THE FINANCIAL OBLIGATIONS OF NON-RESIDENT FATHERS AND THE IMPLICATIONS FOR SOCIAL POLICY

by

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ABSTRACT

This thesis explores why some non-resident fathers pay child maintenance whilst others do not. The financial obligations of these fathers have become one of the most salient and controversial issues for social policy since the introduction of the 1991 Child Support Act. There was enormous public backlash to the Act on implementation, and the policy was based on minimal evidence about the capacity of non-resident fathers to pay and based on no evidence about how their obligations worked in practice.

In order to learn more about non-resident fathers' financial obligations this thesis has two main aims. The first is to explore the factors that affect maintenance payments and the capacity of men to pay. This is achieved by conducting a quantitative analysis of data generated from the first ever national survey of non-resident fathers in Britain. This analysis provides a unique picture of the patterns of financial support provided by these men. The second aim is to discover what processes might be involved in developing financial commitments to non-resident children. This is achieved by conducting in-depth qualitative interviews with a small sample of eighteen fathers drawn from the national survey. Specifically, the qualitative study utilises two theoretical frameworks. The first framework on family obligations suggests that commitments to pay maintenance are made through a process of negotiation and that making these commitments depend upon individual circumstances. The second framework suggests that the symbolic meanings of maintenance, 'as money', interacts with the sense of financial obligation that non-resident fathers' hold for their children. Utilising these frameworks in the qualitative study has provided new perspectives which have helped to explain why fathers develop, maintain and sometimes dissolve financial commitments for their children.

TABLE OF CONTENTS

LIST OF FIGURES AND TABLES

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DECLARATION

The quantitative analysis produced in this thesis was generated from data collected from a national survey of non-resident fathers in Britain. This survey was the responsibility of Professor Jonathan Bradshaw and was planned by him, Carol Stimson and myself collectively. The survey was funded by the Economic and Social Research Council and formed part of their 'Population and Household Change Programme' (some supplementary funding was also provided by the Department of Social Security). My individual contribution to the survey included designing the sections of the questionnaire which dealt with child maintenance, the Child Support Agency, informal financial support, debts and financial settlements at the time of separation/divorce. I had sole responsibility for planning the primary analysis on child maintenance presented in this thesis. The computing for the analysis was undertaken by Julie Williams on my instructions. The qualitative study generated for this thesis did not involve collaboration with others and was all my own work. I declare that all the work presented in this thesis has been analysed and composed by myself.

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Christine Bridget Edgar Skinner
September 1999

Material's Published

The findings presented in chapters four, five six and seven have been reproduced in the following forthcoming publication:

> Bradshaw, J., Stimson, C., Skinner, C., and Williams, J. (1999) *Absent Fathers?* London: Routledge

Extracts from these four chapters have also been reproduced in:

> Bradshaw, J., Stimson, C., Skinner, C., and Williams, J. (1999 - *Forthcoming*) 'Non Resident Fathers in Britain' in MacRae, S. (ed), *Population and Household Change in Britain,* London: ESRC

Extracts from Chapter Nine appear as a Memorandum to the House of Commons Social Security Committee on the 15.9.1999:

> Bradshaw, J. and Skinner, C. (1999) *The Reform of The Child Support System.*

And will also be presented in:

> Bradshaw, J. and Skinner, C. (pending) 'Child Support: The British Case' in *Focus,* University of Wisconsin-Madison, Institute for Research on Poverty.

INTRODUCTION

BACKGROUND

The development of the Child Support Act of 1991 has, according to the Social Security Committee, represented 'the most fundamental change in social policies for 40 years or more' (HoC 983,1993:vii). The main aim of this Act was to increase the level of child maintenance paid in order to reduce the dependency of lone parent families on the social security benefit Income Support (IS) and thereby reduce public expenditure costs. The way in which this aim was to be achieved was radical. The ineffective Court and DSS Liable Relative maintenance systems were to be replaced with a new designated Child Support Agency (CSA) within the DSS. It was hoped that the agency would increase the numbers of men paying maintenance through more effective collection and enforcement procedures and increase the average amount to be paid through the use of a standardised formula. Thereby the levels of maintenance receipt among lone parent families would increase, and the costs to the state would decrease. But the aim of more maintenance was also underpinned by the ideological principle that obligations to pay were unreserved and unconditional, as the Conservative Prime Minister Mrs Thatcher said 'no father should be able to escape his responsibilities'(Speech to the National Children's Home' Inaugural Lecture of the George Thomas Society 17.Jan.1990). However, despite widespread support for this principle, the Act has become notorious since its implementation in April 1993. It has raised much controversy and been met with public and political hostility, it has spawned the birth of father-led anti-act campaign groups and it has been subject to near constant review and revision with changes in regulations in 1994, a second amending Act in 1995. At the time of writing, a new White Paper has just been published by the Labour Government outlining yet more reforms (DSS, 1999).

After nearly seven years of operation and revision, the policy has failed to deliver on all its main objectives. The proportion of lone parents in receipt of maintenance has remained static since 1989, with only a third receiving maintenance (Marsh *et al.* 1997), and the level of non payment is high. Only 44 per cent of non-resident parents who use the CSA collection service (about a third of live cases) are paying the full amount (CSA, 1999:3). This is despite amendments to the formula in response to protests from parents that it was too stringent and unfairly applied. Indeed, rather than halting protests from parents the policy revisions have

added increasing complexity to an already complex system. Consequently, the CSA found itself struggling to keep pace with events and ultimately this led to increasing administrative chaos, inefficiency, long delays, errors, maladministration and the build up of massive debts of unpaid maintenance amounting to £1,127 million, of which £869 million was felt to be unrecoverable (HoC 313, 1998). Parents, the public and politicians have now lost all confidence in the CSA to deliver its objective of more maintenance.

The question remains unanswered as to why the Act has failed to meet its main objective. The complexity of the formula and the constant revisions have certainly added to administrative ineffectiveness, but the principle of the Act has generally not been sufficiently questioned, it has received consistent support even across a change in government. As the Labour Government's new proposals make clear, they intend to make sure that 'non-resident parents cannot avoid their responsibilities'(DSS, 1999:4). This moralising tone echoes what went before when Mrs Thatcher first introduced the policy. At that time, she castigated fathers for 'walking away' from their marriages and for not taking any interest in their children or paying child maintenance - only one in five fathers were paying maintenance for their children (Speech to the National Children's Home' Inaugural Lecture of the George Thomas Society 17.Jan.1990). In so doing she promulgated a rhetoric of blame which captured the attention of policy makers, politicians the media and public alike. This discourse of blame resonated in the public consciousness because it accorded with normative expectations that obligations to children were both sacrosanct and unambiguous - it was only right that fathers should pay child maintenance and to argue otherwise was fatuous. Thus non-resident fathers were not only brought into the limelight, but were labelled en masse as feckless and irresponsible individuals who were mindlessly passing the burden of financial support for their children onto the taxpayer through the provision of social assistance for lone parent families. However, Families Need Fathers (FNF) (a father's rights group) provided a contrasting portrayal of fathers as innocent victims of circumstances with regards to their children.

Rather than being feckless and uncaring parents FNF, said that:

> '... 'Absent Parents' *may* care very much and in no way have chosen to be 'absent'.... 'their nurturing role must cover contact and residence (access and custody), as well as merely 'footing the bill." (FNF 1990 para 3).

Importantly, FNF is a single issue pressure group who are working to ensure that fathers' contact with children can be guaranteed more effectively in the exercise of the Law. They therefore represent one particular view, but they were not alone in linking contact and maintenance as integral parts of the overall responsibility of non resident fatherhood. So too did the anti-act pressure groups the Network Against the Child Support Act (NACSA) and the National Campaign for Fair Maintenance (NCFM). Both groups raised concerns that the Act failed to recognise that fathers' social and caring relationships with children were linked with their financial obligations (HoC 470 - I-ii, 1994:34). Opposing views of fathers have therefore been presented which reflect the concerns of the actors involved. On the one hand it suited policy makers' purposes to stigmatise fathers because this gave greater credence to a policy designed to make men pay (Finch 1989). On the other hand it suited some men's purposes to oppose the legislation on the grounds that they were purely victims of circumstances and therefore could not be held responsible.

Yet views and attitudes about the behaviour of non-resident fathers as a specific group remain highly ambiguous. In a review of press reports for the month of June in 1994 it was found that fathers (and non-resident fathers) were represented as either heroes or monsters (Lloyd, 1996). Similarly, politicians got swept up in debates trying to distinguish between 'good dads' and 'bad dads', when attempting to weed out objections to child support policy post-implementation, (HoC 983, 1993; Hansard, 25.3.1995). In addition, the new Labour Government's proposals for child support show that this debate has not moved far. The proposals make clear distinctions between 'good responsible parents' that pay maintenance and who will receive a 'better service', and 'irresponsible parents' who will face sanctions to make them pay (DSS, 1999:3). Such, dichotomized views on non-resident fatherhood therefore have not been resolved, especially as alternative accounts of their behaviour in relation to financial obligations have been put forward by the fathers themselves in the backlash to the Act.

Research Rationale

It was the competing portrayals of fathers as either victims or demons and the continuing failure of this policy that were the main motivations for this thesis. Just what are we to make of non-resident fathers? Are they as irresponsible as they have been portrayed and how and what are their behaviours and views in regards to their financial responsibilities to their children from past relationships? These sorts of questions remain unanswered. Some people might feel

such questions are irrelevant and that the continuing high levels of non-payment of maintenance (McKay and Marsh, 1994; Ford, Marsh and McKay 1995; Marsh *et al.* 1997; CSA 1996-1999) is evidence enough to enforce a moral order on these men to make them pay (albeit now within setting more realistic maintenance levels). On the contrary however, in order to inform more effective policy making in the future, it is important to understand the ambiguous and hostile and response to the 1991 Child Support Act and the continuing high levels of non-compliance, by learning more about the nature of non-resident fathers' obligations, from fathers themselves. This is essential as the policy was introduced without consulting fathers, and was based upon minimal evidence about their circumstances.

Very little is known about the financial obligations of non-resident fathers. There is no national data base on maintenance payments, only partial information from court cases (Davis, Cretney and Collins, 1994) the old court and Liable Relative systems (DSS, 1990), the CSA (CSA, Quarterly Summary of Statistics 1996-1999) and from accounts given mainly by lone mothers (Bradshaw and Millar 1991; McKay and Marsh,1994; Ford, Marsh and McKay 1995; Marsh, Ford and Finlayson 1997; Maclean and Eekelaar 1997). There are other studies which have focussed primarily on non-resident fathers' contact with children and on the experiences and obligations of post divorce parenting, rather than specifically on fathers' financial obligations (Lund, 1987; Smart and Sevenhuijsen 1989; Smart 1991; Simpson et al 1995; Smart and Neale, 1997 and 1999). Very few studies have had their central focus as fathers' financial obligations (Burgoyne and Millar, 1994; Marsh, undated).

The Act was therefore based upon minimal evidence about the capacity of non-resident fathers to pay maintenance, and although capacity to pay and the effects of enforcement will affect willingness to pay, it is not known what other factors might be related to willingness to pay (Burgoyne and Millar, 1994). Thus the Act was passed with little knowledge about the circumstances of non-resident fathers and with no understanding at all about the factors and processes that might be related to making financial commitments which could produce a willingness to pay formal maintenance. Therefore, fathers apparent reluctance to pay was, and still is, not well understood. Rather the Act relied upon an ideology that heralded fathers' financial obligations as unconditional and absolute where some capacity to pay had been objectively defined by the formula. This thesis intends to examine the saliency of this principle precisely because it remains unknown how far this principle matches with fathers' obligations

in their real life situation. It is unknown whether social factors, as well as economic factors, may impinge on willingness and capacity to pay maintenance, nor how these two elements themselves might be interrelated. Indeed, what are the senses of obligation and exchange that fathers hold, within the context of family fragmentation and change? How do fathers' obligations to children in first families survive in competition with obligations to new partners, new children and step children? In what ways do fathers' sustain their relationships with their children and how important money is to that relationship? What kinds of financial support are fathers providing for their children both informally and formally through child maintenance payments? How does informal provision impact with ability and willingness to pay formal maintenance?

Ultimately, the main question which needs to be addressed is how and why fathers develop, maintain and sometimes dissolve their commitments to pay child maintenance. This thesis intends to seek some answers to these questions, as a greater understanding of the aspirations, attitudes and behaviour of fathers living apart from their children is highly relevant to social security policy and to the proposed reforms of the divorce legislation within the Family Law Act (1996). Especially as the latter reforms are currently in disarray as a result of the pilot studies which have shown that the intended mediation requirements attached to the legislation have not worked. It could also be useful for the Labour Government's new initiative on the 'National Family and Parenting Institute' which has a remit to raise the status of parenting and advise and monitor government policy on parenting issues. More generally, the thesis is highly relevant to debates in social policy which examine the boundaries between state and private family responsibilities.

Scope of the Research

In order to address the questions above and to provide as wide an understanding as possible about the nature of fathers' financial obligations, the empirical focus of this thesis involves both a quantitative and a qualitative study. A primary analysis of data collected from a national survey of non-resident fathers in the UK[1] will be analysed to discover the level, the variety, and

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The national survey was conducted by Bradshaw, Stimson, Skinner and Williams and was funded by the ESRC (with supplementary funding from the DSS) as part of the programme of research on Population and Household Change. It will be shown that gaining a representative sample of non-resident fathers was extremely difficult and there is some doubt as to whether this was actually achieved.

the frequency of financial support given by fathers, as well as ascertain what social, relational and economic factors are related to the provision of both formal maintenance and informal financial support. It will also include an assessment of capacity to pay maintenance from among those who are not currently paying, as well as from among those who are paying. Additionally, as there is a paucity of understanding about how fathers actually develop financial commitments to children following relationship breakdown, and no understanding at all about what part money plays in these relationships, it is intended to explore this in depth in a qualitative study with a small sub sample of fathers recruited from the national survey respondents. The qualitative study is directly underpinned by theoretical debates on family and financial obligations.

First, on financial obligations Finch (1989) has argued that policy which defines people's financial obligations may fail if that policy is out of line with what people regard as fair. An earlier example was the demise of the Poll Tax. At the micro level however, there is a specific relationship between obligations and money, in that people tend to endow monies intended for different purposes with distinct meanings (Zelizer, 1994;1996). How far these elements of fairness and meanings attached to money are relevant to child maintenance payments will be explored. Second, on family obligations, Finch and Mason (1993) have demonstrated, that in Britain, people tend to negotiate their commitments to family members. Various contingent factors are weighed up in deciding whether to make a commitment to offer assistance be it financial or social. Thus commitments are the end products of a process of negotiation, rather than the products of duty, or a set of prescriptive rules that dictate what kin members should provide for one another. Though their research was carried out exclusively with adults, they found that even among *adult* parent-child relationships there were no clear rules of a substantive nature which would make it clear what parents and their adult children should provide for each other in particular situations (p21). Yet their data did suggest that parent-child relations were in a category of their own. Nevertheless, they felt these relations would still fit into their framework of 'negotiated commitments' developed over time, as it was the conditions of living in close proximity with children when they were dependent, that made it more likely that parents and children would develop commitments to one another. It is possible that the obligation to pay maintenance is also negotiated in practice and this thesis sets out specifically to test the

applicability of this framework in the case of non resident fathers.

Given the backlash to the 1991 Act and given that little is known about how fathers view their responsibilities, or how they behave in regard to their responsibilities to children following separation/divorce; the main objective of this thesis is to explore the nature of fathers' obligations from the perspective of fathers and not from the perspectives of mothers or children. It is therefore specifically intended to give fathers, in different circumstances, 'a voice' to enable them to be heard above the loud chorus emanating from fathers in the anti-act campaign groups. Some might well argue that fathers have already effectively made their 'voices' heard. But contrary to this it must be argued that their 'voice' has only had a selective hearing. As Smart (1989) asserts, the exercise of power within the law can act to disqualify different accounts of social reality. The aim of giving fathers 'a voice' is therefore to facilitate an understanding of their social reality, as opposed to a perceived reality being promulgated by either politicians or single issue pressure groups.

It is acknowledged that this standpoint may be highly contentious, as to take only one perspective on child support is to ignore the well-being and needs of children. On the contrary, it is believed that if a greater understanding of the problems facing fathers in fulfilling their obligations can be achieved, then more effective policy can be made which may well improve the well-being of children and of separated families more generally. Especially as after nearly seven years of policy making which has involved, numerous changes to regulations and a second reforming Act (and a third one on the way), four investigations by the Social Security Select Committee into the CSA, and damning reports from the National Audit Office, The Public Accounts Committee, the Ombudsman and latterly the Independent Case Examiner we have ironically ended up exactly where we started; with an ineffective, inefficient and inconsistent system for child support which is now also failing to meet the needs of children, mothers, or fathers.

Certainly, there are difficulties in deciding what the appropriate policy response should be to the changes in the structure and formation of families. It also seems perfectly reasonable to assert the moral obligations of parents to their natural children, but child support policy as it now operates, concerns itself specifically with setting the boundary between public and private responsibilities which, in itself is a long-standing conundrum for social policy. There are no easy

answers, or quick fixes which can address the balancing of fathers' private financial obligations with public support systems, as evidenced by the detailed review conducted by Finer (1974) over 25 years ago.

Plan of Thesis

The first two chapters of the thesis outline the development of the Child Support Policy in detail providing a basis for the ongoing debate about child support in general and explaining in particular why the Act was such a disaster on implementation. Chapter Three reviews what is known already about non-resident fathers and presents the arguments for and against child maintenance as an unconditional commitment. Chapter Four provides an account of the methods used in both the quantitative and qualitative studies. Chapters Five and Six present the findings from the quantitative analysis; Chapter Five outlines the characteristics of payers and non-payers and the factors associated with non-payment; while Chapter Six describes the amount of support offered by fathers including informal contributions as well as maintenance payments. An assessment of capacity to pay is also included in Chapter Six. Chapters Seven and Eight present the findings from the qualitative study; with Chapter Seven focussing upon a description of the factors that effect willingness to pay and Chapter Eight developing this further within the theoretical frameworks of negotiated commitments and the symbolic meanings of money. Finally, Chapter Nine concludes the thesis and draws out some implications raised by the findings for policy making and for knowledge and understanding in regards to fathers' financial obligations.

CHAPTER ONE

THE HISTORY OF THE CHILD SUPPORT ACT 1991

INTRODUCTION

The Child Support Act 1991 was presented as part of a government programme to reinforce parental responsibilities which had already commenced with the 'Children Act 1989'. The Children Act deals with arranging 'contact' and 'residence' of children following divorce/separation (and the protection of children 'at risk') whereas the Child Support Act deals exclusively with arranging maintenance payments for separated families. The fundamental principle of the Act was to reaffirm 'absent' parents' financial obligations to maintain their children.

> 'The Government proposes to establish a system of child maintenance which will... ensure that parents honour their legal and moral responsibility to maintain their own children whenever they can afford to do so.' (DSS, 1990:Vol 1,para 2.1)

As highlighted in the introduction, the 1991 Child Support Act represented not only a major change in social security policy but it also became one of the most controversial. It lifted the financial responsibilities of absent fathers from the quiet backwaters of the solicitor's office, courts and DSS Liable Relative Units onto a political and media stage. Yet the policy seemed to appear from nowhere. There had been no obvious political or social movement calling for change and consequently absent fathers were taken by surprise at the focus of interest directed at them. Moreover the conditions of engagement with 'absent' fathers had already been set in negative terms; they were portrayed in political and media discourses as irresponsible, uncaring and feckless parents. The 'real problem' then was not an ineffective maintenance system but the behaviour of fathers themselves. It is perhaps not surprising that following implementation, the Act engendered a new pressure group movement as fathers railed against the changes. This movement and the evolution of the policy is discussed in detail in the subsequent two chapters, but this chapter will explain the historical development of the policy and will argue that it had more to do with fiscal and ideological considerations than with the welfare of children, despite the fine title of the White Paper 'Children Come First'. This chapter will outline the pressure for reform, the choices made in favour of an administrative system, the parliamentary process, the initial critiques of the proposals, the framing of the policy in moral terms and the early backlash on implementation. It will begin by describing the pressure for reform and the main

changes instigated by the policy.

THE PRESSURE FOR REFORM

The main aims of the legislation outlined in the White Paper 'Children Come First'(and later reaffirmed in the second White Paper relating to the 1995 Act), are to ensure that:

1 Both parents meet their obligations to maintain their children.

2 Lone parents' dependency on social security benefits is reduced by the establishment of regular and consistent maintenance payments.

3 Work incentives of both parents is maintained.

4 Maintenance payments are regularly reviewed to reflect changes in circumstances. (DSS,1990:Vol.1:i; DSS, 1995c:para 2.24)

The primary aim of the Act was therefore to reduce lone parents' dependency on Income Support (IS) through the establishment of regular maintenance payments from absent fathers. This aim reflected the Conservative Government's commitment to cut public expenditure and thereby reduce taxation. These fiscal concerns underpinned the legislation as there was an increasing disquiet over the rising dependency of lone parent families on IS and the resultant increase in public expenditure costs. The White Paper stated that the number of lone parents claiming IS (or its antecedent Supplementary Benefit: SB) had increased from 330,000 to 777,000 between 1980 and 1989 (DSS, 1990:Vol 2, para 1.4.1). This had subsequently increased to over a million by 1994 and has remained around that level up to 1997 when the figure was 1,014,000 million (DSS, 1998b:28). Yet whilst the numbers of lone parents dependent on IS were increasing, this dependency was rising faster than the numbers of lone parents themselves (Bradshaw and Millar, 1991:64). Consequently the costs to the Treasury for supporting lone parent families had risen from £1.4 billion in 1981-82 to £3.2 billion in 1988-89 (DSS, 1990:Vol 1, para 1.5). By 1997/98 the costs stood at just under £10 billion (DSS,1998b:3). But whilst lone parents' dependency on IS was increasing, part of the rising expenditure costs were also due to the low proportion of lone parents in receipt of maintenance.

Evidence from a representative sample of lone parents in 1989 demonstrated that only 30% of all lone mothers and 3% of lone fathers received regular maintenance payments, and where lone parents were dependent upon IS only 23% received regular maintenance (Bradshaw and Millar

1991:80; DSS, 1990:Vol 1, para 1.5). In addition, the numbers of lone parents on IS/SB in receipt of maintenance had fallen from 50% in 1979 to 23 per cent in 1989 (DSS, 1990:Vol 1, para 1.5) Consequently, the benefit savings made by the 'Liable Relative' section of the DSS via the recoupment of maintenance fell 9% in cash terms between 1981-1988 (DSS, 1990:Vol 2, para 1.4.3). Clearly there was a fall off in maintenance payments and this was partly due to the ineffectiveness of the maintenance systems themselves.

The governmental review of the Court and DSS maintenance systems, conducted as part of the background for maintenance reform, found that:

* There was variation among Courts in processing and setting maintenance awards,
* Awards were inconsistent and low as a proportion of Absent Parents' net income,
* There were problems of non-payment with concurrent build up of arrears,
* Neither the courts, nor the DSS were effective in recouping arrears,
* Enforcement procedures were time consuming,
* Pursuing maintenance required considerable effort on the part of the mother.

(DSS, 1990:Vol 1. para 1.5)

The court and DSS maintenance systems were therefore ineffective, discretionary, fragmented and produced uncertain results. Moreover, the low amounts of the awards that were made also contributed to the rising costs of supporting lone parent families.

The governmental review found that the 'going rate' for maintenance was £18 per week for one child (DSS, 1990:Vol 1, para1.5) whilst Bradshaw and Millar (1991) found an average payment per child of £16 per week (p86), but a much lower modal payment overall at £10 per week (p82). An average payment of £16 per week for one child compared unfavourably with the Income Support scale rates at that time of £22.15 per week for a child under eleven years living in a lone parent family (DSS, 1990:Vol 2. para 4.7.5; Bradshaw and Millar, 1991:86). The payments therefore did not even reflect a minimal cost of supporting children. Although it was recognised that the comparatively low levels of maintenance did reflect some parents' ability to pay, the government nevertheless argued that there was some spare capacity to pay, especially among higher earners some of whom were paying only 11 per cent of their net

income in maintenance (DSS,1990:Vol. 1, para1.5).

On the basis of the evidence available, the government concluded that the maintenance systems were flawed, as too few absent parents were paying maintenance, and that the amounts paid were not high enough in relation to the actual costs of supporting a child, or in relation to absent parents' net incomes. Overall therefore, the costs of supporting lone parent families on IS was not only increasing ahead of the rising numbers of lone parents themselves, but the level of financial responsibility taken by individual fathers was declining which in turn contributed to 'unnecessary' public expenditure costs. Thus the pressure for reform was related to fiscal concerns about trends in lone parent families' economic dependency, administrative failure and individual failure on the part of fathers. These are all reflected in the main aim of child support policy to reduce lone parents' dependency on IS and are fundamental to the policy changes which were introduced.

THE MAIN CHANGES

The objective of reducing lone parents' dependency on IS was to be achieved in three main ways: first by replacing the old systems with a new Child Support Agency (CSA) which would act to rigorously enforce maintenance, second by introducing a new standardised formula for assessing amounts of maintenance and third by making changes to social security regulations to encourage lone mothers to move off IS by taking up some paid work.

A New Child Support Agency

The new CSA was given considerable powers to enforce compliance among both lone mothers and absent fathers. For lone mothers dependent upon IS, Family Credit (FC) or Disability Working Allowance (DWA), a benefit penalty[2] would be applied if they refused to name the father of their children and demonstrated no 'good cause'[3] for doing so (FC and DWA are in-

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2 Mothers claiming IS, Or DWA who refused to authorise the CSA to collect maintenance without 'good cause', would after a cooling off period of eight weeks be subject to the benefit penalty which was equivalent to a withdrawal of 20 per cent of the adult carer allowance under Income Support rules. This was reduced after six months to ten per cent to last for a further period of twelve months (Garnham and Knights, 1994:vii and 40.)

3 The acceptable grounds for lone parents not naming the father was where they could demonstrate fear of 'harm or undue distress' if the Agency pursued him for maintenance. This was designed to protect

work benefits). This benefit penalty would help ensure that more fathers were traced and brought under the auspices of the CSA, although they were to be 'netted in' via mothers who were dependent upon IS, FC, or DWA.

The main measure for encouraging compliance among absent fathers was the punitively designed 'Interim Maintenance Assessment' (IMA) under the formula. The IMA set the maintenance at an artificially high level and it would be applied where fathers failed to provide full information on time (DSS, 1990:Vol.1, para 5.12; Jacobs and Douglas, 1994:124). In contrast, where fathers provided full information, they received the standard 'Final Maintenance Assessment' which took into account their ability to pay. The agency could also directly enforce payments through the imposition of a 'Deduction of Earnings Order' and had the power to seize goods and ultimately imprison fathers for non-payment (DSS, 1990:Vol 1, paras 5.21-5.24). An additional element was the automatic deduction of a small amount of maintenance from the Income Support entitlement of fathers dependent upon benefits[4], that is if they were fit to work, single, or had new partners but no new children (DSS, 1990:Vol 1, para. 3.30).

The Formula

The second part of the strategy was the introduction of a formula which not only standardised the amounts for all cases, but increased the amounts above the previous norms (see table 1.1 for a brief explanation of the formula). The government estimated that the average payment would rise from about £25 per week under the old system to £40 under the new system (DSS, 1990:Vol 1, para 3.37). Thus maintenance returns would be increased as each pound paid in maintenance would be deducted from the lone parents' IS allowance, and for those claiming FC or DWA they would retain only the first £15 of child maintenance.

