

Child maintenance

How much the state should require fathers to pay when families separate

When parents separate, the non-resident parent (usually the father) is required to pay child maintenance to the parent with care (usually the mother). At a time when the coalition government is proposing changes to the ways such arrangements are made and enforced, we ask what the public thinks about child maintenance. Does it agree that fathers should be *required* to pay child maintenance, and if so, *how much*? Do views vary depending on whether the father has contact with his child?

The role of the state

The majority of the British public think that the state should be involved in enforcing non-resident fathers' obligations to support their children financially, and in setting the amount that they should pay.

The law should never force one parent to pay child maintenance to the other



Six in ten (59 per cent) people disagree with the statement that “the law should never force one parent to pay child maintenance to the other” (just 20 per cent agree). And 60 per cent agree that “it is better that the law sets a minimum amount for child maintenance, rather than leave it entirely to the parents to decide”, while only 17 per cent disagree.

State formula



Public's view



The public thinks the law should require **fathers to pay more maintenance** than the current statutory maintenance formula suggests. For example, for two parents on middle incomes, the public would set maintenance levels around one third higher than the formula does.

How much child maintenance should be required?

The British public thinks, on average, that both mothers' and fathers' incomes should be taken into account when setting the amount of child maintenance a father should pay.



People think that **fathers with higher incomes** should pay a higher percentage of their income in child maintenance. And they take mothers' as well as fathers' incomes into account when deciding how much maintenance fathers should pay. In both cases, these principles are at odds with the current statutory maintenance formula.



The public agrees with the state that **fathers who have no contact** with their children should not, for that reason alone, have their maintenance obligations adjusted.

Authors

Caroline Bryson, Ira Mark Ellman, Stephen McKay and Joanna Miles

Caroline Bryson is a Partner at Bryson Purdon Social Research. Ira Mark Ellman is Charles J. Merriam Distinguished Professor of Law and Affiliate Professor of Psychology at Arizona State University. Stephen McKay is Distinguished Professor of Social Research at the University of Lincoln. Joanna Miles is Fellow in Law at Trinity College, University of Cambridge

Introduction

The last four decades have seen a tripling in the proportion of single parent households, from eight per cent in 1971 to 21 per cent in 2011 (Office for National Statistics, 2013). About one in three British children have experienced parental separation (Organisation for Economic Co-operation and Development, 2012). Most children of separated parents live primarily with one of them, called the ‘parent with care’. The parent with care is the mother in 97 per cent of cases (Department for Work and Pensions, 2010a). Although the other parent is called the ‘non-resident parent’, he often retains contact and may have his children for overnight visits. For ease of reference, we therefore use the shorthand of ‘mothers’ and ‘fathers’ to refer to parents with care and non-resident parents respectively.

British law states that non-resident parents have a responsibility to maintain their children.[1] In Britain, 2.5 million households are eligible to receive child maintenance on behalf of 4.5 million children (Bullen, 2007). Yet only one third of families who are potentially eligible to receive child maintenance actually receive anything, and even fewer receive maintenance payments regularly (Maplethorpe et al., 2008; Wikeley et al., 2008). Half the low-income families who receive child maintenance would be in poverty if they did not receive it (Skinner and Meyer, 2006), and many more would be lifted out of poverty if they received the appropriate maintenance payments. Rather than seeking to make the Child Support Agency more effective in encouraging applications and ensuring compliance with maintenance arrangements, the government has instead chosen to reduce the state’s involvement. Planned policy changes will expect families to try to negotiate their own arrangements, giving them more leeway in deciding whether and how much child maintenance the non-resident parent should pay. Only those who pay to use the new statutory system [2] will be able to draw on the state’s enforcement powers to help when a non-resident parent fails to pay the amount calculated (Department for Work and Pensions, 2012).

In this paper, we explore the British public’s views on these issues, using data collected in the 2012 British Social Attitudes survey.[3] We ask whether the public believes non-resident parents should be legally required to pay child maintenance, and if so, how much. We focus in particular on views about how the law should take account of either parent’s income when deciding how much maintenance the father should pay. We also look at whether these views are affected by whether the father has contact with his child.[4]

Policy background

Since the Child Support Act 1991 and the establishment of the Child Support Agency (‘CSA’) in 1993 (which took responsibility from the courts for determining amounts of child maintenance to be paid and enforcing liabilities), successive British governments have tried different approaches to ensure that non-resident parents fulfil their child maintenance obligations to their children. Originally, mothers receiving means-tested state benefits were obliged to use the CSA, unless able to show a ‘good cause’ not to do so, and the state recouped a portion of their benefits from the maintenance paid. Other parents could use the CSA, make a private arrangement between themselves, or do nothing (by design or default). Several attempts to improve the CSA’s efficiency failed to ensure that all fathers met their child maintenance obligations.[5] By 2006, there was widespread recognition that the CSA was a failed institution and that major change was needed (Department for Work and Pensions, 2005; National Audit Office, 2006; Department for Work and Pensions, 2006b).[6] A 2007 survey of separated parents found that only six in ten mothers with a CSA arrangement received the required maintenance regularly. That was better, however, than those who did not use the CSA, for whom only four in ten had any maintenance arrangement at all with the child’s father (Wikeley et al., 2008).

The present formula for calculating child maintenance, which has been used since 2003 and will continue to be used for the next few years, is much simpler than the original 1993 formula. It calculates child maintenance as a percentage of the father's net income: 15 per cent for one child, 20 per cent for two children, and 25 per cent for three or more children. A downward adjustment is made when the father or his current partner have other dependent children. The maintenance obligation is also reduced if the children stay with the father at least 52 nights each year. No account is taken of the income of the mother, or of the income of either parent's new partner.[7]

The main changes made by the coalition government to the plans for reform it inherited from the previous Labour government are aimed at moving parents to make their own arrangements rather than using the statutory system. Based on recommendations from Sir David Henshaw's 2006 report (Department for Work and Pensions, 2006a), the government plans to charge mothers an upfront fee for invoking the statutory child support service, while charging both parents significant ongoing fees for collecting maintenance payments. Even parents willing to pay those fees will not be able to use the statutory scheme without first participating in a conversation with a government-funded body, the Child Maintenance Options Service, intended to help them make family-based arrangements.[8,9,10] One reason for this change is to reduce the statutory caseload and thus the cost to the state of running the statutory service. But proponents also believe that moving parents to family-based arrangements will facilitate better relationships between them (Department for Work and Pensions, 2012).

