with some of the minor ground work which at the moment the Commissioners have to carry out [Clause 17].

5. Deferral of Certain Cases

On 20 December 1994 the Government announced that the CSA would delay the take-on of certain cases where the parent with care was already receiving income support before April 1993 until it was in a position to tackle them promptly and to a high standard. However, it would continue to provide sympathetic consideration to requests by individual parents who wished their application to be dealt with early. In addition, the agency would not pursue, for the time being, cases where they issued a maintenance application form over six months

⁹ See Child Support Bill 1994-94, Financial Memorandum

previously which had either not been returned or had been returned with insufficient information to process it."¹⁰

A later statement said that deferring the remaining pre-April 1993 Income Support cases would mean the deferral of an estimated 340,000 cases and that several thousand extra cases would be deferred by the second, one-off measure.¹¹ Contrary to some press reports, the deferral did not apply to absent parents who had failed to co-operate with the Agency, as the White Paper emphasised:

"6.3 The aim is to enable the Agency to give a better service to its existing caseload. It will deal with these deferred cases when it is in a position to tackle them quickly and to a high standard. It will generally take on any benefit recipient affected by the new arrangements who wishes the Agency to pursue maintenance, and there is no question of stopping or deferring action where the absent parent has been delaying or failing to co-operate with the Agency in arranging maintenance...."

The White Paper also announced that, in addition to these measures, the take-on of pre-1993 non-benefit cases which was due to take place in 1996-97 would be deferred to a future date to be decided [paras 1.22 and 7.2 and chapter 4]. Clause 18 therefore provides that where cases where a maintenance agreement or a court order were in force before April 1993 and the parent with care is not receiving one of the relevant benefits, parents do not and will not have the right to apply to the CSA. No date is given for the end of the deferral but the clause also provide that the Secretary of State may, by Order, repeal the provisions of the clause.

Clause 19 is designed to close a possible loophole, that is where a parent might, under existing provisions, be able to get round the deferral by making a spurious claim for one of the relevant benefits, the CSA is allowed to drop the case.

6. Parentage and DNA Testing

New CSA plans for tackling paternity disputes were announced in November 1994.¹² Alistair Burt, Minister for Social Security, announced that the CSA would make use of DNA services to resolve paternity cases and that the Agency had written to a number of organisations

¹⁰ House of Commons Hansard 20 December 1994 c1024W

¹¹ House of Commons Hansard, 30 January 1995 c755W

¹² Child Support Agency takes new steps to tackle paternity disputes, Department of Social Security Press Release, 28 November 1994

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currently involved in DNA testing, inviting them to undertake work on behalf of its clients as the Agency hoped to be able to offer alleged absent fathers who denied paternity access to DNA tests at a discounted rate from the Spring of 1995. The statement also said that the Agency would provide assistance to parents with care who were not receiving benefits, including taking court action in appropriate cases.

Clause 20 therefore enables the CSA or the person with care to apply to a court for a declaration of parentage after an assessment has been made and allows courts to have regard to declarations of parentage when making "top-up" maintenance orders. Clause 21 enables the CSA to recover fees for DNA testing from an alleged parent who does not dispute the results of the test or who is subsequently declared by a court to be the parent of the child in question.

7. Replacing Interest with Penalty

Interest charges are to be replaced with a financial penalty [Clause 22]. Under present rules, interest charges, which are designed to penalise late payment and to discourage absent parents from building up arrears, are described in the White Paper as complicated to administer and difficult for clients to understand [para 6.19]:

"The Government intends, therefore, to remove the current provisions for the charging of interest and to introduce from April 1997 a new system of penalties for late payment. It is intended that the new system will be simpler to administer and a clearer deterrent to late payment [para 6.20].

8. Repayments of Overpaid Maintenance

The provisions relating to overpaid maintenance are mainly designed to tidy up loose ends. Under current provisions, repayments are normally made by reducing the future liability of the person concerned but sometimes this is not appropriate, for example, where the maintenance payments only have a short time to run. Clause 22 therefore enables the CSA to reimburse overpayments of child support maintenance as well as to recover overpayments from those who have received them. The expected cost of this measure is £1 million a year.