Table 1.1 The Original Formula for Calculating Child Maintenance under the 1991

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mothers and children from abusive ex-partners. However this provision was called into question during implementation when fears grew that parents were colluding via this provision to avoid using the Agency. Consequently the benefit penalty was doubled to 40 per cent and became a renewable, instead of a once only sanction (House of Commons Official Report, July 1996)

4 The amount of maintenance deducted was equivalent to 5 per cent of the adult carer allowance of Income Support.

There are four key elements to the formula;

The Maintenance Requirement Or Bill
This amount was to represent the day to day costs of maintaining a child. It was based on the Income Support Scale rates and included an amount for each child (which varied according to age), the adult allowance for the parent with care, the family premium and the lone parent premium (this benefit has since been withdrawn). The adult allowance was referred to as the carer element. This made up the standard maintenance requirement, however it could be adjusted upwards or downwards depending on ability to pay.

Exempt Income
This represented the amount of money that fathers needed to live on and again it was based upon Income Support scale rates. It did not however include an allowance for fathers' new partners or step-children. Maintenance would only be calculated from the fathers' remaining income after this amount was deducted.

Protected Income
This was intended as a safeguard. Fathers' incomes were not allowed to fall below this level once the calculation for maintenance had been made. It was set slightly higher than Income Support levels and in effect it recognised the 'reasonable' housing costs of fathers (but not that of their partners' or step children) and gave an additional amount on top of the subsistence calculation in 'exempt income'. Thus the maintenance requirement would be adjusted to leave low income fathers with an amount equivalent to protected income.

Assessable Income
This was the amount of net income left after deducting the exempt income. The actual amount of maintenance to be paid was calculated from this sum. Maintenance would be deducted at a 50 per cent rate until the maintenance requirement had been met, or until the protected income level had been reached. Thus effectively fathers' remaining income was shared equally between themselves and maintenance up to the level of the maintenance requirement. Any surplus income left over after meeting the maintenance requirement would also be subject to an additional deduction but up to a limit. For those with no assessable income they would still be expected to pay the minimum amount.

Note: The formula has undergone some minor changes since its inception, but at the time of writing it will be radically simplified with a flat percentage rate for maintenance which varies depending upon the number of children.

Changes to Social Security Regulations

The third part of the strategy, though not under the child support legislation directly, was the introduction of new rules governing the receipt of the in-work benefit FC. In April 1992 the working hours to qualify for FC were reduced from 24 hours per week to 16 hours. Alongside the maintenance disregard for FC claimants, this change was to make it easier for lone parents

to take up paid work, claim FC and thereby reduce their dependency upon Income Support.

The main components of the legislation, namely the enforcement powers of the CSA, and the formula, were formidable. Not only would these measures ensure maintenance amounts were increased and that fathers' financial responsibilities would be enforced, but neither would mothers have the option of abrogating this responsibility on behalf of fathers. The payment of maintenance among men whose former partners were dependent upon IS, FC or DWA, was not to be optional, nor were the amounts open to negotiation. In addition the legislation was applicable to all in those circumstances, regardless of when the relationship between the parents broke down, whether the fathers had second families to support, whether mothers had repartnered and regardless of what agreements were currently in place over maintenance. The legislation was therefore to be applied retrospectively and not just to new cases. Thus as the CSA became fully operational, all previous Court agreements for child maintenance would be nullified (in the event this did not happen as the agency never managed to follow its original phasing-in strategy). In contrast where parents were not in receipt of IS, FC or DWA (both the mother and the father) they would retain the option of using the agency[5], though in time, when the agency took over full responsibility from the Courts, such parents would not be able to make a formal arrangement for maintenance anywhere else. Similarly if either parent made a claim for IS, FC, or DWA this would automatically involve the CSA. In that sense, potentially at least, the Child Support Act was applicable to all parents who were living apart as a result of relationship breakdown.

The new legislation was therefore radically different from the previous maintenance systems. The role of the courts in setting child maintenance orders was almost completely withdrawn and the use of a formula removed discretion, flexibility and the individualised case by case approach which had been the established practice for working out the maintenance liability. Solicitors dealing with divorce would no longer be able to negotiate a financial package which included dividing assets and making property settlements alongside setting child maintenance liabilities (Eekelaar, 1991a; Jackson *et al.* 1993; Davis *et al.*1994; Davis *et al.* 1998). Similarly the ability to negotiate such financial packages on a basis of individualised justice and on the

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5 Though parents not on benefits who had written maintenance agreements or a Court Order in place prior to April 1993 were not a priority for the CSA and would still have to rely on the Courts (Davis *et al* 1998:11)

basis of what was fair to both parties was lost (Gibson, 1991; Jackson *et al.* 1993; Davis *et al.* 1998; Barnes *et al.* 1998). Child Support Officers, unlike their predecessors in the Liable Relative units of the DSS, would also no longer be able to negotiate a reduced amount for maintenance where the father had a second family to support (Davis *et al.* 1998).

This marked a sea change in the ordering of private financial responsibilities for children from separated families, and the interesting question is how did such a policy come to be developed?

DEVELOPMENT OF THE POLICY

Rising Dependency of Lone Parents

As already highlighted, key to the reform of child support was an increasing disquiet over the rising benefit dependency of lone parent families at the end of the 1980s. However spending on lone parent families was not a major issue in the review of social security policy which produced the1986 Social Security Act (Davis *et al.* 1998). Yet the economic case for reform of child maintenance, set out in the White Paper 'Children Come First' gives the impression that there was a long standing interest in reducing lone parents' dependency on IS and that policy had been carefully planned and stringently researched in expectation of change in this area. Davis *et al.* (1998:5)point out that John Moore, then Secretary of State for Social Security, had already initiated an internal review on social security policy in 1989 with an emphasis on instigating a more punitive approach to lone parents, including requiring them to name the father of their children and in June he stated that a policy on lone parents was imminent. He was however returned to the back benches soon after, but only six months later Mrs Thatcher declared there would be new proposals for child maintenance. This suggests that there were established concerns about the rising dependency of lone parent families in the DSS, and that this fed into the development of the policy before its conception. However, there is a counterargument that this policy was both hastily constructed and ill conceived and the nature of events that did take place tell a different story.

The nationwide survey of lone parent families, which was heavily drawn upon to put the case for change, was carried out at the behest of Bradshaw and Millar (1991) and not the DSS, although the DSS supported it. Moreover, Bradshaw and Millar had taken it upon themselves to find out about maintenance receipt as the DSS had stated that maintenance was the proper concern of the Lord Chancellor's department. It was only following Mrs Thatcher's speech to

the National Children's Home in 1990, announcing a new policy on child maintenance, that the DSS was motivated to take an interest (Barnes *et al.*1998). Around the same time, two damning reports on the Liable Relative procedures were published in 1990 by the National Audit Office and the Committee of Public Accounts and the government then initiated a hasty review of the court and DSS maintenance systems. It was only later that an interdepartmental group involving the DSS, the Treasury and the Lord Chancellor's department was set up to review the evidence on child maintenance payments and consider the rising dependency of lone parent families on IS. The sequence of these events suggest a retrospective rationale for reform. This is given further credence by the reliance of policy makers on limited evidence about the capacity of men to pay maintenance.

From the governmental review of the court and DSS systems it was apparent that there was a limited capacity to pay. It was predicted that only one in four fathers would be able to pay the full maintenance requirement and consequently the numbers of lone parents that were expected to be lifted off IS were modest; only 50,000 to 75,000 lone parents (DSS, 1990:Vol 1, para 6.8). The Lord Chancellor's department had also reported that one reason which might account for an 18% fall off in maintenance receipt in the courts between 1998-1999, was that more divorces were occurring among people with 'low means' (Times, 26.7.1990:2). Additionally two pressure groups questioned the reasons for non-payment. The Stepfamily Association simply did not believe there were 'vast numbers of errant fathers' as most had responsibilities to second families, while Families Need Fathers argued that non-payment was related to disputes over contact (FNF, 1990; Stepfamily, 1990). The economic case for reform was therefore not only severely limited but was perhaps also ill-conceived, being based on minimal evidence of the circumstances of fathers (Millar, 1996a). However, even though few lone parents would be lifted off IS as a result of maintenance payments, the government could reduce public expenditure costs as each pound paid to mothers on IS would go direct to the Treasury. The government therefore forged ahead with a new child support policy spurred on both by the desire to have the legislation on the statute books before the forthcoming general election and by the promise to control taxation (Barnes *et al.* 1998).

Ultimately there is general agreement that it was Mrs Thatcher who was the main instigator of this policy (Maclean, 1994; Garnham and Knights 1994; Barnes *et al.* 1998; Davis *et al.*1998; Bradshaw *et al.* 1999). The policy arose from Mrs Thatcher's interest in absent fathers as a

group who needed specific attention (there is more recent evidence that Labour MP Frank Field may have had a hand in sparking off this interest and this is discussed in Chapter two). In her memoirs Mrs Thatcher stated that:

> 'I was always appalled by the way in which men fathered a child and then absconded, leaving the single mother - and the taxpayer - to foot the bill for their irresponsibility and condemning the child to a lower standard of living' (Thatcher, 1993:631)

Furthermore, she proudly stated that she had to fight against considerable opposition from the new Secretary of State for Social Security, Tony Newton, and the Lord Chancellor's department for an Agency to be set up, which would base maintenance, not only upon the costs of bringing up a child, but upon its right to share in its absent parent's standard of living (Thatcher, 1993:630). However, the policy framework that followed was more akin to Moore's punitive approach than to concerns about the poverty of children. As described above, the child support proposals had not only taken a hard line against lone parent families, but neither would the poorest children benefit as there was to be no maintenance disregard for mothers on IS. Moreover, the policy had adopted a language of enforcing individual obligation and in so doing it was attempting to lower expectations of welfare state provision and shift the boundary between public and private responsibilities. In that regard it followed the trend in social security policy making throughout the mid 1980s to 'roll back the state' and reduce public expenditure costs. Further it has been generally agreed that the resultant policy framework reflected the interests of the Treasury, most notably in the absence of a maintenance disregard for those on IS (other ways in which the Treasury interest was manifest are considered subsequently). Indeed, Sir Michael Partridge, Permanent Secretary to the Department of Social Security 1988-1995, and Tony Newton, have recently gone on record highlighting how they fought hard behind the scenes to have a maintenance disregard included in the policy and even considered one as high as 50 per cent. But they were overruled by the Treasury who had an eye to making benefit savings (Documentary, Channel 4; 'Can't Pay Won't Pay':12.9.1999). The Social Security Committee also seemed to be in favour of a disregard and when considering the Bill in 1991, the Committee took evidence on this issue from key policy makers and recommended that it be kept under review (HC 277, 1991). These fiscal concerns however were underpinned by ideological concerns of the New Right about the so called 'dependency culture' and the demise of the 'two parent family'.

Ideological Concerns About Lone Parenthood

Ideologically, Mrs Thatcher and her Ministers were influenced by New Right theorists such as Charles Murray (Thatcher, 1993; Lister, 1991;1994b; Millar, 1996a). Murray (1984, 1990) had argued that a 'dependency culture' had arisen from people's lack of motivation to be self sufficient in the face of state financial provision. Such dependency had created a specific 'underclass' of unemployed men and in particular lone parents, whom it was argued were increasingly making a personal choice to be dependent upon the state. This 'choice' of state dependency had further ramifications as it exemplified irresponsible behaviour which would serve as a bad example to the children of lone parents (Thatcher, 1993:627). Lone parenthood however was also seen as being particularly harmful as a result of father absence. It was believed that the lack of a father figure not only allowed children to 'run wild' but the associated demise of the two parent family created a decline in cultural and moral restraint on behaviour resulting in rising incivility and crime rates (Murray, 1990; Denis and Erdos, 1993). Through this lens of New Right thinking, the Thatcher Government believed that such benefit dependency destroyed people morally; 'they would be denied the invigorating experience of self help and of family and community care' (Lowe, 1993:303). This moralising laid the basis for a return to the'Victorian values' of self help under the Thatcher administration and this emerging political discourse formed the back drop to the development of child support policy. This discourse continued, but also increased in intensity, in the run up to implementing the policy throughout 1992 and 1993 in the Conservative Party conferences, in what Lister (1994b) called an orgy of lone parent bashing.

In 1992, young lone mothers were accused of having got pregnant deliberately in order to increase their chances of getting public housing, though there was no evidence to support such a contention (Lister,1994a:215). In 1993 plans were mooted to cap benefits on lone parents' second and subsequent children (Independent, 7.10.1993:6). Even more controversially the Home Secretary, Michael Howard, hinted that single pregnant women should be persuaded to give up their child for adoption rather than rearing them on benefits (Guardian, 1.11.1993). He also cited the work of Dennis and Erdos (1993) that contended lone parenthood itself was harmful (Lister, 1994a). He argued that as a consequence of the rise in lone parent families, and the absence of fathers, children's educational achievements and their health had deteriorated and crime rates had risen (Independent, 7.10.1993, Guardian, 26.10.93; Guardian, 9.11.1993; Lister 1994a, Lister, 1994b). John Patten, Secretary of State for Education, also suggested that the root of the crime problem was that parents, but particularly fathers, were

failing to provide their children with a 'caring and disciplined home'. It was in the stable two parent family that children learned the difference between right and wrong (Independent, 7.10.1993).

These speeches by right wing Ministers, demonstrated that they had taken up the rally cry of Peter Lilley that the Conservative Party should seize the intellectual initiative on welfare reform and take up the twin themes that the collapse of the traditional family and welfare dependency were harmful (Guardian, 8.10.1993). Indeed, John Major, Mrs Thatcher's successor, actively encouraged a moralistic and ideological stand on traditional family values when he instructed ministers to concentrate on a 'back to basics' theme which meant a renewed emphasis on individual responsibility and 'relying on the good sense of families'. (Guardian, 8.11.93). This was exemplified earlier by John Redwood, Secretary of State for Wales, when he urged that fathers should be brought back into the family home and where the mother *refused* to 'try to have a stable relationship' with the father, then benefits should be withheld until attempts were made to secure a financial contribution in maintenance. He went on to say;

> 'It would be better for the child and better for the family and better for the state if more fathers assumed their natural responsibilities.' (Independent, 3.7.1993:3)

Here then minsters were echoing the early rhetoric of Mrs Thatcher that fathers had an unconditional responsibility to pay maintenance. This itself was based on the belief that the moral imperative surrounding the obligation to pay maintenance was being lost. There was in effect a growing culture of acceptability and optionality surrounding the non-payment of maintenance. These themes recur throughout the political discourses surrounding the early phase of policy development.

Culture of Acceptability and Optionality

In Mrs Thatcher's now much quoted speech to the National Children's Home, she commented not only upon the low proportion of lone parents in receipt of maintenance, but that fathers were themselves walking away from their responsibilities.

> ... when one of the parents not only walks away from marriage but neither maintains nor shows any interest in the child, an enormous unfair burden is placed on the other. Nearly four out of five lone mothers claiming income support received no maintenance from the fathers. No father should be able to escape his responsibility and that is why the Government is looking at ways of strengthening the system for tracing absent fathers and making the arrangements for recovering maintenance more effective'.
> (Speech to the National Children's Home Inaugural Lecture of the George Thomas

Society; 17.1.1990)

This speech implied that whilst the system for collecting and enforcing maintenance was ineffective, the 'real problem' was the behaviour of fathers themselves. 'Absent fathers' were portrayed as indifferent and irresponsible parents who essentially viewed their financial obligations as optional. Just a few weeks later, Kenneth Baker, then Chairman of the Conservative Party advanced this view further:

> 'Not only is it ***just*** that fathers should contribute to the upkeep of their children: it is also ***crucial*** that we begin to break the culture which views it as acceptable for a man to walk away from the consequences of his actions in this way. Ensuring that fathers help support the mothers of their children is one way of doing that.'(cited in Burghes, 1991:6).

Kenneth Baker's speech emphasised that non-payment of maintenance had become acceptable and that this culture of acceptability should be attacked. The attack began with the government's announcement to strengthen the enforcement powers of the courts as an intervening measure prior to the implementation of the Child Support Act (Times, 10.6.1990; House of Lords, *Hansard*, 25.2.1991:Col 774) The attack continued on the day of publication of the White Paper when Tony Newton stated in the Commons that:

> 'Government cannot of course ensure that all children always live with both parents, but they can and should ensure that, whatever the underlying circumstances, the welfare of children is the prime consideration. An effective system for securing their financial maintenance is an important element in achieving that objective.' (House of Commons, *Hansard*, 29.10.1990:Col 729).

The government's role therefore was clear; they had to adopt a more punitive approach in order to ensure children's welfare would come first. It seemed however this could only be achieved through an 'effective system' which was under government control. Thus, although the policy was presented in terms of individual moral failure, the criticisms of a culture of acceptability and optionality, were also directed at the previous practices in the maintenance systems under public and private law.

In private law, under the 1984 Matrimonial and Family Proceedings Act, it was expected that divorcing couples would have a financial'clean break' from one another. However, this 'clean break' philosophy was never to be applied to couples with children, but it had nevertheless led to an implicit understanding that child maintenance was a relatively short term measure and even were it to continue, this was seen as being merely a token gesture (Eekelaar and Maclean, 1986; Eekelaar, 1991a; Jackson, *et al.* 1993; Davis, *et al.*1994). The tokenism of child

maintenance payments had arisen partly because it had never been clearly specified within the 1984 Act how children's interests could be protected (Maclean, 1994). This left legal practitioners to interpret the spirit of the law and led them to conclude that the best outcome of financial negotiations over property, income and maintenance was to ensure that children were left with a secure roof over their heads (Eekelaar, 1991a; Jackson *et al.* 1993; Davis *et al.* 1994; Davis *et al.* 1998). Often this process of negotiation involved offsetting the costs of child maintenance for a transfer of the family home to the mother and children, even if this meant that maintenance was so low that mothers would be required to be dependent upon IS. Indeed setting maintenance at low levels was often done in order to maximise mothers' entitlement to IS. This apparent transference of the private costs of child maintenance to the public purse was given explicit Judicial approval in the Court of Appeal. In the case of Delaney v. Delaney [1990] 2 F.L.R., a minimal order was set in recognition of the father's housing costs in starting a new relationship and in recognition of the fact that the mother's financial needs were being met by social security benefits. This decision sanctioned the principle that men had a right to make a new start unencumbered by financial obligations to first families (Davis *et al.* 1998). But additionally it was embarrassing to a Conservative Government intent on rolling back the state and reducing the costs of social security expenditure (Maclean, 1994).

Similarly, in public law, within Liable Relative procedures, it had long been recognised that men's capacity to pay maintenance was limited. Liable Relative Officers could negotiate lower maintenance payments where fathers had second families to support (Gibson, 1991; Maclean, 1994). As Finer had said in his report on lone parents families, it was not possible to devise a method that could extract 'more than a pint from a pint pot' (Finer, DHSS, 1974: para, 4.59). Thus it came to be generally accepted that fathers could opt-out of their obligation as the state would pick up the costs of supporting the first family. More importantly however, non-payment had become acceptable within Liable Relative procedures. The Liable Relative work within the DSS was given a low priority; it was under-resourced, staff were often reallocated to other duties and there was insufficient attention paid to tracing absent fathers and enforcing payment (National Audit Office, 1990; Committee of Public Accounts, HC 429,1990). Procedurally, these systems were ineffective and were partly responsible for promulgating this culture of acceptability and optionality.

The government therefore had many grounds on which to justify designing a more punitive

system for child maintenance; ideological, economic and procedural. Moreover, the development of a Child Support Agency had already been set in place in Australia and this offered the government what appeared to be a quick fix solution (Maclean, 1994). Transferring total responsibility to an Agency would, in one sweep, bypass the courts, lawyers and the clean break philosophy within private law provisions and would also ensure added funding to this hitherto neglected area of work within the DSS. The culture of optionality and acceptability could thereby be stamped out.

The economic case for reform therefore, was not as straightforward as implied in the White Paper. There were indeed some alarming trends about the increasing benefit dependency of lone parent families, but these came to light only after the idea of a new child support policy was conceived by Mrs Thatcher. Nevertheless, there is no doubt that the policy framework was underpinned by anxieties about lone parent families, both economic and ideological. But these ideological concerns spilled over into the child maintenance systems, and once attention was directed there it became apparent that a culture of acceptability had arisen over non-payment of maintenance, and in turn lone parent's dependency upon the state had become accepted. Yet despite the many procedural failings which were partly responsible for bringing about this culture of acceptability, and despite the evidence that there was a limited capacity among fathers to pay much maintenance, the government had chosen to set out its stall on the need to bring recalcitrant fathers to heel.

As highlighted above, the first aim of the policy was to establish the principle that fathers had an unconditional obligation to pay maintenance and although the responses to the White Paper were never published, Davis *et al.* (1998) found in a retrospective review, that there was almost unanimous agreement with this principle. The Labour Party were also in agreement as they had already published a consultation document on the enforcement of maintenance prior to publication of the White Paper (Barnes *et al.*1998:13). There was much less agreement however about the use of a formula and an Agency and concerns were also raised about some of the enforcement strategies, namely the benefit penalty on lone mothers and the minimum maintenance requirement (these are discussed in more detail below). Nevertheless, prior to parliamentary scrutiny, the decision to transfer responsibility to the DSS through a next steps agency, had already been taken behind the scenes. The Inland Revenue had refused to become involved (HC 277,1991:xvi) and as will be shown, the Lord Chancellor did not want

maintenance to remain under court jurisdiction. Thus the direction of policy was pre-set, not least because it also suited Treasury interests to have maintenance set within DSS regulations (Barnes *et al.* 1998). Partly for these reasons, and because confidence in the main policy principles was high, the legislative timetable that followed was swift. In addition the legislative process had little impact on the policy framework as originally conceived.

THE LEGISLATIVE PROCESS

The Timetable

During the passage of the Child Support Bill, there were only four months between the publication of the White Paper and publication of the Bill, and only five months to discuss and examine the Bill through parliament (see Table 1.2 below). Many commented on the haste of this process, in particular the lack of consultation and deliberation in comparison with other reforms of family law (Eekelaar, 1991b, Garnham and Knights, 1994; Davis *et al.* 1998). But, although a fast timetable was typical for social security legislation, this policy was pushed through even faster than usual as a result of the impending general election, and apparently, the whips had it all 'stitched up' before the debates even took place (Barnes *et al.* 1998).

The House of Lords were particularly concerned about the Parliamentary process not only in terms of the lack of time, but they also felt they were being asked to debate a piece of legislation which was a mere 'skeleton' (House of Lords, *Hansard,* 25.2.1991:Col 780). Similarly, during the second reading in the Commons, complaints were made that the detailed provisions in the Bill were to be set out later in regulations and thus no one was quite sure what it was they were being asked to support (House of Commons, *Hansard*, 4.6.1991:Cols 180 & 240). The detailed scrutiny which the regulations should have received in the Standing Committee stage was also lacking with the government managing to push through agreement on amendments with little difficulty (Davis *et al.* 1998:10). Thus a full and frank debate on the proposals was hampered from the outset. The government could easily drive the debates on the basis of the principle that fathers should pay, rather than upon the detailed application of the policy (House of Commons, *Hansard*, 4.6.1991:Col 196). Similarly as the main direction of the policy had already been decided, any discussions about an Agency were curtailed, but they were also stifled by the way in which the policy was presented to Parliament.

Table 1.2 The Legislative Timetable

October	1990	White Paper 'Children Come First' Published
February 14,	1991	The Child Support Bill published
HOUSE OF LORDS		
February 25	1991	Second Reading
March 14-19		Committee stage: the Lords reject Clause 22 (the benefit penalty) by 110 votes to 106
April 25-29		Report Stage
May 16		Third reading ; a clause taking the 'welfare of the child' into account was accepted by the government.
HOUSE OF COMMONS		
June 4		Second reading; Labour Party tabled a motion pointing out that parents in IS would not gain and might lose; and that no account was taken of property settlements. The motion was defeated.
June 13-18		Committee Stage: Introduction of the 'risk of harm and undue distress' exemption. Amendment for courts to make orders for extra maintenance for child disabilities.
July 7		Lone Parent Benefit Penalty reinstated.
July 18		Report stage and Third reading
HOUSE OF LORDS		
July 7		Debate to consider Commons amendments. Attempts to delay passage of the Bill failed.
July 25		The Bill receives Royal Assent and becomes an Act of Parliament.

Presenting the Policy

Unusually the policy was presented in the Lords first, rather than in the Commons. This may have been a result of the cross party consensus on the policy principles (Davis *et al.*1998). However, as Barnes *et al.* (1998:15) suggest it may also have been prompted by a desire to give lawyers in the Upper House the chance to debate the proposals first, or more conspiratorially, it could have been a tactic to quickly dispose of objections from this powerful group early on in the process. Clearly, as the policy was already set to transfer legal

responsibility to an arm of the DSS, the government did not want a philosophical debate on the merits or otherwise of the private law provisions. As Gibson (1991:335) had commented;

> 'The White Paper does not concern itself with serious discussion of the philosophy, role or justification of maintenance in the twenty first century.'

Certainly, a philosophical debate was most likely to take place with legal representatives in the Lords as there was considerable opposition to the development of an Agency among bodies representing the legal profession[6]. However the government took little interest in their opposition. First, there was a failure to publish their responses to the White Paper and second the Lord Chancellor, Lord Mackay, who presented the Bill to the Lords, dismissed all objections to an Agency. During the second reading in the Lords, he argued that the proper role of the courts was to deal with disputes between parties and as he envisaged that a universal formula would remove the grounds for dispute, there was no need for judicial determination of maintenance (House of Lords, *Hansard*, 25.2.1991:Col 834). Logically therefore, the proper place for child maintenance was within the DSS. Moreover, he felt that the court system pampered to people's wishes to link contact and maintenance and this was not only morally wrong, but led to difficult disputes which were hard to resolve. He was therefore anxious that these two matters be kept entirely separate. The proper means for dealing with disputes over contact was within the provisions laid down in the Children Act 1989 (House of Lords, *Hansard*, 25.2.1991:Col 837). Additionally, the Lord Chancellor's Department had already placed the independent rights of children at the centre of recent family law reform in the Children Act 1989 (Maclean, 1994). Proposals for a more effective child maintenance regime, through the development of an Agency, was therefore in accordance with promoting children's independent rights, as an efficient Agency would, potentially at least, further their financial interests. Thus, Lord Mackay introduced the Bill as if it were a natural extension of the review of family law and that it would put children's welfare first (House of Lords, *Hansard*, 25.2.1991: Col 774; DSS 1990, Foreword). This was a point that was almost impossible to dispute, not only on moral grounds, but given the complexity and lack of detail on the application of the formula, no one quite knew whether children would gain financially or not (except that is where the benefit penalty was applied).

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6 In the UK opposition came from The Magistrates' Association, the Justices's Clerk Society, the Law Society (Davis *et al.* 1998:9). Similarly in Australia the legal professions also objected to the development of an Agency (Maclean, 1994).