Aims of this paper

We know from previous British Social Attitudes surveys that the public is overwhelmingly in favour of child maintenance arrangements if parents separate. The 2010 survey found that 88 per cent of the public thought that a father "should always be made to make maintenance arrangements to support the child" when it is specified that the child is in primary school and stays with the mother when the unmarried parents split up. The same proportion (89 per cent) said the amount of maintenance the father pays should "depend on his income" and 75 per cent thought the amount should "also depend on the mother's income". These same questions yielded virtually identical results when asked in seven British Social Attitudes surveys between 1994 and 2010. These earlier surveys certainly suggest that the public disagrees with both the current support formula (because it does not take account of the mother's income), as well as the government's push toward private arrangements that need not follow any prescribed level of maintenance. However, simple 'yes or no' answers to questions like these only serve as a general guide to attitudes on this topic. It is one thing to say a father should "make maintenance arrangements", it is quite a different thing to say how much the state should require him to pay in a particular case. Someone who agrees with the principle that fathers should make maintenance arrangements could be satisfied with an arrangement requiring him to pay very little, at least in some cases. And while the results suggest that people believe that maintenance amounts should vary with both the father's and the mother's income, we do not know what they think about *how* the payments should vary. The public could believe, for example, that low-income fathers should not be required to pay very much, without believing that the required amount should keep rising with higher paternal incomes – either as a cash amount or as a proportion of that income.

To address this, we used two strategies to obtain a more nuanced understanding of the views of the British public. First, we asked some general attitudinal questions about child maintenance. Second, we presented respondents with a series of more detailed questions describing families in different financial and family circumstances and asked them to state, in pounds, the amount of child maintenance they believed the law should require the father to pay. This allowed us to measure how people adjust maintenance levels in response to changes in families' situations.[11]

By analysing the data from these two approaches, we are able to address a series of research questions in this paper:

- Does the British public think that the state should enforce fathers' child maintenance obligations, or does it believe instead that it should leave the matter to the parents to work out by themselves?
- Do people believe the existing maintenance formula sets the correct amount for the state to require fathers to pay?
- Does the public agree that the father should pay a flat percentage of his income in child maintenance, or does it instead believe the percentage should rise or fall with the father's income?
- Do people agree that the required amount should be based entirely on the father's income, with no account taken of the mother's income?
- Does the public think that the maintenance obligations of fathers who do not see their children should differ from those who have regular contact?

Throughout the chapter we ask whether the views of the British public as a whole vary by demographic subgroups such as sex, education, income and party political affiliation, on the assumption that policymakers will want to know whether the public is unified or divided in their views on these questions. For the same reason we also compare the views of non-resident parents and parents with care, the two groups with a direct interest in these matters.

Attitudes about child maintenance

We start by examining general attitudes about child maintenance, and specifically concerning whether the government ought to set and enforce minimum child maintenance amounts. We asked respondents to say how much they agreed or disagreed with two statements, using a scale from 1 (strongly disagree) to 5 (strongly agree):

Parents should support their children, but the law should never force one parent to pay child maintenance to the other

It is better that the law sets a minimum amount for child maintenance rather than leave it entirely to the parents to decide what is right

The first statement focuses on whether fathers' child support obligations should be enforced – whether the law should 'force' a parent to pay. The second statement focuses on the law's involvement in determining how much the father should pay. Table 1 shows that about a fifth of the public seem ambivalent (neither agree nor disagree), but among those with a view, a majority clearly favour state enforcement and a minimum obligation. Thus 59 per cent reject the first proposition, that the law should not enforce the child support obligation, while just 20 per cent agree. Similarly, 60 per cent agree with the second proposition, that the law *should* set a minimum support obligation rather than leaving the amount entirely up to the parents, while 17 per cent disagree.

60%

agree that the law should set a minimum support obligation

Table 1 Attitudes to the role of the state in ensuring the payment of child maintenance [12]

	Parents should support their children, but the law should never force one parent to pay child maintenance to the other	It is better that the law sets a minimum amount for child maintenance rather than leave it entirely to the parents to decide what is right
	%	%
Agree strongly	4	13
Agree	16	48
Neither agree nor disagree	19	21
Disagree	45	14
Strongly disagree	13	3
<i>Weighted base</i>	<i>2867</i>	<i>2867</i>
<i>Unweighted base</i>	<i>2855</i>	<i>2855</i>

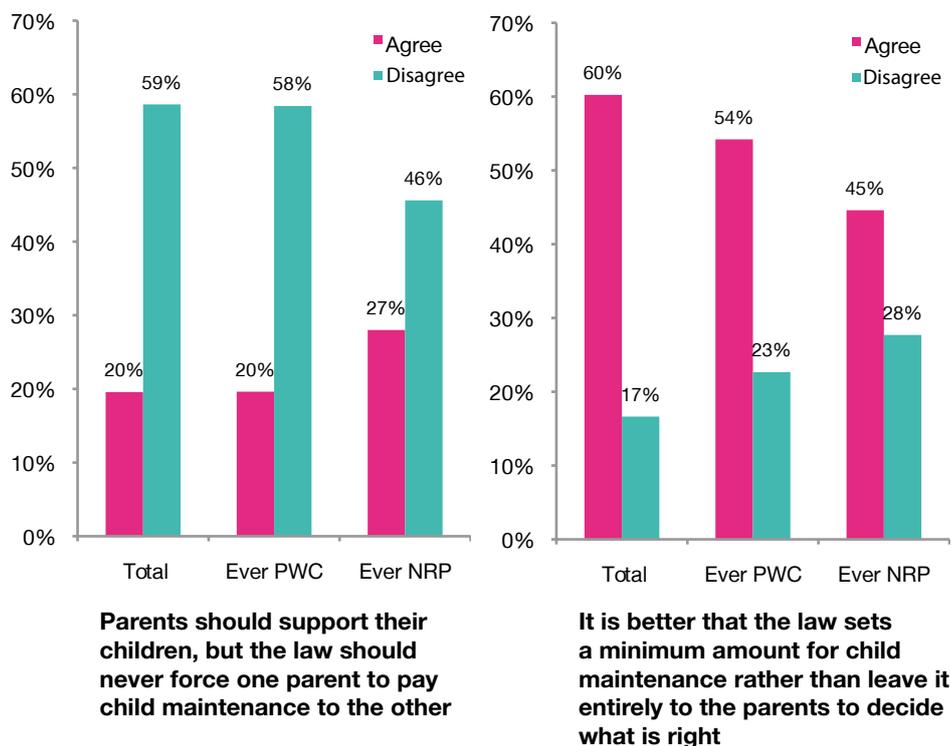
View expressing support for state role shown in bold

Even among non-resident parents, a much larger proportion believes the state should enforce maintenance than have the opposite view

Is such clear support for state involvement also found among respondents who might have experience of these issues? Figure 1 compares the overall views of the public with the views of two subgroups: those who say they have at some time been a parent with care, and those who say they have at some time been a non-resident parent (the questions used to define these groups are given in the chapter appendix). The views of those who have been a parent with care are much closer to the overall results than are the views of those who have been a non-resident parent. While support for these views is not as strong among non-resident parents, still a much larger proportion believes the state should enforce maintenance (46 per cent), and should set a minimum maintenance amount (45 per cent), than have the opposite view (27 and 28 per cent respectively). One might surmise that those non-resident parents who do not believe the state should set and enforce a minimum level of child maintenance will be disinclined to follow government guidelines when making the private arrangements that the new policy intends to encourage.