9. Compensation for Reduced Maintenance

Together with the **bonus** described above, the **compensation for reduced maintenance** is one of the measures designed to help the parent with care. At the moment, the two means-tested

benefits, Family Credit and Disability Working Allowance, are fixed for a period of six months so that if there is an adjustment in the amount of maintenance received by a parent with care receiving one of these benefits, there is usually a delay before the Family Credit or Disability Working Allowance is adjusted. Clause 24 would enable **compensation** to be paid to parents with care whose maintenance is reduced because of changes to the child support legislation although it does this indirectly by making provision for Regulations to be made to achieve this end. The measure is expected to cost £1 million a year.

The White Paper explained further that:

"Rather than breach the fundamental rules of these schemes, the Government intends to make a non-benefit compensation payment to the extent of half of any reduction in the maintenance assessment. This broad-brush compensation reflects the fact that the amount of maintenance in payment at the time the Family Credit or Disability Working Allowance award was made may differ both from the previous maintenance assessment and from the amount actually in payment when the change is made." [para 5.2]

10. Income Support Paid Gross

This measure is also a piece of tidying up. It would enable Income Support to be paid gross to the parent with care while the Department of Social Security recovers the maintenance directly from the absent parent. A similar provision existed under pre Child Support legislation but the Child Support legislation, as originally drawn up, did not achieve the same effect.

D. Responses

In the short term available between publication of the Bill and the Second Reading debate, few organisations have had time to produce a written briefing although several did respond to the White Paper and their views might be inferred from these and earlier statements. The selection reproduced here represents only some that were available at the time of writing and is therefore not necessarily representative. Most of them relate to the package of measure rather than only those contained in the Bill.

The Campaign Against the Child Support Act, which is co-ordinated by the Wage for Housework Campaign and Payday Men's Network, does not accept that the proposals will solve the problem. It is organising a week of protest at the beginning of April and is demanding that the Child Support Act be scrapped and the Child Support Agency abolished. It demands that, "after the widest consultation, a new fair maintenance system, enforceable

where necessary, be set up. The new system must be publicly accountable and based on the individual circumstances and welfare of all children, women and men."

The Child Poverty Action Group says that the balance of the package is overwhelmingly to the advantage of absent parents, and not parents with care; it is not targeted at low income absent parents who retain the least to live on, and contains practically nothing to combat the poverty of lone parents and their children. It believes that the compensation offered to parents with care for changes to the formula is inadequate and says that it is particularly disappointed that the Government has not agreed to introduce a small maintenance disregard on Income Support as this would have benefited the poorest children as well as providing an incentive for the absent parents to pay. It makes a number of detailed comments about proposals in the Bill and also considers that there are a number of other omissions from the Government's proposals, arguing, for example, that the benefit penalty for parents with care on Income Support and Family Credit who do not apply for maintenance should be abolished.

Stepfamily (the National Stepfamily Association) welcomes the provisions relating to housing costs but is particularly concerned, as it has been throughout, that the system of child support is based on the idea of a chain where the stepchildren in a family where the stepfather is paying child support for children of his previous marriage are assumed to receive child support from an absent parent themselves. But, argues Stepfamily, this is not always the case and that the current proposals do nothing to help those stepchildren who do not have an absent parent, such as those whose other parent is dead, abroad (and thus outside the jurisdiction of the Child Support Agency), in prison, or unemployed (and thus only able to pay the minimum maintenance - which, in any case, Stepfamily believes they cannot afford to do).

The Network Against the Child Support Agency, which co-ordinates many of the numerous groups that have sprung up to protest about the child support system, describes the White Paper as a "con" designed to defuse the situation in the run-up to the next general election. Mike Pimblott, the co-ordinator, says that the proposals are, "quite simply, far too little, far too late, " and calls for the Child Support Act to be scrapped.

E. Timetable

The White Paper describes the timetable relating to measures in the Bill as follows:

"A Bill will be introduced in the current session of Parliament to cover the changes needing primary legislation. As soon as it receives the Royal Assent, the simplified way of carrying out reassessments or reviews due to changes of circumstances will be introduced. In 1996-97 the new system of departures from child support formula maintenance assessments will be introduced. The take-on

of pre-1993 non-benefit cases which was due to take place in 1996-97 will be deferred to a future date to be decided." [para 7.2] .

The Press Notice issued with the Bill adds that :

"No departures would be backdated to dates before the introduction of the new procedures. We expect to bring in the new system during 1996-97."

In other words, the changes will not be retrospective in the straightforward sense. However, in that the conditions for **departures** will cover property settlements and capital transfers made by parents who had maintenance agreements or court orders before April 1993, they could be considered retrospective in a broader sense.