Lord Mackay therefore may have been strategically placed to present the policy first, in order to ward off any criticism from the legal profession represented in the Lords. Indeed, Davis *et al.* (1998:227) argue that the agency was a product of a government who would not listen; that perfectly reasonable concerns expressed by legal practitioners over the proposals for an Agency were assumed to 'be hostile voices from vested interests, whereas in reality they were the voices of experience.'. This kind of approach was typical of the Thatcher administration which had a history of attacking powerful groups. For example trade unions, teachers and the medical profession have all witnessed an undermining of their traditional power bases through legislative and administrative change. Moreover the style of policy making in these areas was said to be 'speedy, secretive and loyal to Thatcher', with review groups being set up behind the scenes consisting of key minsters and civil servants and chaired by Mrs Thatcher herself (Baggott, 1994:174). The development of child support policy followed the same pattern, with Mrs Thatcher driving policy change with the aid of an interdepartmental review group working behind the scenes and Lord Mackay was not only a key member of that group, but was clearly not in favour of the courts continuing to have a role in dealing with child maintenance. Despite or because of this, it was in the Lords and not in the Commons where the Bill was most severely attacked.

Debate in The Lords

In the Lords there was a lack of wholehearted support for the Bill. Lord Stoddart of Swindon argued that as a result, the government might do well to withdraw the Bill and set up a pre-legislative hearing before they got into 'a great deal of trouble'. Indeed he warned the government, correctly as it turned out, that the policy would prove to be an 'administrative nightmare' to implement (House of Lords, *Hansard,* 25.2.1991:Col819). Generally there were three main areas of concern expressed in the Lords which are relevant to this discussion. First, there was disapproval over the use of an Agency, though a few did welcome this approach on the grounds that an effective Agency which enforced higher levels of maintenance might help preserve marriage (House of Lords, *Hansard,* 25.2.1991:Cols 809 & 816). But more peers called for setting up a Family Court system, where all matters relating to relationship breakdown could be settled in one place and not be split across different bureaucratic systems which operated independently. Second, there was concern that the formula did not allow for negotiating an agreed financial settlement which could take account of property settlements, contact with children, the responsibilities to second families and the interconnections between

finances and personal relationships. As Lord Prys-Davies commented;

> 'To weaken the role of negotiation is contrary to the thrust of recent family law policy which seeks to encourage agreement.'(House of Lords, *Hansard,* 25.2.1991:Col 832).

However, as Lord Prys-Davies speech makes clear, these objections to the formula were based upon the principle of operating a non-discretionary system, rather than upon the detail of how the formula might work in practice. Indeed the formula was not well understood and Lord Simon of Glaisdale described it as being;

> '...just as incomprehensible as the ancient Egyptian hieroglyphs must have been to an illiterate peasant in the Nile Delta.' (House of Lords, *Hansard*, 25.2.1991:Col 817)

Thus discussion on the actual impact of the formula on fathers was limited. Third, there was strong opposition to the benefit penalty to be applied to lone mothers. The penalty would not only penalise mothers but undoubtably also harm children and was therefore against the main ideology underpinning the Bill, that children's interests were to come first. The Lord Bishop of Gloucester argued that it was far better to grant a maintenance disregard to encourage compliance lest the stick of a penalty might 'land on the children' (House of Lords, *Hansard*, 25.2.1991:col 809).

These main points, the loss of negotiated agreements, the inflexibility of the formula, the lack of a maintenance disregard and the imposition of a benefit penalty made a mockery of the contention that the Bill was an extension of family law reform. It was based on entirely different principles which were related more to social security policy making than family policy. Clearly, the Bill was precisely designed to stamp out flexible and negotiated settlements, as in the eyes of the government it was not agreements that were being produced through negotiations in the previous system, but rather a culture of optionality over payment. Despite this the Lords did succeed in amending the legislation such that the interests of children were to be given some regard in decision making (House of Lords, *Hansard*, 16.5.1991). However this would make no difference to the amount of maintenance set, nor to the level of Income Support after maintenance was deducted. The Lords also succeeded in rejecting the benefit penalty at a later date (Garnham and Knights 1994:41) although this was soon re-introduced by the government.

Overall, although some commented on the anti-father bias within the legislation, the principle that fathers should pay was welcomed in the Lords. One person however did seriously question

this principle; Lord Houghton of Sowerby said:

> 'There are numerous supports which are given in the range of social benefits to children. What then is so sacrosanct about making men pay? He has probably set up another family. That is acknowledged in the approach to the resources that a man may have to devote to his old family. It is intolerable that we should pursue in this way the old fashioned idea that fathers and breadwinners are responsible for the upbringing of their children.'(House of Lords, *Hansard*, 25.2.1991:Col 813).

However, Lord Sowerby's line was too extreme for most, as he seemed to be questioning the basic premise of family relationships and raised the spectre that fathers might not have a natural moral obligation to maintain their children. Simultaneously, he seemed to be advocating a public responsibility for maintaining children in first families. These arguments were not only contrary to the ideology of enforcing private obligations, but also confirmed the government's perspective that it had become acceptable to expect first families to rely on state support. In contrast, no questions at all were raised about the principle of the legislation in the Commons.

Debate in the Commons

Discussion on the Bill in the Commons was hindered, not only by the complexity of some of the proposals and the lack of time, but also by the lack of debate about the principle that fathers had an unconditional obligation to pay maintenance. This principle received cross party support and the Bill was felt to be fundamentally 'good' in this respect. For example, although Labour MP Mr Michael Meacher suggested that the drop off in maintenance payments may have been due to the failure of the Liable Relative procedures, he nevertheless failed to question the underlying assumption that the main problem of low maintenance returns was fathers' unwillingness to pay. Moreover, he argued that it would be better for the Inland Revenue to deal with maintenance and make automatic deductions in all cases. Thus he fully supported the principle; it was he said 'undoubtedly excellent' (House of Commons, *Hansard*, 4.6.1991:Col 196). Similarly the Liberal Party spokesman on Social Security, Mr Archie Kirkwood welcomed the principle as 'entirely unexceptional', though he felt that a Family Court rather than an Agency might be better placed to deal with maintenance with some degree of flexibility (House of Commons, *Hansard*, 4.6.1991:Col.212). Not withstanding these differences of opinion on the best place to deal with maintenance, both the main parties were pre-occupied with the benefit penalty applied to lone mothers, as it was now clear that the government intended to re-introduce this requirement after it was overturned in the Lords. Yet, whilst concerns were raised about the stringency of the formula on low income fathers, not least the automatic deduction of maintenance from a father's

Income Support entitlement, few raised more detailed concerns about the actual impact of the formula on fathers, or how it might be viewed as intrinsically unfair and be met with considerable opposition. Even when one Labour MP, Mr Michael Irvine did raise important points about the adequacy of the formula in terms of its ability to take account of travel to work costs, the costs involved in maintaining contact with children and the effects of the formula on other forms of support given by fathers, he nevertheless finished his speech with the following apology;

> 'I raise those anxieties not in a destructive manner - that would be wholly wrong because I support the thrust of the Bill - but because I am anxious to be as constructive as possible.' (House of Commons, *Hansard*, 4.6.1991:Col 225)

However, as shown in the debates in the Lords, the detailed working of the formula was complex and not well understood and as Mr Newton, Secretary of State for Social security, had said:

> '...the algebraic form in which it appears seemed to offer advantages of conciseness and clarity, but I am not sure that it is entirely transparent.' (House of Commons, *Hansard*, 4.6.1991:Col 187)

Thus the incomprehensibility of the formula combined with the haste of the parliamentary process, the setting of details later in the regulations, the pre-determination of the policy framework, the lack of widespread consultation, and the reluctance of the opposition parties to be seen to disagree with the fundamental principle, that fathers ought to pay maintenance, all contributed to a less than full discussion of the impact of the Bill, especially where the Bill could have serious adverse effects on fathers themselves. The Act was passed almost completely unaltered and despite 100 replies to the government's consultation document on the regulations following passage of the Bill, none of these were incorporated into the legislation, and like the submission made on the White Paper, neither were they published (Garnham and Knights 1994:47). Moreover, the delicate issue of fathers' contact with children was summarily dismissed by the Social Security Committee reviewing the Bill. They believed that maintenance was inappropriately used as a bargaining tool by fathers and it was hoped that the use of a formula would take the 'heat out of' disputes over contact (HC 277, 1991:para 26). However as Garnham and Knights (1994) comment, given that the reforms would impinge on people's most private and intimate relationships, and would affect the welfare of children there should have been greater discussion. As Lord MacGregor of Durris aptly described it during the report stage in the Lords; the proposals represented official dabbling in 'the stuff of other people's

souls'. (House of Lords; Report Stage 25 and 29 April 1991,cited in Garnham and Knights 1994:37). Therefore the 'all party' acceptance of the principle that fathers ought to pay maintenance implicitly colluded with the rhetoric that non-payers were uninterested in their children and were 'walking away' from their responsibilities. The moral context of debate illegitimated discussion about the full impact of proposals upon fathers because of an overemphasis on the normative expectation that they ought to support their children. This was not so apparent in the submissions and comments made by pressure groups and academics who correctly pre-warned the government that their proposals would be viewed as intrinsically unfair by fathers and were likely to create resentment and considerable opposition.

EARLY CRITIQUES OF THE POLICY

Harshness and Inequity of the formula

The formula, though not well understood, was none the less criticised for being inequitable in a number of respects. First, low income fathers would suffer as they would pay proportionally more of their incomes than richer fathers, a point also made by the Labour Party in the second reading (Monk and Slipman, 1990; Gibson, 1991). Second the minimum maintenance requirement for fathers on Income Support was not only particularly harsh as it brought them below subsistence levels, but it served only to redistribute poverty.(Monk and Slipman, 1990; Lister, 1991; CPAG, 1990; Eekelaar, 1991a; Burghes, 1993). The Child Poverty Action Group argued that a child's right to maintenance should not override a father's right to a minimum level of income (CPAG, 1990). Third, the formula was considered inadequate as it did not make allowances for travel to work costs and loan repayments (a point made only weakly in the Commons) (Davis *et al.,* 1998). Fourth, it produced inequities between former partners where previous 'clean break' settlements had been made involving property transfers or cash sums to offset the costs of child maintenance. Thus some fathers would probably be very aggrieved at having their maintenance increased without regard to these previous contributions and feel that the mother had gained at their expense (Lister, 1991; Gibson, 1991; Eekelaar, 1991a, 1991b; Burghes, 1993). Finally, the carer element in the formula (which was justified on the grounds that it recognised the mother's caring responsibilities) would essentially be viewed as spousal maintenance and would probably be very unpopular (Lister, 1991; Gibson, 1991; Burghes, 1993). That the carer element was in effect spousal maintenance, was given greater credence as a result of two additional features in the formula. Where mothers had new partners, this would not negate the payment of the carer element and the formula did not include a caring

allowance in 'exempt income' for the new partners of fathers who had child care responsibilities (CPAG, 1991; Gibson,1991). Similarly it was felt that the formula would not adequately recognise the costs of care incurred by fathers when spending time with their non- resident children (Eekelaar,1991b). Hence of the inequities created between former partners, only one is recognised as incurring caring costs for children, the mother or resident parent.

Second Families Second Best

It was also pointed out pre-implementation, that the formula would be regarded as intrinsically unfair as it did not give equitable recognition to children from first and second families, especially when the latter included step-children (Gibson, 1991; Eekelaar, 1991a; Burghes, 1993). As already shown in Table 1.1, the costs of caring for step-children were pretty much ignored by the formula. This was a radical change from the accepted practice in family law which recognised fathers' social role and obligations to children of 'the family', be they biologically related to the father or not. In general it was believed the formula would regard children in second families as second best and this led Gibson to comment that:

> 'The ingredients of economic reality, current commitment, legal expectation, and administrative formula produce a half baked loaf unable to sustain first and second families.' (Gibson, 1991:343).

The creation of a sense of unfair treatment between first and second families was also apparent in another element of the formula. If non-resident fathers had new partners who were earning, these earnings would be included in the protected income calculation, thereby increasing the amount of assessable income to be paid in maintenance. This, it was warned, would create the feeling that fathers' new partners were paying for the support of children from first families at the expense of the second family. Worse still, given the carer element, new partners would also feel they were paying to support the former partner. Research evidence has shown that these concerns were borne out on implementation (Hutton *et al.*1997; Davis, *et al.* 1998).

The imposition of a Tax

It was predicted that the formula would be viewed by fathers as essentially a Tax (Eekelaar, 1991a, 1991b; CPAG, 1990). Not only was the calculation based in a flat rate of 50 per cent that did not vary according to the number of children, but there was no maintenance disregard for mothers dependent on IS. Thus all child maintenance would be paid directly to the DSS and disappear into the coffers of the Treasury. Indeed Lord Houghton of Sowerby had argued that it was in effect a 'PAYT' tax; a 'pay as you are told' tax and as such it should have been included within the Finance Bill (House of Lords, *Hansard*, 25.2.1991:Col 812). However this was not a new regulation imposed by the Child Support Act. Under previous benefit rules maintenance would be deducted from IS entitlements, but given that higher demands of maintenance were expected under the formula, and that it was obligatory for lone parents on IS to apply for maintenance through the agency, it brought this provision into sharper relief and the common perception is that it is indeed a Tax (Davis *et al.*, 1998:40). It appears that the interests of the Treasury were paramount within the calculation of the maintenance liability. As Maclean and Eekelaar (1993:213) later observed the state was able to hitch its own financial worries onto the interests of children.

It was accurately predicted that these elements, the carer allowance, the overturning of past settlements, the non recognition of the fathers' caring costs for non-resident children during contact visits and the primacy given to children of first families at the expense of step-children in particular, were bound to lead to a great sense of injustice among non-resident parents. However as already demonstrated the government was uninterested in such critiques partly because of the almost unanimous support for the principle and partly because it had already been decided to transfer responsibility to an agency in an effort to overturn the culture of optionality and acceptability that surrounded maintenance payments. There was no place in an administrative system for a flexible and discretionary approach which could take account of all these factors that might produce a sense of unfairness. In any event the formula itself was internally consistent in that it was based upon Social Security notions of equity among clients and it also conformed to similar developments abroad of administrative child support schemes[7]. Nevertheless it is clear from the ideological nature of this policy that the government was

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Policy makers visited Australia, New Zealand and Wisconsin in the USA to gather information on their child support systems (DSS, 1990:Vol 1) These countries in particular faced similar problems about the rising dependency of lone parent families (Davis *et al.*, 1998).

engaged in social engineering in order to alter people's behaviour in line with a particular ideology of family life. In so doing they had set themselves up in direct opposition to fathers, despite the many valid warnings that the new system would be viewed by men as unfair. It is perhaps not surprising then that on implementation there was a massive backlash to the policy.

THE BACKLASH

The Child Support Act was implemented in April 1993, but within only six months there was a public outcry about the Child Support Agency. Fathers responded to increases in maintenance set by the agency, with shock, anger and disbelief. One father, who faced a four fold increase in his maintenance liability, said:

> 'I went into a state of shock... I feel criminalized because I can't afford to pay the new amount. She earns more money than me but this new agency gives her carte blanche to take me to the cleaners.' (Independent, 14.10.1993)

Consequently the CSA was accused of impoverishing fathers and creating 'injustice' as maintenance amounts were substantially increased (Independent on Sunday, 11.8.1993; Times 19.8.1993), that it was creating perverse work incentives as fathers believed they would be better off claiming social security benefits (Independent, 4.10.1993) and that CSA maintenance assessments overestimated the cost of caring for a child (Independent, 2.10.1993; 4.10.1993). The formula which calculated the amounts of maintenance was also heavily criticised as it neither took sufficient account of fathers' existing debts, nor other past or current expenditures relating to non-resident children (Times, 3.9.1993; Independent 2.10.93).

Against this backdrop of anger, the publication of a leaked CSA memo in The Guardian newspaper added fuel to the fire (13.9.93). The memo suggested that the operational strategy of the CSA was to prioritise fathers who were already paying maintenance as opposed to pursuing errant fathers who were not paying. Consequently the CSA was further condemned as the 'Fast buck child agency' (Guardian, 15.9.1993), that it was imposing an 'Unjust Burden' on responsible fathers (Times, 30.9.1993) and ultimately that the CSA was chasing the 'wrong kind of guy' and had 'proved seriously flawed in practice' (Independent, 5.11.1993). Another father summed up the mood at the time:

> 'It is a heinous, punitive act which catches all, including the caring absent father who has regularly paid for the upkeep of his children. Why are such draconian measures wielded against the ordinary law-abiding citizen? (Independent, 18.9.1993)

Following this memo it was generally believed that the agency had adopted inappropriate mechanisms in order to meet its first year benefit savings target of £530 million. This in turn added weight to the criticism that the Act was putting the needs of the Treasury first before children (Guardian,13.9.1993; Independent,19.9.1993). The public hostility over high maintenance assessments and over the implication in the memo that the agency were pursuing 'caring fathers', led to a further cascading sequence of events over the next three months.

First, twenty charities banded together to act as a monitoring group to inform MP's about the impact of the Act on non-resident parents. They were joined later by the Family Law Society and they lobbied for immediate changes to the agency (Independent, 2.10.1993; Independent, 20.11.1993; Roll, 1994:21). Second, outraged fathers and second families formed two nationwide protest groups; 'The Network against the Child Support Act' (NACSA) (Times, 6.10.1993; Independent, 7.10.1993) and the National Campaign for Fair Maintenance (NCFM) (Times, 29.10.1993). Third, solicitors were supposedly advising those fathers intent on avoiding the agency to deny paternity of their children (Independent, 26.10.1993). One member of the Family Law Bar Association warned that when the agency did become fully operational the outcry would only get worse. He said:

> In 1996, it [Child Support Agency] will be able to tear up and renegotiate every divorce settlement retrospectively. There will be a scream of pain from middle-class Tories which you will hear on the other side of the world.' (Independent On Sunday, 7.11.1993)

These fears however were never completely realised as the agency went on to face so many changes that it failed to reach the end of its transitional phase and never became fully operational in the way it was originally intended. Finally, these events convinced Labour MP Frank Field, the chairman of the Social Security Committee, that changes were needed to ensure that errant fathers became the first targets of the agency (Times, 9.10.1993) and by the 20th of October the Social Security Committee announced there would be an emergency enquiry into the operation of the agency (Independent, 21.10.1993; Times, 21.10.1993). Within a week this was followed by cross party demands for an immediate Commons debate on the Child Support Act (Times, 29.10.1993).

The mounting protests against the Act however were not stemmed. The members of the Social Security Committee had received some 800 letters of complaint (HC 69, 1993) and by the end of November the CSA was reportedly receiving 70 letters of complaints a day, their press

officers were under siege by local and national Press and 32 Labour MPs had signed an early day motion calling for the complete abolition of the CSA and the Act (Guardian, 29.11.1993). Worse was yet to come however, when in early December, the suicide of one father was attributed to the increased maintenance demand he had received from the agency (Economist, 1.12.1993). This was to be the first of many suicides blamed on the agency and to the present day, NACSA keeps a running total of suicides supposedly caused by the effect of the CSA (NACSA NEWS, 1994 -1999[8]). Overall this was a massive response to the implementation of the Act from what turned out to be a mere 36,000 assessments made by the agency in its first six months of operation (HC 69,1993:4). The further developments of policy following this backlash and the reasons for it are explored in more depth in the next two chapters. Suffice to say that the government had been forewarned about the sense of injustice stored within the new proposals and even the Social Security had expressed doubts that the policy was workable, but these had been ignored (HC 277,:1991).

SUMMARY

The Child Support Act of 1991 was not a family policy. It was not, despite the rhetoric, developed in the best interests of children and nor was any attention given to fathers' needs to have contact with their children. Rather, it was born out of a desire to both change people's behaviour in regard to their private financial obligations and to undermine the role of the courts and professional practice within private law. This practice had led to the view that child maintenance was part of a negotiated settlement involving income and asset distribution following family breakdown. The process of reform owed more to the ideologies of the Conservative Government to reduce expectations of welfare state provision by promoting private welfare and to fiscal considerations of cutting public expenditure costs. This is clearly apparent from the way in which evidence was gathered hastily to bolster the pre-set policy framework and in the ways in which the policy was both designed and presented to Parliament for discussion. First, the policy was based on a paucity of evidence on the ability of fathers to pay, or pay more maintenance and instead, despite indications that the systems for collecting maintenance were failing, it was argued that non-payment was the result of individual moral failure. There was, in such a logic some spare capacity to pay maintenance which the government could consume. Second, the policy was pre-designed specifically to transfer total

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8 This campaign group has since changed its name to the 'National Association for Child Support Action'

responsibility for setting child maintenance within a public administrative system with standardised rules and procedures; all arguments against this approach and arguments for an alternative Family Court system were ignored. Third, the reforms were presented to Parliament with the main direction of policy already set, with minimal detail on how it would work in practice, with limited time for debate and with little regard for the critiques offered by interested parties. The Conservative Government also failed to pay heed to the multiple warnings that not only would the proposals store up a great deal of resentment among fathers but that it was an administrative nightmare in the making. The future development of the policy on implementation give testimony to these two main critiques and this is now explored further in chapter two.

CHAPTER TWO

A DISASTER WAITING TO HAPPEN?

INTRODUCTION

As Chapter One has shown the Child Support Act 1991 was hastily introduced, the intricacies of the formula were not understood and thus the likely impact on non-resident fathers was not given due attention in parliamentary debates. Many had forewarned the government that the legislation would cause both resentment among fathers and be met with resistance, but these warnings went unheeded. Rather the Act was passed on the back of a firm belief that non-resident fathers were the main culprits responsible for the fall in maintenance receipt among lone parent families and therefore strong and radical action would be necessary to make these recalcitrant men pay. The furore that erupted within six months of implementation took many politicians by surprise and the leaked memo to the Guardian newspaper caused considerable alarm that inappropriate action may have been taken by the agency to fulfill its first year benefit savings target. This memo prompted the first enquiry by the Social Security Committee, but was just the first step in a continual process of policy evaluation and reform conducted by this Committee over the lifetime of the policy under the Conservative Government from 1993 to 1997. However despite, or because of, their involvement this policy limped from one reform to the next without showing much improvement in policy objectives of increasing levels of maintenance.

In order to understand the nature of the backlash that ensued on implementation, the impact this had on further changes, and the continued failure of this policy despite a second amending Act in 1995, it is necessary to follow the history of the Committee's investigations and recommendations.

Normally an analysis of policy would not use Social Security Committee enquiries to structure the history of policy reform. But in the case of the Child Support Acts this is entirely appropriate for a number of reasons. First, as part of a revitalised public management initiative, the whole structure of House of Commons Select Committees was set up to aid the process of parliamentary policy scrutiny. The task of these Committees is to improve the flow of information about policy development, implementation and operational performance to aid

parliamentary decision making and enhance public accountability (Barnes *et al.*, 1998). Apparently in line with this system, the Conservative Government handed over the task of reviewing this policy to the Committee. Analysing the role played by such committees is therefore increasingly important to gain an understanding of the nature of policy development. Second, from the very outset, while the Bill was going through Parliament in 1991, the Committee endeavoured to seek evidence from interested parties who opposed certain elements of the policy. Thus the Committee already had prior in-depth knowledge of some of the early critiques and had covered some of the issues in greater depth than was the case in parliamentary debates. Third, it seemed the Committee itself had become more than reviewers of policy development but had become the main arbitrators of reform. This may have been because Parliament had become the focus of outrage. MPs were besieged by complaints from irate parents and the government may have felt that the Committee, being one step removed, would be better placed to make less fevered judgments about what needed to be done. Finally, the Social Security Committee itself became part of the problem. It was less critical than it might have been partly because its Labour Chairman, Frank Field, was deeply committed to the Act's principles and thereby sought to tinker with the policy at its margins. Ultimately it took the Committee of Public Accounts to state unequivocally that the policy had failed and was not going to work.

There are therefore a number of advantages in using the Social Security Committee enquiries to monitor policy implementation and development. The enquiries were pivotal to policy reform and in following them it is possible to obtain a sense of real time in which four phases of policy development can be identified. This helps explain how the changing attitudes of politicians and public alike had an impact as the policy was unfolding. These phases began with an initial period of suspicion and misconception which highlighted the level of ignorance about the nature of the policy in the first instance. This moved onto a phase of increased knowledge about the detailed impact of the Act and then onto acceptance of policy failings which produced the second amending Act of 1995. By 1996 however, there was almost a u-turn from acceptance of administrative failings to blaming individuals for continued problems and finally there was a period of denial of policy failure as the general election was approaching in 1997. This long process of learning about the policy, about the nature of fathers obligations, and finally the denial of policy failure, helps explain how the saga of child support has lasted so long. It also explains the backdrop to the recent policy developments of the new Labour

Government. This chapter therefore differs from the review of policy development conducted by Barnes *et al.* (1998) who concentrated mainly on retrospective evaluations relying on key informants who spoke with the benefit of hindsight. Though the discussion will also draw on Barnes *et al.'s* retrospective review as well as on other evidence, from the Parliamentary Ombudsman (HC 135, 1995; HC 20, 1996), the Select Committee on the Parliamentary Commissioner for Administration (HC 199, 1995), the Committee of Public Accounts (HC 31, 1995; HC 313, 1998) newspaper articles and campaign group literature.

This chapter therefore aims to give an account of policy reform as it unfolded and to provide a critique of the Social Security Committee's role in policy development. It will identify the main controversies of the policy from the viewpoint of non-resident fathers and will raise questions about why the reforms which sought to address these questions met with limited success. It begins with an examination of the Social Security Committee's first enquiry which considered the operational strategy of the agency and the impact of the formula on non-resident fathers' work incentives. It will then move on to cover the reasons for subsequent enquiries and continual policy reform. Finally it will briefly discuss the latest child support proposals of the Labour Government and question whether these are likely to improve matters.

Operational strategies of the CSA

Part of the explanation for the early furore over the Act on implementation lay within the damaging effect of high maintenance assessments produced by the formula. Fathers, the media and politicians were certainly shocked to learn about the high levels of maintenance demanded under the formula. But additionally there was a widespread misconception as to the main purpose of the Act among the public and among MPs; that its primary purpose was to make recalcitrant fathers pay maintenance. Infact the Act had a much wider remit to reassess maintenance for all fathers, that is, where their former partners were dependent upon Income Support, Family Credit, or Disability Working Allowance. This misconception became apparent as a result of the leaked memo to the Guardian newspaper which stated:

> This is not the time for the cases we know should get early attention, but which will need a lot of effort to extract money. The name of the game is maximising the maintenance yield - don't waste a lot of time on non-profitable stuff!
> (Guardian, 13.9.1993)

The memo appeared to confirm public perceptions that the CSA were prioritising 'soft targets',

i.e. pursing men who were paying maintenance, as opposed to tracing 'irresponsible' non paying fathers. Tracing irresponsible fathers was seen as the primary function of the agency and this memo certainly raised concerns that the agency were bending the rules in order to meet their first year benefit savings target of £530 million. With the smell of impropriety in the air about the strategies adopted by the agency to meet this target, namely assessing fathers who were already paying maintenance, the Committee sought evidence from two key players, Mr Alistair Burt, the Parliamentary Under-Secretary of State for Social Security and Ms Ros Hepplewhite, the first Chief Executive of the CSA.

Given the air of suspicion surrounding the agency's operational strategies, this was not going to be an easy meeting. Mr Burt was rather keen to avoid responsibility and Ms Hepplewhite was evasive about the types of cases that the agency were taking on as a priority. Mr Burt described the agency and the formula as 'creatures of statute' and the benefit savings target as a 'Government target', thus implying a collective responsibility for any policy failure. Similarly he ascribed himself a minimal operational role in which he merely set 'aims, targets and objectives' and a 'broad framework within which the agency can work' (HC 69, 1993: 25-26). After that, he said:

> ... if the concept of the agency is to mean anything at all, then those responsible for the operations must have the opportunity to do that work, ...
> (HC 69, 1993: 27)

Clearly Mr Burt was attempting to pass the buck. As will be seen such blatant attempts to avoid ministerial responsibility did not wash so easily with the other government committees.

