Doubtful Fathers? The origins and practice of paternity establishment policy within the Child Support Agency

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Abstract

The development and controversial history of the United Kingdom Child Support scheme has been the focus of a substantial corpus of research. This includes exploration of its origins (see, for example, Dolowitz (2001), Garnham and Knights (1994), Wikeley (2006), experiences of the policy from the perspective of parents (for instance Hutton et al (1998), Wikeley et al (2001)) and the attainment of policy goals (such as the analysis by Skinner & Meyer (2006)). Within this there is, however, relatively little consideration of the establishment of paternity for child support purposes. This is surprising since this issue lies at the heart of any subsequent child support action.

This research endeavours to redress this. The development, origins and delivery of United Kingdom child support paternity policy are explored through analysis of debates and policy documents, then through the medium of face to face interviews with Agency staff. These illuminate the manner in which the policy was both developed and then translated into operational practice. This is supplemented by a, regrettably small, handful of interviews with fathers, and a quantitative analysis of a sample of administrative data.

The research finds that a particular 'forensic' storyline (Hajer 1993) dominates the discursive practices surrounding CSA paternity policy (Shram 1993, Fischer and Forester 1993, Fischer 2003). The resulting policy has then been shaped by the operation of unwritten tenets that pervade particular aspects of the organisation. This thesis suggests that the superficial similarity of these tenets within particular policy and implementation 'domains', when considered in conjunction with the prevailing storyline, helps to account for the lack of discord around the operation of the policy. Moreover, the interaction of the 'forensic' storyline and the prevailing tenets has meant that certain ethical considerations, such as the impact on children were overlooked. Finally the research findings indicate that child support paternity policy is based more around the concept of probablistic paternity rather than the expected genetic model.

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Background

The introduction of Section 1 of the Child Support Act 1991 placed the bulk of the responsibility for financially maintaining children, where parents live apart, firmly at the door of the non-resident parent. In the words of the Act:

> a non resident parent shall be taken to have met his responsibility to maintain any qualifying child of his by making periodical payments of maintenance with respect to the child (Jacobs & Douglas 2007 pp 25)

This could be buttressed by State support via the benefit system. To offset this cost Section 6 of the Child Support Act 1991 required that custodial parents claiming benefit cooperate with the pursuit of maintenance from their former partners[1]. This sent the clear message that the preferred primary providers are the parents, with particular emphasis on non-resident parents (usually fathers)[2], supplemented by social assistance as needed.

In practice this marked a re-emphasis of a long lived historical tradition that required the fathers (and indeed other liable relatives) of illegitimate children to contribute financially to their upkeep, where the mother and child would otherwise have required Parish or State support (Wikeley 2006, Thane 1982). In the early 1990s this had been achieved via a relatively piecemeal blend of court based maintenance awards and the Department for Social Security's liable relatives scheme. The original child support white paper, *Children Come First*, reveals that neither were seen by Government as effective or coherent (DSS 1991).

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[1] Under new proposals for policy change the Government has indicated that this 'requirement to cooperate' will be removed (Henshaw D 2006)

[2] The original child support legislation based the assessment of payable maintenance on the income of both parents using a complicated formula. But since the majority of parents with care were claiming means tested benefits, they were effectively treated as having no income (Information and Analysis Division 2002). Under the 'new' scheme introduced in 2003, the contribution of the non resident parent is assessed entirely on the basis of his income (Jacobs and Douglas 2004)

The Child Support Act 1991 formally broadened the requirement to maintain children beyond the boundaries of the household. Access to an administrative assessment and enforcement service was extended beyond the realms of means-tested benefit recipients[3]. It also provided a range of powers intended to enforce this responsibility. In doing this it echoed similar developments in a range of English speaking countries such as the United States, Australia and New Zealand (Dolowitz and Marsh 2000, Corden 2001).

The Child Support Agency (CSA) was established as a Government Agency in 1993 to administer this Act (DSS 1991). It is charged with calculating and collecting child support maintenance from parents who live apart from their children. In the vast majority of cases these are fathers, (Wikeley et al 2001). In the fourteen years since the Agency's creation, it has been subject to substantial criticism on a range of policy and practice counts (see for example, Clarke et al 1996, Garnham and Knights 1994, Davis et al 1998, House of Commons Work and Pensions Committee 2004). The policy responses to at least some of these concerns are outlined below (Table 1) .

Table 1: Policy concerns and associated legislative changes

Concern	**Change Introduced**	**Date**
Feckless fathers and lone parent mothers as a burden on the State	Introduction of the original Child Support Act and the inception of the CSA	1991 Child Support Act 1993 Agency commences operations

[3] (although in practice the latter continued to form a sizeable proportion of the Agency's intake, with approximately 75% of clients applying as a result of a benefit application, although subsequent changes to their circumstances mean that only 40% of the overall stock of Agency cases are associated with a parent with care on benefit) (source CSA Quarterly Summary of Statistics 2005)

Concern	Change Introduced	Date
Lack of flexibility within the scheme and concerns over 'putting the Treasury first'	Introduction of the facility to depart from the rigid formula under certain legislatively specified circumstances, coupled with the ability for parents with care reliant on a means tested benefit to accrue a maintenance bonus payable when they moved off benefit	1995 Child Support Act Departures scheme and child maintenance bonus arrangements set up in 1995/1996
Policy failure – characterised as stemming from the complexity of the assessment formula and associated agency resource pressures, plus lack of enforcement 'teeth', parentage denial to 'stall' the process, and lack of incentives for benefit parents to cooperate with the Agency	Introduction of a less complex calculation regime, plus new criminal powers for failure to provide information, driving licence disqualification as a sanction, new parentage 'assumptions' in specified conditions and the introduction of a premium of up to £10 to be paid to benefit parents with care where the non resident parent paid maintenance	2000 Child Support, Pensions and Social Security Act 2000 2001 – parentage assumptions and new enforcement powers commenced 2003 – new scheme calculation and premium introduced for new clients, conversion for existing clients delayed due to computer implementation problems

Concern	Change Introduced	Date
Policy failure of the new scheme, coupled with ongoing delivery problems	Review by Sir David Henshaw culminating in the conclusion that the Agency should be replaced by a non departmental public body (later named the Child Maintenance and Enforcement Commission) dealing primarily with clients who have failed to secure private arrangements and with no compulsion upon benefit recipients to apply. Also includes a recommendation on compulsory birth registration and the provision of advance and information to potential clients	2007 legislation under development.

Other than setting the context these changes are largely outside the scope of this research. Instead I focus on an area of child support policy that, amidst the welter of general and persistent criticism, has been an island of unexpected peace and consensus – namely the Child Support policy around disputed paternity. Apart from a short discussion by Bradshaw et al (1999) on the primacy accorded to biological rather than blended biological and social relations, coupled with definitional consideration by Wikeley (2006) this has met with minimal academic or media attention.

Personal experience over a period of ten years working within the CSA in a variety of roles, suggests that the action taken by the Agency when parentage is disputed has long been conceptualised as a simple process, almost a 'non event' designed to swiftly and efficiently resolve paternal uncertainly. This then confirms or denies liability to pay maintenance. Maintenance is, in its turn, viewed as a weapon in the Government's fight against child poverty and embodied in the Agency's Secretary of State Targets (CSA 2005). Other than this anti-poverty agenda, consideration of broader issues around paternity establishment are noticeable by their absence. This is most marked in terms of the implications for individuals, including the children in question.

In short, non-financial implications of CSA's paternity policy appear to have been largely overlooked. This is despite the fact that attaching or detaching a father to or from a child is no small thing, involving fairly fundamental questions around the management of origins information (Haimes 1993). Moreover this information is often gathered via the use of genetic testing, which is also subject to an extensive body of literature (see for example Conrad and Gabe 1999, Richards and Marteau 1997, Haimes 2006). This does not seem to have excited much interest, indeed the generally anti-CSA website 'Child Support Analysis' (2007) goes so far as to praise CSA for its 'mechanistic approach' to DNA testing. The website refers to this as 'enlightened', going on to add, in slightly bemused tone, that '*it isn't obvious how the CSA arrived at this position*'!

It was also apparent from the interviews conducted as part of this research that the boundaries of the policy in practice may have extended beyond those envisaged in the legislation. Again this is not, generally, recognised. No one (with the exception presumably of some parents, and potentially some children and young adults) appears to be worrying about the broader questions surrounding paternity policy within the Child Support Agency.

Questions

This research examines the background to this simplistic picture from the perspective of the development and implementation of the CSA's approach to disputed paternity.

The research questions range from the empirical to the theoretical and include:

1. Empirically, what are the factors and influences that shaped the early and subsequent formulation of CSA's approach to paternity establishment policy?

2. How have these policies been translated into street level practice, how close are policy and practice and is there a disconnect between the legislative vision and its implementation? If so to what extent?

3. What role is played by shared beliefs and values in terms of shaping the policy (Fischer 2003, Sabatier and Jenkins-Smith 1993). Methodologically, do shifts in micro-level beliefs and values help to account for any dissonance between the policy at its inception and its maturation into practice?

4. Are established models of policy analysis and implementation helpful in understanding the development and introduction of the policy?

5. Is there a shared underpinning model of genetic fatherhood that is implicitly or expressly espoused by policy actors from development through to delivery. In short, what can be learnt about wider understandings of genetic relatedness from the apparent consensus and potentially naturalistic assumptions that form the 'deep structures' (Hudson and Lowe 2004) that underpin CSA paternity policy

The research explores these questions in the context of policy and operational practice using:

- Qualitative interviews with Agency staff and a small cadre of clients – in order to uncover their beliefs, assumptions, discursive practices and practical strategies

- Examination of the policy development through relevant literature and of Hansard records

- A quantitative analysis of administrative data held on 189 cases, of which half had experienced paternity testing which had proved positive

More detail is contained in the methodology chapter.

The research is also informed by the experience and observations afforded by my role as a manager within the Child Support Agency for over ten years. During this time I have worked within both the policy design and implementation domains at both middle and senior management levels. This 'insider perspective', to which I will return in my discussion of methodology, posed some practical and ethical dilemmas. Nevertheless it also provided a rich seam of insight into the formulation and implementation of the policy from its inception, to the implementation of changes brought in by the Child Support Pension and Social Security Act 2000.

Structure

This thesis is, by virtue of the topic, multi-faceted. Child Support Agency paternity determination lies at a nexus of family, social security and indeed genetic technology policy. The thesis is divided into the following seven subsequent chapters.

The next chapter briefly sets the scene - outlining the background to the current policy. This expands upon the history of the Agency, the advent of the DNA testing scheme and the 2001 insertion of parentage amendments to the 1991 Child Support Act and to Section 55 of the Family Law Act 1986 (Jacobs and Douglas 2004, Wikeley 2006). This latter change not only introduced a series of

parentage assumptions, it allowed a child support paternity determination to apply in the context of wider family law. Since the CSA has been the subject of considerable academic and media interest, this section is simply intended to provide a snapshot view rather than delving deeply into the Agency's, somewhat chequered, past. The chapter then moves on to summarise the ancestry and current status of paternity testing procedures and processes that operate within the Agency.

The third chapter explores available literature. Since CSA paternity policy straddles a variety of areas, these are considered sequentially. The chapter commences with a short exploration of the literature around paternity policy in the context of child support schemes. It then expands on the wider issue of genetic paternity, DNA testing and paternity uncertainty. This is followed by synopsis of relevant policy analysis and implementation research. Again, the breadth of the subject is such that this chapter pinpoints key issues, rather than conducts an in-depth analysis. Nonetheless these headings help to provide a useful structure and to highlight the different approaches to genetic paternity policies that emerge in these alternative contexts. I conclude by highlighting key questions for the empirical research element of this PhD. I also define those areas which, although undoubtedly worthy of subsequent analysis, are, for purely pragmatic reasons, outwith the scope of the research.

This is succeeded by a discussion of the methodology and associated ethical issues, including those surrounding an 'insider' perspective.

This is then followed by four chapters that outline the findings of the research interviews and relatively small-scale quantitative analysis. These reflect broad, and often overlapping 'divisions' within the policy 'process'. It is worth stressing at the outset that this is not intended to imply acceptance or endorsement of the stages model of policy formulation as an explanatory tool (Hill and Hupe 2006) (although the formal legislative development cycle inevitably imposes some stage-like features) (see the literature chapter for discussion of the various models). Instead it is simply a device for structuring these chapters and organising the findings. The respective domains are as follows:

- The experiences of those involved in the initial policy design - namely the conception and early crafting of the policy by Whitehall civil servants and their Agency counterparts

- The insights from interviews with individuals involved in preparatory activity intended to translate the policy into workable procedures and processes, in advance of its implementation into front line services

- To use the term coined by one interviewee, the 'dirty real life' perspective, based on the accounts of staff on the front line

- As a mirror to this, the 'real life' perspective from a regrettably small corpus of interviews with parents (the problems encountered when endeavouring to recruit this sample are outlined in the methodology chapter), coupled with the results of the quantitative analysis of administrative data held within the Agency

This differs from the more traditional policy 'stages' which focus on initiation, formulation, implementation and evaluation in that the implementation phase is separated from the experience of delivery. This distinction acknowledges the, often overlooked, role of implementation 'specialists' in mediating the interface whereby legislative or policy 'theory' is translated and made ready for practical operational delivery (Schofield 2004)

I conclude with a synthesis and exploration of the research findings in relation to the five main research questions. This explores the role of discursive practices and particularly the emergence of a particular 'storyline' (Hajer 1993) in shaping the policy. Drawing from the literature on street level implementation and the role played by beliefs and value in policy (Lipsky 1980, Sabatier and Jenkins-Smith 1993, Fischer and Forester 1993, Fischer 2006), I then consider how this storyline has been interpreted through the lens of organisational 'tenets'. In addition I

endeavour to untangle the models of paternity that underpin CSA's parentage policy.

Chapter 2: Setting the Scene

The background to the CSA and paternity testing

A brief history of the Child Support Agency

The UK CSA was created in 1993 as a 'next steps'[4] agency to administer the provisions of the 1991 Child Support Act. The Agency was intended to replace the bulk of the court-based system that was seen as failing many families (DSS 1991 Cm 1264). Responsibility for setting and collecting child maintenance became subject to what was presented as a 'fairer', less inconsistent administrative system. This was to be characterised by lower levels of discretion, greater efficiency and more effective enforcement techniques. (DSS 1991 Cm 1264, DSS 1995 Cm 2745).

It was initially foreseen that the operation of this new system would achieve two main objectives. Firstly it would reduce the pressure on the social security budget. This would operate by diverting responsibility for the financial support of children and their mothers, from the State to the non-resident father (in essence individualising the responsibility for children). Secondly it was also hoped that it would simultaneously encourage lone mothers off the benefit books and into work (Hansard 1990, Hansard 1993). In the opinion of Dolowitz and Marsh (2000) the former was the primary goal of the legislation. Lastly, and rather more nebulously, it would hopefully foster notions of 'responsible fathering' (approximately 95% of non resident parents dealt with by the CSA are male (Information Directorate 2008, Atkinson & McKay 2005)), increasing concern within an international political substrate characterised by the rhetoric of 'feckless fathers' and 'deadbeat dads' (Bartfeld and Meyer 1994, Meyer and Bartfeld 1996). In this context it is noteworthy that notions of responsible fathering were initially couched entirely in terms of the purely financial. As Erickson and Babcock (1995) explain, for the

[4] 'Next Steps' agencies were intended to act as the delivery arm of particular government services, with a clear separation between the Agency and the policy function which remained within the central department (Next Steps Review 1994, cm 2750)

purposes of child support law, both nationally and internationally, a responsible father is one who pays maintenance, regardless of whatever else he does,:

> the concept of 'responsibility' has traditionally referred to economic responsibility (Erickson and Babcock 1995 p36).

Subsequent policy developments have refined, or at least repackaged these objectives, placing the alleviation of child poverty at the helm (DSS 1999,Cm 4349). Most recently the new 2007 proposals have severed the link with safeguarding social security expenditure. Instead the current white paper ' A new system of child maintenance' recommends that benefit claimants should no longer be compelled to apply for maintenance, and that where maintenance *is* received the bulk of it is disregarded when assessing benefit entitlement (DWP 2007 Cm 6979)

Nonetheless, despite these changes it continues to be the Government's view that these anti-child poverty objectives are best achieved by the routine application, by administrative rather than legal personnel, of a non-discretionary formula to assess maintenance levels. Calls for a return to the courts have been discounted (Henshaw 2006).

Under the terms of the 1991 Child Support Act, this formulaic approach was originally intensely complex – endeavouring, (inevitably unsuccessfully) to reflect the full range of human circumstance. It was also firmly rooted in the benefit system, with acceptable parental income levels determined by reference to benefit scale rates (Child Poverty Action Group 2005). The provisions of the 1995 Child Support Act buttressed this complexity still further by inserting scope for discretionary departure from the maintenance formula in certain circumstances. Approximately 400,000 cases are still assessed and maintained under the terms of this complex set of rules (Information and Analysis Division 2007).

The practical difficulties of administering this complex formula are well attested. Almost every aspect of the operation and implementation of the Child Support Act has been the subject of well-documented criticism. In practice the CSA has been

variously condemned for: asking fathers to pay too much; for targeting 'easy' cases; collecting too little; shoring up Treasury coffers rather then the income levels of impoverished families; damaging work incentives; heightening the risk of violence to women and children and wrecking the lives of second families (Garnham and Knights 1994, NACAB 1994, Boden and Childs 1996, Clarke, Craig and Glendinning 1997, Barnes et al 1998, Bradshaw et al 1999). More recently the emphasis has been upon the scheme's failure to deliver maintenance to needy parents and children (House of Commons Work and Pensions Select Committee 2004). Elements of the criticism stem from the nature of child support work, which is not uncommonly concerned with two parents in diametric opposition, and so rarely met with enthusiasm by those required to pay maintenance. Conversely there continues to be general public acceptance that separated parents should support their children no matter what their circumstances (Williams et al 1999, Peacey and Rainford 2004)

The advent of the Child Support, Pensions and Social Security Act 2000 (Jacobs and Douglas 2004, DSS 1999) endeavoured to address these concerns. The Act, and supporting regulations, heralded the arrival of a simpler calculation, more robust enforcement powers (such as driving licence withdrawal for defaulters) and a £10 maintenance disregard for parents with care receiving means tested benefits. This allows these parents to retain up to £10 each week of any money paid by a non-resident parent. As later paragraphs reveal, it also introduced changes to the law on paternity establishment. Perhaps ironically, since the failings of the Courts were instrumental in the creation of the Agency (DSS 1991), the bulk of enforcement powers continued to be exercised through the courts. In addition, with the exception of changes to the amount payable where parents share overnight care of the children, the policy continues to separate child maintenance payment from issues of child contact. Research suggests that financial provision and contact with children cannot as readily be disentangled in the minds of fathers (Bradshaw et al 1999).

Assessment under this second set of rules commenced in 2003 for new applicants, using a new computer system developed by Electronic Data Services (EDS). The introduction of both was subsequently beset by a host of IT and

implementation difficulties resulting in rising complaints, criticism, media attention and political scrutiny. These problems are well documented in the 2004 Work and Pensions Select Committee report titled 'The performance of the Child Support Agency' (published 25 January 2005), which witnessed the retirement of the then Chief Executive. The continued problems eventually resulted in political acceptance that not only the Agency but the policy itself was flawed (Hansard 2006). As a result a series of radical organisational and policy changes are now in train (DWP 2007 Cm6979).

There were, however, a number of legislative and policy changes that were introduced relatively quietly in 2001 before full implementation of the simplified regime. These 'early' legislative changes appear to have attracted little to no negative press. They focused primarily on enforcement powers intended to tackle barriers to the assessment and collection of maintenance. These were unsurprising given that CSA had been widely criticised for failure to successfully collect maintenance. The changes included powers to prosecute people who falsify or fail to provide the Agency with information when so requested, coupled with greater powers to withhold driving licences and imprison uncooperative clients (Jacobs and Douglas 2004, Hansard 2000b). Changes to the paternity establishment process were nestled within this clutch of 'tough' enforcement provisions.

CSA functions – a short lifecycle of a case

Despite this picture of considerable flux and change, the primary aim of the proposed reforms is still to secure the regular payment of child maintenance from non-resident parents. As a backdrop to the following chapters it is useful to briefly 'walk through' the lifecycle of a CSA case (assessed under the rules introduced in 2003), to the point at which this is achieved.

- The bulk (75% according to the Agency's quarterly statistical summary (Information and Analysis Division 2006)) of child support applications come from mothers who have claimed income support because they have no other formal source of income. As part of this claim Jobcentre Plus require these

individuals to make a child support application and provide details of the non-resident parent (where known). Failure to do so, unless there is a risk of harm or undue distress to the client or her family, can lead to a benefit reduction (Jacobs and Douglas 2004, Wikeley 2006). (The Agency also receives 25% of applications from clients who are not receiving benefit and elect to apply)

- When the CSA receives the application details from Jobcentre Plus, a member of staff will endeavour to contact the named non-resident parent to confirm that he or she is the parent (generally the father) of the children in question. They will also try to obtain his income details and to establish whether he shares overnight care or has other children in his household. Needless to say this may be easier said than done, particularly where the parent with care has provided scanty details. Although 80% of clients have lived with their CSA case partner, a proportion of the remaining 20% report that their relationship with the father was 'casual[5]) (Wikeley et al 2001)[6]. Considerable tracing action may be needed to locate and identify the respective individual.

- If the non-resident parent is successfully traced, doesn't deny paternity and provides his income and other details, the Agency calculates a percentage maintenance figure based on the number of children he is liable to support (15% for one child, 20% for two and 25% of net income for three or more). This apparent simplicity masks a number of additional complications. Firstly it is not uncommon for one non-resident parent to be responsible for maintaining the children of two or more mothers, so the percentage rates apply across more than one household. Secondly there are lower safeguard amounts for those on low income, with a minimum flat rate of £5 a week for the 30% or so of CSA assessed non-resident parents on benefit (Information and Analysis Division 2007). And thirdly the figure is adjusted to reflect shared care of over 52 nights per year. Where a client was previously subject to an assessment under the 1993 rules, there are also complicated phasing arrangements

[5] it is interesting to note that 33% of non resident parent agency clients who had not cohabitated with their case partner referred to the relationship as casual or a one night stand, compared with 18% of parents with care in the same category (Wikeley et al 2001)

[6] Moreover, 'reluctant' clients facing benefit reductions for non-cooperation, may mis-represent their prior relationship

intended to alleviate the shock of transition between schemes, (Jacobs and Douglas 2004). The non-resident parent will be asked to pay this money to either the Agency, or the parent with care on a regular periodical basis.

- If the non-resident parent does deny paternity, the procedures prior to 2001 required staff to pass the case onto the paternity officer who would then contact him and the parent with care, gathering detailed evidence and orchestrating a DNA test as needed. Post 2001, the parentage officer could also consider whether one of a series of legal parentage 'assumptions' applied. If so parentage might be assumed without the need for a test, although in many cases (see later) this still proved necessary. Initially this was conducted via blood tests conducted by a GP nominated by the clients. The GP ensures that the sample was taken with appropriate safeguards, both in terms of identity checks and avoidance of sample contamination. Improvements in DNA technology and the ability to replicate DNA from smaller tissue samples subsequently resulted in the replacement of blood tests with less invasive oral swabs[7]. GPs are, however, still used to ensure non contamination and identification. The DNA sequences obtained from the child, mother and alleged father are then compared. Based on this comparison the testing companies can then either exclude a man from paternity, or indicate the probability that the child is his.

- Where maintenance is not paid regularly and the Agency manages to trace a non-resident parent's employer, an administrative 'deductions from earnings order', commonly referred to as a 'DEO', will be sent to the employer. This requires them to deduct maintenance direct from the client's wages and forward them to the Agency. (Analysis indicates that CSA non-resident fathers appear to be particularly prone to interrupted and fluid employment (OPF seminar series May /June 2006)

[7] According to a useful analysis of sources available on the Child Support Analysis website (www.childsupportanalysis.co.uk) reported figures relating to misattributed paternity vary wildly from less than 1% to over 40%. These are sourced from a range of studies of differing robustness and conducted for varying purposes. One source which explored the ability of children and parents in 800 families to taste phenyl thiocarbamide, estimated misattributed paternity at 5.35%. It is not, however, clear whether this discontinuity was known to the 'fathers' in question.

- Where a wage deduction is not possible then the Agency seeks a liability order for the outstanding debt in the magistrate's court. This then paves the way for county court action which can result in the court placing a charge on a non resident parent's property (and potentially ultimately forcing the sale if a judge so decrees), and extracting money from his bank or other account. In the event that this proves unsuccessful, and where there is evidence of wilful refusal or culpable neglect to pay maintenance, the Agency can return to the magistrate's court to seek committal to prison or disqualification from driving (Jacobs and Douglas 2004).

CSA and paternity testing

Under child support law paternal acceptance or, where necessary, establishment, of paternity is a necessary prerequisite before maintenance from a parent can be pursued. Section 54 of the 1991 Child Support Act defines a parent *as 'any person who is in law the mother or father of the child'*. (Jacobs and Douglas 2005). This excludes step-parents since they are not, in law, the mother or father of a child even where they have lived with a child for many years or hold a parental responsibility order. Thus the legislation has, from the outset, required that a genetic non-resident father is liable to pay maintenance, regardless of the circumstances of conception, contact with the child, or other family ties. The only exceptions to this are children who have subsequently been adopted or who were born as a result of donor insemination via licensed clinics.

In reality then, the question of parentage only comes to the fore where it is disputed. The majority of men named as the fathers of children in child support applications do not contest paternity. However, in a minority of cases, quoted as 5% in a 2006 parliamentary debate and 22000 per annum in February 2000[8] (Hansard 2000a, Hansard 2006) the alleged 'father' does not accept that they are the parent of the child or children in question. In these instances the Agency may

[8] unfortunately I have been unable to locate sufficient data relating to the intake of cases in 2000 to establish whether the 22,000 represents a similar fraction to the later 5%, although personal recollection suggests that the earlier figure represented a higher percentage

ultimately resort to DNA testing to resolve doubts about paternity. Legislative changes introduced to Section 26 of the Child Support Act 1991 in 2000 also allow staff to assume paternity and make a maintenance calculation where parentage has been denied but specific defined circumstances apply.

This builds upon earlier social security law where alleged absent fathers were also liable to contribute financial support if paternity was acknowledged or 'proved' via a blend of blood test and court action. The current legislative position has very deep-seated historical roots, with echoes of the Poor Law where, under the terms of the Poor Law Amendment Act 1868, the fathers of bastard children were required to support them, with even deeper connections to sixteenth century Elizabethan legislation (Black 1986, Child Support Analysis 2006). Disputes about paternity are nothing new! It is, however, only the advent of DNA testing that has allowed paternity to be established to a high degree of probability (Coleman 2000, Marsiglio 2000)

The development of the Agency's DNA testing scheme in the early 1990s appears to have been an outcome of setting this ancient historical link between biology, social security and maintenance payment within a climate of burgeoning genetic technology. The time-honoured evidential devices of blood tests and court appearances were swiftly superseded by the rapid growth of DNA 'fingerprinting' technology. This had been developed in the late 1980s/early 1990s and, despite teething problems, had gained rapid credibility within the criminal justice system (Neufeld and Colman 1990, Beardsley 1992).

Thus where paternity was disputed, the Agency circumvented the need for laborious legal and administrative action by offering the services of a low cost, ('discounted') relatively rapid DNA testing scheme to resolve 'paternal' doubts to a very high degree of certainty. To quote from the Agency's then Chief Executive, Ann Chant:

> The Agency introduced its Discounted DNA scheme in July 1995 to give alleged absent parents (AAPs) a means to resolve paternity disputes quickly and without the need to go to Court. (Hansard 1996)

This, entirely administrative provision, (which was not, at the point of introduction, subject to any formal legislative scrutiny), offered parents, (or to judge from the tenor of the above quote, fathers) the option of genetic matching of man to child - or not as the case might be. The voluntary procedure originally had no force of law. It was simply used as a mechanism to speed up the likelihood of maintenance payment where a man's denial of paternity impeded the resolution of CSA action. (Where individuals did not make use of this scheme the CSA could still revert to the formal machinery of the courts).

The discounted DNA testing scheme operated via a contract with a testing company, and all samples were, and are, destroyed after 3 months (Select Committee on Science and Technology, November 2000). The introduction of this scheme receives a passing (and impassioned) mention from Gwyneth Dunwoody (Hansard Commons debates 19 October 1995 column 595):

> I see that the Agency is to offer DNA testing in paternity cases. The savagery that disputation of paternity unleashes is something from which the children involved will probably never recover. It is the worst kind of dispute between divorcing parents, and the agency now seems to be prepared to provide DNA testing – but on a paying basis – if anything goes wrong. That is not the answer and it will not help in any way

This appears to have been an isolated and unusual reaction however, and there is no associated explanation of why DNA testing 'is not the answer'. In addition there seems to have been no Agency or Government response to this statement.

As part of the Child Support, Pensions and Social Security 2000 Act reforms, the pressures upon parents to participate in the scheme were both increased and enshrined in law. The aforementioned amendments to Section 26 of the 1991 Child Support Act introduce a legal assumption of paternity in a range of circumstances (Jacobs and Douglas 2004). This partially aligned the English legal position with that of both the common and Scottish law. In addition they provided for the assumption of paternity if the 'father' is offered and refuses the option of a

paternity test, (reinforcing the 1996 court of appeal judgement in Re H, which held that refusal to take a test could justifiably lead to the inference that the *'refusal is made to hide the truth'* (Jacobs and Douglas 2002 p 95). Parentage can be assumed in the following cases:

- Where the alleged parent was married to the child's mother at some time in the period beginning with conception and ending with the birth of the child

- Where the alleged father has registered the birth

- Where a DNA test has been taken and shows there is no reasonable doubt that the alleged parent is the parent of the child, or where a DNA test has been refused by the person in question

- Where the person has adopted the child

- Where the child was conceived through gamete donation and Sections 30, 27 or 28 of the Human Fertilisation and Embryology Act 1990 apply

- Where a legal declaration of parentage or affiliation order exists

Many of the assumptions are still rebuttable by the production of evidence to the contrary and should only be applied on a case by case basis rather than automatically (Hansard 3 February 2000a). So if, for example, parental doubts persist despite the individual having registered the birth, DNA testing may still be sought, either via the Agency's own scheme or independently by the father. The offer of genetic testing therefore lies at the heart of the policy.

Hansard (2000b) records the debate surrounding the introduction of these clauses, which clearly views them as an antidote to spurious delays rather than anything more fundamental:

> In the vast majority of cases parentage has been disputed halfway through the process when a maintenance calculation has been made, as a way of delaying things (Angela Eagle, House of Commons Standing Committee, 3 February 2000)

Hansard also records the reason for the changes as being *'to allow child support to be worked out without unnecessary delay'* (Hansard 2000e)

Interestingly the same debate also excludes reasonable refusal to take a DNA test, from the CSA criminal offence of failing to provide information. The debate shows that this was not based on concerns about this, for example, being an ethical 'bridge too far'. Instead it was simply predicated on the fact that, in such circumstances, subsequent parentage action in the court was likely, so consideration of an offence would be largely nugatory.

As for the mother, refusal to take a test has since been deemed to constitute failure to co-operate with the Agency and as such attracts a reduction in benefit unless 'good cause' for refusal can be adduced. Amendments to Section 46 of the 1991 Act expressly state that a parent with care on benefit who refuses to take a scientific test, must either provide evidence that to take such a test would cause harm or undue distress to her or her children, or face a benefit sanction. This requirement to provide evidence is time limited to four weeks (Hansard explanatory notes, 15 August 2000)

In addition the 2000 Act amended Section 55 of the Family Law Act 1986 so that a parentage ruling made for child support purposes is valid for other parentage purposes, and not simply for maintenance pursuit.

Lastly the legislative changes reflected the availability of less intrusive sampling techniques and now refer to scientific tests on 'bodily samples' (Child Support Act 1991 Section 27A), rather than blood tests.

Paternity policy in practice

The number of individuals affected by the CSA paternity testing process is considerable. Between the introduction of the scheme in late 1995/early 1996 and the end of January 1998, a total of 11989 cases had passed through the discounted process, with a further 9141 awaiting testing (Hansard 19 February 1998). Or, expressed differently, in the first two and a half years of the scheme DNA samples from over 60,000 individuals, (including at least 20,000 children), been taken and analysed - with almost equivalent numbers awaiting tests. While this uptake only represented a fraction of the Agency's February 1998 caseload[9] (Quarterly Summary of Statistics February 1998) of 741,600 (roughly 1.5 million individuals), it nevertheless reflected a sizeable corpus of people undergoing genetic testing. This equated to at least 15,000 people per annum – over 130,000 people over the intervening years. In the wake of the paternity assumptions tests fell to 1982 in 2003/4 only to rise again to nearly 2000 in 2004/5 (Child Support Analysis 2007). This makes the CSA paternity testing scheme a very significant routine user of genetic technology in a non-criminal context.

The intended practical operation of the CSA paternity provisions was initially enshrined in the CSA paternity guide and more recently in on-line procedures (CSA 1998, 2000). From the outset of the scheme these have provided Agency staff with detailed instructions for taking disputed paternity cases forward. They outline how, and when, staff should contact the respective 'parents', when a DNA test can be considered and offered, what the procedures are and who should pay for the test.

In terms of the scheme before 2000, the guide led CSA staff through the procedural steps to take from a denial of paternity to its resolution. Briefly summarised, staff first obtained details of the alleged father from the mother via the initial maintenance application form (MAF). Where there was a possible question mark over paternity they then contacted the alleged father by a carefully anonymised and non committal letter which did not bear the CSA logo. This was

[9] A case for the purposes of these figures is a non-resident parent – parent with care dyad

to avoid alerting other members of the household as to the reason for the interview. (CSA Paternity Guide 1998). Understandably CSA staff need to be circumspect in their approaches to alleged fathers, primarily because of the potential for disruption to existing relationships.

When the 'father' got in touch staff were enjoined to respect the sensitivities of the situation including the fact that the allegation might come as a shock and, that the individual might need time to consider the implications. If he subsequently denied paternity CSA staff obtained a number of, often quite personal, details (for example whether he had sexual intercourse with the woman in question). (Personal experience as a DHSS 'liable relatives' officer, where similar interviews were required, suggests that this too can come as quite a shock to the interviewee!).

If paternity remained in doubt the staff then re-interviewed the mother to further explore the position, advising her that they might need to cover some sensitive issues. The guide suggests that this interview was generally conducted by phone. In the light of the mother's reply staff then considered whether to offer the option of DNA testing. The guidance reveals that cost effectiveness (ie the likelihood of securing maintenance when balanced against the cost of the test) was certainly a factor in these deliberations. In the early days of the scheme this hinged in part on the benefit status of the mother and father alike. As a result paternity establishment action did not necessarily proceed if the alleged father was a benefit recipient and unable to make regular, substantial, maintenance payments.

In a similar vein, if an alleged father stated that he could not afford to pay for DNA testing 'up front' CSA staff could, and still can, authorise an offer to pay for the test in advance. This was subject to agreement from the client that he would accept that he was the father of the child if the test proved positive. He was also required to repay the test fee if he was shown beyond reasonable doubt to be a parent of the child.

If the option of a discounted DNA test was authorised, the parties to the case were each asked to nominate a GP to take the blood samples (and also conduct

an identity check). They were also asked to provide photographs of themselves and the child(ren) in case an alleged father arranged for a substitute to take his place. This is a not unknown scenario (CSA Weekly 2000). Sample kits were forwarded to the named GPs and the samples were then returned to the licensed DNA testing company for analysis[10]. Postal notification of results were sent to the mother, alleged father and the CSA within about three weeks.

The guidance was striking in its wholesale lack of consideration of the child as anything other than a provider of a blood sample. For example, only where a child was over 16 was the need for consent to take blood raised, and while the 'good cause' provisions (under which a parent with care can ask for action to cease where it would cause harm or undue distress) would apply, there was no overt signposting to these protocols.

In addition, even before the 2000 Act changes, it was clear that mothers were still implicitly pressurised into taking part in the paternity process, with the prospect of a benefit reduction used as an incentive to co-operate with the agency. This is implicitly corroborated by a Commissioner's ruling (CCS/1522/1996). This decision refuted the premise that refusal by a mother to consent to blood tests for herself and her child amounted to non co-operation with the agency. Nonetheless the decision hinged on the technical wording of the Act, not from consideration of the pressures brought to bear on the individuals in question. A case has jumped a considerable number of Agency review and appeal 'hoops' to reach the Commissioners. So this suggested that the position of children and their mothers was routinely constructed in relatively narrow terms because, had this stance been uncommon and hence open to question, the Agency's internal review mechanism would have overturned it. If so the case would have never reached the Commissioners. The more compelling evidence is, however, the enshrinement of this protocol in subsequent legislation. This appears to be based on the premise that a mother 'with nothing to hide' would automatically be willing to go through the process.

[10] The testing company used by the CSA is selected by competitive tender in accordance with Government procurement guidelines and subsequently operates under the terms of a contract.

The more recent procedures are in one sense starker, but by the same token arguably less intrusive. Again, at the outset of the case the alleged father is asked by phone or letter if he accepts paternity. He then has a number of days to deny this allegation and if no rebuttal is received a maintenance calculation made on the basis of his income. (This de facto paternity presumption appeared, on initial reading, to exceed the provisions of the Act which provide the capacity to proceed on the basis of an assumption only following a denial, rather than when faced with silence (Jacobs and Douglas 2004). However, the interviews revealed that this had been considered by lawyers who were content that it fell within the 'vires' of the Statute. This issue will be covered later in this thesis)

If the alleged father does deny paternity prior to the making of the maintenance calculation, he is offered the option of a DNA test. If he accedes to this option the previously outlined testing procedure is invoked – although following improvements in DNA testing technology and sensitivity, mouth swabs are increasingly used instead of blood. There should be no need for intrusive questions about his sexual conduct, although a parent with care may be quizzed about the circumstances of conception if there is any suspicion that she may not be confident in her determination of paternity. Again, there is scant mention of the position of the child or children (although as with the bulk of the Agency's discretionary decisions, the welfare of the child should be considered prior to taking any action)[11].

The test is then conducted, the sample analysed via the relevant DNA testing contractor and the results are simultaneously issued to the parents and the CSA. Depending upon the results the Agency will then either pursue maintenance, or close the case.

The position is slightly different where paternity is denied *after* the maintenance calculation has been made and is in force. In some cases the non-resident parent will still be offered access to the discounted DNA scheme, but he may also be

[11] Although as Jacobs and Douglas note in their commentary on the case of R v Secretary of State for Social Security ex parte Biggin [1995] 1 F.L.R 851, this may literally amount to 'rubber stamping' a statement that this has been considered

asked to organise his own test via a reputable company. This appears to stem from the fact that, once a calculation is made, the CSA's interest in establishing parentage wanes. This is because paternity establishment is simply a step on the path to securing an enforceable maintenance. If non-paternity is then proven any maintenance paid from the outset is refunded to the non-resident parent. This differs from the position in other regimes where refunds only pertain to money paid from the point at which the paternity was dis-established. (Roberts 2003, 2006). The Hansard records surrounding the introduction of the assumptions also indicate that these should be rebutted via application to a court, rather than through the Agency testing scheme (Hansard 2000d)

Concluding comments

While the purpose of this chapter was primarily contextual there are also insights that can be adduced that are relevant to subsequent chapters, including the analysis of the staff interviews. These are as follows:

- The first relates to the bracketing of the paternity assumptions with legislative provisions intended to foster the provision of information, suggesting that DNA may be seen as little more than an information source

- The second, and linked aspect relates to the location of this policy change within a clutch of new enforcement provisions, indicating that paternity denial may have been seen as the province of obstructive non-resident parents, as distinct from uncertain ones

- The third insight centres on the absence of any consideration of the child in the paternity establishment process, other than as a blood donor

- And the last, inferred from the differential processes that apply to pre and post calculation paternity establishment, is the suggestion that, in CSA terms, paternity is not an 'independent' status with fairly fundamental implications for both father and child, as much as a necessary component part within a process flow.

Chapter 3: Insights from Literature

This chapter is divided into six main subsections:

- The first explores the, rather limited, material dealing with paternity establishment in the particular setting of child support schemes, both nationally and internationally

- The next moves on to assess the historical background to paternity in the UK, tracking the rising legal tendency to conceptualise paternity along genetic lines

- This is followed by consideration of the literature where a discontinuity in genetic paternity is revealed

- The review then broadens out to consider the practical and ethical questions surrounding the 'genetic' element of paternity testing and the concepts and implications that may surround this aspect. This starts to reveal the contrast between the Child Support approach and that adopted in other contexts. It highlights clear differences in policy emphasis, and indeed in the underlying understanding of what is, and what isn't, a problem. These differences can then form the basis of further analysis. In a nutshell, by examining paternity policy through a different lens, it helps to illuminate the distinctiveness of CSA's approach

- The penultimate section of this chapter concentrates on the more general policy development and implementation literature such as models of policy formulation, street level approaches and the role of ideas, values and discourse. This literature, particularly relating to implementation, is quite fragmented in nature. Initially on the basis of personal experience, no single theoretical framework appeared to satisfactorily account for the CSA experience, although there were more piecemeal resonances with a variety of different theories. This section therefore touches upon:

- Policy types - because of the inherent typological tensions apparent in child support policy from its inception

- Stages and process models - because of their 'rationalistic appeal' within Government and because of the propensity within CSA for change to be viewed in 'system-like' terms

- Networks and institutions - the policy emerged within a clear institutional setting and to ignore the importance of locus would therefore have been inadvisable. This is strengthened by the fact that the role of institutions is considered in one of the few child support paternity policy specific analyses, albeit in the US setting (Crowley 2001)

- The role of ideas, beliefs and values- and thence to language and discourse. These emerged strongly in the interviews and (in the context of policy transfer, are again explicitly covered in analyses of UK child support policy (Dolowitz 2001). In addition the part played by discursive interaction and learning appeared to offer greater explanatory power in this context than most of the other models.

- Finally, through an analysis of the preceding literature a series of issues are distilled for consideration in the empirical research

Given the sheer breadth of areas relevant to CSA paternity policy, this review necessarily attempts to evaluate the applicability of, and research insights from, a broad span of relevant existing material, rather than embarking on a very detailed analysis of a single particular field of study. In addition, in the interests of conciseness, I have excluded consideration of fathers and fathering (namely what fathers do, who fathers are and why fathers act as they do), other than where they impinge upon the question of genetic relatedness.

Paternity

Literature relating to paternity establishment in the context of child support schemes

To date there appears to be no specific existing research into UK paternity establishment by the Child Support Agency. This is not to imply that the implications are entirely overlooked. They are touched upon in the course of related analyses dealing with the impact of child support policy (Bradshaw et al 1999, Clarke et al 1996).

For example, Bradshaw et al acknowledge the dilemmas posed within their seminal work on non-resident fathering:

> ...if the scientific advances in DNA testing were not available, the Agency would be more reliant on the existence of a meaningful relationship between fathers and children. Less primacy would necessarily be placed upon 'biological' obligations alone, as opposed to a combination of 'biological and social' obligations (Bradshaw et al 1999 p178)

Likewise Wikeley, in his 2006 publication 'Child Support – Law and Policy' notes that when parents are mentioned in the context of child support *'the usual underlying assumption is that by 'parents' we mean the child's 'biological' parents'.* He then goes on to add that:

> ...the question 'should (biological) parents be liable to pay child support' is usually understood in popular discourse to mean 'should (biological) fathers living apart from their children pay child support?' In this context given the semantic uncertainty, which attaches to the term 'biological', it might be more accurate to refer to a child's genetic father (Wikeley 2006 p4)

Subsequent consideration by Wikeley of Bainham's (1999) distinction of parentage (a one-off genetic link), parenthood (the ongoing status that an adult has in relation to a child) and parental responsibility (a 'sort of trusteeship') serves to illuminate the definitional difficulties and complexities inherent in this legal and

social arena. (Complexities which the Child Support Act overlooks). Thus Wikeley holds that:

> The insistence of the Child Support Act 1991 on genetic parentage as the exclusive basis for financial liabilities in relation to children reflects, in an atavistic way, the concerns of both the Poor Law and the bastardy law. (Wikeley 2006 P5)

Wikeley's subsequent discussion of the status of parenthood under the terms of the Child Support Act 1991 summarises the operation of the presumptions and considers whether there are 'hard cases' that challenge the nexus between genetics and parentage, explaining:

> ...the notion of a strict liability associated with genetic parenthood appears to be widely accepted' (Wikeley 2006 p238)

He then goes on to consider the international case law position for such issues as post-intercourse, unilateral self insemination or where the man in question was unconscious and incapable of consent, finding that, in the context of the United States at least, case law appears to *'stretch such strict liability to absolute limits'* (Wikeley 2006 p239)

Despite this apparent 'strict liability' one can argue that the introduction of the parentage assumptions is not necessarily evidence of an emphasis on genetic parentage. Indeed, in the US context again, Rogers (2002) describes the presumption of parentage in marital cases as 'a triumph of law over biology'. Instead he argues that the presumption is deeply rooted in law as a way of protecting children from the stigma of illegitimacy, stemming from English Common Law and dating from the sixteenth century. In an analysis which partially resonates with that of Smart (1987) (of which more later), he argues that the law has typically shown a preference for the unitary family over biology.

There is also some, albeit scant, UK evidence of the triggers that stimulate disputed paternity. Worryingly however, the mere fact of Agency action seems to have been enough to prompt this on occasion, (despite the existence of a social

relationship between father and child) (Clarke, Craig and Glendinning 1997). A striking instance of this is also provided by a further decision of the child support Commissioners. Following divorce and despite earlier acceptance of a court order, the 'father' of a thirteen-year-old subsequently challenged paternity. Again this was stimulated by Child Support Agency action (Commissioners Decision CCS 16351/96). As the Commissioners report:

> [the mother] gave very cogent evidence to the effect that James was in fact [the appellant's] son and that he only began to make his allegations after he had received the forms from the Child Support Agency (CCS16351/97 paragraph 6)

Literature emanating from the United States provides a less frugal diet for those interested in paternity establishment policy and affords some transferable insights into the operation of the UK scheme. Much of this research focuses upon the beneficial implications of paternity establishment and the development and outcomes of the in-hospital acknowledgement scheme. This latter scheme has concentrated on obtaining voluntary acknowledgement of paternity from fathers, often shortly after the child's birth (Sonenstein et al 1993, Turner 2001, Pirog and Ziol-Guest 2006). These can be combined with post-hospital presumptive systems that treat a DNA test or acknowledgement as conclusive proof of paternity rather than simply as evidence (Rogers 2002). Crowley (2001) attributes the development of these new institutional arrangements surrounding paternity to three factors: 1) an evolving legal framework around child support and welfare receipt, 2) research linking negative childhood outcomes to lack of paternal contact and 3) advances in DNA technology that provided *'highly reliable inclusionary evidence of paternity'* (Crowley 2001 p315)

Returning to the effect of these changes, paternity establishment is rather expansively referred to by Wattenburg (1987) as the being accompanied by a *'host of economic benefits'* (p10). As well as regular maintenance payments, access to paternal medical insurance can also flow from establishing paternity, (a desirable outcome in a country with relatively minimal public health provision) (Danziger and Nichols-Casebolt 1990, Nichols-Casebolt 1988). This financial emphasis causes Nichols-Casebolt and Garfinkel (1991) to note that:

> Establishing paternity historically has been treated as a 'stepchild' of the child support enforcement system (Nichols-Casebolt & Garfinkel 1991 p84).

Thus the impetus for paternity action in practice is often the need to secure maintenance:

> Although the adjudication of paternity may have important social and psychological benefits for the child... the usual motivation for the instigation of a paternity suit is to obtain child support from the father (Nichols-Casebolt & Garfinkel 1991 p89)

On occasion, however, other beneficial consequences believed to accrue to the child from knowing his or her genetic origins are referred to:

> When paternity is established, other benefits follow as well. A child gains access to important genetic information and medical history when the identity of the father is proven. In addition increasing evidence from adoption studies indicates that intangible benefits may be derived from one's knowledge of biological heritage. Paternity identification may be a factor in strengthening the emotional growth and development of the child. (Wattenburg 1987 p10)

A similar theme is echoed by Pearson and Thoennes (1996) who signal the emotional and psychological benefits of early paternity establishment. This includes the ability to explore and understand cultural and religious ties and to form a relationship with the paternal family.

On a linked, but different note, Brown et al (2004), writing of the Wisconsin experience of voluntary acknowledgement found a number of similar positive outcomes. But in some cases the child's parents were co-resident anyway (but unmarried) and so drawing exact parallels is unwise. In addition this research explores the outcomes of the US scheme to secure hospital based voluntary acknowledgement shortly after birth. For children where this was not secured or possible and parentage was subsequently adjudicated, the results were rather less positive. Likewise Turner (2001) pinpoints discrepancies in the coverage of

these hospital voluntary acknowledgement schemes, while Adams et al (1992, 1994) highlight possible benefits flowing from an expedited administrative process, but stress that client non co-operation will impede this. Mincy et al (2005) also found that in-hospital acknowledgement was subsequently followed by higher levels of paternal involvement.

Since the UK does not currently pursue voluntary acknowledgement as a government policy, there are relatively few current lessons that can be drawn from this. Looking to the future, the proposals for joint birth registration contained in the recent consultation document 'Joint Birth Registration – promoting parental responsibility' (DWP June 2007 Cm 7160), reference the North American experience and seek views on how the scheme might operate in practice, (although there does not appear to be any desire to locate child support staff in maternity wards). This consultation document makes it clear that there are undoubtedly associations between jointly registered birth and a number of positive child outcomes. What is less clear is the existence of a direct causative link between the former and the latter.

Thus much reference to paternity establishment in the US reflects the authors' concerns with the impact of poverty upon children, and the role of maintenance in alleviating that poverty. The importance of this should not be overlooked and any negative implications of the DNA test need to be balanced against this. At present, however, the existing literature generally fails to even recognise the presence of counterweights upon the scales. For instance, consideration of potentially negative aspects of child support paternity testing schemes, appears to be limited to research on the sexually intrusive and gendered nature of pre-test inquiries. Mink's 1998 analysis deplores the pressures that mothers are placed under as part of the paternity establishment process. She argues that this implicitly endeavours to interfere with the sexual behaviour of poor lone mothers, thereby compromising their constitutional rights. Similarly Monson (1997) examines the practical steps involved in one US regime. She concludes that child support practitioners adopt markedly different questioning strategies when dealing

with paternity establishment, depending on the gender of the individual they are dealing with[1].

