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Social Justice and Social Security Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

06 May 2025

Dear Collette,

Thank you for your letter on the 8 April on behalf of the Social Justice and Social Security Committee to request information from DWP for the Committee's inquiry into the financial considerations when leaving an abusive relationship. I am replying on behalf of the Secretary of State as the Minister responsible for the Child Maintenance Service and policies supporting claimants who are victims of Domestic Abuse.

I understand that the Committee Clerk also wrote to colleagues in the CMS inviting officials to give oral evidence to the Committee. My department is happy to respond on CMS matters in writing as part of this wider DWP response.

As such, please find a response to the questions you raised in your letter in Section A, and a response to the Clerk's questions regarding the CMS in Section B. I hope this information proves useful to the Committee in their inquiry.

Yours sincerely,

A handwritten signature in dark ink, appearing to be "MS", followed by a long horizontal flourish.

**BARONESS SHERLOCK OBE**  
**MINISTER OF STATE AT THE DEPARTMENT FOR WORK AND PENSIONS**

## **Section A – Response to questions raised in the Committee’s letter**

### **1. How do the rules governing benefits the Department for Work and Pensions delivers take account of the impact of Domestic Abuse?**

DWP is fully committed to the prevention of abuse and ensuring that victims get the support they need, when they need it. We recognise that domestic abuse (DA) can affect anyone, regardless of their gender, age, ethnicity, socio-economic status, sexuality or background. DA is a problem in our society with damaging and far-reaching impacts.

DWP has a range of measures within the social security system designed to provide support for customers experiencing DA.

The rules governing the delivery of DWP benefits take into account the impact on those experiencing or fleeing DA and provides support in a number of ways. These include:

- **Support setting up new claims:** DWP Jobcentre staff are trained to provide additional support for those experiencing/fleeing DA, this includes setting up new claims to separate a joint claim.
- **Support and flexibilities with work-related requirements through Easements:** Customers can be exempt from work-related requirements for up to 13 weeks if they provide evidence of the abuse. Where the claimant is also the lead carer of a child, this is increased to 26 weeks. This exemption can be extended if necessary. This allows victim-survivors of abuse the necessary time and space to prioritise their safety without the immediate pressure of fulfilling work-related requirements.
- **Universal Credit:** Customers experiencing DA can:
  - **Request an Alternative Payment Arrangements (APAs):** by splitting payments between partners or having the housing element paid directly to the landlord, to help manage their finances more effectively.
  - **Apply for an Advance Payments (APs):** of Universal Credit (UC) to help cover immediate costs while waiting for their first UC payment. This provides them with interest-free financial support.
  - **Financial support with earnings -Surplus earnings:** Earnings above a claimant’s relevant UC threshold are considered surplus. When a couple separate, any surplus earnings will be divided equally between them and may affect UC entitlement. Surplus earnings must not be considered in respect of a claimant who has recently disclosed they have been a victim of DA.
- **Help with Housing:**
  - **Housing support:** If a customer flees their home due to abuse, they can continue to receive housing cost support for up to 12 months for the home they have left temporarily, where there remains an intention to return to their home when it is safe to do so. This is true even in the case of homeowners,

as UC and Housing Benefit (HB) both disregard the capital value of the home a victim survivor usually lives in for up to 12 months. Help with mortgage payments is also available for absences up to 12 months via the Support for Mortgage Interest loan scheme.

- **Shared Accommodation Rate (SAR) Exemptions:** In October 2022, DWP introduced new exemptions from the shared accommodation rate of the Local Housing Allowance (LHA), benefitting up to 11,000 victims of DA and modern slavery on UC or HB to claim extra help towards their rental costs, as they will no longer be expected to share accommodation. These groups are able to claim the higher one-bedroom rate of LHA. This is worth approximately £140 on average per month but the amount will vary depending on the area in which they live.
- **Exemption of Spare Room Subsidy Removal:** In October 2021 DWP introduced an exemption from the removal of the spare room subsidy for victims of DA living in the social rented sector where their property has been specially adapted under a sanctuary scheme.
- **Managed Payment to Landlord:** When a customer flees their home due to abuse and secures their own property, they may request their Housing Element is paid directly to their landlord. This can help them secure their home for themselves and their family's futures.
- **Discretionary Housing Payments (DHPs):** The government makes DHPs available from local authorities (LAs). Local authorities can use this funding to support households in receipt of housing benefit and the housing element of UC to help people with a shortfall in rent and for costs associated with moving such as rent in advance, rent deposit or removal costs. This includes victims of DA. DHPs funding for 2023/24 and 2024/25 is £100 million per year for local authorities in England and Wales. Since 2011, the government has provided nearly £1.6 billion in DHPs to LAs.