Nevertheless, despite Mr Burt's and Ms Hepplewhite's attempts at evasion, they were finally forced to give written evidence to the Committee showing the types of cases that had been taken on in the first six months of operation. It became apparent that Ms Hepplewhite had misled the Committee as to which types of cases had made up the bulk of the agency's case load. She had insisted that the first priority was given to new cases of Income Support and Family Credit claimants who did not have existing maintenance agreements and that these would make up two thirds of all cases dealt with in the first year. However, the figures demonstrated that the numbers of existing Income Support claimants already in receipt of maintenance had made up a disproportionate number of all cases dealt with by the agency in the first six months: 44 per cent whereas the target for this group should have been 22 per cent.

The numbers in this category also exceeded the end of year target (see Table 2.1 below).

Table 2.1 Child Support Agency caseload 1993-1994

Groups of Maintenance claimants (Parents with Care)		*Number of cases* *No.*	*Percentage of cases* *%*	*Estimated percentage receiving maintenance* *%*
New and Repeat Income Support cases	Actual September 1993	154,105	29	20
	Target 1993-94	455,000	45	20
Family Credit cases	Actual September 1993	122,822	23	24
	Target 1993-94	269,000	27	24
Existing Income Support cases	Actual September 1993	230,637	44	95
	Target 1993-944	220,000	22	100
Non-Benefit cases	Actual September 1993	19,643	4	0
	Target 1993-94	66,000	6	0

Taken from HC 69, 1993; p 45.

The Committee therefore concluded that the agency was not treating cases 'evenhandedly' and that some were selected for early attention (HC 69, 1993: para 31:32). Despite this they disregarded claims that the agency were pursuing 'soft targets'. Rather they recognised that underlying these accusations was the drive to meet performance targets in order to make savings to the social security budget. However, this was an objective that the Committee supported. They stated:

> We believe this objective to be an important one. The committee believes that taxpayers have for too long been asked, in effect, to pick up maintenance bills that should have been met by absent parents.
> (HC 69, 1993: para 18)

They were however concerned that the targets were merely an 'informed guess' and that pursuit of them may throw the agency into administrative chaos as they got bogged down with too many assessments. Consequently, they cautioned the government to relax the targets for

the first year (HC 69, 1993: para 27). Ultimately the Committee were less concerned with evenhandedness than the effects of stringent targets on the agency's performance.

The whole drama surrounding the memo, proved, in the end, to be a damp squib. Most importantly, what the furore over the memo did demonstrate was how, like the public, MPs were labouring under the misconception that the main purpose of the Act was to pursue non-payers of maintenance.

Misconceptions surrounding the Act

Media coverage and political rhetoric surrounding the introduction of the Act had focussed on the issue of parental irresponsibility and fecklessness. This rhetoric led to popular misconceptions about the CSA's function (Independent, 18.9.1993; 4.11.1993; Guardian, 29.11.1993). For example some men sought Court action to have their CSA assessment overturned as they believed the CSA was mistaken in pursuing 'caring' or paying fathers. As one father said his Court action was intended to 'expose this loophole which is hammering caring fathers.' (Independent, 1.10.1993). Lone mothers were equally mistaken:

> [The Act] is a good thing in theory, but I think they're targeting the people who are obvious, as opposed to chasing the men that aren't paying up.
> (Clarke *et al.*, 1994: 106)

> They're penalising the honest ones, not the dishonest ones, if you like.
> (Clarke *et al.*, 1994: 107)

Ms Hepplewhite was fully aware of these misconceptions claiming that the changes would be nothing less than a social revolution and that it would shock most men to the core. Even prior to the launch of the agency, she had said to the Guardian newspaper in 1992 that:

> One of the big misconceptions I am fighting is that the Agency is involved in some moral crusade to punish feckless fathers or punish irresponsible behaviour. In fact the Agency makes no moral judgments whatsoever. Many fathers who have been entirely responsible in paying maintenance under existing arrangements will find that their bills are significantly increased; many so called feckless fathers who perhaps have re-partnered or have low incomes, will not have to pay maintenance at all.
> (Reprinted in the Guardian, 19.11.1993)

Little did people realise that all groups of non-resident parents would be reassessed under the terms of the Act - payers and non payers - and a high proportion would face increases in their maintenance liabilities. Thus the full impact of the Act had not been generally understood. As

Mr Field had pointed out, the now loudly heard cries over the adverse effects of the formula had been ignored in the passing of the Bill because the principle of the Act had engendered universal agreement.

> But the climate of opinion meant that ministers could just ignore them. The debates were sparsely attended.
> (Independent on Sunday, 7.11.1993)

This view was later confirmed by Barnes *et al.* (1998) in their retrospective review of the development of the Child Support Act. They reported a key policy maker as saying:

> Looking back on the course of Parliamentary proceeding, I can say that the Bill was not adequately debated by MPs. There had been much lobbying by pressure groups but an amazingly large silence from MPs of all parties. The whips had stitched it up. All politicians wanted the Act on the statute books. Between February 1991 and the Royal Assent in July 1991, politicians said very little.
> (Barnes *et al.* 1998:30)

Very few Ministers had bothered with the detail and the Act had been passed with minimal scrutiny precisely because it was immersed in an accepted rhetoric about the feckless uncaring nature of 'absent fathers'. As James Pirrie, an executive member of the Solicitors' Family Law Association commented:

> Looking back, the most astounding thing about this fiasco is how middle-class left and right-wingers created the mythical bogeyman of the absent father who wandered around council estates, siring children without a care in the world.
> (Independent on Sunday, 7.11.1993)

Clearly there was a failure in marketing the policy and the agency and there is some evidence that this was intentional. During the committee's first enquiry Ms Hepplewhite explained:

> ... the contributions that parents will make will be higher under the new formula. There was only a limited understanding of this point, it is true, prior to the Agency's launch. That was partly deliberate.
> (HC 69, 1993: para 86)

The DSS had set out to avoid explaining the formula and its likely impact on large numbers of people. Now however, Ms Hepplewhite welcomed the media coverage as being 'very helpful in promoting debate' (HC 69, 1993: para 86). Significantly Ms Hepplewhite was not only acknowledging a failure in marketing, but was also implying that debate over the formula had been purposely suppressed. All these factor, the failure in marketing the policy and the disinterest and prejudice against non-resident fathers as a result of negative political rhetoric (which ironically sought to seek support for the Act), explains how a senior politician like

Frank Field believed that the agency should have been pursuing errant fathers as its first priority. These failures were also responsible for keeping the public and MPs in the dark about the intricacies of the formula and they engendered misconceptions about the primary function of the agency. Additionally, during the passage of the Bill in 1991, meaningful debate was hampered by the controversy surrounding the benefit penalty applied to 'non-cooperating' lone parents. As some have commented, with hindsight, this was perhaps not the most important issue (HC 69, 1993; Bradshaw, 1994; Barnes *et al.*, 1998). This tendency to glide over, or ignore, the potential impact of the policy on non-resident fathers could not continue in the face of such public dissension. The time had come to both examine the formula in detail and to take complaints from fathers seriously.

Problems with the formula

From the plethora of complaints submitted to MPs, the Social Security Committee had a clear idea about the main problems surrounding the formula, these were: the ability of fathers to pay higher amounts of child maintenance, the lack of allowances for 'unavoidable expenses' such as legal fees and other costs of divorce, travel to work costs, the costs of seeing children and the costs of supporting step-children and second families. The most controversial element however, was the retrospective nature of the formula where it not only overturned existing court agreements, but also failed to take account of past capital settlements made under the 'clean break' philosophy applied in the courts. The committee felt this element was particularly unfair as in effect those who had made capital settlements (such as giving up their financial interest in the family home in lieu of lower maintenance payments) would be 'paying twice'. Mr Field pointed out that this aspect was unlikely to win public support for the Act (HC 69, 1993: para 29).

Therefore even prior to this first enquiry, the Committee were clear that the formula might be too stringent and inflexible. However, they also learned that the higher demands for maintenance left low income fathers only marginally above the basic subsistence income provided by Income Support. With the additional effect of passport benefits, it was feasible that some fathers would be better off giving up work than paying child maintenance. Work incentives were therefore under serious threat. Additionally the Committee found that fathers were faced with high levels of arrears as a result of slow assessment times of three months or more. The evidence had demonstrated that fathers (and MPs) had failed to understand that all

parents would be assessed using the formula whether they paid maintenance or not, that the formula did have a perverse effect on work incentives and that fathers faced high levels of arrears. It seemed that the Committee believed this could account for the public outcry; and as the Committee was made up of mainly Conservative MPs and as Frank Field supported the policy principles, this galvanised the committee into agreeing a list of recommendations rather than seek abolition of the Act: dissension coming from only one Labour MP, Mr Corbyn. Consequently they met with considerable success in having their main recommendations accepted by government and changes were introduced which marginally reduced the stringency of the formula to preserve work incentives, and these were to take effect immediately (February 1994) (Cm 2469, 1994).

Clearly, the government had little option to make changes to preserve work incentives or else the policy would be undermined forever. But it is astounding that this problem with the formula had not been predicted beforehand. However whilst this was retrospectively addressed, the government also reduced the burden on richer fathers by placing a limit on the additional amount of maintenance that was expected over and above the basic maintenance requirement for those with higher incomes. It can only be assumed that this new proposal was intended to appease all fathers affected by the Act, particularly as the most vocal campaign groups consisted primarily of 'middle class' men.

However, the government rejected the Committee's other recommendations on reducing assessment times and recognising the costs of step-children. The government felt there was no need to tackle slow assessment times as these would reduce as a matter of course (an entirely wrong assumption as it turned out). Similarly they did not accept the committee's view that step-children were suffering as a result of lack of allowances in the formula, or that step-families deserved special recognition as they reduced the number of lone parent families. The government argued that any special recognition of step-children ran contrary to the principle that the parents' first priority was to natural children (Cm 2469, 1994).

Yet while the Committee met with success in having some of their proposals accepted, they never reached the stage of making recommendations on the two aspects of the formula which they had identified as being particularly controversial: the failure of the formula to make allowances for certain 'unavoidable' expenditures and past settlements. The Committee were

surprised at the government's intransigence over these matters and they were eventually worn down by the rationale of Mr Burt's counterarguments during the enquiry. First they accepted that the inclusion of some expenditures and not others in the formula would reintroduce an element of discretion and as before, under the court system, financial obligations to children would fall down the list. Thus the Committee could not continue to argue for the inclusion of certain expenditures without being seen to place the obligation to children second. They concluded:

> We believe, however, that child maintenance in the form of money should have first call on a parent's income.
> (HC 69, 1993: para 59)

Second, while the Committee clung to the view that failure to take account of past settlements was '*prima facie* unfair'(HC 69, 1993: para 70), a view they had expressed previously (HC 277-ii, 1991), they nevertheless accepted that it would be 'extremely difficult' to calculate the value of past settlements to include them in the formula and they made no recommendations for this reason (HC 69, 1993: para 74).

Arguably, the Committee had either taken the easy way out by accepting the difficulties of adapting the formula to recognise capital settlements or they still failed to understand how the formula worked. Indeed in a subsequent enquiry they had to have a special meeting to have the formula explained to them again (HC 470 - i, 1994: para 47). Even so, this seemed to have little effect, as in 1996 Frank Field publicly admitted that only one member of the Committee understood the formula, presumably himself (NACSA News, May/June 1996: 24). But it was equally possible that any new rules on capital settlements might be open to manipulation by fathers who sought to reduce their obligation through such settlements. Not only had the Committee previously identified this as a problem (HC 277-ii, 1991) but Mr Burt had also alluded to such potential abuses when he said:

> I am quite clear that property transfers should not have been used as a way to avoid maintenance payments for a child.
> (HC 69, 1993: para 150)

It was probably this fear of abuse which had changed the Committee's resolve on recommending changes on past settlements, though this was never made explicit perhaps for fear of alienating fathers even further. Similarly, it could be argued that the government was being particularly obstinate over this matter as they refused to recognise the meaning behind

'capital settlements': that they were made for the benefit of children - a point made by the Committee in its earlier report during the passage of the Bill (HC 277 -ii 1991: para 72), but not followed through in this first enquiry post-implementation.

In the final analysis, the Social Security Committee accepted that the formula was too stringent, particularly on low income fathers and step families. Certainly, though the Committee had expressed doubts about the policy in 1991, most members had only began to grapple with the vagaries of the formula and the full implications of the Act during this first enquiry and this might partly explain why they did not pursue the most controversial issues. But they and the government were soon forced to reconsider their position as the February 1994 changes were not well received and public protest grew alarmingly.

Problems with the formula continue

Responses to the 1994 changes were logged in the House of Commons library and reviewed by Roll (1994). Her review revealed that both of the opposition parties and fathers' groups felt the changes represented mere tinkering with the formula: past settlements, costs in maintaining contact with children, the housing costs of current partners and the introduction of a maintenance disregard had not been dealt with. Mr Dewar, Labour's Social Security spokesman warned that:

> If Ministers think that this package will allow them to close the book on the Child Support Agency problem, they are wrong.
> (Cited in Roll, 1994: 27)

Whilst Families Need Fathers (FNF), concluded that the changes were:

> ... like trying to throw a few half-gnawed crusts of bread at major famine...
> (Cited in Roll, 1994: 29)

One of the new anti-act groups the National Campaign for Fair Maintenance, were reported in the press as saying the changes represented 'cosmetic panic measures' and they warned:

> People are desperate. They see no way out. If the Government does not get to the root cause of the problem - the strict, rigid formula, it is going to have anarchy on its hands.
> (GQ Magazine, March 1994)

Other interest groups and charitable organisations were a little less scathing. The National Council for One Parent Families (NCOPF), National Association of Citizens' Advice Bureaux (NACAB) and the Child Poverty Action Group (CPAG) broadly welcomed the changes,

though NACAB and CPAG felt that the Protected Income levels needed to be higher still and that the additional payments expected of the fathers with higher incomes should be stopped. NACAB however, went further and argued for the abolition of the carer element (see explanation of the formula in Chapter One), the requirement for lone parents to co-operate, the benefit penalty applied to lone parents, and the minimum rate expected of non-resident parents on Income Support. Conversely, the NCOPF were much more reticent and they later threatened to withdraw their support if any more concessions were made in favour of non-resident parents (Guardian, 12.4.1994).

Clearly, the 1994 changes were inadequate and public protests were not halted, rather they escalated out of control. Some elements of the fathers' group NACSA (Network Against The Child Support Act), went on to adopt violent and intimidating tactics against the staff of the CSA. These included harassment of known employees, and the sending of razor blades and other offensive literature through the post in CSA correspondence. Additionally NACSA were held responsible for insolent fly-posting depicting the Secretary of State for Social Security, Peter Lilley and Ros Hepplewhite as murderers responsible for the suicides of non-resident fathers (HC 470-ii, 1994: 35). Such was the level of public anger that Ms Hepplewhite had to be driven around in a bullet-proof car.

Consequent to the escalating public hostility (despite the February 1994 changes), and coinciding with the publication of the CSA's first annual report which demonstrated performance was poor, the Social Security Committee were forced to conduct a second enquiry in the summer of 1994. So controversial had this legislation now become, that the Committee in the opening pages of its second report stated:

> ... that the issues of child maintenance have risen from being almost a footnote to public policy to a major topic in the affairs of the nation.
> (HC 470, 1994: para 4)

This very telling statement highlights the general apathy and lack of interest previously afforded to this policy by politicians and Parliament. As one Labour MP was to note years later, the government had failed to use the Special Standing Committee procedures which would have allowed testimonies from expert witnesses and enabled more effective policy making (House of Commons, *Hansard*, 20.6.1997: col.577). Now it seemed, that alongside a damage limitation exercise, the Social Security Committee were having to retrospectively conduct a

wide process of consultation with all parties including lone parent organisations, advice agencies, children's charities and the vociferous fathers' campaign groups - a process that should have been conducted properly prior to implementation and was arguably not the job of the Social Security Committee.

Conceivably the government were now using the Committee to halt the loss of faith in the policy, especially as the first thing the Committee set out to establish was whether the policy principles were fully supported - a role surely for the government.

In its second enquiry the Committee sought to confirm that the fathers groups supported the principle that fathers had an obligation to pay maintenance. This confirmation was duly given and the Committee felt confident that the basic policy principles were sound. All that was required now was for them to consider whether further changes to the Act or to the agency were 'necessary to reinforce these principles' (HC 470, 1994: para 3). There was it seemed no need to dig up the policy by its roots and start again. The Committee believed that what was required were changes in administrative procedures to improve the agency's performance and the service to parents (mothers and fathers), to recognise that the reordering of fathers' obligations promulgated by the Act could not take place overnight, and that adjustments to the formula were needed which balanced the responsibilities of mothers, fathers, second families and the tax payer.

The Committee went on to make 22 recommendations, 16 of which related to administrative matters and performance targets, and six to changes to the formula - all six of which reduced the maintenance burden on fathers. These were given legislative form by the government in a second Child Support Act 1995.

Broadly the main changes pertinent to fathers were:

- allowances for past capital settlements, for the full housing costs of partners and step children and high travel to work costs
- a limit on the amount of maintenance set at 30 per cent of net income
- the ceiling of the additional element was reduced by 50 per cent

- a new 'departures' scheme which would allow the Agency to deviate from the formula if fathers could prove hardship under tightly controlled conditions (DSS, Cm 2745, 1995).

Thus many of the complaints levelled at the formula were recognised. Most notably, the new departures scheme introduced an element of discretion which demonstrated that the government had finally accepted that not all cases could be 'fairly treated' under the existing formula (DSS, Cm 2745, 1995: para 2.1). Simultaneously however, as the mother could apply for an upwards revision of maintenance under the departures scheme (if she suspected that the father was hoodwinking the agency about his financial means) this scheme was also designed to halt abuses by fathers. This led NACSA to dub it as a 'snooper's charter' (Sunday Times, 28.1.1996). NACSA need not have been concerned, as the scheme was not introduced nationally until December 1996 and was subsequently overtaken by events. Another significant development was the deferment of non benefit cases and deferment of some pre April 1993 benefit cases, as it had become apparent that the agency was struggling against a mounting backlog of cases (this and other administrative problems are discussed subsequently). Overall, the 1995 reforms were significant. However they were a watered down version of what might have been proposed.

Suggestions made mostly by Labour members of the Committee but out-voted were: that the marginal element be increased further from £30 to £40, that the total cost of pension contributions be allowed for, that the government introduce a simpler percentage based formula (suggested by Frank Field) and that a maintenance disregard be introduced where children were dependent on Income Support. Arguments put forward in favour of a disregard were:

> The Child Support Agency is badly in need of a few million cheerleaders in the country. A maintenance disregard, would we believe, act as an effective recruiting sergeant for such a mass band of supporters. This support we believe will begin to counter the more overtly political campaign by absent parents against the Act. **We recommend that a maintenance disregard of £8 per week is introduced for parents with care on Income Support.** (HC 470, 1994: para 42)

Evidently it was not the needs of children which drove this proposed recommendation. Indeed the Committee in its first report, did not accept that reclaiming maintenance monies was detrimental to children dependent on Income Support; they argued:

> ... it was always intended that, in cases where it was assessed that the absent parent could afford to do so, the financial responsibility for the care of children should move from the

> social security system to the absent parent. In some cases, maintenance would be a substitute for Income Support; in others, the sums received by the children will certainly improve their circumstances. (HC 69, 1993: para 20)

This statement was made despite the fact that only £50m of the £530m benefit saving target would be retained by parents with care (HC 69, 1993: para 19). But the Government also failed to act independently on this matter. They were steadfast that a maintenance disregard would reduce the work incentives of lone parents to move off Income Support. One casualty of the balancing act was therefore non-resident children, despite one aim of the 1995 Act being to ensure 'many more children' would be supported by their parents. The other aims of the Act were to ensure that absent parents would not 'wilfully' be able to avoid their responsibilities, that absent parents would not suffer 'undue hardship' and that the CSA would work more effectively (mainly through deferment of cases) (DSS, Cm 2745, 1995: paras 2 and 3). Yet according to the Secretary of State for Social Security, Peter Lilley, the overall aim was to improve acceptability and increase compliance, precisely what some members of the Committee hoped would be achieved through the introduction of a maintenance disregard (House of Commons, *Hansard*, 20 March 1995: col.22).

It is hard to say how far this lost opportunity for a maintenance disregard contributed to future policy failure as the CSA stumbled into deeper administrative chaos and this also overshadowed the hopes for the departure scheme to increase public support. Moreover, the introduction of a degree of flexibility within a rigid administrative system sends confusing signals as to the main principles of the Child Support Acts - should the maintenance obligation be discretionary or not? Some have argued that this reform represented the first major crack in the policy undermining its principles and that tweaking the formula would not produce the individualised justice that some parents hoped for (Davis *et al.* 1998). Clearly the departure scheme sat uncomfortably juxtaposed between the principle of a standardised universal obligation and the call for increased discretion and adjudication. It also demonstrates how the government was tripped up by its own rhetoric of fecklessness as they now acknowledged that some of the fathers' complaints were genuine - they were not all bad guys after all.

In the first three years of operation of the CSA, two major enquiries by the Social Security Committee led to changes in the regulations, the formula, the deferment and later amnesty of some pre 1993 cases and the phased implementation strategy of the agency. The full timetable

of these events are outlined in Table 2.2 below.

Yet the question remains as to why it was necessary to make retrospective adjustments to the policy? It is not fair to say that the changes were brought about entirely as a result of ignorance, even if the formula was not well understood, the government was fully aware that the policy would lead to public opposition.

Table 2.2 Timetable of Changes in the first three years of operation of the Child Support Agency

Date	*Action*
December 1993	First Enquiry of the Social Security Committee published
February 1994	First set of changes introduced
June 1994	Social Security Committee's second enquiry begins
October 1994	Social Security Committee's second enquiry published
20 December 1994	Secretary of State defers take on of non-benefit cases and some benefit cases where the PWC is in receipt of Income Support pre April 1993 (estimated at 350,000 cases), and as a 'one off' other cases where the PWC was six months' overdue in returning forms (HC 31, 1995:5).
January 1995	White Paper 'Improving Child Support' published
16 March 1995	Temporary changes in regulations laid before the Commons
20 March 1995	Second reading in the Commons of the 1995 Child Support Bill
18 April 1995	Temporary regulations came into force
19 July 1995	Royal Assent for the Child Support Act 1995
April 1996	Departure scheme piloted
December 1996	Departure Scheme introduced nationally

Forewarned should have been forearmed

Ministers had prior knowledge that the Act would receive a hostile response on implementation. According to Barnes, *et al.* (1998), emerging public hostility was reflected in media coverage throughout 1992 and on the cusp of the CSA going live, a senior minister called an emergency meeting to seek reassurances about the policy. He said:

> We began to realise that there was appearing what seemed to me some almighty flack (*sic*). I alerted my colleagues in government generally and in the Department of Social Security as to what I saw as the flack (*sic*) looming up.
> (Barnes *et al.*, 1998: 28)

This meeting was called despite the fact that Mr Lilley made a point of warning Conservative MPs in advance to expect problems (House of Commons, *Hansard*, 20.5.1997: col 532).

Additionally many had forewarned the government that the formula for calculating maintenance would be viewed as intrinsically unfair, especially by non-resident fathers and second families (Bradshaw and Millar, 1991; Gibson, 1991; Eekelaar, 1991a, 1991b; CPAG, 1990; Families Need Fathers, 1990; Step Family Association, 1991; Burghes, 1993). Indeed in a retrospective review of the submissions made in response to the White Paper 'Children Come First', Davis *et al.* (1998) noted that there was considerable prior opposition to the formula, particularly in regard to its inflexibility. Even the National Council for One Parent Families, who were in sympathy with the Act, had pointed out that the formula would be too harsh on low earning fathers (Monk and Slipman, 1990). Moreover during the design phase of the Act important battles had been lost behind the scenes between the DSS and the Treasury over the introduction of a maintenance disregard. Senior Ministers and officials of the DSS knew that it was axiomatic that public hostility would result from the lack of a disregard, but with an election looming, poor performance in the economy and the stark choice presented by Mrs Thatcher of raising taxes or reducing the social security budget through this means, the Treasury won the day. It is inconceivable therefore that the government was naive not to expect major difficulties on implementation.

The government and Ministers therefore had been forewarned and as such should have been able to minimise both negative reaction on implementation and misconceptions about the Act's main purpose. It is entirely possible therefore that the government set out to deliberately shock most men to the core. The intention might always have been to review on implementation in response to predictable protests. This might however afford the government greater credit than it was due. Such a deliberate strategy assumes that at least some aspects of the policy had been well thought out in advance, which given the political and economic pressures driving reform they were not; and of course it assumes that Ministers understood the working of the formula, which clearly they did not. Even if this was a deliberate strategy then it had backfired as the

1994 changes were only partly successful requiring a second Act. Similarly the refusal of the government to effect changes on slow assessment times, ultimately led to the creation of many interlinked problems which only added to the complexity of the administrative task for the agency. Despite an expression of confidence by the Social Security Committee that the 1994 and 1995 changes had been implemented successfully (HC 50, 1996) and despite an apparent calming down of sensationalist news stories about the hardships faced by non-resident parents, the period from 1995 to 1997 was marked by a plethora of damning reports about the CSA's increasingly poor administrative performance. This prompted the Social Security Committee to conduct yet a third enquiry at the end of 1995, concentrating this time solely on administrative matters.

Increased administrative chaos

The Committee in its third report admitted that the agency had a very poor start. In the first 18 months performance 'was dire', and it nearly 'collapsed'(HC 50,1996: para 2 and para 20). Consequently Ms Hepplewhite was ousted from her post and replaced by an experienced civil servant, Anne Chant. Though the performance of the agency was appalling, many felt that Ms Hepplewhite had inadvertently set herself up as an easy scapegoat as she had allied herself too closely with selling the policy to the public, a job for Ministers. According to the Social Security Committee things improved with the arrival of Ms Chant, but despite the deferment of cases, large scale restructuring, revisions of internal procedures, enhancement of computer systems, and increases in staff levels and improved training, administrative problems remained. Therefore the Committee had to acknowledge that there was a long way to go for improvement, not least because of criticisms from various Government bodies and evidence from the CSA's own annual report in 1994-1995 which demonstrated the agency had met only two of its five targets.

The Parliamentary Commissioner for Administration - the Ombudsman, reported from an investigation of 70 complaints, that the agency operated inadequate procedures, was giving inaccurate advice to parents and that there were delays in assessments, reviews and passing maintenance onto the PWC (HC 135, 1995: para 3). In response to the Ombudsman, the Select Committee on the Parliamentary Commissioner for Administration was, despite or because of the departure of Ms Hepplewhite, particularly scathing of Ministers and the DSS. They argued that Ministers had too readily accepted reassurances from 'Agency officials', they had failed

to react quickly enough to problems (HC 199, 1995: para 27) and that given the complexity of the formula and the previous problems experienced in introducing the Disability Living Allowance, the DSS had inexcusably failed to provide adequate training for CSA staff (HC 199, 1995: para 23). Thus they concluded that any policy deficiency was 'cruelly exacerbated' by incompetence:

> The work of the Child Support Agency touches on the most difficult and sensitive aspect of many people's lives. The Agency should not add to the individual's distress by sloppy procedures, carelessness, delay inattention or incompetence.
> (HC 199, 1995: para 3)

Meantime, the Committee of Public Accounts were also gravely concerned that 40 per cent of assessments were inaccurate, that the amount of debt was rising (being £701 million in December 1995 up from £73 million in April 1994) and that the agency were unable to deal effectively with debt collection because of inadequate computer and information systems (HC 31, 1995). They severely criticised the DSS and the CSA for allowing this situation to arise.