Crowley's aforementioned (2001) article on the implementation of paternity establishment policy in the States does have some resonance with this research, since she explores the institutional and individual factors that shape implementation decisions. This research is considered more fully in the section of this review dealing with policy.

More recently the Trans-Atlantic shift in emphasis, has moved to paternity dis-establishment (Roberts 2006, Epstein 2004). This issue arises when a father who has previously not contested, or actively acknowledged paternity, subsequently challenges or disproves this. This may stem in part from the success of voluntary hospital based acknowledgement schemes, for as proportionately more individuals acknowledge paternity, it is perhaps inevitable that more will then come to doubt this at a later stage. The subsequent production of DNA based 'proof' of non-genetic paternity raises a whole host of issues. These include the prospect of refunding maintenance, 'fraud' allegations made against the mother and some fairly grim child welfare aspects, including simultaneous 'loss' of a father and a potentially substantial income stream. In a number of regimes (eg New Zealand) paternity is deemed to be dis-established from the point it is challenged or disproved. In the UK Child Support setting it is 'wiped out' from the inception because, pending identification of an alternative father, there is no longer a candidate to fulfil the status of a 'parent' which is a necessary pre-requisite for Agency jurisdiction (Jacobs and Edwards 2004)[2].

On a wider comparative theme Skinner et al (2007) have recently explored child support policy from an international perspective. Although their report does not dwell on paternity establishment, the supporting questionnaires they issued to a series of international respondents do include a question about paternity. These responses are very helpfully available on the University of York's Social Policy

[1] Although Pirog-Good's analysis of teenage paternity, child support and crime also notes that court officials also elicit 'rather graphic details' about sexual activity placing 'the burden of proof' on the father (Pirog-Good 1988 p 531)

[2] This relies on a biological rather than legal definition of 'parenthood'

Research Unit website (http://www.york.ac.uk/inst/spru/research/summs/childsupport.html) and examination of them reveals a number of differences between the different countries. Table 2 endeavours to summarise these. In addition the tenor of some of responses hint at a very different understanding of the 'problem' of paternity and the attitudes of non-resident parents. Clearly this was not the main emphasis of Skinner et al's research so discerning each country's position from its response is undoubtedly an imperfect gauge. This would, however, be an area worthy of further research.

Table 2: circumstances conferring legal paternity											
Country	**Child born or conceived in marriage**	**Father's name on birth Certificate**	**Court has declared parentage (including following a DNA with test**	**Legal acknowled -gement or declaration in place**	**Child Adopted**	**Child born within x weeks of an annulled marriage**	**Child born after divorce but within x weeks of last period of cohab- itation**	**Parents cohabited between x weeks and y weeks before birth**	**DNA evidence without court declaration**	**Child born via assisted conception and evidence of paternal consent is available**	**Written Acknowled- gement of paternity exists**
Norway	Emphasis on fathers who want to acknowledge		Yes, including test								Yes, before age 1
Sweden			Yes						Possibly via intervention of social welfare board and supported by evidence		Yes
US			Yes								Yes
Australia	Yes	Yes	Yes	Yes	Yes	Yes (x = 44)	Yes (x = 44)	Yes (x = 44, y = 20) 44-20		Yes	Yes
Austria	Yes		Yes							Yes with judicial declaration	
Belgium			Yes	Yes							
Canada	Yes		Yes								
Denmark				Yes (if parents co-resident)					Yes		
France			Yes	Yes							Yes
Germany			Yes	Yes							

Country	Child born or conceived in marriage	Father's name on birth certificate	Court has declared parentage (including following a DNA with test	Legal acknowled-gement or declaration in place	Child Adopted	Child born within x weeks of an annulled marriage	Child born after divorce but within x weeks of last period of cohab-itation	Parents cohabited between x weeks and y weeks before birth	DNA evidence without court declaration	Child born via assisted conception and evidence of paternal consent is available	Written Acknowled-gement of paternity exists
Nether-lands	Yes - generally presumed unless denied		Yes(via test, which needs mother's consent								
New Zealand	[3]	Yes	Yes including test								Yes, although complicated by approach to guardianship

[3] ***Source of data – social policy research unit website, University of York*** http://www.york.ac.uk/inst/spru/research/summs/childsupport.html

Paternity – The United Kingdom legal position and background

The wider UK legal position on paternity is complex and has typically been characterised by a number of sizeable inconsistencies (Lord Chancellors Department 1998, Wikeley 2006). Smart (1987) argues cogently that these inconsistencies stem from a historical legacy wherein the ownership and inheritance of property on descent was central. *The 'tortuous complexity of the legal system designed to protect this'* (Smart 1987 p99), reflects the continuing problem of paternity in the western European patriarchal family.

For married men the common law principle of 'pater est nuptiae demonstrat' (the father is proved by the marriage) has long applied. Under English common law there is a presumption that a child born within marriage is the child of the mother's husband. Traditionally this presumption held true even where the evidence suggested otherwise. Indeed it was not until 1949 that a husband could divest himself of paternity by adducing evidence 'beyond all reasonable doubt' (an interesting use of the criminal rather than civil law burden of proof), that a child born within marriage was illegitimate. Following the changes introduced by the aforementioned Child Support, Pensions and Social Security Act 2000 these assumptions have been enshrined in legislation. The onus now rests on the married, or formerly married, father to rebut any such presumption - bringing it into line with the Scottish legal position.

Where a child is not born within marriage, (or is, but the above presumption is rebutted), legal paternity (which should be distinguished from the entirely different legal concept of parental responsibility[13]) may be established in one of two ways.:

- Firstly the 'child' in question (or someone acting for them, usually the mother), may seek a declaration of parentage under the Family Law Act

[13] Parental responsibility essentially allows an individual to make decisions pertaining to a child's upbringing and to be involved with that child. It need not be confined to genetic relatives. This contrasts with paternity/parentage which is concerned with establishing that someone is the father of a child either biologically or in law. In addition Bainham (1999) introduces the interleaving concept of parenthood as an ongoing status

1986 (Black 1986). This declaration has always been binding for all purposes, including nationality, citizenship and property inheritance.

- Secondly the CSA, acting on behalf of the child's mother or the Secretary of State for Social Security, can, under Section 27 of the 1991 Child Support Act, apply for a declaration of parentage. Although initially confined to child support matters, the amendments in 2000 changed this so that the effect is not solely limited to child support. This poses wider unresolved questions. For example, the judgement in the Re L case argued strongly that this provision invoked a child's right to: *'establish details of ones identity as a human being, and specifically, to establish who ones biological father is*'. The judge in this case considered that this engaged Article 8 of the European Convention on Human Rights (Munby J, para 23, Re L 2005 1 FLR 210)

Since the advent of blood tests, scientific intervention has been part and parcel of paternity disputes - helping to discharge the requisite evidential requirement. Thus a court may direct tests under Section 20 of the 1969 Family Law Reform Act. Initially these tests were based on blood grouping - and could simply exclude a putative father from paternity. Scientific developments in genetic technology now mean that blood (or potentially other tissue) samples can be subjected to genetic testing. Consequently a very high degree of certainty is possible - with diagnostic techniques confirming paternity to a 99.99% level of probability (Cellmark 1999). Indeed the material produced by University Diagnostics Limited during the period that they operated the Agency's DNA testing contract was yet more categoric, sending clients a letter that informed them that *'when we have completed our tests, we will send you a copy of our report stating whether or not you are the father'. (UDL 2000)*

Although the 1969 Family Law Reform Act gives no guidance on exercising the discretion to order blood tests, case law has established that *'tests should be ordered unless to do so would be against the welfare of the child'* (Gilbert 1996 p 361). In the past case law indicated that the long term psychological implications for the child, such as the disruption of security, were key considerations in determining whether welfare might be put at risk by paternity testing (Gilbert

1996). This reflected a wider policy climate where the search for genetic origins was not necessarily viewed in a positive light - witness earlier attitudes to adoption and donor insemination (see for example Smart 1987, Blyth 2000). Over the past decade and a half the common law position has shifted, in part due to the intervention of international conventions, coupled with changing views of the constituents of child welfare. Thus a 1996 ruling by Ward LJ makes the point that:

> every child has a right to know the truth unless his welfare justifies the cover up'
>
> (Gilbert 1996 p 365).

This change in emphasis was based on Article 7 of the United Nations convention on the rights of the child which maintains that a child has, as far as possible the right to know and be brought up by his parents (Gilbert 1996)

To briefly expand upon this, Gilbert (1996) maintains that Lord Justice Ward separates questions of attachment from biological paternity. Article 7 of the UN Convention on the Rights of the Child is interpreted as *two* rights, with knowledge of (genetic) parentage standing as a right on its own. Thus the importance, or indeed 'right' of a child knowing the truth about biological parentage is increasingly stressed by the judiciary. By contrast the impact on wider social relationships may be, (if this case is typical), subject to a degree of blithe optimism, as the following quote suggests :

> Acknowledging Mr Bs [the putative father] parental responsibility should not dent Mr Hs [the mother's husband and social father of the child from birth] social responsibility for a child whom he is so admirably prepared to care for and love, irrespective of whether or not he is the father (Gilbert 1996 p 366)

The reference to Mr H's 'admirable' behaviour in caring for and loving the child in question is revealing (especially as the common law presumption would, ironically, have been that H, as a child born during the currency of the marriage, was his 'own' legal child). Although the law has safeguarded the position of

legal over biological fatherhood for centuries, Lord Justice Ward clearly considers that to love and care for a 'legal' child who lacks the necessary biological connection is exceptional - worthy of comment and praise.

This statement marks a sizeable departure from the previous position. It attests the increasing prevalence of genetic thinking, buttressed by the availability of DNA tests, in deciding questions of paternity. As Marsiglio (2000) points out, DNA testing:

> offers the possibility of eliminating the time honoured custom whereby men have chosen to trust women not to deceive them' (Marsiglio 2000 p171).

Kaebnick (2004) makes a similar point about the potential of DNA testing to answer traditional uncertainties.

Implicit in the judicial thinking is the premise that parenthood is a genetic, rather than legal status. As previously noted, this is questioned by Bainham (1999) who separates parentage from parenthood and parental responsibility. Judging from the above, the legal profession appears to be a risk of conflating parentage and parenthood.

Further evidence for this shift towards the assumption that knowledge of genetic paternity is automatically 'a good thing' except in particular circumstances, is afforded by subsequent judicial utterances. For example, in the Re O & J (Paternity: Blood tests) 2000, 1 FLR 458 Mr Justice Wall, while upholding a mother's current ability to block DNA blood tests for paternity testing under the provisions of the Family Law Reform Act[14], clearly felt that this capacity was not in the best interest of children.

This echoes the position of the vocal 'fathers rights' groups who support the premise that every child has a fundamental right to know their genetic father and who call for a unified approach to DNA testing (Families Need Fathers 2006).

[14] By refusing to consent to the provision of tissue samples

Haimes (2006) also notes the move from secrecy towards greater openness in her discussion of the ethical dilemmas posed by familial forensic testing.

In general then, there appears to have been a shift in the judicial 'default setting' from a position where the semblance of a nuclear family was preserved despite genetic non-relatedness, towards a climate where genetic knowledge is increasingly seen as an integral part of child and parental identity. This is referred to by Sheldon as the relatively recent *'prioritisation of a genetic basis for legal fatherhood'* (Sheldon 2001 p472). One would have hoped that this judicial move towards the exclusively biological model of paternity was rooted in firm evidence of improved child welfare, since it is this argument that is implicit in the judicial discourse. The following quote from Maclean and Eekelaar suggests that this is open to doubt (Maclean and Eekelaar 1997).

> In recent years there has been a tendency to emphasise the biological basis of familial relationships. It can be strongly argued that an individual's biological origins may be an important part of that individual's sense of self identity. There is therefore a growing appreciation that people may have a right to information about their natural origins, and this right can create a social or legal obligation to others to make this available. But the extent to which natural relationships generate obligations may be perceived to be relatively limited. Obligations which are embedded in social parenthood may be more extensive and more durable. (Maclean and Eekelaar 1997 p152)

In similar vein Bradshaw et al (1999) question the existence of an automatic normative financial obligation between absent fathers and their children.

To return to the context of child support liability, the situation in respect of adoptive children and children born by new reproductive technologies is a case in point. For adopted children, the assumption of legal responsibility triumphs over the biological – a biological father is not liable to pay maintenance if a child has subsequently been adopted. The same dichotomy is true of children born by licenced donor insemination. For child support purposes a biological father who engenders a child as a sperm donor via a formal, licensed clinic is uncoupled

from the need to pay maintenance (Jacobs 2005). The same is not true of unlicenced sperm donation, where the donor remains liable to financially maintain. Historically, and to some extent still, this may be underpinned by issues around familial privacy, the desire to support 'traditional' family form and notions of 'potent' manhood. (Daniels 1998, Smart 1987, Snowdon 1998). As Haimes (2006) notes in her discussion of families and bio-genetic connections and the roles of the State and professions in both sustaining and changing practices of secrecy:

> In brief, pro-family ideologies outweigh genetic anomalies: genes might be important but families and family life are even more so (p266)

On a more pragmatic note, the potential under supply of donors if maintenance liability attached to such fathers, is highly likely to be a factor.

By contrast, 'informal' donor insemination (such as self insemination groups) *is* linked to child support payment. This raises interesting questions, not least about which type of families are seen as deserving of the protection of the aforementioned 'pro-family ideologies'. Unlicensed insemination arguably differs from its licensed counterpart in a number of ways. These include the involvement of medical and, to some extent, policy institutions as distinct from less formal non-institutional arrangements. The distinction also warrants consideration of the way in which responsibilities incurred under different circumstances are conceptualised. For example, is institutional intervention now viewed by legislators as a proxy for the responsible assumption of nuclear parenthood (in much the same way that marriage is a formal institutional intervention. If so is this a model of paternity based on intention - one of Murray's 'three meanings of parenthood (Murray 2005). Alternately is the role of the institution per se a side effect, contingent on the fact that only approved 'responsible' families can gain access to the formal systems via medicalised institutions? (Haimes and Weiner 2000). Or was this an essentially practical policy decision, centred on the fact that unlicensed arrangements would be evidentially more difficult to prove than those conducted in a more formal setting, and could be used as way of avoiding 'responsibilities', (and if so was this

underpinned by assumptions about the type of person who might seek to evade these?)

This then leads to broader concerns over what children are 'for' and what role they serve from the perspective of parents, families and the State. It also raises issues about the right and fitness (or not) to have children and under what circumstances (Campion 1995, Holm 1996, Haimes 1998). These are pertinent to a wider debate than can be practically covered in this review however. What is clear, is that while the 2000 Act has tidied up some loose ends in the paternity establishment process, it has not tackled the inconsistencies that apply once paternity has/or hasn't been determined.

In summary, the legal perspective on genetic paternity remains confused and inconsistent but a number of points emerge from the tangle of relevant literature. These are as follows:

- There is a move to greater openness about genetic origins both within families where biological and legal relationships may differ, and within the legal profession[15].

- In some cases this appears to be based around the appealing, but not necessarily proven, assumption that knowledge of paternity will be followed by improved child outcomes which transcend the purely financial. There is a sense that the genetic link is, and of itself, 'something special' and seminal to a child's identity

- There are also questions around whether the existence of a source of compelling scientific evidence itself erodes other less technologically based evidence, such as the nature of the parental relationship – does the possibility of proof warrant the existence of suspicion?

[15] Recent changes allowing 'DI children' to access the donors name when they reach 18 is illustrative of this

- The history of parentage is confused and the introduction of statutory parentage assumptions into English law does nothing to resolve this and may continue to buttress established institutions and reinforce legal as distinct from biological linkages (Smart 1987)

Paternity discontinuity – individual implications

The previous paragraphs on the legal position around paternity have highlighted the law's response to instances of biological paternity discontinuity. The following subsection expands upon these.

Until relatively recently paternity testing in the more general sense attracted little interest[16]. Where touched upon it tended to slip elusively away without detailed exploration. For example, reference to the aggressive advertising of paternity testing in the US was questioned in the Economist in 1999, expressing qualms about the rapid deployment of DNA technology and asking *'is it a good thing for cutting edge genetic technology to move so quickly from the laboratory to the billboard'*? (Economist April 24th 1999 p60). Similar examples of the less blatant advertisements featured in the UK legal press are provided by Richards (1997). These are not, however, subjected to any detailed scrutiny.

Given this context it is perhaps unsurprising that, (despite rising interest in human genetics and society), paternity testing, and its attendant implications, were largely overlooked until the start of this century. The reasons for this apparent unconcern are clouded. They may owe something to the hegemony of social security ancestry within child support schemes, so that the wider heritage of the 'stepchild' that is DNA testing is obscured. Simple inertia may be another reason. In addition Mink's feminist analysis suggests (1998) that paternity and child support have been elements of welfare policy for so long that they are no longer controversial, despite their patriarchal implications. More fundamentally, it is possible (even probable) that as the late twentieth century moved into the

[16] although a number of publications noted that doubt over paternity may be identified in the course of genetic testing for inherited diseases, with attendant strictures to adopt a sensitive approach (see for example, Berry 1994).

twenty-first century, the notion of a man seeking certainty about genetic paternity is seen as so automatically 'natural' within today's western society that it is not worthy of comment. In short the test may warrant no further discussion because certainty is viewed as an automatic paternal expectation, with DNA testing simply acting a corroborator and provider of this certainty. If so, this tendency towards characterisation of the family on the basis of shared (and proven?) DNA, is in contrast to the rising diversification of social family life for many individuals (Utting 1995, National Statistics 2007). Again, it begs the question 'what constitutes paternity, an individual's genetic complement or the provision of care, support and attention?.

This unchallenging acceptance was initially thrown into public focus by Channel 4 in 2000, leading to widespread press coverage The fact that the 'ethics and legality [of paternity testing] are fraught' (Graff 13 June 2000, p30), attracted public attention, as has the impact on family relationships. Indeed, as the Times notes:

> 'Who's your father?' was a documentary which made you wonder about the blessings of modern science. For every mother, or father, or child that was relieved to have resolved nagging doubts about a child's paternity by means of DNA testing, there seemed to be dozens more whose lives had been shattered, like a dropped glass, on hearing the truth. If a father loves a child, how easy is it to love it in quite the same way once he has found out that it isn't his' [17] (Times June 14th 2000)

In recent years intentional paternity testing *has* been explored by a number of researchers. For example Kaebnick (2004), writing the US context, points to four categories of circumstance where genetic paternity testing is deployed, as follows: a man seeking to deny responsibility for a child, a woman or the State seeking to establish this, a man seeking to claim rights over a child and again, a woman seeking to deny these. Implicit in this is a distinction between rights and responsibilities – with the strong suggestion that 'responsibilities' as in the UK child support context, means the provision of funds to support that child.

[17] It is also interesting to ponder whether the same questions would be posed in respect of a mother discovering a child wasn't genetically 'hers'?

More recently Blustein (2005), Scott-Jones (2005) and Haimes (2006) have also explored the ethical and child welfare implications of uncovering a paternity discontinuity including the disruption and destabilisation of social relationships built on the premise of genetic relationship and the repositioning of individuals within the 'family 'map'. She also notes the way in which forensic uses of DNA analysis:

> entangles matters of identity with matters of *identification,* and the potential impacts that that can have on a wide range of people, as individuals and as members of family units and family networks. (Haimes pp273)

Further insights into this emphasis on identity can be deduced from research into contexts where links with biological parents are 'superseded' by other familial arrangements. These include the experiences of adoptees, parties to donor insemination and step-families. For example, work into adoption highlights the desire of individuals to understand their genetic origins as part of a quest for a 'narrative sense of self' (Haimes and Timms 1985). This research acknowledges the surprisingly complex issues around the prima facie 'self evidentness' of searching for parental information (a self-evidentness that may have extended to paternity testing). Coupled with research into donor insemination, it urges greater openness so that these genetic origins are not shrouded in mystery. This openness may not necessarily accord with the desires of parents.

These concerns are thrown into sharper focus in the child support arena for the following reasons

- While paternity testing could, theoretically, be characterised as a mechanism for buttressing openness where doubts exist, it is likely to be fraught with difficulties. The search for genetic origins by adoptees is undertaken by competent individuals of their own volition, whereas the search for the genetic origin of paternity tested children is (at least for CSA cases) driven by the State without individual consideration of the interests of the child. For

example, until relatively recently adult adoptees were initially required to meet with a counsellor before obtaining access to birth information (Haimes and Timms 1985). This recognised the magnitude of the potential impact on the individual. No such provisions have ever attached to paternity testing by the CSA. Indeed, lack of information about what happens to individuals after paternity testing is briefly touched upon by Sonenstein et al (1993). Otherwise it is a subject that has attracted relatively little attention.

- Drawing together the adoption theme with that of child support, Nichols Casebolt notes:

> In addition there appears to be no information on the psychological effects of paternity adjudication, but research in adoption has argued that knowledge of one's genealogical history is an important aspect of adult identity (Nichols Casebolt 1988 p251).

Extrapolating from positive adoption experiences to the child support context may be questionable. For example, in a culture where the 'nurturing mother' has been an abiding paradigm (Blaffer Hrdy 1999), there may be seminal differences between a search for a mother who 'gave up' a child, and the search for a father who may never have known he had one. The former is a conscious and active step. The latter is far more likely to be passive, casual and accidental. Haimes and Timms (1985) refer to an individual's need to understand if they are a child of 'love or lust'. In the case of paternity testing, one can hypothesise that the answer may often be 'lust' – begging the question, what then does this mean for the individual's sense of self? Moreover, if the history around one's conception is not what one might have wanted, then the question of an ongoing relationship may assume greater importance. But, and as previously noted, little is known of the effects on relationships after a paternity test has established a genetic connection.

The question of paternity also arises in work on donor insemination and the new reproductive technologies. These technologies may result in families where there is, again, a biological discontinuity between father and child. Unlike many

paternity test cases (one suspects) this discontinuity is planned (Snowdon 1999). It is thus known to both social parents from the outset, although the child may be kept 'in the dark'. Nonetheless there are some parallels to the CSA situation. For instance, questions around biological paternity, masculine identity, and genetic versus social fatherhood abound and are equally as relevant to the DNA paternity testing scenario - albeit recast in a different light. Indeed because the discontinuity may not, originally, be known to the fathers - these questions may be thrown into even sharper relief. For example the conflation of fertility with masculinity, ideas of 'genetic or temporal immortality (Snowden 1999 p37), and the sense of biological discontinuity as a threat to the family may all apply (Blyth 2000).

In addition Strathern's (1992) consideration of kinship in the context of the new reproductive technologies points to the increasing use of biological metaphors to ground social phenomena - highlighting the fact that kinship is not simply about biology, but also encapsulates a range of social arrangements. The implications of this are clearly delineated by Morgan (1996):

> Marilyn Strathern and her colleagues have in a cognate area argued that the deployment of reproductive technologies is affecting assertions we bring to understandings not only of family life but to the very understanding of family itself and cultural practice...' the way in which the choices that assisted conception affords are formulated, will affect thinking about kinship. And the way people think about kinship will affect other ideas about relatedness between human beings (Strathern 1992). And, I would add, the way in which we think about the relatedness between human beings will affect the way in which we think about the relationship between individuals, groups and the state. (Morgan 1996 p189)

In the interests of conciseness exploring these theories in any depth is outside the scope of this review. The persistent theme that emerges from them is the conflation of genetic connection with a whole host of other assumptions and behaviours. Many of the concerns around genetic

discontinuity in family settings are equally as relevant to DNA testing within a child support setting, They include:

- Impacts on children's sense of identity and on family relationships

- The sense that genetic linkages are somehow 'better' and more potent, with implications for individuals and structures that are not imbued with this, with potentially far reaching implications

- Concerns over the readiness with which testing is used, and the lack of prior deliberation by the parties involved. This is despite the fact that it may result in both 'detaching' rather than 'attaching children and may have negative implications for a child's narrative sense of self (Haimes and Timms 1985)

The interviews will attempt to glean insights into these potential impacts. (As the subsequent review of policy implementation literature reveals, this may be relevant to the inter-subjective meanings that policy actors ascribe to their actions and those of others)

The 'genetic' aspect of the DNA paternity test

Previous paragraphs highlight the literature relating to paternity testing and biological fatherhood. This generally fails to engage with the fact that paternity is now proved via a genetic test, and that genetic testing, in an overarching context of rising genetic dominance, may be charged with greater symbolic force than other determinants of risk and certainty. In short a genetic test may carry more weight because people see genetics as somehow more 'portentous' than other paternity clues and tests (such as blood, behaviour or phenotype) (Dawkins 1999). As Haimes explains in her discussion of a 'mixed-up babies' case where a mother gestated a child that was not genetically hers *'the facts of, and thus the claims from, genetics are seen as indisputable'* (Haimes 2003 p16) Moreover, genes are seen as being 'for' something - so genetic inheritance may not be viewed as a simple sharing of parental resources, but rather as the transmission

of particular characteristics. If so does parental responsibility extend to the whole child as a jointly engendered being - or only to the relevant elements?

Potentially at least, DNA paternity testing is thus subject to the many concerns that beset other forms of genetic testing. It may 'matter' more than a blood test because genes are seen as more fundamental. It may also matter differently since genes are characterised as being 'for' particular characteristics. One way of explaining this is briefly focus on the lessons and policy insights from other areas where genetics are used to prove particular physical and social associations.

Examination of the literature dealing with genetic testing in other contexts raises a number of specific practical ethical concerns which chime with the CSA setting. These concerns fall under five interconnected headings[18]:

- Management of genetic information
- Consideration of child welfare in the context of decisions around the use of genetic tests
- Consent to genetic testing
- Quality assurance
- Genetic reductionism and reliance on naturalistic arguments

Subsequent paragraphs summarise each of these in turn.

Management of genetic information: Firstly the 'forensic' focus of CSA procedures rightly or wrongly contrasts sharply with other policies that deal with

[18] There are also some parallels with the concerns of Lippman (1994) that genetic screening can be used to shift the burden of responsibility from the State to individual parents. While this question of individualised, genetically linked responsibility also underpins the Child Support Act, the connection with any genetic screening concerns are relatively peripheral.

the management of genetic information and identity in the family sphere. This includes the information needs of children born via new reproductive technologies (Trevos 1996, Blyth 2000). As previously noted, at one point compulsory counselling was mandated for adult adoptees seeking information about their genetic origins (Haimes and Timms 1985). Yet a comparable concern has not been extended to children who are likely to be far more vulnerable.

The forensic approach is also strikingly different from the requirements observed by practitioners dealing with other elements of genetic intervention in the family. For example Clarke (1994) stresses the importance of considering the implications for children if the acquisition of information about a child's genetic structure could prove damaging to the child's long term well-being. While Clarke approaches this issue from the perspective of 'health' interventions, it could be argued that genetic information about paternity is at least as central to a child as is the long term risk of an inherited disease.

The theme of information management also raises questions of privacy and confidentiality. This is another key strand of the debate surrounding genetic information (Morgan 1996, Nelkin and Andrews 1999) which refers to surveillance creep in the context of DNA testing. Allied concerns arising from the growth in genetic technology are linked to the potential for large scale population DNA databases (eg Science and Technology Select Committee 2000, Human Genetics Commission consultation '*Whose Hands on Your Genes*' (2000) include the thorny question of who should have access to genetic information, storage of such information and the use to which genetic databases might be put. Is it, for example, ethically right that State officials should hold information about a child's origins which could feasibly (if the parents are at odds) be kept from the child itself. Should a child be able to seek this information once it reaches majority for instance?

Consideration of child welfare: as noted in earlier sections, the broader welfare of the child (or indeed that child as anything other than a blood donor) is conspicuous by its absence in the CSA context. Again this conflicts with other

aspects of family and health law such as the Children Act. Instead it seems to be accepted that the child's welfare will be automatically served by resolving doubt and, hopefully, stimulating the flow of child maintenance. Although the alleviation of poverty is undoubtedly likely to benefit many children (Ford and Millar 1998), this one-dimensional approach may oversimplify matters (Haimes 2006). This deficit would be less worrying if all the children tested were babies incapable of understanding the process. This is not, however, necessarily the case.

Whether the outcome of these tests confirms or refutes paternity - the implications for the child are potentially sizeable (Scott-Jones 2005). They may affect not only the father-child relationship, which may itself be in need of support, but also the child-sibling, mother-child and grandparent relationships. Given the circumstances that often surround the timing of CSA intervention, it seems likely that these revelations may also follow hard on the heels of parental relationship breakdown - which may itself have deleterious consequences for many children (Mitchell 1985).

On a different, and from a child's perspective, critically important note, the reasons for undergoing testing, (such as the circumstances surrounding conception) are also likely to be central to the question of genetic identity, and so to the child's sense of self. This context will inevitably influence the 'benefits' to a child of information about paternity - and hence the ethics of the test . In practical terms very different implications may emanate from tests where the parties seek to attach the child to a particular individual, than from those where the father hopes to detach himself. As previously noted, the DNA paternity testing process may lead to children finding out whether they are the outcome of love or lust, of mishap or intention (Haimes and Timms 1985), and indeed potentially of deceit. How they and their families then deal with this information in a CSA context is not known. It seems likely that this will be especially problematic if the child is then left with greater uncertainty about his or her biological origins. Moreover, a child may even undergo the DNA testing procedure for a second or subsequent time if alternative candidates for paternity are identified, or be left 'fatherless' if no man is named.

Despite this there is no evidence that individuals contemplating DNA paternity testing in a child support setting are enjoined to consider these risks. Instead the CSA policy appears to be to encourage paternity testing where doubts exist. But once someone discovers that they are not the father of a child then it seems unlikely that they can simply put that information to one side and proceed as before.

Consent: The theme of consent for genetic testing, especially the consent of children also emerges from the health and genetics literature (Morgan 1996). Under the CSA scheme, both parents have to consent to the blood tests. It is questionable how consensual this consent is given the aforementioned implicit pressures inbuilt into the benefits system. This is likely to be exacerbated under new proposals. Perhaps more importantly, it is unclear what the CSA position would be if a 'Gillick competent' minor child refused to consent to blood tests for paternity testing.

Quality assurance: lastly the notion of somehow 'quality assuring' children is another persistent theme that emanates from the literature on genetic screening. Quality assurance (which derives from the manufacturing industry) is a technique that removes the risk to the buyer of a 'product' failing to perform satisfactorily. This is achieved by ensuring that it fulfils certain specified conditions prior to purchase. It is thus underpinned by the twin concepts of risk and certainty. In the context of DNA testing this begs the question - how much uncertainty are individuals prepared to live with, and why? How much are they prepared to take on trust? (Particularly when it is children not widgets who are the focus of the process). In essence the test becomes a quality assurance check for the father, often to a specified level of proof. For example, a number of paternity testing companies offer 'peace of mind' or curiosity testing and as Nelkin (2005) explains, media coverage of paternity can itself instil suspicion. Underlying this are difficult questions about the motivation behind the quest for a high degree of certainty re paternity and indeed why more fathers don't dispute paternity?

Genetic reductionism and reliance on naturalistic arguments.

There also appears to be a tendency to constitute the conscious and specific search for paternity certainty as a natural act. In reality, even if a biological basis for the search for paternity certainty is assumed, this is conferred via the father's relationship with the mother - there is nothing 'natural' about a DNA test. Indeed as Blaffer Hrdy, notes:

> Its not just a wise father who knows his own child, its either a father who runs his home like a seraglio with a eunuch at the gate, or else one who has a DNA fingerprinting lab at his disposal (Blaffer Hrdy 1999 p228)

More widely there are a number of concerns over the use of biological metaphors as justification for social norms and institutions which in turn has major implications for the development of policy, (Tuana 1989, Strathern 1992, Beardsley 1995). After all simply buttressing 'the natural' may be relatively uncontentious in today's political and social climate and may therefore render the potentially unacceptable, more palatable.[19]

A striking, and apposite illustration of this was provided by an article in CSA's former internal newsletter 'CSA weekly'. Under the heading 'DNA Testing Hits the Headlines Again'. This referred to reports of research undertaken by the London School of Economics, and read:

> Researchers claim that women are driven by primitive urges to seek the optimum genes for their children, and men working long hours and commuting could contribute to the uncertainty about whether children have been fathered by the man who is bringing them up. (CSA weekly 9 February 2000, p 1)

The article goes on to reveal that the research calls for the National Family and Parenting Institute to *'investigate whether mistrust over paternity may be an overlooked factor in family breakdown'.*

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[19] Aside from paternity other examples include the descriptions of GM crops as replicating natural selection only more quickly

This quote is revealing - it neatly encapsulates a number of naturalistic and genetic assumptions. It is therefore worth 'unpacking' it to illuminate the current stance on paternity uncertainty and its 21st century logical corollary - the paternity test.

- Firstly women are portrayed as beings 'driven by primitive urges'. This implies that their actions are outside their conscious volition, that they are creatures of nature rather than of the rational (who may therefore need to be controlled). This smacks of earlier, Victorian characterisations of women (Weeks 1989)

- Secondly they seek, not more convivial partners or fathers but 'the optimum genes' (which, it must be said, is a rather sophisticated goal for the aforementioned 'primitive urges'). The genes themselves become the object of the exercise, rather than the search for a more satisfying relationship - be it biological, social or both.

- Lastly the quote distinguishes between a children's 'father' and the 'man who is bringing them up' - defining fatherhood solely along genetic lines. As Djerrassi, writing in Science (2000), reflects, fatherhood is wider than this somewhat narrow viewpoint.

- It could also be held that there is a fair degree of implied gender bias. Men working long hours and commuting are not only likely to be the victims of women's 'primitive urges' in terms of raising a child that is not genetically theirs. They are also likely to encounter the opportunity to follow a few 'primitive urges' of their own (it does, after all take two to tango). The context of the quote arguably stresses the 'duped male' aspect and hence overlooks this additional dimension, despite the fact that similar naturalistic arguments are often trotted out to justify male promiscuity. This meshes with Grossberg's (2005) 'duped dads' and Sheldon's discussion of 'sperm bandits' which argues that media coverage of birth control 'fraud' portrays women as gaining the 'upper hand' in a battle of the sexes (Sheldon 2001)

The widespread deployment of this type of argument is hazardous because it may create paternity doubt where none previously existed. Thus if natural, genetically driven 'urges' are conceptualised as ineluctable, then it is sensible for men to confirm paternity regardless of the parental relationship - (because who knows when one of these primitive urges might have waylaid an otherwise loyal and satisfying partner). It seems very likely that this could damage the relationship between the parents and children.

Some might argue that this is reading too much into a simple quote. Nonetheless it is by the use of language and metaphor that we shape and sustain cultural perceptions and norms, and examples such as this show how it is possible to think (Strathern 1992). Since this article was widely disseminated within the CSA it may also have influenced how the Agency 'thinks'[20]. Assertions of this nature pave the way for alleviating 'mistrust over paternity', not by fostering better relations between the partners and tackling working practices that damage family life, but by checking out paternity using DNA testing. Once the genes have been characterised as the critical features, then tests to verify the nature of those genes become the logical response to doubt.

Concluding comments

To conclude, this subsection has highlighted the wider issues surrounding paternity testing and revelation of paternity discontinuity. From personal experience with the CSA, these considerations rarely, if ever, surface in the policy development discourse, (as will also be evidenced by the interview data in subsequent chapters). Instead the current approach to the risks inherent in DNA paternity testing may, speculatively, owe much to a policy context within which specific provisions were developed, rather then the nature and impact of genetic testing upon children and families. The proposals surrounding paternity arose out of social security/legal matrix of the Department for Social Security and the then Lord Chancellors Department, whereas other genetic interventions are

[20] Or to expand, whether underlying assumptions about client motivations and behaviour and the drivers behind these, influence the way in which policy and organisational responses are crafted

located in the realm of health and social care interventions. These appear to have resulted in decidedly different outlooks and approaches, which will be explored in the data chapters. This appraisal of the literature therefore poses questions around the institutional setting and its implications for developing policy. As an 'insider' researcher it has also proved methodologically invaluable as a tool for stepping outside the parameters of the organisation and examining the policy through a very 'alien' lens.

Policy development and implementation literature

A major aim of the research is to explore the definition and implementation of the CSA's paternity policy. This next section therefore reviews relevant literature on models of policy making and implementation. It is worth noting that literature on child support paternity policy analysis and indeed on child support paternity establishment generally is relatively scant. The review therefore necessarily spans more general sources – extrapolating from these where appropriate.

Making policy

Much of the existing literature distinguishes between policy making and implementation. In this context the development of policy is essentially about the deployment of power in the context of agenda setting and key decisions. Or to put it bluntly, how does an issue come to feature on a policy-maker's radar of 'things to do something about', and by who and how is that 'something' decided?

The search for a coherent model of policy analysis that will answer these questions about policy formulation has undergone a number of iterations. Models of how policies come to pass have ranged from the simplistic, somewhat mechanistic and descriptive, 'stages' models, to scrutiny of the roles of networks, values, institutions and discourse. Debate has also raged in respect of the value of positivistic empiricist reasoning in the construction of policies compared to the role of socially constructed meanings (Fischer 2003). The

following paragraphs review these in the context of child support paternity establishment policy.

Policy types – relevance to child support?

Early analyses of policy making identified four types: distributive, redistributive, regulatory and constituency (Lowi 1964 cited in Pinter 1998). The merit of this categorisation lay as much in the articulation of policy sectors as a separate field of study. In one sense this typology is not especially helpful in the context of wider child support policy, not least because the policy strays into more than one category. For example, the transfer of child support is in one sense redistributive in that it facilitates/enforces the reallocation of resources from non-resident parents to parents with care – who have typically been at greater risk of poverty. This is, however, individualised redistribution. Furthermore, the original aim behind the Agency's creation included limiting the extent of State distribution of resources. So it may equally be a distributive policy in a rather negative sense (in that it seeks to reduce distribution to those that could be supported via another means). Moreover the initial political rhetoric around the introduction of the CSA (such as Peter Lilley's 'little list' at the 1992 Conservative Party Conference), and the emotive language surrounding the aforementioned feckless and the deadbeat fathers, suggests a regulatory aspect. There are certainly clear moral overtones shading the desirability of paternal financial responsibility and the undesirability of careless sexual activity. Other than this Ellison (1998) maintains that the use of such typologies overlooks the fact that:

> policies are rarely formulated or reformulated outside the context of ongoing implementation and formal or informal evaluation' (Ellison1998 p35).

He argues that this may then impede the understanding of policy and intergovernmental relations by instilling a philosophy that understands policy as a series of succinct successes, rather than as *'tactical adjustments in a broader governing scheme'*. (The same challenge could be legitimately levied at any division between policy making and implementation, other than as a simple structuring mechanism).

Attempts to categorise child support policy under these headings may offer some mileage as a means of illuminating the inevitable internal tensions within child support policy. These then signal the difficulty of deciding which (revenue protection, child poverty alleviation, and encouraging 'responsible parenting' being but a few), takes priority when policy decisions are made. On a similar theme Steinburger (cited in Fischer 2003) suggests that Lowi's typology can be used as a basis for understanding the expectations and meanings ascribed to a policy. This then paves the way for assessing whether:

> ....certain policies tend to be defined in characteristic ways. And if so, are they developed and disseminated in particular ways. Do some groups tend to see all policies in terms of particular policy characteristics? Can business groups be show to see policy issues in terms of substantive impacts, while environmental groups speak in terms of exhaustibility, and so on? (Fischer 2003 p65)

As earlier sections have shown, the use of DNA testing within the Child Support Agency does not appear to reflect the concerns that pervade the health and genetics domain. One question for this research may therefore be whether there is a particular 'social-security' way of seeing policies? This will be considered in the empirical chapters and subsequent conclusions.

Policy 'stages' and 'processes

Moving from typology to the policy process, simple stage models endeavour to explain the policy making process. These models track policy making through the election of politicians, to the articulation of policy by politicians, and thence to implementation via officials. This attractively orderly process is rooted in the epistemological tradition of scientific rationality (Hill 1993b). In certain circumstances it may provide a basic descriptive framework for the process some policies undergo during their development. This is particularly relevant to those policies subject to parliamentary legislative endorsement. These inevitably require adherence to certain stages to bring an Act or regulations into being, (such as ministerial submissions, instructions to solicitors, various impact

assessments, bills, debates/committees, parliamentary assent etc). As a result it may be possible to discern some degree of staging in the preparation for the Child Support, Pensions and Social Security Act 2000 policy changes. But in the context of the original child support paternity testing policy there was no legislative approval. (Although some form of ministerial approval, probably via a submission, seems likely).

These models are simplistic but have a certain appeal, not least because they provide a clear cut view of accountabilities and governance, with implementation issues firmly embedded within prior policy decisions and local discretion controlled by local hierarchy (Hill and Hupe 2006). Nonetheless Hill (1993) describes the pre-occupation to establish a fit with the rational system model as a shared 'dignified myth' within the policy making community, holding the status of a normative model. Linked to this, use of techniques such as cost benefit and detailed economic analysis compound the pervasive impression of rationality and objectivity (Griffin 1995, Pinter 1998, Hill 2000). This is exemplified by the examples of good and bad proposals (the latter lacking costed evidence) on the former Cabinet Office, (now DBERR) Better Regulation website (Better Regulation Executive 2008). This focus on socio-economic features is unsurprising given the somewhat murky distinction between economics and politics.

This 'rational actor' model may help to explain elements of change and variation in public policy. But the rationality in question is inevitably bounded and it also fails to satisfactorily account for where underpinning preferences are derived (Pinter 1998). For example, who decides which pressure groups to consult in the pursuit of objective 'evidence' and what underpins the translation of policy outcomes into financial benefits. Building from this Fischer (2003) expounds on the manner in which this 'rationality' is inevitably underpinned by interpretation and discourse – rendering any aspiration to objectivity questionable at best (Fischer 2003). The staff interviews will explore the operation of the 'dignified myth' in practice.

Lindblom's seminal work continues to operate within the rational actor paradigm, while injecting greater complexity. This includes acknowledging the inevitable inability of policy makers to 'synoptically' and scientifically analyse all the possible implications of a policy at its inception (Lindblom 1979). This analysis introduces the concept of feedback loops and incrementalism. 'Muddling through' is harnessed to non-radical, incremental change that builds upon the experiences of the past while retaining the principle of linearity. Again this has a certain resonance with the incremental development of CSA's paternity policy over time, and the resistance to radical change that this implies.

As a more multi-dimensional alternative to the stages heuristic, Hill and Hupe (2006) suggest a multiple governance framework that retains an *'idea of stages, although a loose one'* (pp558-9) while catering for greater complexity and *'nested interrelationships'*. They anticipate that this will provide a more sophisticated mechanism for the exploration of policy development and delivery. This framework posits three broad sets of activities which they term constitutive, directive and operational governance. Thus structure-oriented constitutive governance deals with the generation of rules around the content and organisational arrangements of a policy. Content-oriented directive governance *encompasses 'the formulation of and decision making about collectively desired outcomes'* p560, and process-oriented operational governance concerns the actual management of this realisation process. They then locate these three 'activity clusters' within a matrix that contains action situations and actors. The latter is empirically open. The former is subject to another threefold distinction based on the locus of political-social action situations, namely whether the action is of and between individuals, organisations or systems. In addition the loci and activity clusters need to be explored in the context of formal institutional or organisational layers (action locations).

The following table summarises the elements of the framework

	Action level		
Scale of action situations	Constitutive governance	Directive governance	Operational governance
SYSTEM	Institutional design	General rule setting	Managing trajectories
ORGANISATION	Designing contextual relations	Context maintenance	Managing relations
INDIVIDUAL	Developing professional norms	Situation-bound rule application	Managing contacts

(Reproduced from Hill and Hupe 2006 p563)

Use of this less linear analysis framework may prove useful when considering the development of CSA paternity policy, not least in again driving out questions of definition. Is, for example, the creation of a single nationwide DNA testing contract operated by a single provider, a constitutive 'institutional design' action situation, or a managing relations operational governance one? As an accountability framework it may also illuminate where accountability deficits occur.

Policy loci –networks, communities and institutions,

Other authors explore the role of groups, networks and policy communities. Underpinning this is the view that policies are shaped by the ideas of small influential groups, and are to some extent contingent upon the need to mobilise resources from both inside and outside their sector – hence the network (Pinter 1998). These networks can be both open and shifting or more stable restricted

communities. According to Benson (1982, cited in Hudson and Lowe 2004) they are characterised by resource interdependencies, which Rhodes (1997) then builds upon to determine four core assumptions: interdependence, continuous resources exchange, game like interactions and autonomy.

Policy network theory encompasses a network continuum ranging from stable policy communities to unstable issue networks (Marsh and Rhodes 1992), potentially with both core and peripheral aspects. In practical terms policy networks are again seen as fostering incremental change and favouring the existing balance of interest and power. They are a mechanism for understanding the flow of power within a network. This operates by virtue of who distributes and holds the resources that the network depends upon, and which therefore bind it together. While these analyses resonate with my personal experience, it has been argued that policy making is about relationships in any case. Critics (eg Dowding, cited in Hudson and Lowe 2004 pp 135) hold that the network concept is too flexible to add sizeable explanatory power – although the focus on shifting and complex relationships is useful, particularly when explaining accountability deficits

Other analyses of policy making have explored the role of institutions in policy making with institutions variously described as *'habits of decision making and belief systems* (Pinter 1998 p58)' or a *'black box' that turns politics into policy'* (Pinter 1998 p39). On the same theme Hall characterised institutions as:

> 'the formal rules, compliance procedures, and standard operating practices that structure the relations between individuals in various units of the polity and the economy' (Hall, 1986, cited in Fischer 2003 p29).

While Kauneckis and Imperial (2005) explain that:

> Institutions promote positive outcomes by helping actors resolve social dilemma...Institutional analysis examines the design of roles to address the problems that individuals face (Kauneckis and Imperial p4)

It is worth noting at this juncture that institutional and network approaches to policy analysis are by no means mutually exclusive. Moreover, in the context of stable policy communities the distinction between a network and an institution or institutional unit becomes less clear cut. Hudson and Lowe outline the 'stickiness' of institutions, and their role in filtering policy as referees of 'the rules of the game'. (Hudson and Lowe p155). They can therefore act to block some policy pathways before debates have even begun.

Interestingly the role of institutions emerges in one of the few analysis of paternity establishment policy (Crowley 2001). Focusing on the US experience Crowley considers the role of institutional legacies in the transference of paternity establishment tasks from one agency to another. The focus of the research is on the selection of one institution over another, considering the role of historical inertia and historical institutional 'stickiness'. The outcome pointed strongly to the role of individuals behind the organisational legacies who made the difference, with demographic and court based factors having only very limited relevance. (Whether this is genuinely about institutions per se, or about individual actors who reside in institutions, is not entirely clear).

Part of this institutional 'stickiness' stems from path dependency, namely the manner in which previous decisions constrain the choices available in the future. This links to Dobelstein's argument that programmatic incrementalism, not ideology, has shifted US welfare policies. He maintains that the States have:

> approached welfare reform by creating programmes based on new technology rather than considering what welfare can do for our society, viewing welfare problems as technical problems rather than problems in the way people think about themselves and others (Dobelstein 1999 p7).

Based on my own experience this may chime with the United Kingdom child support experience. The deficiencies, cost and capabilities of successive computer systems have been core elements of the practical manifestations of policy, and have in turn limited future alternatives. Indeed Henman (1996) referring to the role of computer technology in the Australian social security

administration, argues that technology is not a neutral tool in the policy process but is essentially political, resulting in increased client surveillance and reduction in administrative discretion. Moreover, there are some clear parallels with this argument and the availability and use of DNA testing - once the Agency moved towards the use of DNA testing as a new technology to solve paternity disputes, its ability to make decisions that stepped away from this strategy were almost certainly limited.

Ideas, beliefs and values

In recent years part of the policy analysis emphasis has shifted to the importance of ideas and values as forces in their own right in policy formulation. These have variously been viewed as either pre-eminent, an artefact of institutional structures, or integrated into the rational actor model a mechanism for resolving conflict in the face of uncertainty. Thus Dobelstein asks:

> what guides the choice of values that determine whether one set of behaviours is ethically right or wrong? (Dobelstein 1999, p6)

He then questions whether there are universal values grounded in moral rather then personal authority? In short, he maintains that determining the nature of a social problem – ie the raw material for policy change, is an exercise in resolving conflicting values. This can be overlaid on shallower rational choice approaches – to deepen the understanding of how that rationality was itself framed.

Variations on the role of ideas and values include the question of policy transfer ie the transfer of policy ideas to other regimes, and policy learning. A child support specific example of this is provided by Dolowitz (2001) who uses a policy transfer framework to explore the American origins of the UK Child Support Agency and whether they are implicated in its subsequent problems. His findings conclude that policy transfer from the United States was facilitated by a perceived demographic similarity, ideological convergence between the Reagan and Thatcher government and a selective understanding of key elements of the US scheme.

Millar and Whiteford (1993) conducted a similar analysis of the Australian scheme in 1993 and concluded that policy transfer could have only a limited effect on child poverty. The role of policy transfer from oversees may have been less marked in the context of paternity establishment, since there are a number of marked differences between the English/Welsh and US regime. For instance, in the UK, unlike the States, there has so far been no move towards hospital based paternity acknowledgement or changes to paternity dis-establishment (Pearson and Thoennes 1996), although the consultation paper on joint birth registration (DWP 2007) makes reference to the United States experience. There may, however, have been some transfer from North of the Border where joint birth registration has historically been associated with legally established paternity..

Sabatier and Jenkins-Smith attribute policy change to the effect of advocacy coalitions. Their policy advocacy coalition framework proposes an explanation of policy change that stems from the interaction of competing, crosscutting and durable coalitions. These long-term coalitions, which typically include membership from a range of agencies, are characterised by shared basic beliefs. At the heart of these beliefs is a fundamental normative core, surrounded by a secondary core concerned with policy practice. Participants within the coalition will sacrifice secondary beliefs in the interests of protecting the normative core. The effect of policy learning on this secondary core is mediated via debate, including expert debate (Sabatier and Jenkins-Smith 1993) (The subsequent section on implementation also covers Sabatier's coalition framework). Thus Weible (2007) points to the structuring of multiple participant, belief motivated coalitions endeavouring to influence policy (which sounds not at all dissimilar to an issue network). This view has been criticised by Hajer (1993) who argues that advocacy coalition framework is inadequate to explain why and how policy change comes about. Moreover, the advocacy coalition approach is particularly relevant to the United States political framework, since the greater use of elected officials allows for a very direct impact upon policy change actors.