## **2. Where rules have flexibility built into them to account for domestic abuse, what evidence is required from the client?**

DWP has a wide range of flexibilities for those experiencing DA. In some cases, written evidence is required for the application of these flexibilities.

- **Work related requirement easement:** A UC claimant is required to be available, flexible and be ready to start work. In certain circumstances, a claimant can place limitations on their availability for work and hours of work, due to personal circumstances. This includes victim-survivors of abuse. When applying a work-related requirement easement for DA within UC or in Working Age benefits, DWP agents require relevant evidence from the claimant.
- Relevant evidence is written evidence from a person acting in an official capacity, showing that; the claimant's circumstances are consistent with those of a person who has had domestic abuse inflicted upon them (or has received threats of abuse)

during the 6 months prior to the claimant notifying UC, and that the claimant has made contact with the person acting in an official capacity in relation to such an incident which occurred during that period.

- A person acting in official capacity means an official third party for example, a healthcare professional, a police officer, a registered social worker (or Social Care Wales), the claimant's employer or representative of their trade union, any public, voluntary or charitable body which has had direct contact with the claimant in connection with DA.
- For the full 13-week DA easement to apply, the claimant must provide evidence within one month of the date of the notification. If evidence is not supplied within this time limit, the easement ends after one month from the date of the notification.

**Other support includes:**

- **An Alternative Payment Arrangement (APA)** can be considered for a claimant experiencing domestic abuse at the start or at any point during the UC claim. The need may be identified in the Service centre, Jobcentre or requested by the claimant, their appointee, caseworker or landlord advising of a vulnerability, rent arrears or risk of eviction. All APAs must be reviewed periodically to ensure that they remain in the best interest of the claimant.
- **Housing:** A claimant fleeing domestic abuse may have liability to pay rent on two homes. If this is the case, housing costs can be considered for both homes. The claimant will need to provide written evidence from a person acting in an official capacity.
- **Non-consensual conception (NCC):** The non-consensual conception exception to the two-child limit applies to third and subsequent children who are likely to have been born as a result of non-consensual conception (which for this purpose includes rape or where the customer was in a controlling or coercive relationship with the child's other biological parent at the time of conception). To qualify for the exception, the customer must no longer be living with the child's biological parent.
- DWP recognises the sensitivities surrounding disclosure and have therefore set up procedures that are mindful of this. Customers will be asked to provide evidence, for example a conviction or Criminal Injury Compensation Scheme decision relating to the child. If the customer does not have existing evidence, then they can use the 'Support for a child conceived without your consent' forms. The forms and the list of approved third-party professionals are available on GOV.UK.

In cases where a customer has already declared an exception (for example when claiming Child Tax Credit), DWP will receive confirmation directly from HMRC. Once confirmed, the exception will be applied without asking the customer for evidence again. Where this exception is granted, the award notices will not state the reason for the exception, nor will this be disclosed.

- **Support for Migrant Victims with No Recourse to Public Funds (NRPF):** Levers to support migrant victims of domestic abuse who are not able to access

DWP public funds benefits because of an NRPF condition on their immigration status largely sit in the Home Office. The Home Office can, for instance, vary an individual's form of immigration status under the 'Migrants Victim of Domestic Abuse Concession' route depending on an individual's circumstances.