Despite the Social Security Committee's confidence in Miss Chant to turn the agency around, performance on any measure was pretty awful. It was characterised by delays, maladministration, inaccuracy and rising debts. Lone parents were also suffering hardship as poor liaison between the Benefits Agency and the CSA resulted in failures to adjust their benefit income in response to changes in child support payments. Bradshaw (1996) giving evidence to the All Party Committee on child support, acknowledged these failings and suggested it was time to fundamentally rethink the policy and consider returning child maintenance to adjudication within the Courts. He believed that as a result of agency incompetence and the re-enforcement of an obligatory obligation on all parents, regardless of social relationships with children, that it was causing untold damage to mothers, fathers and children. He stated that:

> It is possible that history will conclude that the Act came too late - it tried to put back the clock - of changing family behaviour too far.

Oblivious to critiques which called for yet more discretion and/or a return to a court based system, the Social Security Committee in its third report made 20 recommendations purely on administrative matters to improve performance. But like a juggernaut the incompetence rolled on and within another three months the Ombudsman gave another damning indictment of performance from an increasing number of complaints which were now overburdening his

office. Not only were problems persisting, but new ones had appeared and he was concerned that future plans to cut the numbers of staff and introduce efficiency savings would lead to more, not less maladministration (HC 20, 1996: para 10). He strongly urged, for a second time, that an Independent Case Adjudicator be appointed by the CSA. Responding to this second request a case examiner was appointed but was not able to take up the post until April 1997, two years after the Ombudsman's initial recommendation (HC 282, 1997: para 16).

With report upon report identifying compounding and overlapping problems in administration, the Social Security Committee, Ministers, the Government and other official bodies, including the agency, were struggling to keep pace with events. Consequently not only had the agency's workload increased substantially as they introduced new regulations and procedures, and concentrated more on debt recovery (Deductions of Earnings Orders increased from 2,600 in 1994 to 53,000 in 1996 (HC 50, 1996: Q85)), but they also faced contradictory signals from the government. Whilst the Secretary of State was dropping or downgrading performance targets and the agency had employed more staff, the government were simultaneously planning to introduce future efficiency savings through budget cuts. As the Ombudsman had noted this was counterproductive to aiding administrative performance.

Meantime anti-Act campaign groups, such as NACSA, were rubbing their hands with glee as evidence of agency incompetence accumulated, this furthered their claims that the agency was not working, could never be made to work and therefore the Act should be scrapped. The Liberal Democrats had also firmed up their abolitionist stance arguing that child support be returned to adjudication within a unified Family Court where it could become part of the mediation process proposed within the new Family Law Act (1996). The Labour Party had also produced its own policy document on Child Support and were unequivocal that the existing system had failed, though they remained committed to an administrative system, but reformed, with more emphasis on demanding targets set for collection of maintenance, formalisation of the departures scheme and the introduction of a maintenance disregard; and they mooted the possibility of a simpler formula. Much of what they recommended remained vague. However, they were prepared to go further in reform than the Social Security Committee had done, but not as far as the Liberal Democrat's position, or other campaign groups calling for the abolition of the Act. The cross party consensus had clearly broken down completely.

Yet, while the administrative mayhem and dissent increased, the Social Security Committee went off at a tangent investigating potential fraud and collusion in its fourth enquiry. They had already commissioned a review of the 'good cause' provisions within which they believed the roots of the problem resided. The review however found very limited evidence of collusion suggesting that non-cooperation among lone parents was the result of 'passive avoidance' rather than 'active misrepresentation' (DSS, 1996:43). Despite this evidence, the government intended to impose stricter sanctions on 'non-cooperating' lone parents and approached the Committee to give consideration to their proposals, which the Committee duly rubber stamped - publishing their own report on the day the sanctions were announced (HC 440, 1996). The benefit penalty on lone parents was increased by 100 per cent and was to last for three years.

Such drastic punitive measures levied at lone parents highlights the level of desperation to make this policy workable, how the Committee were toeing the government line, and how they were in a state of denial about policy failure. Everyone else had withdrawn their support, including the Labour Party. Moreover, in its fifth and final report under the Conservative Government, the Committee gave a falsely upbeat assessment of agency performance by concluding that it was on a 'sure footing', that it would continue to improve and they applauded Ms Chant for a job well done (HC 282, 1997) - this was contradicted later by the Committee of Public Accounts (HC 313, 1998). Additionally the Social Security Committee felt that the most beneficial effect of the agency had been its role in rooting out benefit fraud; hardly an appropriate role for an agency designed to ensure children receive financial support from their non-resident parent.

The purpose of the Social Security Committee's fifth report was not clear, it made no recommendations and seemed to be a general review of agency performance conducted just prior to the general election. This might partly explain the upbeat assessment of performance as conceivably it was part of an electioneering tactic. But the question remains as to why Frank Field was in agreement with such an assessment when his own Party were unequivocal that the policy had failed abysmally.

Part of the answer lies both in Frank Field's commitment to the policy principles and his relationship with Mr Lilley. Although Mr Field was critical of the details: the overturning of past settlements, the lack of a maintenance disregard and maintenance guarantee, he was fully

supportive of government intervention into the area of parental responsibilities. During the second reading of the Bill in 1991 he had stated:

> For many people in this Country there has been a collapse in the belief that they should, if they can, make a contribution towards the cost of their children ... I welcome the Government's change of heart, and their emphasis on the fact that this is an important area in which Governments can have some effect on people's behaviour.
> (House of Commons, *Hansard*, 4.5.1991: col 261)

Indeed at that time he berated the Conservative Government for not acting earlier to tackle the problems with the child maintenance system which had been identified 23 years earlier by Finer. He said that Mr Lilley should come to the house in 'sackcloth and ashes' for this oversight (House of Commons, *Hansard*, 4.5.1991: col 261). Later however, when the Labour Government succeeded to power in May 1997 and as they conducted an emergency debate into child support policy, the nature of his relationship with Mr Lilley became clearer. During this debate Mr Lilley singled out Mr Field for special praise as being the only Minister (alongside himself) who really believed there would be problems on implementation (House of Commons, *Hansard*, 20.5.1997: col 532). Mr Lilley also complained that his own Ministers had failed to heed early warnings that the policy would be badly received on implementation, thus implying that Mr Field was the one person who understood what might lie ahead and was also perhaps Mr Lilley's only ally.

But most recently, Mr Field publicly announced that he may have had a hand in generating Mrs Thatcher's personal interest in non-resident fathers, which in turn led to the development of child support policy. Mr Field stated that he had informed Mrs Thatcher at the end of the 1980s of a story told to him by one of his constituents about the absence of fathers in children's lives. This constituent's daughter was embarrassed to have her father turn up to the school play because she would be the 'odd one out' as most of the other pupils lived in lone parent families and their fathers would therefore not attend the play. Retelling Mrs Thatcher's reaction to this story, Mr Field said:

> Whenever you were in conversation and she was really interested her eyes went like computers: they actually sort of moved quickly and then they actually fell on the topic.

And he went on to add:

> Mrs Thatcher was not slow in knowing when you have got a good nugget which illustrated a much wider trend in society and the next thing I saw, it was in one of her speeches [the story was retold by Mrs Thatcher in her speech to the National Children's Home announcing a new policy].

(Channel 4, Documentary *'Can't Pay Won't Pay'* 12.9.1999)

Why the Committee had curiously become the arbiter of reform (Bradshaw, 1996) and had also become part of the problem might be explained by the following factors: Mr Field and Mr Lilley appeared to be the only two MPs who understood there would be problems on implementation; further Mr Field's own commitment to the policy principles was considerable, to the extent indeed that he is now taking credit for generating Conservative Government interest in this policy area. In addition, the fact that the Social Security Committee had a Conservative majority limited the scope of the Committee's enquiries. Further, it seems the Committee were misdirected from an in-depth evaluation of policy in its pursuit of ensuring the agency met its performance targets and were sidetracked by setting up investigations into suspected fraud. Thus, the Committee became part of the problem, especially as it seemed to have missed the point, that public confidence in the agency was lost, despite some improvements. Further, it was clear that the agency was anything but on a firm footing, irrespective of any success in meeting performance targets. Indeed, it took the new incoming Labour Government to open up proper debate and it took the Committee of Public Accounts to spell out exactly what the performance of the agency looked like, particularly from the viewpoint of its clients.

The saga continues

Such was the Labour Party's concern over Child Support policy that within the first few weeks of taking office they called for an immediate debate. Ms Harman, Secretary of State for Social Security set out the reasons for policy failure:

> ... misunderstanding the problem, failing to develop a clear objective for the Agency, refusing to listen to the warnings and constructive suggestions from those who pointed out in advance the problems with their {Conservative Government's} proposals, and by drastically underestimating the size of the problem.
> (House of Commons, *Hansard*, 20.6.1997: col 525)

Peter Lilley hardly sought to deny the Labour Government's appraisal of the situation (House of Commons, *Hansard*, 20.6.1997: col 533). Indeed he was fully aware of early criticisms made by Sir Michael Partridge who warned the proposals were overly ambitious. He argued that the introduction of a new Agency, administering a new benefit (child support), using new and untrained staff and a new and untested computer system would be too much all at once and was likely to lead to administrative chaos (Channel 4, Documentary *'Can't Pay Won't Pay'* 12.9.1999). The regulations were also deemed to be too complex even from the outset, added to which it was predicted that the CSA would be swamped by its caseload. All told it was an

administrative nightmare in the making. Indeed the agency had constantly struggled to maintain a reasonable service and by 1998 the Committee of Public Accounts gave a more accurate appraisal of the dire performance of the agency than had been given by the Social Security Committee in its fifth enquiry.

The backlog of cases continued with over half a million waiting to be assessed, half of which were more than a year old, outstanding debt of unpaid maintenance had risen to £1,127 million and £869 million of that figure was believed to be unrecoverable, some 39 per cent of maintenance payments were for the wrong amount and the agency had no plans to correct these errors. The Committee found this inattention to errors particularly appalling:

> We think it is important that Parliament and the public should know that the Agency have taken the decision to let hundreds of thousands of incorrect assessments hang fire until they rise to the surface of attention or come up for periodic review. Thus many thousands of people will suffer hardship and distress at a difficult time in their lives and the Agency expect them to accept this unless and until their cases come up for review.
>
> This is unacceptable. Individual citizens should not suffer because of the mistakes of public bodies. (HC 313, 1998: para 4)

Additionally the Public Accounts Committee had little faith in future performance, especially as the agency was facing a 60 per cent growth in case load up to March 2000, whilst at the same time facing a ten per cent cut in resources. They forthrightly concluded:

> We think that the problems should be openly faced and properly tackled. Unless firm action is taken, the work of the Child Support Agency will continue to bring unnecessary hardship and suffering to thousands of our fellow citizens. We therefore urge the Department and the Agency to look long and hard at the complexity built into the scheme, and at ways of clearing away the errors and irrecoverable debts of the past, and placing the Agency's forward operations onto a firm footing.(HC 313,1998:para 5)

The disastrous effect on clients as a result of the agency's poor performance was confirmed in the first report of the Independent Case Examiner, Anne Parker. CSA communications with clients was said to be 'diabolical' and the agency's operations were marred by unacceptable delays costing thousands of pounds and leading to untold misery for its clients. Ms Parker commented in the press that:

> after seeing how it works I can understand why so many people feel paranoid about the actions of the CSA.(Daily Mail, 3.9.1998)

But the agency had also failed to meet the main policy objectives: to increase the amounts of

maintenance paid and increase the numbers of lone parents receiving maintenance and to put children first.

Statistical evidence from the DSS revealed that in August 1998 only 34 per cent of those fathers with a Full Maintenance Assessment using the Agency's collection service were paying all of the maintenance, and 31 per cent were paying none of it (DSS, 1998: Table 3.9). The payment rate was even worse for those with Interim Maintenance Assessments, only ten per cent were paying any of the amount due (DSS, 1998, Table 3.10). In addition the CSA had assessed a very high proportion of its case load at zero maintenance and this decreased the overall average, which in August 1998 stood at £20.65 per week for those who had been fully assessed (DSS, 1998, p 2). This amount was not much greater than the average payments made under the previous system: around £15 to £20 per week depending upon whether it was set in the Magistrates' or County Court (DSS 1990, vol 2). Neither had average amounts for employed parents increased substantially over the long term and in August 1998 was £39.20 per week. Independent research evidence also demonstrated that the proportion of lone parents reporting receipts of maintenance had not increased above 30 per cent (Marsh *et al.,* 1997). Additionally, research suggested that family relationships, and non-resident children, had suffered due to increased conflict as a result of the intervention of the CSA (Clarke *et al.*, 1994; Hutton *et al.,* 1997; Davis *et al.,* 1998; Bradshaw *et al.*, 1999). It was quite astonishing therefore that the last report by the Social Security Committee under the Conservative Government was so complacent.

Overall Barnes *et al.* (1998) concluded that the policy ran into difficulties for at least four interrelated reasons: structural problems, implementation difficulties, frustration over poor administration and a failure to market the policy effectively to establish legitimacy of its primary aims. The latter problem having been identified by Ms Hepplewhite as far back as 1992.

All these difficulties were not lost on the new Labour Government however, and at the time of writing their Green Paper on Child Support acknowledges both that the CSA lost public confidence and that the support of the public is fundamental to future policy success (DSS, Cm 3992, 1998). Yet analysis of policy making has found it almost impossible to decipher how far the problems surrounding the Act related to the administrative mess created on implementation, or how far the principles underpinning the Act of a mandatory child maintenance obligation

have met with public resistance (Barnes *et al.*, 1998). Each of these elements compounded the difficulties and not least, at the heart of what went wrong, was the complexity of the formula. As documented above, not only was it administratively difficult to arrive at a correct assessment using the formula, but it was generally beyond comprehension and this left plenty of scope to engender suspicion between parents (Hutton *et al.*, 1997). This suspicion could only further undermine faith in the agency. Consequently the Labour Government intends to simplify matters through introducing a simpler percentage based formula. It remains to be seen how this new policy will develop. Yet while this analysis and that conducted by Barnes *et al.* (1998) has explained the policy failings, particularly in relation to administrative matters, there remains the question of how far parental resistance was related to policy principles. An examination of the principles underlying the legislation is the subject of Chapter Three.

SUMMARY

This chapter set out to explain the reasons for the sudden backlash to the Child Support Policy on implementation and the continued failure of the policy despite continual changes and a second amending Act. Much of the discussion has coincided with the policy analysis conducted by Barnes *et al.* (1998), that both the retrospection and the stringency of the formula became major controversies on implementation, that most people failed to understand the likely impact of these elements on their lives and their ignorance was fed by the misconception that the primary purpose of the legislation was to chase errant non paying fathers. It therefore shocked many when they realised the policy would affect those already paying child maintenance. This misconception highlighted many pre implementation failures: There was inadequate scrutiny of the 1991 Bill by Parliament. Ministers were generally apathetic, failing to pay heed to early warnings that the retrospective element would prove highly unpopular. They also failed to understand the formula, or to engage with comprehensive early critiques of the likely impact of the formula on-resident fathers. In addition, whether accidental or not, the launch of the CSA proved to be an astounding marketing disaster. Consequently the Conservative Government had to mount a damage limitation exercise, not least in order to preserve the work incentives of non-resident parents who felt they were being inappropriately targeted by the agency and assessed to pay punitively high amounts of child support. The strength of this analysis is its review of documentary evidence provided by the Social Security Committee, who were the main arbitrators of reform. Indeed it seemed the Committee became part of the problem as they became locked into a cycle of making recommendations which in turn

introduced greater complexity which needed further remedial action. They never seriously attempted to question the policy principles and simply tinkered with it at its margins. This review has therefore followed the process of policy making as it happened and has identified distinct phases of policy making which began from a point of suspicion misconception and ignorance, to increasing knowledge, to acceptance of failings and finally denial of policy failure. In comparison, Barnes *et al.* (1998) conducted a post hoc evaluation with key policy makers who spoke with the benefit of hindsight whereupon these phases would be less obvious. For the development of child support policy has been as much a journey of discovery about the obligations of fathers as it has been about administrative failures, hence the continual revisions in favour of fathers. The Act was introduced with no research evidence whatsoever on the behaviour of fathers in a time when the consequences of family breakdown are not only widespread but not well understood. Arguably the failure of this policy has lain as much within the simplicity of the moral principle that non-resident fathers should pay for their children as it has in administrative inadequacy and complexity. How could anyone, not least fathers themselves, disagree? The seductive simplicity of this principle has hijacked the imagination of everyone, the public, politicians and policy makers alike and indeed the Social Security Committee were steadfast in their support of it. But the principle also forces people to decide on the morality of fathers' behaviour: they are either good or bad fathers depending on whether they pay maintenance. Fathers behaviour in regard to their parental obligations are undoubtedly a good deal more complicated than this simple precept supposes.

CHAPTER THREE

DISPUTING THE PRINCIPLE OF THE CHILD SUPPORT OBLIGATION

INTRODUCTION

Why did the 1991 Child Support Act go so badly wrong on implementation? This question has engaged academics, pressure groups, politicians and civil servants in heated debate in private arenas and within the corridors of Whitehall. Discussion has centred around whether there needs to be more or less discretion, whether the formula is too stringent, whether a maintenance disregard for mothers on Income Support should be introduced, whether maintenance should be guaranteed by the state and reclaimed later from the non-resident parent and whether there would have been less resistance if the policy had not altered maintenance agreements retrospectively. Some of these issues have been resolved in the Labour Government's plan to introduce a simpler, and supposedly less stringent percentage based formula, and maintenance disregards (or a £10 maintenance premium where the children are dependent upon Income Support). However as highlighted in Chapter Two, it is unknown how far resistance has been related to the policy principles that have reasserted the obligations of non-resident fathers such that the payment of child support is now viewed as being an unconditional and absolute obligation.

Yet apart from the moral pressure exerted by Mrs Thatcher for an unconditional obligation to pay maintenance, there were a combination of other factors at the end of the 1980s which led to a reassertion of the obligations of non-resident fathers. They arose partly in the legal context of a burgeoning recognition of the rights of children as capable individuals. This began with the Matrimonial and Family Proceedings Act (1984) where Courts were instructed to give primacy to the interests of children when settling divorce and it was continued in the Children Act 1989. It arose partly in the political context of a 'moral panic' over the demise of the family. This panic was associated with calls by the Conservative Governments of Margaret Thatcher and John Major for a return to the 'Victorian Values' and 'Back to Basics' of self help. In particular, the failure of the DSS to recover enough maintenance was said to be deeply embarrassing to the Thatcher administration which was committed to encouraging private responsibilities and reducing the welfare role of the state (Maclean, 1994). It was also partly generated by anxiety about the rising level of public expenditure associated with the increasing

number of lone parents and their increased dependency on social assistance. Closely allied to this, there were concerns that the legal profession exacerbated this dependency by making low child maintenance awards to maximise lone parents' entitlement to social security benefits (Eekelaar, 1991a). It was certainly reinforced by anxieties about the impact of family breakdown on the living standards of lone parent families and the effect of this poverty on the well being and future development of children (Rodgers and Pryor, 1998). Finally, the advances in DNA testing offered an opportunity to establish biological fatherhood with a high degree of certainty and this provided a sound basis from which to enforce private obligations unconditionally.

Despite such disparate influences underlying the development of child support policy, there has been a lack of debate about the policy principles. These principles seek to impose a cultural shift in the ordering of private responsibilities. Yet, while there is ongoing agreement with the basic principle that men *should pay* maintenance for their children, the public outcry from non-resident fathers on implementation laid bare the resistance to this policy. What remains unknown is how far this resistance has been rooted within concerns over ability to pay under the formula, or how far this was nurtured by poor administrative procedures, or whether these have worked to disguise a deep-seated rejection of the policy principles. In a letter to the Ombudsman in January 1994, Ms Chant the second Chief Executive of the Agency, wrote:

> ... I do not think it was fully appreciated that the Agency's intervention into the most personal and sensitive areas of people's lives would make such a negative impact; nor was it realised how many people would actively resist or reject prioritising child maintenance above nearly all other financial commitments. (HC 135, 1995: i)

The philosophical debate about what any Child Support policy should reasonably expect to achieve has not taken place. Nor has there been any serious attempt to seat debate within a social-family context or within a moral debate, other than at the level of prescription about what should happen. It is intended in this chapter to address the question of whether non-resident fathers are morally obliged to pay child maintenance for their children. The simple answer is yes they should - but why? What are the assumptions and norms that underlie such a positive and unequivocal reply? There are also vexed questions about how far the State can legitimately impose rules on people's private lives and what the correct balance is between private and public responsibility for children affected by family separation. This chapter begins by explaining how the principle of parental responsibility within child support policy defines

fathers' financial obligations, and also how this principle has set the tone of the moral debate. The moral debate itself will be rehearsed by contrasting two different perspectives about the nature of family obligations. First the analysis of changes in family structure outlined by the Ethical Socialist Patricia Morgan will be presented. This work exemplifies a particular populist view about the demise of 'the family' arising as a result of rampant individualism and a loss of altruistic commitment brought about by divorce and separation (Smart and Neale 1999: 5). From this perspective non-resident fathers have an unambiguous moral obligation to pay maintenance for their children. This will be contrasted with Janet Finch's analysis of how people morally decide on the 'proper thing to do' when offering financial support to family members (Finch, 1989).

Parental responsibility

The Child Support Acts (1991; 1995) have shifted the boundary of family responsibilities from the public to the private sphere. Such shifts are often tied to periods of economic residualism when greater support from the family for its members is expected (Finch and Mason, 1993). The aegis of child support policy certainly arose out of economic concerns to cut public expenditure. Yet while these economic conditions set the context and produced the primary aims of the policy, the Conservative Government also engaged in strengthening ideologies concerning the family.

Neo-liberal ideologies about 'parental responsibility' presented parenthood as a privatised individual life choice and this in turn increasingly transferred responsibility from the state to parents themselves (Brannen, 1992a). In legislative form, the ideology of parental responsibility is evoked within the Children Act (1989) as well as the Child Support Acts. Under the Children Act, the court no longer determines custody of children following separation and divorce. Rather the assumption is that parental responsibility endures for both parents, at least if they had been married. Unmarried fathers are not automatically recognised as having parental responsibility, though this is about to change. Generally parents are expected to come to their own privately negotiated agreements for sharing the care of their children. Where parents disagree however, the court will step in as a last resort to determine residency of the children and set contact arrangements for the non-resident parent. The state therefore has only a residual role in defining, or determining parental responsibility (in terms of the care of children).

Similarly the ideology of parental responsibility within the Child Support Acts affords the state minimal financial responsibility for children whose parents live apart. Where parents are not claiming means-tested benefits they are expected to come to their own private financial agreements with the option of using the Child Support Agency. The state therefore is generally uninterested in the financial support that goes on within these families. Indeed, no one knows how much monetary support is offered by fathers in these cases, or if any is given at all. Similarly, the state is also uninterested in financial support for children within intact families. Women have no right to seek child support when living with the father and thus any disadvantage within this private sphere remains 'untouched by public relief' (Boden and Childs 1996: 136). Conversely, mothers dependent upon means-tested benefits are obliged to use the legislative machinery of the CSA to seek child support from the non-resident father. In these cases however, as all or most of the child support money is deducted from benefit income, the state becomes the primary beneficiary and not the children. Rather optimistically, this is seen as a short term arrangement as it is hoped that child support payments will create an incentive for mothers to take up paid work, whereupon they can keep more, if not all, of the child support paid. The New Deal for Lone Parents is another strategy designed to help lone parents return to paid work. However, whilst the mechanism of parental responsibility minimises state encroachment into the private sphere of the family, there is in child support policy an inherent contradiction as the state is highly proactive in both defining and enforcing parental financial responsibility. Many have therefore argued that this policy has exercised a coercive and definitional role with regard to family responsibilities (Boden and Childs, 1996; Rodger 1995; Lister, 1994a, 1991; Edwards and Halpern, 1992).

Social versus biological parenthood

The definitional role of parental responsibility in child support policy has given primacy to biological relationships at the expense of socially or culturally constructed relationships (Boden and Childs, 1996; Bradshaw, 1996; Edwards and Halpern, 1992). Parents who have no meaningful social relationship with one another are forced to have a financial relationship; sometimes incurring unwanted contact between them (Davis *et al.*, 1998: Clarke *et al.*, 1994). Men who have been unaware of fathering a child may have to undergo DNA testing to have paternity confirmed. Conversely, some children may be subjected to the ignominy of having their fathers' deny paternity in an attempt to escape the child support obligation. In the case of step-fathers, their social relationships are afforded minimal recognition; they are not

expected to have a financial obligation to the children in their care, that responsibility is to remain with the biological father and cannot be shared (DSS, 1990, vol 1). Although the new child support proposals do give greater recognition to step-fathers' financial obligations they still give primacy to biological non-resident children (DSS, 1999). The consequences of forcing these financial relationships, at the expense of social relationships, have been shown to pit men against women and pit first families against second families (Millar, 1996a; Davis *et al.*, 1998). The resultant hostility in adult relationships has consequently impacted badly on the economic and emotional well-being of children (Clarke *et al.,* 1995; Hutton *et al.*, 1997).

As argued in Chapter One, there was, prior to the Child Support Acts, a culture of optionality and acceptability which recognised that not all biological parents could be held financially responsible for their children for all of the children's dependent lives. A long-term commitment to paying child maintenance was viewed by Solicitors as being subject to uncertainty due to ongoing changes in parents' socio-economic circumstances and maintenance payments were often seen as being merely 'symbolic' (Jackson *et al.,* 1993: 251). Fathers' immediate obligations, particularly for children in second families, were recognised as imposing legitimate limitations on the level of financial support expected for biological children in first families (Davis *et al.*, 1998; Jackson *et al.*, 1993; Maclean and Eekelaar, 1993; Eekelaar, 1991a; Edwards *et al.,* 1990). This was particularly evident in the case of *Ashley v Blackman* [1988] 2 FLR 278, when the court decided to terminate the order for child maintenance as payment would not increase the income of the resident parent who was dependent upon benefits. As Edwards *et al.* (1990:32) noted:

> The court recognised that the ex-husband and his new family had struggled to make ends meet with very limited financial means, prompting the court to comment that, 'The genuine struggler... will be spared the burden of having to pay his former spouse indefinitely the last few pounds which separate him from penury'.

More recent evidence collected from separated parents (mothers and fathers), suggests that these kind of attitudes still prevail (Eekelaar and Maclean, 1997b). Eekelaar and Maclean's study demonstrated that financial obligations to natural or biological children were adjusted to take account of the social relationships that fathers had with step-children in their second families. Furthermore, obligations within social families were favoured such that when mothers remarried, the men expected that some of the financial responsibility for their natural non-resident children should transfer to the new social or step-father (Eekelaar and Maclean, 1997b:

18). Bradshaw *et al.* (1999) also found similar attitudes in their study of non-resident fathers.

