



Consultation on the abolition and transfer of functions
of the Child Maintenance and Enforcement
Commission

Response by the Law Society
of England and Wales
January 2012

supporting
solicitors

Question one: In respect of our proposal to abolish CMEC as a non-departmental public body and to transfer its functions to DWP, please tell us if there are any other factors that you would like us to consider?

1. The Law Society is concerned that further structural changes to the delivery and enforcement of child maintenance might not be in the best interests of children and families. The Child Maintenance and Enforcement Commission (CMEC) and its predecessors have been regularly subjected to changes in status and structures, which risk a diversion of management effort and resources away from ensuring positive outcomes for children and families.
2. The CMEC's predecessor, the Child Support Agency (CSA), was subject to a number of re-structures, which failed to improve performance or to avert an ill-fated IT system branded by the House of Commons Public Accounts Committee as 'the greatest public administration disaster of recent times'. When it was announced that the CSA was being abolished in 2006, it had a backlog of 300,000 cases, and around £3 billion of unpaid maintenance payments, which had little prospects of being recovered.
3. Statistics about the CMEC's performance, confirmed by the National Audit Office, have shown a significant improvement over that of the CSA. While it is by no means perfect, the CMEC's effectiveness in collecting payment and reducing the backlog has been steadily improving. This performance improvement should not be jeopardised,.
4. When the CMEC replaced the CSA in November 2008 it was granted additional powers and aims, including promoting the financial responsibility that parents have to their children, providing information and support about the different child maintenance options available to parents and providing an efficient statutory maintenance service alongside effective enforcement. The CMEC also offers support online, on the telephone or in-person. Issues such as housing, legal and financial concerns can be discussed in confidence. These have all been positive steps, and are services which should be retained.
5. If the CMEC is to be abolished as a non-departmental public body, efforts must be made to ensure that its functions will be preserved within DWP, and that the focus will remain on positive outcomes for children and families. While it is possible that such changes will lead to improved integration of child support delivery with other welfare and benefits functions within DWP, this system merger is an ambitious scheme which will need careful resourcing and planning. Finally, we believe that charging for assessment and collection of maintenance should not start until the operation of the successor to the CMEC reaches sustained levels of performance.

Question two: Please let us have any specific comments about the draft Order that you would like us to consider?

6. We have no specific comments to make.