- **The 'Migrants Victims of Domestic Abuse Concession'** route enables individuals to move from a status with an NRPF condition applied to 'Leave Outside the Rules'. Those granted 'Leave Outside the Rules' are exempt from the Habitual Residence Test for means-tested benefits, such as UC, meaning they can access UC without delay, where eligible.
- **Transnational Marriage Abandonment** is a form of domestic abuse where individuals are abandoned overseas and unable to return to the UK, either because documents have been destroyed, or their leave has lapsed. DWP have revised operational guidance to ensure that victims of Transnational Marriage Abandonment with Indefinite Leave to Enter are recognised as factually habitually resident immediately upon their return to the UK. This ensures immediate access to income-based benefits such as Universal Credit. Specially trained DWP Decision Makers undertake 'right to reside' assessments as part of the Habitual Residence Test process. They will consider all available facts of a claimant's case and will identify a 'right to reside' if one exists – the claimant does not need to identify it themselves, they simply need to provide all available information regarding their present circumstances to support the Decision Maker's assessment.

DWP is implementing a recent judgment (SSWP v AT) to ensure certain Pre-Settled Status holders who are destitute / at risk of destitution (including those subject to domestic abuse) are able to access public funds benefits even if they do not meet the current 'right to reside' rules.

**3. Are staff at the Department for Work and Pensions trained to recognise different forms of domestic abuse, including economic abuse? Are they trained in trauma-informed working practices?**

DWP staff are trained to recognise different forms of domestic abuse, including economic abuse. We are exploring ways to integrate a Trauma Informed Approach into our service, which recognises that trauma can have a profound impact on a person's physical, emotional, spiritual and psychological wellbeing and that services such as the DWP have a powerful role in creating safe and empowering journeys of support which are compassionate to these experiences.

- **DA training:** Our Jobcentres and frontline staff are one of the key touchpoints between vulnerable members of the community and the government, and we recognise the importance of ensuring that our staff are confident in identifying and effectively supporting customers experiencing DA in different forms including emotional, physical, sexual, financial, economic and child domestic abuse. DWP Work Coaches (WCs) undergo comprehensive learning to support customers with

additional or complex needs, including DA and they continue to build on this in the workplace through accessing point of need learning products. The learning provides WCs with the knowledge and skills to enable them to treat each claimant as an individual and includes a range of learning activities to support WCs in helping claimants who require additional support.

- **Domestic Abuse Single Points of Contact (DA SPOC):** If WCs require further help with supporting a victim-survivors of abuse, they can seek advice and guidance from their Domestic Abuse Single Points of Contact (DA SPOC). Every Jobcentre has a DA SPOC, who receives additional guidance and support on DA. DA SPOCs then use this knowledge to coach, upskill and share information, and assist WCs by raising awareness of abuse and maintaining knowledge about different types of abuse and the support available nationally and locally. DA SPOCs also help build relationships with external organisations and can facilitate smooth transitions for claimants moving to another Jobcentre location.
- **Advanced Customer Support Senior Leaders (ACSSLs):** Agents can also refer cases to ACSSLs where the risk of harm remains, and other support avenues have been exhausted, necessitating a multi-agency approach to safeguard the claimant. ACSSLs provide additional support for customers at serious risk of harm, neglect or abuse. ACSSLs coach and mentor DWP colleagues across our services to support customers experiencing or at risk of vulnerability.

#### **Trauma Informed Approach (TIA):**

- As an organisation, DWP recognises the importance of awareness and responsiveness to the impacts of adversity and trauma on individual experiences, including DA. DWP is committed to being a more Trauma Informed organisation. We have a dedicated programme focussed on the six key pillars of the approach as defined by the Office for Health Improvements and Disparities (December 2022) which are safety, trustworthiness, choice, empowerment, collaboration and cultural consideration. This integration programme looks at these six pillars within the contexts of application to our colleagues, our customers, our culture, and the context of our interaction- whether that is a physical, telephony, digital or postal interaction.
- The integration programme is in its early phases, and we anticipate that it will take time to realise the benefits of changes we implement. To realise these changes, we have established a dedicated team and a strategic roadmap for implementation which we hope to have realised by 2030. During initial phases we have focussed on building internal and external awareness and support and are working with experts internationally to continue to learn from best practice in other organisations, including Women's Aid and Hope after Harm. We are dedicated to continuing the conversation of how the pillars of the TIA can support our colleagues and our customers who have experienced or are experiencing DA.