Finally, in a quest for synthesis Kingdon points to the flow of separate policy streams – namely problems, policies and politics, the combination of which may be as much due to luck as to other factors. (Pinter 1998). Again this is helpful in the focus it accords to the role of ideas and analysis (Sabatier and Jenkins-Smith 1993). It may also be a useful descriptive device and organising principle, but in the absence of a theory of luck it offers limited practical value.

Language and Discourse

Broadening this theme, some analysts have investigated the power of language, persuasion and argument which may masquerade as rational policy analysis (Pinter 1998 p154). Shram (1993) for example, draws from the realm of the discursive construction of identity to cast light on how linguistic practices, such as metaphor and symbolism, construct and maintain collective identity – and thence how the 'truth' of a policy issue is constructed. This approach deepens rather than precludes recourse to consideration of values and personal or organisational ethics, stressing that if these go unrecognised then their critical importance is overlooked (Jansson 1994).

In a similar vein Fischer (2003) argues forcefully against the deployment of narrow empiricism in policy analysis. Instead he calls for focus on the discursive practices with the policy environment, exploring the role of conflicting and consensual discourses and the deployment of specific and different 'knowledges' in the adoption of particular policies. This encompasses the inevitable interplay of power relationships and political pressures. This also engages with the manner in which social structures shape human agency. Thus agents are enabled to achieve policy change through discursive interaction with the structural context, potentially reforming the hegemonical discourses achieved by dominant political interest.

This school of policy analysis includes Hajer's framework of 'story-lines', namely the common adoption of narratives which evoke discourses and form the basis of coalitions (Hajer 1993, Ockwell and Rydin 2005). These differ from Sabatier's

belief systems in that they are not necessarily preconceived but evolve. Thus coalitions are held together by:

> narrative storylines rather then cognitive beliefs. Instead of being constructed around preconceived beliefs, policy coalitions are held together by narrative storylines that *interpret* events and courses of action in concrete social contexts (Fischer p102).

These storylines provide an interpretative paradigm. They both symbolically condense basic facts and values, and are amenable to reinterpretation. This provides for greater fluidity, and greater participant consensus/tolerance than the advocacy coalition framework implies. So in the early phases of a policy Hajer argues that the most effective storylines tend to be multi-interpretable. The storyline approach also precludes the need for personal contact between actors (Hajer 1993, Fischer 2003).

One of the central differences between Sabatier's approach and that of Hajer's storylines, is that the one requires conscious co-ordinated activity based around core beliefs and focusing on an 'objective' problem, whereas the other is essentially a more diffuse, definitional, way of thinking about an issue and of changing that thinking over time (Fischer 2003).

At a still deeper inarticulate level, the existence of unwritten Foucaultian style control systems and subjugated knowledges that exercise power via capture of individual thought processes is also central to this, and in the context of deep seated paradigms such as the nature of fatherhood, are likely to be relevant to child support policy making (Hudson and Lowe 2004, Foucault 1980). For example, if mothers are seen as inherently deceitful (witness the earlier analysis of the CSA weekly article) and fathers are seen as 'duped' – then DNA testing becomes an entirely sensible strategy.

Implementing policy

This leads into the domain of implementation and its effect on policy delivery, defined by Ferman (cited in DeLeon 1999 p 314) *as 'what happens between policy expectations and (perceived) policy results'.* In general, the 'problem' with implementation is that it rarely appears to quite match up with the original intent. This has resulted in an array of research that focuses on the 'bottom up' influence of the front-line. This is not simply rooted in concerns over implementation failure. The autonomy of many actors at street level, raises concerns over the issue of bureaucratic accountability, whether to the organisation, the profession, the consumer or the law, (Hudson 1989). These include substantial constitutional and legal issues where the policy has been clearly endorsed by Parliament and the implementing agency exceeds the limits of its statutory powers.

Understanding the street level impacts

No discussion of street level effects would be complete without reference to Lipsky 's (1980) seminal analysis of street level bureaucracy. This approaches the 'street level' with the aim of understanding the way in which policies are thwarted or distorted (or even improved). Reasons for this include the limitations imposed on the front line bureaucrat and the associated strategies and responses.

For any public organisation with a sizeable service delivery element, the impact of the exercise of discretion at 'street level' is likely to be critical. CSA is no exception to this. Extrapolating from this the Child Support experience may include the development of coping strategies that allow CSA front line staff to sustain service and personal values within the organisational work-based limits. This may involve developing conceptions of their work and clients that narrow the gap between the service ideal and imposed limitations (Lipsky 1980). One such example in a child support context may be Monson's (1997) study of paternity establishment interviews in Wisconsin, which found that gendered strategies were deployed to make judgements about women's truthfulness,

particularly when they were reliant upon State assistance. Waller and Plotnick (2001) also assess US child support policy from the street level, but with an emphasis on client rather than administrator experiences.

On a linked theme Murray, (2006), examines the implementation of strategies for vulnerable children. In this context she argues that managers and street level bureaucrats need not be at odds, instead they may both inhabit the same assumptive world. (Although she maintains that this challenges Lipsky, an alternative interpretation would involve redefining where the 'street level' starts and ends).

As the interviews will reveal, the exercise of discretion is at the heart of a number of the Child Support Agency's activities, including applying the disputed paternity policy. Unlike many other instances of administrative discretion (Adler and Asquith 1991), however, there appear to be few external calls for the discretion around paternity policy to be curtailed. Instead, the pressure to limit the exercise of discretion may be largely internally derived.

In terms of bridging the gap between the street level and the policy design Elmore (1980) calls for a backward mapping approach to as a countermeasure to the prospect of implementation failure. This takes as its starting point the policy development arena, (rather than assuming implementation starts at the point at which policy making ends). He then calls for policy makers to question the:

> Implicit and unquestioned assumption that *policy makers control the organisational, political and technological process that affect implementation.* The notion that policymakers exercise – or ought to exercise – some kind of direct and determinant control over policy implementation might be called the "noble lie" of conventional public administration and policy analysis...Neither administrators nor policy analysts are very comfortable with the possibility that most of what happens in the implementation process cannot be explained by the intentions and directions of policy makers (Elmore 1980 p 603)

Elmore's response to this lack of comfort requires the policy maker to consider the street level actors from the outset and articulate the specific behaviour needed at the point of delivery. This is then worked backwards, questioning the ability of each stage to affect the behaviour, and the resources needed to bring this effect about. He argues that this approach allows for capitalisation of discretion and reciprocity, which is itself an exercise of power, rather than simply viewing these as problematic.

Implementation models

The search for a broad-based theory of implementation has spawned an array of implementation models (O' Toole 2004). The following paragraphs outline a number of these.

Rather than trying to establish a single model of implementation, Elmore (1979) proposed four alternatives, envisaging that these be deployed flexibly to provide insights into the policy delivery process. He distinguishes between:

- Systems management – characterised by strong top down control, emphasis on rationality and defined 'packages' of discretionary decision making. These are set in the context of achieving goals set by top managers, and implemented through monitoring and compliance

- Bureaucratic - a bottom up 'street level' emphasis focusing on discretion at the point of delivery, incremental decision making and institutionally 'sticky' operating routines

- Organisational development – a consensual and egalitarian approach concentrating on maximising the effectiveness of the service via winning hearts and minds (this echoes the current fashion in management which focus on cultural change as a vehicle for organisational transformation (for example, National School of Government, Preparing for Top Management module 2, 2007), it also has some distinct parallels with Schofield's Learned Implementation Model (Schofield 2004)

- Conflict and bargaining, an unstable and competitive model where policies are implemented via a process of bargaining and adjustment, not necessarily in support of a single agreed goal. (this has clear parallels with network approaches)

These may indeed be useful analytical tools. But while Elmore suggests that they are deployed flexibly, he is silent on the position where, for example, one part of an organisation adopts one approach, while another believes it is receiving a different variant.

Schofield's (2004) discussion of implementation in the health service also points to the enduring theme of the:

> 'relationship between operational discretion and what systems of governance pertain and the questions of:1) who exactly establishes the rules of the game, 2) how are these rules interpreted and 3) what goes into enacting them'.

She proposes a new model of 'learned implementation'. This concentrates on the learning processes involved in translating policy into action and the role of management within this. In this context she points out that relatively little attention has been paid to the manner in which public workers operationalise policy. Her model combines six themes, learning, bureaucracy and the bureaucrat, structure, motivation, time and detail.

In an analysis which has some distinct parallels with the CSA, she explains that policy is operationalised via the invention of solutions to the problems that are presented by the policy. These solutions are then refined and routinised- either by repetition or by incorporation into tasks and procedures over time (Schofield 2004). This then requires a degree of competence on the part of policy actors, which may be lacking. Part of the solution to implementation failure is thus to buttress this competence by enhanced learning.

Sabatier (1993) also endeavours to explain the bottom-up/top down implementation tension within his advocacy coalition framework model. In the context of implementation this has three premises 1) policy change, 2) a focus on the policy subsystem, including intergovernmental and interagency perspectives and 3) the view of public policies as belief systems related to values, priorities and assumptions about causality. Thus actors in policy subsystems create or adapt policy in response to external systemic changes and internal stimuli, including learning. These coalitions are long term stable alliances underpinned by core beliefs around the role of government (Ellison 1998). In addition this model encompasses a policy loop where implementation experience can in turn influence formulation, involving actors at all levels of government in relatively informal alliances. It is therefore a model that can be applied to both implementation and policy design, (if, indeed, any such distinction is valid). However, the advocacy coalition model does not engage with the role, learning and motivation of implementation agents at the micro-organisational level (Schofield 2004). There are also a number of unresolved questions around the existence of single or multiple subsystems and associated questions of autonomy and cross-governmental inconsistency. Finally, the term 'advocacy' implies that participants in the coalition consciously articulate and act upon their deep-seated beliefs, which may not necessarily be the case in a practical setting.

Instrumentalism and social construction

On a different note there is a central theme to many of the above theories, namely that (to a greater or lesser extent), the organisation itself is an instrument for the attainment or delivery of a policy goal. Thus networks may exist or form to implement a policy, as may an institution or bureaucracy.

This instrumental orientation is discussed by Degeling and Colebach (1984) in their consideration of structure and action in public administration. They question the rational positivistic paradigm in the context of organisational studies. They then compare the social action perspective (where inter-subjective meanings are constructed, promulgated and acted upon by participants in interaction with each

other via a process of negotiated order, requiring an understanding of the perspectives of the participants) with a more instrumental structuralist approach.

The latter focuses on the wider social and historical structuring of power relationships within society and the manner in which this constrains and facilitates particular actions. The authors contend that it is the relationship between structure and action that is critical. They discuss the way in which instrumental communicative modes translate questions of contending values and power relations into problems that can be solved by the exercise of rationality, impersonally derived rules and 'scientific' techniques. This strikes a chord with my personal experience of CSA's policy development process. Fischer expands on this, expounding the manner in which knowledge may be forged and reforged through *'dialectically generated consensus'* (Fischer 2003, p124)

There are also echoes of this in management journals dealing with, for example, the effect of organisational culture and change management (eg, National School of Government (2007), Lillrank and Kostama (2001)). Thus managers are enjoined to grasp the informal 'paradigm' at the ideological heart of an organisation in pursuit of change.

Many or all of these may be relevant to the Child Support Agency's delivery of policy change, potentially in the context of the same change as it transmutes through the organisation from design, to preparation for implementation, through to delivery to clients.

It is also likely that CSA's origins as a 1990's 'next steps' Agency will complicate the position, injecting concepts from the 'New Public Management' school such as efficiency, managerialism, and the use of contracts (Christiansen and Laegreid 2002). Layered onto this is a new public management ancestry which introduces business and efficiency rhetoric but with more recent calls (Ferlie et al 2003) for research into the translation of policy into practice and partnership working. This latter may well then shade back into the various theories of policy development and implementation. Indeed in one sense any distinction between

research into public management and research into policy implementation in a public sector setting is probably artificial. Implementing policies is what public sector managers and front line staff *do,* even if the results may not be quite as envisaged at the formulation stage!

The search for synthesis

In short, the picture is complex, diverse and not infrequently conflictual, leading O'Toole (2004) to maintain that:

> 'Theories about policy implementation have been almost embarrassingly plentiful, yet theoretical consensus is not on the horizon. The number of variables offered by researchers as plausible parts of the explanation for implementation results is large and growing. Disputes among proponents of different perspectives on the implementation question have filled volumes...with relatively little dialogue regarding what might be the most appropriate *explanandum (*O'Toole 2004 p310)

He points out that the determination of theoretically practical tools for use by implementers in a practical setting have been thin on the ground. This is certainly true in the context of policy science, although management literature abounds with mantras (not necessarily all theoretically rigorous) for successful implementation of change and lists of things to avoid. (see for example Kotter 1995 and Kanter 1998).

In similar vein Barrett (2004) also calls for a revival of implementation studies, as do Schofield and Sausman (2004). Attempts to synthesise the diverse approaches have included co-opting biological metaphors. Thus Baumgratner and Jones (cited in Pinter 1998) deploy the evolutionary theory of punctuated equilibrium - where stability both in policy and institutional terms, is interspersed with a burst of active change. This may indeed be the case and be a useful descriptive device, but it still fails to account for *why* a sudden burst of active change is generated.

To conclude, although these syntheses attempt to fully explain policy change and variation there is a clear risk that the search for a broad based theory dilutes the explanatory power of any component elements, to the point at which the result becomes little more than an exercise in metaphor.

Discussion and questions on implementation

Firstly, to attempt to summarise:

- At its most basic level the need for a new or changed policy is derived as an attempt to solve a perceived problem within a population of policy targets

- How this problem is understood (including its very conceptualisation as problematic), identified, defined and filtered may have its roots in a network, an institution or via the values, intersubjective meanings and power relationships of individuals. It may also be transferred from elsewhere and interpreted or constructed against an 'invisible background' of pervasive normative beliefs and ideas that exercise control by limiting the thoughts of potential policy actors. (Keeping an issue off the political agenda is as much an exercise of power as putting it on)

- Policies are then formulated or adjusted to address the problem. This takes place within some form of locus or action level

- Where legislative change is involved this may involve distinct stages. These stages are, however, more a function of the legislative process than an explanatory device and the wider development process

- In the context of large government departments with a substantial service delivery responsibility, governance and accountability requirements also render it extremely probable that the path that policy development takes will inevitably include elements of a rational actor approach (not least to satisfy the future challenges of select committees, accounts committees,

parliamentary questions etc (Power 1997). The extent to which this is genuinely as objective (if objectivity is even achievable (Fischer 2003)) as possible, as distinct from simply appearing rational, may owe much to the interplay of power within the organisation or network

- It is also equally likely that a blend of institutional stickiness, network stability and inability to form a 'synoptic' view of the policy context will result in an incremental change. However, I would also argue that the same conditions need not preclude 'accidental' radical change where wider more dramatic implications fall outside the relatively narrow focus of the respective network, institution or value system. This is arguably the case with the introduction of DNA testing in the CSA

- The definition of the policy is likely to involve some degree of negotiation, bargaining and at times conflict, requiring an understanding of relevant power relationships

- Once the policy has been designed it then faces the challenge of implementation. This may variously be achieved via top down or bottom up approaches, including negotiation and communication. However, it appears to be almost a given that unless there is a perfect utopian alignment between the goals of the policy makers and its deliverers, coupled with unlimited resources, some distortion or drift appears inevitable. This is exacerbated when administrative discretion is required at street level (as is the case with the Child Support Agency). Whether this constitutes failure is an interesting question in its own right. Certainly CSA's paternity policy is noticeable by its lack of challenge and is even praised by CSA opponents. In terms of the 'bottom up' view it may therefore be a success, even though it doesn't necessarily mesh with the explicit parliamentary intent. It may also be complicated by subsequent legal challenges and clarification

- Throughout the process the policy will be shaped by the differential meanings and understandings ascribed to it by various policy actors

Analysis of the interviews with CSA staff will reveal how this extremely generalised summary was translated into practice in the development of paternity establishment policy.

Overarching discussion

This concluding section endeavours to integrate the many themes around the core subject of DNA paternity establishment policy within the Child Support Agency, and the development, implementation and impact of that policy. It is structured around the five research questions.

Question 1 – empirically, what are the factors and influences that shaped the early and subsequent formulation of CSA's approach to paternity establishment policy?

Policy change is generally introduced to tackle a perceived social problem or issue. Based on the literature, understanding the nature of this 'problem in need of a solution' is problematic. This is because the review reveals that little, if anything is known about the circumstances of those who seek paternity tests within the UK. Likewise the circumstances that trigger doubt and the quest for certainty are largely un-researched, although isolated examples of paternity doubt may arise in the course of other research involving the Child Support Agency (such as the case study of 'Alex' in Bradshaw et als chapter on the Child Support Agency, (Bradshaw et al 1999). The existing corpus of research suggests that a number of factors may be implicated, these include the nature of the parent/parent and parent/child relationship; the circumstances of conception; the extent of exposure to the child (for example Wikeley at al 2001, Rossi & Rossi 1990, Furstenburg 1995).

One key question is, of course, whether the very existence of DNA testing itself leads the father to doubt the mother's unsupported evidence. If so the breach of trust this involves is unlikely to improve inter-parental relations. Another question revolves around whether the search for maintenance results a paternity denial. Based on Hansard evidence (Hansard February 2000) this 'denial as an

avoidance tactic' approach was clearly uppermost in the mind of Ministers when the parentage assumptions were enshrined in law. Interviews with staff at the 'coalface may shed some light upon this, as will the analysis of a small dataset drawn from administrative records[21].

Question 2 – how have these policies been translated in to street level practice, and if a disconnect exists between the legislative vision and its implementation, what is the extent of this?

The data analysis will dwell on the translation of the policy design to policy practice, examining the role of street level coping strategies, and implementation models (eg Elmore's bureaucratic, system management and conflict and bargaining approaches and Schofield's learned implementation model (Elmore 1980, Schofield 2004). Rather then adopting a single model from a palette of possibilities, I will explore whether different domains within the policy 'process' implicitly espoused a different implementation model than that adopted by their predecessors. In addition, selecting an 'appropriate' coping mechanism, or different aspects to bargain over, do not occur in a vacuum. Faced with relatively high levels of discretion, individual policy actors may themselves have agency and their choice of response may not simply be contingent upon resource constraints. I hypothesise that these choices are equally likely to rely on differential meanings of 'what matters most ' (despite apparent consensus).

Question 3 – what role is played by shared beliefs and values in terms of shaping the policy? Methodologically, do shifts in micro level beliefs and values help to account for any dissonance between the policy at its inception and its maturation into practice?

Two key questions emerge for the empirical research: 1) are there common values or discursive themes that characterise all or part of the organisation 2) have these been instrumental in shaping the design and the delivery of paternity policy. More centrally the identification of what constitutes a problem that needs

[21] with thanks to my manager at the time, for permission to do this, and to his aide for assisting with the data extraction

attention is inevitably constrained by the values and objectives of a particular organisation or community. The empirical research will seek to understand the workings of this process in practice. I envisage that understanding the parity, dissonance and relative priorities between organisational and individual values along the policy chain will cast light upon this. The research will therefore explore whether, methodologically 'mapping' the unwritten 'tenets from design through to implementation can help to account for unanticipated changes to policy as it is translated into practice. This may help to illuminate instances of policy implementation 'failure' by better understanding the matrix against which decisions are played out. (Unlike many studies of implementation this presupposes a continuum from policy initiation to delivery).

Initial indications also suggest that, for CSA, any consideration of the policy begins at the point of dispute and ceases at the point it is proved/disproved. In short, it is concerned with an item of information, nothing more. This forensic focus is sharply at odds with the bulk of other material on genetic testing which emphasises the principles of informed consent, privacy, the wider meaning of genetic information and social and psychological implications, all of which appear to originate from the domain of health policy. CSA has its roots firmly wedged in a historical and institutional context that has long been concerned with financial redistribution to 'meritorious' welfare recipients via clear-cut administrative processes (Thane 1982). It has not typically been an area where 'ethics' of the type associated with the genetics or parenting literature have featured in the prevalent organisational discourse. Instead the role of securing maintenance for those in financial need, and safeguarding the public purse, are likely to be prioritised as the primary ethical goals. This raises the question of alternative storylines surrounding this use of DNA within the United Kingdom. By uncovering these storylines (at least in part) I foresee that this will cast light on suggestions to ameliorate some of the child welfare concerns that surround the existing operation of the policy.

Question 4 – are established models of policy analysis and implementation helpful in understanding the development and introduction of the policy?

In terms of policy development and implementation, the policy analysis literature suggests that the roles of networks and historical institutionalism may be fruitful avenues for exploration. As previously noted, these should be underpinned in their turn by examination of the values and inter-subjective meanings that flow through an institution or network and that distinguish it from other networks, institutions, or indeed any other organising principle. It may also be possible to assess differences in terms of resource interdependencies, goals, values etc? The answers to these questions will hopefully cast light on what, in terms of established models, the most pertinent core organising principle actually was in the context of child support paternity policy development.

It is unlikely that this will, however, explain how CSA paternity policy came to feature on the policy agenda in the first place. This is likely to require an assessment of the role of policy transfer from other regimes and other policy domains (such as the criminal law). If at all possible, understanding the nature and the role of the transferors would also be desirable.

Question 5 – is there a shared underpinning model of genetic fatherhood that is implicitly or expressly espoused by policy actors from development through to delivery?

CSA's paternity policy appears to be enacted in the context of a clear cut, genetically determined model of fatherhood which is taken as a 'given' – a 'deep structure' that appears to be gaining normative potency and force. I will therefore attempt to uncover the model of fatherhood embraced by various policy actors to establish whether their perceptions of the policy are played out against this understanding, or whether it is tempered by a less biologically constrained view.

Chapter 4 – Methodology

Introduction

This research was originally intended to explore the experiences of paternity tested fathers and the subsequent implications for their interactions (or not) with their children and wider familial networks. As such it fused together interests from a diverse academic background which included law and the natural and social sciences.

Due to practical difficulties the focus of this research and the associated methodological approach has shifted considerably over time, largely as a result of insurmountable constraints surrounding the original research design. This necessitated a fundamental rethink and direction change, resulting in an altered focus on the development and delivery of CSA paternity policy. This broadened the ambit of the research and allowed me to also draw from operational and academic insights into policy development and delivery. Moreover, the research now provides an 'end to end' view of the policy from its inception to the point of delivery – including some insights into the characteristics and experiences of parents and children.

Background

Initially the research had intended to concentrate on the experience of non-resident parents who had experienced DNA testing as a result of Child Support Agency involvement, and the subsequent implications for fathers and children.

This was likely to impinge on a potentially complex array of values and perceptions, some of which could have been extremely personal and sensitive. The desire to explore, in depth, individual attitudes to fatherhood and children's identity in relatively 'uncharted waters, led to the choice of qualitative in depth interviews with men who had been party to the DNA testing process (Kidder and Judd 1991, Bryman 2004).

Since the research was partially funded and sponsored by the CSA (under the terms of the Departmental further education policy), and because I was employed by the Agency, I was provided with a list of the, otherwise confidential, case reference numbers and surnames of individuals who had recently undergone the DNA testing process. This sample was held by the team that managed the contract with the testing service. Because the research was agreed with the Chief Executive of the Agency and supported by my senior manager in the Agency's Service Delivery Research Team, I was permitted access to the child support computer system, using the case reference number. This allowed me to obtain the name, address and phone contact details of many of the individuals on the list. I was also able to check if any particular contact sensitivities were noted on the computer records. For example, some individuals ask to be contacted by CSA staff using a pseudonym since their existing partners may not be aware of the fact that they have a child for whom the Agency is seeking or collecting maintenance.

The original sample was purposively selected from this list - drawing from cases from the Scotland and the North Eastern region (Bryman 2004). The reasons behind this were essentially pragmatic. Firstly my research access to the relevant system enquiry dialogues was confined to cases held within one geographic area, additional permissions would have been required to obtain the details of cases held outside the Scotland and North East region. Secondly I planned to conduct face to face interviews and the local dimension made the prospect of these visits more manageable. In terms of assessing possible bias I examined the volumes and outcomes of tested cases held elsewhere and this suggested little geographical variation.

A more serious limitation to the sample stemmed from the fact that cases where the alleged father is not found to be the genetic father, are generally removed from the Agency's records shortly after the test. This is for data protection reasons as the CSA's purpose for retaining these details disappears when paternity is disproved. The sample was therefore necessarily confined to cases where paternity had been proved for at least one of the children involved,

because otherwise no contact details were retained. Discussions within the Agency suggested that the only way to limit this bias would be for front line staff to take a paper record of the contact details of relevant clients. Since the pressures on staff to reach targets were, and continue to be, intense, this was discounted as too time consuming. As a result the only option was to acknowledge and 'live with' this limitation. In light of the findings of the data analysis one can hypothesise that these individuals are less likely to have had a cohabiting or stable relationship with the parent with care and were similarly less likely to have had contact with the children.

Details of 136 cases in total were obtained from the Agency's computer system. Of these 60 were resident in the North East of England and hence relatively accessible. For ethical reasons the sample intentionally excluded individuals who gave a forwarding or solicitor's address, rather then a residential address. These cases are likely to have particular sensitivities. For example existing family members may be wholly unaware of the Agency's involvement with the man in question.

For similar reasons, and contrary to usual research practice, consent to participation was sought by phone not by letter. This decision hinged upon the fact that, even for cases where a residential address is held, the partners or co-residents of some CSA clients may still be unaware of the Agency's interest. For such individuals the receipt of a letter that implicitly revealed CSA's involvement could have potentially catastrophic consequences on existing relationships.

The use of a letter using more circumspect wording was considered as a possible alternative to phone contact (for example, 'the Department for Work and Pensions is keen to learn more about the views of fathers'). Again this a) risked alerting new partners etc to the fact that the recipient was considered to be a father, and b) was clearly highly flawed in terms of seeking informed consent because the very circumspection of the wording would have given scant insights into the nature of the interview (Bryman 2004. Alderson 2001).

The phone approach was therefore designed so that the respondent's identity could be checked before the call progressed. This check included confirmation of the respondent's name and, where appropriate, national insurance number (since it is not uncommon for fathers and sons to share the same name).

In addition the purpose of the research was described as twofold, on the one hand to explore experiences of paternity testing, on the other to understand how CSA could improve its services. The latter option was inbuilt, again for ethical reasons, so that, in the event that a partner or other third party was listening, the interview could be presented as part of a governmental commitment to consulting with both customers and potential customers.

This provided the respondent with the opportunity to volunteer, freely, to discuss the paternity testing experience – satisfying the need for informed consent in a way that still catered for the sensitivities surrounding many CSA cases. It also removed the prospect of placing them under the extra pressure that a phone dialogue could potentially imply. Rather then being faced with either a blunt refusal, or the prospect of discussing a potentially emotive subject with a stranger, they were offered a 'safe' escape route. Conversely, this kept a 'foot in the door' in the event that the respondent subsequently decided that they were prepared to venture opinions on paternity testing after all.

Lastly, as a precautionary measure, (and in view of the impact that CSA involvement can have on individuals), I familiarised myself with the contact numbers for Agency specialist staff dealing with threats of suicide and other sensitivities. In addition I developed call back codes and protocols with CSA colleagues. These were intended to ensure my own safety while fulfilling data protection requirements.

At a relatively early stage I completed an initial literature review which sensitised me to a range of research questions and issues and informed the development of my initial topic guide and refinement of my research direction. This review included consideration of fathering behaviour and the characteristics of fathers as well as issues around genetic testing. To add to this I asked a series of male

colleagues and acquaintances to participate in a short exercise that involved completing a number of pre-prepared statements (such as 'Fathers are for....? and 'Fathers don't...?). Again the responses to these informed the topic guide and associated probes and supporting questions.

Having finalised the topic guide (Annex 1), and familiarised myself with an extensive list of appropriate prompts and probes to use in conjunction with this guide, I began to work through the list of names and North Eastern phone numbers. At this point in the research, however, my assumptions about gaining access proved to be rather on the optimistic side. Although access to CSA data was a huge advantage in terms of identifying a corpus of relevant individuals, the fact that they *were* CSA cases posed a number of unique problems. CSA non-resident parents are rarely overjoyed to be pursued for maintenance and may therefore adopt a range of strategies to render themselves elusive and uncontactable. For example several lines were dead or the respondent had apparently moved with no forwarding number. It seemed likely that the CSA factor had compounded the problem of high post separation mobility (Bradshaw et al 1999). In addition many calls were met with a recorded answer phone message - whether because the respondent was out or because the answer phone was being used as a call-screening device. Again this posed problems since the sensitive nature of CSA involvement meant that leaving a message was not an option. In the same vein requests by other members of the household for information about the initial call were fielded using the intentionally bland explanation 'it's for a research survey' (with non-contentious connotations of consumer and market research). All numbers were tried at least three times and at different times of day.

Where the relevant individual was contacted the initially quite promising response was then confounded by subsequent failure to be present at the arranged time. In addition several subsequent invitations to participate were met with blunt refusals and in one case, a quite heated enquiry about how I had obtained the number that I had used.

It was with considerable difficulty that three interviews with three fathers were secured. Two of these were taped, the third preferred me to take notes. Unfortunately the contact barriers for subsequent fathers then proved to be an insurmountable stumbling block and despite repeated attempts no further successful contacts were made.

Research design revisited

It was therefore necessary to consider a radical revision of the planned research. In discussion with my supervisor and line manager at the time, we regretfully abandoned the prospect of talking to more fathers. Given prior difficulties it seemed sensible to build upon the opportunities afforded by my unique position as an insider researcher and information available within the CSA. We decided that I should focus not only on the targets of the policy, but also the origins and development of the policy from its inception. This relatively long-term view accorded with Sabatier's (1993) suggestion that a short-term appraisal of policy change is of limited value. As an insider researcher I would then be able to explore Child Support Agency paternity establishment policy as a case study from policy design through the continuum of implementation and front line delivery, focusing on the analysis of, rather than for, policy and dealing primarily with the content of the policy and the way in which it was, and continues to be, dynamically and recursively determined (Gordon et al 1993).

This rethink necessitated a fairly radical reappraisal of the literature to encompass policy analysis and to discount the earlier work on fathering. This was not easily accomplished while undertaking a series of increasingly demanding roles within the CSA. Thankfully much of the analysis of the use of genetic technology in a familial setting remained relevant however, as did the legal background to paternity and wider consideration of child support policy (although time had of course moved on and this material needed substantial 'refreshing'). Based upon this revised literature review I was able to pinpoint the 5 research questions outlined in the first chapter of this thesis. To recap, these are:

1) Empirically, what are the factors and influences that shaped the early and subsequent formulation of CSA's approach to paternity establishment policy?

2) How have these policies been translated into street level practice, how close are policy and practice and is there a disconnect between the legislative vision and its implementation? If so to what extent?

3) What role is played by shared beliefs and values in terms of shaping the policy (Fischer 2003, Sabatier and Jenkins-Smith 1993). Methodologically, do shifts in micro-level beliefs and values help to account for any dissonance between the policy at its inception and its maturation into practice?

4) Are established models of policy analysis and implementation helpful in understanding the development and introduction of the policy?

5) Is there a shared underpinning model of genetic fatherhood that is implicitly or expressly espoused by policy actors from development through to delivery. In short, what can be learnt about wider understandings of genetic relatedness from the apparent consensus and potentially naturalistic assumptions that form the 'deep structures' (Hudson and Lowe 2004) that underpin CSA paternity policy

Structure

The quantitative dataset

In order to inform the first research question I was also able to retain some scope for gauging potential insights into the policy targets, namely the characteristics of parents and children affected by paternity testing. I obtained permission from the Agency's Client and External Relations Manager for a relatively small-scale quantitative sample drawn from available data held on the child support computer system. Working in conjunction with a colleague who

had considerable experience with the computer system I was able to determine a range of variables that would potentially be material to, or influenced by, the existence of a paternity test. (For example, the existence of matched surnames could suggest an ongoing relationship between partners, and potentially limit the likelihood of paternity uncertainty. While confirmation of genetic parentage might speculatively improve compliance with maintenance requirements). These included:

- Non-resident parent, parent with care and child age – both at the time of the analysis and at the date of the test

- The combinations of matched surnames (a proxy for prior relationship status, albeit an imperfect one since subsequent relationships may have intervened)

- The economic activity and income level of the parents

- The existence of other children in the households

- Whether the non-resident parent had overnight care of the child for over 104 nights each year[22]

Since extracting this information required access to system dialogues and system interrogation skills that I did not have, it relied on the assistance of this same manager's aide to extract the data. Competing pressures on this individual's time necessarily limited the sample to 189 cases – roughly half of which had been subject to a positive paternity test. This represented all the Scotland and North Eastern paternity test cases for a single month (there was no evidence of variation between months). For comparison purposes an equivalent number of cases were then drawn from a randomly generated list of CSA non-resident parent national insurance numbers from the same geographic region. These cases were also selected to have broadly comparable start dates

[22]overnight care of the child for over 104 nights per year under the original legislation, reduces the non-resident parent's maintenance liability and is therefore recorded on the CSA's computer systems. This is a relatively crude proxy for levels of contact since day care and less extensive care is not recorded

as the DNA tested cases, in order to optimise scope for valid comparison. The resulting data was analysed using SPSS version 15 and a range of univariate and multivariate statistical techniques.

There are, inevitably, limitations to this sample. As previously noted, system archiving rules meant that the paternity test cases were confined to those that had been tested as positive. It is not possible to draw any inferences about those for whom the test rebuts paternity. It is also a small sample when compared to the 5000 disputed paternity cases per annum, and even smaller when set against the Agency's wider caseload of over a million. Even when weighted the findings are therefore likely to be indicative at best. On the plus side even a small sample adds to a body of knowledge that is generally silent on the characteristics of paternity test candidates.

The qualitative case study

In discussion with my supervisor we determined that a qualitative case study approach was the most appropriate mechanism to gauge a detailed and in depth understanding of the development and delivery of paternity policy and to explore the core research questions. As Duke (2002) explains:

> Qualitative methods can be used to delve into parts of the policy process which quantitative methods cannot reach. They have the potential to explore innovation, originality, complexity, interactions, conflicts and contradictions (Duke 2002 p42).

Moreover, some of the literature on policy analysis and implementation also highlighted the importance of values and inter-subjective meanings of participants in the policy process (eg Sabatier & Jenkins-Smith 1993, Fischer 2003). Gauging these would not be amenable to quantitative methods, instead, as Yardley (2000) explains:

> One of the primary reasons for adopting QMs is a recognition that our knowledge and experiences of the world cannot consist of an objective appraisal of some external reality, but is profoundly shaped by our objective and cultural

> perspective, and by our conversations and activities... Thus "truth", "knowledge" and "reality" are actively created by the communal construction and negotiation of meaning, both in our daily life and our academic endeavours. (Yardley 2000, p217)

Moreover Alderson (2001) points to the value of qualitative research when exploring *'implicit moral rules'* (p8) - which the literature suggested might be relevant in the context on institutional value systems and beliefs.

Sample selection and constraints

I adopted a 'theoretical' approach to identifying interview subjects (Yardley 2000, Bryman 2004), focusing on relatively small numbers of people who had been involved in the policy development process. This was to some extent inevitable. With the exception of front line staff, the number of individuals who had actually 'touched' paternity establishment policy over the years was relatively limited. Using my insider knowledge of the Child Support Agency I was able to identify people who I knew had been involved in particular aspects of the developing policy. I approached these individuals and, stressing the voluntary and confidential nature of the interview, asked them if they would be prepared to help with the research.

These individuals then suggested other contacts who, based on their recollection of events, had also been involved with paternity policy. These were in turn approached and asked if they would agree to participate. In all cases respondents were given several days to reflect on participation before the interview itself was scheduled. These respondents than sponsored further contacts with additional relevant policy actors.

The resulting interviews ranged from front line administrative assistants and executive officers, through middle management tiers in the Agency's central services areas, and included a number of individuals of elite status (Duke 2002). In total 25 interviews were conducted, including one member of staff who had also experienced paternity testing as an Agency client.

Seven interviews were particularly informative in tracing the early origins of CSA paternity policy, as well as its more recent iteration under the auspices of the Social Security, Child Support and Pensions Act 2000. Interview subjects included:

- Past and present members of the Agency's Policy Liaison team, charged with jointly developing new policies and legislation in conjunction with the civil servants at the corporate centre of the Department

- Procedures designers, again from the outset and more latterly

- Senior civil servants with insights into the workings of the central Whitehall policy domain

These individuals had an impressive recall of both recent and more distant events, in some cases backed by documentation that they had retained for years. In addition several had been involved in the initial phase in one role, only to encounter subsequent iterations later on in a different organisational persona. The testimony of these respondents was supplemented by the insights of a number of other staff who had been involved in policy design in a more peripheral or intermittent fashion. These accounts also shed light on this area, albeit to a lesser degree. The interviews were therefore able to chronicle the history of the policy design from its origins in 1994/5 to the more recent Child Support, Pensions and Social Security Act changes.

A further seven interviewees provided insights in terms of understanding how the policy developed through formal implementation. The experiences of these people tended to draw from a wide range of specialist skills. These included system design experience, professional project management expertise, contractual know-how, procedures writing and organisational design competencies etc. All of which were deployed to 'filter' the policy through into practice.

In total fourteen staff interviewees, plus the three fathers, were able to illuminate the operation of the policy from the front line perspective. These staff tended to be clustered towards the less senior grades with a narrower breadth of individual experience. As previously noted, with the exception of the parentage officers, a number of these individuals had worked in different geographic areas and added a wider regional dimension. A few had also moved from front line operations into the central directorates and then been involved in policy design or implementation in their new role, and so were able to provide a rich and informed insights into more than one 'domain' (hence the fact that seven, seven and fourteen add up to twenty eight not twenty five)

Given that the development of paternity policy has been confined to a nucleus of individuals I am broadly confident that the bulk of the policy development and implementation domain findings are representative of the actual history of the policy within the CSA, even where particular insights are confined to few individuals. Because of geographic variation and local practices I am less confident that this is the case in the context of front line delivery throughout the wider Agency. Instead the case study may be more specifically reflective of the practices in the North East of England, although, as previously noted, there were some interviewees with broader geographic experience whose accounts were not at odds with the North Eastern picture[23].

Interviewing strategy and analysis

The depth interviews were semi-structured and conducted using a pre-prepared topic guide. This ensured that critical areas for exploration were addressed without fettering the interviewee's capacity to raise issues they considered important. In a similar vein this also provided for broader research exploration of emerging themes in the course of the interview - achieving, as Jones (1985 p47) explains, a *'balance between restricting structure and restricting ambiguity'*. The majority were taped (although equipment glitches prevented this on some

[23] My personal experience within the CSA would also endorse this.

occasions and detailed notes were subsequently taken instead). As themes began to emerge from the early interviews I was, however, able to adapt the emphasis of the interviews as necessary to capture discussion of emerging concepts.

The tapes were then repeatedly listened to and selectively transcribed, initially sensitised by a diagrammatic 'map' of the themes that emerged from the literature. The interview tapes where then replayed and further transcribed. Initially marginal codes were annotated on the interview transcripts, with an emphasis on open-minded capture of as many ideas and codes, grounded in the data, as possible (Bryman 2008). Using the method described in Jones (1985) - these were then categorised in sentence form - collected as statements on record sheets, building up a series of statements relating to each category. This also involved an increased focus on common codes that revealed most about the data, discarding some of the initial codes, as Charmaz (cited in Bryman 2008) explains *'focused coding requires decisions about which initial codes make the most analytic sense to categorise your data incisively and completely'* (Charmaz 2006 pp57-58).

In this way broad thematic categories were identified and key quotes were organised under these headings. These were then iteratively compared and organised under a series of conceptual headings (Jones 1985), which were then linked, where possible, into a broader theoretical matrix. Thus, in the context of paternity, for example - initial categories were coded as 'legal - assumption', 'legal - defined status', 'not challenged', and 'biological', which were then recoded under the heading 'genetic versus legal certainty' and finally combined with the associated concepts of 'rebuttability' to arrive at the overarching discussion of probabilistic and provable paternity manifest in the legislative and practical operational setting.

As a further assurance method, the key concepts that emerged from the data (and which broadly mesh with the ways in which the data chapters are structured and discussed) were then revisited and encapsulated in an excel spreadsheet, with 'snippets' from the individual interviews entered under these

headings (Bryman 2008). This draws from, and modifies the 'framework' approach developed by the National Centre for Social Research, but in this case was used not as the core methodology but as a way of confirming that the direction of the analysis was valid and had not been 'hijacked' by insider preconceptions. This formed part of a meticulous and iterative approach to establish whether categories and concepts were pervasive or an isolated occurrence.

The analysis was organised around the research subjects' experience within a particular policy 'domain' (as previously noted some individuals had cross-cutting experience). Other organising principles (in particular interviewee gender) were considered but did not appear to have a bearing on the emergence of particular themes.

As themes emerged within a particular domain the policy documentation relevant to that domain was also re-examined to assess whether it too provided further evidence in support of the interview data.

Insider research specific considerations

Unlike Duke's analysis of drugs policy, actually gaining access and building rapport was not generally problematic. The more difficult issues surrounded maintaining a reflexive approach that acknowledged the impact my presence as a fellow member of Agency staff might have upon the interviewee, for example, in terms of repeating the 'official line' (Duke 2002, Alderson 2000, Ashcroft 2000). On a positive note I was able to use familiar Agency language and terminology where necessary to explore issues in greater depth, a familiarity which is one of the advantages of insider research.

Less positively 'insider' research has been criticised as offering:

> The potential for seduction and betrayal... when the researcher is recognised as a member of the participant community there are both advantages in terms of access to rich data and disadvantages as participants share experiences and

> understanding in ways that would be denied to an outsider' (Brown p1, date not discernable on internet)

There are also concerns over the organisational authority of the interviewer influencing the responses, over the associated autonomy of the respondent and indeed the insider interviewer, as well as concerns over anonymity and a genuine perception of ability to refuse. These concerns are particularly relevant where there is a marked disparity between the seniority of the researcher and their interview subjects (ie most pertinent in this case to the front line members of staff, although I was not part of their management chain and, in an Agency of over 10,000 people, was resultantly unlikely to be seen as directly influential).

I therefore outlined the background to the research, stressed confidentiality and consent by explaining that the data would be anonymised and that they were under no compulsion to take part. I also advised interviewees that they didn't have to discuss anything that made them uncomfortable[24] and explained that I wished to understand the process from their perspective. The formal interview paraphernalia (tape recorder, notebook, topic guide), also helped to dispel the impression that myself and the interviewee were having a 'nice chat' between colleagues, or indeed even having a formal work based discussion (tape recorders and topic guides are not routinely used for Agency meetings and therefore signalled a very different type of interaction).

The tenor of the interviews indicates that the respondents were extremely open in their views. Some individuals also saw the interviews as offering an opportunity for them to express personal opinions which diverged from the mainstream, just as the fathers had used the interviews to raise concerns about the attitude of CSA staff. (In one sense all research carries with it the spectre of reciprocity and so none can be said to be completely independent, be it insider or outsider based). As testimony to this openness, and for ethical reasons, I purposely elected to omit a couple of potentially 'sensational' statements from

[24] One interviewee did indicate that they didn't want elements of the interview to be taped. The 'sensitive' issues they raised did not relate directly to paternity policy. This is, however, evidence that this message was understood and acted upon

this document. Although they graphically reinforced a particular theme, I considered that the interviewee would not have used that particular example to an outsider, and that to quote this would indeed be a betrayal of trust. I have also altered the gender of some respondents to reduce the likelihood of them being identified.

On a reflexive note, I needed to be aware of my own insider status and the preconceptions and interpretations that I might (and almost certainly did) hold in specific organisational settings. My supervisor was also assiduous in spotting findings that appeared to have strayed from the data into personal or unsupported opinion. Exploring the existing literature was a useful aid to this as it sensitised me to other perspectives. Expressly viewing 'my own' organisation through the lens of a different storyline was also an informative experience, forcing me to confront some of my own implicit tenets. This raises interesting personal questions in the context of insider research, because it poses the risk that the researcher is seen as 'unsound' or having 'strange ideas' by the rest of the organisation. The implications of this should perhaps be considered by would be insider researchers *before* they find themselves on the receiving end of strange looks!

Another, less self-centred, ethical dilemma arises in terms of 'what to do' about a particular finding. For insider researchers the opportunities for influencing change within their organisation may be greater than for an outsider, but by the same token the identified change may not be welcome. For example, in the case of this research I encountered the opportunity to make some minor changes, but these involved extending case processing timescales. Moreover the opportunity arose in the context of quality assuring a review intended to speed up processing times, so it was clear that an extension wouldn't be especially welcome. With the legislation to back me, I pushed for the change to be included in new procedures, but it wasn't a particularly comfortable experience. I suspect it would also have been unsuccessful had it not been for the fact that a) the letter of the law was clear and b) I was known as one of small corpus of Agency legislative experts. (Whether the changed procedures result in changed practice is, of course, moot). For an insider, the ethical

appropriateness of sitting on the fence carries its own particular burden - again this is something that insider researchers ideally need to consider in advance.

Concluding comments.

The unavoidable change in research direction inevitably imposed a number of methodological challenges. These included the need to wrestle with the ethical and practical complications of insider research and a recognition of the geographical limitations of this particular case study approach in terms of more widely generalisable material.

On a purely practical vein it also required me to conduct a further review of policy and implementation literature and reconsider the relevance of much of the material I had amassed on fathers, fathering and genetic linkages within families. Inevitably this extended the timescales of the research which were, in any case, exacerbated by the increasing demands of my full-time employment.

Notwithstanding these difficulties the revised research design provides a number of interesting methodological insights. Firstly it affords an end-to-end view of policy development and delivery rather than simply being confined to a single 'domain'. This view is, admittedly, imperfect and would have been enhanced by the ability to conduct more research with parents (including mothers and potentially children). The aforementioned constraints around access were, however, compounded by increasing time pressures and therefore rendered this impossible.

Secondly the research is unusual (especially for the CSA!) in that it deals with an uncontroversial policy that has not attracted media interest, but which nonetheless deals with profound and difficult familial issues. It therefore provides an opportunity to explore consensus rather than discord, and to grapple with the thorny question of why paternity policy isn't more controversial?

Lastly this thesis still illuminates, albeit imperfectly, the characteristics of people affected by paternity testing – a hitherto very under-researched issue in the United Kingdom. It also provides a nationally specific companion to some of the institutional and policy research conducted into paternity establishment in the United States and may therefore be relevant to the current Government proposals on joint birth registration.

Chapter 5 – Experiences of Policy Design

This chapter commences with a short exploration of the pre-DNA test historical position as illuminated by the interviews. This adds depth and background to the processes and procedures described in Chapter 2. It is followed by consideration of agenda setting - how, by whom, and what exactly was the agenda that policy designers thought they were setting? This encompasses an exploration of the perceived problems that policy makers sought to solve, and the values that underpinned this interpretation and conceptualisation of a problem in need of resolution. It also touches upon an issue that, perhaps surprisingly, may not be entirely clear even for those individuals who work within a 'policy' environment on a daily basis, namely what exactly does define something as a 'policy issue', at least within the setting of the CSA?

The chapter then moves on to focus on insights gained into the policy designer's understanding of their policy subjects. This includes considering how this understanding may have helped to mask or side-step some of the less palatable aspects of paternity policy and shape what was, and wasn't, considered in any depth. Finally the chapter delves into some of the wider issues – analysing what was deemed a relevant factor, and again, as importantly, what wasn't ? The chapter ends by adducing the key themes and issues that warrant further exploration in subsequent chapters.

Views on the historical perspective

The interviews revealed that, at the inception of the Child Support Agency. the paternity process was complex and protracted. It largely mirrored the approach adopted under the old liable relatives scheme.[25] Their accounts revealed that

[25] (a number of the interviewees had, as do I, prior experience of the operation of this earlier scheme at street level, having conducted face to face office interview and visits with clients). This 'liable relatives scheme' was concerned with securing maintenance from 'alleged putative fathers' (non marital cases) and 'liable relatives' (marital cases) in order to offset, and ideally preclude, the need for benefit expenditure on the upkeep of the separated partners and children. The levels of maintenance sought were generally determined by having regard to how much money would be needed to remove the need for means tested benefits, set against the income and expenditure of the liable person. The scheme was not concerned with private maintenance

when a parentage dispute arose, staff were involved in balancing conflicting evidence from both parties. This balancing act was further complicated by the accounts of friends and families. These individuals would, not infrequently, be brought into play in support of the respective parent's version of events. Faced with, often contradictory, stories the Agency's staff had little option but to rely on recourse to the Courts as a final arbiter if the evidence was sufficiently convincing. This picture was summarised by one interviewee (a former procedures writer) as follows:

> We would gather evidence from both parties about why she thought he was the parent and he thought he wasn't the parent and we would examine that, and we would get witness statements from other people who were named by either party and come to the conclusion about whether, on the basis of the evidence, and at that time there was no DNA testing, about whether they thought he was the parent...there had to be strong reasons. The decision was not that they were, but that it would be likely to succeed in court because the next action would be to send the case to court for the court to make a decision. So our rule was only to take those cases to court which stood a chance of success because otherwise it was a waste of everybody's time. (In9)

This involved a degree of staff discretion and judgement, which as Elmore (1979) has indicated, is commonly seen as problematic in the context of policy implementation. This discretionary element led the same individual to describe the impetus behind the initial shift to DNA testing as being:

> It was just to use, to be a bit more scientific to remove some of the doubt and to take away the Solomon thing – about I've got two people's lives here and I'm making the decision (In9)

Judging from the tenor of this quote and allied interviews, there seems to have been little appetite for the very sizeable discretionary element that preceded the advent of the DNA scheme, despite any opportunities for local exercise of power.

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arrangements where means tested benefits had not been claimed. If a liable relative failed to make a suitable voluntary agreement court action could be taken to enforce maintenance. This could include affiliation proceedings in disputed paternity cases.