Other demographic subgroups also support both government enforcement and at least a minimum support amount. For example, the more educated and those with higher incomes are more likely to disagree with the first statement than the less educated and those with lower incomes – but even in the latter groups, more disagree than agree. Overall, 75 per cent of graduates disagree with this statement, compared with 47 per cent of those with no qualifications. Similarly, among families in the highest income quartile (£3,700 per month or more) some 74 per cent disagree with this view, compared with 53 per cent in the lowest income quartile (£1,200 per month or less).[13] And while Liberal Democrat (73 per cent) and Conservative supporters (65 per cent) are more likely to disagree with the first statement than those who support Labour, a majority of the latter (59 per cent) also disagree. There are some differences by gender, with 62 per cent of women rejecting the statement that the state should not force a parent to pay child maintenance, compared with 55 per cent of men. While this difference is large enough to be statistically significant, it remains true that majorities of both men and women reject the statement).

Figure 1 Support for the role of the state in enforcing and setting child maintenance, by past/current family status



"PWC" refers to parent with care, "NRP" refers to non-resident parent

The data on which Figure 1 is based can be found in the appendix to this chapter

The law currently requires non-resident fathers to pay child maintenance, but the level of compliance is low, both in terms of the proportion of fathers who pay anything at all, and in terms of how many reliably pay the amounts due. The government is hoping to use its enforcement tools for child support more effectively in future for cases within the statutory system. However, family-based arrangements – which exist outside that system – will not be enforceable at all, and so mothers wishing to obtain an enforceable award will in future need to pay to enter the statutory scheme and access the enforcement tools. Government proposals to encourage family-based arrangements, reducing the number of parents in the statutory scheme, therefore carry the risk that an increased number of parents will reach agreements that, given the new fees, they will in practice be unable to enforce. The survey results suggest these government plans run counter to public opinion. Of course, the public's ratings of such general policy statements may not be an entirely accurate guide to their views in concrete cases.

How the public takes parents' incomes into account in specific cases

We report here on a set of questions about specific family situations ('vignettes') that were included on the 2012 survey. These questions were preceded by an introduction explaining the task, and providing facts about the family:

Usually when parents don't live together, their children live mainly with one parent. By law, the other parent should pay child maintenance to the parent with whom the child lives most of the time. But the question is how much maintenance the law should require the other parent to pay. There are no right or wrong answers on this. We want to know what you think the law should require.

I'm going to tell you about several different situations, and ask you to imagine that you are the person who has to decide how much maintenance the law should require the parent to pay in each case. We want you to tell us what you think the amount should be.

***I want you to imagine a family in which -
There is one child, an 8 year old boy;
His parents were married for 10 years, but are now divorced;
He lives mostly with his mother, but sees his father twice a week after school, and usually stays with his father overnight once at the weekend.***

Each of the questions that followed added two additional facts about this family: the parents' respective incomes. There were three variants of the father's income (£1,000, £2,000 or £3,000 a month) and three of the mother's (£900, £1,500, or £2,200). There were thus nine (3 x 3) possible income combinations. Every respondent was asked to state in pounds, for all nine income combinations, the amount of child maintenance "the law should require the father to pay the mother each month, all things considered". [14] The respondents were told that the income figures were "their entire income after tax, including any wages, tax credits, state benefits and any other money coming into the household". The three incomes used for each parent approximated appropriate benchmarks. For the mother, the low income approximated the means-tested benefit level for a single parent with one child, with low assumptions about housing costs; for the father, the low income was the minimum wage for full-time work. The middle income figure was the gender-appropriate median wage, and the high income figure was around the 80th percentile wage for each gender.

Figure 2 displays the average (mean) maintenance amounts that the public thinks the father should be required to pay in the family situation described above. The data markers show the mean amount specified for each of the nine combinations of mother's and father's income. We have added a line joining up these markers for each of the three maternal incomes in order to help illustrate the patterns of responses. The father's income is on the horizontal axis, with child maintenance amounts on the vertical axis. The analysis excludes 13 per cent of respondents who were asked but did not answer these questions, either refusing or stating that they didn't know.[15]

Figure 2 Mean child maintenance amount respondents believe the law should require father to pay considering different levels of parental income



Responses to the nine scenarios are indicated by data markers; lines between data markers have been added to illustrate the overall pattern of responses

"PWC" refers to parent with care (mother)

The data on which Figure 2 is based can be found in the appendix to this chapter

 **The public thus thinks maintenance amounts should be higher when the mother's income is lower** 

The fact that there are three distinct lines immediately tells us one principle the public endorses: the mother's income matters. If people thought it should *not* matter in setting the maintenance amount (as under the statutory maintenance formula), the lines for the three maternal incomes would have been on top of one another. Instead, the highest line (plotting the largest maintenance amounts) is for the lowest-income mother, and the lowest one is for the highest-income mother. The public thus thinks maintenance amounts should be higher when the mother's income is lower. It would require fathers to pay an additional £13.50 in maintenance, on average, for each £100 reduction in mother's income.[16] This also means that fathers pay a higher *percentage* of their income in maintenance when the mother's income is lower. For example, the mean response for a middle-income father earning £2,000 net per month would require him to pay 23 per cent of his income (£469) in maintenance when the mother's monthly income is £900, but only 17 per cent (£349) when her income is £1,500, and 14 per cent (£283) when her income is £2,200.

 **The public believe that the father's obligation should increase more rapidly with his income when the mother's income is lower** 

The additional fact that the three lines all slope up (they rise as they move to the right) illustrates a second principle that the public believes in: fathers who earn more should pay more child maintenance. This may seem obvious, but the slopes also reveal a more subtle refinement in this principle: the lines are not parallel because the slope is steeper when the mother's income is lower. This visual difference illustrates the public's belief that the father's obligation should increase *more* rapidly with his income when the mother's income is lower. For example, when the mother earns £2,200 a month, our respondents require fathers to pay an additional £18 for each additional £100 of their income, but they require fathers to pay £23 per additional £100 of their income when the mother's earns £1,500 a month, and £28 per £100 when she earns only £900.