#### **Health Care Professionals:**

- DWP employs qualified Health Care professionals to undertake health assessments for benefit purposes. All health care professionals must be in good standing with their relevant regulatory body. From September 2024, all health care professionals are expected to undertake level 3 safeguarding training (previously level 2) which covers all types of abuse in the Care Act including but not limited to Domestic abuse, financial abuse, neglect, sexual abuse and physical abuse.
- From 9 September 2024 DWP took ownership of the core training and guidance material (CTGM) for the Health Assessment Advisory Service (HAAS). The CTGM materials are provided by the DWP to the HAAS Assessment Providers (APs), who must use the material to inform the development of their final training product(s) and use all content from CTGM that relates to specific condition(s) and assessment policy. This ensures that all health professionals (HPs) carrying out assessments have training and knowledge of the clinical aspects and likely functional effects of a wide range of health conditions and disabilities.
- Following the completion of new entrant training to undertake their role, HPs will engage in an annual training programme which is signed off by the DWP, and HAAS APs have been provided with materials (such as Continual Professional Development modules) to support the ongoing development of their HPs. This approach ensures that both service wide and individual training needs are met.
- DWP have provided APs with Work Capability Assessment (WCA) CTGM on 'Violence Against Women and Girls'. CTGM is quality assured to ensure its accuracy from both a clinical and policy perspective
- As part of the safeguarding review we are undertaking from the Green Paper "Pathways to Work" we will review current activity in clinical and non-clinical safeguarding to allow us to identify best practice and areas for improvement. We will provide and update in the Autumn (2025) in a white paper.

#### **4. How do the Department for Work and Pensions ensure its administration of benefits cannot be used to perpetrate economic abuse?**

All DWP colleagues are trained to support our most vulnerable customers and have access to a wide range of guidance to support them. Across our service lines agents record any support needs disclosed by the customer to ensure whoever a claimant speaks to in DWP, they are aware of how best to help them.

On top of training frontline staff to recognise DA including economic abuse, DWP tailors its support for vulnerable customers to ensure it protects their benefit entitlement and payments. Key measures for victim-survivors of abuse include providing:

- **A Safe Space:** DWP provides a safe environment in its Jobcentres for those experiencing DA, to seek help and support.
- **Signposting and External Escalation:** DWP agents can refer to external organisations for specialist support, including counselling, legal advice, and emergency accommodation.

- **Identity Verification (IDV):** Ensures the security and accuracy of the benefits system, protecting personal information and preventing fraud. Systems are in place to support the most vulnerable through the IDV process.
- **Separating or Setting Up a New Claim:** This ensures that victim-survivors of abuse have the financial support and safety they need to move forward and maintain their independence.
- **Alternative Payment Arrangements (APAs):** These arrangements offer financial stability and security for those experiencing DA. The three types of APAs available are:
  - **Managed Payment to Landlord (MPTL):** Pays housing costs directly to the landlord.
  - **More Frequent Payments:** Provides the Universal Credit award either weekly or fortnightly.
  - **Split Payments:** Divides the payment of an award between partners.
- **Advances:** Interest-free financial support to help manage immediate financial needs while waiting for their first UC payment.
- **Payment Exception Service (PES):** An alternative payment method for survivors who cannot receive payments through standard banking methods, ensuring they still receive their benefits without delay.
- **"Two Homes" Policy:** Provides support for survivors of abuse who need to flee their home temporarily, allowing for two homes to be paid for up to 12 months.
- **Consent and Disclosure:** DWP has measures in place to protect claimants' personal information and prevent misuse.
- **Explicit consent:** Claimants including victim survivors of DA can ask another person or organisation (Third Party) to help with their claim. Explicit consent is when a claimant clearly authorises the disclosure of their personal information to a third party.
- **Proactive disclosure** allows DWP agents to share information without explicit consent in situations where there are significant risks to the claimant's welfare or safety.
- **Appointees:** Appointees manage benefits on behalf of vulnerable individuals, ensuring financial stability and protection from financial abuse. The DWP verifies prospective appointees to ensure suitability and can intervene if an appointee is found unsuitable.
- **Easements:** These allow those experiencing DA the necessary time and space to prioritise their safety without the immediate pressure of fulfilling work-related requirements.