These very difficult realities around disputed paternity (which, as previously alluded to, had also affected the preceding liable relatives scheme) don't appear to have loomed large in the minds of the policy design community during the initial years of the Child Support Agency. As a middle level manager involved in policy design explained:

> When we were developing the original legislation we didn't focus on paternity as being a particularly problem area, so that sailed in with no questions asked at all. (In10)

So while paternity establishment was problematic in practice, it didn't feature on the radar of the early policy designers. Instead there appears to have been an unwritten assumption around the 'rightness' of attaching biological fathers to maintenance payments for the purposes of the Child Support Act 1991. There is, for example, no evidence from Hansard that alternative models (for example the 'child of a family' status possible in New Zealand) were ever considered. In short the way government and policy makers were 'thinking about kinship' (Morgan 1996) appears to have undergone a background, and largely unnoticed, shift that coupled natural/biological origins and financial obligations in closer harness. (Maclean and Eekelaar 1997)

In the light of this apparently normative assumption within the policy sphere, it should therefore come as no surprise that the introduction of the Child Support Agency was followed fairly rapidly by the move to the use of DNA testing purely for child support purposes. This was first achieved under the auspices of existing legislation relating to the use of blood tests. This was then augmented by the changes brought in under new child support primary legislation in 2000. As the second chapter revealed, this extended the ambit of a child support parentage declaration to other areas of family law.

How was the agenda set?

Jenkins (1993) has argued that, when endeavouring to understand policy, 'the *process* of choice may be as important as the *actual choice* itself', not least because it illuminates the distribution of power within the policy community. Within this context the emergence of DNA testing as an issue that required new decisions and new choices to be made, appears to have derived from a range of sources. As the previous quote reveals one member of staff believed that a more 'scientific' use of new technology was one of the early 'selling points' behind the Agency, resonating with Henman's (1996) views on the role of technology in the policy process.

Since the Child Support Act hails from 1991 and the Agency was launched in 1993, DNA technology would have been at a relatively embryonic stage during the original legislative consultation process (see for example Beardsley's 1992 discussion of the technology in Scientific American). This interviewee's recollection of events may therefore be questionable, and it is possible that the technology in question was actually the original child support computer system (known as CSCS). Even so it is nonetheless interesting that an individual involved in policy design at this early stage, may have mentally bracketed use of DNA in the same context as the development of an automated administrative IT system. In reality the implications of wider implications of the two 'technologies' are poles apart. One speeds up and automates the calculation of child maintenance, the other confirms or denies that someone is the genetic parent of an individual, with wide-sweeping implications for that individual and the adults involved. Viewed from a different 'business' rather than 'human services' angle, however, both speed up the steps to reach an assessment and limit the extent of human discretionary intervention.

A number of people mentioned that the Agency effectively copied the courts, essentially engaging in intra-governmental policy transfer (or sharing best practice, from the Agency's perspective):

> The courts could always order/suggest /ask for DNA testing. It was suggested as a way of speeding things up that we could perhaps organise DNA tests before the courts sessions (In10)

Essentially this mirrors the original rationale behind the Agency in microcosm – the replacement of a long drawn-out, judicially mediated scheme, with a swifter administrative operation supported by new technology.

Another interviewee highlighted the increasing public awareness of DNA technology, and indeed the role of individual agency, (in this case another former procedures writer) in the policy process, regardless of formal institutional arrangements. This resonates with Dobelstein's assertion, when speaking of the US experience, that welfare reform has been approached by '*creating programmes based on new technologies rather than considering what welfare can do for out society*' (Dobelstein 1999 p7). It may also provide an example of an 'idea' taking root in its own right, contrary to the simple stages models that hold that Ministers have the policy ideas (Hill 1993, Hudson and Lowe 2004).

> I think it was just DNA was in the papers at the time. I think I raised it, I certainly wrote to Policy and said 'can we use DNA'? I didn't know the correct route at the time, I just asked, and I think other people raised it. I don't think there was one defining moment. (In6)

This does not appear to have been typical. More generally, the respondents acknowledged that, in general terms at least, it was more usual for complaints or problems to shape, or at least influence, the agenda around lower level policy changes. Certainly in the run-up to the Child Support, Pensions and Social Security Act in 1991 one middle-level policy design expert explained that there was evidence of complaints to MPs and stakeholder groups playing a part in broadly influencing wider child support policy.

> What you are looking at are complaints...are looking at trying to identify a pattern where there are significant volumes that are causing problems. These people are usually going to their MPs as well talking about the unfairness, and they are usually part of a stakeholder group. So mostly it [policy change] comes

> about that way. Very few things come out as a result of somebody has had a wonderful thought, they might have a wonderful thought but you have to show how, what the effect will be on the agency, and how many cases (In1).

Interestingly DNA testing policy seems to have been an exception to this more usual modus operandi, (which appears to blend 'supermarket state' bottom- up agenda setting, and muddling through' as a policy change trigger, coupled with a slightly post hoc rational actor approach to justifying/filtering whether something is then taken forward! (Christiansen and Laegrid 2002, Lindblom 1979, Hill 1993). As one very senior interviewee explained (who would have encountered a sizeable volume of complaints letters as a result of his position in the organisation), paternity policy has been consistently uncontroversial throughout the history of the CSA:

> Would there ever be, in the roles that I've had, real headlines around the paternity process? And I don't think there has really (In11).

In contrast the only media interest appears to have centred around cases where non-paternity was proved after an assessment, with the resulting emphasis on the fact that the non-resident parent had been paying via the Agency and admitted paternity, only to be disproved later. The reaction of front line staff to this 'unfair' scenario was encapsulated by a former caseworker who had moved on to undertake implementation project work in Newcastle:

> We face going to the papers again. I mean 'CSA robs the wrong man', that was like headline news on that case and he'd said he was the father; we'd just done what he told us. And yet we were made out to be the bad guys in the press, we can't do anything right (In14)

The tenor of this is worthy of brief expansion. Agenda setting may, in one sense, be purely about identifying issues (and in the case of the use of DNA testing this does appear to be an example of several 'somebodies' having a 'wonderful thought'). Media interest may therefore exert power by the capture of the thought processes among relevant sections of society (including CSA staff,

clients, MPs and Ministers) (Hudson and Lowe 2004). This may then result in an underlying policy climate that ensures that certain seedling policy sprigs fall onto fertile ground and thrive while others wither.

As the above quote reveals, the source of media interest in paternity establishment has been confined solely to cases where a 'father' has been paying, and later discovered that he is not the genetic parent of the child in question. This is something that the Agency has been publicly castigated for, despite there being no practical way to discern the prior existence of paternity doubt in these cases. In the public perception the 'problem' with CSA's paternity policy may therefore be the acceptance of the uncorroborated word of the clients, without independent proof. Speculatively, this may reinforce the perceived desirability of extended testing in the minds of policy makers. This echoes Luke's (2005) 'three dimensional' view of power which not only concentrates on a critique of behaviour and decisions, but also focuses on control over the political agenda through other means.

In addition, with the advent of the changes under the 2000 Child Support, Pensions and Social Security Act, there appears to have been an element of policy transfer, albeit only from Scotland where the family law context has typically differed from that of England and Wales. Thus a policy design participant with many years experience explained:

> In Scotland they already had the presumption criteria. They already had all those presumptions and we didn't have the presumptions. So you had the silly situation where you had a mother living in Scotland actually was living under a different legislation to the rest of England and Wales. So all they did was to get rid of that anomaly in order to progress the cases more quickly. They actually just changed the legislation to fall in line with that. And that was the premise behind it. For no other reason then we had this anomaly (In1).

This suggests that part of the appeal of the extension of Scottish style policy was to 'tidy up' differences in the system, echoing the desire for uncomplicated and standardised policy making. It is also the case that (as later chapters will

reveal) CSA staff in the policy design area tended to conflate fairness with 'sameness'. As a result some of the desire for parity between systems and individuals may be as much rooted in a search for a type of homogenous equity, as it is in simple expedience. Moreover, this search for jurisdictional neatness cannot explain all the legislative changes, as Section 5 of the Law Reform (Parent and Child) (Scotland) Act 1986 only provides for presumptions to apply in relation to birth registration and prior parental marital status.

Lastly the tenor of the interviews suggests that 'problems' and their possible policy solutions, were generally stimulated by the desire to ameliorate the practical and process difficulties experienced by the Child Support Agency. In the case of the changes to paternity policy the problem was described as follows:

> Well my recollection basically, is that we've always had a problem with paternity testing, well with people denying paternity. It was just one of the things used to slow down the process, so the policy itself was being undermined by people saying 'no I'm not the father, prove it pal'. And this threw the work straight back onto us because we then, as an Agency, had to start conducting some quite long-winded difficult interviews to gather evidence, sometimes with people who didn't really want to talk to us. And then go to courts, and getting court dates was never easy, and persuading magistrates that on the balance of probability, on the evidence, that this person was the father of that child. All very long winded, all very time consuming, all very difficult, at a time when we had far too much work to do anyway (In10).

Or focusing again on the staff experience, another policy advisor explained:

> So our staff were getting involved in all sorts of horrendous interviews to try and get a case to court (In16)

There was scant evidence of any detailed exploration of the broader impact on the Agency's clients, (although there does appear to have been a general and not unreasonable assumption that a more efficient Agency would mean a better

service to clients[26]). Thus the case for policy changes generally appear to have hinged on improved business efficiency, as defined by key policy actors. This is by no means an invalid reason - the public sector is expected to deliver an ever more efficient and cost effective service and part of the rationale behind CSA's inception was improved efficiency via an administrative rather then judicial function. But it may be a narrow reason which can overlook the needs of clients. It is also noteworthy that an improved business efficiency rationale tends to accord neatly with the rational actor 'dignified myth', not least because it is amenable to cost benefit analyses and more readily measurable proof of achievement (Hill 1993).

Interestingly, one of the very senior interviewees, in talking more generally of the development of policy, appeared to be well sighted on the limits to the rational model, describing individual personalities and relationships as hugely important:

> I know we think we can take the people out of policy development, that it just intellectually sort of 'comes forth' but policy will be formed by people and their understanding and their joint understanding of issues, so to me its absolutely key you've got those relationships, those roles and responsibilities and accountabilities sorted, or you will get dysfunctional policy (In11)

This statement closely mirrors a similar response uncovered by Duke (2002) in her analysis of policy networks and drugs policy, suggesting that this realisation is not confined to the social security policy context:

> I don't think you can get away from the individual. You've got to look at the people...There might be some good sound policy reasons, but there are other socio-dynamic, psycho-dynamic forces at work – you've got the right person in the right job at the right time...For me structures only do so much...What you're dealing with at the end of the day is personalities (Duke 2002 p47)

[26] Admittedly this does rather depend on how one defines 'efficiency' 'service', 'better' and indeed 'client' in the context of child support action!

Who set the agenda?

The interviews suggest that the areas, and to some extent, even the individuals involved in the definition stage of the paternity policy process, remained remarkably constant in the years between the advent of DNA testing and the introduction of the parentage assumptions. There is clear evidence of a collective approach to determining the need for policy change, located within a discrete policy core. This core focused primarily on identifying and addressing policy problems in the implementation of child support policy more generally. Insights about areas causing 'problems' were considered by a small and stable core comprising Agency members of the Procedures and Policy Liaison Teams, Departmental representatives based in London, namely Child Support (CS) Policy' (the traditional Whitehall policy branch) and lawyers:

> ... the Agency policy team which was designed to link in with CS Policy who developed policy and make sure we could make it work within the Agency. To liaise with procedures writers and system designers and make sure that they could actually make the policy work and to advise CS Policy on what would work and what wouldn't when they were developing policy basically (In1)

These teams acted as a series of filters to proposed change. More generally the relatively informal process was described by one interviewee as:

> Normally these things came about because we would sit in discussion with Operations, CS Policy, and discuss the problems we were having and some one would come up with an idea. I can't remember [in the context of changes to paternity policy] if it was us or them (In10)

This suggests a relatively stable and limited collection of groups, with a clear policy professional dominance (not least signalled by the fact that two out of the three core memberships have the term 'policy' in their title, ie 'CS' Policy and CSA Policy Liaison). The formal status of the two policy teams also suggests access to resources, hierarchy and frequent interaction (implied in the need for an entire team devoted to 'liaison'). There is also some evidence that broader

interests were excluded, this may have been due to oversight or a simply a tight focus on particular goals. For instance, one senior level individual who was specifically involved with the policy design community during the consideration of the changes to the parentage assumptions explained:

> I don't think there was any sort of sitting down and saying 'well here's all the social implications of this particular change (In5)

Using a network approach, this arrangement has many of the characteristics of a stable policy community (Marsh and Rhodes 1992). The community does not seem to have been entirely closed however. There is evidence of substantial 'bottom up', or perhaps more accurately, 'middle up' concerns from the implementation layer within the Agency also influencing the policy. These individuals did not operate at street level in direct interaction with clients, (although some numbered this in their career history). Their role was to prepare the frontline for, and support the ongoing delivery of, policy. They were typically located in the Agency's central rather than operational directorates and were informed by feedback from operational practice and court attendance.

In one sense this is a far cry from the 'top down' Ministerial imperatives of traditional models of policy making and implementation, (and in fact none of the respondents mentioned ministerial involvement at all during this section of the interviews). Interestingly it is also at odds with strictly bottom-up approaches.

What conferred membership of this stable core community

To some extent the interviews reveal that the deliberations around the use of DNA testing and paternity policy simply plugged into existing institutional structures or network structure – membership was conferred by the team that an individual happened to be working in at the time. Moreover, in a stable policy network located within defined organisational structures the distinction between a policy community and an institutional unit becomes rather blurred.

Surprisingly, however, there appears to have been some initial resistance by central Whitehall Policy representatives to joining this community. This seems to have hailed in part from the extra statutory nature of the initial scheme which generated a degree of formal policy 'disinterest' (at least in the early days). There is a clear and persistent theme running through a number of interviews that policy equals legislation. For instance, one manager explained that her role was:

> To take the policy that had been developed and turned into legislation and actually bring it into guidance and implement it...so the policy was actually there when I got it to take forward (In5) .

In similar vein an implementer with prior policy design experience explained that:

> The policy decisions were taken by policy so it was a case of 'here we are, make them work and make sure people understand and can apply them' (In17)

Another policy design respondent explained that changes emerged from concerns over legislation, either identified in the front line or via MP's post bags:

> If an MPs post bag is flooded with particular concerns they will tend to go to PSL or the Secretary of State and obviously because its gone to that level it will probably come down to us and say 'what's the legislation behind this (In1)

While a third explained:

> That when we were developing the original legislation we didn't focus on paternity as being a particular problem area, so that sailed in with no questions asked at all (In10)

And yet another, more junior policy advisor noted that retaining the necessary focus on the legislation could at times be problematic:

> The issues are much wider and I think that's one of the difficulties about our job, it's trying to keep focused on the legislation (In13)

Expanding upon this, CSA's original paternity policy required no new legislation, instead the approach mirrored the old liable relatives procedure, which had operated, largely unchanged for years. As a result there is a clear suggestion that Policy (ie the Whitehall officials) did not view themselves as a natural participant until 'pushed' into it by the Agency taking its own initiative. For example:

> I couldn't get a steer from them. They kept saying it's not a policy matter. And I thought well I don't know and I took the old stuff [former Liable relatives procedures, explained in the earlier footnote] put it in, a little habit of mine and then said 'Policy, do you agree. And it put the cat among the pigeons (In6)

So what light do the interviews cast on what was originally conceived of as a policy matter, or perhaps more pertinently, something that was a fit subject for the interest of the formal Policy Branch? These comments suggest that 'Policy' development, as previously noted, appears to have been first and foremost conceptualised as something requiring a change to the law, be it primary or secondary legislation. The early introduction of paternity testing did not involve this. Additionally these changes to paternity testing policy this could fall into two of Hill and Hupe's governance types (Hill & Hupe 2006). On the one hand the policy at this point was concerned with organising new institutional arrangements for paternity testing and setting the rules whereby these would be invoked. This would place it firmly within the category of constitutive governance deals with the generation of rules around the content and organisational arrangements of a policy. On the other hand, if one viewed the new testing policy as simply a processual extension of the former blood-testing regime, then it falls within the operational governance category.

This central ' core' was then supplemented by a less stable shifting network of 'reviewers' who included operational staff, approved representatives from lord chancellors department, lawyers and Scottish solicitors (as previously noted Scotland is subject to a slightly different legal matrix). The purpose for including these areas was described as:

> To make sure we got all the angles covered, 'was it legal?', and 'was it acceptable?' 'have you missed anything' (In6).

The 'angles' do not necessarily imply coverage of wider sensitivities surrounding paternity. In fact the opposite may be true. It could as readily be interpreted to encompass extensive coverage of the minutiae. For example, another respondent with experience of the senior civil service across Whitehall corroborated and extended this point, attributing it to a policy mindset that was characterised by a focus on the detail and the minutiae, expressing the view that this was a typical 'policy' behaviour:

> There is a way of thinking, there's almost like there is a policy mindset of thinking.
>
> What would you characterise that as then? (RL)
>
> Purist, its detail, its – purist probably is a good word, it's hugely definitive – lets define the meaning of everything. Policy people in my experience love to kind of pick on words and on cul-de-sacs, the more cul-de-sacs in thinking - you can't get to the core issue because there's a hundred and one little diversions that people go through. But incredibly removed from any degree of reality at all stages – its very theoretical, its very principled, its very pure, its never contaminated by dirty real life, I mean I know its very difficult, I can see that hugely in lots of the policy people that I deal with (In 11)

In a compelling example of Hill's 'dignified myth' in practice (Hill 1993), others involved in the policy design 'core community' echoed this sense that perfect policy was rational and objective – untainted by the emotions and realities of real people. So in actuality the desire to 'cover all the angles' appears to have been structured around making sure the Agency didn't fall foul of existing law or other Department's policy, not consideration of the broader impact on families in 'dirty real life'. In order to achieve this the necessary 'experts' required a detailed knowledge of policy and legislation, again potentially driving the agenda towards the minutiae. It would arguably be a different story if the focus were on the broad strategic aims.

Perhaps because of this, the only way many respondents seemed able to frame 'wider issues' or sensitivities when asked about them, was by immediate reference to specific legislation. For example:

> Was there any consideration of the wider implications of DNA? (RL)
>
> I think it was covered briefly when there were discussions around changes to the Data Protection Act. (In6)

And in similar vein:

> The notion of genetic and financial responsibility going hand in hand, was there any discussion about the wider issues relating to that?
>
> You're talking about the Human Embryo and Fertilisation Act? (In6)

By the time the Child Support, Pensions and Social Security Act 2000 was gestating, this power balance within the network relating to some of the more sensitive 'wider considerations' had coalesced around lawyers rather than central policy. This shift seems to owe something to the broad-spectrum implications of the Human Rights Act 1998 (Jacobs & Douglas 2004)and its Article 8 references to family life, although 'civil liberties' appeared to have been swept up in this net. For instance, when asked about 'sensitivities' it was not uncommon for interviewees to respond that, yes the human rights issues had been considered by lawyers. For example:

> Was there much discussion around the RBD [reduced benefit direction, ie imposing a benefit sanction in the event of refusal to co-operate with DNA] on the sensitivity? (RL)
>
> Yes (In1)
>
> And who was involved in those discussions? (RL)

> Lawyers were involved in those, ECHR [European Court of Human Rights issues] certainly would have been involved with lawyers in those, ECHR (In1)

Likewise on the question of civil libertarian objections to greater use of DNA testing:

> Solicitors mainly take account of what they expect the responses from them to be (In10)

Or more widely:

> There were the religious grounds or the various ethical grounds and lawyers investigated all of the ethical groups including Mormons etc (In1)

This not only confines ethics to the province of lawyers, the reference of 'ethical grounds' may indicate that such consideration is at least as rooted in the desire to avoid or protect against the risk of inadvertent discrimination and legal challenge, as to explore the broader societal and familial implications of extending the use of DNA testing. Thus consideration of ethics, far from being 'ethical' seeks to protect the organisation not the affected individual.

Although clearly not conclusive, the interviews may reveal a shift in the province of certain issues in the period between the extension of testing to the adoption of the assumptions. Certainly mention of lawyers is more frequent in the later period. This may suggest that consideration of many of these wider issues has crept out of the domain of generalist civil servants and more into the professionalised realm of lawyers. If so the ultimate effect may, speculatively, be to increase the desensitisation of non-lawyer policy makers to wider considerations while simultaneously confining the scope of these issues to categories with Human Rights or discrimination implications. It may also continue to foster the focus on the detail, since UK legislation is, by its very nature, intensely detailed. Lastly it appears to be characteristic of a policy matrix where the emphasis is upon defensively avoiding challenge as distinct from driving change forward. This would be worthy of further research.

What was the agenda that they thought was being set, and what underpinned this?

The middle/bottom-up focus of paternity policy development implies that the use of DNA testing and the later 2000 Child Support, Pensions and Social Security Act amendments were firmly rooted in incremental problem resolution, with links to the frontline as a source of problem identification. So what were the policy deficiencies that changes to paternity policy sought to resolve?

Firstly there was no evidence that the changes were needed to avert a 'public outcry', not least because paternity policy has been, and continues to be, surprisingly uncontentious. On the contrary, as previous paragraphs have shown it only becomes publicly contentious when a 'discrepancy' is discovered

For example, one senior member of the Agency with both central and operational experience

> I mean paternity's always been slightly outside of the main focus of where we were, because we've never really had, I don't think, huge amounts of top down focus on paternity...it's always been on the periphery, it's been round about the issues that we've got but never one that I think was core (In11)

This certainly seems to have been the case during the public consultation process for the changes under the reforms in 2000. In view of the increased compulsion on parents to take the test, the introduction of the assumptions and the extension of child support paternity determination to the wider family law, there were a number of potential ethical minefields. But public reaction, from the recollection of the policy design participants, was something of a damp squib:

> People were asked to write in to CS Policy with anything on any of the proposals. I don't think they were inundated with people writing in (In1)

This is echoed by the persistent and perhaps remarkable lack of stakeholder and MP resistance. One member of staff maintained that this was because:

> Parentage is probably one of the less controversial areas because I think even MPs would be unhappy at the fact that people deny paternity and the level of denial who's subsequently found to be the natural father. That just demonstrates the vast majority who have denied are not doing it for any other reason than not paying (In13)

Mink (1998) has documented a similar lack of controversy in the US context, attributing it to the superficial appeal of aspects of paternity establishment policy to a variety of political and pressure group agendas. It is, however, equally as likely that the endorsement of the UK policy owes much to the rising acceptance of DNA as the perceived answer to a range of societal and personal ills, coupled with assumptions about the inherent naturalness and hence 'rightness' of genetic paternity.

In view of this continued absence of media and stakeholder resistance as a trigger for change, the altered direction of paternity policy within the policy design tier appears instead, to have been underpinned by a number of common goals and values within a core, relatively, stable community. These formed a kernel of congruent basic values and perceptions of legitimacy that typify a stable policy community (Marsh and Rhodes 1992). They differ slightly from Sabatier's (1993) focus on belief systems within policy subsystems, because they are a) inarticulate and b) not therefore the basis for active advocacy (Schofield 2004, Ellison 1998).

Since the term 'values' is used interchangeably and differentially within a variety of settings (for example, individual personal values, organisational values, Agency values (CSA currently has four, as does the Department for Work and Pensions)) I will henceforth categorise these as 'organisational tenets' – unwritten, pervasive and prioritised 'articles of organisational faith' used by individuals as the interpretative basis for their work-based interactions with others. They stand silently alongside more formal goals and values (such as

combating child poverty or encouraging responsible parenting), and may variously support or suborn these goals depending upon context.

These pervade the policy design discourse. They may have been sourced from within the Agency (or speculatively the wider Department) and seem to have been tacitly shared or accepted by Whitehall colleagues. They are reflected in the 'discursive practices' of the policy actors (Fischer 2003) and amount to the 'deep structures' of policy that Gordon at al describe as the:

> implicit collection of beliefs about the aims and intentions of the departments and about the relevant actors who influence or benefit from the policy' (Gorden et al 1993 date p9).

Analysis of the interviews within the policy design community suggest that these tenets are as follows:

- Speed – the faster the Agency can make a child support assessment the better
- Objectification – the best policies are 'scientific', free from subjectivity, emotion and discretion
- Financial custodianship of the public purse
- Prudent suspicion
- 'Qualified' honesty
- Equity - as sameness/standardisation equals fairness

The following paragraphs expand and explore these tenets.

Speed

On of the main reasons CSA first embarked on use of DNA testing appears to have remained fairly consistent throughout the Agency's history – enhanced processing speed. For instance

> I think it was because it was so slow going through the courts, we weren't getting the results, we were getting complaints (In6)

This desire to combat delay had not altered by the advent of the changes later enshrined in the Child Support, Pensions and Social Security Act 2000. For example:

> So where did the impetus behind the 2000 Act [paternity policy changes] come from? (RL)

> Well basically it was to speed things up. Essentially the DNA test was an offer. If someone denied paternity we could say, well we can speed all this up for you if you're saying you're not the father, we can sort it all out so there's no doubt whatsoever and we'll even pay for it. But if you're proved to be the father then we'd like that money back, which sounds a perfectly reasonable offer (In 10).

Another policy advisor explained:

> It was quite a long protracted process (In16)

This individual went on to add that, as well as being protracted, progress on high volumes of cases could also be stalled where attempts to contact the non-resident parent to confirm parentage were unsuccessful:

> Prior to the legislation coming into effect, the main problem was that we had a lot of cases that we could not take forward...it was a black hole, the whole process (In16)

A view shared by an individual who had then been involved in implementation of the changes:

> These [the parentage assumptions] were brought in to speed that process up (In18)

This quest for greater processing speed appears to have been confined to the alacrity with which paternity denial could be bypassed or resolved, (and, as previously noted, the interviews indicated that difficulties resolving this did result in a great many cases 'stalling' for months or years, if not for ever).

In policy design terms this is confirmed by the fact that the discounted scheme is not extended to parents who dispute paternity *after* the assessment has been made by the CSA. Instead these individuals are expected to fund and organise DNA testing on their own, unaided by the Agency. So is not resolving a parentage dispute that attracts Agency assistance via the discounted scheme; it is the fact that the dispute occurs before an initial assessment of maintenance liability has been completed. Once this hurdle has been negotiated then there is no incentive for the CSA to support subsequent doubters through the discounted DNA testing process.

Some respondents made the, not unreasonable assumption, that removing what was seen as a bottleneck would result in more money flowing to children. But there is no evidence to suggest that anyone had explored this comfortable principle further and established whether confirming paternity via the deployment of an assumption *was* actually associated with compliance with the requirement to pay child maintenance. Indeed one of the subsequent interviewees pondered whether a magistrate would make an enforcement order in the absence of an admission of paternity.

There was, however, ample evidence that this somewhat stark approach was also seen as beneficial to clients in different ways, regardless of the financial outcomes:

> For parents, speed, because there's much less delay and if you like, less stress, particularly for the PWC if the NRP is just delaying. And less stress for him if he doesn't know if he's the father because it can be found out very quickly, very easily without having to go through embarrassing discussions and then go to court (In 9)

Having said this, the interviews suggest overwhelmingly that the main problem that past and present paternity policy endeavoured to solve was one of delay rather than the fact of the denial itself. The following quote encapsulates the manner in which Agency and central policy makers appear to have bounded blithely over a number of potentially thorny ethical issues about origins information in pursuit of this:

> At that time it was fairly clear that we were looking to establish, as far as paternity was concerned, the normal rules of parentage. The natural children weren't a problem, adopted children weren't a problem, we obviously had to look at IVF and all of those issues but certainly they were all treated as natural children. So there wasn't really a problem as far as that was concerned. The main problem came as a result of the denial of paternity and not really anything to do with the legislation, it was seen in the vast majority of cases as a delaying tactic. So that sailed in probably with no questions being asked at all (In1)

This quote is worth 'unpacking'. From the child support perspective within the policy design setting this suggests that the 'normal' paradigm is clearly 'natural' genetic children. In the context of previously married clients this is at odds with Smart's (1987) analysis of paternity, which highlights the traditional policy preference for the 'marital' model. It is also at odds with the rest of the Department for Work and Pensions since families are routinely proxied within the benefits system as a 'benefit household'. CSA's early approach marks a clear departure from this household model. For example, there is no liability for step children in child support law, no matter how long the period of co-habitation. In addition although the father of a child born within a marriage is now assumed to be the parent for child support purposes, this wasn't originally the case and is still rebuttable. Instead the primacy of the genetic link to maintenance payment has gone unquestioned for many years. Because of the anomalies surrounding

stepchildren it would also be an over-simplification to assume that saving benefits expenditure underpinned this stance. The Child Support Agency's original emphasis on genetic links appears to have marked a genuine shift towards a less traditional paradigm of 'parenthood' and financial responsibility, with less evidence of buttressing traditional institutions such as marriage (Smart 1987). The more recent legislative changes around paternity 'assumptions' has arguably swung back towards the more traditional model.

Objectification – via application of technology

As one of the previous quotes reveal, the desire to remove discretion, variation and subjectivity, ideally by the introduction of a 'scientific' principles also appears to have been an unwritten principle, at least within the Agency's policy design domain. This implies that subjectivity and variety are inherently problematic, which echoes Elmore's discussion on the 'problem' of administrative discretion (Elmore 1980). It also goes further, with a preference for the exclusion of emotion and greater automation. For example, when dealing with the original approach to paternity one interviewee explained:

> I would like to say they [staff] were dealing with the facts but some emotions still crept in (In6)

A similar theme was raised in the context of the 2000 changes, with the desire for a dehumanised standardised approach harnessed to the development of new system requirements:

> There are a number of rules, if you like, that they brought in as part of legislative changes – a presumption of parentage and assumptions. And they've been built into a tick box. (In9)

Later in the interview however, the same individual acknowledged, rather regretfully, that this Taylorist mindset had not invariably proved successful

> We tried to build in as much automation was you possibly can, and it's very difficult to automate because each case is different (In9).

In similar vein another explained:

> The guidance is so very fuzzy, it doesn't give them the intent, it tells them which button to press but not which information, which options (In17)

(whether or not the guidance is 'fuzzy', the mere fact that it focuses on 'pressing buttons' is revealing in itself)

Another explained:

> I don't think we can get into the extended social welfare service or anything like that. We just need to establish the facts and that's it (In10)

The 'facts' in this quote are clearly confined the genetic confirmation of probably paternity, rather than any other 'fact' surrounding the case.

In subsequent manifestations of the organisational design this was accompanied by a desire to broaden the role of the caseworker. This was also deemed beneficial to clients by some individuals involved in the policy development arena, describing the process as 'quick and clean'. In short, speed and a rather sterile form of process cleanliness are seen as logical running mates in the race for the perfect policy. There are two facets to this – one highlights the value of simplicity as against complexity, the second stresses the preference for uncluttered objectivity.

Prudent suspicion

A linked but separate tenet was embodied in the idea that the policy subjects were inclined to be unreliable and potentially mendacious in their acceptance of parentage (which personal experience suggests may have had its roots in local

benefit office culture – where staff are traditionally alert for the prospect of benefit fraud). This looms large in a number of interviews: For example, one middle level individual involved in the policy design domain explained that, when alleging parentage of the child:

> One of the problems is, as lawyers have always pointed out, the parent with care has a right to be believed (In1)

Another, less senior colleague who had moved from policy to implementation activity indicated that a similar suspicion attached to the changes in 2001 which attached a benefit sanction to failure to cooperate with a DNA test:

> ...problems with the old scheme where you got PWCs on benefit, let me get this right, who named an NRP but refused to take a blood test/DNA test. What action could be taken? Because there was a sort of assumption that they were getting twenty quid in their back pocket, which lead to the Section 6 changes where the information they have to provide includes DNA (In17)

Interestingly this quote also very clearly conceptualises DNA as mere 'information'.

Others within this domain expressed similar views:

> It was the new people in the CSA who didn't want to give any reduced benefit directions, even when the evidence was there that she simply wasn't going to tell you, and you could read between the lines there was collusion in that the AP [absent parent], sorry AAP [alleged absent parent] was too - I'll make up your money, just don't shop me'– fair enough, she gets the money (In6)

As the above quote suggests this untrusting outlook was not solely confined to parents with care. Non-resident parents were also portrayed as untruthful, for instance:

> If a man was denying paternity it was accepted that nine times out of ten he was lying (In1).

Or again, on a different theme:

> If people can find a loophole, they will (In9)

Qualified Honesty

Although this above tenet could be said to be rooted in a policy desire for honesty and truth, or at least in the belief that suspicion was wise, the validity of this assumption became rather clouded when the issue of implications for children arises. There was a suggestion that deceit is then viewed with considerably more ambivalence and may even be seen as a positive option: For example, when discussing how the test might be explained to a child who didn't know that there was a doubt over paternity, one respondent stated:

> I suppose it depends what the parent wants to say in those circumstances, you can make up all sorts of stories about checking for inherited diseases or whatever, but it is a difficult one (In9)

This quote hints at the view that, although 'difficult', it may be better to deceive a child into believing they may have a congenital disorder, in order to avoid equally unpalatable discussions about parentage. This is a somewhat extreme strategy once the welfare of the child is considered.

Taken together, these exchanges suggest a rather less clear cut stance on the desirability of truthfulness and the condemnation of deceit than first appears. In reality these may be suborned in the interests of avoiding complexity and complication. If lying, or at least masking the truth, makes for a simple and uncomplicated process, an 'easy life' for all adults concerned, then it is not necessarily problematic in policy terms. It is also possible that lying to children is seen as less unacceptable than lying to 'the authorities', at least by those self-same authorities.

Likewise a 'black and white' view of policy subjects that fails to recognise that people genuinely may not know the truth about paternity, allows wider and problematic issues to be side-stepped or deemed to be outside the scope of the matter in hand. This can then be shoehorned into a neatly crafted and tidy policy, which is more readily 'manageable'. In addition a preference for 'proof' is itself a logical corollary of a shared 'prudently suspicious' outlook on policy formulation. If someone thinks people are inclined to be lying then inevitably they welcome something that confirms or denies this to a high degree of probability. This is likely to have contributed to the widespread and unchallenging acceptance of DNA testing. It also resonates with Marsiglio's (2000) point about the availability of DNA testing challenging the time honoured tradition of trusting one's partner.

Financial custodianship

From the outset individuals involved in the policy design appear to have been very conscious of the cost implications of the introduction of DNA paternity testing and the need to safeguard the public purse, (not solely in the context of limiting benefit expenditure which was an early formal goal). There is some evidence that this may have resulted in 'expedient' decisions that 'trumped' considerations such as fairness:

> I guess in the early days a lot of the parent with care cases were on benefit also she probably didn't have the money to pay for it [DNA tests for both parents and the child[ren] so it came to him. Its never occurred to me to be honest, why we chose him, why we didn't just say fifty fifty...its not consistently fair, I think practicality more than anything else (In10)

They were also cogniscent of the wider objectives of the Agency as a means of diminishing the State benefit bill, although the rhetoric of 'benefits savings' has tended, over time to be replaced by talk of personal rather than State responsibility. This is unsurprising but nonetheless still very relevant.

Equity as 'same-ness'

There was evidence in the policy design stage (and more as the policy moved into implementation and delivery) of a desire to inject a degree of equity and fairness into the policy, particularly in the treatment of both parents. At times this manifested in somewhat unexpected ways. It does, however, feature in the practical consideration surrounding the formulation of the policy, at least in the early days. For example, one individual explained how he had influenced the policy that allowed the agency to meet the costs of the test, recouping them from the father if it subsequently proved positive:

> Originally if you were considered to be the parent of that child and you agreed to a DNA test, you had to pay for it. Even if you feel 'I'm not the parent of this child, I've got no connection with this at all' the only way I'm going to prove it is to pay £450, well that does seem a little harsh... I didn't think it was fair (In10)

It is, however, noteworthy that others had a different slant on this policy aligning it to the removal of bottlenecks (speed again) and the opportunity to stall the process by pleading poverty (probably deceitfully) and inability to afford the test fee.

The advent of the later changes resulted in a symbolic manifestation of this desire for sameness. For instance, one implementer who had been involved in the periphery of the policy discussions explained:

> What did they agree on? Well that the name should change from paternity process to parentage. That was a steer that came from policy in London, the reasoning was because in some instances you can be talking about the mother. That is true, you can talk about who is the mother in some instances, but

> generally it's a very small percentage of cases. But people agreed to change the name and give greater recognition to the fact that it was establishing who the parents were (In3)

It is worth noting at this point that that this was the only occasion where the prospect of disputed motherhood was raised. None of the interviewees mentioned any such instance although all were asked if they could think of unusual cases.[27]

Who was the agenda set for?

Several of the interviewees expressed the view that the incidence of disputed paternity cases was largely corralled within the corpus of parents with care in receipt of a 'prescribed' benefit. Evidence for this being a commonly shared understanding is provided by the fact that in the inaugural years at least, the position of 'private' clients seems to have been almost completely overlooked. Linked to this a couple of the interviewees who had been involved in the periphery of policy design and subsequently observed it in operation, believed that policy was made by people with limited experience of those it is intended to affect. As one explained:

> There's an awful lot of generalisation [among the people making policy] because I think a lot of the policy's formulated by people that haven't really got any experience. You can't assume that all people on benefit don't feed their children

[27] In a compelling insight into the complexities surrounding paternity establishment, one interviewee did, however, mention a case where genetic testing to establish the father revealed that the named 'mother' was not the genetic mother, although she was a close relation who had presumably elected to assume the maternal role. In another case a non- resident parent disputing parentage as a result of licensed egg and sperm donation sought to have the mother DNA tested, arguing that evidence of genetic maternity would prove that the child in question was the result of an affair rather than the licensed agreement, thereby rebutting the parentage presumption under S26 (1) of the 1991 Child Support Act (as amended) ' ie 'where the alleged parent is the parent of the child by virtue of an order under S30 of the Human Fertilisation and Embryology Act 1990 (Parental orders in favour of gamete donors)

> properly, that they all live on Gregg's sausage rolls and chips from the chip shop (In13)

It is interesting that this was raised in the context of a policy that the Agency and Policy colleagues alike seem to have otherwise framed very narrowly. The 'pure clean process' ideology should, in theory at least, be unconcerned by the lifestyles of its subjects.

Other implicit characteristics include the view that the parents in question are often seen as implacably opposed and therefore prepared to resort to lies to make the other parent's life as difficult as possible. This includes using paternity denial 'as a weapon' (linking back to the 'prudent suspicion' tenet). Fathers are not uncommonly portrayed as resorting to a range of tactics to avoid paying. This included unfounded denial of parentage, something that Ministers later endorsed (Hansard 2000a).

Despite this image of potential fecklessness and embittered opposition, the interviews revealed that the operation of the policy presupposes that parents with care will at least have a very good idea who the most likely candidate for fatherhood is (even though they may not be inclined to tell - hence the benefit sanction). There is, for example, no scope for parallel testing of a number of possible fathers, on the contrary the mother is required to identify the most probable contender. If he then proves not to be the father than the next most likely is contacted. (It is worth noting that this approach may be at least partly influenced by cost and sensitivity concerns rather than an idealistic view of peoples' orderly sex lives!)

Alternately a degree of naivete on the part of policy makers, coupled with some naturalistic assumptions about the importance of genetic paternity and the behaviours that should automatically accompany this may also have influenced the policy design. For instance, one member of staff with many year's experience in the design and development of Agency policy explained that:

> I think for this one [use of DNA and paternity policy] the presumption for Ministers was that you wouldn't get natural parents denying their children. And I think it came as quite a shock to some people. Whereas in a Liable Relatives section [the previous benefits regime] we knew about it, you knew it existed, it was a way of life. And I think there was an assumption made by a lot of people. ' well it is your natural child, why would you want to deny him'. And of course unfortunately when it comes to money, many people do, and when it comes to non-relationships, many people do. I mean, it is different if you have had a long term relationship with someone but if you have had a one night stand or even a casual relationship, and awful lot of the non- resident parents' arguments was that 'I never had a relationship with this person. Yes I knew the person, yes we did sleep together, but I didn't have a relationship so why should I be responsible?' (In1)

So in a nutshell, the policy appears to have been designed for poor mothers who know but are estranged from the father of their child (a sausage-roll eating baby!), who in his turn will do his utmost to avoid paying maintenance. Both are inclined to be 'economical with the truth'

Wider issues: what was and wasn't considered?

Unlike the early scheme, which was introduced under existing powers to use blood test evidence, the more recent amendments were subject to formal consultation. This included aligning CSA paternity determination to wider family law changes. This was clearly not seen as something, which CSA pursued or even had an interest in:

> That will have been CS Policy. It sounds awful but our own interest is CSA. We wouldn't have been thinking more widely as to how it would have fitted in (In10)

As later analysis will show, this is testimony to the ability of Agency staff at all levels to clearly demarcate very narrow parameters as the legitimate remit of staff endeavour – thereby side-stepping complex and unpalatable areas. It is

simply seen as not part of their job to 'think more widely' and those who do are not inevitably welcomed. For instance:

> Obviously you did change aspects [of the policy] on the welfare of the child? (RL)

> I was considered a bloody nuisance (In6)

Later paragraphs will return to the question of child welfare.

Having said that, it is not necessarily that staff are unable to articulate these concerns when questioned about them as individuals. But in the routine discussions around policy change, CSA staff as employees either do not raise, or do not notice, concerns that step outside the 'process' of pursuing a child support assessment in a very linear fashion. Indeed there may be a real tension between the consideration of ethical and wider issues, and being seen as easily distracted by 'peripherals'. This may be due to organisational conditioning and training. Many of the staff interviewed had worked in a formal project management environment where defining project scope is seen as vital (PRINCE manual 2002). What may seem, on the one hand, to be a woeful overlooking of critical issues, may equally be seen as commendable single-mindedness in project and organisational change management terms.

Considerations

Interestingly the interviews suggest, with few exceptions, that use of DNA to prove paternity and the considerable implications for relationships and families were not considered other than in a very limited form. Instead there are a number of implicit assumptions around the 'naturalness' of a genetic father being liable to pay, which neither the Agency nor Policy counterparts appear to have questioned. Put starkly, under the terms of Section 1 of the Child Support Act 1991, a parent is liable to maintain his child. As far as I have been able to

discern, CSA policy makers have then simply assumed that this implies a 'genetic' link.

Once this assumption is taken as read, proof of paternity via a genetic test becomes the logical extension of administrative action where any doubt is voiced and cannot be rebutted by other means, especially in an organisational culture where prudent suspicion is deeply embedded.

Getting to the heart of this thinking in the interviews proved intensely difficult. It appears to be such a 'given' within the Agency, that attempts to probe more deeply were largely greeted with blank looks as respondents struggled to understand the question (even when translated into CSA insider-speak). There were, however, a number of specific considerations which vexed staff involved in the policy design community. These were as follows:

Taking blood

One of the main areas for debate in the formative days of the policy seems to have hinged around the requirement to provide a blood sample (now superseded by oral swabs). This was clearly relatively unfamiliar terrain for the Agency and the Department and it is unclear where some of the issues originated. It is possible that the very unfamiliarity of the subject stimulated a slightly less narrow consideration of the possibilities simply because policy designers couldn't fall back upon accepted assumptions.

For example

> The big issue was taking blood samples from a child, well not so much a child as babies (In10)

Or

> Babies was the main concern. There was this thing about it being called a blood test, that kept getting bandied about, actually testing the blood, its just a sample – they thought we'd be testing for all sorts of diseases and such things (In9).

There was a degree of policy debate around the requirement to provide blood and the possibility of religious objections

> There was also this religious perspective, it's against my religion to give blood. So we had a lot of discussion on that (In1).

Pain

Inflicting pain on children also featured within these debates, particularly since the original policy was introduced before the testing companies moved to the use of oral swabs. In practice, however, Agency staff were inclined to view this as a price worth paying in the pursuit of maintenance:

> If you've come to the Agency for us to get maintenance and the only way we can do it is to have a DNA test to give us any certainty that we've got the right person, then I think that going along to your local doctor, at some point, over a period of time, to withdraw a small sample of blood isn't unreasonable' (In9)

The flaw in this argument is that it is not the children who have 'come to the Agency', and their mothers may also have been subject to considerable compulsion, although on the plus side children would ultimately benefit from maintenance paid by their father unless their mother received state benefits.

Children born via assisted conception

In addition the initial policy had grappled with the position of children born via reproductive technologies such as donor insemination and in vitro fertilisation. Where a child is born via the intervention of a licensed clinic the legislation states that for child support purposes the 'father' is defined in accordance with Sections 28 and 30 of the Human Fertilisation and Embryology Act 1990 (Jacobs and Douglas 2005). As the initial chapters explained, if fertilisation occurs via an 'unlicensed' route however, the Agency will still pursue the genetic father, regardless of the circumstances. Based on the interviews that rationale for this seems to have hinged on the 'prudent suspicion' agenda. There was no suggestion that a desire to replicate 'traditional' family form and the question of consent to be a parent was defined within narrow boundaries:

> What was the thinking behind that IVF one- the informal not counting and the formal counting? (RL)

> well the formal one, you have to get both of the parent's permission to proceed, and obviously that was the catalyst that was going to decide whether or not both parties were party to the process. It is different if you have an informal one where you get a friend to do something for a friend. Obviously that is open to all sorts of interpretation, it is also open to abuse as well (In1).

Research by Wikeley et al (2000) reveals that a proportion of CSA children are the result of 'casual' relationships. In addition this research, which endeavoured to interview matched pairs of clients, uncovered the fact that rather fewer parents with care considered their relationship to be casual/one night stand, when compared to their non-resident parent counterparts. To some extent this is inevitable, when talking to researchers parents with care are likely to overplay the seriousness of the relationship and non-resident parents are equally likely to downplay it. But even so it does point to a probable mismatch between parental understandings of the nature of the relationship and levels of commitment. Faced with this it would be extremely difficult to incorporate the question of

consent to becoming a parent into the policy. In fact it is arguable that part of the original rationale for the Agency was to discourage 'careless' sexual behaviour by strengthening the financial consequences. In practical policy terms there are no clear lines to be drawn in the gradation from the consensual decision of a married/cohabiting couple to 'try for a family', to an 'unplanned' pregnancy within a long term relationship, through a variety of contraceptive mishaps, misunderstandings and misrepresentations and ultimately to the extreme 'sperm theft' type scenario (referred to in one of the later interviews). Instead the Child Support Act puts this to one side and plumps, pragmatically, for genetic parentage on all but a few exceptional counts, (catered for by existing legislation such as the Human Fertilisation and Embryology Act) regardless of the circumstances. In practical operational terms this has the added benefit if limiting the need for extremely difficult discretionary decisions.

Identity Fraud

Unsurprisingly in light of the preponderance of 'suspicion' as an organisational mindset, the possibility of a non-resident parent 'sending a friend' to take the test was considered at some length at the inception of the policy:

> I've just remembered one of the other major issues we had. This was NRPs, the wrong alleged non-resident parent turning up. We had people sending the next door neighbour and we had a lot of issues around that, we had quite some cases around that. I think one particular one had sent his next door neighbour round and it came up with a positive result (In9).

(One can only wonder at the subsequent dismay of both the 'non-resident parents' in this instance!). The solution to this conundrum was to require the individuals to provide a photograph in advance, which is then checked by the GP and corroborated by the parent with care in the event of a negative result.

This does not appear to have been an isolated occurrence as one individual involved in the later changes also cited a similar concern:

> Another case, the NRP was a squaddy. He sent his Army buddy along to the Doctors to provide the blood sample and the Doctor presumably looked at the photo of the squaddy, crew cut etc [and accepted it]. The PWC was horrified and when we went into it he sort of coughed up (In16).

Close relationships.

There was some discussion around the limitations of DNA to discern the 'truth' when close genetic relations were possible candidates for parentage, for instance:

> And then twins, cos twins are a difficult one because twins have the same DNA. These were huge issues, but you know – how many twins were likely to be in a dispute, a handful, and I think we can manage that on a one by one basis (In 9)

And

> How do you now it's the right person, so we got the idea of photographs and off course the interesting one is twins (In 6)

Or

> What are the problem areas? (RL)

> The issues around consent and IVF as well as identical twins (In 13)

Although only indicative, this provides further evidence of a focus on relatively isolated instances where the validity of the 'proof' was inclined to be compromised. As one speaker noted, these cases were likely to be rare and the sensitivities are such that case specific consideration is inevitable.

Confidentiality and consent

The other concerns mentioned in a couple of the interviews dwelt briefly on the question of maintaining confidentiality, often bracketed with data protection. In addition the question of consent by older children to take the test was raised, but in the context of a 'block' devised by the parent with care. Even then, the issue in question seems to have been more around the refusal of the mother to consent to have her child tested:

> If I remember correctly the wording of the policy I think was that, whilst it's not an offence to refuse to give a DNA test, we were looking at good cause. The failure of a PWC to give a DNA test was good cause [ie should be considered for a reduced benefit direction unless the client could show that there was a risk of harm or undue distress], but the wording didn't say that her refusal for the child was a problem. So it would be quite easy to get round that by saying 'yep, I'm happy to take a test but I'm not happy to take a test off my kiddie (In9).

According to Hansard (2000e) the 2000 Act was accompanied by a change to the 1969 Family Law Reform Act to allow a case where a parent refuses to allow a child to be tested to be taken to court. None of the interviewees raised this however.

What wasn't considered

When asked directly about the wider implications, staff involved in the policy definition process could, as individuals, readily imagine the circumstances and potential emotional turmoil that parents and particularly children might face following a DNA test:

> If a child, say its six or seven, they need security, they have someone already there as their father. Suddenly they find out that they're not their father, how are

> they going to cope? It's something they need to know when they're old enough to understand it. How will it serve the welfare of a child, a young child who's only known their mother and father all their life, to suddenly find out he's not my dad (In6)

The position of children as helpless bystanders between two warring parents was also touched upon, recognition that staff were fully aware (generally when prompted, otherwise it didn't tend to crop up), of the strife, anguish and bitterness that surrounds disputed paternity.

> Its got nothing to do with whether they believe or not, that they were the parent of the child, it's got to do with hurting the other party and making life as difficult as possible (In13)

Having confronted this unpalatable reality however, interviewees fell back upon powerlessness or even disbelief as ways of explaining the lack of any provision to cater for this:

> I mean, what can we do? go along and comfort the child. I mean it's the parent who's saying 'I'm not your parent', and there's not much more I can do about it (In9)

Or, more simply, talking of the behaviours of fathers who dispute parentage simply to delay matters, despite a long relationship with the child

> You couldn't do that to a baim (In17)

Unfortunately, however, people do indeed 'do that to a baim', and consideration of the practical and emotional impact on children is perhaps the most striking omission evident in the development process as evidenced by the interviewees. Other than as potential beneficiaries of maintenance payments, children appear to have been viewed as blood providers and little else. The same is true of the wider family – siblings, grandparents etc. Indeed the only occasion on which

interviewees could recall family relationships being discussed was in the context of twins or relatives turning up for the test.

