



Response to: Review of Child Maintenance Service (CMS) Domestic Abuse Operational Policies & Procedures

About Rights of Women

Rights of Women is a legal rights organisation which specialises in supporting women who are experiencing – or at risk of experiencing – all forms of Violence Against Women and Girls (VAWG), including domestic and sexual violence. In our approach, we recognise the additional barriers posed by the intersection of gender-based abuse, racism, structural inequality and other forms of discrimination and oppression that impact on women’s vulnerability, exclusion and marginalisation.

By offering a range of services – including specialist telephone legal advice lines, legal information and training for professionals – we aim to increase women’s understanding of their legal rights and improve their access to justice. We empower women to make informed choices where they come into contact with the criminal, family, employment or immigration and asylum legal systems so they can live free from violence.

Rights of Women is a registered charity 1147913 and Company Limited by Guarantee.

Rights of Women’s consultation response

Before answering the specific questions asked in the consultation we would point out that as a women’s legal organisation we will confine our responses to law and legal policy issues within our skills and experience.

Rights of Women receives calls to its family law advice line from survivors of violence against women and girls (VAWG). In 2021 we advised women on over 1,300 calls to our family law lines. Callers do receive advice on child maintenance, however, child maintenance is rarely the main or the only reason for the call. Concerns relating to child maintenance are intertwined with issues relating to co-parenting, child safety, finances generally and domestic abuse.

We do not have the information necessary to comment in detail on the response survivors receive specifically to disclosures of domestic abuse, or the procedures the CMS has put in

place to protect survivors. We are, however, able to comment upon the general experiences we hear from survivors on our advice lines.

We hear fairly regularly from survivors who tell us that their ex-partner and/or the father of their child has reacted negatively to her request or suggestion that he pay child maintenance. The reactions range from refusing to pay, denying they are the father of the child, threatening to take her to court (for example to get 'custody' of the children), to verbal and physical abuse. Survivors often find that when they raise these with professionals they are disinterested in the link between requests for child maintenance and abuse. This applies not just to the CMS, but also the family court, police, social services and lawyers. Completely isolating child maintenance considerations from abuse and child contact issues does not reflect the reality that survivors face and often leaves them feeling unheard, misunderstood and, at worst, unsafe.

Other feedback on the Child Maintenance Service that we hear from our callers can be summarised as follows:

- Customer service is poor. It is difficult to speak to a customer service advisor. If they are able to speak to someone the advisors are unable to answer the query or resolve the issue, or they fail to understand the issue. They rarely show empathy, they appear to provide stock or default responses, and do not seem to consider the wellbeing or needs of the caller. Emails and online communications are not responded to. Delay and difficulty in communications make it almost impossible for survivors of domestic abuse to manage their safety because they are not aware of when the abuser is contacted and, therefore, when risk is likely to increase. Furthermore, staff seem unaware of the risks to survivors in seeking maintenance or the tactics used by abusers in response to applications.
- The method used to calculate how much the paying parent needs to pay is rigid and narrow. Callers to our helplines tell us that paying parents are able to manipulate their finances to avoid paying child maintenance, or to pay less maintenance, for example by asking their employer to pay part of their wages cash in hand, or deliberately reducing their pay until after the calculation. If the paying parent does not receive income via PAYE (for example if they are self-employed) or if they have additional income (for example from rental properties) then our callers find it very difficult to persuade the CMS to do a calculation and if a calculation is made it is often inaccurate.
- Mistakes appear to be being made either due to negligence on the part of the CMS, or due to the CMS being misled by the paying parent. Callers report to us that they find rectifying mistakes far too difficult and time consuming due to the customer service issues raised above. It is extremely concerning that women and children are being denied their rights due to systemic operational problems.
- Procedures to enforce payment and arrears when the paying parents fail to pay are protracted, prone to long delays and exasperating for our callers. There is no support for people who feel they do not have the skills to seek enforcement themselves or the funds to pay for assistance.

In light of the above it is our general impression that the CMS is not fit for purpose and a much wider review is needed to consider a complete overhaul of the child maintenance system. Whilst the problems raised above are exasperating for all users of the child maintenance service, the potential implications of a broken system are far more acute for survivors of domestic abuse. These implications include adding to the trauma experienced by survivors, missing opportunities to help them seek safety or exposing them to further harm from perpetrators of abuse.

The death of Emma Day is deeply saddening and the unjustness she experienced from her abuser and the systems that could have protected her is galling. Lessons must be learnt from this tragedy with a view to implementing robust systems to ensure that the CMS and all other statutory services and professionals that come into contact with survivors are alert to the need to understand and risk assess in relation to the way perpetrators react to requests for child maintenance.

Rights of Women

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