#### **5. In what circumstances would the Department for Work and Pensions offer split payments for Universal Credit?**

In exceptional circumstances payment of Universal Credit can be divided between two members of the same household, known as a split payment. Split payments are



intended to help prevent hardship to the claimant and their family, and must be considered in situations where the claimant:

- states financial mismanagement and/or financial abuse
- states that there are domestic abuse issues
- cannot or will not budget for their own or their family's basic day to day needs
- A split payment can be paid to two separate members of the household, with the larger percentage allocated to the person with primary caring responsibilities. If a split payment is to be made, and there is a rental liability, a managed/direct payment of housing costs to the landlord will also normally be put in place to protect the home.

**6. Will the Public Authorities (Fraud, Error, and Recovery) Bill include protections for victim/survivors of financial abuse?**

- As in response to question four, all DWP colleagues are trained to support our most vulnerable customers and have access to a wide range of guidance to support them. Across our service lines agents record any support needs disclosed by the customer to ensure whoever a claimant speaks to in DWP, they are aware of how best to help them.
- Where further specialist help is required, the department provides additional support for customers at serious risk of harm, neglect, or abuse through a national network of Advanced Customer Support Senior Leaders available to provide assistance whenever needed.
- DWP are working with Surviving Economic Abuse, a charity that is dedicated to advocating for women whose partner has controlled their ability to acquire, use and maintain economic resources on the Public Authorities (Fraud, Error and Recovery) Bill. Whilst Surviving Economic Abuse work with women, the principles will apply to all victims and survivors of domestic abuse.
- As a part of the work on this Bill specifically, Surviving Economic Abuse are being consulted on the drafting of relevant Codes of Practice, and we are engaging with Banks and the Debt Charity sector to ensure robust safeguards are in place and to support in encouraging engagement specifically from those who are vulnerable, including victims of domestic abuse .
- Across the Bill there are other safeguards targeted at protecting vulnerable people or survivors of domestic abuse. For example, to protect vulnerable individuals seeking advice or advocacy services we have carved out a specific exemption in Clause 86 of the Bill which prevents DWP from requesting personal information about someone using specific types of support services, including domestic abuse shelters. This exemption will be further detailed in the statutory code of practice, which we will consult on in due course.
- Recently we also introduced the debt management vulnerability framework, which provides guidance for advisers on how to support customers at risk of becoming vulnerable, including signposting to specialist support. Advisors undertake annual

refresher training on identifying and supporting customers experiencing vulnerability.

- Finally, when recovering debt, agents will always look to negotiate affordable and sustainable repayment plans. If the Department is made aware of the individual's circumstances, this will be taken into account when determining the appropriate recovery action. This could include reducing the rate of recovery or suspending recovery for a period of time.

**7. The Committee have received a number of recommendations from stakeholders regarding various changes they would like to see to the policies governing the administration of Universal Credit (UC). Could you please indicate the UK Government's position on these:**

As announced in the '*Pathways to Work: Reforming Benefits and Support to Get Britain Working Green Paper*' published on 18 March 2025, DWP wants to ensure we continue to support those who are vulnerable or at risk, because the welfare of people who use our services is at the core of everything we do. The Government is committed to reviewing UC to make sure it is doing the job we want it to and will provide more detail in due course.

**Responses are given below to the following questions asked by the committee:**

**a. Maternity Allowance should no longer be counted as income in calculations to determine levels of UC payments.**

- **Universal Credit:** is a means-tested system of support, and where an individual claims UC, their award is adjusted to take account of other financial support that the customer is already receiving – including earnings, other income and benefits.
- **Maternity Allowance:** is a benefit paid by the State and is classed as unearned income for UC purposes. Unearned income that is available to help meet daily living costs is taken fully into account in determining the amount of Universal Credit that an individual is entitled to. As such, in determining the entitlement to UC, Maternity Allowance is deducted pound for pound from the total value of the award. This principle applies to other benefits: for example, the same approach is applied to new style Jobseeker's Allowance and new style Employment and Support Allowance.

There are no plans to change the way that Maternity Allowance is treated in UC.