Another clear difference with the approaches to the deployment of genetic technology in many other contexts, is the absence of any genuine debate around the consent of the parties concerned. Again, the tenor of the discussion was typically around the extent to which compulsion was acceptable, and how far this could realistically be extended.

Lastly it is apparent from the interviews that it never really dawned on the design community that, in the context of requesting DNA, they were expecting parents and children to provide something rather more central to their identity than a paper or other document:

> The information they have to provide includes DNA. The terms are 'sufficient information to allow the Agency to pursue maintenance (In17)

Indeed reference to the role of the Data Protection Act by a couple of interviewees suggests that the DNA sample was seen in a broadly comparable light to a birth certificate or set of wage slips. Although the usage of the sample does limit it to confirmation of a particular parental assertion this confirmation may be associated with far more anguish (and the potential for additional genetic information) than is generally associated with the receipt of a wage slip. The decision in Re L (Family Proceedings Court of Appeal: jurisdiction) Munby J (2005)1 FLR 250, illustrates some of this potential for anguish. In this case a CSA assessment was in place for an older child. The father subsequently disputed parentage, his former wife refuted this challenge and the CSA decided that the assessment should stand. The father then appealed this in the family proceedings court, whereupon the wife indicated she wasn't entirely sure about parentage and refused to take a DNA test. In the absence of the wife and child the family proceedings court made a declaration of non parentage (exceeding their jurisdiction). The presiding Judge described this as an affront to justice that breached the child's Article 6 and Article 8 Human Rights.

Concluding comments

The interviews looking into the early phases of paternity policy design provide numerous insights into policy making in the context of a large governmental organisation.

Firstly the initial policy appears to have been stimulated by a combination of a bottom, or more accurately 'middle up' idea with increasing normative force in its own right, landing upon a fairly stable policy community that typically adopted a relatively incremental 'muddling through' style approach (Dolowitz and Marsh 2000, Marsh and Rhodes 1992, Lindblom 1958, 1979). The criticism of such approaches is often that they preclude radical changes.

The experience of CSA contradicts this. The use of DNA and genetic paternity is arguably a very radical change, making use of emerging new genetic technology to link fathers outside the traditional family and benefit household models to children that they might not even know existed. What is striking is that CSA/CS Policy don't seem to have recognised this. Instead a blend of factors appear to have contributed to the failure to realise that a potential change had accidentally strayed into radical territory. These factors included:

- The idea was taken forward within a relatively stable policy design community with clear and relatively congruent values, tenets and objectives (Marsh and Rhodes 1992) These prioritised speed to assessment, resolution of suspicion, use of universal objective rather than discretionary principles to solve problems and custodianship of public funds

- This community was embedded in an institution which had a long and 'sticky' history of bureaucratic claims processing supported by requests for information. DNA was interpreted as little more than another piece of information

- The move to DNA testing was amenable to interpretation as operating at either a constitutive or a directive level (Hill and Hupe 2006). The lack of

legislative amendment associated with this change seems to have fostered its characterisation as an directive, or even operational change, which may have meant that it was subject to lower exploration, including lack of any Parliamentary scrutiny

- The power relationships within the network supported a narrow, problem-focused appraisal of potential change. Indeed CSA participants were discouraged from considering 'wider issues' which were the province of the central Department's policy wing

- In parallel, there was a rising background societal acceptance of genetic relationships as a way of structuring identity, with the result that increased use of DNA testing may have simply been seen as confirming 'the natural' (Maclean and Eekelaar 1997)

- Similar conditions applied to the 2000 Act changes, although the emphasis on genetic links altered (This will be covered in the concluding chapter). This was also buttressed by the colonisation, by lawyers, of the wider issues territory, under the aegis of ensuring that Ministers/the Agency was safeguarded against challenge. The apparent transplant of part of the assumptions policy from Scotland also meant that is was seen as a safe, familiar 'tidying up' measure rather than anything really new

As a result the policy community simply failed to notice that it had accidentally strayed into radical territory with immense implications for families. This narrow outlook was then carried forward into the development of the policy. Thus incrementalism arguably acted as an agent of accidental, 'blinkered' radicalism.

Interview material in connection with the later policy changes also suggest that the 'rational actor' emerged as a support role, rather than the lead on the policy stage. This emerged via the reference to providing a 'business case, volumes etc' once a need had been identified. This echoes Hill's assertion that the rational system model is a 'dignified myth' (Hill 1993, p3). Personal experience suggests that this is an increasing feature of the Whitehall and Project

management desire to satisfy governance and audit requirements. This is not to imply cynical 'lip service' to such principles – suggested policy changes that cannot be supported in this way can and do fall at this hurdle. (But by the same token policies supported by political will may be pursued even where a business case is elusive). In short, the rational actor model may have become a policy filter used to exclude proposed change rather than to identify them.

More centrally, however, the identification of what constitutes a problem, and indeed the solution to that problem, is inevitably constrained by the values and associated objectives of a particular area of organisation – the 'deep structures' and 'inarticulate major premises' cited in Gordon et al (1993, pp5-9) I have endeavoured to discern these tenets within the 'design' community. Subsequent chapters will explore whether these are replicated in the policy development and delivery domains.

If these domains do ascribe to the same values then it suggests that a common institutional mindset exists across the Department, lending weight to institutional models of policy delivery. If, as I suspect, these values map imperfectly throughout then it poses different questions. These include the role of institutional inertia, particularly at the delivery stage, as well as the existence of a series of overlapping design, development and delivery policy networks, some very stable in terms of membership – each sharing some common goals and values, but lacking or adopting others. In short the following chapter will:

- Explore the role played by tenet alignment and dissonance in the translation of policy from agenda setting to delivery. This will include comparing the experience of actual policy subjects to the insights gained into 'perceived' subjects, and how this plays in terms of value reinforcement within a particular policy context. It will also explore whether dissonance was accompanied by some form of bargaining to adjust the policy, or whether superficial similarity meant that the need for this was overlooked.

- Methodologically, consider whether a 'tenet mapping' approach to policy analysis, (including extension from design through implementation (rather than splitting the two) adds to the corpus of policy analysis tools

- Seek to untangle some of the concepts at the heart of the policy, such the conceptualisation of paternity and financial responsibility upon which the policy acts in practice

- Understand the coping strategies staff may deploy in response to the thorny ethical origins and child welfare issues that elements of the policy pose

Chapter 6 – Operationalising Policy, the view from 'the middle'

Introduction

This chapter explores the experiences and insights gained from staff involved in preparing the policy for 'release' into live running. In the wording of Hill and Hupe's recent framework (2006), they operated at the directive and constitutive level, dealing with the creation of rules around the content and organisational arrangements of a policy, and the formulation of decision-making about collectively desired outcomes. These individuals were charged with translating the policy and legislative framework into what they perceived as desirable and workable operational practice, capable of achieving their understanding of the policy goals. They approached this by setting up systematic processes, orderly systems, documented decisions etc – all resonating strongly with both Minogue's characterisation of managerialism (Minogue 1993) and with Schofield's more recent assertion that policy is operationalised by solving problems presented by the policy and then routinising these by incorporation in tasks and procedures (Schofield 2004). This also echoes Elmore's (1980) point that:

> The translation of an idea into action involves certain crucial simplifications. Organisations are simplifiers: they work on problems by breaking them into discrete manageable tasks and allocating responsibility for those tasks into specialised units. Only by understanding how organisations work can we understand how policies are shaped in the process of implementation' (Elmore 1980 p 185)

(The experiences of those personnel within central CSA policy and procedures teams who helped the front line to resolve ongoing, case specific problems as they presented in live-running are contained in the following chapter).

The methods chapter provides greater detail in terms of background, but it is noteworthy that many interviewees were 'career implementers' who had specialised in their particular field for some time (although some also had policy and operational backgrounds). Judging from Civil Service recruitment and

training material (for example the National School of Government prospectus 2006), coupled with personal experience of the wider Departmental setting, this cadre of professional implementers is not a CSA specific phenomenon. Instead it is a cross-governmental phenomenon, at least within the UK in major Government Departments with a significant service delivery role and ongoing change programmes. As Schofield points out, policy implementation requires learning (Schofield 2004). The pre-existence of a corpus of specialists familiar with the mechanics of implementation (if not the policy content) may reduce the time-scales associated with this learning but, at the same time, increase the tendency to apply standard solutions to problems.

By considering implementation as a discrete unit of analysis I hope to address the deficits identified by Hjern and Porter (1980). These include the failure to identify implementation structures as discrete administrative entities distinct from organisations, which they maintain has led to difficulties in programmatic implementation.

I will also try to untangle the insights provided by how the organisation selected the 'break points' between 'manageable tasks', if indeed break points exist.

Implementation 'actors'

The early implementation of paternity testing and associated policies appears, from the tenor of the interviews, to have marched hand in hand with their development. With no specific supporting legislation it seems to have been a fairly last minute affair:

> I didn't get the full procedures written 'til we went live (In9)

The interviews indicate that the procedures, and indeed the content of the contract with the testing company were developed in parallel, with a strong focus on how the process might work in practice, rather than any more strategic emphasis on the implications for clients and their families. At this stage any

distinction between policy design and implementation therefore appears to have been very blurred, with the same individuals having fingers either in both pies, or alternatively in one overarching pie.

Despite the firmer legislative footing of the later changes in 2000/2001, the comments of staff show that the practical preparation for the introduction of these changes was again quite a hasty affair:

> The legislation had been framed and was about to come into being and my role was the preparatory work so that we could deliver it when the legislation was actually commenced (In5).

They also reveal that a number of practical considerations were seen as central to successful implementation of the changes. For both the initial introduction and subsequent changes these included:

- The development of new procedures
- Contractual negotiation/re-negotiation with companies offering DNA testing services
- Organisational and process redesign to accommodate the new approach to paternity establishment (2000 Act only).

For the later changes these 'requirements' then shaped the membership of the community responsible for the implementation of the change. The interview evidence suggests that this was heavily system and process based and did not invariably always include either central or CSA policy experts (perhaps because the policy was deemed to have been determined). For example, when discussing workshops to define the process to be followed in cases of paternity denial, one middle level member of staff with responsibility for process design explained that:

> The key players would inevitably have been [names of agency system design experts], staff members from the business units, system experts, EDS people (In3)
>
> What about policy proper? (RL)
>
> London? I'm almost certain no (In3),

To briefly summarise these organisational relationships:

- The CSA policy team (variously known as Policy Liaison, Operational Policy and CSA Policy) acted as the interface between the corporate departmental policy directorate and the rest of the Agency. Their role was, and is, to identify policy improvements that would improve service delivery and to work with their corporate 'CS Policy' counterparts to bring about the necessary changes. They also assess changes proposed by the Department and Ministers in terms of operational and other practical impacts

- CSA process design, systems and procedures experts translate these changes into practical guidance for staff and IT system enhancements. Where the change is major these activities may be orchestrated by a project manager with cross cutting responsibilities

- CSA operational staff and their managers should then use these systems and guidance to operate the change in practice, calling upon experts in the policy and procedures areas to resolve unforeseen problems as they arise.

In the context of the implementation domain, a core, relatively stable network appears to have existed, clearly differentiated in terms of membership from the policy design level by the exclusion of the Departmentally based CS Policy (the picture is less clear in respect of the Agency's Policy Liaison team). As following paragraphs will reveal the exercise of power in this network was, however, subject to a number of extraneous influences.

What 'mattered' to the 'middle' – the policy changes through the eyes of implementers

As previously noted, there was little differentiation between the policy design and implementation when the discounted DNA scheme was introduced. The earlier discussion around agenda setting therefore applies equally to implementation for this particular aspect of Child Support Agency paternity policy. By contrast there was a far more marked distinction between policy and implementation actors when the Child Support, Pensions and Social Security Act 2000 changes were introduced. The following section therefore explores the agenda from the perspective of actors in 'the middle'.

Again the interviews reveal that the implementation cadre held a variety of differential understandings of what the policy actually 'did'/was for, underpinned by a series of micro tenets that then shaped the implementation approach to the paternity policy changes introduced in 2000. Some of these echo, but do not exactly replicate, the concerns of the participants in the policy design domain and the emphasis is at times different. The interviews indicate that the implementers ascribed particular value to the following tenets, which influenced how they approached implementation:

- Speed (again this was primarily concerned with 'getting through the process' faster)

- Objectification – via increased simplicity, less so by application of 'scientific' principles

- Equity – as balanced gendered experiences, ie comparable treatment for men and women rather then a broader concern with 'fairness'

- Prudent Suspicion – as before

- Qualified Truth – as a more pragmatic approach to paternity determination, with allowances for 'grey' areas

- 'Compelled' responsibility - a new tenet

- Familiarity – another new tenet within this domain

Speed

This was, again, one of the most pervasive themes in the interviews. While staff involved in implementation were not invariably of one mind who the change was for (see later), they all had little doubt that faster 'processing' was a major benefit of the changing policy, entwining this with the perceived advantages of simplicity and efficiency. As one person involved in developing revised processes explained:

> The end game was towards a simpler process that was quicker (In18)

This was endorsed by the senior lead on the same team:

> If we take the private [cases where the parent with care is not in receipt of benefit] side I think it probably has speeded the process up (In2)

This was interpreted as combating of bottlenecks by the swifter and therefore more efficient provision of required 'evidence' that the client was required to furnish. For example one senior implementer explained:

> Well I have to say that of all the new legislation that was being brought in, it [the introduction of the parentage presumptions] was considered as a very minor part because it was seen as the Agency almost as an efficiency tool as well as changing the whole way of dealing with paternity testing' (In5)

This is a revealing statement because of the way it openly acknowledges the primacy of efficiency improvements within the implementation mindset,

contrasting strongly with the very peripheral acknowledgement that the legislation resulted in fundamental changes to cases of disputed parentage. As the literature review indicates, taking DNA and confirming or denying parentage has potentially momentous ethical and practical implications for the individuals involved.[28]

Objectification –via simplicity

As noted above, the importance accorded to simplicity was entwined with the quest for a quicker process. For example, when asked to compare the old and new approach one implementer began:

> We got a sense of everybody else's version [of the old process]. It was a complete shambles, backlogs, and they're queuing up for DNA tests and queuing up for interviews and what have you, it was horrendous. These [assumptions] were brought in to speed that process up, rather than go through all the legal jargon and have to make a decision at the end of the day. See everything was just in a mess (In12)

Another explained

> It was just a breath of fresh air...I think 'what could be simpler'. Why do we try and make simple things complicated. So I was really impressed and I understood what we were actually changing (In18)

In the context of implementation, simplicity rather than technology appeared to have become conflated with the desire to 'objectify' – or at least to avoid the trickier aspects of personal relationships and associated difficulties with the exercise of discretion (Elmore 1980). As one individual within this area explained when explaining the rationale for change:

[28] Interestingly one interviewee later pondered whether 'presumed' parentage would actually stand up in court if child maintenance needed to be enforced via judicial means, or whether it would ultimately require greater proof via a DNA test. Ironically this scenario would have actually introduced an extra step in the 'process'. This suggests that for this individual at least, efficiency was seen as a manifestation of the speed value in terms of speeding up the trajectory to making a child maintenance calculation. It doesn't necessarily appear to have held that efficiency was seen as improving the speed and effort devoted to securing maintenance for children, and may, at least in the eyes of this individual, have indeed have had a countervailing effect.

> So our staff were getting involved in all sorts of horrendous interviews to try and get the case to court (In16)

Thus the emphasis was less centred around the deployment of technology per se. Rather it concentrated on the deployment of a clearly established process and associated narrow focus (within which use of DNA nested) as the 'antidote' to the need for relatively unskilled staff to make difficult discretionary decisions. This is relatively unsurprising in a Weberian large bureaucracy (Giddens 1997) where the use of standard approaches to process claims have traditionally been routine, and where research into the wider social security context acknowledges that discretion and 'inefficiency' go hand in hand (Buck and Smith 2004) (although clearly establishing paternity has rather wider implications).

For example:

> The whole idea of these presumptions was to stop untrained people having to dig around in these relationships. That sounds a bit rough but the people we have aren't specialists in relationships, it's much easier to say 'take this test (In18)

So while this individual acknowledged that the policy engaged with difficult human relationships, he felt that it was best that staff remained detached from these, in part because of lack of expertise.

In conjunction with this change one interviewee expressed the view that the *really* major organisational shift associated with the assumptions was the downgrading of decision making responsibility in parentage cases. This had hitherto operated at Executive Officer level[29] but the intention was that, in tandem with the use of the assumptions, this would drop to administrative officer grade:

[29] The first management tier within much of the civil service

> The people that had worked in the paternity area were specialist officers. The law allowed the caseworker to make the decision. And I always thought that [downgrading] was quite a controversial decision that went through relatively easily, because it's a big responsibility to decide on the parentage of the child and we suddenly default that right down to AO level. I think its one of the most emotive things we do – at AO level (In16)

The unwritten thinking appears to have been that a simple uncomplicated process needed simple uncomplicated skills. No other respondents mentioned this significant change. This may have owed much to the fact that, as the other interviews show, this work was de facto retained by specialists – at least in the Newcastle area[30].

The mindset also extended to the contractual arrangements with the testing company. One interviewee who had been involved in the contractual negotiations explained that the original contract holders had invested additional resources to deal with the calls made by concerned clients, for example, awaiting the results of the test. The contract was then re-let to a company who:

> at that time did a lot of paternity testing around animals, horse breeding and also birds, bird sexing and budgies and birds of prey and I think probably ospreys and trying to make sure they didn't become extinct and things like that. (In12)

The 'human touch' was clearly not uppermost in the minds of the Agency's contract specialists, in fact it was described by the same person as an area where the Agency had:

> ...lost control over certain things. Setting up the contract with [new suppliers] it was almost that the [suppliers] number was something the customer didn't have...they [new suppliers] were quite rightly robust in their view that we had a customer relationship with NRPs and PWCs, and that they [suppliers] had a customer relationship with us (In12) .

[30] And under the new organisational arrangements introduced in 2007, disputed parentage is once again an Excutive Officer task undertaken by 'complex caseworkers'

This and other comparable quotes suggest that the professional implementers sought a simple and tidy approach that could be widely and unproblematically 'applied' and wasn't complicated by the personal vicissitudes of peoples' complicated lives (complications which had often lead to the CSA's involvement in the first place). This is confirmed by the desire to introduce automation where possible:

> We paid a lot of attention to [name of EDS representative] in terms of fitting in with the [computer] system...in terms of workflow and integrating all the steps (In3)

There are distinct parallels between these accounts and Elmore's 'system management' model of implementation (Elmore 1980)

Prudent Suspicion

As with the policy design domain, combating fraud surfaced in a number of implementation interviews. Interestingly there was also suggestion from one participant (who had also been employed in an overseas child support agency), that this was something of a 'bee in a bonnet':

> One it was about PWCs not advising who the father was, PWCs not telling the correct person, and also the issue about other people, the wrong NRP turns out for the test and whether you might want to reduce a person's benefit, particularly the PWC, for that sort of behaviour (In3)
>
> Did you get the sense that these were prominent occurrences? (RL)
>
> It was certainly one that was very prominent in the minds of the participants involved (In3).

It was also interesting that a couple of the implementation cadre, (and one of the front line interviewees) couched some of their discussion in terms of proof of innocence and guilt:

> I think it's basically one person saying they are the father and one saying they're not, so is it innocent until proven guilty or guilty until proven innocent (In5)

And in similar vein:

> [staff] had to ask questions about conception etc so you could 'see who was the most likely suspect (In16)

It is interesting that this type of language was applied to sexual behaviour and resulting paternity issues. There are clear moral overtones in the implicit analogy between criminality and paternity denial. If non-resident fathers who deny paternity are seen as somehow criminal, it may help to account for some of the negative experiences cited in CSA client research (Wikeley et al 2001) and in the small group of client interviews). It also makes a degree of suspicion an entirely sensible stance to adopt.

Qualified Truth

Lastly the implementation interviews reveal a sense of expedience and ambivalence around the link between biological fatherhood and financial provision. This suggests that the parentage process might be less concerned with determining who the genetic father was than might hitherto have been supposed. This broadly mirrors some of the design domain 'expedient' attitudes to the truth and indeed, fatherhood. For example:

> On the phone they say, we've got these presumptions here, you fit into them and that's it. He says no. You just say, 'well looka, we'll need copies of the birth certs etc, we'll get them and if you're on them you will be presumed to be the dad. Because then he might change his mind immediately and say, 'OK, I'll accept that, me name's on there but I'm not the dad but I'll accept it for that purpose' (In6)

Aside from the, possibly rather optimistic, view of human nature that this reveals, there is an indication that implementers did not necessarily see establishing the

truth of parentage as the object of the policy. Indeed a couple of female respondents were extremely personally ambivalent about the desirability of this in the context of implications for the children:

> How can you know that is to the child's advantage to know that this person is their father if that person doesn't want to know them, doesn't want to meet them. What benefit is it going to be to that child to know that that man over there is their father, doesn't want to pay, doesn't want to be involved? (In13)

Compelled Responsibility

Finally the interview evidence attested some evidence of importance accorded to 'making people responsible' as the following exchange reveals:

> If you think about it that whole package [spanning the 2000 Act paternity changes, introducing a criminal offence for failing to provide/providing false information and introducing driving licence withdrawal as a sanction], because it was about changing the onus and the responsibility [from the Agency towards recalcitrant parents] it probably did fit [together]. But it wasn't badged as that, it was just badged as a whole lot of legislation that was coming in. I think, had it been badged under that [theme] it would have been better (In5)
>
> What would you have called that package? (RL)
>
> It was making people responsible for maintaining their children and its sort of the end of the road, the hard end of it. Like if you haven't complied with what we've asked you to do, here's a set of legislation ' do what you should do' there's probably a short snazzy name. Or even, 'reforming attitudes' (In5).

In reality, this might more reasonably called 'making and enforcing liability'. Responsibility is variously defined as 'being accountable for one's own actions', 'taking rational decisions without supervision' etc (Hanks ed 1979). This implies an element of self determination and conscious choice that compulsion inevitably precludes. One interviewee was sensitive to this distinction:

> I don't think we can make people responsible for their children, we can make people finance the upkeep of their children because there's two - I suppose in terms of establishing paternity, once that is established then, well there's three positions you can take. You can either say, 'well OK I am the father, it was all a mistake, I'm still not gonna pay', or you can say ' Well I am the father, I accept that I'm financially responsible to look after that child and I will pay', or you can say 'I accept I'm the father, I will pay and also I want an input into the nurture and upbringing of that child'. It's enforcement, but I think all we can do is enforce the financial support, we can't do anything to enforce the involvement in parenting or that side of things (In12)

Familiarity

There was some evidence that the implementation domain valued familiarity. Although this was only confined to a couple of interviews, these interviews were conducted with individuals who were 'in-comers' to this relatively specialist and tight knit community. This may have owed something to the fact that part of the professional standing of the implementers will inevitably have derived from their expertise in the existing processes:

> People are keen to focus on what they know and they're familiar with a particular process. If they're so called experts that would mean that they'd be even more keen to align themselves with that process. So I think it's a degree of human nature. I also think that people are a bit wary of taking a slightly more robust approach because of the history of the Agency, you'd be subject to criticism if something went wrong (In13)

This is unsurprising. As one individual explained:

> The thing we've got, we probably would have got something similar anyway (In3).
>
> Why do you think that? (RL)
>
> Because I personally think people were mapping what they know, is the main thing, and it isn't unique to paternity. (In3)

He also explained that:

> They were trying to align what they know about the existing process and marry them together. Which is valid to a point but it did mean that they potentially lost sight of the advantages.

This chimes with literature on institutional 'stickiness' and path dependency (Hudson and Lowe 2004). If familiarity is valued, albeit not necessarily consciously, by those responsible for implementation, it provides a considerable force for inertia. Moreover, since familiarity also reduces the need for policy learning (Schofield 2003), those charged with introducing change quickly may have a vested interest in recreating the status quo.

Equity – as balancing gendered experiences.

Treating clients 'fairly', construed in this context as evening out the different experiences of typically male non-resident parents and typically female parents with care, surfaced in several of the interviews. This extended slightly beyond the 'sameness' concept that characterised some of the policy design domain, instead there was an attempt to weigh one type of experience against another and introduce a balance[31].

In some cases this included the desire (not realised) for the equitable application of sanctions. For example, one interviewee felt that if we prosecuted non-resident parents for providing false information about earnings, employment status etc, then a similar approach should be adopted for mothers who named a man as a father without sufficient evidence, explaining that:

> I would have liked to have got underneath that [the approach to prosecution] a bit more to make sure what we were doing was fair, wasn't been skewed by particular views...I mean there is a basic society gender bias there, because again it was accepted that it [the 2000 Act paternity changes] was the right thing

[31] These views were expressed equally by male and female respondents

> to do, because if a man was denying paternity it was assumed that nine times out of ten he was lying therefore he should be forced to take a paternity test. It's the only evidence he could get so we're forcing someone to provide that evidence. It's interesting that there wasn't an outcry (In5).

In a similar vein, another interviewee explained:

> I find that the majority of people still assume that it's always down to the feller. I mean when I talk to people in the business units they always assume it was the bloke that had run away with some dolly bird and he didn't have a right to be bitter...I'm sure its 50/50 at the end of the day (In18)

And again, from another:

> It's easy to be judgmental and say all these fathers should be paying and yes they probably should. But some of them aren't really finding out that they were ever the fathers of the children cos the mothers didn't have to tell anyone while they were working, they've not really bothered him, they've never wanted him to be involved – all NRPs haven't abandoned their children (In13).

Interestingly, one senior implementer who was also an Agency client had detected this desire to inject balance in the way in which the Agency conducted its work:

> On reflection I think she [caseworker] was trying to explain that [male non-resident parent] was using the process quite cleverly and I think there was some of a gender issue. I think there was a leaning in the advice I was getting that I was getting a raw deal (In2)

Thus although at one extreme, 'equity as gender balance' was extended to the notion of 'equally punishing the sexes' it nevertheless emerges as an important tenet to many of the interviewees. Unlike 'equity as sameness' it is somewhat at odds with the speed/simplicity themes because to inject gender balance one needs to understand differentially gendered experiences. As Arendell (1995) has outlined, these can become particularly polarised during relationship breakdown.

As a result taking practical account of these would imply an extension of discretion. This internal dissonance may help to account for the fact that, apart from the isolated impression of the interviewee who was also a client there is no evidence to suggest that anything overtly is done to reflect this interpretation of equity.

Who was the agenda set for?

Staff

One of the more striking features of the implementation interviews is the fact that CSA clients are not seen as the only policy subject in the minds of the respondents. Instead they share, and are on occasion, toppled from, this position by a focus on Agency front line staff – at least by the time of the 2000 Act. Thus the new policy was seen as a way of speeding things up for staff (albeit also to the benefit of clients). For example, one person described the changes as:

> viewed as something that made life easier for them [agency staff] (In5).

As a counterpoint to this it was amongst the ranks of front line staff that the 'middle' interviewees felt that the main problems arose, in part because they perceived these individuals as lacking the necessary resilience, capability and life experience to deal with the changes (this is covered later in this chapter).

This client-staff duality is particularly marked in the preparatory phase of implementation. Given their position at the nexus between the design and delivery domains, this perhaps to be expected. However, expressly viewing staff as shared policy subjects, persons upon whom the policy acts, is not something that routinely emerges in the literature. Instead bureaucrats are generally seen

as the instrument of policy delivery, who may, by the exercise of discretion, occasionally subvert or at least shift the policy intent (Lipsky 1980)[32].

Despite this, the tenor of the interviews revealed that the changes were perceived as dyadic at best, required both to improve the experiences of staff, as well as those of separated parents and their children. In practice, of course, the experiences of both are integrally entwined.

Clients

As in the previous tranche of interviews, from a personal perspective the respondents were also able to expand thoughtfully and knowledgeably on the experiences and characteristics of clients. For instance they acknowledged that children might not be babies and talked eloquently and empathetically of the difficulties clients might experience during the process of determining paternity, for example:

> You've got someone sitting behind you, your wife sitting behind you, and someone says you're the dad of Jimmy Smith (In18).

When asked to reflect on the issue, many participants in the implementation cadre acknowledged – at least on a personal front: that real lives could be complicated, that fathers, far from avoiding supporting their children, might not have known of their existence; that mothers may have consciously decided not to involve the father; and that, in essence, that people don't lead unambiguous lives. They were also ambivalent at times on the merits of different types of support and the implications this had for children. However, they were also adept at side-stepping this personal capacity for empathy – seeing the ability to do this as one of the requirements of the role:

[32] The notion of Government introducing policy to make life easier for Government rather than the electorate raises some interesting constitutional conundrums!

> The issues are much wider, and I think this is one of the difficulties of our job, it's trying to be focused on the legislation (In13)

Coping strategies need not, it seems, be confined to the front line (Lipsky 1980). Implementers as well as managers may share the same assumptive worlds as those interacting directly with clients (Murray 2006)

Sensitivities – what was, and wasn't, considered

What was – 1) 'tacit' denial and 2) the need for specialists

The legislation provides for deployment of the parentage assumptions once a non-resident parent has denied parentage. As the following exchange reveals, the individuals involved in developing the new guidance and procedures wrestled with a rather more robust approach that was promoted at both senior and front line level:

> We had people in actual practice deciding, because he wouldn't talk, wouldn't give any indication, they were making the presumption at that stage (In18).
>
> What were the circumstances around not talking?(RL)
>
> We talked to a lot of people and the biggest problem was the initial phone call, because what was happening was the shock in a lot of circumstances, 'oops I've been found out' 'why is this organisation ringing?' or 'I'm still speaking to this particular person and we're trying to sort this out'. So it was shock and it was a case of people clamming up, not wanting to say anything that would incriminate them at the time. So what happened then was that [Chief Executive], well I'm not saying it was actually him but it went out in his name, sent a minute out to all staff saying 'look, if they won't talk about it, won't give any information, you presume parentage, and the law doesn't allow you to do that (In18).

This individual went on to recount how his team had challenged this, as had a number of clients and legal representatives. In the end the procedures provided for a seven day gap between contact with the non-resident parent and the

agency, after which parentage was 'assumed' if nothing was heard. This may provide some time for the 'shock' to wear off. One respondent considered that this short period was 'a bit risky' but explained that lawyers had initially challenged this approach but then agreed that it was legitimate:

> I remember having a long dispute with a Scottish lawyer about paternity, because she believed you couldn't make an MC [maintenance calculation] without an admission of paternity. We ended up having to get [another solicitor) up to explain the parentage process to her, you shouldn't have to make a parentage decision unless you were required to do so (In16)
>
> So he is the father when he's first named, then he isn't when he disputes this, then he is if this dispute is rebutted by the assumptions or by a test? (RL)
>
> Yes (In16)[33]

The bulk of the implementation interviews stress, as previous paragraphs have shown, the importance to staff of a simple efficient fair and streamlined process. Despite widespread apparent acceptance that this was desirable, in reality the implementation of the changes in 2000 was not unproblematic. In practical terms the insights of the implementation respondents revealed that gaining agreement to both process and organisation design in respect of paternity establishment activity, proved surprisingly difficult for something repeatedly badged as a simple unproblematic change. An indication of this was the length of time that it took for the Agency to secure agreement about how the processes and organisation should be structured around paternity establishment:

> It was very protracted, it took a year to get it signed off because the [process] map was so detailed, it ran into a number of pages and went off on number of different branches

[33] To attempt to expand on this rather complicated situation. When a man is first named by the parent with care as the father, then for child support purposes, he *is* the father. If he fails to rebut this, then this remains the case. If he does rebut it he becomes an 'alleged father' and further information is sought from the parent with care. If it subsequently transpires that a parentage assumption applies, he still is confirmed as the father unless this is challenged successfully in court or he provides DNA results from a reputable testing firm. If the assumptions don't apply then he remains an alleged father until testing proves that he is, or isn't.

The interviews indicate that the 'sticking point' centred on the need to retain paternity (now neutrally rebranded as 'parentage') specialists. The alternative was to require the caseworker dealing with the rest of the case to apply the paternity assumptions and facilitate the DNA test. Individuals involved in the organisation design were unconvinced by the need for a separate 'hand-off' to the parentage officer if the non-resident parent denied paternity. As one explained:

> The problem, and we still think there's an issue there, we don't see the need for parentage officers (In3)

Nonetheless the 'hand-off' does exist and various reasons were given for the rationale behind this. A couple of individuals attributed it to organisational and institutional 'stickiness' (Hudson and Lowe 2004)

> There was a large degree of mapping, in my opinion, what already existed, and not taking advantages of the new powers that the agency had (In18).

> There is a question whether, by going away from the standard model [standardised organisation design and processes] into these specialist areas all they have done is continued the problems that we had in the past despite our legislative changes (In2)

Several others pointed to lack of staff competence. This centred around the admission that staff might not be capable of undertaking the full range of caseworker duties, which range from information gathering, to initial enforcement work

> That's the honest answer, they didn't think staff were capable of doing it [paternity casework] (In18)

Most attributed this to a simple resource capacity question, rather than any particular sensitivities. Staff were simply required to do too many things, so some things had to be diverted elsewhere

> What did they think was special about it? (RL)
>
> There wasn't anything. What they were looking for at the end of the day was something that they could just take out, that dropped out of the process (In3)

Or

> our belief in the caseworker principle is probably deteriorating, the ability of someone to do all these tasks and understand and do all that is probably not there (In11)

Interestingly this latter view was subsequently endorsed by the latest CSA Chief Executive and the Secretary of State (CSA Operational Improvement Plan 2006).

On a slightly less expedient note, a number of individuals mentioned lack of life experience as a problem:

> It's a specialist area because you know we've got young people who are sitting on telephone lines who haven't got the experience of life and everything else. So we need to put it off to somebody who can have that sensitive discussion (In2).

This concern was not solely confined to parentage, but was seen by several individuals as being a wider problem

> People in child support, not all of them but some of them, need to understand that getting grief on the telephone is normal. It's not just child support, I think that that experience within other [social security] agencies is widespread and so you never get anybody getting too upset, but it's a big thing in child support. And talking to people some of them were very very inexperienced and some of them were very very young people as well without the experience to understand why people did get annoyed... it is a fear, the front line staff haven't got the background that they have in a lot of other areas and you're getting yourself awfully upset because someone's giving you grief (In18).

Again this suggests that it may not only be the client who needs sensitive treatment, rather the inexperienced staff member at risk of a distressing encounter. Moreover, one of these interviewees was herself a client who had experienced paternity testing. The 'sensitive discussions' she described and had undergone were the detailed, intrusive (and in policy terms, now unnecessary) conversations that had characterised the historical approach to disputes.

Other reasons cited in the interviews included:

- Deficiencies in the 'coverage' of the computer system:

> Some processes are optional [on the system] and if you don't have to use them you ain't gonna use them. You aren't forced down the parentage tasks [on the system] so they don't use them

- A somewhat circular argument that went along the lines of ' paternity establishment's never been a core process so why should it be now' (echoes of 'stickiness again, and with 'core' defined from the organisational not client perspective. Crowley (2000) found similar institutional determinants in the US approach to paternity determination)

- The '*technical nature of the job... DNA testing seemed to faze a lot of people'* This seems to have been because of the association with unfamiliar technology rather than any more detailed understanding of the skills involved, since one interviewee went on to explain how they had tried to explain that:

> We don't expect people to walk around with little lab kits and do it, it's just a referral process (In12)

Underlying all these is the sense, however, that the changes that were brought in were intended to fix a problem that no one had fully understood.

> And even though I admit I didn't fully understand all the old stuff that was simply because if was so bleeding complicated and I didn't really want to understand it as long as I knew this was better (In18).

This begs the obvious question, how is 'better' defined in comparison to a poorly understood prior arrangement. 'Better', appears to be shorthand for 'simpler'

In the round it became apparent that many of the interviewees (with the exception of the parentage officers themselves) were not entirely sure what the parentage officer role involved, and where it started and ended.

In aggregate this creates an impression of considerable diversity and lack of coherence in implementation thinking around the deployment of paternity specialists, or not. This highlights a number of issues. Firstly it adds weight to the assertion that the rational actor model is a 'dignified myth' (Hill 1993) in the context of policy implementation. To rationally solve a problem one must first understand its causes and effects. In reality staff were readily prepared to admit that their grasp of these was shaky. It also provides ample evidence of substantial bargaining and conflict in implementation (Elmore 1980) with more diffuse and unclear power relations suggested by the time taken to reach agreement)

In addition the continued existence of the specialist poses a series of questions. Does this remarkably persistent role represent:

a) A tacit organisational acknowledgement of the sensitivities around parentage and DNA testing, which require more complex and sophisticated handling skills?

b) an outcome of scientific management and process thinking' – ie that if staff are struggling to cope with their workload, it makes sense to divert 'non-core' work, that doesn't affect the bulk of clients, to a separate part of the organisation that *can* specialise in this arena. Or as one individual put it:

> they always said they needed specialist teams for something that was, wasn't quite the norm. So the idea was that any case could go through the quick straightforward process where paternity wasn't an issue, because paternity does take some time to resolve (in12)

c) institutional inertia, in short, an example of history having its way via retrenchment to the familiar under pressure (interestingly, the institution in question may predate the Child Support Agency).

The tenor of the interviews around sensitivities tend to hinge more upon streamlining the process, coupled with staff capability and general lack of life experience, than upon the implications for the individuals on the receiving end of the policy. There is only very limited evidence that first point was uppermost in the minds of the participants in the implementation domain. Indeed, when asked about the need for particular skills and experience one person argued that it was:

> The other way round. From my local office days, overpayments and the like tended to be where you put people who you didn't trust with a proper job (In12)

This is an interesting quote because it not only downplays the need for additional skills, it reinforces the embedded nature of the historical social security legacy within this aspect of CSA work, suggesting, again, a degree of institutional stickiness that may have transcended the institution.

Eventually, the jury came down on the side of retaining the parentage specialists, but this appears to have been after a protracted bargaining period. As the quote below suggests, this may have been compounded by the absence of clear power relationships, which resulted in a lengthy exercise in pursuit of consensus:

> Whose word carried more weight? (RL)
>
> I think everybody's did and that's probably why it took so long. [name of individual] would try and get consensus and agreement, unfortunately where I

> would have a cut off point he didn't so he tried to get everybody's consensus, asking them about the paternity process, relying on them to have agreed (In3).

What wasn't - child welfare

The evidence for minimal discussion of child welfare contrasts with the above, protracted organisational debate. Where consideration of this was prompted during the interviews the Agency was again seen as generally powerless. For example, when the BMA guidance on paternity testing (which requires doctors to seek consent from competent children and advise clients of the potential family implications) (BMA 2004) was raised with a former DNA testing contracts manager, he explained:

> It is a tricky one because we're potentially in a position where we're saying 'have you thought this through properly, you need to be sure this is the right step for you? But you're then in a position where you say, 'but of course you're legally obliged to do this and there'll be a sanction against you if you don't, so I'm not sure how that sits with the legislation as a whole (In12).

He went on to explain that this issue had not, to the best of his knowledge, arisen in any discussions with doctors and had not been an issue, (although doctors had been involved in the context of increased fees and the need to confirm the identity of the test subject).

Conclusion

The insights from these interviewees reveal that responsibility for preparing policy changes for delivery into live running fell to a cadre of professional implementers. These operated within a network or institutional setting that, by 2000, seems to have shifted to exclude corporate policy representatives and was instead preoccupied with organisational and system design. Despite this shift a number of core, unwritten tenets continue to emerge from the analysis. Some of these map closely against the previously identified design tenets. These relatively long-lived belief systems have some parallels in Sabatier's

advocacy coalition model (Sabatier 1993, Ellison 1998). The differences lie in the fact that they are not actively 'advocated'. Neither are they beliefs in a personal sense, because the respondents could 'step outside' them once diverted from the organisational setting. This limitation to an intra-organisational context also excludes them from the province of deep theory (Hudson and Lowe 2004) Instead they appear to act as a cultural operating model against which inter-subjective meanings of policy change are constructed within the implementation network/institutional setting (Degeling and Colebach 1984). Of these speed, simplicity and suspicion remain major themes, with little evidence of welfare and ethical considerations. Value accorded to familiarity also appears to play a part, potentially acting as a force for inertia and incremental change, while the tendency to adopt a qualified honesty tenet in respect of paternity may mark the emergence of a less genetically based model of fatherhood than the letter of the policy might suggest. This will be further explored in the final chapter.

In terms of the mechanics of implementation, it is also ironic that the interviewees tended to adopt a systems management style vocabulary and tools with multiple references to standard models, process maps, design, automation etc. In reality the implementation approach, at this point, and at least in respect of who undertook paternity work, was far more akin to Elmore's conflict and bargaining model (Elmore 1980).

Lastly it is striking that CSA staff were viewed as policy subjects in addition to clients. This may resonate with Dunleavey's (1991) theory of bureau shaping, where public servants manipulate the shape of a bureaucracy to engender, from their perspective, the most satisfactory form. On a cautionary note this is, however, generally viewed as the conscious province of elites, and the bulk of interviewees did not fall into this group.

The next chapter will explore how the policy changes fared when they were adopted and deployed by front line staff.

Chapter 7: 'Dirty Real Life' – the experiences of front-line staff

Introduction

This chapter explores the reality of paternity process at street level. It starts with a relatively detailed exploration of the experience of front line staff experience of the paternity process. This describes how the agenda set by policy makers has manifested into practice. It is worth mentioning at the outset that some staff were wholly unaware that the paternity process had been subject to change, as one explained:

> 'I haven't heard anything on changes in the paternity process (In21)

How the agenda turned out – staff understanding of the parentage policy and process

This section describes, from the perspective of staff with front line experience, how parentage disputes were actually handled within a child support setting prior to the introduction of very recent organisational changes in 2007. This picture may differ across different geographical locations, but the insights are nonetheless revealing. It may be helpful to the reader to refer to the outline of the desired paternity process outlined in the second chapter

Initial contact – identifying a possible father

The interviews reveal that, for many clients, the first intervention into the sensitive issue of parentage is made by the benefits authorities and not the Child Support Agency. This occurs when a parent with care claiming means tested benefits is required to apply for child support. If she then fails to provide sufficient information about a child's father she is interviewed to try and establish the identity of the man in question. These interviews, which were originally conducted in person rather than on the phone, were first undertaken by child support staff but later devolved to the then Benefits Agency.

The following quote (from an individual who had worked in both the Benefits and then the Child Support Agency) illustrates the types of circumstances that could surround this. It also demonstrates a continued mistrust of client accounts on the part of the CSA (although the individual did acknowledge that personal experiences also played a part in the attitude of the interviewer and what they were prepared to accept):

> The real problem is the ones where they say they don't know who the father is, it was just John from the caravan site you know. And you could dig and dig and dig and try and get as much information as possible, but on those ones all I did was try and collect as much information as possible and send it to the Child Support Agency....if someone tells you that they went to a party and slept with someone and didn't know their name, you can use your personal judgement as to whether you think its realistic for a person to behave like that, at the end of the day you can't query what people did. And that was one of the differences when the Benefits Agency took over from the Child Support Agency. Because I know the [CSA] face to face officers were a little bit more harsher in their interviewing and used to say things like ' you don't expect me to believe that, you don't expect me to believe you did this or that' (In13).

Another member of staff who had themselves conducted interviews for the CSA before moving to a processing team, explained that this robust approach could lead to fears over benefit loss. As a result some parents provided false information. This then led to mis-identification of alleged non-resident fathers whose identity details matched system records in respect of 'the first name that came into her head', with deeply unfortunate consequences for the individuals concerned:

> Cos some people have said to me, ' I was told if I don't tell you who that father is, I will lose all my benefit'. We were chasing our tails over people who were fictitious NRPs and it was causing problems cos we were approaching guys for paternity – I don't know, who was this? I've had a bloke in tears to me and his wife was shouting in the background and he said I don't know who this [the parent with care] is (In40

The interviews revealed that the Agency was not blind to these consequences, indeed at one stage staff were subject to formal disciplinary action for sending a maintenance enquiry form to the wrong man, even if this was based on information provided to them. (The de-coupling of compulsory child support action and benefits receipt proposed by the recent White Paper should do much to avoid this situation occurring, because parents with care on benefit will not be pressurised to provide details of a child's father in order satisfy the requirement to cooperate, without which benefit levels may be reduced (DWP 2007))

Another issue that arises in the early stages of paternity establishment surrounds the possibility of parallel testing of possible 'fathers'. The Agency does not adopt this strategy, instead requiring the client to name the most likely individual (one interviewee expressed the opinion that this was due to concerns over confidentiality and cost). So if a mother genuinely can't decide which of two candidates is more likely to be the father, the progress with the child support case ceases. The following quote illustrates the dilemmas this can pose, both for the Agency and for clients:

> Just this week I had one of the paternity officers came to us. She had a woman who'd been a heroine addict and because of that she'd slept with three men who were all friends who had all found out that she'd been sleeping with them all and disowned her as a friend. She was pretty sure that one of them wasn't the father but there was doubt over the other two. In order to comply [with the agency] she needed to name one of them and he's refused to take the DNA test, but we can't make the presumption [of paternity] because she has also expressed a doubt that he is the father so it would be unreasonable to make the presumption if a mother genuinely can't decide which of two candidates is more likely to be the father, the progress with the child support case ceases (In1)

Triggers to denial

For benefit claimants, the child support claim, including the identity details of the non-resident parent (if obtained), are then forwarded to the CSA who endeavour to make contact with them, either by telephone or by sending a

maintenance enquiry form. Staff explained that this form includes a tick box asking whether the individual accepts paternity. If the non-resident parent ticks 'no' he is then treated as denying paternity. Based upon their experience of contact with non-resident parents, the front line interviewees were able to provide a lengthy list of the factors that triggered paternity denial. These were as follows:

- At the outset of the claim simple uncertainty rather than categorical denial was commonly cited, with non-resident parents simply wanting to be 'sure', especially where they believed that the parent with care might have been involved in another relationship:

  > They say that it was a one night stand, or they were worried that the PWC has had an affair with someone else (In22)

- In some cases the exercise of the presumptions appeared to crystallise denial rather than avoid it (although falling numbers of tests suggest that this isn't the whole picture (Child Support Analysis 2005), unless they are matched by equivalent numbers of externally commissioned tests)

  > If you've presumed parentage they're on the phone, 'I want a DNA test' (In20)

- Another individual pointed out, not unreasonably, that in cases where a marriage had broken up because of an affair, use of the presumption that the clients were married at the time of conception was particularly questionable and. This could result in a man having to *'fork out to prove his innocence'* by a use of a privately organised DNA test. [34]

- Moreover, in some instances denial and test avoidance was resorted to, not simply to avoid the onset of payment but also to avoid or assuage the implications for new or existing partners and families, even if this was simply a case of delaying the inevitable:

[34] (It is likely that these individuals would ultimately have to take yet more costly action through the courts for a declaration of non-parentage if the parent with care refused to co-operate, for example by consenting to the child providing DNA, with such tests).

You've got the ones where the NRP has repartnered or the NRP has married and he obviously doesn't want his wife to know that he had this child. She's found out that there is this paternity issue so obviously he's going to deny it and do everything within human ability not to take a DNA test. (In13)

In a similar vein

When they've had an affair they think, if they dispute parentage it [Child Support Agency interest] will go away (In20)

- Inter-parental bitterness and lack of child contact was quoted by a number of staff. In the case of the latter this could be compounded by the lay understanding that genetic relatedness was generally accompanied by physical and behavioural resemblance (Richards 1997)

I think a lot of parents with care use it [the CSA claim] as a punishment tool for the NRP and I think that's where the bitterness comes in and that's where he'll say he's not the father and the age old, 'I can't see the child so how do I know its mine?' A lot of them say it. 'I don't see the child, I don't know what it looks like, it might not even look like me'... that's the biggest bugbear of the non-resident parents that they don't see the child to know. We had one said 'it might not look like me, have my mannerisms. (In14)

Or

You tend to get it with the bitter relationships where they don't see the kids, and then we get on their backs for collecting money and though we haven't collected it, arrears usually triggers it, you know, I don't think I'm the father....once he's got an enforcement officer or a debt manager on the phone to him he'll chuck in 'I'm not the Dad' (In15)

Does that often prove to be the case? (RL)

Very few (In15)

They just use it as a? (RL)

> Try and get out clause, not pay (In15)

- The lack of a long term relationship emerged, as Wikeley et al (2000) have shown, this applies to a minority of CSA clients:

> Maybe it was just a one night stand and they think because they haven't had a relationship with the mother, that sometimes I think they genuinely do believed that they're not the father because they haven't had that kind of relationship (In4)

- Whereas one member of staff believed that fears over being *'hammered for maintenance* (In7) based on *'all the nightmare stories in the papers'* compounded the problem and the incentive not to accept parentage.

- The same individual also noted that internal targets had, in the past, driven them to encourage clients to seek a test because it was the only way to move the case on. This was, thankfully, an isolated perception.

- A number of people mentioned cases where 'he'd heard it in the pub', or where the revelation of non-paternity had been made either maliciously or during an argument between the clients.

> In one case he'd heard it in the pub, which is the old saying, he'd heard in the local. And he got the feller who'd been saying the kid was his to write a statement in to us. We had another where she's been e-mailing him saying he wasn't the father and he was getting screwed over, laughing at him over e-mail (In14).

- Others, more cynically, appear to deny paternity at the outset or on receipt of a demand for money:

> soon as he gets to know on the phone or gets the assessment on the doormat – had the MEF but put it in the bin or whatever, so when they get the result they deny paternity (In19)

> All of a sudden there's an MA (maintenance assessment) put on and 'I'm not the father' (In14)

- Lastly a former caseworker explained that 'the maddest' case she'd encountered had been denied had been an example of non consensual self insemination by the parent with care, despite the non-resident parent taking precautions to avoid the risk of conception:

> He hadn't, how can I put this in a nice clean way, she'd used one of them basters and got it out of her belly button and impregnated herself that way. he was found to be the father, sperm donors can be traced for child support purposes if it's not a licensed clinic (In14).

In view of this immense diversity of reasons, the question is perhaps, not why do people deny paternity, but why don't more people deny paternity? The parentage assumptions were introduced into legislation with the aim of tackling clients who were seen as denying parentage to stall the collection of maintenance, moving more swiftly from a child support application to an assessment of maintenance liability. This may address a proportion of deniers but the above evidence also suggests that wider initiatives, such as improving levels of child contact and reducing inter-parental conflict/lack of trust, may also limit the proportion of cases where parentage is denied.

