

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gov.uk

Our Ref: FOI2020/27904

27 July 2020

Dear Kate Glover,

Thank you for your Freedom of Information (Fol) request received on 4 June. You asked:

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Child Maintenance Service's handling of my FOI request 'Changes or Amendments due to Coronavirus 2020 Act'.

Please can you provide the departments policies on Arrears which have been amended/affected as a result of the Coronavirus 2020 Act

On your response I narrowed my request to:

Please can you provide 'decision making guidance relating to Arrears' issued or amended since 25/03/2020

To narrow down further, policies on the:

Collection of arrears where no arrears arrangement or enforcement is already in place; In non compliant collect & pay cases with an on going liability A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/changes_or_amendments_due_to_cor

DWP Response:

Thank you for your Freedom of Information (Fol) request received on 4 June. You asked for 'Collection of arrears where no arrears arrangement or enforcement is already in place; In non compliant collect & pay cases with an on going liability'

I hope you will find the below explanation useful.

In response to the COVID-19 pandemic, the Child Maintenance Service (CMS) redeployed a number of staff to the benefit-paying teams in DWP, given the unprecedented increase in benefit claims. As a result, CMS made a number of changes. These included focusing on maintaining the flow of ongoing maintenance payments. Throughout the pandemic, we have been clear that parents should still pay what they owe.

Where payments had been missed CMS advised parents to report the changes via the self-service portal. This was in order to ensure that receiving parents did not lose out in the long run.

During the crisis the existing collection and transfer of payments on the Collect & Pay service were prioritised to ensure that any money received was processed and issued to receiving parents. The CMS continued to contact employers requesting they implement Deduction from Earnings Orders (DEOs). Although new cases for Deduction Orders (securing debt from a Paying Parents' personal, joint or business bank accounts) was temporarily suspended.

The CMS has broad discretion about when and how to enforce maintenance liabilities and arrears, therefore taking new enforcement action was de-prioritised to allow staff reallocation to support work on other areas. In addition, the vast majority of the CMS enforcement powers involve third parties, including Her Majesty's courts, enforcement agents and financial institutions. Because of the circumstances surrounding the COVID-19 crisis these third parties also had to pause services or divert their staff to more pressing matters.

As staff return to CMS from July 2020, the CMS will begin to reinstate a full service.

CMS is now working with these key partners, who support enforcement activity to establish arrangements of how we can restart this. Once key partners are fully able to support referrals, CMS will then move quickly to re-establish their normal and full range of enforcement services.

CMS have stepped up effort on the recovery and enforcement of outstanding arrears by reviewing all non-paying cases to make sure each one is up to date, with outstanding changes actioned and arrears balances corrected. Text messages have been issued to all non-paying Paying Parents and these will be followed up by phone/letter to secure payment or initiate enforcement action as required.

Those found to be abusing the system during this difficult time can be subjected to the full extent of enforcement and the Child Maintenance Service will pursue these, where appropriate.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely,

DWP Central FoI Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwf.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have

exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745