- **Statutory Maternity Pay (SMP):** is more akin to earnings and is treated as a form of earnings in common with other statutory payments paid by employers. As a result, when adjusting the Universal Credit award, as with other earnings, SMP is subject to the work allowance and tapering rules that are built into Universal Credit. Claimants retain 45p for every pound of SMP (or more if they are entitled to a work allowance).

**b. The two-child cap on UC should be removed.**

- This Government has been clear that all our policies are fully costed and fully funded, and we will only make commitments we know we can keep.
- While we cannot currently commit to changing the two-child policy, delivering our manifesto commitment to tackle child poverty is an urgent priority for this Government, and the Ministerial Taskforce is working to publish a Child Poverty Strategy which will deliver lasting change.
- The Government continues to support children and families in a range of ways through the tax and benefits system and public services, including funding an extension to the Household Support Fund.

**c. The five-week wait for UC should be removed.**

- The UC assessment period and payment structure are fundamental parts of its design.
- When customers are paid UC is determined by the date of entitlement. The first payment is usually made around five weeks after the claim is made. The first calendar month is the initial assessment period. At the end of that period, entitlement for that month is calculated and paid 7 days later. Payments thereafter are made monthly in arrears.
- It is not possible to award a UC payment as soon as a claim is made as the assessment period must run its course before the award of UC can be calculated. It is not possible to accurately determine what a customer's entitlement will be in the month ahead. This process ensures customers are paid their correct entitlement, based on verified information and actual earnings, and prevents significant overpayments from occurring.
- If new customers need support before their first payment is made, all new customers can request an advance of their entitlement to support them. New Claims Advances of up to 100% of potential UC entitlement are available urgently if a customer needs support during their first assessment period and budgeting support is available for anyone who needs extra help. With such an advance, customers receive an additional UC payment, resulting in 25 payments over 24-month period.
- There are currently no plans to change the assessment period and payment structure of UC. However, the Government is committed to reviewing UC to make sure it is doing the job we want it to. We will set out the details of this in due course.

**d. Further limit the level of deductions that can be made from Universal Credit.**

- The Chancellor announced the new Fair Repayment Rate (FRR) at the Autumn Budget on the 30 October 2024. This measure is a permanent change and will reduce the UC overall deductions cap from 25% to 15% of a customer's UC standard allowance from 30 April 2025. The measure will help approximately 1.2 million UC households with deductions retain more of their UC award, on average £420 a year or £35 per month.

- Under UC, there is a co-ordinated approach to deductions from benefit, which supports customers to manage their financial obligations. The primary aim of deductions in Universal Credit is to protect customers by providing a repayment method for arrears of essential services, such as, housing, electricity and gas.
- The overall deductions cap has been reduced from 40 percent to 25 percent of the Standard Allowance in recent years.
- Stopping deductions would result in a build-up of arrears of the range of debts a customer has and stop vital obligations, such as, court fines and child maintenance being paid.

#### **e. Adjust the Benefit cap.**

- There remains a statutory obligation to review the levels at least once every five years and so, as they were last reviewed in November 2022, a further review is not required until November 2027. This will happen at the appropriate time as determined by the Secretary of State.
- The likelihood of a domestic abuse victim-survivor having the benefit cap applied is already reduced because of the exemptions that are in place to provide breathing space while people stabilise their situation. For example, where Housing Benefit is paid in respect of a person in a refuge it is excluded from the calculation of the benefit cap.
- DWP recognises the pressures and challenges that this group face, which is why we have made DHPs available to allow LAs to provide financial help with rental costs. In order to facilitate that, DWP has made it clear to LAs that we consider this group to be among those for whom DHPs should be a priority.
- The benefit cap is not applied for 9 months for those receiving Universal Credit where the customer, their partner or ex-partner has earned at least the benefit cap earnings threshold, of £846 (£793 prior to April 2025), in each of the previous 12 consecutive months. Earnings can include those of an ex-partner that were paid during the time that they were still a couple. In a situation where it is unreasonable to ask the victim of domestic abuse to contact their ex-partner for earnings details, DWP will accept an estimation.