What happens next?

After this point staff accounts became rather less consistent. This may reflect genuine local variation. Before the advent of the assumptions some individuals certainly appear to have contacted the parent with care themselves to discuss with her whether she was sure that she had named the right man. Others immediately handed the case over to the paternity section. How this was decided seems to have stemmed, in part, from reliance on known experts and 'buddies' rather than guidance or procedures, as the vehicle for the transmission of knowledge and culture (Fischer 2003). For instance:

> there is a lot of stuff that got passed on from generation to generation where nobody knows what is right or what is wrong (In22)

Later adding

> There are paternity guides but no one looks at them

Schofield (2004) points to the importance of policy learning in the implementation of change. But in the case of the paternity establishment changes there does not even seem to have been a universal acceptance that there was anything new to learn about. For example, as previously noted, one individual was unaware of any changes, others pointed to new 'presumptions' and one believed the thrust of the change was around the ability to take a paternity denial by phone:

> Before 2003, if a father denied paternity over the phone we would have to send him an enquiry form and he would have to say how many of the children he agreed to be the father of – we used to have to have it in writing that he denied. After 2003 we could accept a denial over the phone (In22)

Using the 'presumptions'?

It transpired from the interviews that the exercise of the presumptions (or more correctly, the 'assumptions' (Jacobs and Douglas 2004)) was a rather murky and divergent area. People variously asserted that: 'the team leader presumes'; that the case went straight to the paternity experts as soon as a 'denial' was received and that it was:

> Easier with the presumptions if he doesn't return the MEF. If they don't deny paternity you just presume they accept paternity and you would just go ahead with the case...they've got 7 days [to respond] and if they don't reply you just presume parentage and go ahead (In15).

As previously noted, this latter 'presumption' reflected the procedural but not the legislative position. Unsurprisingly others simply confessed to confusion:

> I think they [the parentage officers] pick the case up as soon as parentage is disputed, or is it if they can't make the presumption? (In13)

These accounts portray a high degree of variability in the mechanisms of front line delivery.

Parentage officers

This was compounded by a distinct lack of clarity, (with the notable exception of facilitating the testing process) in levels of understanding around the precise role of the parentage officer:

> No one was really convinced about what paternity officers did do, they seemed to just facilitate the testing process, we still got these hard phone calls off NRPs (In7)

Some people thought that they carried out, often quite detailed and intrusive, interviews:

> I think they have to do a face to face interview, with very detailed stuff like how many times they had intercourse and whether they used contraception (In22)

> They've got their charts and stuff and can talk about when conception was and when did they have intercourse and that sort of thing.(In15)

> Contact the PWC and get her side of the story, and then they contact him and suggest that if he's adamant he's not the father and she's adamant that he is, they suggest a DNA test. They're in the sensitive position of speaking to both parties, they have to try and sort it out an be impartial (In13)

Moreover, there were differing opinions on the reasons for these interviews. Some saw them as a mechanism for establishing the credibility of the parent with care, others as an attempt to be 'fair' by giving both parties the chance to

express a view, others thought, mistakenly, that the information was needed to establish paternity.

(It is noteworthy that this latter view was valid under the old liable relatives scheme and pre-DNA days. In these instances blood tests based on blood grouping not DNA, were supported by circumstantial evidence in court. In what appears to be a remarkable further testament to institutional stickiness some new staff were still using old Liable Relatives terminology when they described the process. Although this level of information gathering is generally irrelevant to the post DNA-testing regime, it was nonetheless cited by staff whose experience post-dated the advent of the recent changes, let alone the original discounted DNA scheme. There was no evidence to suggest that the almost voyeuristic approach noted by Monson in her analysis of US paternity establishment interviews underlay this (Monson 1997).

One individual also espoused the view that the parentage sections, who she held to be very important, existed to provide an emotional buffer that allowed their colleagues who were processing the bulk of cases to continue to be objective. In short, they were an organisational 'coping strategy'

> It takes the burden off the MA [maintenance assessment] people whose job is only information gathering without having to be dragged into the emotional side of it as well because that could effect, well it shouldn't, but it could effect the decisions that we have to make because we are fundamentally decision makers (In21)
>
> In what way might it effect? (RL)?
>
> You might take sides and that will affect the decision-making (In21)

This, admittedly isolated, front line view resonates with earlier points on the importance of objectivity within the design and implementation of the policy. But instead of using either adherence to a process or reliance of scientific technology as the wherewithal to achieve this, this viewpoint instead appeared

to recognise the existence of the 'emotional side' and divert it to a more competent handler. The need for this buffer zone, (which tacitly acknowledges the quintessentially difficult nature of paternity disputes, no matter how beautifully crafted the system or process), may therefore be behind the rather less than coherent, earlier concerns of implementation interviewees with 'sensitive issues' and 'lack of life experience'.

Interviews with parentage officers helped to dispel some of the confusion around their role, although it is worth stressing that, as noted in the methodology, unlike the other staff interviews which drew from wider geographic base (partly as an artefact of the way work distribution is structured in the CSA) these interviews were confined to staff with far more narrower location. Discrepancies between their accounts and those of other front line staff indicate that other practices may hold true elsewhere in the CSA.

Their perception was that the case was routed to them as soon as paternity was denied, that they:

> need his denial, we don't need reasons, he just says 'its not my bairn' (In19)

Their first step was to ring the parent with care:

> We used to go into details at one time but now we ask her if she's sure, we ask her to document it. Second question, is he on the birth certificate, can we go forward based on the presumptions? Third, how would she feel about going for DNA, bearing in mind the child would have to go as well ((In20)

Contacting the alleged non-resident parent was not a routine feature of the process, the parentage officers explained that they might make contact if the circumstances of the case rang 'alarm bells' but that:

> 9 times out of 10 we find they're just stalling for time (In19)

This may partially account for the former contract manager's assertion that paternity officers didn't like having 'difficult conversations' with non-resident parents, as well as the earlier reference to 'hard calls'. And there is little doubt that these interactions could indeed be very difficult. For example, one former face to face officer (In8) talked of non-resident parents in floods of tears following the test results, another (In7) spoke of someone threatening suicide on the night before a DNA test.

In the main the parentage officers saw themselves as providing a route into DNA testing, which they believed introduced an element of finality and avoided subsequent challenge:

> To be honest, parentage is now skewed on the basis of 'give em all a DNA test. (In20)

And

> Most are progressed through DNA (In19)
>
> Why? (RL)
>
> If we apply the presumption his only option is to go to court which can be prevented through the DNA route. Plus once it's done that's it... I think we should all be doing it the way I do, which is to always offer DNA up front. I think presumptions can be abused, she could have had half a dozen partners behind his back (IN19)

This represents a fairly classic example of frontline discretion being exercised in a way that distorts the policy intent (Lipsky 1980).

It is worth noting at this point that one interviewee mentioned that volumes of DNA tests had declined since the advent of the parentage assumptions so this may not be a nation-wide phenomenon. It is certainly a far cry from the assumptions policy as designed in legislative terms.

Parentage disputes later in the case

The referral position is even more vexed for the rarer cases where paternity is disputed after the initial maintenance liability has been completed. As earlier chapters have shown, the policy is not to support such cases through the DNA process via the discounted scheme. Instead the Agency has secured its objective of making an assessment and the onus for providing proof of non-paternity shifts to the father. In practice, however, there was evidence that staff would seek advice from the parentage specialists:

> In the post MA bit [post maintenance assessment completion] most people don't really know what to do (In21)
>
> What do they do? (RL)
>
> I have to put my hand up, when it happens to me I phone the paternity people and ask them [for help] (In21)

Within this context a couple of staff explained that they would, on occasion again exercise their limited discretion to 'help' post calculation disputers who seemed genuine to them. This could take the form of signposting them to reputable DNA companies or proactive identification of helpful changes (Lipsky 1980):

In addition, despite guidance to the contrary, the parentage officers that they *did* increasingly deal with post assessment cases using the pre-assessment route where paternity had been assumed because of failure to respond to the initial enquiry:

> You find more then ever now, if you've presumed parentage they're on the phone, I want a DNA test. It goes to MC [the 'maintain compliance' section, who deal with cases after the liability has been assessed and payment set in train], if you're paying your maintenance I'll put this through for a discounted one. It used to be the case where if you could you would say 'you've got to pay up front' now they don't (In20)

Untangling the origins of this new departure from the formal policy guidelines proved problematic. Judging from the tenor of the interviews with the parentage officers, it may have stemmed from disquiet about the robustness of paternity 'established' via the presumptions, which, as previous paragraphs have shown, they were deeply equivocal about.

Paternity rebuttals

If parentage is confirmed or presumed, the case then progresses to assessment of maintenance liability. By contrast in cases where paternity is not confirmed by the test, the parent with care should be interviewed by either a CSA or Jobcentre Plus face to face officer. One parentage officer mentioned that they had an *'enormous amount of difficulty'* in organising this. The aim of this interview was to identify another possible candidate for fatherhood and confirm that the correct person (based on the photographs provided) attended for the test. The accounts of former face to face visiting officers revealed that this could be an emotional and traumatic event:

> They're the hardest interviews to do... if you go down the DNA route and its negative, you've got to go and see the parent with care and explain to her that it's negative. I've had people burst into tears. One of them was a young teenager. She burst into tears 'I'm sure it was, I had a long relationship with this guy' she says. 'I must admit', she says, 'I did sign the statement [naming another person as the father], I did that in good faith, but one weekend I had casual sex with someone, but I just cannot believe that I could have conceived a child to that particular person. It's not him'. She was really in tears, emotional. Then we drove down the road to this other place – not a warm welcome. This woman was a bit more mature, about thirty something. And she says, I won't tell you exactly what she said, she says 'Yous effin well got that wrong, he effin well', she was effin all the time, 'he's connin yous, he's got yous, I'm telling you he's the effin father and all that, he's connin yous'. And I says 'looka, there's rigid procedures to ensure that the proper person' [goes for the test] and I explained to her what they were, cos she was on about his mate. You get all sorts of contrasting reactions.

This quote not only illustrates the harrowing emotional dimension of paternity work in compelling fashion, it also cuts across 'black and white' biological interpretations of parentage certainty and lay versus scientific interpretations of the world (Richards 1993). At least one of these parents with care appears to have conceptualised paternity as a blend of biology, likelihood (in terms of relative length of the relationship) and, arguably, hope and faith.

In the strict biological sense it would be easy to disparage this apparent naivety – clearly it was entirely possible that the casual partner in question could have been an alternative candidate for fatherhood. On the one hand policy makers could assert that the parent with care should have been open about this. On the other hand, however, the picture is less clear cut. The 'greyer' understanding of paternity revealed by this exchange is not necessarily at odds with a more expedient and less biologically determined view of fatherhood potentially embedded in the policy. Although the legislative assumptions seem to have been introduced to 'speed up' case processing, they also implicitly and explicitly incorporate issues such as duration and type of relationship (evidenced by joint birth registration or marriage). As previously noted, the final chapter will discuss the model of fatherhood revealed by the design and interpretation of CSA's paternity establishment policy, more fully.

Linked to this concept of 'grey' paternity, a couple of former caseworkers were very opposed to the extension of DNA use, one on the relatively expedient basis of probable paternity likelihood:

> What would you change? (RL)
>
> I wouldn't offer DNA, especially on married cases. If they've been living together and claiming benefits or tax credits or whatever before the conception, I think we shouldn't. I think we need to look at the merits of the case 'cos if they were married its only going to be a very small percentage that's not going to be the father (In14)

The same individual also explained the difficulties she had experienced when a non-resident parent denied genetic paternity but wanted to pay anyway:

> It's like the case that we've got. He's not the [biological] dad of three of them but he's paying for them through the Agency, and he's said he is [the parent] for the purposes of us. And when I said I couldn't do it [require someone who had advised the Agency that he was not the genetic father to pay], he said, well I am the father and I don't know what you're talking about, they're my kids (In14).

The other individual objected to wider resort to DNA on the more fundamental grounds that this would represent a loss of humanity. In an exchange that echoed and indeed extended Marsiglio's (2000) concerns over erosion of trust, she considered that simply relying on scientific evidence was not an adequate or appropriate response to something as complex and emotionally laden as parentage:

> As I said, a DNA test is not the best way, it's a very scientific way to deal with such and emotional human issue, they're so sensitive. You know you can't just do a test and see, because there are feelings attached to it (In21).

> Some people think we should DNA all babies? (RL)

> That's scary... because it's like a total, very cynical humanity. We are sort of losing the human touch, everything is scientific, so if there are disputes you just press a button and I think in the long run we will evolve into robots, we will forget our emotions and feelings and all this stuff. In that aspect I think it will be scary - people resolve problems by talking (In21).

What was the front line view of the policy subjects?

Many of the front line staff were of the opinion that the bulk of parentage denial cases related to parents with care who were benefit recipients, for example

> I would have to say from my experience it's mainly people on benefit, you don't often get a lot of private clients who are, you know, they were both working.

> Because the majority of those kinds of clients either have had a long term relationship or they were, you know married and the marriage has broken down... I don't want to, you know, put them in a group but the majority are mostly in benefit cases. I mean you get some in private cases where they either really don't think they are the father but it's hardly any. I'd say it was mainly benefit clients (In15)[35]

Only one individual's response focused on both parents, again drawing the conclusion that parents with care at least were clustered within the ranks of benefit claimants:

> I think it was a complete mix, we'd generally have a few benefit clients but some of the private clients were high income so I didn't get a gauge for it being a particular set of people. PWCs were generally all benefit (In7)

This interviewee also added that the children involved were often school age, *'generally 4 to 5'*

The fact that the bulk of Agency clients (75% at point of application) are routed via the benefit system may help account for this perception. But private clients are also subject to paternity denials – indeed one of the interviewees who worked for the Agency at a senior level had been in precisely that position.

Thus it was the parent with care that the staff at the front line focused on as the policy subject, even though the problematic denial generally originated with the non-resident parent.

This discrepancy suggests that staff may have been making some subjective assumptions about the circumstances and arguably the morality, of mothers on benefit. This is likely to have been reinforced by the, sometimes colourful, accounts relayed to Agency and job centre staff by individuals who either genuinely didn't know the father, or who wanted to avoid naming him and involving the CSA. For example:

[35] Interestingly the question posed here was about clients, not simply parents with care, but respondents appear to have interpreted 'client as meaning parent with care'.

> They'll say the most unreal stories you've ever heard, things like 'well he didn't take his helmet off' and it was through a letter box and so I couldn't see his face and you just think, well! And in those cases they're saying they really don't know who the father is, then really you're stuck, you cannot go anywhere and they know that. So they know exactly how not to comply (In15)[36]

Their effect may be to highlight behavioural extremes in the minds of staff and strengthen either levels of suspicion or their characterisation of clients as 'other' among less broad-minded staff. For example, one individual recounted that:

> Face to face officers and parentage officers should have a little bit of experience of life. One of the ones I used to work with, she was, like, a maiden lady who just couldn't accept that people had these kind of lifestyles and she just assumed that they had to be lying...if you put people on [this type of work] from a sheltered background it is quite feasible that some of these lifestyles are just too bizarre (In13)

On a different note, there was widespread agreement that the children in question were 'not just babies'. Subsequent paragraphs will deal separately with this, but it was interesting that in this context, implications for children were volunteered in the interviews without the need for prompting.

Moreover, staff were inclined to categorise non-resident parents who disputed parentage in terms of whether they thought they were genuinely doubtful or simply lying or stalling. As previously outlined, the former could then be provided with a more 'helpful' service.

Underpinning Tenets

As in previous chapters, it was possible to untangle a range of tenets. These were narrower and qualitatively different from those outlined in earlier chapters.

[36] (These stories have become apocryphal, they were around in the 1980s; when I was a liable relatives officer in a social security office on Teesside, and have persisted over time. A personal acquaintance has also informed me that lists of 'humorous' examples are even circulated over the internet, although I have yet to locate them!

There was, for instance, relatively little evidence at street level of focus on custodianship of the public purse in a specific child support context, other than an isolated reference to wasting money on tests which the Agency then failed to recover. Likewise, while speed was raised by one individual, it was couched in a rather abstract and depersonalised fashion:

> they're obviously trying to get through the cases as quickly as possible

In short, the need for speed was a far less noticeable element of the front line discourse. This will not surprise the many critics of the Agency's backlogs (DWP 2006)

Moreover, there was little consistency on the issue of objectification. As previous quotes have shown, some of the staff in direct contact with individuals were less inclined to view the automatic resolution of family issues via a DNA test as appropriate – indeed one viewed loss of humanity as the price to pay for this. This greater ambivalence may well owe something to the fact that the accounts of staff were based on the real responses and reactions of clients during their interaction with them, rather than the hypothetical (and at times rather too convenient) reactions outlined by the professional implementers. Because of this proximity the wider implications of DNA-testing were not only more graphically understood on a rational level, the use of emotive language, 'for example, 'shattering worlds' also suggests that this dimension was more closely 'felt' by the front line caseworkers. Perhaps in response to this there was a far more equivocal endorsement of the use of DNA to confirm paternity, even where individuals acknowledged that no other option seemed to be available. In one sense this is to be expected, the dehumanisation agenda is closely linked with the reduction of discretion, which studies have consistently shown is deployed and valued at street level (Lipsky 1980, Schofield 2004).

In addition one individual also demonstrated, admittedly slightly tentatively, a continuation of the 'equity equals balanced gendered experience' theme' when asked to discuss reasons for refusing to take a test, as follows:

> Various, it ranged from 'why should I, I'm not putting my child through that' to 'no I'm not doing that. There's a lot less now we can RBD [impose a benefit reduction sanction for refusal]. The system in a bit of a way is fairer now, where there is a penalty for her as well as for him (In20)

The tenets which emerged as prevalent were as follows

Prudent suspicion

This was a common element and not only confined to issues around false denials of paternity, which as previous quotes have shown, were frequently suspected:

> 9 times out of 10 you know they [non-resident parent] are lying (In19)

'Lying' was also attributed to parents with care when a test result was negative:

> some of them [alleged non-resident parents], will say that they've haven't even been intimate with that [parent with care] person and on those cases they can come out negative and they're not the father and the parent with care has been lying all along (In15)

In reality 'lying' is probably a relatively extreme strategy. The Department asks mothers (under threat of a sanction) to name the most likely father. It does not preclude the existence of other candidates for paternity. As noted beforehand, genetic 'likelihood' can be subject to a number of lay interpretations, not all of them 'logical' or scientifically sustainable:

> We had that strange case where a woman said she didn't know who the father was. She thought it might be one chap and she'd told him but he went off and had a DNA test and he wasn't... and her friend had suggested somebody and she said, 'did I sleep with him'? and the friend said, 'yes you did'. So she'd named him as the father, well she'd said to him he might be the father so he'd apparently gone off and had a DNA test. So when we asked her which was the father, she named the one where, you know it's like a 99.99 % that you're not,

> well this one was only 99.96% so she'd named him as more likely to be the one (In13)[37]

In view of these differential meanings and potential for confused understanding, It is probable that in many cases the parent with care and the non-resident parent are simply unsure.

Ease

There was evidence that ease (which differed from, but could be intertwined with speed or simplicity) was a concept that was valued by front line staff. For example

> It's easier at the beginning if he doesn't return the MEF [maintenance enquiry form] (In15)

And

> there was no great outcry from staff because it was viewed as something that made life easier for them (In5)

This included the reference to parentage officers existing to make life 'easier' for the rest. The extensive customer service aspect of the original test suppliers was also deemed to provide a similar function:

> Business units felt fairly comfortable with [original provider] because [original provider] took away lot of the work, the customer contacts angles, from them (In12)

This may overlap with both speed and simplicity, and one may be a function of the other, but they are still essentially different. If ease rather than speed is prioritised it can imply some very different behaviours. (This focus on ease is not

[37] In scientific terms this is a strange account because DNA testing will completely exclude candidates from paternity, the probabilities apply to cases where paternity is likely. This example suggests a) misunderstanding by the mother that the first test results did amount to a strong likelihood of paternity and b) Since the second test found almost as strong a likelihood, it also suggested that the two men in question may have been related

to imply that individuals are keen to 'shirk'. As previous exchanges have indicated, the Child Support Agency 'frontline' deal with people who are undergoing the turmoil of relationship breakdown. This can require them to handle considerable anguish, anger and antipathy. For example:

> It's a story I'll never forget. There was one chap, he'd been married to a lady and had a teenage son, and they'd split up for some time and then got back together – really working at their marriage, there was so much love in that marriage. And the case had been left for some time and it [letter from CSA] dropped through his door, he'd gone out and had a one night stand. And his wife left him, he was left on his own with the 16 year old son, his wife couldn't take it [existence of other child]. It was just so sad (In22).

Welcoming changes that avoid the need to have these conversations is therefore a relatively sensible personal response by child support caseworkers).

Familiarity

The previous accounts of how staff used networks of buddies and local experts, rather then new guidance, suggests that familiarity (which may, in this instance be closely bracketed with ease) was important to them. Interestingly it also chimes with Hill's account of training in the National Assistance Board over thirty-five years ago (Hill 1969), where the collective values of peers were impressed upon new trainees. This current research was conducted on the same site in Newcastle, which is still referred to as 'The Ministry' by locals.

Certainty

The parentage officers interviews revealed evidence of an additional value within this, admittedly small, but nonetheless vital cadre of staff whose power to influence the outcomes had been reinforced by the retention of their specialist role. Deploying Elmore's (1984) 'backwards mapping' approach, these were the people whose behaviour needed to change to bring about the policy goals. Critically for the resulting 'shape' of the implemented policy, these particular

implementation actors accorded an extremely high value to certainty. Because they valued certainty they effectively suborned the policy behind the parentage assumptions and routed clients towards DNA testing because:

> once its [DNA] done, that's it

And

> I think we should be doing the job the way I do which is always to offer DNA. I think the presumptions could be abused, she could have had half a dozen partners behind his back (In19)

As previously noted, this mindset may not be characteristic of all parentage officers, some of whom may be more comfortable with the exercise of the parentage presumptions. But in this particular area the adoption of a 'clashing tenet' by a small but important cluster of front line staff whose specialist role had been preserved, offered the potential to skew the delivery of the policy intent. Quite why certainty was so valued was not entirely clear, although the option of a test appears to have made life easier for the parentage officers. This was in part by avoiding the need for them to talk to non-resident parents, but also because they genuinely believed that it was best to put the question of genetic parentage beyond doubt.

Helping the deserving

A couple of the front line interviews also revealed some evidence of a discourse around 'helping' in certain circumstances. This involved the possibility of staff using available limited discretion to mitigate the impact of paternity action upon clients when they a 'deserving' client was suffering, for example:

> You tend to know when you're getting the lead swung, you can tell, All of a sudden there's an MA [maintenance assessment] put on and 'I'm not the father'. You tend to put the wall up and say 'you go and do it' [organise the test etc]. But if it's a case that they've been paying and they've always paid and they're not a

non compliant non-resident parent, and then something's obviously triggered it after years, you think there could be a possibility then you do, sort of help them (In14).

How (RL)

Tend to phone the parent with care, get her interviewed by face to face, obviously have to take it down the next [step] give them signposting to like the CAB, give them the number of the people we use for DNA (In14)

Sensitivities – what arises in practice

Reasons for refusal to take the test

Aside from stalling, reasons for refusing to take the test included fear of needles, or reluctance to inflict these on children:

One [reason] was mothers not wanting their children to be tested, you know, needles being put into them and so forth. That's less a case now, swabs, hair sample etc (In5)

An isolated case was cited where the test was objected to on religious grounds, while fear of hospitals and blood tests was also raised[38]. As one parentage officer put it:

It was a blood test, I wouldn't like my baby to have a blood test if it wasn't necessary. These days just going in a hospital puts you at risk (In19)[39].

The move to oral swabs was universally seen as a positive move, which assuaged these concerns and simultaneously removed the need for parentage officers to:

liken it to the heel prick test which put a lot of mothers at rest (In20).

[38] These insights are necessarily gleaned from the parentage officers and from policy advisors specialising in day to day paternity queries as and when difficult issues arise

[39] These concerns have some parity with the reasons for non participation cited by Haimes and Whong-Barr (2003)

More difficult situations arise when the parent with care is concerned the test will disrupt established relationships:

> We've had a couple that are frightened to have the test in case it proves, they've maybe brought the child up and haven't split up until they're 8,9,10 (In20)

And

> The PWC's sometimes adamant not to have the test because she might be married to someone else and the little ones might think that that's their Dad, it's a tangled web, it really is (In13).

Another individual involved on the periphery of the changes recalled concerns over needles:

As later paragraphs on child welfare reveal, the CSA is limited in its ability to respond to these difficult circumstances. One individual mentioned a 'rule' that if the PWC refused the let the child have a test then:

> We presume that he is not the father unless she has got some very very good reason like the medical condition of her child, but she would have to have a really really good reason not to do a DNA test. But I do think its right that unless she has a good reason to not do the DNA test that she probably has something to hide. I mean you have to make a decision somehow (In1).

This 'something to hide' inference (suspicion resurfacing) was also mentioned by other former caseworkers. In reality the central issue around this is not the fact that the parent with care 'may have something to hide' (she quite probably does, for example, she may be uncertain as to which of two men is the father and not wish this to become known). More centrally it is the implications of that hidden something becoming known that may underpin her refusal.

In such circumstances, if the parent with care continues to refuse to take the test, there appear to be two probable outcomes.

- 1) Either the inference is made that the alleged non-resident father is not the genetic father and he is not required to pay maintenance.
- 2) Or the inference is made that he is the genetic father, but since he denies paternity and the CSA has failed to have the position proved via DNA, he still refuses to pay. It is likely that a court would also refuse to enforce maintenance under such circumstances.

In short, in terms of securing maintenance, refusal by the parent with care is a dead end situation from the perspective of the CSA recovering money. From the parent with care's perspective she may be faced with a benefit sanction unless the risk of harm or undue distress to herself or the children can be shown.

One individual also mentioned that people 'might be involved in some sort of fiddle', and didn't want to get caught out. Speculatively, this, admittedly isolated, comment suggests that individuals may be making (incorrect) connections about DNA samples that are collected for child support purposes, being used by the police in pursuit of suspects.

It is interesting to note that no-one had encountered a case where the resistance of an older child had been raised as a barrier to taking the test. This is not to say that these objections never occur. Because the CSA process is effectively 'blind' to children under 16 other than as a donor, it is possible that any objections are mediated via the mother. As a previous quote notes, some mothers did appear to object to the child being tested, and not all may have been stimulated by a desire to 'get around' the possibility of a benefit sanction by agreeing to take a test themselves but refusing on behalf of their child:

> We certainly had cases where PWC didn't want DNA testing carried out, and in a lot of these cases they didn't explain why – nope, don't want it (In10)

In addition the Agency was criticised for not consulting an older child in the Re L case.

It is worthy of note that the former contracts manager did not raise this as an issue discussed with GPs (unlike fee increases and the process around

confirming non-resident parent identity). Even when this individual was expressly asked about the prospect of counselling etc before considering the test, he confirmed that the issue had never arisen in discussion with doctors.

Child welfare

The interview evidence from staff with front line experience revealed considerable ambiguity around the consideration of child welfare, as well as a keen and poignant understanding of what paternity denial might mean for a child. For example, one explained:

> It might change the whole world for the child (In21)

In practice staff acknowledged that, while required by law (Section 2 of the Child Support Act 1991) to have regard to the welfare of the child (Jacobs and Douglas 2004), having considered it there was actually very little they could do as the following exchange indicates:

> You always have to consider the welfare of the child (In14)
>
> How does that work in practice? (RL)
>
> In the case where you've got an older child and Dad's saying he's not the dad and the Mum's saying he is, cos the kid obviously had to be dragged in for DNA testing and then would know that the Dad was not the Dad, I think in that case you're treading on very thin ice on the child's mental state.(In14)
>
> What happens in those cases, what do we do? (RL)
>
> See the case I had, he wasn't [the father] and he [the child] was a lad in his early teens. There's nothing really we can do I suppose. If someone's saying they're not the father you can't make someone pay if they're not, even if it is going to shatter a child's world. I don't think the legislation and the Agency in that case does really think of the impact it's gonna have on the child, cos its very 'mum and dad' when you're doing it. What does he say, what does she say, you don't

> really – the kid doesn't get brought into it, apart from you're saying that he's not the child's father (In14).

The 'apart' in this example is extremely significant to the child. This exchange neatly encapsulates the dilemma faced by CSA staff when considering child welfare in the context of paternity cases. In practice the legislative framework they operate under requires them to consider the implications for children, and having dwelt upon these potentially 'world shattering consequences', nonetheless proceed.

Small wonder that, as one individual put it, the reality tends to be that:

> I don't think welfare of the child tends to come up very often at all, and again there is this assumption that welfare of the child means that the father is paying over his money. (In13)

There was also a sense that the increasingly widespread notion that children benefit from knowing the truth about their antecedents (eg, Wattenburg 1987, Times 2000) helped staff to handle these tensions, although the same individual qualified this based on the age of the child.

> I'm not always sure that it is always to the child's advantage, while they are still a child, to know one way or the other that the man they always thought of as their father, isn't. Or that this particular stranger that they don't know, is their father. But I think its always nice to be sentimental about it and say everyone should know, and I think if it was me, I would want to know (In14).

Coping and Capability

The previous sections of this chapter have revealed the breadth of very complex and personal issues faced by child support caseworkers, face to face and parentage officers when dealing with instances of disputed paternity. In some instances the emotionally laden context of these exchanges is compounded by a substantial degree of practical powerlessness, particularly in relation to child welfare issues. In addition child support casework is heavily target driven and

pressures have been compounded by recent system and organisational difficulties. To paraphrase from Lipsky (1980) what techniques have staff have developed to salvage service and decision making values in the setting of structural work based limitations, What are their 'coping strategies'?

Some have already been touched upon. The acceptance of de facto powerlessness in the context of child welfare is an example of psychological withdrawal – 'accepting limitations as fixed rather than problematic' (Hudson 1989 p 389).

There is also some evidence of conceptual devices to segregate and prioritise different types of client, largely depending on whether they were 'deserving' or not – typified by a past history of payment in the case of non-resident parents. This emerged in the context of who was 'helped' in cases where paternity was denied after a maintenance calculation had been put in place. As previously noted, some staff explained they viewed those who had been paying more favourably and would provide them with additional advice and support.

Another former caseworker mentioned the temptation to 'take sides' where a client had enlisted her sympathy, explaining how she might be more inclined to seek additional details of someone's circumstances (potentially leading to a reduction in their liability). She viewed this as providing 'good customer service', rather than simply dealing with the presented information. The caseworker in question had found this a satisfying experience, (as had the client judging from her account).

One interviewee had also secured permission from her supervisor and from the parent with care to forward a letter from a non-resident parent, requesting that he be able to make contact with his child.

> But there is a lot of men think that it they are paying for the child they want to see it. I think it is quite sad that we have nothing to do with the access side. There was one case, the chap had been found to be the father and he sent a letter asking us [about access]. And I talked to my supervisor because it was a

> good news story if this child got to see its father. And I called the parent with care and she agreed for me to send the letter on. I had a letter and I passed it and at the end of the day you think that helped, and helped for the child, it's a good days work (In22).

The evidence from one of the client interviews suggests that this approach, which the individuals in question clearly found mutually satisfying, is not necessarily widely accepted Agency practice. So in reality access to this strategy may be limited.

But in most instances there was no alternative but to become immured to some of the more extreme responses of clients. The continuation of specialists with greater 'life experience' may owe something to this. For example, as one parentage officer explained:

> I think the worst one was the guy who said 'if the child's got AIDS it's mine as I've got AIDs (In20)
>
> How do you handle that? (RL)
>
> You develop a thick skin, a thick skin is you don't let it get to you, it just becomes the norm, you carry on with your action (In20).

Conclusion

The interviews with the people with front line experience provide stark and at times harrowing, evidence of the realities of paternity establishment for staff, parents and children alike. In terms of understanding the trajectory of a policy from development through to implementation, they highlight the importance of street level tenets and power interrelationships in shaping the policy outcomes. By retaining the parentage officers as a specialist role, the parentage officers held considerable power. The value they accorded to certainty (at least in the locality of the research) inevitably meant that cases were routed towards DNA testing because this was the only vehicle for achieving the desired levels of certainty. In similar vein, the combined value ascribed to ease and suspicion

appears to have contributed to the readiness with which the non-legislative 'after 7 days silence - presume' 'assumption' was adopted.

The interviews also provided other instances of staff exercising discretion to provide a better level of 'customer service' to those they deemed worthy of it, in part using this discretion to 'cope' with some of the unpalatable 'givens' of the policy in an indirect fashion.

Chapter 8: More 'Dirty Real Life' – the client interviews and analysis of administrative data

Introduction

The original emphasis of this research was to explore the experiences and outcomes of individuals who had participated in paternity testing. As Chapter 4 – methodology, explains, this proved problematic. As a result only four client interviews were conducted. Three of these were with non-resident parents (one with enthusiastic contributions from the non-resident parent's mother!). The other was with a member of staff who was also a parent with care whose former partner had denied parentage. Clearly drawing inferences from this small number of interviews would be extremely questionable. Nevertheless they still provide fascinating insights into the operation of CSA's paternity policy when viewed through the lens of the policy subjects and are thus well worth including in this thesis.

When it became apparent that obtaining interviews would be more problematic than I had anticipated, I sought other pathways for exploring the outcomes of paternity testing. This included securing agreement to extract anonymised administrative data on a sample of tested and untested cases from the CSA's computer system. Again, in quantitative terms this sample (189 cases) is far from robust when set against the overall CSA caseload. It is also necessarily confined to those where parentage is proven (because the records of disproved cases are closed and the records are no longer accessible). But notwithstanding this, the information gleaned is valuable, especially in view of the paucity of research into the outcomes for cases that have undergone positive paternity testing. So despite the limitations this analysis is also presented in this chapter.

The parents' experiences

Characteristics

The non-resident parents were between 26 and 33 years old, employed as skilled artisans and with vocational qualifications. One lived alone, one had returned to his parent's home and the third lived with his wife, their young daughter and his stepdaughter. Their non-resident children were aged between 18 and 30 months and in all three cases the non-resident parent was in regular contact with them.

The single parent with care was in her 30's, educated to degree level and holding a senior public sector position at the time the DNA test was arranged. Her child's father had moved overseas and was not in contact with them.

The previous relationship with the other parent

Strikingly all of the non-resident parents described their relationship with their child's mother as 'on-and-off':

> We didn't go out for long, but we knew each other, an on-off thing for a few month (In23)

> We were on-and-off (In24)

and

> We had a sort of on-and-off relationship which was more off than on, em, what happened, I can't remember how the pregnancy came about I mean one night she possibly had a bad time with her boyfriend or something like that and I just happened to be there (In25)

For two of the fathers this had been located within a wider friendship network. The third described a longer-term cohabiting but erratic relationship, punctuated with returns to his parent's home because the couple *'fell out all the time'* (In24).

From the accounts of the non-resident parents these relationships were neither clear-cut nor stable. Paternity uncertainty therefore appeared to be an entirely sensible conclusion to them, which was reinforced in two of the cases by the doubts of friends and relatives, for example:

> A lot of people said 'you weren't the only person she'd been sleeping with (In25)

There was some evidence from these accounts that the respective mothers were less unsure, which chimes with the maternal/paternal relationship discrepancy in Wikeley et al (2001), where rather more fathers than mothers described their prior relationship as casual.

The circumstances of the parent with care were very different. She had been (at least from her perspective) in a rather more stable relationship that had ended some time before. Her previous partner had then 'set up home' with someone else and had failed to meet an agreement to set up a trust fund for her son. She therefore applied to the Agency as a private client. Judging from the accounts of the fathers, all their CSA case-partners had probably applied for maintenance as a consequence of claiming benefit, although one non-resident parent's mother also volunteered that her son's former partner had:

> got in touch with the CSA because he wasn't living there – she done it for spite (In24).

Regardless of the circumstances of application, the hurt felt by mothers when paternity is denied was neatly expounded by the parent with care interviewee:

> The shock that somebody that you've been close to, trusted, could actually make that sort of denial is actually quite hurtful (In2)

Contact with the CSA

All three fathers were distinctly uncomplimentary about their dealings with the CSA and two felt the money they were expected to pay was wholly unreasonable. In one case this stemmed from the mismatch between his low estimate of the cost of the baby and the amount expected. He (and his mother) therefore believed that his maintenance was shoring up benefit coffers:

> I'm paying for fathers who other fathers who are on the dole (In24)

> All we ever do is keep other bloody people, they're on the dole (In24's mother)

Bradshaw et al (1999) discussed the interlinking of financial responsibilities of non-resident fathers and stepfathers receiving benefit. This appears to be a more generalised take on the same phenomenon.

Similar views were expressed by another in respect of mothers living off maintenance:

> It may be an old wives tale or something but I was told of a woman who has four children to four different blokes and she has £2500 a month coming in from CSA which is a hell of a way to earn a living (In25)

Two of the fathers were also extremely condemnatory of the way they had been treated, not simply the implications of the policy. For example, one explained that the process for paternity establishment had initially been explained to him by a very helpful individual, but that when he'd rung up to double check he'd had an entirely different reception:

> I rang up the CSA and spoke to the most stroppiest woman in the world. I have never been, felt, so like put down and belittled because I said to this woman 'look, the first person I spoke to who originally contacted me said, because I was unsure I was the father I needed to tick a box on a certain page', could I just confirm it is this box that I need to tick. 'Oh! So you're denying paternity now are you? You're going to go down that road, Oh well I think this is terrible'. And she was really obnoxious and really horrible and I just didn't need that at the time. I

> just didn't need that at all like I was being the worst bloke in The World and everything else (In25).

This account accords with other research that shows that non-resident parents (generally men) tend to rate CSA's service quite negatively (e.g Wikeley et al 2001). In the light of the staff interviews, this may be a manifestation of staff 'suspicion' in action.

In this context it is therefore interesting that, as noted elsewhere, the parent with care had also detected a gender bias in the way she was treated during an interview about the paternity denial. This echoes earlier exemplars around staff use of discretion and may have been a way of front line workers trying the 'balance' inequities in the pre- assumption parentage process:

> I think she [caseworker] was trying to explain that [ex partners name] was using the process quite cleverly but that the Agency were doing their best, I think there was something of a gender issue, I think there was leaning in the advice that I was getting a poor deal. I felt she was extremely sensitive and not uncomfortable, but when we got onto the issue of parentage, almost apologetic that she was having to ask me the questions she was asking. So we didn't get down to the 'was it under the pier at Brighton?' or anything else, but there was, 'have you any evidence?' (In2)

Having said this, this interviewee subsequently received a far from quality, service:

> I phoned the caseworker that was dealing with the case and said 'I haven't heard anything, the chap's in Australia, what's going on'? And their response was, at that time, 'you haven't got a cat in Hell's chance of getting anything, and if I come up on the Lottery next week, I'll send you a couple of quid'! (In2)

Experiences of the DNA test

For all three non-resident parents the test itself was rather a 'non event', although the wait for results and the timescales associated with these could be stressful, as could the implications:

> Wasn't much to it really, sent a letter, sent me a list of these places in the area or I could ask my own GP. So they actually sent the kit to him and I went up the surgery and they just took a little bit of blood and that was it really. Couple of weeks waiting – I think I was in a bit of a denial, didn't want anything to spoil new relationship. Plus the money factor, I knew I was gonna have to pay (In23)

One interview also indicated that the time and effort devoted by implementers to combating identity fraud might not have been entirely successful

> and then when I booked it they sent another letter saying that I had to take photographs and proof of identity, which was fair enough, unfortunately the only photograph I had was when I had a beard and glasses but it all went through quite straightforward really. But then it said it would take 14 days for the test to come back once they'd received both blood samples and after 21 days I rang CSA and they said the mother had not been for the blood tests yet (In25)

The parent with care was less sanguine:

> [Childs name] was teething, at that stage with children you're going to the nurse and they've just had all their injections and all that. So while I knew it was a necessary evil to go through, I felt that because I went to may local doctors, local nurse, it was quite embarrassing...[childs name] didn't quite understand why he was having to do it etc, so given his age I was able to explain that, 'well its just something along with your injections (In2)

After the test

For all three non-resident parents, the most immediate post-test consequence was a demand for money from the CSA. In one case the non-resident parent appears to have been automatically offered a deferral of £1000 under the, now

ended, temporary compensation payment scheme[40] (Jacobs and Douglas 2004).

> The CSA rang him and told him he owed £2400 back money which they would drop by roughly £1000 if he paid £56 a week plus an extra £10 off the debt (In24's mother)

Another the father found paying 'a bit of a struggle' and in the case of the third the amount required as maintenance had grim personal implications including job loss through stress. This interviewee's sense of bewilderment and injustice comes across in the following quote:

> I couldn't understand how, how they were asking me [to pay so much] because I didn't choose to be a father, she told me she took protection, she told me she was on the pill, for 12 months she hadn't become pregnant and we had this sort of on-off relationship for 12 months and I trusted her and suddenly here I am thrust into this situation which is going to mean that, I have never been in debt in my life and here I am in debt. I do realise how much is costs to bring a child up, but if you didn't choose to be the father of the child it doesn't feel wholly fair to have no – really I did want to pay because this child was mine but being asked to pay as much as I was asked to pay was ridiculous and I was very very bitter. ...The reason that I felt I should be paying was that if I wasn't paying the Government would have to cover it. Alright, genetically she is my child so therefore I should be paying towards her upkeep, I should be covering what the Government would have to pay out if there was no one else to pay. I should be paying what the Government should pay not this immense figure that CSA came up with. (In25)

This sense of injustice was compounded by the fact that this individual thought that his daughter's mother was *'booking holidays'* and *'buying a new car'*. When he later discovered that she was *'putting this money away for [childs] future it blew me away'*. This meshes with previous research on the role and attitudes of

[40] This scheme, which has now ceased, allowed the Agency to not collect a proportion of debt owed as a result of substantial Agency delays, subject to the condition that the non-resident parent complied with an agreement to pay his regular maintenance and the remainder of the arrears within a specified period. Once these agreement had been fulfilled the remainder of the original debt was permanently 'deferred' and the parent with care compensated accordingly

non-resident fathers towards maintenance, including Bradshaw et als discussion of 'squandered maintenance' as a rationale for non-payment (Bradshaw et al pp199-200). It also illuminates the difficult gradation between choice and risk in the decision to procreate – twelve months of 'on and offness' is arguably accompanied by a relatively high risk of conception!

Each of the three fathers had also experienced step parental relationships where their partners ex-husband had not been successfully pursued for maintenance, leaving them to support his child for the duration of the relationship. Unsurprisingly, this rankled in the light of their own experience with CSA.

Despite this, they all agreed with the principle that non-resident biological fathers should pay maintenance, even if they didn't see the child in question. Research into attitudes towards child support reveals that this is a commonly held view, although parents then tend to 'exempt' themselves where reciprocity is lacking (Peacey and Rainford 2004, Bradshaw et al 1999).

For one of the three fathers confirmation of paternity had been followed by contact from the parent with care via a solicitor with the aim of initiating father-child contact. By contrast the other two fathers had made the first move themselves, one in a slightly passive and accidental sense:

> After the birth I didn't see him till he was going on one...I'd lost contact with her and I bumped into a friend of hers and asked if she'd pass a message on to give me a ring. And after that we met up and I saw [sons name] (In23)

This move by these fathers is at odds with McGlone et als (1998) finding that the maintenance of kin links is primarily undertaken by women within families. One can speculate, however, that the decision to deny parentage had not fostered warm maternal views of the non-resident parent.

The second father pursued contact more actively. This was in part stimulated by the fact he had moved in with a new girlfriend and her child, an experience common to all three fathers at some point in their lives:

> It always preyed on my mind that [stepchild] was not my flesh and blood even though she did call me Dad and that was nice, but as soon as I found out that [child] was mine it meant that this little girl called me Dad, and yet I am someone else's Dad... I thought I should really consider getting in touch with [parent with care] and try and see [child] (In25)

Both these fathers had also sent letters via the CSA asking them to be forwarded to their child's mother. They were frustrated by the Agency's refusal to do this:

> I didn't like the way that they can charge me money for me child but they couldn't put us in contact with the mother, they wouldn't give a number or send a message or something (In24)

As previously outlined, one member of staff had been involved in passing a letter from a father on so there may be localised differences in practice.

The parent with care interviewee had also had a less satisfactory experience and is now pursuing her ex partner through a foreign Child Support Agency.

Experiences of contact

For all three non-resident fathers the first experience of contact was an intensely emotional and life changing experience:

> I smoked, and I wanted to stop for myself but I couldn't. But as soon as I saw that baby I wrapped it up because in future if someone offered him a cigarette he might think of it and think 'Oh no, my Dad doesn't smoke (In24)

> As soon as I saw her I knew, you know, and it was as if she knew as well because the very first day I just sat on the settee and she just, well, she had

> never seen me before and she just walked over and put her head on my knee and it just, and my heart went 'aaah, she knows, she knows something to put her head on my knee like that, it was so weird' (In25)

All three now had regular contact with their child although the mechanics of this differed. One father explained that:

> Fathers should do the same sort of things mothers do, you have an equal share, like when I go round I am responsible for everything, bathing, changing, putting to bed. But actually we should do [equally share]. It might just be me because I have missed out for nearly 2 years, making an effort and helping out (In25)

Another adopted a slightly more traditional role (Burghes et al 1997). Bathing and changing duties were largely devolved to his mother, leaving him to concentrate of playing and providing additional clothes, toys and holidays (*'he won't want for nowt'*). This was accompanied by a vision of the future that included acting as a positive of role model/disciplinarian, a task he felt would be rendered more problematic by the example of the parent with care who smoked and *'shouts all the time'*:

> I want him to get into football and do well at school... he's split up, its going to be harder for us [paternal family] to keep him in check (In24)

Speak et als 1997 research into young single fathers identifies some very similar experiences and parenting aims, as does Warin et als (1999) analysis of fathers, work and family life. Hochschild (1995) also points to a comparable diversity of fatherhood.

What difference did the DNA test make?

Without exception, the fathers explained that the DNA test had dispelled with any doubt and made maintenance payment less unpalatable:

> I knew for sure that he was mine, where I was paying that money I didn't begrudge it. Without the test I would always have had doubt in the back of my mind, I don't begrudge it because he's my baby (In24)

Or

> The CSA would have been taking money off me for a child I was never sure was mine, I couldn't have done it (In25)

This does suggest a clear link in the minds of these individuals between *proven* genetic paternity and the financial provider role. For instance, one father had been provided with a photograph by the child's mother, together with the plea:

> Don't go through with the test, you can see he's yours

This photograph was produced during the interview and the resemblance was indeed marked, but the non-resident father went onto explain:

> When I seen the photograph I could tell, but you have to be sure don't you. I thought 'if I'm going to be paying I want to know for definite (In24).

Again this 'just to be sure' mindset was also voiced by another of the fathers, in a slightly confused exposition of the difference the test had made:

> So has the test made a difference in the way you treat [child]

> I think so, the doubt's gone. I think if I didn't have the test I'd've known he was mine, looking at him. He relates to me alright, he seems to know who I am, he comes to me when he's crying a lot (In 23

In this context the test appears to be used as 'absolute validation' of an 'almost certainty', akin to the line peddled by 'peace of mind' paternity testing companies.

Moreover, the non-resident parents believed the test to be completely infallible, even though they knew that percentage probabilities applied:

> It's 99.9% sure, but they're never wrong are they (In 24)

As previously described, one father appeared to ascribe to the idea of an instinctive and discernible natural bond that a child would 'know'. Ironically he didn't recognise the fact that the existence of such a 'knowable' bond would effectively preclude the need for DNA testing. This dichotomy meshes with Miller and Warmans' (1996) finding that, while kinship ties are often seen as 'natural and inviolable' (p21) they are also perceived as being in need of support.

The interview subjects all referred to purportedly (and generally positive) heritable character traits in addition to simple physical characteristics (for instance 'he's got your ears') (Richards 1996, Haimes 2003), for example:

> yeah he's the double of us really, the things he does, he's very similar to us (In 23)

Since the three fathers had all acted as 'stepfathers' in either a former or existing relationship, it was useful to explore their views of social versus biological parenting. Without exception they stressed that the genetic link should make no difference in someone's treatment of a child:

> I wouldn't make anyone different whether he's my blood or not (In 23)

They then went on to describe the ways in which they had treated their biological children differently.

The most striking difference was the perseverance with which they pursued or sustained contact in the face of difficulty. This perseverance included working at maintaining a civil relationship with their child's mother despite disagreements. This contrasted with the step children, with whom they had made either no, or lack lustre attempts to maintain contact, once their relationship with the mother ended. For instance, one explained that his stepchild had been devastated at his departure:

> She thinks I've abandoned her, she doesn't understand that it's her mother that I left (In240.

This individual had attempted to talk to his former stepchild on one occasion:

> But she turned her head away and I left it at that.

Another confined the boundaries of the step parental relationship to a period of co-residence; any responsibility to the child was discharged when this co-residence ended. This may be legally and financially true, but for a stepchild that 'used to call me Dad', it must have been a distressing experience.