This emphasis on social obligations has important personal and policy outcomes (Bradshaw, 1996). First, other longitudinal research has shown how non-resident fathers who remained in contact with children generally struggled to maintain their emotional and financial well-being compared to those who had given up contact and moved on to develop new second families (Simpson *et al.,* 1995). Second, such private reordering of responsibilities among parents who do move on, particularly when men become step-fathers, results in reducing the number of lone parents dependent upon on social assistance. This was an outcome of family breakdown that the Social Security Committee were keen to have recognised when they argued for a special status to be accorded to 'absent fathers' who were also step-fathers (HC 69, 1993). Yet despite changes in the 1995 Child Support Act, which recognised some of the financial commitments of these step-father (and in the 1999 proposals), primacy is still given to biological relationships rather than social relationships. Consequently, demands for high levels of child maintenance may impact negatively on the well-being of non-resident fathers and allied to this may inadvertently increase the numbers of lone parent families as men become inhibited from taking on the responsibility for step-children in second families. Thus some have argued that the variety of family life and people's acknowledgment of kinship cannot be dealt with adequately under a law which is dominated by biologically determined models of kinship and which enforces obligations on that basis (Boden and Childs, 1996: 150). Others have gone further and suggested that such state re-ordering of private responsibilities has jeopardised the consent of large numbers of people to be ruled (Bradshaw, 1996). There are therefore good social policy reasons to give due consideration to the wider implications of family breakdown and the development of second families when asserting the financial responsibilities of the biological non-resident father. But this debate about social relationships also highlights how the ideology of parental responsibility has become a powerful tool of social policy. It has been wielded by policy makers and politicians to define family membership and the financial obligations contained therein and has thus redrawn the boundaries between public and private responsibilities. However this ideology has also been used to create a certain moral climate for the advancement of policy objectives.

The moral climate

The creation of a certain moral climate is evident from the political rhetoric used by key policy

makers in the initial introduction of child support policy. The following examples include particular sentiments about parental responsibility:

> We will start to see changes in five or six years time, when people will know that responsibility for their child continues for maybe 18 years after the bonk on a Saturday night has gone wrong. Word will get around.
> (Allistair Burt, Minister of state for Social Security, *Poverty* 88, Summer 1994: 10)

> It is only when these young fathers are back in work and very substantial maintenance payments are being deducted form their pay packets that the sanctions will begin to bite. These same young men will start moaning to their mates how unfair the system is, thereby educating a much wider group about the behaviour which society is attempting to impose, and the redress it will resort to if such behaviour is not observed.
> (Frank Field, Chairman of the Social Security Committee, *The Tablet*, 14 August 1993)

> ... the idea that the state can strengthen the family by undertaking most of its functions is equally objectionable. It amounts to nationalising parental responsibility, making fathers redundant and mothers dependent.
> (Peter Lilley, Secretary of State for Social Security; Quoted in Lister 1994b: 6)

From these comments, it is apparent that child support policy has become more than just a means for the state to reimburse itself for support meted out to lone parent families, it has also generated a certain moral climate which has helped to legitimise the partial withdrawal of state support for children affected by family breakdown (Edwards and Halpern, 1992). Moreover, it is clear from these comments that parental responsibility has also become a mechanism for 'moral regulation' as child support policy attempts to determine appropriate behaviour through legal and institutional means by employing disciplinary and punitive measures (Rodger, 1995). For example mothers financially dependent upon the state face severe financial penalties if they refuse to cooperate with the CSA without good cause, while employed non-resident fathers are subjected to intrusive assessments of their earned income by the CSA. The CSA has to have full details of fathers' incomes to determine both how much they need to live on and to determine the balance of their financial responsibility to children in second families (including step-children) and to non-resident children. As already argued the root of this regulation lies partly in the moral panic about the fragility of the two parent family and the presumed negative effects on children and society. However it also reflects a 'loss of faith in the benevolence of human behaviour'; people are no longer viewed by policy makers of the political right and increasingly also on the political left, as altruistic 'Knights' interested in the welfare of others, or passive 'pawn like' recipients of welfare, but are more like Knaves motivated by individual self interest (Le Grand, 1997: 160). According to Le Grand such beliefs in the knavishness of

human behaviour has resulted in a shift in welfare strategies from a 'fiscal' approach involving redistribution through the Tax and Social Security system, to a 'legal welfare' strategy. Legal welfare is defined as:

> a redistributive mechanism where specific groups of individuals are identified as having responsibility for redistributing to another group who are then, in case they knavishly duck out of those responsibilities, coerced by legal means to make the appropriate transfer.(Le Grand, 1997: 159)

Child support policy is a good example of a legal welfare approach and indeed the Labour Prime Minister Tony Blair, directly echoes Le Grand's argument. In the Foreword of the latest White Paper on child support (DSS, 1999) he states:

> And no one should be able to duck their responsibilities for their families and their children.

From this perspective the evocation of an ideology of parental responsibility allows a universal approach. But universally to enforce the child support obligation, irrespective of people's social relationships and their own definitions of their obligations, the policy must be underpinned by a moral concept or principle which reifies parental responsibilities. It is posited that one such principle is that of parental altruism and it will be argued that it is this principle which affords the policy some of its moral legitimacy.

The moral arguments

Conceivably the Child Support Acts have ridden upon the principle of parental altruism. This principle encourages parents to place their children first in their considerations. Hence not only was the title of the first White Paper 'Children Come First', but the formula gives primacy to child support obligations; at least after the basic needs of non-resident fathers and their families have been met. Morgan (1992) gives a useful description of parental altruism. She proposes that if 'unconditional mutuality' and 'pure gift' is the basis of a nurturing attachment between mother and child (where each gives and takes freely); then it is this model of altruism which 'emerges as a moral principle'. This obligation should be exercised irrespective of personal feelings of affection, or like or dislike and that it:

> ... does not establish claims to equivalent returns and nor must it be seen as costing anything in terms of time and property that could better be spent elsewhere- it only being assumed that the beneficiaries will act in a similar way in similar contexts. (Morgan, 1992: 101)

Parents therefore should support their children with no expectation of a return on their efforts. In this way, according to Morgan, the principle of altruism establishes the premise that parental obligations are 'non-optional, unreserved and unconditional'. This is in part because children do not choose to enter into an obligation with their parents, yet they do have an unconditional need for their parents. Thus she argues that parents come to have an 'altruistic obligation' to their children which is 'morally binding in its own right'.

From Morgan's perspective, when child maintenance can be afforded but is not paid, then this constitutes an immoral act as it contravenes the principle of parental altruism. This moral view is rooted in beliefs about models of good parenting which upholds altruism as necessary for the nurture of children. It follows then that if fathers pay maintenance they care about their children; if they do not pay (when they can afford to) they do not care about their children. Such reasoning makes it virtually impossible to dispute the principle that fathers 'ought to' pay maintenance. Hence there is a broad consensus; the public believe fathers should pay (Jowell *et al.*, 1994) and so do non-resident fathers (Speed *et al.*, 1993; Speed *et al.,* 1994; Speed and Seddon 1995; Speed and Kent 1996). But for Morgan, it is the institution of marriage which is the best, if not the only mechanism for ensuring fathers ongoing commitments to their children, as it is the legally married family which encourages self sacrifice and the foregoing of self gratification (1992: 100). Thus she states:

> It has been assumed that if a married man was a loving sensitive and attentive father, then his relationship with his children must carry over after divorce. The 'stunning surprise' is that, without the marriage structure, men seem unable to 'maintain their perspective as fathers or to hold in view the needs of their children'.(Morgan, 1992: 101)

Inherent in Morgan's perspective is a set of assumptions about human, or more correctly men's behaviour; that without the useful confines of marriage men turn into rampant individualists almost incapable of caring about others. Morgan has to construct this subjective view in order to further her arguments for strengthening legal marriage.

Clearly the Child Support Acts do not explicitly aim to enforce the bonds of marriage as a means to uphold parental commitments (though some might see them as useful in making men think twice about divorce or separation), but rather they go further. By insisting that all fathers who come into contact with the CSA have financial obligations that are unconditional, child support policy is seeking to enforce the principle of parental altruism (at least in regards to

income sharing) both outside legal marriage and regardless of whether fathers ever had a social relationship with their non-resident children. But arguably the policy also seeks to enforce parental altruism, irrespective of whether the father ever behaved this way in the first place. This itself is premised upon the normative belief that most fathers in intact families financially support their children. Therefore it is reasonable to expect non-resident fathers to do likewise. Yet research evidence on resource allocation within families questions whether parental altruism operates as extensively in families as we are led to believe.

Resource sharing within the family

Qualitative research conducted by Clark *et al.* (1994) found that a quarter of the 54 mothers in their study said that when the family had been intact, fathers were irresponsible over money, or had unfairly kept an unrealistic proportion of households finances for their own consumption and this had contributed to relationship breakdown (1994: 34). Such inegalitarian family practices seems to be confirmed by other studies which examined household money management systems using larger data sets (Pahl, 1995; Vogler and Pahl, 1993, 1994; Vogler, 1994). Pahl and Vogler's work demonstrated that if the husband maintained control over finances, this contributed to wives' greater deprivation and reduced their access to personal spending money. In particular women in low income households were doubly disadvantaged by male-controlled money management systems. This does not mean to say that there was no sharing of financial resources, rather that it was unequal. Overall only one fifth of households operated systems which allowed for equal sharing (Vogler, 1994: 241). These findings, along with earlier evidence that wives spent more of their resources on children and general household expenses than their husbands (Pahl, 1989), led Pahl to argue;

> If there is an association between gender and altruism, the data presented here suggests that, in the context of the distribution of money within the household, the altruist is more likely to be female than male. (Pahl, 1995: 375)

Arguably, upholding the principle of parental altruism may be better served through increased state support for the mother. The new proposals for a £10 maintenance premium to be given to mothers in receipt of Income Support go some way towards recognising this.

The intact family is not therefore a realm of autonomous individuals each able to exercise equal rights to resources (Boden and Childs, 1996). Rather the evidence suggests that within families there are economic and power structures which tend to favour men. Yet the fact that some

women could not rely on fathers to share adequate resources, even when the family was intact, has led Lister to comment;

> This aspect of fathers' failure to meet their financial obligations towards their children has been conveniently ignored in the debate [about child support].(Lister, 1994a: 216)

The state does not provide a maintenance guarantee, and thus mothers are forced back into at least partial economic dependency upon men with all the concomitant financial inequalities that might involve. The state does however provide a minimum income guarantee through Income Support benefit, but as Income Support is reduced in equivalent amounts to the maintenance paid this raises particular problems. For example, where mothers experience difficulties with maintenance payments they may face short-term reductions in their Income Support until the Benefits Agency can make readjustments to compensate for maintenance losses (this is also the case where mothers are claiming Family Credit). The state therefore can no longer consistently guarantee a minimum subsistence income through Income Support benefit as it too is now dependent upon regular maintenance payments for its efficient administration. Yet it was implied, and still is under the new proposals, that child support policy will advance the material interests of children (DSS, 1990: vol 1; DSS, 1999). This is clearly not the case as children's rights to a consistent minimum income have been eroded by the administration of child support policy (including through the application of benefit deductions for non-cooperative mothers). There are still no plans to introduce a maintenance guarantee and therefore the vagaries in the system will still occur to the potential detriment of children - even with a maintenance premium. In reality therefore linking children's interests with fathers' obligations to pay maintenance in this administrative system does not necessarily produce the hoped for improvements in the children's economic circumstances, quite the opposite in some cases.

There are also other detrimental effects for children as a result of the way in which the formula gives primacy to cash maintenance payments. Clarke *et al.* (1995) found that the higher amounts of maintenance demanded by the CSA, could work adversely to affect children both emotionally and financially. First the amounts of informal support provided by fathers could be reduced. Marsh *et al.* (1997), also found that a quarter of lone mothers, whose ex-partners were paying CSA maintenance, had reduced the amount spent on children's clothes, toys and day trips, or indeed stopped these contributions altogether. This loss of informal support was according to Clarke *et al.* (1995) especially detrimental to children as mothers found support

in the form of clothes and shoes, of greater financial benefit than maintenance payments as these could not be deducted from social security payments. Second the higher amounts of maintenance expected made it more difficult for fathers to meet the costs involved in maintaining contact; contact time with children could correspondingly be reduced. Even though the Acts have subsequently been altered to take account of some of the costs in maintaining contact (high travel costs), it is still possible to argue in the light of these real life complexities, that the policy is prescribing a normative expectation that all fathers 'should' pay maintenance (at least where their children are dependent upon the state) rather than about advancing the interests of children. Although, child support policy is supposedly all about getting more money to children, but it is largely unknown how the increased demands for maintenance under the CSA has affected the financial well-being of children, or their emotional well-being, as relationships with their fathers might potentially suffer in the ways described above.

Nevertheless, there are few who would argue against the moral imperative of parental altruism as it does give primacy to the needs of children. Moreover, if parental altruism is a moral obligation that is fixed in the way attitudes suggest, then it is easy to claim that those fathers who do not pay maintenance are simply choosing to ignore their obligation. This becomes even more problematic when evidence on incomes after separation suggests that men are better off financially compared to women and children, at least in the short-term (Jarvis and Jenkins, 1997). It is easy therefore to classify non-payers as deviant and this legitimises the use of force to make them pay; even if the consequences are to increase women's dependency upon men. For these reasons it is almost impossible to dispute the principle within child support policy that men have an unconditional obligation to pay maintenance, because the moral framework of parental altruism reflects a consensus on what fathers' obligations actually are. There is however another way in which to view parental altruism, that is as a socially constructed obligation, rather than one that belongs solely to biological relationships.

Socially constructed obligations

Parental altruism is a moral principle based upon the social rules or norms in Western Societies which recognises that it is parents who commonly assume prime responsibility for children. Where they do not, the community (including grandparents and the extended family), generally through state mechanisms, picks up a collective responsibility for its children. It does not necessarily follow then that the moral imperative of parental altruism is attached solely to

biological parents. Others can equally take care of children's needs and be bound by the same moral expectation. Even though the bond between parents and their natural children generates powerful feelings of care, ultimately they are also socially constructed, it is what society expects of parents. Morgan (1992: 101) does recognise this herself, specifically where she suggests that fathers' disconnected relationships with children following divorce exemplify that the reliance on 'natural instinct 'to care is not enough; that this instinct, as far is it exists, needs bolstering by Law. Nevertheless, this acknowledgement that parental obligations are socially constructed provides a different perspective on the moral debate.

Eekelaar (1991c: 352) has argued it is 'social rules and not moral principles' which attach duties to parenthood and this has important implications. Social rules can be amended, thus in the case of artificial insemination where sperm or ova are donated (at least to licensed clinics[9]), the duties of parenthood do not fall on the biological parent. But more importantly the distinction that social rules confer a duty on the individual parent makes it clear that where a parent breaks the rules - when a father has some capacity to pay child support but does not - then the community (the mother and/or the state) picks up the duties of parenthood. Therefore argues Eekelaar, the father's transgression is more against the community than against the moral obligation to his child, especially if he is aware that his child is not being abandoned completely.

From this standpoint, the legitimacy of child support policy to enforce financial obligations unconditionally rests upon the State's right to seek recompense for the costs in picking up the fathers' abrogation of his financial responsibility. It is exactly this point that endows the policy with some established principles. The State has, though inconsistently, exercised its right to seek recompense from liable relatives when the children fall upon the state for financial support. Conceivably therefore, as far as the social norm of parental altruism may exist, it is this social norm which has been appropriated and transformed into a moral principle for the purposes of child support policy. Even so, given the consensus among non-resident fathers that they should pay child support, then one would expect that the moral and the legally defined obligation would work in harmony to produce the desired results, actual payment. Yet the low levels of

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[9] The CSA asserted the right to claim maintenance from a man who had donated his sperm voluntarily in a private arrangement with a lesbian couple. They claimed that only those men using licensed clinics were exempt from the child support legislation (Sunday Times, 3 July 1994).

compliance and the problems of enforcement experienced both by the Courts and the CSA suggests that large numbers of fathers are not primarily being influenced by their moral obligations, not at least in regard to cash transfers. Possibly, if it were otherwise there would have been no need for stronger enforcement strategies in the first place. This is not to diminish the importance of ability to pay under the configuration of the Child Support Acts as they currently stand. But it is possible there is some mismatch between non-resident fathers' sense of moral obligation and the legally defined obligation and it is unknown how far public resistance to the Child Support Acts has arisen as a result. Nor is it known how a sense of moral obligation for children might affect non-resident fathers' actual behaviour, irrespective of any legal expectation. As Millar (1996b: 59) suggests it might prove useful in increasing the acceptability of the Child Support Acts if the different policy objectives, that of moral prescription and that of reducing lone parents' economic dependency on the state, were separated out rather than being rolled together. Moreover 'the family' has been subject to massive technological change which has transformed social relationships such that they are inexorably moving towards greater negotiation and creativity in family forms (Rodger, 1995). This perceived alteration in family obligations does not necessarily change the right of the State to seek recompense from those fathers who have some capacity to pay child maintenance. But by evoking a political rhetoric to assert the principle of parental altruism in the hope of making the policy more acceptable may simply be, as Smart (1997a: 303) suggests, wishful thinking:

> Whilst everything else is rushing forward into a bright and thrusting universe involving total quality control, flexible workforces, mission statements and competitive tendering, the family is meant to embrace old values of altruism, unpaid labour, implicit contracts and co-operation.

Yet even if most parents generally behave altruistically towards their children, what we do not know is how moral obligations actually work within families. The work of Janet Finch (1989) allows us to take this debate further.

How do moral obligations work?

Finch's (1989) theoretical work on family obligations attempts to explain how people actually work out their responsibilities to their relatives in practice. She describes how people may hold a sense of moral obligation and that this may be underpinned by feelings of duty, responsibility and/or legal expectation. But Finch states:

> A distinctive morality does mark the boundaries between kin and other relationships, but it is a morality rooted in real ties between one person and another and the social meaning

> which these give to individuals lives. It needs to be built up over time, reaffirmed and re-enforced if it is to be sustained, and the ways in which it gets translated into actions and commitments will be affected profoundly by the material conditions under which the participants live. (1989: 236)

Thus Finch argues that the build up and re-enforcement of relationships over time is crucial to the sustenance of a sense of moral obligation for a family member. In addition any commitments made will be affected by the economic circumstances of both the provider of support and the potential recipient.

Testing this empirically, Finch and Mason (1993) found that rather than operating on a basis of fixed moral duty or rules, adult family members worked out what support they would give to relatives through a process of negotiation which took into account various contingent factors. Thus they 'worked out' their responsibilities for themselves and accepted or rejected any moral obligation to give support in the light of their specific socio-economic circumstances. Family responsibilities were therefore the products of *negotiated commitments* developed over time (Finch and Mason, 1993: 179). However, Finch and Mason are referring to the obligations among adult family members and not necessarily that between parents and their *dependent* children. The development of commitments through a process of negotiation therefore seems an inappropriate way in which to view the obligations of parents for their *dependent* children. Not least because children's needs are immediate; they cannot wait for their parents to develop commitments to them over time. Similarly as dependents they have a right to expect support from their parents. The moral duty on parents to provide is therefore so strong that surely it is fixed, absolute and non-negotiable; just as Morgan (1992) insists. However what is not known is the strength of this moral obligation and how or whether this is generally steadfast in differing circumstances (Finch and Mason, 1993; Millar 1996b).

The alteration in family relationships as a consequence of family breakdown and non-residency produces exactly this different circumstance. Changes in relations between fathers and children can occur both at an observable and a subtle level. First, a child, by being non-resident in his or her father's home for considerable periods of time, if not all the time, does not automatically share his standard of living, or have the same access to his household resources. The 'cost of children' to non-resident fathers therefore increases as child maintenance is hypothecated from general household expenditures. Thus the dynamic of the economic relationship is fundamentally

altered, and it is likely to be more costly for non-resident fathers than resident fathers, to maintain a relationship with their children, even when they live close by. Second, the altered circumstances of non-residency signify a schism in social relations. Non-resident fathers are no longer related (or never have been related) to mothers in a family sense, yet they remain relatives to their children. Simpson *et al.* (1995) have described this as representing a simultaneous continuity and discontinuity. Non-resident fathers have discontinued relations with mothers in terms of intimate and family relations, yet ongoing relations with children through the continuing status of fatherhood. This is the case whether the fathers have active relationships with children or not. Therefore there is the added dimension of discontinuity in adult relationships which may be juxtaposed with continuity in the father-child relationship, especially if fathers have contact with children. This disjuncture in the nature of relations can create barriers to fathers' ongoing contact with their children (Simpson *et al.*, 1995). Similarly this disjuncture must be managed in terms of offering financial support. This is especially the case when deciding what to do about maintenance payments, particularly as these are given to the mother as the resident parent. Third, the development of new partnerships and second families among both mothers and fathers can produce a complex myriad of family relationships which exist simultaneously within and across different household boundaries. This quagmire of relationships must be waded through and negotiated in order to make sense of the proper thing to do in these circumstances. As Finch and Mason (1990) point out that there are no clear or universal guidelines to assist people in the handling of post-separation/divorce (and never lived together) relationships.

Undoubtably social and economic forces have increased the complexity and creativity in family forms and these are overlaid onto different contextual circumstances within which non-resident fathers' relations with children must operate. It is reasonable to assume that these differentiated contextual and family circumstances will affect the ways in which fathers not only recognise financial obligations for their non-resident children, but also how they might come to accept and act upon them. Thus alongside the kinship ties between people (including step-family kinship), the dimension of time necessary to build commitments, the social meaning of relationships and the material circumstances of the parties - described by Finch above - there are additional circumstances within which non-resident fathers' commitments are shaped. That is the altered structural position of non-residency itself and the consequent transformations in the physical, economic, social, and emotional aspects of the father-child relationship brought about both by

separation/divorce and the formation of new partnerships and families. These may all conspire to produce multidimensional foci of distance between non-resident fathers and their children (see Table 3.1 below).

Table 3.1 Contextual circumstances through which fathers' obligations are shaped

Fathers Within Families	Non-resident Fathers
Family ties * among kin:	Family ties * among kin:
Some continuity in family ties between family and household members.	Schism in family ties: Family Tie ongoing - Fathers to children. Dissolved/no family tie - Fathers and mothers. Schism in family ties across households: Fathers and mothers develop new partnerships and second families.
Time and interaction	Time and interaction
Family relationships ongoing and re-enforced through potentially frequent daily interaction.	Family relationships (between fathers and children) subject to interruption and maintained potentially less frequently than daily, if at all.
Social Relationships	Social Relationships
Social meaning of relationships operate within congruent family and household membership boundaries.	Social meaning of relationships operate within incongruent and different family membership and across different household boundaries.
Material conditions	Material conditions
Material conditions shared (not necessarily equally) by family members within the household.	Material conditions of family members (fathers and non-resident children) split across different households for all, or most of the time.

* The term 'family tie' used here relates to both social and biological ties within families. These can co-exist where the adult is simultaneously the biological and social parent of the child. They can also exist independently of one another. For example where fathers have never seen or had a social relationship with their natural children or conversely where a man who has no biological relationship with a child becomes its social parent or step-parent

Therefore even if it is accepted that the moral obligations of all fathers for their dependent children are fixed and absolute, it is not a simple matter to deduce that this should be the same for non-resident fathers. Especially as the main thrust of Finch's analysis makes clear that individuals in thinking about their obligations do so within their own social reality. They consider their moral obligation (the proper thing to do), by taking account of the social and economic circumstances of all the parties involved and not purely on the basis of an abstract moral principle. Thus obligations are worked out through a process of negotiation.

Yet it remains unknown whether non-resident fathers do work out their financial commitments through this process of negotiation. But even if commitments are worked out on this basis, there is also the vexed problem of knowing what the proper thing to do might be - this may be highly ambiguous.

Ambiguity of moral obligations

Finch (1989) suggests that it is the way in which moral obligations work in practice that is important in understanding how they might affect people's actions in offering or not offering support to family members, but that this is not an easy matter to comprehend. First, people's sense of moral obligation cannot simply be read off from legally defined obligations and moral obligations can affect people's behaviour in ways different to that prescribed in law. From this standpoint non-payment of maintenance does not necessarily mean that a moral obligation is not operating. Rather the ways in which moral obligations might affect decisions not to pay are not always visible. Second, from an outsider's perspective people's obligations seem clear cut, but this belies the complexity of what is happening from the insider's viewpoint where obligations can be much more ambiguous (Finch 1989: 143).

Here then Finch introduces the notion that people's sense of moral obligation may not be easily understood even by the individuals involved. People therefore do not always have a clear idea about what their responsibilities are and Finch suggests that what is needed is:

> ... a subtle and complex view of how individuals operate in their own social worlds if we wish to understand how duty and obligation work within families. The idea that people recognise easily what their responsibilities are, and that most of them carry them out is too crude. (1989: 142)

Therefore fathers (and mothers) might know what the moral expectations of them are, but they do not necessarily know the 'right thing to do' in a given situation and they have to work it out for themselves. As Eekelaar (1991a: 91) observed:

> Although it may seem uncontroversial to assert that a parent should support his or her child; the proposition in fact leads to complex issues of morality and social organisation.

What Finch highlights is a number of important points about family obligations. First they look deceptively simple and unambiguous from the outside. Yet it is not easy for outsiders to identify the operation of moral obligations from people's actions alone. Second, people operate within the context of their own social worlds and these will not only differ between individuals, or

groups of individuals, but may produce different interpretations about what the moral obligations actually are in a given situation. Third, people have to engage in moral reasoning, or working out their obligation for themselves. This provides the beginning of an explanation to account for the ambiguity of fathers views about the obligation of maintenance. Such ambiguity is apparent from evidence provided by non-resident fathers themselves.

Representatives of the fathers campaign groups NCFM and NACSA, interviewed by the Social Security Committee in its second enquiry into the Act, agreed that fathers 'ought' to pay maintenance but not that this obligation was unconditional (HC 470, I-ii, 1994). NCFM felt that the formula did not give enough consideration to mothers' current socio-economic circumstances and thus financial obligations under the Act were not equitably imposed on both parents (HC 470, 1994: 31). Whilst, NACSA were concerned that the formula went too far in dictating how fathers should spend their money on their children. They recognised the right of the state to seek maintenance from fathers, but they argued that this should be for only a fixed sum for each child (HC 470, 1994: 29). This would allow fathers to spend any additional incomes on their children as they saw fit.

Similarly, the majority of fathers who were CSA clients consistently agreed with the principle that they should pay but that consensus fell away if they could not be sure that maintenance would be spent on the children, if the mother was financially better off than the father, if they were not allowed to see their children, if it was felt that the father was not at fault for the break up of the relationship and some even felt it was better buy clothes for the children than pay maintenance (see Table 3.2 below).

Table 3.2 Non-resident fathers attitudes towards paying maintenance

	Agree/ Disagree	1992 %	1993 %	1994 %	1995 %
Fathers (Mothers) Have an obligation to pay towards their children.	**A**	89	90	89	93
	D	6	3	4	3
Someone should only pay maintenance if they can be sure it is spent in the children.	**A**	76	79	84	87
	D	16	11	8	8
If the mother/father looking after the child is better off than the other parent, the other parent shouldn't have to pay any money.	**A**	52	47	55	48
	D	29	37	30	39

If someone is not allowed to see their children they should not have to pay any maintenance.	**A**	41	47	58	57
	D	37	38	28	28
If the father/mother was not to blame for the break up then he/she shouldn't have to pay maintenance.	**A**	31	28	31	28
	D	50	55	53	57
It is better to buy clothes for the children than pay regular maintenance	**A**	26	36	41	37
	D	51	43	40	47
Base No. of cases		*265*	*543*	*1536*	*1162*

Taken from the National Client Satisfactions Surveys for 1992 (Speed *et al.,* 1993); 1993 (Speed *et al.,* 1994); 1994 (Speed and Seddon 1995); and 1995 (Speed and Kent 1996).