### **Section B – Additional information requested about the Child Maintenance Service (CMS)**

#### **1. Can you provide an overview of CMS processes more generally?**

##### **CMS Overview**

- Child Maintenance (CM) refers to financial support that the parent without main day-to-day care of a child (paying parent, PP) provides to the other parent (receiving parent, RP). This is from a long-standing principle that parents should provide for their children.
- The CMS supports separated parents to work together in the interests of their children and to set up their own private family-based CM arrangements when it is

safe and appropriate to do so, with the statutory scheme existing for parents that need it, including those parents who are victims/survivors of domestic abuse.

- Get Help Arranging Child Maintenance is an online service that provides free information and support to help parents make decisions about CM and leads to the on-line service to make a CMS application.
- Get Help Arranging Child Maintenance, together with CMS online services which enable a parent to make an application to Child Maintenance and report changes through their “My Child Maintenance Case” are available 24 hours a day, 7 days a week. These were developed based on research and feedback from charities supporting separated families, victims of domestic abuse, and users with assisted digital needs.
- It is free to make an application to Child Maintenance - In February 2024, regulations were brought forward to remove the £20 application fee so children in the poorest families are not unfairly disadvantaged if their parent cannot afford the £20.

Once in the CMS, cases are managed in one of two “service types” – Direct Pay or Collect & Pay.

- **Direct Pay (DP)** – CMS provides a calculation and a payment schedule, but payments are arranged privately between the clients. There is no on-going collection fee for either parent. *(Further details of the Government consultation and proposals regarding the Direct Pay service are detailed below).*
- **Collect & Pay** – (where paying parent is unlikely to pay or not compliant with Direct Pay). Paying parent makes payments to the CMS who pass that money on to the receiving parent. The Collect and Pay service incurs collection fees for both parents. These are a 20% fee on top of the maintenance owed by the paying parent and a 4% fee deducted from the maintenance received by the receiving parent. CMS can take enforcement action to help to secure payments in these cases. Calculations are based on the paying parent’s gross ‘historic income’ data for the most recent complete tax year, sourced directly from His Majesty’s Revenue and Customs (HMRC).

‘Current income’, which can also take into account other sources of income, can be used where there is a difference between current and historic income of at least 25%.

A CM liability is created using a percentage of this income depending on the number of children to be supported and other children the paying parent supports financially. There is an annual review of the CM liability based on new information from HMRC.

## Payment Compliance

- In the last 12 months, the CMS has arranged around £1.5 billion in child maintenance payments.
- The CMS has a low percentage of unpaid maintenance. 7% (£690.8 million) of the total maintenance due to be paid since the CMS began, remains to be collected through Collect & Pay but this is falling. This was as high as 15% in March 2015.
- Since March 2023, the percentage of parents paying something towards their maintenance through collect & pay has increased to 68% from 65%.

### **Enforcement Action**

- Where a parent fails to pay on time or in full, our strategy is to tackle payment breakdowns at the earliest opportunity, take action to re-establish compliance and collect any unpaid amounts which have accrued.
- The CMS has made significant improvements to the enforcement process to speed up action when payments first break down and to target activity more effectively.
- The CMS has a suite of strong enforcement powers at its disposal. These powers are designed to act as a deterrent and encourage parents to pay their liability. Powers are used effectively and produce positive results. In many cases, once an application to the courts has been made, paying parents agree to pay their liability or agree to a repayment plan. These include requesting deductions directly from earnings or using Enforcement Agents (previously known as bailiffs) to take control of goods,
- The CMS also has powers to deduct maintenance from a wide range of bank accounts including joint and business accounts.
- If this is unsuccessful, the CMS will use further measures including order for sale where it can apply to court for the sale of the paying parent's assets or property, disqualification from holding or obtaining a driving licence or passport and committal to prison.
- In the past year to December 2024, the CMS has collected £16 million from paying parents with civil enforcement actions in process.