In addition one father also explained that he was more tolerant with his biological child than he had been with his stepchild at the same age:

> I was a bit too strict with [stepchild]...I used to get really angry sometimes when she would overstep the mark and just keep on, you know. And with [biological child] I probably do, because she's mine, I probably do have that tolerance and just let it carry on...Because I know [child] is my flesh and blood it just makes me feel like I have to be more tolerant. (In25)

So in a nutshell, for these fathers biology paternity undoubtedly made a difference in the way they felt and acted. This resonates with Litton, Fox and Bruce's (2001) speculation that the degree of importance attached by some fathers to biological linkages may account for variability in step parental behaviour. As one said:

> I think mainly if it's yours, if you know you've made that child, it's a little bit different. (In25)

Conclusion

Drawing robust inferences from this very limited sample of interviews is clearly inadvisable. There were, however, some striking similarities in the experiences and responses of the three fathers. These included the facts that:

- All three described their relationship with their child's mother as erratic and also suspected that she had, or may have, been in a sexual relationship with other men. (Whether or not this view would have been shared by the mother is moot). In this context paternity was denied to CSA because of a lack of certainty, rather than any firmly held belief that they were not the biological parent. They wished for a DNA test to be absolutely sure that the child they were paying for was in fact 'theirs'. The continued existence of any doubt was not something they were prepared to accept

- There was no evidence among the men that they were denying paternity in an attempt to stall the CSA process and delay paying maintenance, although they did admit that they initially hoped the test would prove negative (indeed in one case the father had endeavoured to 'chase-up' the test results). Only the parent with care interview revealed a situation akin to that espoused by Ministers in the advent to the parentage assumptions, namely a calculated denial with the intention of avoiding payment for as long as possible

- None of these four CSA clients were complimentary about their interactions with the Agency, which on occasion had come across as hostile and suspicious. The parent with care considered that one caseworker that she dealt with was trying to redress a gender imbalance in the policy

- All the fathers believed that a biological father should support his child rather than the Government, even if he didn't have contact. In two cases they thought that the amount required should match the sum expended in benefits by the Government. They therefore questioned the legitimacy of a higher figure. This was particularly problematic to them where they thought the maintenance was being 'squandered' or used to offset the costs associated

with unemployment or fathers who weren't paying child support, (or in one case when he felt he had been tricked into parenthood)

- When compared to step parenting arrangements, biological parentage emerged as a far more durable concept, transcending co-residence. It was also worthy of greater perseverance in terms of securing contact and sustaining 'civil' relationships with former partners. In the context of these three fathers at least, the relationship appeared to be viewed as normative. This contrasts with Skinner's research (2000) which suggested that non-resident fathers often seek a degree of reciprocity, with the child's mother mediating the relationship with the father. The mere fact that these men were contactable and willing to be interviewed may suggest that they were atypical

- Genetic relatedness was perceived as more 'special' than social relationships, involving the transfer of character traits and a natural 'bond'. In one case this was accompanied by greater parental tolerance of the child's behaviour

- For the men, the DNA test was a 'non event'. By contrast the single parent with care found it embarrassing, in part because it meant that family medical practitioners were aware of the parentage denial. (This duality of experience may have its roots in gendered attitudes to sexual behaviour). It also required her to lie to her young child in order to explain the need for the blood test.

- The fathers undertook a range of parenting activities, including changing, bathing and playing. One also foresaw a future role as disciplinarian, football coach and role model. These accounts of fathering are all consistent with existing research on fathering (Warin et al 1999)

The characteristics of clients – insights from the dataset

The research included quantitative analysis of administrative data held in relation to a relatively small sample of 189 cases based in the Scotland and North Eastern region of the CSA. As the methodology section reveals, 89 of these had undergone DNA testing and represented a full month's sample for that region. The remainder were drawn randomly from a list of national insurance numbers held for the same region and period. This section presents and explores the findings of this analysis.

Client demographics

Table 3 shows the age distribution of the clients within the full sample, anchored in the month for which the DNA test sample was drawn, (and at the date of sample extraction for the untested segment:

Table 3: Age of parents and children

	Mean	Minimum	Maximum	Standard Deviation
Age of non-resident parent	27.1	18	69	7.337
Age of parent with care	25.4	16	46	5.824
Age of qualifying child	3.7	3.7	19[38]	3.235

N = 189

Compared to the overall CSA caseload which reveals that the bulk of clients are in their 30's, the non-resident parents and parents with care in the sample were relatively young. This may be due to a blend of sampling error and also the fact that the cases, both paternity tested and untested, were at a relatively early stage in the CSA lifecycle, whereas the published statistics (QSS 2002) relate to the overall stock.

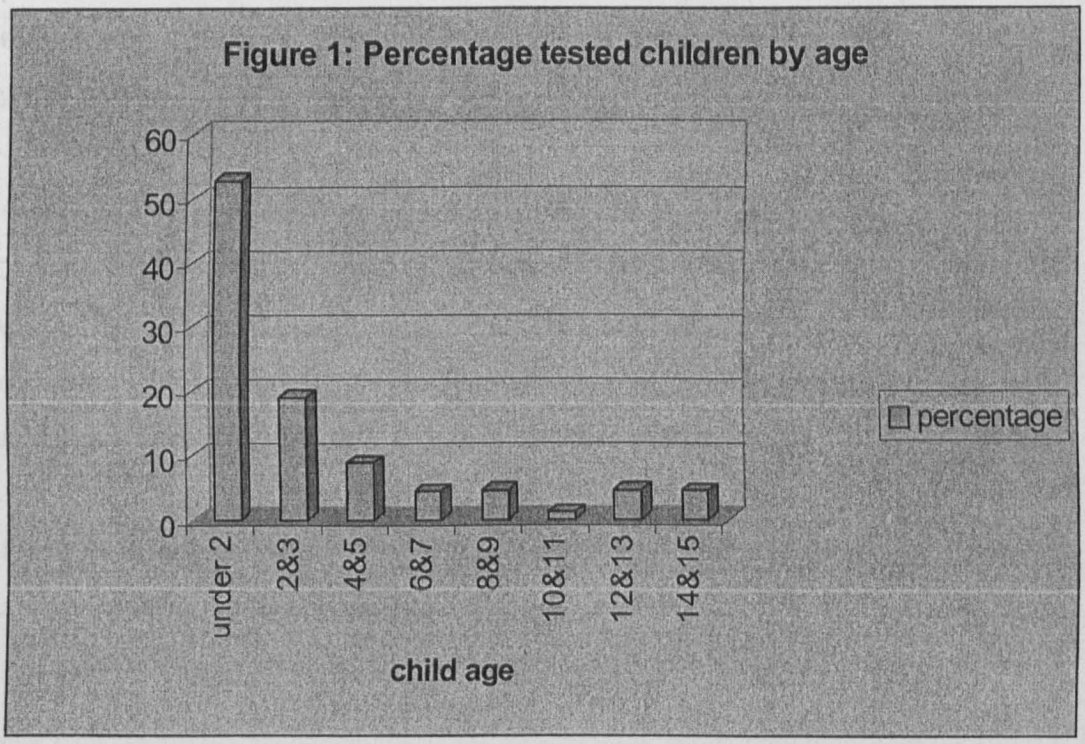
There is considerable variation in both parental and child age. As an explanation of the case of the latter, a child support claim is generally made following the birth of a child or on parental breakdown, particularly when the parent with care claims benefit. Once this claim has been made the case may remain 'live' until the child is either 16, or between 16 and 19 and in full time non advanced education (generally A levels or equivalent). Where arrears remain uncollected the case may also remain active after this point. This result may therefore owe much to the distribution of child age within the randomised, not tested sample.

Table 4 expands on this to show the child age frequencies at the date of the test, confined to those children who had been subject to a DNA test. This reveals that nearly three quarters of the children were aged four or under at the date of the test. At the other end of the spectrum there remains a sizeable minority of far older children who may well be aware of the circumstances and implications of parentage denial. Some of the potential reasons for this age distribution, including the lack of very young babies, are considered later in this chapter.

For the DNA tested subset of cases, there was also a delay of approximately 6 months between the first contact with the non-resident parent and the test, evidenced by a mean child age of 2.78 at the effective date of the claim, and a mean child age at date of test of 3.23. This accords with some of the staff accounts of the timescales involved in the testing process.

Table 4: Age of tested children at date of test

Age	Frequency	Percentage
0	22	24.7
1	25	28.1
2	6	6.7
3	11	12.4
4	2	2.2
5	6	6.7
6	2	2.2
7	2	2.2
8	0	0
9	4	4.5
10	0	0
11	1	1.1
12	4	4.5
13	0	0
14	1	1.1
15	3	3.4



The administrative data also revealed a mean non-resident parent income figure of £254.60. This is higher than the average income or £215 quoted in the published summary of statistics for a comparable cohort (CSA2002). These

figures included non-resident parents claiming benefit and therefore assessed as having nil income, as a result the standard deviation from the mean was considerable (235.99). Subsequent analysis revealed that the mean for the tested cases was higher still, suggesting that this elevated the overall mean. This is likely to be an outcome of 'cost effectiveness' considerations when deciding whether to offer a test.

Table 5 presents a breakdown of non-resident parent employment/benefit status:

Table 5 non-resident parent benefit status

	Frequency	Percentage	Cumulative percentage
Other/missing[39]	40	21.2	21.2
Benefit	55	29.1	50.3
Employed	91	48.1	98.4
Self employed	3	1.6	100

Base 189

This differs from the published Agency figures which typically show approximately 5% self employed, 33% benefit, 14% 'other' and 48% employed (CSA2002). In this instance there appear to be substantially fewer self-employed fathers in this sample and rather more subject to the rather nebulous 'other status'. This may simply be due to sampling error

A Chi-square analysis (combining the self employed with the employed to avoid low cell counts) found the following:

[39] This may occur where the non-resident parent is a student, partner etc or where he has left benefit and the system has been adjusted to reflect this, but the new employment status is not known

Table 6 Chi-square, employment status against whether tested

Tested	Other	Benefit	Employed
Yes	16	9	64
No	24	46	30

Sig =.000

Judging from this, there is a far higher incidence of DNA testing among those who are economically active (at least within the formal economy). Some possible reasons for this are discussed in the concluding paragraphs of this chapter.

The mean amount of maintenance due each week was £20.45, with a minimum of nil and a maximum of £117.98. This is not dissimilar to the published mean for all non-resident parents at the time, which amounted to £21.45 (CSA2002).

For just over 12% of the cases the non-resident parent shared care of the child for over 104 nights in the year.

Most (79.9%) of parents with care had only one child in their household, and the remainder had two. There was therefore no evidence of the apocryphal 'women with children to four different men' mentioned by one of the fathers. Non-resident parents showed a very similar pattern, with 88.4% being responsible for fathering one child, and 11.6% for two.

Comparison between the DNA tested and non-tested cases:

T-test comparison of the means for the unweighted sample revealed that the non-resident parents who had been subject to DNA testing were older and required to pay more maintenance than their untested counterparts. They were also wealthier, although this different was not significant. In addition the parents with care associated with the tested sample were significantly older. This is

unsurprising since older non-resident fathers are typically associated with older parents with care.

Table 7: results of T-tests for different means within variables

Variable	Mean where DNA tested	Mean where DNA not tested	T value Unweighted/ weighted	Sig
Amount of weekly maintenance due	29.52	12.57	4.006 4.906	.000 .000
Non-resident parent income	267.74	228.78	.820 .993	.414 .321
Parent with care age	27.06	23.94	3.712 4.333	.000 .000
Non-resident parent age	29.89	24.55	5.240 6.208	.000 .000
Child age at test	3.24	4.05	-1.559 -1.865	.121 .065
Child age at effective date	2.78	2.71	.143 .161	.887 .844
Children to non-resident children	1.15	1.09	1.183 1.468	.238 .145
Children with parent with care	1.33	1.09	4.091 4.682	.000 .000

In an attempt to explore whether results would differ with a larger, more generalisable sample, the untested cases were also weighted by a factor of 19 to reflect the fact that only 5% of cases (according to Hansard reports cited earlier) dispute paternity[40]. The differences between the mean child age at the date of test, although not significant in the unweighted sample, approaches significance when weighted

[40] Since this figure does, however, appear to vary as earlier discussion shows, this is intended to simply assess potential indicative effects.

An analysis of variance (ANOVA) was also performed by whether the case had been subject to a DNA test against the above variables, to test for the persistence of the differences when multiple variables were included in the equation. Again this resulted in broadly similar results as follows:

Table 8: results of ANOVA

Variable	Value of F unweighted/ weighted	Significance of F
Amount of weekly maintenance due	16.584 37.506	.000 .000
Parent with care age	14.319 40.741	.000 .000
Non-resident parent age	28.499 32.282	0.00 .000
Age of child at date of test	2.516 6.406	.114 .011
Children with parent with care	17.656 53.95	.000 .000
Children to non-resident parent	1.435 3.196	.232 .074
Non-resident parent income	.673 .985	11.414 .321

Thus the T tests and ANOVA in respect of the weighted sample also revealed a significant difference for the age of the child at the date of the test. The data shows that the tested children are generally younger so it is not possible to attribute this to delays in testing. It may be a result of the inter-parental relationship, with a lower likelihood of prior cohabitation, resulting in an earlier claim, potentially following a benefit claim by the new mother.

The data also lent some credence to the procedural guidance and staff accounts that indicated that cost effectiveness was a factor in the decision

whether to pursue testing. The incidence of DNA testing among the economically inactive segment of the caseload was significantly lower than among the employed population. On a cautious note however, the economically inactive category included those non-resident parents whose precise employment status was unknown, this may include intentionally elusive individuals who evade contact generally with the CSA.

Table 9: non-resident parent economic activity by experience of DNA testing

	Working	Not working
DNA tested	64	25
DNA not tested	30	70

N= 189, Chi-Square = 33.086 significance =.000

This remained highly significant when the sample was weighted to reflect the distribution of tested cases within the wider CSA case population (Chi Square = 69.026, significance =.000)

Cross tabulation of non-resident parent payment compliance status against whether DNA had been tested or not revealed the following:

Table 10: compliance by experience of DNA testing

	Complying	Not complying	Not applicable[41]
Where DNA tested	40	12	37
Where DNA not tested	19	15	66

Base = 189, Chi-Square = 15.385, significance .000

Again, the weighted analysis also returned a significant association between compliance and experiences of testing. (Chi-square = 36.486, significance =.000)

[41] for example, because the non-resident parent was on benefit

This analysis was re-run using the unweighted sample, with the cadre of economically inactive non-resident parents filtered out. This evidenced no significant association between DNA testing and compliance (Chi-square = 3.251, significance 0.197). This differed from the weighted sample which returned a Chi-square value of 9.019, significance 0.011.

This suggests that influences on the higher compliance level of tested cases is by no means clear-cut. In part it may be a function of their slightly less straightened circumstances. The results from the weighted sample do lend some support to the hypothesis that greater genetic certainty may encourage greater improved propensity to pay maintenance in accordance with the payments schedule determined by the CSA. But since this is not corroborated by the unweighted sample, it is clearly an area that would warrant further, more extensive research.

There was also a highly significant association for both the weighted and unweighted sample, between not being party to a DNA test, and non-resident parents having care of their child for over 104 nights a year:

Table 11: experience of DNA testing by incidence of shared care, (unweighted)

	Shared care	No shared care
Where DNA tested	3	86
Where DNA not tested	20	80

N = 189 Chi square = 371.497, significance = .000 (weighted Chi-square = 15.133, significance = .000)

This is to be anticipated. The more erratic relationships that may be associated with testing are almost certainly less likely to be associated with lower periods of co-residence. It is also worth noting at this juncture that the incidence of shared care is an imperfect proxy for levels of contact because of the emphasis on overnight residence. A range of factors, including housing policy (Speak et

al 1999) and perverse incentives within the benefit scheme mean those overnight stays may be impractical or discouraged.

No associations were demonstrated between the experience of a DNA test and the number of non-resident children associated with a non-resident parent, although this approached significance (.061) for the weighted sample). Conversely parents with care with more than one child were more likely to have undergone a test.

Table 12: experience of DNA testing by number of children with the parent with care, (unweighted)

	One child	Two children
Where DNA tested	60	29
Where DNA not tested	91	9

Base = 189, chi-square = 16.306, significance =.000 (the analysis was also highly significant for the weighted sample, Chi square = 52.638, .000)

It was also possible to discern some insights into the prior relationship of the individuals by examination of surnames. Admittedly this is again an imperfect proxy for the relationship status, but is still interesting and potentially informative. In the bulk of cases the child names either matched that of the parent with care or the non-resident parent, there were also isolated cases where the child had an entirely different surname, where the child had taken the name of the parent with care's new or subsequent partner and where the name was a double barrelled combination[42]

The following table shows the distribution of matched names by experience of DNA testing.

[42] Non-resident parents with paternal responsibility should be consulted about name changes, but personal experience within the CSA indicates that this is not invariably the case. In addition a great many non-resident parents will not have had parental responsibility

Table 13– incidence of matched names for first child in assessment unit by experience of DNA test (unweighted)

	Child name matches parent with care name	Child name matches non-resident parent name[43]	Other combination
Where DNA tested	76	2	11
Where DNA not tested	43	42	15

N= 189 Chi-square = 45.645 Significance = .000 (Chi-square for weighted sample 67.874, significance = .000)

Of the second children, in 17 of the cases the child's name again matched that of the parent with care, 16 matched the non- resident parent, and 5 children were to another man. These were distributed as follows:

Table 14: DNA testing by matched names, second child in the assessment unit

	Name = Parent with care	Name = non-resident parent	Name = another parent
Where DNA tested	9	4	5
Where DNA not tested	8	12	0

Chi-square not appropriate due to low counts in some cells

[43] including double barrelled

This suggests that cases where DNA testing is sought are likely to be characterised by less formal prior arrangements, reinforcing the insights from clients and staff alike. By contrast, in nearly half the untested cases the non-resident parent name matched that of the child, suggesting a previous marital relationship.

Table 15: Regression model, predictors of DNA testing
(tested =1, not tested = 2)

Variable	Estimate	SE	Sig
Number of children in parent with care household	-1.822	.682	.008
Child age at date of test	.288	.099	.004
Non-resident parent age at date of test	-.349	.076	.000
No shared care	-2.032	.919	.027
Non-resident parent economically active	-1.976	.521	.000
Child name matches parent with care name	-1.998	.838	.017
Child name matches non-resident parent name	6.075	2.309	.009

Pseudo R-Square

Cox and Snell	.559
Nagelkerke	.746
McFadden	.591

This analysis reveals that non-resident parents are more likely to seek a DNA test if they have no shared care, the child does not share their surname and they are economically active. They also tend to be older, the child in question is younger and the parent with care has more than one child in the household. By contrast, and, it must be said, unsurprisingly, the incidence of shared care is strongly associated with not seeking a test, as are instances where the non-resident parent's surname matched that of the child. Other variables did not prove to have significant effect

Conclusion

In conclusion, the analysis of the administrative date for the 189 cases affords a number of new insights into the characteristics of Child Support Agency clients who experience DNA paternity testing. These include the finding that the majority of children involved are under school age, but with a sizeable minority of older children. It also indicates that non-resident parents who have experienced a test are more likely to be economically active and earning a higher wage than the untested category. This distribution, which is at odds with the lower income levels found in Brown's US comparison of 300 voluntary and adjudicated paternity cases, (Brown 2006), could be the result of a number of factors:

- As the earlier chapter revealed, the Agency has not, typically, seen it as cost effective to pursue DNA testing where a potential father is on benefit. As a result working fathers will inevitably be over-represented in the sample of tested cases

- These fathers consider themselves as having 'more to lose' and therefore demand greater certainty

- Parents with care are 'entrapping' the better off men

Without further detailed interviews it is unfortunately not possible to establish the motivations and rationale of clients. Having said that, the first explanation would accord with former documented Agency practice and therefore seems the most likely. It would be interesting to explore whether this situation has changed in intervening years since newer benefit parents with care can now keep up to £10 of maintenance so the 'cost effectiveness' arguments may have altered.

The data suggests that the association between higher compliance and DNA testing may owe much to the greater levels of economic activity among the tested sample. The weighted data does, however, lend some support to the

hypothesis that greater certainty is linked to higher compliance. Again, (lest this results in a call to test all cases with the aim of improving the Agency's collections record), this would warrant further analysis using a larger sample.

Insights into the personal circumstances of the individuals in question are to some extent unsurprising and accord broadly with the staff and client interviews.

The incidence of shared care and matched non-resident parent to child names is far lower, suggesting that the prior relationship between the clients may have been less formal than for those clients who don't undergo testing. The finding that tested children are generally slightly younger may also support this, although the mean age of these children at the effective date of the claim to child support was still 2.78. While this may suggest that the mothers did not claim child support/income support immediately following the birth of their child, this assumption needs to be treated with caution because the effective date of a claim is set when contact is made with the non-resident parent. If this proves problematic because he is, for example, difficult to trace, then the effective date is a questionable indicator of the child's age at point of claim. In addition the Agency has typically laboured under extensive backlogs of claims, with a target processing time at around the 6 months mark (CSA 2004). As a result it may be months before the claim is actioned, let alone before the father is contacted.

The association between higher numbers of children in the parent with care household and paternity testing is also interesting. It could derive from a number of factors, such as the non-resident parent forming the opinion that a parent with care engaged in serial partnerships is not to be trusted. Again this would warrant further research. It also points to some particularly difficult child welfare concerns for the four families where both children shared their fathers name (suggesting a longer term relationship) but where DNA testing was subsequently sought. These implications could include disruption of sibling relationships as well as those of the parent and children. For example, what does it mean to a child to discover that his brother or sister is in fact a half brother or sister? It also poses some difficult deliberations for the resident

parent, for example, do they make the both children aware of this, or one, or none?

Finally it is worth reiterating that the sample is relatively small. The findings are therefore likely to be indicative at best, even when weighted. It also inevitably excludes cases where paternity has been disproved because these cases are then closed (unless a claim for a subsequent or prior child exists) and the system records become inaccessible to Agency users.

Despite this there are some tantalising insights into the experiences and circumstances of families who have undergone positive DNA testing. It would be an interesting exercise for the CSA to data-match test referral personal details against existing administrative records on a larger scale basis, in order to determine if these findings are applicable to a more representative sample.

Chapter 9: Discussion and Conclusions

Introduction

This last chapter endeavours to synthesise a number of strands. First it considers the findings of the empirical research. Secondly it summarises the results of the data chapters and explores the relevance of existing models of policy formulation and implementation to these. Subsequent sections then explore the key themes emerging from this research and the manner in which these can aid understanding of the policy process. This includes discussion of the normative policy substrate upon which the whole question of paternity establishment rests – namely the underpinning model of fatherhood. Finally, and in order to illuminate options for policy change, I consider how the policy might have emerged had it developed in a different setting.

Summary of the policy and practice changes

First to recap, the interviews and supporting documents revealed that the following broad changes to paternity establishment policy and practice have occurred in the years since the Child Support Agency's inception in 1993:

- 1995/6 – administrative introduction of the use of an Agency mediated, discounted, DNA testing scheme for fathers who deny (or are unsure about) their biological paternity status

- 31 January 2001 – legislative introduction of parentage assumptions in certain circumstances where paternity is denied. These circumstances include: where a couple were married at the time of birth or conception, where the father's name is registered on the birth certificate, or where he refuses a DNA test

- 31 January 2001 – the introduction of a legislative provision to apply a reduced benefit sanction to a parent with care reliant on benefits, who refuses to co-operate with a DNA test unless 'good cause' can be shown.

- After January 2001 (date not discerned) procedural introduction of a 'presumption' that if parentage is not denied (including no response) within seven days of contact, paternity is assumed

- At about the same time, the theoretical responsibility for dealing with clients in a disputed paternity case was downgraded to an administrative rather than managerial level, although in practice (in the North East at least) the bulk of the work appears to have passed to the former executive officer parentage officers despite this

- Increasingly – use of the Agency's discounted DNA scheme where paternity is disputed after the maintenance calculation has been made. This includes cases where parentage has been assumed. This is at odds with the policy position described in the debates surrounding the Child Support, Pensions, and Social Security Act 2000.

To expand on this, the following table summarises the main policy and practice problems and solutions, as revealed by the interviews and supporting documentation.

Table 16: summary of perceived problems and solutions, by domain			
Perceived problem	*Policy solution*	*Implementation solution*	*Street Level solution*
Need for intrusive interviews by unqualified staff to assess strength of clients evidence and make decision	Introduction of DNA testing and subsequent presumptions so that these conversations are not required	Use of DNA and, subsequently, parentage assumptions included in procedures and guidance	Interview with parent with care to assess the strength of her story, some evidence that intrusive interviewing also continues
Delay caused by non resident parents 'stalling' progress towards making a maintenance calculation by refusing to take test, failing to turn up or falsely denying parentage	Introduction of rebuttable parentage assumptions (commonly referred to as presumptions) under Section 26(1) of the 1991 Child Support Act (as amended) so that a determination of parentage can be made swiftly for more cases, including refusal to take a DNA test Post calculation denials not facilitated by Agency under the discounted scheme, where parentage is assumed this should be challenged through the courts	Use of legislative parentage presumptions enshrined in process maps, procedures, guidance and system design. Seven day presumption encoded in guidance	A 'presumption of parentage' is applied where a non-resident parent doesn't deny paternity within a set time limit. Where a denial is received parentage officers consider the presumptions but generally route for CSA DNA testing. Parentage officers appear to increasingly facilitate testing for later stage denials

Perceived problem	*Policy solution*	*Implementation solution*	*Street Level solution*
Lack of an incentive/sanction to encourage parents with care to attend DNA testing	Failure to attend a test subject to reduced benefit direction under S46(1) c of the 1991 Child Support Act	Guidance developed for routing reduced benefit directions to Jobcentre Plus	No change – based on an earlier Commissioners decision this happened anyway despite questionable legality
Jurisdictional untidiness in terms of Scottish/English parentage law divide	Introduction of the parentage assumptions in England and Wales	Incorporation in procedures, responsibility for operation remains with parentage officer	Parentage officers tend to route cases towards DNA testing in any case
Identity fraud at point of testing	Agreement of procedures to combat this	Development of procedures to combat this	Application of the procedures in event of challenge
Lack of staff capability and experience in terms of dealing with full range of child support issues (including parentage)	Not reflected in the policy framework	Continuation of parentage specialists in the business units	Continuation of hand off to specialists

In a literal and constitutional sense elements of this policy change constitute implementation failure. The 'seven day assumption', although endorsed by lawyers, does not appear to have a formal basis in law unlike the other assumptions. In addition the seven day period may be considered to be unreasonably short. Furthermore the extension of the Child Support Agency's discounted testing scheme to clients who challenge paternity after the maintenance calculation has been determined is also questionable. Finally the desire to downgrade paternity work to administrative officer level appears to have been thwarted by established custom.

It is therefore ironic that Child Support Agency paternity policy is one of the few areas of CSA activity that hasn't attracted media, stakeholder or indeed Member

of Parliament opprobrium. Instead it has been actively praised by at least one anti-CSA pressure group (Child Support Analysis 2006). This raises interesting issues around the question of, and practical mechanisms for, ensuring and policing accountability where disagreement is absent. Much of the CSA's activity has been subject to intense scrutiny (Select Committees, Audits etc) but this has tended to dwell on areas of perceived failure. As a result media and governmental accountability mechanisms have overlooked whether the areas that are 'working' are, in fact, doing so a) legitimately and b) as intended. This may be a particular risk for organisations with a troubled history. Detailed consideration of the issue of how 'unproblematic' policies are policed and scrutinised is outside the scope of this thesis, suffice it to say that it may warrant further consideration.

Linked to this the interviews reveal that, with a couple of exceptions (pertaining largely to staff capability), the development of the policy was characterised by agreement rather than conflict. It is therefore quite an unusual case study in terms of policy analysis and implementation. Subsequent paragraphs will endeavour to untangle the factors that influenced this consensual dimension.

The following sections are structured as follows:

- 1) Policy subjects – this section briefly summarises the characteristics and experiences of paternity test participants from the perspective of the quantitative data and the staff and client interviews. It is intended to provide context to the following sections.

- 2) Policy locus – roles, networks and institutions. Borrowing the concept of locus or action level from Hupe and Hill (2003), this explores where the policy change and delivery took place. Within this the way in which policy actors appear to have characterised their own roles is outlined. Since an individual's understanding of what they are there to do will necessarily influence how they do it, this helps to illuminate some of the resultant

outcomes. This section then moves on to consider the evidence for the existence of network and institutional influences.

- 3) Policy process – this briefly explores the 'fit' of the data with some of the process approaches to policy change and implementation, including consideration of stages and incrementalism, backward mapping and models of implementation

- 4) Beliefs – storylines and tenets. The discussion then moves on to engage with the tenets and storylines revealed through the empirical research, assessing how these can be deployed to understand both the direction of policy change and to account for implementation drift

- 5) The substrate – this explores the basic substrate upon which Child Support paternity policy rests, namely the models of fatherhood revealed by the legislation and practice, and the implications of these for the individuals in question

- 6) Paternity policy through a different lens – finally I endeavour to view child support paternity policy through a different lens with the aim of ameliorating some of the harsher impacts

The chapter then ends with a series of conclusions.

The policy subjects

Subjects who are Agency clients (and their children)

The previous chapter provides a detailed analysis of the quantitative data set. This subsection briefly summarises this rather than reiterating the findings in depth.

The data revealed that, subject to the sample limitations, individuals likely to dispute parentage, who were subsequently be shown to be the father, were typically:

- Slightly older than their non-disputing counterparts

- More likely to be economically active and better off (although mean wages for both segments were not especially high. This is characteristic of CSA's client base generally, (DSS 2001, Wikeley et al 2001). In this context this is probably an artefact of the Agency's past approach to short term cost effectiveness when offering a DNA test

- More likely to be compliant with their maintenance liability. The data suggested that this was probably aligned to better economic health, although the weighted sample also raised the prospect of a possible independent association between proven paternity and payment. This would warrant further, far more extensive analysis, especially given the growth of literature on genetic testing and children generally

Most of the tested children were aged less then five, but 10% were aged ten or older. This suggests that the Child Support Agency may need to re-examine its policy on child consent to testing. The forthcoming uncoupling of maternal benefit receipt and child support applications by the new Child Maintenance Enforcement Commission (DWP 2007) should provide a useful window for this. Not least because there will be less incentive for parents to exert unacceptable pressure on children in order to avoid a reduction in benefit income.

In terms of the relationship between the parent with care and the non-resident parent, the matched name and shared care analyses tended to confirm the client and front line staff insights. However, paternity denial (a more accurate term might be 'failure to accept paternity') was not triggered primarily by a desire to stall the assessment and collections process by 'lying'. Instead the inferences that can be drawn from the data suggest that the prior relationship was less

likely to be formalised, with a lower incidence of matched child names and shared care (both of which are, admittedly imperfect proxies of prior marriage/co-residence). If this pattern holds true across the wider population, then it suggests that parentage denial may have been a logical response in the context of a relationship that may have been 'on-off', at least from the father's perspective.

This image of uncertain paternity deniers was not one that was commonly espoused in the policy design domain. Instead the fathers for whom the policy was designed were configured as stalling or evasive, mothers were generally seen as benefit recipients, (who could also be evasive) and children as helpless bystanders and blood providers. As the policy moved into implementation staff were also considered to be policy subjects of at least equal prominence to clients.

By contrast the front line caseworkers had a rather more rounded perception of clients circumstances and of the position of children. This is unsurprising given their greater proximity. Nevertheless these too were influenced by the images of promiscuity revealed in client accounts of the circumstances surrounding conceptions (the requirement to co-operate may encourage exaggerated accounts among unwilling 'conscripts') and by a perception of deceitfulness.

A rather different picture very tentatively emerges from the few client interviews (bearing in mind firstly the low numbers, and secondly the fact that there are generally two, often very different sides, to every Child Support Agency story). The fathers in particular sought a DNA test because the erratic nature of their prior relationship instilled a degree of genuine doubt. In two out of the three cases these doubts were reinforced by speculation from friends. These men also bracketed payment with certainty, they needed the test results to 'put their minds at rest' before parting with maintenance.

In a manner akin to that described by Richards (1993) their lay understanding of genetic science ascribed a range of traits to genetic relatedness. This included, in one case, a belief that his daughter 'knew' instinctively that he was her father.

(The fact that he required a DNA test suggested that this instinctive knowledge didn't operate in the reverse direction).

Moreover, although the men in question averred that genetic and step children should receive equal treatment their behaviour told a rather different story. In the wake of confirming paternity these individuals had pursued and maintained contact with considerable tenacity, (a response also mentioned by front line staff). This contrasted with the relative ease that they had abandoned contact with step-children who had 'called them Dad'. The unavoidable conclusion is that genetic children were privileged in comparison with non-biological children, even though these men all insisted that they would not treat step and biological children differently.

In contrast the experience of the one mother interviewed was more akin to that of the situation portrayed in Hansard (February 2000a) and within the policy design domain. Her ex-partner appeared to have cynically denied parentage in an attempt to stall the process and evade maintenance payment. She had found the testing process embarrassing and been forced to lie to her young child about the need for the blood sample.

Finally, all of the parents, including the mother who now worked for the CSA, were less than complimentary about the service and treatment that they'd received. Two had also been angered by the Agency's inability to pass on letters to the other parent seeking contact.

The Policy change locus - roles, networks and institutions?

Individual roles

A focus on the role and action of individuals is integral to the discussion of street level effects (Lipsky 1980). After all, discretion is exercised with the aim of 'getting the job done' and so it is helpful to understand what people think that job actually is. In addition to applying this focus to the frontline I have adopted a similar logic to the implementation and design domains. This meshes with

elements of Schofield's 'Learned Implementation Model' (Schofield 2004) which calls for specific consideration of the position and motivation of bureaucrats as they learn to operationalise change, together with the relevance of structure. Rather than separate the bureaucrat from the structure, however, examination of the 'role' combines these, locating the actions of the individual within their immediate organisational setting.

Given the lack of media and stakeholder interest, policy actors were largely confined to individuals within the Agency and the wider Department. The interviews revealed that people at particular points in the policy design through to implementation process had, unsurprisingly, developed different perceptions of their role. These are not formal 'job descriptions' (although the individuals in question will have undoubtedly had these). Articulating them provides some useful insights into a set of unwritten understandings and objectives that individuals appear to have adopted in the context of paternity policy formulation and implementation. They emerge as follows:

Policy design actors: references to business cases (for example, 'It was quite a simple business case') and volumes:

> We are looking at things that are causing real problems, not odd occasional problems so we would be looking at volumes (In1)

reveal that these individuals were the proponents of the 'dignified myth' in action. In the context of the 2000 Act paternity changes in particular, their role, based on their interviews, can be summarised as follows:

To identify, and make a rational business case for, changes to paternity establishment policy that will prevent clients stalling the maintenance assessment process. Moving on to agree and develop a change that appears to be practically operable and can withstand legal and media challenge

In doing this they may have engaged in a degree of policy transfer, (Dolowitz and Marsh 2000) albeit in a rather parochial way. The first transfer seems to

have been partially adapted from court practice, and the second from the Scottish legal system. Using Dolowitz and Marsh's framework, they acted as insider transferors who used these examples as inspiration rather than copying, emulating or combining other policies (the ultimate blend of testing and assumptions contained in UK policy extends the Scottish position and court based position (LCD 1998)). Moreover, the picture is not altogether clear, since some interviewees also mentioned other sources, including media reports, as providing the nucleus of an idea which they then championed internally.

This description is not to say that these individuals were naively unaware of shifting power relationships, political pressures and the limits of rationality (as the views of one senior about the importance of individuals (In11), coupled with substantial personal experience, reveals). Part of the attraction of the dignified myth is not simply the fact that it is amenable to cost benefit analysis and measurement (Hill 1993). It is also difficult to see what else could be substituted that could withstand scrutiny and challenge by external bodies and reviewers that all espouse the same myth (such as the Office for Government Commerce, the Cabinet Office, the media, the law etc). Positivistic rationality therefore remains a self fulfilling and self perpetuating policy paradigm, increasingly reinforced by the existence of governmental and non governmental accountability structures (such as select committees, reviews, public accounts committees (Power 1987). After all, if a member of a policy elite were to be asked: ' why did you introduce this or that policy' and he or she quite honestly replied 'because my boss thought it was a really good idea but I don't have much evidence to support it', neither are likely to remain in post for long!

In this vein, one issue that does not appear to feature in the policy transfer literature is the extent to which evidence from other regimes and departments can be used to build a business case when more context specific evidence is lacking. The appeal of transferred policies from the perspective of a rational actor paradigm is an area that could well warrant further research. Moreover, I have not uncovered literature that points to the deployment of the rational actor approach as a mechanism for stopping items appearing on the policy agenda because the 'business case' is insufficiently 'robust' – robust academic scrutiny

of the rational actor paradigm deployed as a 'blocker'. This may owe much to the practical issues around uncovering this in the context of government decision making. [43]

Policy implementation specialists. The interviews suggest that these individuals saw themselves as responsible for defining the tools and organisational structure that would support the operation of the policy. This included developing procedures and guidance that sought to pre-empt problems in live running. This meshes with Schofield's (2004) description of managers inventing solutions to problems presented by the policy and then routinising them. In this cases this invention and routinisation was undertaken in advance, using a corpus of implementation specialists. The existence of this specialist group may help to close the learning gap outlined by Schofield (2004) between public managers lack of policy implementation knowledge and the ultimate operationalisation of the policy. Based on the interviews their perception of this role can be summarised as follows:

To develop procedures and an organisational structure that allows staff, many of whom are relatively low skilled, to deal with disputed paternity cases and associated problems as swiftly as possible.

Once the policy reaches the front line, two apparent role definitions exist. In the case of the bulk of street level staff the interviews suggested that, following the Child Support, Pensions and Social Security Act 2000, most people considered that their remit was to:

Make a maintenance calculation if nothing is heard after seven days, and if parentage is actively denied hand the case over to a parentage specialist, (and maybe try and help certain types of clients by providing an enhanced level of customer service).

The parentage specialists interviews testified to a yet more concise interpretation which can be summarised as follows:

[43] One interviewee hinted at this, referring to mismatches in the relative enthusiasm of the corporate Policy arena for different initiatives

To confirm the parent with care is certain of her position and then arrange for paternity to be confirmed/denied via use of a DNA test.

Elements of the latter two descriptions in particular, substantively distort the legislative intent. Using Elmore's backwards mapping approach (Elmore 1980), the precise behaviours of these street level workers should have been the original focus of policy design deliberation, particularly given the specialist power base of the parentage experts. (Whether this would have actually diminished this distortion is moot however, since the interviews reveal that the organisational design that strengthened this position was not confirmed until the policy was well in train, suggesting that structure and policy were seen as two entirely alienable entities).

In addition, while the exercise of discretion plays a part in this distortion, it is far from being the only factor. As the interviews reveal, the seven-day assumption was enshrined in procedures so the street-level bureaucrats were simply following instructions. In the case of the parentage specialists, discretion was exercised to over-use the DNA route, but this was still always part of the caseworker's repertoire of solutions. And in one sense by 'always' going down the DNA route the paternity officers were informally limiting rather than maximising the use of discretion available to them. Moreover, while this may have represented a coping strategy (Lipsky 1980) there was little sense from the interviews that this resulted from overt organisational pressures and limitations.

Networks and institutions

The interviews revealed the existence of two possible networks (Marsh and Rhodes 1992). The first was involved in the initial design of the policies. By the time the Child Support, Pensions and Social Security Act was in preparation this appears to have achieved the status of a stable, long lived community with both CSA policy, corporate policy and operational membership. It was characterised by a professional policy dominance and appeared relatively autonomous with

membership restricted to a select cadre of individuals from specific organisational units.

Thanks to the persistence of the 'dignified myth' (Hill 1993) all three elements of membership also required access to the information resources held by the other as these were critical to the generation of the necessary 'business case'. This information included front line details of the problems a new policy could solve on the one hand. On the other the corporate policy actors were able to tap into other legal and cross-governmental networks with the aim of ensuring that a policy was 'challenge proof' on Human Rights and diversity grounds. Exchange of this information, therefore conferred a positive sum balance of power (Hudson & Lowe 2004). This network therefore seems to have displayed (and to still display) many of the properties of a policy community.

There appears to have been a separate network associated with the implementation preparation effort. This was again relatively stable and distinct from the policy design network. Its core membership was heavily loaded towards systems, organisational design and procedural expertise, surrounded by an outer ring of reviewers. The length of time associated with securing agreement to the 'maps' suggests that power relations and resource interdependencies within this community were less clear-cut.

The research therefore uncovered the existence of at least two stable policy networks. These were, however, nested within the organisational sub-units of a sizeable welfare institution, with social security and child maintenance roots reaching back over many decades (Weeks 1989, Thane 1982). This does not preclude the existence of policy networks (institutional and network approaches are far from mutually exclusive). The interviews also provided evidence of institutional constraints on change such as path dependency and 'stickiness'. The overlap between networks and institutions in this particular setting, coupled with relative stability suggest that understanding network and institutional models at this level may help to explain 'how it happened', and may also account for elements of the 'why it didn't happen'. But they do relatively little in this context to explain 'why' the policy took the form it did at various stages in

the process. The relatively unstructured arrangements in the early adoption of DNA testing also add confusion to the picture.

This then takes us to consideration of the meanings and values inter-subjectively ascribed to an event or action (Degeling and Colebach 1984). A network or institution may well be the forum for maintenance and promulgation of these meanings. For example Fischer's discussion of discursive practices in the context of neo- institutionalism explains that:

> It is not institutions that cause political action, rather it is their discursive practices that shape the behaviour of actors who do. Supplying them with regularised behavioural rules, standards of assessment and emotive commitments, institutions influence political actors by structuring or shaping the political and social interpretation of the problems that they have to deal with and by limiting the choice of policy solutions that might be implemented. The interests of actors are still there, but they are influenced by the institutional structures, norms and rules through which they are pursued. Such structural relationships give shape to both social and political expectations and the possibility of realising them (Fischer 2003 p 28).

In similar vein Haas (1992) describes networks as epistemic communities, united by shared ideas.

In order to deepen the understanding of network or institutional influences upon child support paternity policy a fuller understanding of the pervading ideas and values is therefore essential. Without this the explanatory value of network and institutional models is limited, particularly for networks that are both relatively stable and durable and where power relationships are well established. With the exception of the early take-up of DNA testing, these stable conditions seem to have been the case throughout the history of most of CSA's paternity policy changes. This therefore makes it difficult to determine whether it was the networks per se that shaped the policy, or the institution manifested through the networks. Certainly the networks were almost exclusively confined to the

Department of Social Security/ Department for Work and Pensions, and drew their membership largely from formalised institutional units.

Moreover, the dominant discourse revealed some very long-lived, traditional, social security elements (despite the relative 'newness' of CSA as an Agency in its own right). These included suspicion of clients in certain circumstances (including women with unstable family lives and unemployed men, which, depending on how instability is defined, could arguably equate to the bulk of the Agency's caseload) and a focus on public revenue protection (Hill 1969, Garnham & Knights 1994, Wikeley 2006).

On balance, one can tentatively infer from that data that the key locus in terms of shaping the 'why' and the 'what' of the policy was probably institutional, located within the Department. The Agency, the relevant networks and indeed the roles of units and individuals, nested within this and as such replicated aspects of the institution's values and discourses. Other than this, more specific conclusions do not emerge from the data.

Processes

The use of process models of policy formulation and delivery proved to have little relevance when applied to the interview data, particularly in terms of explaining how the policy was determined. Admittedly there were some staged aspects but this is inevitable for any policy subject to formal parliamentary endorsement. Using Hill and Hupe's recent multi-government heuristic casts light on some potential accountability issues. This centres upon the manner in which the distinction between constitutive, directive and operational governance is made (Hill & Hupe 2006).

To expand, using the initial introduction of DNA as an example, the interviews show that this involved the following activities, depending upon one's interpretation of the events in question:

1) introducing a radical new way of confirming parentage to a high degree of certainty,
   or, extending the previous blood testing regime to introduce more certain blood tests which involve DNA analysis

2) embarking on new institutional partnerships to manage a single DNA testing contract
   or, replacing a series of localised GP based arrangements with a single more efficient arrangement

The 'fit' of the changes into Hill and Hupe's heuristic therefore depends on the interpretative lens of the viewer. Both these examples could variously fall within the domain of constitutive or directive action level. Given this dichotomy, one value of the model in this instance (as with Lowi's typology) may be to illuminate internal tensions and pinpoint areas of questionable accountability (and it is, after all, an accountability framework). The typology is also useful in its distinction between action levels.

A similar interpretative constraint applies to the consideration of incremental rather than radical change (Lindblom 1979). Paternity policy changes have typically been built upon the backs of previous changes in an incremental fashion (in part due to path dependency). It is generally held that such incremental change is typically associated with non-radical change. But in this instance, 'incremental' also implied 'blinkered' with the result that the radicality of the change goes unrecognised. It may therefore be responsible for accidental radical change, as seems to have been the case here.

Likewise Elmore's four models of implementation do not emerge as useful because elements of several types are suggested at often overlapping points in the history of the current policy. Thus the implementation actors simultaneously embraced elements of systems management (defining procedures to tightly define action), while trying valiantly to gain organisational development style consensus (the 12 months pursing commonality over the 'maps'), overlaid with conflict and bargaining (the debate over the 'clamming up' directive).

Beliefs, storylines and tenets

Storylines and coalitions. The role of beliefs and ideas are central to both Hajer's (1993) storyline and Sabatier's advocacy coalition model of policy change (Ockwell & Rydin 2005, Sabatier and Jenkins-Smith 2003)

The interview data revealed that, although there appeared to be a small cohort of shared underpinning beliefs throughout the design-implementation-front line continuum, there was little suggestion that the original policy change towards DNA testing was driven forward by an advocacy coalition. Rather there was clear evidence of a number of actors independently sponsoring a single idea (use of DNA) which may have been gleaned from a range of sources, including other regimes and government settings. In short, no such active, mutually engaged coalition of elites existed. Rather there was a more nebulous 'coming together' of ideas. There was also little evidence of participation by individuals or interest groups outside the Department in the original policy design, which is a typical feature of advocacy coalitions (Sabatier & Jenkins-Smith 1993)

Instead the introduction of DNA testing is better accounted for as a storyline that condenses a range of meanings within a shorthand term. This draws upon Hajer's post-Foucaultian framework, which has typically been applied to the field of environmental politics. Since this literature frequently engages with the nature of scientific knowledges, it is particularly suited to the use of a new genetic technology (Hajer 1993, Ockwell & Rydin 2005, Fischer 2003). To quote from Ockwell and Rydin (2005):

> In this view discourses are the product of institutional practices and individual activities that reflect particular types of knowledge. They are actively produced through human agencies and undertake certain practices and describe the world in certain ways. Actors do not act within a vacuum. Discourses simultaneously have structuring capabilities as they provide a parameter within which people act and shape the way actors influence the world around them (Ockwell and Rydin 2005 pp5-6)

Hajer posits that policy actors seek to gain support for their definition of reality and thereby deconstruct and reconstruct dominant discursive hegemonies (Hajer 1993). The concept of storylines are a core element of this. As the literature chapter explains, these storylines encapsulate an array of discursive practices. They also operate to suggest unity in the face of separate component elements (which may help to explain the remarkable consensus and lack of controversy that that has characterised CSA's use of DNA)

Borrowing from this school of analysis as applied to the empirical data and literature review of genetic technology more generally, suggests the existence of at least three competing discursive storylines around DNA testing. Unlike the field of environmental politics these storylines are not necessarily expressly championed by policy actors, instead they may be underlying and unvoiced. Despite this slightly cryptic character they can nonetheless be readily discerned from the interview and documentary sources. These underlying storylines are as follows:

DNA testing as 'proof'. Packaged within this storyline are a number of concepts. These include:

- Forensic scientific certainty
- Proof of culpability/responsibility (which in the wider discourse of proof is generally for some undesirable act),
- Combating evasion
- The 'those who have nothing to hide have nothing to fear' mantra
- DNA as evidence or information relating to a specific act by a specific person or persons

- And overtones of guilt and innocence.

All these themes (which one suspects would be familiar to the Home Office) emerged in the interviews with Child Support Agency staff in the context of CSA paternity establishment. Moreover it is telling that the changes to the paternity assumptions were introduced as part of a package of predominately criminal sanctions and were seen as consistent with this, (indeed both Hansard and the interviews provide evidence of discussion about making failure to provide DNA a criminal offence (Hansard 2000b)

For example, many individuals referred to clients 'proving their innocence' or 'lying'. As the following quote outlines, they failed to see DNA as anything other than a 'piece of information':

> ...we saw it as a pure, it was a mechanistic almost approach. For us to take this forward we need this bit of information. I mean we almost did treat it as information, I mean it is like information, go and get this bit of information for us and come back to us and we'll deal with it. Not thinking of the personal sort of situation because it's not just going and getting a copy of a birth certificate or providing proof of your identity or something where you can go and get a bit of paper, it's actually a physical intrusion into you, you're actually having to give us. The test is doing that (In5)

Entirely consistently for this storyline, they were pre-occupied with finding ways to ensure that fraudulent tests were not conducted that would have allowed the client to evade liability. Most centrally the forensic focus on the 'culpable' logically excluded consideration of the wider position of the child other than as a donor, because the child was not an active participant in the act for which proof was sought. This next quote neatly encapsulates some of the themes of evasion, deceit and proving innocence that imbued the interviews:

> you might have a married couple and somebody who - I'm not wishing to be sexist like but a married woman might have an affair with a bloke and she might fall pregnant, and her husband might just think, you know its my child, and he's married to her, he might even sign up to being on the birth certificate, And

> consequently he might discover that she's had an affair and the relationship may break up and then she may be on benefit or she might be a private client and say 'well he's on good wages, I'm gonna do him for maintenance' and the bloke's gonna have to fork out to prove his innocence for DNA tests – three, four, five-hundred pounds (In4)

Within this storyline issues around consent, for example, were not about whether the individuals genuinely gave informed consent to the test. Instead they were about whether lack of consent could impede the path to proof. For example:

> the wording didn't say that her refusal for the child was a problem. So it would quite easy to get round that by saying 'yep I'm happy to take a test but I'm not happy to take a test off my kiddie' (In10)

This storyline seems to have been particularly dominant in terms of constructing and maintaining the knowledged realities of participants in the policy process.

There was some evidence of two other DNA storylines being unsuccessfully evoked in the initial consideration of DNA testing[44]. In the main, however, the paramouncy of this particular knowledge claim was largely unchallenged. It is possible that, over time, this discursive dominance was strengthened by the increased corralling of 'wider issues' within the domain of the legal profession. As a result of this, these additional aspects, which might have at least sensitised people to different storylines, ceased to be something the Agency needed to concern itself with. Thus the organisational and institutional structures acted to maintain and reinforce the status quo.

One other storyline that was tentatively advanced by a few policy actors (and also featured in the client interviews) can be termed:

[44] It is also possible that a fourth DNA storyline exists which may overlap with the 'DNA as proof' line. This emerges in the CSA weekly article explored in the literature chapter, and meshes with Sheldon's 'battle of the sexes' (Sheldon 2001) and Families Need Father's call for unified testing (FNF2006) This storyline might be termed 'DNA as the weapon of the duped male'. Other than the possible concerns of one paternity officer however (which might in any case have been an example of the 'proof storyline' in the context of the 'suspicion tenet') this did not emerge from the interviews.

DNA testing as 'who you are'. This condenses meanings around:

- Proven genetic inheritance as a vehicle for other things, including trait and personality inheritance

- The importance of biological origins and identity through time.