Looking in more detail at the public's view of how maintenance amounts should rise with father's income, a further principle might be implicit: that while child maintenance payments are especially important when they lift children out of poverty, their function is not limited to that purpose. This conclusion might be said to follow from the fact that the public would require maintenance payments to rise with the father's income beyond the amounts needed to alleviate poverty. The difference between (i) the maintenance they would require of the father earning £2,000 net monthly and (ii) the higher amount they would require of the father earning £3,000 may reflect a belief that the higher-income father will pay for some amenities in the mother's household, not just necessities.[17]

Indeed, the maintenance amounts our respondents would require would produce some income redistribution, because they would require fathers to pay a higher percentage of their income for child support when their income goes up, as well as when the mother's income goes down. For example, when the mother earns £1,500 net per month (the middle line in Figure 2), the public would on average require fathers earning £1,000 net per month to pay 15 per cent of their income (£151) per month in child maintenance, but it would require fathers with twice the monthly net income (£2,000) to pay *more* than twice the amount of maintenance (£349 per month, 17 per cent of his net income). And it would require the father with triple the income (£3,000) to pay more than triple the amount of maintenance (£603, 20 per cent of his income).

That said, it must also be observed that the British public's inclination to shift income from the higher- to the lower-income parent seems tempered by another feature of their preferred support amounts: they require all fathers, including low-income fathers, to pay something toward the support of their children. This principle seems necessary to explain why the British public would require our lowest-income father – earning £1,000 net monthly – to pay £193 monthly to the highest-income mother (£2,200 net). So the public believes both that high-income fathers should share enough of their income to provide their children with more than necessities and also that even low-income fathers should pay something, even to mothers who earn much more than they do. Together, these findings suggest that the public sees child support as serving two functions: first, to ensure children a better living standard (including amenities to the extent the father's income allows), and second, to enforce a moral obligation on parents, including low-income non-resident parents, to contribute to the support of their children.

In sum, the systematic and coherent adjustments the British people as a whole make to the father's support obligation as parental incomes change are consistent with three principles:

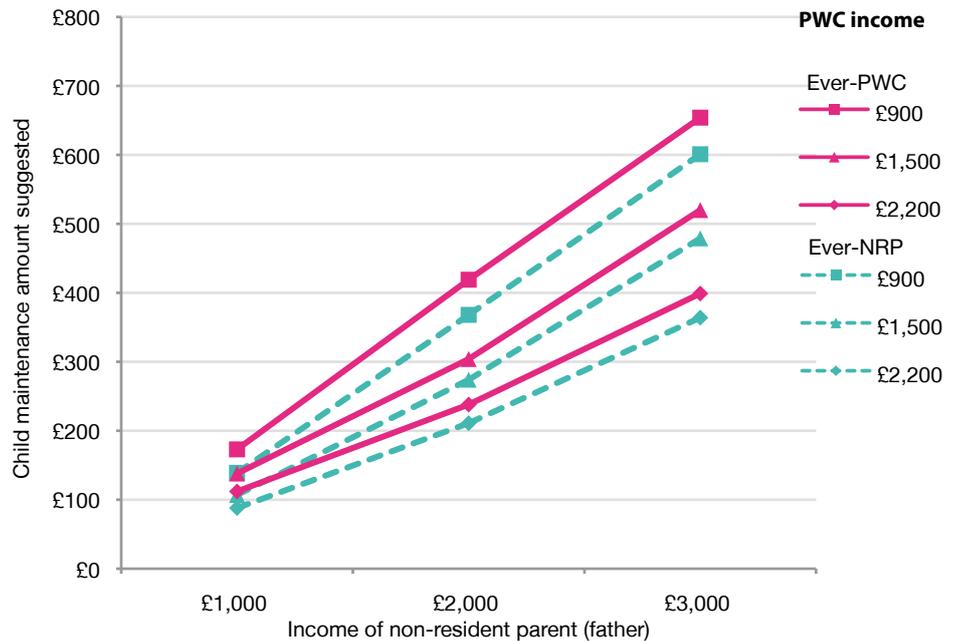
- Fathers should pay a higher percentage of their income in child maintenance when *either* their income is more or the mother's income is less. The public's view is in stark contrast to the state formula that applies the same percentage (for any given number of children) to the income of all fathers, no matter the father's or the mother's income.
- Low-income fathers should pay some child maintenance even to higher-income mothers, reflecting a principle that all parents should contribute something to the cost of raising their children.
- The purpose of child support is not limited to ensuring the child has necessities, but extends to providing the child with amenities, insofar as the father's income allows, as the public would require a higher level of maintenance from the higher-earning father than is needed to avoid poverty.

 **We found no differences in the responses of men and women. In terms of self-identified party affiliation, while the results are not identical for each party, they are very close.** 

We can also say that these three core principles are implicit across the responses of different demographic subgroups in the population. We found no differences in the responses of men and women. In terms of self-identified party affiliation, while the results are not identical for each party, they are very close. More importantly, the response pattern for each party replicates the overall pattern, suggesting that supporters of each party, considered separately, also implicitly endorse these three core principles. This is also true for those with higher and lower incomes, and higher and lower levels of educational attainment. However, while the patterns were the same, it is also true that those with degrees, and those in the highest income quartile, tend to propose somewhat higher amounts of child support, at least on average, than those without qualifications or in the lowest income quartile. For example, where the parents both have middle incomes (the mother earns £1500 and the father £2200 per month), the overall suggestion was for child support of £349 per month. However, those with degrees proposed the rather higher sum of £428, whilst those in the top income quartile suggested an average figure of £396.

We looked separately at respondents with experience as either a non-resident parent or a parent with care (Figure 3). Not surprisingly, current or prior parents with care favoured larger maintenance payments than non-resident parents, but once again the responses of both groups followed the same basic pattern seen overall, establishing that both parents with care and non-resident parents also favour the same three principles. Notably both of these groups proposed lower amounts than the overall average, perhaps reflecting that these groups tend to have lower than average incomes.