These attitudes reveal an apparent reluctance to pay under certain social and economic circumstances, just as the process of negotiation identified by Finch suggests. It appears that the social context, can therefore shape fathers' sense of moral obligation to children. Yet the attitudes also reveal how certain moral judgements are being made about the 'fair' apportioning of financial responsibility between parents, and about the sharing of parental care where fathers are 'not allowed' to see their children. Therefore in reaching a decision to agree or disagree with these statements in Table 3.2, the fathers have applied their own moral reasoning- though this reasoning is not entirely visible and the conclusions reached suggest that this might be highly complex.

Complexity of moral decision making

Finch (1989) asserts:

> ... the whole point about moral responsibility is that it must be possible for a person to take several different courses of action: for a decision to be a *moral* one, it has to be problematic.(1989: 69)

Such morally problematic decision making can be exemplified where fathers might feel they have made the 'right' moral decision in *not* paying child maintenance because they feel that is the proper thing to do under current circumstances; even if this conflicts with the expectation of parental altruism to be enacted through such cash payments. Moreover, the legal and institutional framework within which the obligation to pay maintenance is both defined and operated may influence fathers' moral reasoning and they might feel that non-payment may be

more beneficial for their children. For example the legal framework under the CSA does not take account of other forms of financial support such as providing clothing etc., nor of other parental obligations such as maintaining contact with children to allow the direct expression of love and affection. Indeed as already highlighted, evidence has suggested that overemphasising the maintenance obligation could actually inhibit and reduce the extent to which fathers can exercise these wider parental responsibilities and ultimately children suffer as a result (Clarke *et al.*, 1995). Fathers therefore might feel that giving primacy to these obligations over cash payments of maintenance may be a better way to express parental altruism. Non-payment of child maintenance may be further justified morally because the consequences of this action does not necessarily affect the well-being of the children, as the CSA has, until now, reclaimed all the child support monies where the children are dependent upon Income Support. Thus the power and legitimacy of the law, in as far as it relates to moral principles, may be diminished as there may be no contradiction between non payment of maintenance and the expression of parental altruism.

It is therefore entirely possible that some father's may decide *not* to pay child maintenance, not because they don't accept that they should pay, nor because they lack a sense of altruistic obligation for their children, but because they do not accept this obligation within the context of their current circumstances, or within the context of the law. This proposition makes it easier to dispute the principles contained within the Child Support Acts. That fathers have an absolute and unconditional obligation to pay maintenance, and that parental altruism should be exercised primarily through these means, because in applying these principles the policy ignores the complexities involved between beliefs in moral obligations and peoples' actions in relation to those obligations and in relation to their particular circumstances. There is also the legal institutional framework to be taken into account, though currently, there is little understanding about its impact on beliefs and behaviour (Barnes *et al.*, 1998; Millar, 1996a). Simple moral/legal precepts which determine that fathers should pay maintenance therefore completely miss the complexity involved in making moral decisions.

Research evidence on couples going through divorce gives further insights into the complexity of moral reasoning and decision making.

Smart and Neale (1997b) found that when deciding about sharing the care of children following

separation, some of the respondents in their qualitative study did operate on the basis of fixed moral rules rather than deciding what to do through a process of a negotiation However the outcomes of people's actions based on these rules were not always desirable. For example some parents believed that adulterous behaviour on the part of the other spouse was to be met with retribution through loss of contact with children, regardless of the upset caused to children. Smart and Neale (1997b) argued that such unquestioning operation of 'morally right' beliefs denoted a lack of empathy and reflexivity and even though these parents operated within clear rules of right and wrong, the outcomes of decisions based on this moral code were harmful. Ironically, they say, it might be this kind of parent who is seen as 'the most 'morally fit' by the pro-family right (Smart and Neale, 1997b: 22). Rather what most of their respondents had to do was interpret moral principles as they could see that following rigid rules would not deal sufficiently with everyone's competing needs. This presented them with moral dilemmas which they had to reflect upon and resolve by 'balancing' different needs and obligations' and negotiating a path through competing value judgments (Smart and Neale 1997b: 24). Parents therefore had to make a choice between taking different courses of action in order to accommodate competing needs and safeguard the interests of children. Smart concluded that engaging in moral reasoning therefore does not always equate with making the 'right' choices. Equally making a 'morally right' decision may be underpinned by suspect or immoral motivations.

Morally right decision making can be equally problematic in the case of financial obligations. For example if a father intends to use the maintenance payment as a means to control or pester the mother, then even though he is doing the 'right thing' by paying maintenance it is *perhaps* for the wrong reasons (the perhaps is emphasised because the reasons why they might behave this way are unknown). Burgoyne and Millar (1994) found evidence of this behaviour among the non-resident fathers in their study. While Clarke *et al.* (1993) found that lone mothers expressed concerns about having their lives controlled by their ex-partners as a result of receiving child maintenance and for that reason were reluctant to accept it. This evidence exemplifies how the act of paying maintenance is also synonymous with the giving of money and money itself can add another layer of complexity.

McCluskey suggests money raises strong emotions and is:

> ... *par excellence*, the source of power, freedom and responsibility and also of abuse,

avarice and corruption.
(1990: 29)

McCluskey (1990: 22) goes onto to argue that money is a 'third thing' in a marriage which 'exists in the space between the couple'. It can be used to buy affection, express or buy commitment and alleviate guilt and thus the social meanings of money in intimate relations are multifaceted. It is likely therefore, that in the context of separation, when the dynamics of the parents' intimate relationship have broken down, that the meanings attached to sharing money and the uses of money may alter significantly, just as the evidence presented by Clarke *et al.* (1993) and Burgoyne and Millar (1994) suggests. Others have also highlighted how fathers' sometimes used money as a bargaining tool in contact arrangements for children (Burgess, 1998; Edwards *et al.,* 1992; House of Lords, *Hansard,* 25.2.1991; HC 277-ii, 1991). Such behaviour is not confined to the UK however, there is also evidence of this occurring in America (Arendell, 1995) and in Australia (Funder *et al.,* 1993). Money in the form of maintenance therefore may feature very powerfully in these relationships and it is largely unknown what this means from the perspective of the father, nor is there any understanding at all about how these meanings may be redefined and reinterpreted when the state steps in to earmark part of the fathers' income for child maintenance purposes. As the backlash to child support policy has shown this is a very sensitive and emotionally charged area for governments to legislate within. Indeed as Smith (1998: 16) points out the debate about the appropriate balance between state support and family support for children is linked to 'deep-rooted moral and ideological questions of freedom, dependency, care and mutual responsibility'.

The point is that non-resident fathers might have to engage in 'moral reasoning' when working out their financial obligations to children, rather than viewing their obligations as fixed, absolute and unconditional. This would involve negotiating their obligations in terms of the socio-economic circumstances and the use of money, in terms of the legal expectations and institutional framework, and in terms of deciding the morally correct thing to do. Ultimately there is no conclusive evidence demonstrating this is what happens however. It is therefore possible to view fathers' financial obligations from three competing perspectives. These are:

Children's Rights to Maintenance is Absolute	Versus	Fathers' Rights to Control, or Apportion their Own Money
Fathers' Financial Obligations Unconditional	Versus	Fathers' Financial Obligations Conditional
Financial Obligations to Children Distinct	Versus	Financial, Social and Moral Obligations Interrelated

If fathers adopt the approach that children have a right to maintenance and that this financial obligation is both distinct and unconditional, then it is likely that they will be more willing to pay maintenance under the terms laid down in the Child Support Acts. However if fathers feel that their rights to their money comes before children's rights to maintenance, and that their social and moral obligations are both conditional and interrelated it is likely that they would be less willing to pay maintenance. This latter perspective points to a possible a dissatisfaction among fathers with the 'unconditional' nature of the obligations as defined within the Act. However given the evidence that compliance was poor even in the previous court system, which could take different circumstances into account, it could mean that fathers' fulfilment of their financial obligations are at odds with the normative expectation that they ought to provide cash maintenance payments. The underlying assumption is that non-resident fathers should provide financially for their children from first families out of a sense of duty or obligation based on the principle of parental altruism attached to biological relationships. It is therefore possible that there is a misunderstood consensus on what fathers 'ought to do' for their children following family breakdown.

SUMMARY

It has been argued that the foundation of the Child Support Acts of 1991 and 1995 rests upon the perceived social norm of parental altruism, and as far as this may exist, it is this social norm which has been appropriated and transformed into a moral principle. It is this moral principle that has been the driving force underpinning the policy, encapsulating as it does common sense notions about what parents should be doing for their children. Yet such a stance demonstrates a singular and simplistic approach in the face of multiple complexities with regards to non-resident fathers' financial obligations. The policy advocates which parental obligations should

take primacy and in so doing implies that payment of maintenance exemplifies a particular social meaning of care. For example it is assumed that the moral principle of parental altruism is exercised widely in intact families and that this is therefore a fixed and absolute obligation. As such it becomes reasonable to expect men to pay maintenance. However, even if parental altruism remains a fixed and guiding rule in parental decision making, it might be extremely difficult for non-resident parents to know in which ways it is best to fulfill this obligation. But ultimately it is unknown whether, how, or in what ways this principle guides moral decision making, or even whether it is indeed a fixed obligation in the context of non-residency or whether it alters depending upon circumstances. These are important questions as arguably it is the principle of parental altruism which endows the Child Support Acts with their moral legitimacy and conceivably this principle has also guided a political rhetoric which has caricatured non-resident fathers as Knaves who could not care less about their children. Whether or not it is appropriate for child support policy to encroach into the private sphere of family obligations is a moot point. This encroachment has already happened and although the formulation of child support policy has attempted to turn the clocks back in terms of making women economically dependent upon men, there will presumably always be a need for a policy which deals with the financial obligations of parents as a result of family breakdown. It is important however for the success of any such policy at least to attempt to understand how family obligations work. Half-baked notions about human behaviour are bound to fail if they are completely out of line with societal norms (Millar, 1996a; Finch, 1989). People therefore may be highly resistant to child support policy which legitimates itself on the basis of enforcing some vague notion of appropriate parental moral responsibility. As Le Grand (1997) has argued what is needed are robust policies which do not rely upon a simple view of human behaviour and a resultant punitive approach. Policy makers therefore need to understand the complex interplay between moral obligation on the one hand and the real sense of duty and responsibility that non-resident fathers may hold for their children on the other, and how these may be altered in different circumstances. This thesis sets out to explore empirically these issues and the following chapter describes the research methods used.

CHAPTER FOUR

THE EMPIRICAL STUDY AND RESEARCH METHODS

INTRODUCTION

Given that little is known about the actual circumstances of non-resident fathers, how much they provide in financial support, or how they come to make commitments to provide child maintenance, the empirical work aims to cast some light on these matters by using a mixed-method approach. This involves a primary analysis of quantitative data from a national survey of non-resident fathers in the UK, running alongside a qualitative study with a small number of respondents drawn from the survey. The national survey was funded by the Economic and Social Research Council and it formed part of the 'Population and Household Change Programme'. The aims of the survey were to contribute to knowledge about the circumstances of absent fathers; their socio-economic circumstances, age, employment status, occupation, child and spousal maintenance payments, marital status and current living arrangements, and housing. It also considered fathers' current relations with their children and the mother. For this thesis the focus is entirely upon child maintenance payments. This is the first study of its kind in the UK and in that sense it is exploratory (for a full account of the findings of the national survey see Bradshaw *et al.*, 1999). The qualitative study builds on earlier work by Burgoyne and Millar (1994) who explored non-resident fathers attitudes to child maintenance in-depth. It expands this earlier work in two important aspects. First, the qualitative study will test the applicability of the framework of negotiated commitments developed by Finch and Mason (1993) by applying it to non-resident fathers' relationships. Second, it will examine the ways in which fathers' financial obligations to their non-resident children interact with the meaning of money.

As outlined in the introductory chapter to the thesis, the research has two main aims; first, to explore the circumstances under which some men pay maintenance whilst others do not and the factors that relate to payment, and second, to discover what processes and mechanisms might be involved in developing financial commitments. Each of these aims is reflected within the two different methods used; the quantitative analysis considers the patterns of financial support offered by fathers and the qualitative study explores in depth how and why fathers make financial commitments to their children.

This chapter begins by outlining the rationale for using a mixed method approach and the advantages and limitations of that method. This is followed by a detailed discussion on the sampling strategy employed in each study, the fieldwork procedures, and finally an examination of the processes of data generation and analysis used in the qualitative study.

RESEARCH DESIGN

A mixed method approach

The methodological design of the research has been informed by the evidence pertaining to:

- the levels of non-payment of child maintenance
- the backlash to the Child Support Act on implementation
- the incongruity and ambiguity of fathers' espoused beliefs in the principle of the Child Support Act
- the opposing portraits of non-resident fathers in political and pressure group discourses and
- theoretical debates on monetary and family obligations.

These have all been discussed in the preceding chapters.

It has been suggested that fathers may be unwilling to pay maintenance if they regard their financial obligations as conditional and interrelated with their social obligations and with their rights to apportion their own money. This is in direct contradiction to the principle within the child support legislation, that there is an unconditional obligation to pay maintenance (where there is some defined capacity to pay). Conversely, it has been suggested that the apparent unwillingness to pay, may be due to financial concerns where fathers feel they cannot afford to meet their maintenance liabilities. It is not intended however, to set up these two propositions as alternative explanations for unwillingness to pay. Rather it was suggested that perceptions of the affordability of maintenance are likely to be interrelated in a complex way with social obligations and fathers' rights over their money. Perceptions of affordability are also likely to be at odds with external definitions of capacity to pay maintenance, as exemplified by the child support formula. For example, the formula calculates capacity to pay based on assessments of how much money the father needs to live on, after this sum has been calculated, any remaining income is apportioned to maintenance. This formulaic definition of fathers' financial needs has been shown to be at odds with fathers' own assessments of their needs.

Thus objective judgements on capacity to pay interact with subjective judgments on whether the maintenance is affordable. In addition however, as already stated, perceptions of affordability are likely to be interrelated with social obligations and how fathers use money in their social worlds. Given this interrelationship, and given that no one knows what 'capacity to pay' maintenance exists among the population of non-resident fathers, all three concepts, capacity, affordability and willingness to pay, need to be examined, but they require different methodological approaches.

A quantitative analysis of a nationally representative sample of non-resident fathers is best suited to making objective measurements about capacity to pay maintenance. In that sense, a quantitative approach tends to reflect the concerns of the researcher (Bryman, 1992) and in this case, it is the dimension of 'capacity to pay' which is being measured from an 'outside' perspective. Additionally, as quantitative social survey methods are better at establishing patterns of structure - establishing regularities and links between variables - this method will also help to identify other factors that might be related to maintenance payments (age, marital status etc.) and which thereby may mitigate against, or facilitate, fathers' willingness to pay. More specifically, as little is known about the different types of financial support offered by fathers, the social survey will also provide information on the variation and extent of this kind of informal provision. Yet, as one of the main objectives of the empirical work is to understand financial obligations from the perspective of the fathers themselves, there is a need to contextualise their experiences by viewing obligations from within the fathers' own frames of reference.

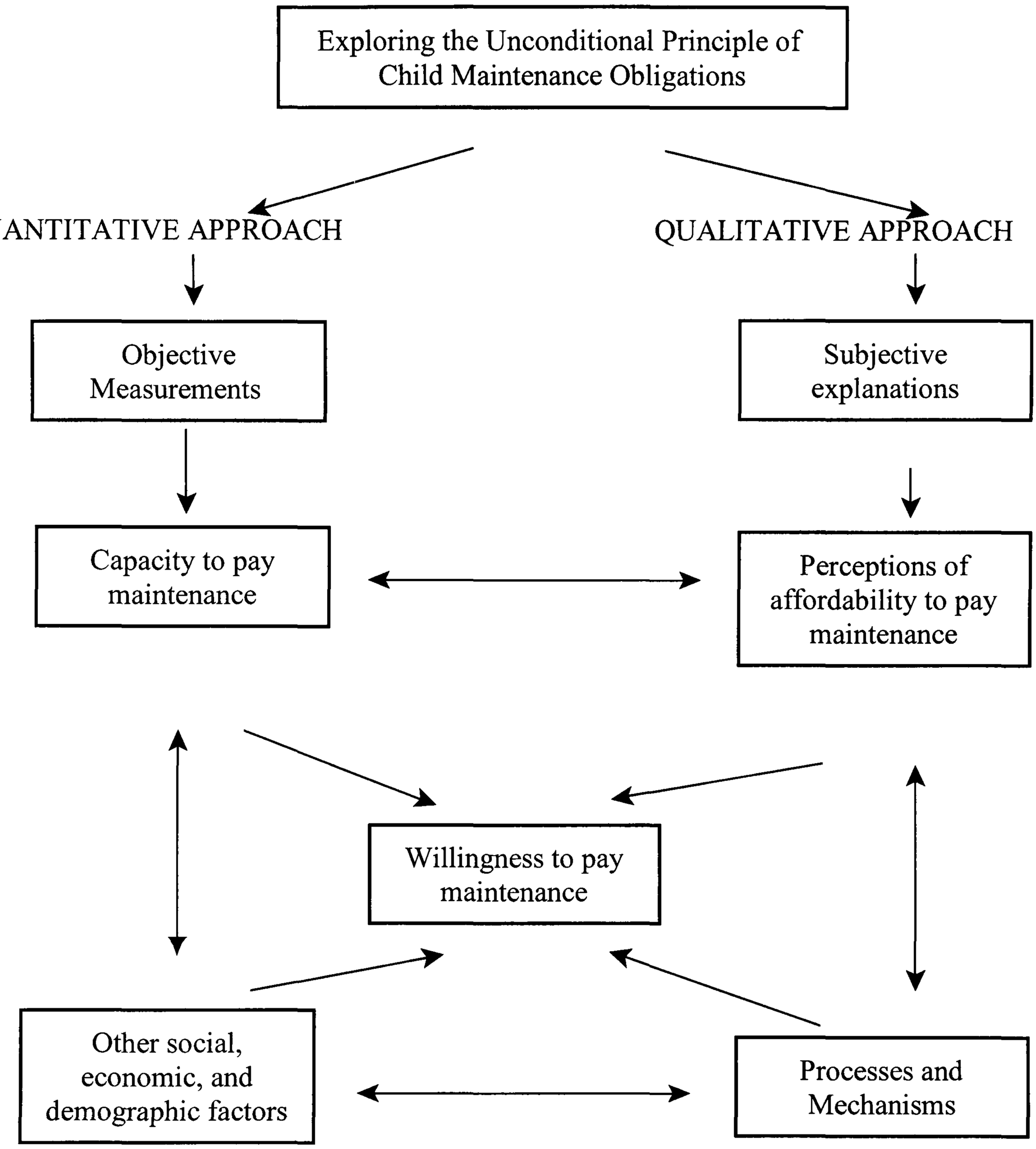
Given this, qualitative in-depth interviews have been chosen because they are best suited to achieve an understanding of how peoples' actions are both informed by, and are reflected back on their own frames of reference. It is in exploring peoples' attitudes, norms and behaviour; in other words their frames of reference, that an interpretation of peoples' actions can therefore be made (Allan and Skinner, 1991). While a quantitative social survey is also suitable for collecting data on peoples' attitudes, norms and behaviour, a pre-coded questionnaire survey cannot explore how, for the individual father, these 'frames of reference' interrelate with their actions within the context of their own lives and social relationships.

A qualitative approach is also useful in the uncovering of underlying processes and for producing an 'insider' perspective. Taking the first point, one of the central aims of this research is to explore what the underlying processes and mechanisms might be in making financial commitments. Bryman (1992) highlights how qualitative methods are particularly suited to exploring and understanding processes and underlying mechanisms that link variables. The process of negotiation has previously been identified as a possible mechanism involved in fathers making financial commitments to children, this therefore requires further examination within a qualitative approach. When considering the need for an insider perspective, it was argued that affordability of maintenance is a judgment made by fathers themselves in the context of their own social worlds. Therefore, the ways in which affordability of maintenance may impact on willingness to pay, can only be understood from the respondent's perspective. For this reason the qualitative in-depth interview is the preferred method. It is orientated from the perspective of the insider because it is flexible enough to allow respondents to identify their own concerns and proffer their own views on how these might be interpreted. This is in contrast to a pre-coded quantitative survey where there is no flexibility for respondents to highlight, or explain, the issues of most concern to them and it therefore tends to be orientated towards an outside perspective (Bryman 1992; Critcher *et al.*, 1999).

Despite this critique, both the 'insider' and 'outsider' perspective can be complementary. As explained, the 'insider' perspective will facilitate some understanding of fathers' willingness to pay maintenance as it relates to perceptions of affordability; but given that capacity to pay is also likely to be related to willingness, this will require exploration from an 'outside' perspective. The data from the quantitative survey on fathers' economic, social and family circumstances will be invaluable in gauging fathers' capacity to pay. Thus a fuller understanding of the nature of fathers financial obligations will be possible utilising mixed methods as both objective and subjective positions are adopted which can explore, on a macro level, the structures surrounding maintenance payment and on a micro level, how individuals develop financial commitments (Layder, 1998).

This is presented diagrammatically below:

Diagram 4.1 The research design



This combination of qualitative and quantitative methods is atypical in that both are assigned equal importance in the research design. For example the qualitative study was not designed simply to enrich the quantitative data by extracting quotes or case studies to humanise the statistical findings (Critcher *et al.,* 1999), though by its very nature it does perform this function. Neither does the qualitative study set out simply to explore in depth, the links and relationships that were made between key variables in the quantitative analysis, although to

some extent it also performs this function. Rather both methods operate in tandem as they are specifically designed to address the same phenomena, but from different and complementary standpoints. Moreover the qualitative study attempts to improve the explanatory power of the analysis and findings by explicitly seeking to link them to theoretical frameworks on family obligations - specifically the framework of negotiated commitments developed by Finch and Mason (1993).

Advantages of mixed methods

This is not the place to rehearse sophisticated arguments about the distinct epistemological positions of the two research methods and their approaches to the pursuit of knowledge, not least because it has been argued that the epistemological claims are falsely dichotomized and are inherently social constructions (Oakley, 1998). Suffice it to say, that increasing recognition is being given to the advantages of using a mixed-method approach (Brannen,1992b; Bryman,1992; Bryman and Burgess, 1994; Layder, 1998; Oakley, 1998; Williams *et al.*, 1999). At a general level the advantages of employing both methods in this study are first, that the quantitative study will give a broader picture of the nature and extent of financial and social support offered by fathers and an assessment of capacity to pay. This would not have been possible relying on qualitative methods alone, as typically a much smaller sample base is used. Second, the quantitative findings are enhanced as relationships between key variables are elucidated further by the qualitative analysis. Third, access problems were diminished for the qualitative study as non-resident fathers were both already identified by the survey and had also given their permission to be re-interviewed. Finally, as highlighted by Bryman (1992), by recruiting respondents from the survey, it is possible to be 'judicious' in the selection of cases to allow comparisons to be made between sharply differentiated groups. This was the approach adopted here (see below).

More specifically, this dual approach provides the opportunity to enhance the credibility of both sets of data through triangulation where the data are generated and analysed from more than one perspective. Generally, qualitative data are considered to have greater validity while quantitative data, based upon rigorous sampling procedures, are more replicable and have greater generalizability (Critcher *et al.* 1999). Thus the findings from both studies can be mutually reinforced. The qualitative findings can tease out the processes underlying the relationships between key variables. In turn, as the relationships under qualitative exploration

are shown to be statistically significant, this may enhance the ability to make inferences based upon the qualitative findings though, as the qualitative findings will reflect the views of its respondents, any such inferences must be made tentatively. At the same time, there are problems with using mixed method approaches.

Limitations of mixed methods

Complementary findings can mutually reinforce the credibility of both sets of data. But should the findings contradict one another, this risks undermining that credibility. Contradictory findings however, need not be completely disastrous. As Bryman (1992) argues, such contradictions will prompt a deeper examination of the data and this may expose either problems with the research design or expose gaps in understanding that otherwise would have been missed. Therefore even if contradictions occur, the opportunity to explore them further can help to enhance validity, as both data collection methods act as checks on one another and any weaknesses can be identified, explained, and perhaps even reconciled. At the very least, in the face of contradictory findings, triangulation can help make the processes of data generation and interpretation more visible to others. Judgements can then be made about the validity of the findings and the appropriateness of the methods used to investigate that particular phenomenon. It is more difficult however, to override criticisms which suggest triangulation across different methods is not feasible, because, as each method seeks to answer different questions, they are as a result incomparable. As Oakley (1998: 715) points out, 'it is not simply a question of checking one data set against another; different 'types' of data may yield very different conclusions'. Equally, it is argued that both sets of data are adequate at answering their own questions and therefore both methods are vital for reaching a fuller understanding of the phenomena under investigation as they can provide multidimensional explanations (Mason 1996; Critcher *et al.,* 1999). This is the view adopted in this study. The advantages of using mixed methods for this investigation are therefore not that a more accurate picture is presented as a result of triangulation, but rather that the different data sources illuminate the problem further than relying on one method alone. There are however more concrete problems for this study in terms of triangulation.

As described in detail below, there are doubts about the representativeness of the quantitative sample. This raises questions about the generalizability of the quantitative findings and in turn, some, though not all, of the advantages of using a mixed method approach are decreased. For

example the potential to make inferences on the basis of the qualitative findings may be diminished, as they are not confirmed by statistical relationships based on a completely robust probability sample. Equally however, qualitative findings are dependent upon their own methods of sampling, analysis and interpretation and they are not designed to make empirical generalizations to the wider population from which the sample is drawn (Mason, 1994). This is particularly important here, as the qualitative study was not restricted to exploring relationships between key variables in the survey sample, but set out to approach the problem from a theoretical stance. The potential to make wider claims on the basis of the qualitative findings therefore encounters the same limitations as in all qualitative studies and remains the same had there been no quantitative analysis of the same phenomena. The qualitative findings therefore can help to strengthen the validity of the quantitative data by providing some theoretical explanations, but they cannot compensate for the lack of representativeness in the survey sample. The quantitative study remains limited because the conclusions which can be drawn for the sample findings cannot be applied with a high degree of confidence to the population of non-resident fathers as a whole. But nevertheless, it is still possible to be confident about the statistical relationships and the results of modelling that have been found within the quantitative sample. Overall therefore, despite these problems, some of the benefits of triangulation have been achieved. But in addition, the difficulties of gaining a representative sample of non-resident fathers have been highlighted (see below). This provides valuable information about methodological problems in this area, which other researchers might find useful if they seek to conduct work which depends on identifying a population of non-resident fathers. The problems facing the survey in gaining a representative sample also posed limitations on the qualitative study.

As will be shown, there was a high attrition rate when delay was introduced between identifying non-resident fathers and following them up for the quantitative survey interview. The risk of losing respondents for the qualitative study was therefore exacerbated further, as it was necessary to wait until the survey interviews were complete and data on respondents had been received from the survey companies. In order to minimise the loss of respondents, it was decided to proceed as quickly as possible with the qualitative interviews without the benefit of analysis from the quantitative data. The pragmatic approach was therefore to select a purposive sample of respondents on the basis of specific criteria which could address the research questions and theoretical themes as fully as possible (the criteria are explained below). Had an

analysis of either sets of data been run simultaneously to conducting the qualitative interviews, this might have allowed for greater fine tuning of the sample in terms of its character and its size. However, there was some analysis of the early qualitative interviews and whilst this did not result in adjustments to the sample, it did allow for a closer inspection of new emergent themes. Moreover, in terms of differentiated experiences, the final sample was rich enough and large enough for the process of negotiated commitments to be understood (Mason 1996: 97). Ultimately the mixed method approach proved to be advantageous as a fuller understanding of the nature of financial obligations among non-resident fathers was achieved, and this is one of the main strengths of the study.