### **2. What recourse does a person have if they are seeking a review of their case, or if they wish to make a complaint to CMS?**

- Where a parent disagrees with a decision made by the CMS, the parent can ask for this to be looked at again, this is called a mandatory reconsideration (MR).
- If a parent still feels that the decision taken is incorrect after they receive a mandatory reconsideration notice, they will be able to appeal to an independent tribunal.
- There is also a robust complaints process, which gives parents opportunities to seek redress when The CMS does not meet their expectations. The approach of The CMS to complaints prioritises support for the most urgent work and most vulnerable clients. There is one centralised team, ensuring that a consistent approach is taken to resolving complaints and safeguarding clients.

- When a client is dissatisfied, The CMS tries to resolve the issue as quickly as possible, without the need for a formal complaint. If the client remains dissatisfied, the Department for Work and Pensions Complaints Team looks at and responds to their complaint. After that, they can raise it with the Independent Case Examiner and finally to the Parliamentary and Health Service Ombudsman, through their Member of Parliament.
- 1,275 complaints were received in the quarter ending December 2024.

**3. What safeguards are in place to ensure that abusers cannot use the system to perpetuate financial abuse?**

- The CMS aims to offer an accessible, safe, and secure service for all parents. For those parents using the Direct Pay service, there are several secure ways to receive maintenance directly without having to divulge sensitive personal details, including for victims of domestic abuse and other vulnerable parents.
- The CMS can advise parents on how to set up bank accounts that cannot be traced to a physical location which helps to protect the parent's location. The CMS does not put parents directly in touch with each other, nor does it share their current location via correspondence.
- The CMS has access to a list of resources which helps caseworkers provide signposting to supporting organisations, and a Domestic Abuse plan which includes clear steps to follow in order to support customers who are experiencing abuse. The list of resources and Domestic Abuse Plan is regularly reviewed and strengthened.
- There is a specialist team in place within the CMS who deliver targeted support to parents subject to the most challenging and complex domestic abuse.

**Caseworker training**

- The CMS have updated and refreshed their DA learning, taking views and feedback from a roundtable held with external September stakeholders in 2023.
- Updates to the DA training product includes the use of correct terminology (victim, survivor), case studies, colleague customer boundaries, digital safety and inclusion of all victims, survivors affected by Domestic Abuse.
- All caseworkers have received upskilling to help identify different forms of abuse and can provide signposting to support. A Domestic Abuse Plan is in place to support caseworkers having these conversations.
- Refresher training is currently in development for all CMS colleagues and a two-yearly refresh for all colleagues has been agreed. This will include changes within the new entrant learning and will build on the progress made and invaluable stakeholder feedback.

**Consultation and CM reforms**

- The Child Support Collection (Domestic Abuse) Act 2023 recognised that Direct Pay (DP) may not always be appropriate for victims and survivors of domestic abuse. The Act intended to provide them greater protection when using the CMS by allowing them to access Collect & Pay where there is evidence of domestic abuse.
- However, evidence barriers to be used in determining who is a victim of abuse have presented specific difficulties across the board on domestic abuse, and particular additional issues in the child maintenance context where the other parent in the case will be impacted by decisions made.
- As a result, CM have looked to resolve the issue by reforming our services to make them safer for domestic abuse victims.
- On 8th May 2024 a consultation, Improving the collection and transfer of payments, was published under the previous government, before being extended to 30th September 2024 by the current government. The consultation consisted of a number of proposals, the two key proposed reforms being:
  - To remove the Direct Pay service and consolidate the CMS into a single streamlined service that monitors and transfers all payments.
  - To amend the fee structure, proposing a 2% fee for both receiving and paying parents and maintaining a 20% fee for non-compliant paying parents.
- In addition, the consultation sought public views on ways in which the CMS can be improved to encourage parents to make their own effective arrangements and improve support for victims and survivors of domestic abuse.
- In total the consultation received 2763 public responses along with 22 external stakeholder responses.
- The proposal to remove the Direct Pay service would support the wider government strategy to reduce child poverty. Monitoring all payments would enable the CMS to immediately identify any missed, late or partial payments and take swift enforcement action to re-establish compliance and increase money going to children.

**Removing Direct Pay** also fulfils and would go a step further than the measures set out in the Child Support Collection (Domestic Abuse) Act 2023, by providing improved support for all parents.

- Work is ongoing to establish any next steps of this work which will be detailed in a government response to this consultation which we aim to publish in June 2025.