Figure 3 Mean child maintenance amount respondents believe the law should require father to pay, by past/current family status



Responses to the nine scenarios are indicated by data markers; lines between data markers have been added to illustrate the overall pattern of responses

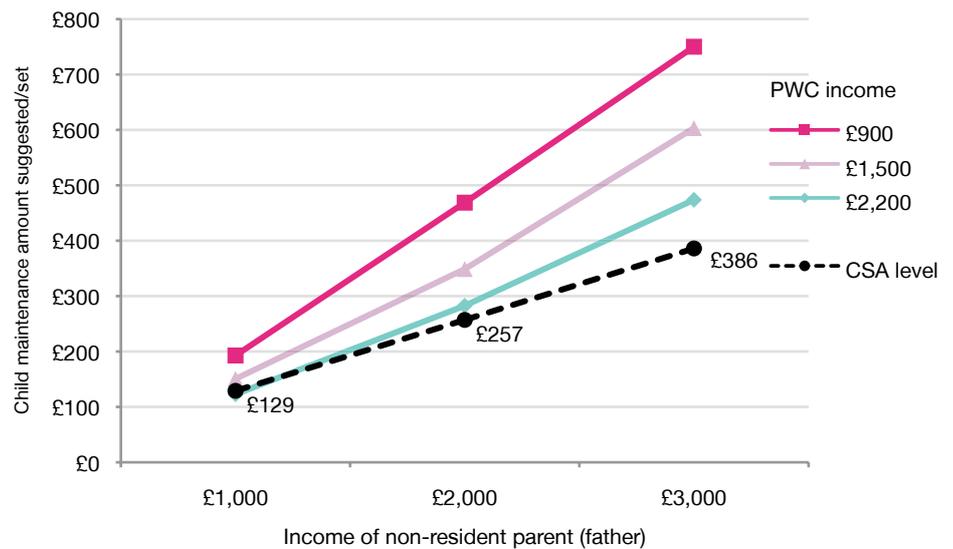
"PWC" refers to parent with care (mother) "NRP" refers to non-resident parent

The data on which Figure 3 is based can be found in the appendix to this chapter

How do public views compare with the current system?

Figure 4 repeats Figure 2 with one additional line showing the maintenance amount set by the statutory maintenance formula for each of the cases we asked our respondents.[18] Only one line is needed for the CSA amounts because they do not vary with the mother's income.

Figure 4 Mean child maintenance amount respondents believe the law should require father to pay, compared with the CSA level



Responses to the nine scenarios are indicated by data markers; lines between data markers have been added to illustrate the overall pattern of responses

"PWC" refers to parent with care (mother)

The data on which Figure 4 is based can be found in the appendix to this chapter

The public favours considerably higher maintenance amounts than called for in the CSA formula

Two points are clear from this comparison between what the public thinks the law should require the father to pay, and what the statutory formula requires. First, as a general matter, the public favours considerably higher maintenance amounts than called for in the CSA formula. Indeed, the CSA amounts are less than what the public would require the father pay to the highest income mother we asked about, whose income is greater than 80 per cent of British women. For the two mothers in the survey with lower incomes, the public would set *much* higher amounts than the CSA, which does not take their lower incomes into account. For example, in the case of parents on middle incomes (a mother earning £1,500 and a father earning £2,000), on average people would require the father to pay maintenance of £349, compared with the CSA amount of £258. Second, the difference between the CSA amounts and those favoured by the public increases with the father's income, and is especially large for the highest paternal income we ask about, £3,000. Again, taking our middle-income mother as an example, the maintenance amount required of a father earning £3,000 is £603, compared with just £387 under the CSA formula. The public is more inclined than the official formula to require higher-income fathers to share their higher living standard with the child's household. Of course, a final point which is clear from Figure 4 is that respondents are taking mothers' incomes into account when deciding on appropriate maintenance amounts, something which is absent from the official formula. If people took no account of her income, as mentioned earlier, all three of the lines above would be sitting on top of one another.

Should a father's maintenance obligation depend on contact with his child?

Recall that the scenario given to respondents describes a father who sees his eight year old son a couple of times during the week and has him to stay overnight at the weekend. In fact, only about half (48 per cent) of children aged 5–10 whose parents have separated have at least weekly contact with their father (Maplethorpe et al., 2008: Table 15-7). About 30 per cent see their fathers, but less often than weekly, while about a quarter (24 per cent) never see them at all. If many of our respondents believed that fathers who did not see their children should be excused from some or all of their support obligation, then they would presumably set lower amounts in the more typical lesser-contact cases. In that case, it would be misleading to treat our results as indicating what the British public would do in the usual case, because they would set a lower support amount in the usual case than in the greater-contact case we actually put to them. British law, of course, does not reduce a father's legal obligation to support a child he does not see,^[19] but we cannot assume our respondents share that view. They might believe the father who does not see his child should pay a different amount (more or less) than the father who does.

The gap between our scenario and a common British arrangement of little or no contact raises another issue as well. We know that separated fathers in regular contact with the mother and child are much more likely to pay child maintenance than are those with no contact. When the CSA is not involved, very few mothers who report no contact with the father receive any maintenance at all (Wikeley et al., 2008). Even among those using the CSA, mothers receive less maintenance from fathers with no contact. Given those data, it seems likely – because of the prevalence of cases with limited or no contact – that a move from government enforcement to private arrangements would reduce paternal maintenance payments. One might argue, however, that this possibility would be of less concern if the public believed reduced support obligations were appropriate simply because the father has no contact. So for this reason also, we want to know if that is their view.

We can answer that question because we present an additional scenario to a randomly selected subgroup of our respondents (N=270) which asks about such a no-contact case.[20] After completing their answers to the first nine questions, we explain:

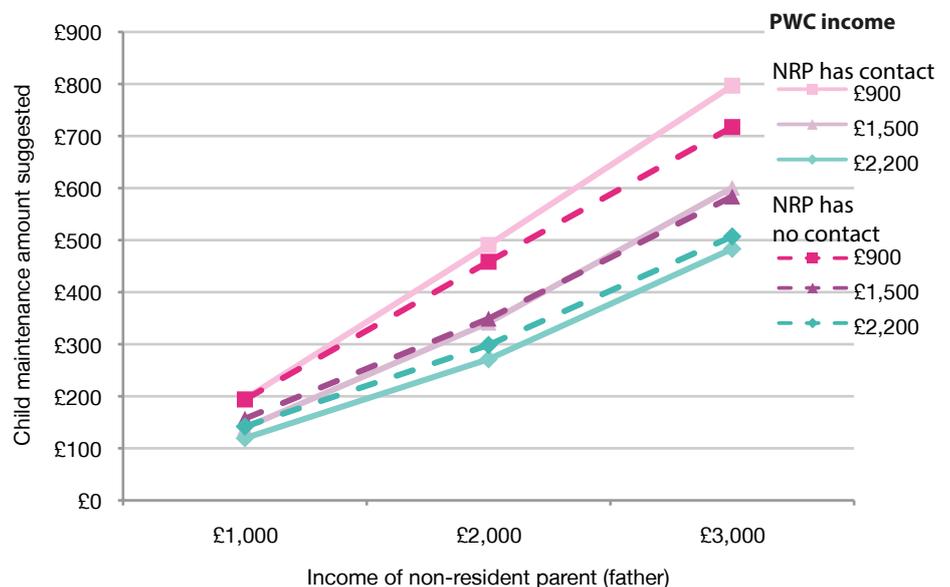
Now I want to ask you about a different family. As before, the parents were married for 10 years, and are now divorced. But in this case, the 8 year old boy has had no contact at all with his father during the past year.

