

Child Maintenance and Enforcement Commission Board

Summary Minutes of the Commission Board meeting 22 September 2009

Members:

Janet Paraskeva – Chair
Stephen Geraghty
Deborah Absalom
Rosemary Carter
Bill Griffiths
Alan Hardy
Susan Park
Maeve Sherlock
Keith Woodhouse
Stephen Leonard
Heather Jackson

Also attending

Richard D'Souza (Item 3 & 3a)
Jon Chadwick (Item 6)

Paul Wright - Commission Lawyer
Maria Jobson - Board Secretariat

Apologies:

None

1 Minutes and Matters Arising from 21 July meeting

- 1.1 The minutes were agreed as a full and correct record of the meeting
- 1.2 There were no matters arising.

2 The Commissioner's Report

The report provided a detailed summary of progress and developments in key areas of the Commission since the Board last received an update on 21 July. Key points for the Board to note were highlighted as:

Welfare Reform Bill

- 2.1 During the passage of the Welfare Reform Bill through its Committee stages in the House of Lords, the Commission received some pressure to amend our proposals on the introduction of powers to withdraw the passports of non-compliant non-resident parents administratively and to include the piloting of the measure before introduction.

New Enforcement Powers in the Child Maintenance and Other Payments Act 2008

- 2.2 The Child Support Collection and Enforcement (Deduction Orders) Amendment Regulations 2009 came into force on 3 August 2009. Implementation has begun.
- 2.3 A further package of Enforcement powers are planned for November.

Child Maintenance and Other Payments Act 2008 - Consultation

- 2.4 The consultation on provisions allowing for the offsetting of liabilities in child support cases and collection of arrears of maintenance from the estates of deceased non-resident parents, closed on 9 August 2009.
- 2.5 The key findings of the consultation were:
- 2.5.1 Wide support for regulations to enable child maintenance liability to be treated as satisfied by offsetting;
 - 2.5.2 Broadly in favour for the Commission making the overall decision to apply an offsetting arrangement to a case and for the need for the Commission to manage and monitor offsetting arrangements very carefully in order for them to be effective as a method of collection;
 - 2.5.3 Wide spread agreement with the proposal to extend offsetting to cover occasional payments made 'in kind' between parents either in addition to or instead of their child maintenance payment to the Commission;
 - 2.5.4 However, opinion was divided on the Commission's proposal to attempt recovery of unpaid child maintenance arrears from the estates of deceased non resident parents. Concerns were raised about the possible negative impact on other relevant children affected by the non resident parent's death e.g. second families.
- 2.6 The Commission's formal response has been drafted and issued to key internal stakeholders within the Commission. It is planned to publish the final response on the Commission's website from the end of October.

Commission Businesses

Child Maintenance Options

- 2.7 The test media campaign for the Child Maintenance Options Service continues with another heavy burst in September in the Central ITV Region, including interviews on local radio with the Chair and Commissioner. An evaluation of the test will be presented to the October Board.
- 2.8 Child Maintenance Options have updated their understanding of the estimated number of children helped where one or other parent has used the Child Maintenance Options service through running an internal survey. A proportion of Options customers have been contacted to ascertain whether they had put in place an arrangement following contact with Options. It is estimated that an additional 41,000 children are benefiting from either a private arrangement after contacting Options or who made an application to the CSA following their conversation with Options. A further internal survey is being carried out and the updated information and findings will be presented to the October Board.

CSA

Business Performance

- 2.9 Performance of CSA continues to show steady improvement against Targets.

Media Update

- 2.10 The Daily Mirror ran a positive double-page feature on enforcement under the banner headline “Chasing the Cheats”.
- 2.11 There was also strong coverage of the most recent CSA performance figures with positive items in more than 30 local newspapers.

3 Role of DWP Ministers; and approach to Consultation

- 3.1 The Board discussed the role of Ministers in the process and in particular in relation to the approval of regulations.
- 3.2 The Board has responsibility for the day-to-day running of the child maintenance system within the parameters set in statute, including all areas of the Child Support Act 1991 and the Child Maintenance and Other Payments Act 2008 not reserved to the Department for Work and Pensions. Legislative responsibility remains with the Secretary of State.

Policy Making and Regulations

- 3.3 Whilst the Board has responsibility for the development of policy, when regulations or primary legislation are required, or any proposals change existing commitments or policy statements set out in the White Paper or during debates on the Bill, then DWP Ministers need to be informed. If regulations are required to implement the change then the proposals are subject to the approval of Ministers.

Consultation on regulations

- 3.4 The published Government Code of Practice on Consultation sets out what people can expect from the Government when it runs formal, written consultation exercises on matters of policy or policy implementation.
- 3.5 All regulations that are laid before Parliament must be accompanied by an Explanatory Memorandum. This is intended to help MPs to understand the purpose of the regulations and is used particularly by the scrutiny committees.
- 3.6 The Explanatory Memorandum must set out who was consulted, over what period and how many responded. It also needs to contain some analysis of the key points raised in responses and a justification of why changes to policy were or were not made in the light of the opinions expressed.

The Government Code of Practice on Consultation

- 3.7 The Code of Practice is published and maintained by the Department of Business Innovation and Skills (BIS). The Code makes clear the Government's commitment to effective consultation, targeted at and easily accessible to, those with an interest in the policy in question. It also makes it clear that consultation can be set aside when the situation demands.
- 3.8 The Code of Practice provides a ready-made approach to consulting on regulations in a way that enables us to fulfil our responsibility, when laying regulations before Parliament, to demonstrate that we have sought and considered views from those who will be affected by, or have a particular interest in them.

4 Commissioning Strategy

- 4.1 The introduction of a commissioning model supports the broader remit of the Commission by creating a clear distinction between the operational delivery of child maintenance services, promotion of child maintenance options outside the statutory scheme and the internal provision of advice on policy.

5 Future Scheme Programme IT Timeline

- 5.1 The Board heard that new detailed plans are being developed and current activity is progressing well.

6 CSA and Child Maintenance Options - Client Service Standards

- 6.1 Following discussion, the Board agreed to leave existing CSA standards in place as they would apply for 2009/10 and be reviewed next year. At the point where the future scheme is introduced more substantial revision would be required. The Board agreed to all three Child Maintenance Options Service Client Standards.

7 Risk Management and Internal Controls

- 7.1 The Board discussed the escalation of risks from the Audit Committee to the Board and the measures currently in place.
- 7.2 The Board agreed that the Commission Risk Register should be on the Board Agenda on a regular basis.

8 Any Other Business

- 8.1 The Board were updated on the October meeting. The afternoon session of the Board will be open to client representative stakeholder groups to provide views on the next phase of development of the Child Maintenance Options Service and the Future Scheme Client Journey.

- 8.2 The Board discussed and agreed the coming year's Board dates.
- 8.3 The Board were pointed to the paper on Handling and Storage of Official Documents.
- 8.4 The next meeting of the Board will take place on 20 October.