- Consideration of the impact of origins disclosure

- The existence of 'natural bonds' associated with shared DNA

- The family as a biological entity, with a focus on all the members of that family

These meanings emerged in the context of the client interviews and in some of the reported judicial interpretations of paternity testing (It also features in some of the adoption and reproductive technology literature (e.g Haimes and Timms 1985, Haimes 2006), as well as in populist socio-biological publications (Dawkins1999) and in the increasingly popular, 'ancestor-hunting' television series such as 'Who do you think you are' (itself a telling title) (BBC 2006). (It may also account for Gwyneth Dunwoody's scathing dismissal of paternity testing (Hansard 1995). Furthermore, the wider, more inclusive, family focus this storyline embraces, was mentioned in a couple of staff interviews when people were recounting their personal rather than work perspective, for example:

> ...where somebody's always thought that this man was their father, and then there's some doubt cast on it, if he's still willing to go on being a father to them, as opposed to not paying, but he's still going to treat them as his children? A lot depends on the age but I certainly don't think it's always in a child's interest to know...how he going to treat them, is he going to treat them differently, can he treat them the same. When the only factor comes down to money, yes he's willing to love the, cherish them, do things for the, but not 'is he's going to have

> to pay for the, and how does he feel to find out that they're somebody else's (In13)

Only one individual in the early original policy design process espoused and championed this storyline in a formal work setting, endeavouring to at least mitigate negative effects on children by integrating paternity issues within the 'good cause procedure'

> Certainly the legal approach is now that the child has a right to know who the parent is, it doesn't matter what it does to them....I think how will that serve the welfare of the child now? If a child, say it's six or seven, they need security, they have someone already there as their father. Suddenly to find out they're not their father – how're they going to cope? It's something they need to know when they're old enough to understand it. How will it serve the welfare of a child, a young child whose only known their mother and father all their life, to suddenly find out, 'he's not my dad'? (In6)

This lone individual had managed to secure inclusion of consideration of child welfare in the procedures. (But as the other interviews indicate, this tends to be a relatively nugatory safeguard in practice). She took the view that most people saw her persistence on this front *as 'a bloody nuisance'.*

Interestingly another interviewee involved in the 7-day assumption and downgrading discussions also recalled the reaction of a colleague to news of the changes, linking this to direct experience within the realm of assisted conception:

> she was undergoing IVF treatment at the time and she couldn't believe that we were making these decisions, I think she was also asking about Human Rights (In16)

Unfortunately he couldn't recall more and the person in question has since left the CSA.

For completeness, the literature on use of DNA in health settings signals the putative existence of a third DNA testing storyline. Belief in this storyline may have been behind one interviewee's account of mothers' reluctance to allow blood to be taken from their child. On a similar theme it was used as a comparitor by the parentage officers who likened the blood donation process to the heel prick test in order to put mothers' minds at rest (suggesting the mothers in question may have ascribed to this storyline). Fear of a blood test was also mentioned by one individual talking of issues raised early in the development of DNA testing:

> There was this thing about it being called a blood test, that kept getting bandied about, actually testing the blood, its just a sample.
>
> What was the thing about blood tests then?
>
> Well they [clients] didn't the idea of us testing the blood. They thought we 'd be testing for all sorts of diseases and such things. Because it was called a paternity test, or a DNA test, that translated into it being a blood test, which is not what it is. It's just a sample... because the DNA in the end can only rule out, you as the parent, it cannot say you definitely are just that you definitely can't be. (In9)

This, rather fascinating, quote appears to equate 'blood tests' with certainty, (and possibly certainty of disease), while associating 'samples with probability. Other than these isolated examples the third DNA storyline, as outlined below, again failed to feature in any major sense.

DNA testing as a predictor. By and large this seems to be confined to health or possible health effects, although issues such as sexuality and behaviour are also candidates for the assumed crystal ball potentiality of genetic science (Ridley 1993, Dawkins 1999, Richards 1997). This predictor storyline condenses meanings such as:

- Focus on the individual, and on families as the genetic network within which that individual resides

- 'Health' style ethics – consent, privacy, pain, biologically based inequalities etc

- The spectre of genetic determinism

As the concerns about giving blood and babies in pain attest, elements of this storyline were briefly aired early in the policy design, only to be discounted when set against the primacy of 'getting the right person'. The position of children born by assisted conception will be covered under the subsequent discussion around models of fatherhood.

Using the storyline approach to the initial adoption of DNA testing by the Child Support Agency illuminates the near hegemonic discourse that pervaded the policy development environment within the Agency (Ockwell and Rydin 2005). Although there were challenges to the dominance of this storyline this they were relatively low key and failed to command substantial support. Rather than understanding how policies are changed via influencing underlying meanings and knowledges, this analysis instead reveals how new changes are accepted, often without rigorous question, when they accord with the prevailing institutional or network understanding.

The snag with this comfortable acceptance is that DNA usage *was* actually a radically new technique laden with additional potential considerations. Despite this it was not seen as such, because alternative interpretations of DNA usage simply didn't exist within the corporate mindset' of the Child Support Agency. To better understand how this went comprehensively unrecognised, I next explore how the 'DNA test as proof' storyline maps onto the tenets identified within the policy design community.

Policy design tenets and the storyline

The data chapters identified the existence of unwritten organisational tenets. To reiterate briefly, previous chapters have characterised these as unwritten and

pervasive articles of organisational faith that imbue the Agency's discursive practices and act as shared reference points, particularly within domains. These differ from beliefs in that they may be organisationally rather than personally held. Thus an individual may step aside from the tenets when discussing their personal perspective, yet resort to them when considering them from the viewpoint of an Agency worker. While this has some resonance with Fischer's description of argumentative struggle (Fischer 2003), in this particular context there was, as we have seen, little evidence of either argument or struggle.

The tenets are also distinguished from values, again partly because of the dichotomy between personal and organisational values. In addition 'values' are increasingly deployed in a managerial and culture change context as a shorthand for the behaviours an organisation openly espouses and hopes to demonstrate. (CSA 2006). Thus CSA's four published values are: client focus, professional, firm but fair and open and honest. These are undoubtedly laudable aims, but of little benefit in understanding prior policy change.

I argue that these tenets provide an interpretative lens through which changes are assessed, accepted, developed and delivered. Examining the 'fit' of the 'DNA as proof' storyline with the prevailing policy design tenets can therefore help to explain why this new storyline was so readily and unquestioningly accepted as the right way forward.

Six main tenets emerged from the policy design interviews. These comprised:

- Speed
- Objectification – the best polices are 'scientific', free from subjectivity emotion and discretion;
- Financial custodianship of the public purse
- Prudent suspicion

- Qualified honesty

- Equity as sameness/standardisation equals fairness.

There are clear parallels with several of these and the 'proof' storyline. The 'forensic scientific certainty' element integrates very closely with the 'objectification' tenet. Moreover, by standardised application of a test it also meshes with the 'equity as sameness equals fairness'. In a similar vein the emphasis on proof of culpability, evasion, production of evidence and the 'nothing to hide' theme all chime with the prudent suspicion tenet. When the fact that the use of testing could speed up action on a case was added into the picture it is hardly surprising that it was taken forward with enthusiasm.

In the main the same premise applies to some of the sensitivities considered by the policy design community. Identity fraud and close relationships both mesh with the prudent suspicion tenet and the storyline focus on evasion. The focus on babies in pain and religious objections were prima facie more characteristic of different storylines. When the tenor of these discussions are examined it becomes clear that the reasons these issues were considered stemmed from the possibility of them being used as justification for preventing test progressing rather than any additional considerations. They were therefore interpreted as potential barriers to securing a DNA sample, not in terms of the implications for the individuals concerned.

To summarise, through the interpretative lens afforded by the prevailing design tenets, the introduction of DNA testing was indeed nothing more than an incremental change. It reinforced the existing hegemonic discourse while injecting greater, and highly valued, speed when compared to the previous court based approach.

Because of the degree of alignment between pervasive tenets (especially suspicion and objectification), and the forensic storyline, the substantive

consideration of other storylines was 'doomed from the outset'. Indeed individuals appear to have been so deeply conditioned by the discourse, that an alternative 'heretical' way of thinking about the problem never even dawned on them. To expand - in the language of Foucault, the only knowledge that was seen, organisationally, to explain the deployment of DNA testing, was that of the forensic world. Different knowledges around childrens identity, ethics etc were deeply subjugated and therefore rarely, if ever, encountered. In this way power was exercised, unconsciously, as a function of the forensic discourse, to favour the 'DNA as proof storyline' above all others (Foucault 1980).

Furthermore this also confounds the hypothesis that DNA testing was seen as uncontroversial because it mimicked a normatively held view of 'the natural' and was therefore accepted as a truth that warranted no challenge. In view of the interview data, even considering concepts such as naturalness would have been extremely odd behaviour within the relevant sectors of the CSA. (This may well account for some of the rather baffled expressions of interviewees when I attempted to probe on 'wider implications'). For the Child Support Agency staff, DNA was evidence, like a birth certificate or a wage slip, that they needed in order to determine responsibility for payment of maintenance by a father. There was absolutely no organisational realisation that it was also evidence of something more fundamental - including kinship and family placement, identity across and through time, and future susceptibility to disease.

In the context of the introduction of the parentage assumptions, the prevailing storyline is less clear cut. One design community actor maintained that it may have been a 'tidying up' exercise linked to national inconsistencies between Scotland and the rest of the United Kingdom. Another interviewee, using the language of guilt and innocence, considered that it was about shifting the burden of proof onto fathers. Both are entirely consistent with the design tenets. More critically, however, exploration of the operation of these policy changes points to a shift in the conceptualisation of financially liable fatherhood by the Government[45]. This will be discussed later in this chapter.

[45] The 2000 act extended parentage established for child support purposes to other family situations

Tenets, implementation shift and coping

As the introduction to this chapter outlined, aspects of the implemented policy differ from that conceived in the legislative intent and enshrined in the Child Support Act 1991. This shift does not appear to hinge solely on street level discretion and coping strategies because elements of it are enshrined in formalised guidance for staff. Indeed, as Schofield (2004) found in her study of health service managers, the bureaucrats in question were generally quite obedient. There was also some evidence that where limited administrative discretion (Adler & Asquith 1981) was exercised by the paternity specialists, they exercised it in a manner that effectively limited it. Instead they sought a single, pre-defined solution, namely to offer a DNA test in all disputed paternity cases. One interpretation is that this represented a coping device for simplifying the policy makers aims (Lindblom 1979). Alternatively behaviour this may suggest that discretion was not simply seen as problematic by the policy designers (Elmore 1978, Lipsky 1980), but that elements of the front line shared this view. This may resonate with Hill's reference to subordinates deriving security from recognised rules, or alternatively responding to inconsistency and change by adopting more rigid behaviours (Hill 1969)

By comparing the dominant tenets across the design, implementation and delivery domains I contend that it is possible to explain both this implementation shift and help to account for the apparent consensus that has typically characterised CSA's paternity policy. The prevailing tenets may also help to explain some of the coping strategies adopted by staff by informing the direction and content of coping.

Table 17: Tenet comparison by domain

Design	Implementation	Front Line
Prudent suspicion	Prudent suspicion	Prudent suspicion
Speed	Speed	Ease
Objectification achieved via objective application of scientific principles	Objectification achieved via increased simplicity	Certainty (parentage officers only)
Qualified honesty	Qualified honesty	Not found
Equity – standardisation/sameness equals fairness	Equity – as balanced gendered experiences	Helping 'the deserving'
Financial custodianship of the public purse	Not found	Not found
Not found	Familiarity	Familiarity
Not found	Compelled responsibility	Not found

Consensual discourses. On first appraisal most of the front line tenets appear substantially at odds with much of the rest of the organisation. This overlooks the fact that the different areas will themselves interpret the action of an adjacent area from the perspective of their own tenet framework. Thus, to an implementer or a designer, the rhetoric around 'ease', (which involves rapidly handing off a case to a specialist as soon as paternity is denied), may well look remarkably similar to the speed tenet in action. Likewise 'helping the deserving' in the context of front line parentage establishment, appears to be largely confined to ameliorating the negative experience of co-operative clients who are seen to have been subject to an injustice. Judging from the interviews, in the context of post maintenance calculation disputes and subsequent testing, this

will generally involve fathers. So from an implementer viewpoint this may resonate with 'equity as balanced gendered experiences'. Similarly a policy design actor is likely to interpret the implementation equity tenet in the context of their understanding, not that of an implementer.

For a number of the core tenets there is consequently a progressive gradation in meaning. This imperceptibly shifts the interpretative focus as the policy passes from the design stage into the front line. Because this gradation is progressive, and because a nucleus of seemingly similar tenets remain, an impression of policy consensus and unity is sustained. This may help to account for the surprisingly uncontroversial history of CSA paternity policy - a policy that has been characterised by a series of discourse coalitions that are capable of melding relatively seamlessly into each other (Fischer 2003, Hajer 1993).

Explaining implementation shift. The differential deployment of tenets within particular domains can also be used to explain the two main areas of implementation shift. The changed interpretative focus as the policy baton passed from one domain to another appears to have refracted rather than suborned the original intent.

To unpack this in more detail, the policy design for the use of the parentage assumptions envisaged that parentage would be assumed for clients who denied parentage but fell into certain prescribed categories. (Douglas and Jacobs 2004, Hansard 2000e). This was entirely congruent with the prudent suspicion, speed and equity tenets. It also limited the offer of a DNA test to specific circumstances, thereby lowering the cost to the Exchequer (financial custodianship) which was required to foot the bill if the test was negative.

When the implementation cadre were faced with defining procedures they encountered a number of problems for which they needed to find solutions in order to achieve successful operationalisation and routinisation (Schofield 2004). Judging from the interviews, by far the most pressing concern appears to have centred upon staff capability to take on the additional burden of potentially sensitive parentage work. They were also faced with 'top of the office' pressure

to optimise the speed with which a calculation could be made. They considered that elements of this latter edict were unjust to fathers who could still be in a state of shock following the revelation of possible paternity.

The solutions they arrived at were relatively predictable if viewed in the light of the implementation tenets. They still accorded high priority to speed and needed to retain equity. They also valued familiarity and, as with the rest of the organisation, shared the suspicion tenet. Eventually retrenching to the familiar they retained the existing specialist parentage officers. In similar familiar vein they adopted the time-honoured social security procedural mechanism of a specified waiting period (Bonner 2002) coupled with the premise that genuine people would try to make contact but that others wouldn't bother. This provided a window for the honest but 'shocked into silence', father to respond, without letting those seen as more worthy of suspicion 'off the hook'. The fact that this window was a rather hasty seven days appears to owe much to the operation of the speed tenet. From an implementation perspective this had the added advantage that it was a simple standardised solution.

The front line then adopted this without further shift because it chimed with their tenets. It is far easier to simply make a maintenance calculation after a specified period rather than engage in a potentially difficult conversation with a non-resident parent. Furthermore, if a caseworker is generally suspicious of clients, then silence can readily be interpreted as evasion, as the following quote shows:

> If I was to receive a letter like that...I was alleged to be somebody's parent, and I know for a fact that I'm not, you would pick the phone up, unless of course you're trying to manipulate something. So I think 7 days probably is reasonable because you think, well you get like a gas bill and you think, well that can't be right, so you ring up straight away. And this is like CSA, you know it's a lot more worrying to someone if they really do believe that they're not the parent (In15)

Interestingly this has a number of parallels with the process of 'mucking around' described in Hills (1969) exploration of discretion in the National Assistance

Board (a precursor social security institution, which also attempted to secure payments from missing husbands and fathers (Hill 1969)). In that instance Hill identified a rationale that 'applicants who were not genuine would give up', which then avoided the need for the case officer to amass evidence and prepare files etc.

From a caseworker perspective it is also easier to hand a case over where paternity is denied, which has the added benefit of following old familiar processes.

A similar logic can be applied to the increased tendency of parentage officers to offer DNA tests rather than using the assumptions. From the perspective of these specialists, applying the assumptions was likely, as the interviews revealed, to result in a request for a test anyway. This would inevitably imply more work and potentially, more conversations with non-resident parents, who they generally avoided talking to. Offering the test at the outset was therefore easier. It was also more certain, which had particular appeal when set against a backdrop of widespread suspicion of clients' accounts.

In contrast, the offer of DNA testing to 'deserving' post calculation clients seems to have been a coping strategy that resulted from a blend of perceived familiarity, ie 'it's a parentage thing, give it to the parentage people', coupled with a desire to limit the difficulties experienced by 'genuine' clients. Caseworker staff exercised their discretion to secure an enhanced service for these individuals, and parentage officers collaborated with this.

This is, of course, an explanation that benefits from hindsight. But subject to this note of caution, it may be possible to develop a practical tool for policy implementation and reduction of implementation shift by tenet mapping analysis. If the prevailing discursive tenets can be gauged at relevant points in the design-implementation-frontline continuum, then it should be possible to identify likely refractive strategies and responses. For policy practitioners wishing to combat these, it may also be feasible to couch and portray the desired policy outcome in a manner that more closely meshes with the appropriate tenet framework,

thereby reducing the possibility of unconscious or conscious resistance. Admittedly, in social science terms this is to oversimplify a complex interactive and fluid discursive world. But from a practitioner viewpoint (with experience in both Policy design and implementation) I would add that it is less of an oversimplification than assuming multitudinous controls or management checks will automatically do the trick. It is also less clumsy than some of the culture change models currently doing the rounds of management consultancies and training (National School of Government 2006). These tend to assume a single monolithic set of cultural values. Lastly personal experience suggests a relatively simple approach, as long as it generates some improvement, stands a better chance of being used in practice than a complex one.

Coping with child welfare issues – someone else's problem.

Lastly the use of tenets and storylines can help to illuminate the manner in which staff were able to side-step the less palatable child welfare aspects. As individuals, they were sensitive to, or at least aware of, the negative possibilities of paternity testing for children. But in the work- based context of paternity establishment, it simply wasn't a part of a story that they even recognised. From this particular CSA perspective, children, as we have seen, are DNA donors and little else. The dominant discourse therefore reinforced the continued acceptance that there was 'nothing they could do'. For those involved in the design domain this may also have been strengthened by the characterisation of corporate policy and lawyers as the rightful and proper custodians of human rights and other sensitive issues. Not only could the CSA policy design people 'do nothing' about the wider sensitivities. It was not their job to think this way.

> We wouldn't have been thinking more widely as to how it [changes to paternity policy] would have fitted in, but certainly CS Policy had to have discussions with Lord Chancellor's [Department] and various other organisations (In10)

This raises some fairly fundamental questions around the application of Section 2 of the Child Support Act (Jacobs and Douglas 2004). It suggests that a core element of the Act, despite the efforts of the lone champion of the 'DNA testing

as who you are' storyline, continues to reside outside the mainstream. As previously noted, to require staff to consider child welfare, without the apparent wherewithal to do anything about it, is nonsensical at best and at worst, positively unkind to all concerned. Suggestions for reflecting child welfare concerns in a more meaningful fashion are discussed in later sections of this chapter.

The substrate – dimensions of fatherhood

The concept of what constitutes a 'responsible' father lies at the invisible heart of Child Support Agency Paternity policy. Although the Child Support Act has been criticised for overemphasising the biological connection (Bradshaw et al 1999), examination of the legislation and practice reveals a far more multi-dimensional picture that blends both legal and biological linkages. This multi-dimensionality owes much to the insertion of additional parentage assumptions by the Child Support, Pensions and Social Security Act 2000. To briefly reiterate, these assumptions provide for paternity to be assumed where parentage is denied and:

- The alleged parent was married to the child's mother at some point between conception and birth

- The alleged parent has been registered as the father on the child's birth certificate

- The alleged parent has either refused to take a DNA test or has taken a test and it has shown that there is no reasonable doubt that he is the parent (as an aside, the legislative reference to reasonable doubt which is part of the criminal code, once again strikes chords of guilt and innocence).

These added to original assumptions that assigned paternity to a parent that had adopted a child, where an order in favour of a gamete donor has been made

under Section 30 of the Human Fertilisation and Embryology Act, or when a court had made a parentage declaration (Jacobs & Douglas 2004)

The combined effect of these is to harnesses financial responsibility for maintaining a child to a hierarchy of 'fatherhood' situations[46] as follows:

- Active legal acceptance of fatherhood (formal adoption, formal licensed gamete donor arrangements).

- Active legal acknowledgement of fatherhood (voluntary registration of the birth by the father reflected on the child's birth certificate)

- Passive legal acknowledgement of fatherhood (child born within marriage, father automatically registered on the birth certificate)

- Tacit acceptance of fatherhood (parentage not disputed even if presumptions do not apply)

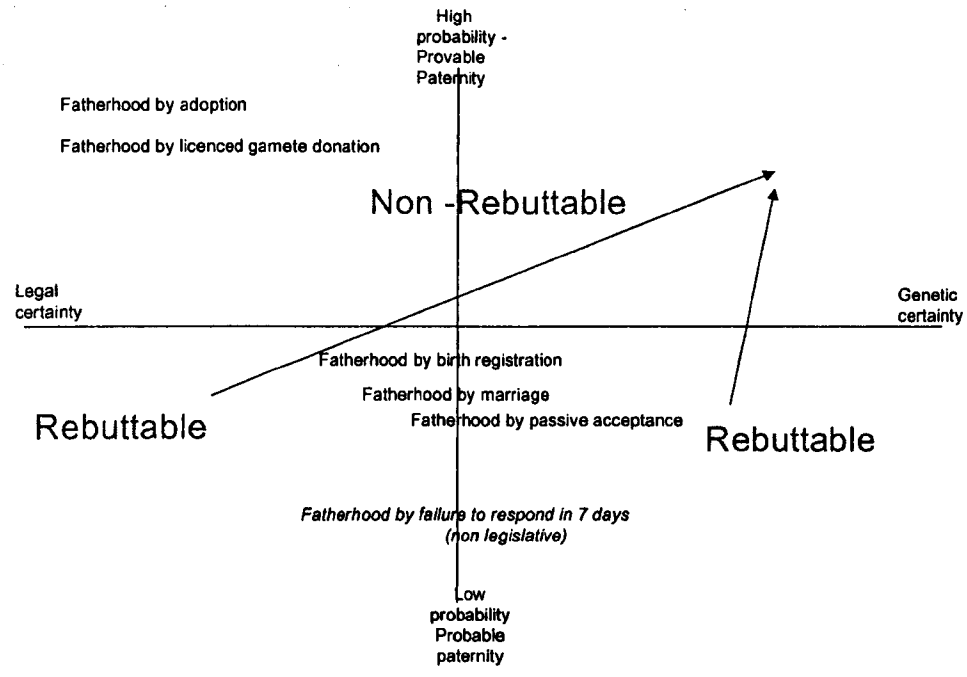
- Passive legal acceptance of fatherhood (presumptions apply unchallenged or DNA test refused)

- Forced acceptance of fatherhood (genetic testing)

Only the last fatherhood situation unequivocally couples genetic paternity certainty to responsibility for child maintenance. Instead the remainder appear to be underpinned by a probabilistic approach to the likelihood of paternity challenge, (which is not necessarily unreasonable in practical delivery, or indeed in child welfare terms). These may be overlaid with normative assumptions about the importance of consensuality in the decision to become a parent[47]. Both possibilities reveal a degree of ambiguity about genetic relatedness at the

[47] Murray's 'three meanings of parenthood' distinguishes between parenthood as genetics, as intention and as rearing (Murray 2005). The CSA policy shuttles between aspects of these although there is some resonance. This active legal acceptance overlaps with intention, DNA with genetics and rearing is likely to overlap with birth registration etc.

Figure 2: Dimensions of Fatherhood



heart of the policy. In short, DNA is a 'backstop' but the CSA policy does not drive parents straight to this point.

This raises the prospect of a continuum of fatherhood ranging from the probable to the provable. As Figure 2 illustrates, the 'degree' of genetic certainty can then be mapped against legal 'certainty'.

Genetic testing is thus only applicable when a range of probable fatherhoods and legal certainties have been considered and exhausted.

In view of the prevailing policy this may be risk and efficiency based – predicated on the likelihood of 'false' denial. Certainly Baroness Hollis of Heigham explained to the Social Security Select committee on the 14 September 1999, that:

> Too often in the past, non resident parents have been able to delay paying the maintenance that is due to their children by denying parentage, yet in 95% of cases they turn out to be the father (Social Security Select Committee 1999, minutes of evidence[48])

Again this would accord with the policy design tenets and the 'DNA as proof storyline'. On a more fundamental level it also has clear echoes with Smart's

[48] This doesn't necessarily mesh with other reported figures which indicate that approximately 80-85% of fathers who dispute paternity are confirmed as the parent (Child Support Analysis 2007). It may result from confusion with the volumes of parents who dispute in the first place.

(1987) exposition of paternity, and indeed with Knibiehler's (1995) account of the wider European perspective. Smart describes the legal position on paternity in the late 1980s as follows:

> unlike motherhood, fatherhood has posed complicated problems for a legal system that has based the ownership and inheritance of property on descent through the male line -on, that is, patrilineal and primogenital ordering. Paternity has been a continuing 'problem' for the patriarchal family in Western Europe (and undoubtedly elsewhere) and this is manifest in the tortuous complexity of the legal system designed to protect the descent of property and marriage. (Smart 1987 p99)

The child support paternity policy position appears to take this one step further. As the several dimensions of fatherhood illustrate, it retains considerable complexity, (although with the application of Child Support Agency parentage determination to other branches of family law, these are at least contained within fewer legislative vehicles). Moreover it strengthens the institutional protection accorded to marriage by incorporating the common law presumption of 'pater est nuptiae demonstrat' onto the statute books. The, generally overlooked, requirement for fathers to go to court to rebut an assessment made using one of these assumptions adds additional legislative, if not practical, force to this change.

By introducing the birth registration assumption the law effectively extends some of the provisions previously attendant upon marriage to co-residence (60% of unmarried births are jointly registered by cohabiting parents and in 10% of families with children the parents are cohabiting (Judicial Studies Board 2006). Thus legislative protection and endorsement is secured for a view of parentage that, in the words of one interviewee, relies upon co-residence rather than genetic linkages as the 'natural state':

> ...If you take, assume that the natural state would have been for children to have been born as part of a long term relationship or marriage ((n1)

Judging from accounts of clients (Wikeley et al 2001) this may have indeed been the more prevalent state. There is, however, nothing inherently more 'natural' about it. Instead 'nature' is deployed in a fashion that ratifies a particular institutional or societal status.

Finally it is clear that adoption and licensed gamete donation 'trump' all other variants of fathering. At the heart of this there may still be an unwritten core belief about the 'proper' disposition of a family. Certainly similar thinking around the desire to support family privacy 'traditional' family form and notions of 'potent' manhood has been highlighted in research into the use of reproductive technologies. More practical concerns, such as a shortage of donors, may also play a part (Daniels 1998, Smart 1987, Snowdon 1998).

The use of DNA testing, together with the assumption around refusal to take a test, are thus, in the eyes of the law (if not necessarily the CSA's parentage officers), very much a last resort. Contrary to the question posed in the literature chapter, there is little suggestion that the search for genetic certainty is seen as 'natural. Rather it is to be avoided in favour of a legal definition whenever possible. Rather than eliminating inter-parental trust by automatic use of genetic testing, child support legislation, (if not practice), may at least provide opportunities for parents to re-consider whether they wish to rely on this trust rather than opting for a test.

Given the aforementioned tenets, these legislative changes almost certainly stemmed from a desire to reduce expenditure and stalling. Despite these pragmatic roots, they may also address ethical concerns in that the 'Pandora's box' of genetic testing is only opened if paternity can't be determined in any other way (Nelkin 2005).

Exploring these ethical issues in greater depth airs the question 'is 'grey' parentage, which accommodates the vicissitudes of human relationships but may mask a biological discontinuity unknown to the 'father', preferable to 'black and white' paternity revealed (or refuted) by DNA? Subsequent paragraphs expand on this.

In the case of the 'grey' model, the concerns are that:

- At least one of the two 'parents' may have been 'deceived' about the possibility that there might be another candidate for biological fatherhood. (Given the ability of people to believe what they want to believe, there may also be a strong element of self-delusion or forgetfulness on the part of the parent with care. In short, any 'deceit' may have taken place in good faith)

- As a result an individual pays maintenance for a child that is not biologically 'theirs' and may also maintain a relationship with that child grounded in that false biological premise

- A child is misled (intentionally or otherwise) about his or her biological origins

- In a similar vein another individual does not pay for a child that is biologically his, and may never know that he has fathered that child

- The biological discontinuity may be revealed or suspected at a later stage (the 'he heard it in the pub' scenario). This may then have more profound implications for the individuals in question, particularly since children may then be older and more able to understand the situation. It also has financial implications in the State, and potentially the parent, in terms of refunding the maintenance paid:

In the case of 'black and white' paternity the main issues are:

- While the evidence of biological discontinuity may have been brought into the open, it may then leave a child without a parent if the alternative genetic father cannot be traced, with associated implications for their sense of identity

- Existing social relationships with and between parents, siblings and the wider families may be shattered or qualitatively altered

- That confirmation of paternity certainty via genetic testing becomes the norm, with overtones of quality assuring children (what about the ones left parentless?) and emphasis on genetic over social relationships

- Technology rather than trust and interaction are increasingly viewed as the answer to problems with parental relationships

- On a practical note, the fact that the DNA testing process can almost certainly be suborned. It is not unknown for parents with care to be adamant that a negative test is incorrect, and the use of photographs as a safeguard is not necessarily foolproof, especially when a relationship may have been brief or taken some time ago and the quality of the photograph is poor. So certainty, or at least a very strong probability, is not a given.

When viewed through the lens of child rather than parental justice, the 'grey' model has certain advantages. The child is supported both financially and in terms of ongoing relationships. The father may also be 'deceived', but in the majority of cases the figures suggest that this is not the case. At the heart of the ethical question is therefore whether the possibility of a father paying maintenance for a child that is not biologically his, is more or less wrong that the possibility of 'shattering a child's world'. Intentionally or not, the letter of the legislation at least strikes a balance between these two ills.

Whether the concept of 'grey paternity' can be sustained is, however, moot. Both the fathers and the parentage officers valued certainty and wanted 'to be sure'. Their view of the world was far more 'black and white'. As Maclean and Eekelaar attest, there is greater and greater focus on biological relationships (Maclean & Eekelaar 1997). This is coupled with a rising popular interest in genetic origins as attested by books such as 'Blood of the Isles' (Sykes 2006) which included the offer of a discounted DNA test to ascertain which British

'tribe' a reader belongs to. Programmes such as 'who do you think you are?', similarly conflate identity and behaviour with origins and inheritance, extending the boundaries of Haimes and Timms quest for a 'narrative sense of self' to a far wider candidature (Haimes and Timms 1985). There is also rising public awareness of general paternity doubt as the following interviewee explained:

> I think generally people now are more open to the fact that women are having relationships and having children perhaps outside the unit that they're in, whereas before you always thought of the man's role in that. In modern society women are having relationships and getting pregnant and therefore there's a lot of instances now and its much, I think men are more aware of the different things that are going on through TV programmes and documentaries. And there are seeds of doubt if they suddenly thought that the child didn't look like them. Whereas before that might have been accepted with all the issues around it. Now how that effects us as an Agency I'm not sure, it probably just makes us all as individuals rather than an Agency, more willing to accept from either partner that there is doubt that the child belongs to that particular unit. I think there is just that awareness... I'm not sure that more of it is happening... it may always have been there it's just not something people have questioned. Plus the availability of DNA has not been there in the past, whereas that fact that its now there and is openly advertised means that more and more people are willing to check it out. And if there is a financial issue they may want to sort it out earlier – so an awareness that there is potentially something that could not be as it is, and therefore to look for the proof of it (In5)

This quote encapsulates a number of features. One is a societal rise in doubt and reduction of trust because of the changed understanding of relationships, particularly patriarchal relationships. From the tenor of the quote this interpretation of change may generate its own suspicion, rather than any other, more specific reason. The availability of DNA testing coupled with issues of financial support then becomes an alternative vehicle for reframing those relationships (Blaffer Hrdy 2000). Finally, in a way that resonates with the ethical concerns over 'quality assuring children' the mere existence of the test, coupled with advertising on the part of some, less scrupulous testing companies, stress the importance of being sure or of 'peace of mind' and 'curiousity' testing. For

example, The Paternity Company's website (www/thepaternitycompany.co.uk) has a *'special offer price of £199 for the standard curiousity paternity test'*, (thereby implying that paternity curiousity is a 'standard' response). The website also explains that:

> The Paternity Company offers you Peace of Mind in determining the paternity of a child. This quick and simple paternity test saves money, time and can alleviated the emotional turmoil and stress within relationships and family units

Unlike some other, more responsible, testing companies, this particular provider is silent on the emotional turmoil that test results can themselves imply, and also fails to mention the legal requirement for consent under Section 45 of the Human Tissue Act 2004.

Accordingly there is a risk that the existence of the test itself both predicates its use and sows the seeds of doubt. If this trend continues then, regardless of the Child Support Agency's position on DNA testing, fathers may independently seek to have their child tested. Despite codes of conduct and the questionable legality of this (Human Genetics Commission 2006), the availability of overseas internet based testing services mean that it will continue to be an avenue open to those seeking 'peace of mind' (Child Support Analysis 2003). With continued access to foreign websites this is likely to take place without the mother's, or indeed the child's consent, notwithstanding the United Kingdom requirement for consent. Moreover this is only likely to be practically possible in cases where the father has contact with the child and therefore access to their DNA, so it poses some particularly heartbreaking scenarios[49].

In short, the existence of the DNA test, coupled with media interest, aggressive private sector marketing, changing perceptions of relationships and the prospect of maintenance payment, may all contribute to a societal climate that results in the normalisation of paternity doubt among men. How trust within families will fare in the face of this trend, remains to be seen.

[49] The position is particularly inconsistent where the disputing father has parental responsibility because he can then consent, on behalf of the child, to the test that he hopes will detach him from the child.

CSA paternity testing through a different lens

This penultimate section has two objectives. Firstly it explores whether viewing CSA's approach from the perspective of a different storyline can help to identify practical measures that might address some of the harsher elements of the picture when seen through the 'DNA as proof' lens. Methodologically, it helps to test the validity of the storyline approach as an explanatory tool in understanding policy change.

When examined from the perspective of the DNA *testing as 'who you are'* storyline the use of DNA testing by the Child Support Agency becomes a policy around origins management, condensing meanings around:

- Proven genetic inheritance as a vehicle for other things, including trait and personality inheritance
- The importance of biological origins and identity through time.
- The impact of origins disclosure
- The existence of 'natural bonds' associated with shared DNA
- The family as a biological entity, with a focus on the members of that family

Origins are thus interpreted in a far broader sense than simply paternity, they are laden with connotations of selfhood, continuity and identity, played out within a family arena. The starting point for policy consideration then becomes the implications for the individual whose origins, in this far weightier sense, are in question. This immediately places the person whose origins are in doubt, at centre stage.

Through this lens, the wider significance of paternity establishment is recognised. It therefore becomes incumbent upon the Child Support Agency to at least provide parents with the wherewithal to consider the implications for the child and family relationships in question. This could be in the form of written or internet based information, and via signposting to counselling services in advance of DNA testing. This should draw parent's attention to issues such as how they would respond to a negative result.

It would also be useful to explore how doctors taking the samples interpret the BMA guidelines that tests should only be undertaken if they are in the best interests of the child (BMA 2004). In short, the test should not be a 'non-event, because for the child in question, it is very far from this.

Linked to this, information should be developed for older, Gillick competent children so that they are better placed to give informed consent (especially given the offence under the Human Tissue Act 2004 (Office for Public Sector Information 2004)[50]. If a competent child then refuses to consent to a test, but both parents, and the Agency wish to pursue it, it should be placed in the hands of the judiciary. In the past mothers on benefit were required to cooperate with the CSA. As we have seen, this included imposition of a benefit sanction for refusal to take a DNA test. The proposed legislative changes (DWP 2007) remove this compulsion. This provides greater opportunity for mother and child consent issues to be gauged. In particular it assuages the risk of the child being placed under intolerable pressure to consent because of an association between consent and maternal benefit income.

In order to allow the necessary child and parental deliberations to take place, there should be a minimum cooling-off period between the offer of a test, with supporting information, and the test itself. This may inevitably impose some extra delay (although the testing process inevitably implies delay anyway), but

[50] Arguably, and child welfare issues aside, this is particularly pressing in Scotland in terms of policy coherence. A child over 12 in Scotland can apply for child support assessment and collection in their own right. This inevitably presupposes a degree of competence. To then not require the consent of a child of equivalent age to DNA testing, is therefore internally inconsistent in policy terms

with the child at centre stage this becomes acceptable. (Since the case effective date is set on contact with the non resident parent, this should still prevent the creation of a perverse incentive for non resident parents to deny paternity or order to reduce the amount they have to pay).

Where paternity is established, but the parent with care elects not the tell the child of the identity of the genetic father, then the child should be able to request this information from CSA records once they reach eighteen. Otherwise the State holds origins information on an individual to which that individual is not, themselves, privy, which is, moreover, inconsistent with the Government stance on adoption and gamete donation[51].

If the 'seven day silence' operational presumption remains, it should, at the very least, be extended to provide a more reasonable period for denial. Assigning an origin to a child on the basis that someone may have been on holiday for a week and not picked up their mail, is unacceptable, for both the child and the father.

Where post assumption parentage is denied and there is evidence of a period of parent child co-residence or regular contact, DNA testing should not be routinely offered by the parentage officers. Instead this should be considered by a court (as seems to have been the policy intent). The parent with care and, where appropriate, the child, should be asked to provide details of prior contact in order to inform this decision. In determining whether maintenance is payable in such circumstances the court should not solely confine its deliberations to genetic relatedness. It should also look at the nature and expectations of the father child relationship, including whether the individual consented to fulfil a parenting role (regardless of the genetic connection). This would require a broad interpretation of the term 'parent' under Section 1 of the Child Support Act. In these instances the interest of the child should be paramount, rather than simply considered.

And finally, if the child is at centre stage, then non-resident parents should be able to route an initial request for contact through to the Agency, to be forwarded

[51] In practical terms this may pose information storage and retention questions

on to the Parent with Care if she consents to this. This need not be administratively burdensome (or no more burdensome than returning a letter, opened, to the non-resident parent) and would potentially offer scope for improved child outcomes. This could potentially be extended to a direct request to the child (with signposting to suitable support networks) for 'children' over 18.

In summary, when viewed from the angle of an 'origins' storyline, the operation of elements of CSA's paternity policy could look very different. The proposed white paper changes may provide a window for a revised approach. Given the hegemony of the 'proof' storyline it is questionable how receptive the Agency and policy colleagues may be to such alternatives. but, as an insider, I can at least air them.

Concluding Summary

To recap, this study of the development of paternity establishment policy in the Child Support Agency has examined the evolution of the current policy as a continuum ranging from policy design, through operationalisation by implementation specialists, and thence into front line delivery. As the previous discussion reveals, this has revealed a number of findings. These are as follows:

- Despite the limited size of the small quantitative sample of 189 cases, it still provides insights into the characteristics of individuals who experience a positive DNA test via the Child Support Agency. Because of the private nature of DNA testing this is a population about which relatively little is known. The significant findings suggest that DNA testing is typically associated with less formal parental relationships, lower incidence of shared care for over 104 nights a week and parents with care who have more than one child in their household. To some extent these are unsurprising. They also meshed with the three fathers' accounts of an 'on-off relationship'. Typically the fathers who had undergone testing were slightly older than their untested counterparts and more likely to be economically active. These findings may be associated with cost effectiveness considerations within CSA, but they do tend to dispel any lingering images of youthful

fecklessness. Finally the tested sample was also associated with a higher likelihood of compliance with the requirement to pay maintenance. Again, this was largely linked to the better economic health of these individuals. There was, however, some evidence from the weighted sample of an independent effect, leading to the tentative hypothesis that greater certainty may result in greater inclination to pay child support.

- In the context of the introduction of DNA testing, the research found that this was associated with a particular 'storyline' (Ockwell & Rydin 2005, Fischer 2003, Hajer 1993) around 'DNA-testing as proof'. This differed from an advocacy coalition in that it included elements of condensed multi-interpretability and was independently sponsored by a range of policy actors (Sabatier and Jenkins-Smith 1993, Fischer 2003). Although there was some evidence of other 'storylines' entering the discourse, such as 'DNA- testing as who you' are and 'DNA-testing as predictor', the hegemonic dominance of the 'proof' storyline went largely uncontested and continues to shape policy and practice. No clear storyline was identified for the introduction of the parentage assumptions in 2001 (although there is a suggestion that tales of risk, lies and likelihood were in the ascendant[52]). Instead this latter change raises interesting questions about models of CSA fatherhood. Viewing child support paternity establishment policy through the lens of an alternative 'who you are' storyline uncovers a number of proposals for change. These would limit some of the negative child welfare implications of the current approach.

- Part of the dominance of the 'proof' storyline hails from its resonance with a series of underpinning organisational tenets within the policy design arena. (These are intentionally distinguished from beliefs and values because of the differential meanings of these terms (Sabatier 1993, DWP 2006, CSA 2006)). These tenets provided an interpretative lens through which proposals for change, or new ways of working could be understood. Although 'prudent suspicion' remained an abiding tenet throughout the

[52] This too may have been associated with a Governmental wider shift towards 'risk based' approaches and a focus on management of risk. From personal recollection the Department adopted a structured approach to organisational and project risk and issue management around this time.

design to delivery continuum, other tenets were abandoned, changed or replaced. Nevertheless when viewed from the inter-subjective interpretative position of one area, the tenets of the others were sufficiently similar to imply consensus (Degeling & Colebach 1984). I argue that this superficial similarity helps to account for the remarkable lack of controversy around CSA paternity establishment policy. The research also suggests that this incremental 'tenet shift' accounts, at least in part, for the 'problem' of implementation failing to match the designed policy (Elmore 1980. Lindblom 1979). Overlaying the tenets on individuals' understanding of their role, accounted for some of the decisions and coping strategies witnessed at particular points in the organisation. These problematic decisions and strategies included introducing a 'seven day silence' parentage presumption which exceeds the agency's statutory remit, and offering DNA tests as a default position rather then using the legislative assumptions.

- The findings were less clear cut on the role played by networks and institutions. Evidence of networks was found, but these were stable and formalised, so in one sense they represented microcosms of the wider institution. Their explanatory power was therefore limited. There was also evidence of extremely tenacious and long-lived institutional approaches that pre-dated the Agency and hailed from its social security heritage. Again, this served to reinforce the tenets and the chosen storyline approach, which seem to retain their validity regardless of the precise policy locus.

- Process and stage models were also unhelpful as an explanatory tool, although they did illuminate some internal tensions within the policy as well as potential accountability deficits. Thus the lens through which the action levels were viewed blurred Hupe and Hills' (2006) distinction between the constitutive and directive level. Likewise the usual association between incrementalism and non radical change was refuted by the finding of accidental radicalism, whereby organisational 'blinkers' associated again with the dominant discursive storyline meant that the organisation was prevented

from seeing that its incremental change included distinctly radical components.

- Combining the findings on tenets, roles and storylines suggests, that in the case of CSA's paternity testing policy, the following policy development and implementation model can be derived from the data. Give the qualitative nature of the research this does, of course, have only internal validity:

    - DNA testing was promoted independently as a particular storyline (Fischer 2003, Ockwell and Rydin 2005)). From the perspective of the design domain, this solved a number of evidential and process problems. Much of the ready and unquestioning acceptance of this storyline stemmed from the fact that it tapped into a series of dominant organisational tenets that pervaded the policy design discourse. This also accounted for the fact that radical elements of the change were not organisationally recognised (Lindblom 1979). They were simply not a feature of that particular story.

    - In line with accepted institutional practice the policy was then transferred to different areas to operationalise and deliver. This resonates with the 'structure' and 'bureaucrat' elements of Schofield's implementation model (Schofield 2004). Each of these areas had a particular role interpretation in relation to the policy storyline and their own set of (superficially similar) tenets. The combined effect of these two mutually reinforcing elements was to refract the policy from that transferred from the previous domain. This refraction took place in a variety of ways. As the implementers learnt how to operationalise the policy they enshrined refractive elements in procedures and organisational design. Similarly as front line staff learnt how to operate the policy, including learning how to cope and how to exercise, or not exercise, discretion, they too interpreted the policy that they had received through a refractive lens. Although this re-awakens the concept of an inverse relationship between implementation transactions and the likelihood of 'success' (Elmore 1980) the relationship not simply

numerical. Instead it relies on the extent of tenet dissonance, accepting that this is inevitable, rather than seeking a holy grail of 'perfect administration', with for example, crystal clear objectives and uniform norms (Younis 1990)

- This refractive implementation model therefore combines elements of Hajer's (1995), Schofield's (2004) and Sabatier and Jenkins-Smiths (1993) approaches. It requires an understanding of 1) the original storyline, 2) of the policy specific roles as understood by the bureaucrats (or other implementers) and 3) linked to this of the organisational structures that are involved in the implementation continuum. It also rests upon 4) a detailed understanding of the dominant tenets that apply to particular roles/domains. In aggregate these then underpin the direction and extent of refraction, which operates via 5) both learning and coping. This may be formally enshrined in procedures or informally promulgated and sustained. Figure 3 endeavours to represent this model.

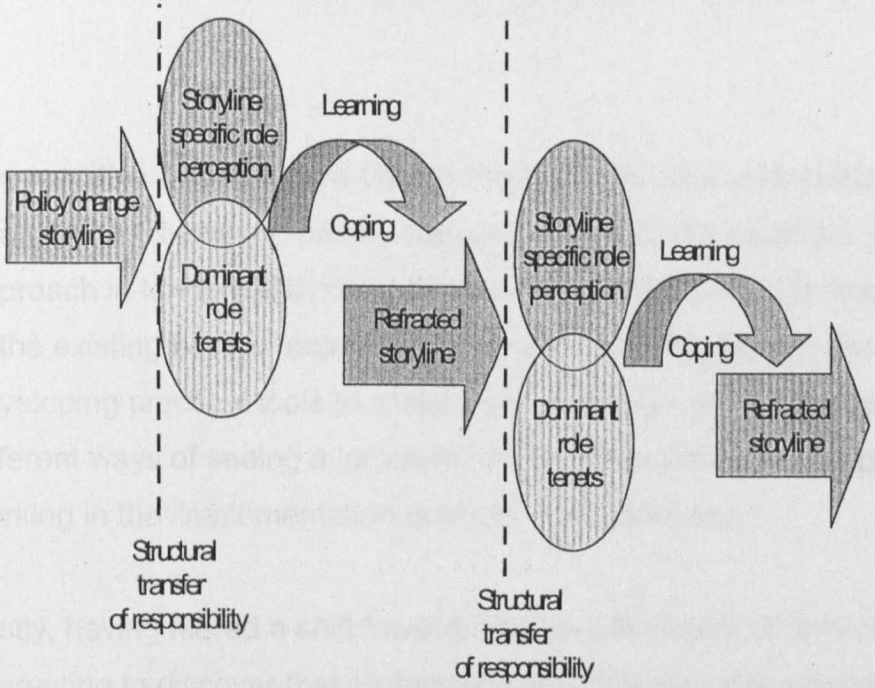


Figure 3:Schematic representation of refractive implementation

- Finally, although the literature chapter had suggested the likelihood of an unwritten naturalistic model of fatherhood within the policy substrate. Rather surprisingly the empirical data suggested that this was not the case. Instead the legislative framework provides for a series of, largely probablistic, fatherhoods, resorting to 'provable' DNA testing only if these other fatherhoods are exhausted or inappropriate. In many ways this strengthens the traditional position that emphasises marriage and inheritance (Smart 1987, Sheldon 2001) rather than biological connection. In practical terms the desire of both fathers and the Agency's paternity specialists for biological certainty in the face of increasingly normalised doubt, meant that this legislation was not invariably deployed.

To conclude, this research has encountered a number of difficulties and directional changes over the years. The handful of client interviews and the quantitative analysis suggest that there is still a largely untapped vein of rich research around the experiences of those who have undergone paternity testing, (including children) and their subsequent behaviours. As with my own studies, any attempt to explore this may encounter access difficulties. As many of the staff interviews also reveal, this issue engages with raw emotions at times of immense difficulty.

The resulting decision to re-launch the research as a case study style policy analysis has, however, proved rewarding. The synthesis of the 'storyline' approach in tandem with consideration of domain specific tenets not only adds to the existing body of academic research, it also holds forth the promise of developing practical tools to assist policy making – sensitising practitioners to different ways of seeing a 'problem'. As a former policy design practitioner now working in the 'implementation domain', I welcome this.

Lastly, having feared a shift towards the genetic model of fatherhood, it was interesting to discover that probablistic paternity was also provided for within child support policy and practice. Admittedly this may buttress long-lived, potentially paternalistic institutions, but it also poses far less risk to children in terms of the disruption of established relationships. Whether this will survive the rise of 'peace of mind testing' and fathers' desire to be 'sure' remains to be seen.

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Annex 1

Outline Topic Guide – fathers

Introduction

Confidentiality and agreement to tape

Outline of themes

General details (age, household etc)
Background to relationship with child's mother – before and after birth of child
CSA involvement
Experience of DNA test
What happened next?

Confirm respondent still happy to be interviewed and stress that they can stop interview at any point

General demographics

Age
Occupation
Household composition
Children living elsewhere

Background to relationship with child's mother

Duration
Plans
Quality
Reaction to news of pregnancy – Own, Mother's, Others

After child's birth

Reaction – emotion, behaviour, reasons
Involvement – action, content, duration
Development of relationship over time
Plans, barriers and bridges

CSA involvement

Reasons
Reaction – hopes? Fears?
Test experience
Test decision and reaction
Outcomes – CSA related and more widely

Since the test

Experiences
Outcomes
Relationship with the child

Looking back - what difference did the test make?

Outline Topic guide – staff

Introduction - background to research

Confidentiality and agreement to tape

Explanation that participation is voluntary

Outline of themes

General Background
Exploration of experience with paternity policy, eg who and what was involved
Reasons
Issues and concerns
Changes?

Confirm still willing to proceed

General details and background

Within CSA
Now
In the past

Outside CSA
Now
In the past

Describe how you were first involved in disputed paternity policy/practice

When
Role
Reasons for involvement
Need for change
Why a problem

Who else was involved

Within CSA – roles
Externally - politicians, lawyers
Whose word had the most/least weight - why

Outcomes
Concerns

Objects of concern – parents, children, staff,
Reason for concern

Response to concern

Since then

Changes
Experiences
Anomalies/memorable cases

Any Changes – what and why?