They are then given the same nine questions, with the same parental income combinations, as in the initial set of questions.

The public agrees in principle with the basic proposition underpinning the current law (that lack of contact has no impact on child support obligations)

Figure 5 shows that the public agrees in principle with the basic proposition underpinning the current law (that lack of contact has no impact on child support obligations), because mean support amounts in the no-contact case are nearly the same as in the original scenario. A possible exception is the case with the highest-income father and lowest-income mother, for which the public may be inclined to favour a slightly lower support amount when there is no contact (£717 compared with £797 when the father has contact – which is statistically significant). But even in that case, the public favours an amount that is more than double the CSA level. In all other cases any difference in support amounts between the contact and no-contact cases is too small to have any policy importance.

Figure 5 Mean child maintenance amount respondents believe the law should require father with contact to pay, compared with father who has no contact



Responses to the nine scenarios are indicated by data markers; lines between data markers have been added to illustrate the overall pattern of responses
 "PWC" refers to parent with care (mother) "NRP" refers to non-resident parent
 Contact level for initial scenario: child sees non-resident parent (father) twice a week and stays overnight once at the weekend
 The data on which Figure 5 is based can be found in the appendix to this chapter

Because fathers without contact are currently unlikely to pay any maintenance in the absence of a statutory arrangement managed by the CSA, one may expect that pushing parents to 'family-based arrangements' will significantly reduce the proportion of fathers with no contact who pay child maintenance. Our data show that this result would run counter to the view of the British public, who believe in principle that fathers without contact should be required to pay the same, or almost the same, amounts of child maintenance as fathers who see their children regularly.

 **The vast majority of the British public support the idea that the state should be involved in enforcing non-resident fathers' maintenance obligations and in setting the amount that fathers should pay.** 

Conclusions

At a time when the state plans to reduce its involvement in the child maintenance arrangements of separated families and encourage private negotiations between parents, the public legitimacy of the decisions that parents make becomes all the more salient.

The vast majority of the British public support the idea that the state should be involved in enforcing non-resident fathers' maintenance obligations and in setting the amount that fathers should pay. On average, British people think that the law should require fathers to pay more maintenance than the current statutory maintenance formula suggests. The public thinks that even low-income fathers should contribute to the costs of raising their children, and believes that the mother's income should affect the level of maintenance (with lower income mothers receiving more). Moreover, when fathers can afford it, the public thinks that they should pay proportionately more of their income, an amount that would cover not only the essential needs of their child, but also provide additional funds to enhance their child's standard of living. And it thinks in principle that fathers should pay even if they do not see their children. These views are shared, on average, by men and women, by Conservatives, Liberal Democrats, and Labour party supporters, by people who have been parents with care, and even by people who have been non-resident parents.

It is clear then that the current statutory child maintenance system falls far short of the public's expectations, both in terms of its ability to ensure that families receive the maintenance due and in terms of the levels of maintenance required when fathers do pay. The next couple of years will involve major changes for separated parents who would ordinarily turn to the state to facilitate their maintenance arrangements. Our findings suggest that these changes will move child maintenance policy further still from public opinion about what the state's role should be.

Although fathers' legal obligation to pay child maintenance will remain, the promotion of family-based arrangements and the introduction of charges to use the statutory system are likely to reduce the numbers of families making maintenance arrangements underpinned by the statutory system and its formula. While the government plans to make the statutory system more effective for those who use it, it expects that fewer families will do so. So, a key issue is what will happen to those families who do not, or cannot afford to, use the statutory system.

It is unclear how many families will attempt family-based arrangements rather than pay to use the CSA. The new policy is based on the premise that many families will be able to set up and maintain family-based arrangements. The numbers who are able to do so (and to sustain them over time) is unknown. Previous research (Wikeley et al., 2008) shows that those families who successfully set up private arrangements are those with more contact and better quality relationships. The coalition government speaks of family-based arrangements having positive effects on the quality of the separated family relationship (Department for Work and Pensions, 2011). But the causal explanation for that association may flow in the opposite direction, as it is equally possible that it is just those separated parents who already have a better relationship who are most likely to make effective family-based arrangements.

Nor is it clear how many, and how far, family-based arrangements will depart from the statutory formula (perhaps as part of negotiations to avoid incurring the costs of the statutory system), or simply result in no payment being made at all. Parents who make, or attempt to make, a family-based arrangement will of course be able to use the formula for calculating the level of maintenance, but they will have no *obligation* to use it. They will be free to take into account circumstances that the statutory formula would ignore, and to agree on support amounts that are higher as well as lower. Perhaps some parents will then make agreements that better correspond with the British public's views of what the law should require, but it seems at least as likely that other families will set up arrangements that fall short of the current CSA requirement, much less the public's preference for more generous child maintenance. What is clear is that both the current law and the pending reforms fail to reflect public attitudes in this important area of social policy.

Notes

[1] Child maintenance is payable while the child is in full-time education (up to A levels or equivalent) until the child reaches 20. In limited circumstances a non-resident parent can be assessed as having a 'nil' liability (e.g. when he is a student, in prison, etc.). This accounts for 21 per cent of cases assessed by the CSA.

[2] Until these policy changes are implemented, probably in 2014, use of the statutory system is free.

[3] The British Social Attitudes survey has been running most years since 1983, and seeks to learn the views of a large cross-section of the British population. The British Social Attitudes survey is designed to yield a representative sample of adults aged 18 or over. Since 1993, the sampling frame for the survey has been the Postcode Address File (PAF), a list of addresses (or postal delivery points) compiled by the Post Office. The sampling method involved a multi-stage design, with three separate stages of selection: sector, address, individual. The sample was split into three equally-sized portions. Each portion was asked a different version of the questionnaire (versions A, B and C). Depending on the number of versions in which it was included, each 'module' of questions was thus asked either of the full sample (3,248 respondents) or of a random third or two-thirds of the sample. The structure of the questionnaire can be found at www.natcen.ac.uk/bsa. Questions reported in this chapter were asked on all three versions of the questionnaire. Interviewing was mainly carried out between June and September 2012, with a small number of interviews taking place in October and November. Fieldwork was conducted by interviewers drawn from NatCen Social Research's regular panel and conducted using face-to-face computer-assisted interviewing. The overall response rate was 53 per cent, giving 3,248 interviews. The weights for the British Social Attitudes survey correct for the unequal selection of addresses, dwelling units and individuals, and for biases caused by differential non-response. The final stage of weighting was to adjust the final non-response weight so that the weighted sample matched the population in terms of age, sex and region. For further details please see the Technical details section here: www.bsa-29.natcen.ac.uk.

[4] This paper is the first of several planned publications on these data. As such, it represents a 'top line' look at some of the issues, both around the relationship between maintenance and parental incomes, and around the associations made between maintenance levels and contact. Future papers will examine a wider range of contact arrangements as well as other changes in the parents' circumstances, including the repartnering of either parent.

[5] A large-scale administrative overhaul of the system between 2006 and 2009, plus in 2008 the elimination of the requirement that mothers on means-tested benefits use the CSA (leading to a much-reduced caseload) produced some improvements in the CSA's performance (see Department for Work and Pensions, 2010b).

[6] The Child Maintenance and Other Payments Act 2008 was passed to create a new statutory child maintenance scheme, run by a new body to replace the CSA (see National Audit Office, 2006; Department for Work and Pensions, 2006b; and Department for Work and Pensions, 2005). A new 'gross income' formula was set out, designed to be simpler to operate but resulting in similar levels of liability for most parents. The coalition government largely inherited this programme for change, which it started to roll-out on a very limited basis for new applicants from December 2012. Completion (when all cases will be run by a new 'Child Maintenance Service') is expected to be in 2017.

[7] Prior to 2003, the formula did incorporate information of this kind, in certain circumstances.

[8] A revised system due to be fully in place across all cases by 2017 will use fathers' gross income for the calculation but the underlying basic nature of the calculation will remain the unchanged and it is intended that the amounts payable will remain roughly comparable to now.

[9] Cases involving domestic violence will be fast-tracked through the 'Gateway' process and will be exempt from the initial application charge for using the statutory service. Collection charges will still apply.

[10] There is no robust evidence on the extent to which those *currently* making private arrangements adhere to the state maintenance formula. However, even if there were, given the expected change in the profile of separated parents making family-based arrangements, it would be impossible to predict how this wider range of parents will negotiate the amount of maintenance to be paid, especially given the financial disincentive to use the statutory system.

[11] The method used for these studies is based on a set of studies carried out in the US. See Ellman et al. (2009) and Ellman et al. (2012).

[12] For table conventions please see www.bsa-29.natcen.ac.uk/read-the-report/table-conventions.aspx. In this chapter the data presented are from 2012 unless otherwise stated.

[13] These income categories were calculated based on quartiles of all valid responses to the income question. Responses were given as one of 20 income bands.

[14] The pound figures respondents give to questions such as these are affected by the order in which the questions are put – whether one starts with high or low incomes, for mother or for father. To control for such order effects, four different income-combination sequences for each question were varied randomly among the respondents. All results reported here are the averages across these four orders.

[15] This number also excludes one twelfth of our total sample who were asked a different question about fairness rather than legal obligation. We are not reporting on the findings on the difference between 'fairness' and 'legal obligation' in this chapter.

[16] Calculated by fitting a regression equation, with a standard error of £0.35.

[17] Of course, one cannot assume this pattern would continue indefinitely through the very highest paternal incomes. From these data we cannot tell the point at which our respondents might 'top off' their required maintenance payments.

[18] These amounts were calculated using the child maintenance options calculator.

[19] While British law does not reduce the support obligation for fathers who do not see their children, it does reduce it for fathers at the other end of the spectrum who have their children overnight at least 52 times during the year. We explored the extent to which the public agreed with this policy in other questions we do not report on here.

[20] Each respondent also answered one additional set of nine questions. This additional set followed the same basic pattern: a single description of the family circumstances, followed by questions asking how much maintenance the law should require the father to pay, for each of nine possible income combinations. But the family circumstances in this additional scenario differed from the initial set of questions. The second set of questions thus tested how changes in family circumstances affected the public's belief about the child maintenance amount 'the law should require'. The 2,572 respondents were randomly divided into eleven groups, and each group was asked about one of the eleven different variations from the initial description of family circumstances. In this chapter we present the results from both the initial vignette and one of the eleven variations, in which the father had had no contact at all with his son during the previous year. This particular vignette provided no explanation for why the father had no contact with the child. In future papers, we will report on two further scenarios that offer contrasting explanations for the father's lack of contact: (a) the mother refuses to allow contact or (b) the father chooses not to see his child, despite the mother encouraging him to do so.

References

Bullen, C. (2007), *Child maintenance: the eligible population of Great Britain*, Department for Work and Pensions, Working Paper No. 41, London: The Stationery Office

Department for Work and Pensions (2012), *Supporting Separated Families: securing children's futures*, DWP Cm 8399, London: The Stationery Office

Department for Work and Pensions (2011), *Strengthening families, promoting parental responsibility* DWP, Cm 7990, London: The Stationery Office, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/176902/strengthening-families.pdf

Department for Work and Pensions (2010a), *Equality Impact Assessment, Strengthening Families, promoting parental responsibility: the future of child maintenance*, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/176906/eia-strengthening-families.pdf

Department for Work and Pensions (2010b), *The Child Maintenance and Enforcement Commission and the Child Support Agency's Operational Improvement Plan, The Third Report of the Work and Pensions Committee Session 2009-10*, HC118, available at: www.publications.parliament.uk/pa/cm200910/cmselect/cmworpen/118/118.pdf

Department for Work and Pensions (2006a), *Recovering child support: routes to responsibility*, DWP Cm 6894, London: The Stationery Office, available at: www.dwp.gov.uk/docs/henshaw-complete22-7.pdf

Department for Work and Pensions (2006b), *A new system of child maintenance*, DWP Cm 6979, London: The Stationery Office

Department for Work and Pensions (2005), *The performance of the Child Support Agency, Work and Pensions Select Committee, Second Report of Session 2004-5*, HC 44-I

Ellman, I.M., Braver, S.L. and MacCoun, R. (2012), 'Abstract Principles and Concrete Cases in Intuitive Lawmaking', *Law and Human Behaviour*, 36(2): 96-108, available at: papers.ssrn.com/sol3/papers.cfm?abstract_id=1755707

Ellman, I.M., Braver, S.L. & MacCoun, R. (2009), 'Intuitive Lawmaking: the Example of Child Support', *Journal of Empirical Legal Studies*, 6(1): 69-109, available at: papers.ssrn.com/sol3/papers.cfm?abstract_id=1297588

National Audit Office (2006) *Child Support Agency- Implementation of the Child Support Reforms*, National Audit Office, London: The Stationery Office, HC 1174, available at: www.nao.org.uk/wp-content/uploads/2006/06/05061174.pdf

Maplethorpe, N., Chanfreau, J., Philo, D. and Tait, C. (2008), *Families with children in Britain: findings from the Families and Children Survey (FACS)*, Department for Work and Pensions Research Report 656, London: Stationery Office

Organisation for Economic Co-operation and Development (2012), OECD Family Database, Paris: OECD, available at: www.oecd.org/social/family/database

Office for National Statistics (2013), *An overview of forty years of data (General Lifestyle Survey overview – a report on the General Lifestyle Survey 2011)*, London: ONS

Skinner, C. and Meyer, D. (2006) 'After all the policy reform, is child support actually helping low-income mothers?', *Benefits*, 14(3): 209-222

Wikeley, N., Ireland, E., Bryson, C. and Smith, R. (2008) *Relationship separation and child support study*, Department for Work and Pensions Research Report 503, London: Stationery Office

Acknowledgements

The authors thank Sharon Witherspoon, Teresa Williams and the Trustees of the Nuffield Foundation for their support and funding of the study. We also thank Janet Allbeson at Gingerbread for her advice on British child support policies. And we thank the British Social Attitudes team at NatCen Social Research, as well as, of course, all the survey respondents who took the time to answer our questions. The views expressed are those of the authors alone.



The Nuffield Foundation is an endowed charitable trust that aims to improve social well-being in the widest sense. It funds research and innovation in education and social policy and also works to build capacity in education, science and social science research. More information about the Nuffield Foundation is available at www.nuffieldfoundation.org.

Appendix

In the chapter we define two subgroups: parents with care (now or ever) and non-resident parents (now or ever). The questions used to identify these groups are shown in full below.

Question to identify parents with care:

(ASK OF PARENTS ONLY)

During their childhood, has there ever been a time when any of your children lived with you, but their other parent lived elsewhere? This could be now or in the past, but please don't count times when the other parent was temporarily away for work or for some other reason.

{INTERVIEWER INSTRUCTIONS

CODE FIRST ON LIST THAT APPLIES

IF RESPONDENT HAS CHILDREN WITH MORE THAN ONE PARTNER, CODE 'YES' IF ANY CHILD LIVING/LIVED APART FROM THEIR OTHER PARENT. DO NOT INCLUDE IF OTHER PARENT AWAY (E.G. FOR WORK) FOR ANY LENGTH OF TIME BUT PLANS/EXPECTS TO RETURN. BY CHILDHOOD, INCLUDE WHEN THEY WERE OF DEPENDENT AGE (UNDER 16 OR 16-19 IN FULL-TIME EDUCATION)}

Yes, currently

Yes, in the past

No, never

Question to identify non-resident parents:

(ASK OF PARENTS ONLY)

During their childhood, has there ever been a time when any of your children lived with their other parent, but you lived elsewhere? This could be now or in the past, but please don't count times when you were temporarily away for work or for some other reason.

{INTERVIEWER INSTRUCTIONS

CODE FIRST ON LIST THAT APPLIES

IF RESPONDENT HAS CHILDREN WITH MORE THAN ONE PARTNER, CODE 'YES' IF LIVING/LIVED APART FROM ANY OF THEIR CHILDREN. DO NOT INCLUDE IF RESPONDENT AWAY (E.G. FOR WORK) FOR ANY LENGTH OF TIME BUT PLANS/EXPECTS TO RETURN. BY CHILDHOOD, INCLUDE WHEN THEY WERE OF DEPENDENT AGE (UNDER 16 OR 16-19 IN FULL-TIME EDUCATION)}

Yes, currently

Yes, in the past

No, never

The data for Figures 1, 2, 3, 4 and 5 are shown below.

Table A.1 Support for the role of the state in enforcing and setting child maintenance, by past/current family status

	Total	Ever PWC	Ever NRP
% Disagree parents should support their children, but the law should never force one parent to pay child maintenance to the other	59	58	46
% Agree it is better that the law sets a minimum amount for child maintenance rather than leave it entirely to the parents to decide what is right	60	54	45
<i>Weighted base</i>	2868	428	230
<i>Unweighted base</i>	2855	540	269

Table A.2 Mean child maintenance amount respondents believe the law should require father to pay considering different levels of parental income

	Income of non-resident parent (father)		
	£1,000	£2,000	£3,000
Income of parent with care (mother)			
£900	£193	£469	£750
£1,500	£151	£349	£603
£2,200	£123	£283	£474
<i>Weighted base</i>	2615	2618	2618
<i>Unweighted base</i>	2572	2577	2581

Table A.3 Mean child maintenance amount respondents believe the law should require father to pay, by past/current family status

	Income of non-resident parent (father)								
	£1,000			£2,000			£3,000		
	All	Ever-NRP	Ever-PWC	All	Ever-NRP	Ever-PWC	All	Ever-NRP	Ever-PWC
Income of parent with care (mother)									
£900	193	139	173	469	368	419	750	601	654
£1,500	151	107	138	349	274	304	603	479	520
£2,200	123	88	112	283	211	238	474	364	399
<i>Weighted base</i>	2615	221	398	2618	222	397	2618	222	396
<i>Unweighted base</i>	2572	248	503	2577	249	502	2581	249	501

Table A.4 Mean child maintenance amount respondents believe the law should require father to pay, compared with the CSA level

	Income of non-resident parent (father)		
	£1,000	£2,000	£3,000
Income of parent with care (mother)			
£900	£193	£469	£750
£1,500	£151	£349	£603
£2,200	£123	£283	£474
CSA level	£129	£257	£386
<i>Weighted base</i>	2615	2618	2618
<i>Unweighted base</i>	2572	2577	2581

Table A.5 Mean child maintenance amount respondents believe the law should require father with contact to pay, compared with father who has no contact

	Income of non-resident parent (father)					
	£1,000		£2,000		£3,000	
	Father has contact	No contact	Father has contact	No contact	Father has contact	No contact
Income of parent with care (mother)						
£900	£195	£194	£139	£157	£119	£142
£1,500	£491	£458	£341	£349	£271	£299
£2,200	£797	£717	£601	£584	£483	£507
<i>Weighted base</i>	232	226	233	227	233	227
<i>Unweighted base</i>	229	224	231	225	231	225