QUANTITATIVE STUDY

Sampling strategy

The quantitative study sought to interview a representative sample of fathers living apart from their children. There was no satisfactory sampling frame to gain such a sample. Because non-resident fathers are not as a group dependent on public services, it was not possible to use public records (for example, benefit data) as a sampling frame, as has been used to investigate lone parent families (for example, Bradshaw and Millar, 1991). It was decided to use omnibus surveys as a vehicle for identifying non-resident fathers through two survey companies; National Opinion Polls (NOP) and the Office of Populations Censuses and Surveys (OPCS). In a preliminary pilot conducted by NOP in January 1995, they tested the screening question and found that 4 per cent of men identified themselves as non-resident fathers and about 60 per cent said that they would be prepared to be interviewed. From this it was estimated that a sample of 1,000 non-resident fathers could be achieved by employing the OPCS and NOP omnibus for a period of ten months.

Screening began in April 1995 and men between the ages of 16 and 65, that were approached by the survey companies, were asked the following question:

> Are you the father of a child under 16, or between 16 and 18 and in full time education, who normally lives with their mother in another household?

If they answered yes, they were asked whether they would be willing to be interviewed.

The screening question appeared to be understood (though in the end, completed questionnaires were received for twenty-nine men who no longer had a dependent child living in another household). It can be seen from Table 4.1 that NOP, whose omnibus was three times the size of OPCS screened 25,824 men and OPCS screened 8,134 men. Both agencies achieved a similar proportion of men identifying themselves as the father of a child living with their mother in another household. However, OPCS obtained agreement to an interview from 56 per cent of non-resident fathers identified, and achieved interviews with all of them. In contrast, NOP obtained agreement with only 40 per cent of the fathers identified, and only achieved interviews with 30 per cent.

Table 4.1 Response to the screening survey and follow-up survey

	NOP	*OPCS*	*Total*
Number of men screened	25824	8134	33958
Non-resident fathers identified (% of the men screened)	1186 (4.6%)	464 (5.7%)	1650 (4.9%)
Non-resident fathers agreeing to an interview (% of those identified)	477 (40%)	258 (56%)	735 (45%)
Interviews achieved (% of non-resident fathers identified)	361 (30%)	258 (56%)	619 (38%)

The reasons for the lower success rate of interviews achieved by NOP are related to the way in which the fieldwork was conducted. OPCS used the same interviewers for both their omnibus survey, and the follow up survey. Thus they were able to obtain the interview with fathers who assented to be interviewed, for the most part, immediately after they were identified in the omnibus screen. In contrast , NOP tended to use different interviewers for the screening question in the omnibus survey and the follow-up survey and this introduced delays between identifying non-resident fathers, and interviewing them. The result was a very poor rate of interviews achieved by NOP. This produced an overall response rate of 84 per cent of

the non-resident fathers who agreed to be interviewed but only 38 per cent of those identified by the screen.

Unfortunately NOP had by far the largest screen, and their failure to achieve interviews with all the fathers identified resulted in the sample size building up much more slowly than expected. The screening period was extended until the end of 1995, and then again until the end of April 1996. The sample still fell short of the 1,000 target of non-resident fathers.

So the achieved sample is smaller than was intended, and the response rate, at least by NOP, was lower than expected and the sample captured only about one third of men who identified themselves as non-resident fathers. Nevertheless the question remains is the achieved sample representative?

Testing the representativeness of the sample

In this survey there are six possible sources of unrepresentativeness:

1. Sampling error. No sample fully represents the population from which it is drawn. This is as true for this sample as any other, and sampling theory makes it possible to predict the likely sampling error in a sample. Sampling error in this study will have occurred at the omnibus survey and at the follow up stage.

2. There is likely to be an under representation of men identifying themselves as non-resident fathers in the omnibus survey. This observation is derived from the work of Rendall *et al.* (1997) on the incomplete reporting of male fertility in the British Household Panel Survey (BHPS) and the US Panel Study of Income Dynamics. For example using data on male and female fertility collected in 1992 in the BHPS, they found that 11.5 per cent of male fertility was missing and 60 per cent of this was due to under representation in the sample rather than non-reporting. They also found much higher levels of missing male fertility where the relationships between the parents were no longer intact at the time of the survey, both where the births in this group had occurred outside marriage and inside marriage (approximately 19 per cent of the total in the BHPS). Among those non-marital births where relationships between the parents were no longer intact, 36 per cent of male fertility was missing though less than a quarter

(23 per cent) could be attributed to under-representation in the sample - the rest was due to non-reporting. However for the marital births, 40 per cent of male fertility was missing, but 64 per cent of this was due to under-representation as opposed to non-reporting. This suggests that non-resident fathers are likely to be under-represented in the omnibus surveys.

3. Some of the men who were asked whether they were the father of a child living in another household replied 'no' wrongly, because they did not know that they were. Clearly these fathers would be missing from the omnibus surveys and there is no feasible way to deal with this source of bias.

4. Some of the men who were asked whether they were a father of a child living in another household answered no 'wrongly' because they did not want to acknowledge or admit that they were. Given the public controversy over the Child Support Agency, the bad press that non-resident fathers were getting and a general anxiety about their self image, it is inevitable that there would be some men who did not want to admit or acknowledge that they were non-resident fathers. As little is known about the prevalence of non-resident fathers it is difficult to be certain about how large this group actually is (see discussion below). However as Rendall *et al.* (1997) have shown, among non-intact relationships, there are differences in the level of non-reporting of male fertility among those who had not been married at the time of the birth compared to those who had been married at the time of the birth. Approximately two thirds of those who had not been married, compared to one third of those who had, failed to report they were fathers. Thus there were higher levels of missing fertility due to non-reporting among non-resident fathers who had not been married at the time of the birth. This suggests that not only are non-resident fathers as a whole likely to be under- represented in the omnibus surveys, but also that men who had not been married and who are now single and separated from their former partners are less likely to report that they are fathers, compared to those who were are legally separated/divorced.

5. Some of the men who acknowledged that they were the father of a child living in another household refused a follow up interview. To some extent the possible effects of this

source of bias can be described because the agencies provided data on all respondents to their omnibus survey, whether or not they were interviewed as part of the follow up survey.

6. Some of the men who acknowledged that they were the father of a child living in another household and who agreed to be interviewed were never interviewed. This is a problem for the NOP sample and again the possible effects of this source of bias can be described using the omnibus survey.

It is probable then that not all the non-resident fathers in the population have been identified in the screening survey, as men either did not know, or refused to admit they were non-resident fathers. Given these problems of under-representation and under-reporting of male fertility, it is difficult to estimate the number of non-resident fathers in Britain and therefore the proportion that have been captured in the omnibus surveys. Haskey (1998) estimates that in 1996 the number of lone parent families in Britain is around 1.6 million and about 12 per cent of that number are either headed by widows or headed by men. The number of non-resident fathers will therefore not directly correspond with the number of lone parent families. But in addition there are likely to be many more non-resident fathers than the number of lone parent families suggests: One, because some lone mothers will have children by different fathers and two, as lone mothers go on to repartner their status changes, but men's status as non-resident fathers does not. Thus there are many non-resident fathers to children where the mother is married or cohabiting. Consequently, Bradshaw *et al.* (1999) estimate that the numbers of men who are non-resident fathers could vary between 2 million and 5 million, but is likely to be around 3 million. Given that only 4.9 per cent of the men screened in the omnibus survey said that they were non-resident fathers, this represents only about one million men aged between 16-65. The omnibus surveys therefore captured only one third of non-resident fathers, but it is still difficult to estimate how many were not identified due to non-reporting. One can only speculate about the characteristics of such men who failed to identify themselves as non-resident fathers in the screening surveys. They were probably more likely to have been the fathers of children born outside marriage and cohabitation, where the relationship with the mother was fleeting or at least where there was no living together relationship. As the work of Rendall *et al.* (1997) has shown, single non-resident fathers are less likely to report that they are fathers. It is also possible that they would probably be men who were likely to have to be interviewed in the

presence of new wives/partners/relations and therefore did not feel able to be as frank as they might otherwise have been. This remains a matter of conjecture however and these sources of bias cannot be adjusted for in the final survey sample, but some of the bias in the achieved sample can be explained and adjusted for where fathers either refused to be interviewed or where interviews were not achieved as a result of delay.

Adjusting for some of the source of bias

As the omnibus surveys collected data on the basic characteristics of all the men they screened, it is possible to describe and make adjustments for some of the bias in the survey sample by comparing the characteristics of the men interviewed with those not interviewed.

The sample who agreed to be interviewed were statistically less likely than those who were not, to be single, unskilled manual, an employee and under 30. These characteristics are likely to interact, and therefore a logistic regression was undertaken of the odds of being interviewed to establish the nature of these interactions. After controlling for other characteristics, the sample who were interviewed were only significantly different from those who were not interviewed, in respect of marital status and social class. The data was therefore weighted by these variables to compensate for this. Weighting attempts to compensate for known response bias, but it does not account for unknown response bias, nor for any bias in the sample of men who did identify themselves as non-resident fathers. It was therefore important to compare this sample with others.

The characteristics of the sample achieved were compared with two other sources, a special analysis of the Family and Working Lives Survey (FWLF) conducted by McKay, and the Client Satisfaction Survey undertaken on behalf of the CSA. On basic socio-demographic indicators, the characteristics of the sample achieved in this study were remarkably similar with both these other sources (a fuller description of the demographic characteristics of the sample are reported in Bradshaw et al 1999). Nevertheless, the survey sample is still likely to suffer from bias, due to non-reporting of men's identity as non-resident fathers and it is likely that the sample is under-representative of single, young, unemployed non-resident fathers There still remains questions therefore over the representativeness of the sample achieved for this study, and this needs to be borne in mind in considering the results in Chapters Five and Six.

QUALITATIVE STUDY

Sampling strategy

To avoid losing respondents, it was decided to embark upon the qualitative interviews as soon as possible without the benefit of analysis from the quantitative data. Despite this loss of advantage, the sampling strategy for the qualitative study was informed by literature reviews and by a small qualitative pilot study with seven non-resident fathers conducted in 1994 (Skinner, 1994). These had identified key areas of concerns for fathers in their commitments to pay maintenance for children, most notably fathers' contact with children.

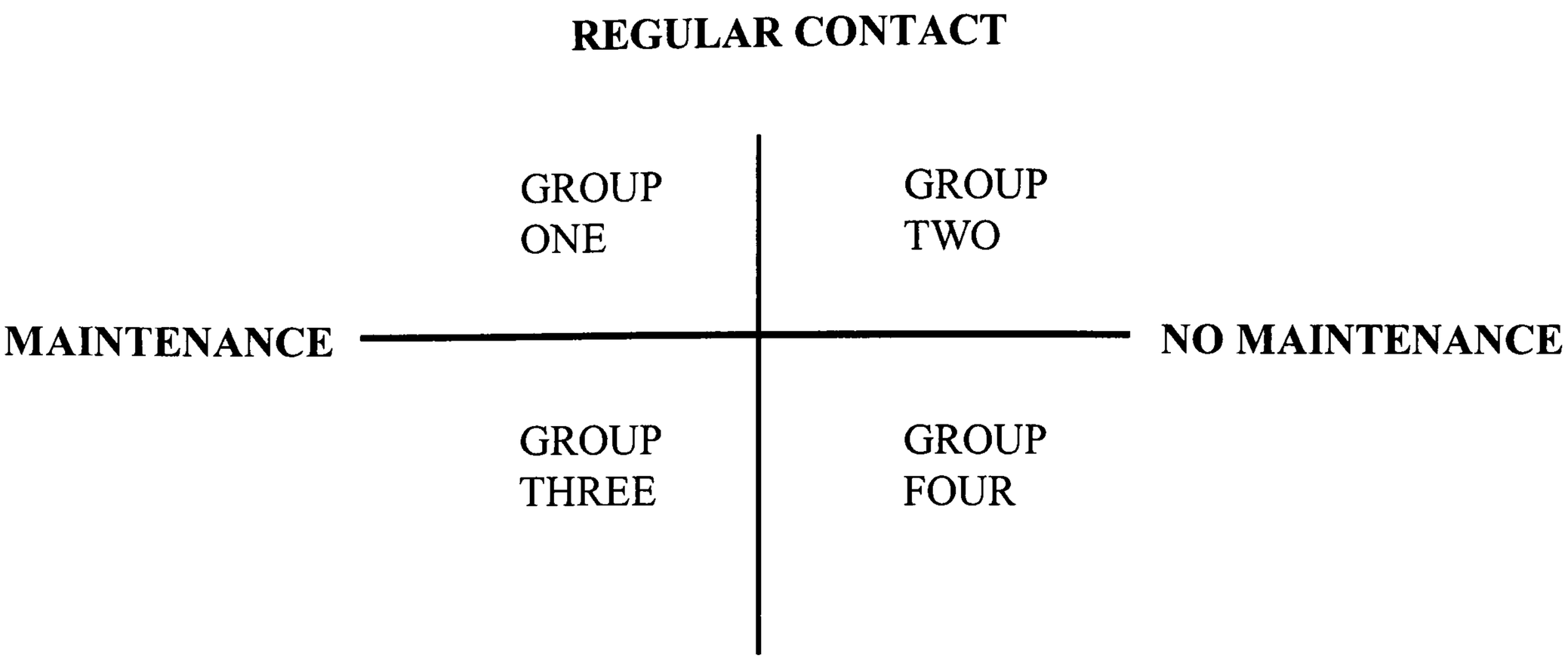
In March 1996, some of the early data became available from NOP's survey and respondents for the qualitative study were chosen from only among those who had agreed to a follow up interview and who had not been contacted to take part in other studies. Using only NOP respondents, a purposive quota sample of fathers was chosen on two main dimensions; contact and the payment of maintenance for children from fathers' first or only past relationships. Contact and maintenance are represented on two cross cutting axis (see below) showing opposite ends of two continuum - where fathers either had or did not have regular contact and either currently paid or did not currently pay maintenance. This produced four groupings:

GROUP ONE	Fathers with regular contact* and currently paying maintenance.
GROUP TWO	Fathers with regular contact* but not currently paying maintenance.
GROUP THREE	Fathers with no contact** and currently paying maintenance.
GROUP FOUR	Fathers with no contact** and not currently paying maintenance.

* Regular contact was defined where fathers reported that they saw their children at least once every three months up to daily contact.

** No contact was defined where fathers reported that they had not seen their children at all in the preceding 12 months.

Figure: 4.1 Quota sample



The rationale for choosing fathers across these dimensions of contact and maintenance was to capture a diverse range of experience in terms of fathers' involvement in their children's lives. These dimensions were used as possible indicators for fathers' level of commitment to children.

Accordingly, fathers in Group One who are in regular contact and paying maintenance might represent fathers who are most involved and committed to their children. Whilst fathers in Group Four who have no contact and are not paying maintenance might represent the opposite extreme. In the two middle groups, where there is a mix of financial support and contact, the level of involvement and commitment to children is more ambiguous. For example fathers who pay maintenance but have no contact may only be doing so because they are legally forced to pay maintenance. Thus their level of commitment may be minimal even though they financially provide. Equally fathers in regular contact but not currently paying maintenance may be willing to provide maintenance but are either 'unable' to do so are feel they can't 'afford' to do so. Thus their level of commitment may be strongly held even though they do not provide formal maintenance.

The possible permutations of fathers actual commitment are therefore not easily ascertained from just these two indicators. It is precisely because of this that such a quota sample was chosen, as it is intended to get as many differentiated experiences as possible to explore. Other means of sampling may not have produced a highly differentiated group. For example choosing fathers on the basis of their marital status to the mother would have relied on an ambiguous

presumption that fathers who were unmarried to the mother prior to separation may have been less involved with, or committed to their children post separation. Equally, differentiating between fathers on the basis of economic indicators may not have revealed much difference in levels of social involvement or commitment to children, even if it did produce differentiations in levels of 'ability to pay' maintenance.

The initial aim was to achieve interviews with five fathers with characteristics that matched each of the four groups, twenty in total. In April 1996, 68 names and addresses were received which were dispersed nationwide, and of those, 40 were most viable in terms of ease of access. All 40 fathers were contacted by letter. Twelve agreed to be interviewed after the first contact and a further eight agreed to be interviewed after making contact a second time, either by phone or by letter or a mixture of both (see Table 4.2).

The quota sample was not fully achieved however, there were six respondents in group one - those with contact and paying maintenance - and only four in group two, those with contact and not paying maintenance. Group two was the most difficult to obtain and unfortunately, not only was one of the four interviews lost due to technical difficulties (as was another in group one), but two of the other men's circumstances had changed such that one had now started to pay maintenance and the other had lost contact. Thus at the time of interview there was only one respondent who had regular contact and was not paying maintenance. It seemed the circumstances of this particular group were the most susceptible to change.

Table 4.2 Sampling strategy for qualitative interviews

	Group One	*Group Two*	*Group Three*	*Group Four*	*Total*
Numbers Actually Contacted	9	11	6	14	40
Actively Refused After One Contact	0	2	0	3	5
Non-Response After One Contact	5	6	4	8	23
Agreed to Interview After One Contact	**4**	**3**	**2**	**3**	**12**
Contacted Twice	2	4	3	3	12
Agreed To interview After Second Contact	**2**	**1**	**3**	**2**	**8**
Total	**6***	**4***	**5**	**5**	**20**

* One interview in each category was not viable due to technical difficulties

In total interviews were achieved with18 men, but while the circumstances of some had changed from the time of the survey, achieving the quota sample based on the dimensions of contact and maintenance was made more complex as five of the fathers had more than one past partnership involving children[10]. In three of those cases the children from the fathers' first past relationships were now adults (over 18 years of age) and this left 20 past relationships for whom a liability to pay maintenance still existed. Two men had two past relationships which differed on the dimensions of contact and maintenance. Both men paid maintenance and had contact with their children from their last most recent past relationship, but in their first past

[10] The selection criteria did not aim specifically to include fathers who had multiple past partnerships. If this high number of multiple past partnerships (found in the small qualitative sub sample) is due to anything other than simple coincidence, then this raises some important considerations for the survey. Bradshaw *et al.* (1999) found that 11 per cent of non-resident fathers had multiple past partnerships, it is possible that this an underestimate as the survey only included details of multiple past partnerships where the children were aged 18 years or under. There is the possibility therefore that there is a much higher number of multiple past partnerships among the population of non-resident fathers than suggested in the survey results .

relationships, one man had no contact and did not pay maintenance and the other had no contact but did pay maintenance. The details of these relationships are described more fully in the findings. The respondents were therefore categorised on the basis of their relationships and the unit of the analysis became the fathers' relationships and not the fathers as individual people. Rather fortuitously this compensated somewhat for the lost interviews, but it still did not match the quota as originally envisaged. The final breakdown of the sample (based on relationships) along the dimensions of contact and maintenance as they existed at the time of interview, is shown in Table 4.3.

Table 4.3 Breakdown of qualitative sample according to number of past relationships

Categories of Relationships		*No. of past relationships*
Group One	Fathers with regular contact and paying maintenance	8
Group Two	Fathers with regular contact but not currently paying maintenance.	1
Group Three	Fathers with no contact and currently paying maintenance.	5
Group Four	Fathers with no contact and not currently paying maintenance.	6

The final sample was geographically spread nationwide, from as far north as Edinburgh in Scotland to Brighton and Portsmouth on the south coast of England (see map in the appendices). This nationwide spread did present some travel difficulties but these were generally overcome.

Contacting respondents

To minimise the loss of respondents due to possible delay between initial contact and the follow up interviews (a problem already identified with NOP's interview strategy) it was decided to proceed in stages for the qualitative study. So groups of five or six fathers were approached by letter and once consent was confirmed, they were then interviewed within the following two weeks. Consequently contact with fathers, interviewing of fathers and transcription of tapes

were all running concurrently throughout the fieldwork period, but not a detailed analysis of the data as this would have introduced unacceptable delay.

All the respondents who were contacted had already given their written consent to the survey company to take part in any follow-up interviews. While this facilitated the first point of contact, it was not assumed that this consent - which may have been given a year earlier - would still be valid. Written consent was therefore sought a second time. Not least because it was important to reassure fathers on confidentiality as they were being interviewed by a different person, using alternative methods which focused on the issues of maintenance in a different way. On receiving consent, interviews were arranged by telephone and this had a number of advantages. First it enabled the respondent and interviewer to become a little more familiar with one another prior to the interview taking place. Second it provided an opportunity for the respondent to seek further information and clarification on the content of the interview. Third, as the researcher was a female who intended to interview men in their own homes, the phone calls provided an opportunity to gather basic information with a view to maximising the safety of the interviewer. Thus some details were taken informally on whether there were other adults living in the household and whether they would be present at the time of the interview.

Interview design

Given the geographical spread of respondents, the levels of attrition between initial contact and interview in the survey, and the fact that the men would have already been interviewed twice prior to the qualitative interview (once for the omnibus screen and once for the survey), it was decided to conduct only one interview with fathers using a semi-structured interview technique. The definition of a semi-structured interview being that it is:

> organised around issues of particular interest, while still allowing considerable flexibility in scope and depth.
> (May, 1991: 191)

The interview technique allowed for collecting information on the history of relationships with children and maintenance payments, but essentially, as it was one interview, it would ultimately only capture a snapshot in time. It was only possible therefore, to ascertain the levels of meaning and commitments to pay maintenance for each individual relationship under the circumstances that existed at the time of the interview. However this was compensated for by

the sampling strategy which captured a range of different circumstances which varied along time dimensions.

The interview design had two main elements. First a list of closed standardised questions on fathers' personal details, maintenance payments, current and past family circumstances and the numbers and ages of non-resident children. Second a wide ranging topic guide which covered the history of relationships with non-resident children and ex-partners and financial obligations.(see Topic Guide and Questionnaire in appendices). The idea behind this approach was to establish quickly who was in the father's current family and past family which would help inform and guide the in-depth part of the interview. It would also help ensure that important details would not be missed in the intricacies of unravelling the story of developing financial commitments. In addition it was hoped that having closed questions at the beginning of the interview would serve as a warm up exercise where both the respondent and the interviewer could become familiar in asking and answering questions and which would help build up a rapport and possibly a basis of trust.

Data collection

Data collection was by means of audio-tape recording and pen and paper for note taking and completing the standardised questions at the beginning of the interview. When the interview formally finished (when the recorder was switched off) notes of the conversation up to the time of departure were recorded retrospectively which were added to the interview data. As the topics under discussion were particularly sensitive, general fieldnotes were also kept, which noted the respondent's and the interviewer's emotional demeanour prior, to during and following the interview (the reasons for this are explained later under sensitive topics).

Analysis and interpretation

For the qualitative study it is particularly important to outline the processes of analysis as according to Critcher *et al.* (1999: 82) the effectiveness of systematic analytical procedures which aid interpretation, such as the 'grounded theory' method and computer packages are still under evaluation. As they state:

> At the moment, we can ask only for a methodological self-consciousness amongst researchers about the status of interview data and a clear articulation of the procedures involved.
> (Critcher *et al.*, 1999: 82)

A discussion on the actual status of the interview data is provided below in the section on reflections on the research process. The purpose here is to make transparent the techniques used in analysing the data as this will help in evaluating the interpretations reflected within the findings.

This empirical work starts from a point of theorising about the nature of financial obligations based on prior evidence on family obligations - specifically the framework of negotiated commitments developed by Finch and Mason (1993). In turn, the sampling strategy was designed to capture as much variation as possible in the level of commitment fathers appeared to exhibit towards their children, using two key indicators; contact and maintenance (explained above). In this way the data could be generated and explored to see whether or not financial commitments were developed through a process of negotiation and it would also be possible to look for negative instances and thereby give alternative explanations where fathers appeared not to have made financial commitments to their children (where they did not pay maintenance for instance). As highlighted above, detailed analysis did not take place until after data collection was completed, but there was some preliminary analysis conducted in the early stages of data collection.

Clearly therefore, the qualitative study did not adopt a 'grounded theory' approach to data generation and analysis as advocated by Glasser and Strauss (1967; 1971). In the grounded theory approach, the literature review is postponed until after data collection, as it is advocated that the theory should emerge only from the data itself and thereby be grounded in that data and not formed from preconceived ideas. Thus an integral part of this approach, is to run the analysis in tandem with data generation and thereby the sampling strategy can be adapted to test the emerging theory against new cases. However grounded theory, in its purest form, has been criticised as it assumes it is possible for the researcher to conceptualise their research questions and intellectual puzzle without some idea about how these might be constructed and explained (Critcher *et al.*, 1999; Layder 1998; Mason, 1996). Yet, although this study explicitly started from a point of theorising, this does not mean to suggest that some elements of good practice inherent within the grounded theory approach were not adopted.

For example, it was intended to use the framework of negotiated commitments not to test its validity per se, but to test its applicability to the particular case of non-resident fathers. In this

sense, the framework was used to help develop 'sensitising concepts' in the gathering of the qualitative data and to develop 'orientating devices' to help give shape and order to the data in the process of analysis (Layder, 1998: 23). Thus, although theoretical concepts had been pre-identified, this did not mean that the data was made to fit the theory. In particular, with the aid of some preliminary analysis of some of the early interviews, an exploration of new emerging ideas and themes was accommodated. For example, a new theme emerged as fathers talked about how the maintenance money should be 'spent' and the interview schedule was adapted to explore this further in depth. It was only during the process of analysis that ways of understanding and interpreting what fathers were saying about maintenance as money, in terms of how it should be spent, were drawn from theoretical work on the social meanings of money (Zelizer, 1994; 1996). Prior to data collection, the possible relationship between obligations and money had been identified as potentially important in examining commitments to pay maintenance, but no theoretical frameworks had been explored. Importantly, the point is that the findings are not entirely predetermined by the theoretical frameworks, but are also grounded in the data. The processes of data generation, interpretation and theorising therefore, involved deductive and inductive reasoning (or retroductive reasoning), where some theoretical aspects were identified prior to data collection and others emerged to account for empirical observations (Mason, 1996:142). In this way the processes of data generation, theorising and analysis were produced dialectically throughout the whole research process itself. This dialectical relationship was aided by the researcher being responsible for carrying out all the interviews, transcribing all the tapes and conducting the analysis.

The actual techniques used in the analysis itself, involved manual manipulation of the data (transcripts from the interviews). Each transcript was indexed for its literal content in order to give a systematic overview of the scope and content of the data as a whole. This helped with retrieval and familiarisation with the data. This process of indexing had two strands: One was to help identify emergent themes and the other built upon existing themes arising from the framework of negotiated commitments. The data was coded according to these themes and it was then possible to make comparisons across the data set to look for commonalities, differences and negative instances. The data however was also explored in a non-cross sectional way. This related specifically to the intellectual puzzle under examination - which was to find answers to the question of why and under what circumstances were commitments to pay maintenance made in some relationships but not in others. It was therefore vital to make

comparisons within and between groups of relationships based on payment and non-payment of maintenance and these are explicated in the findings.

REFLECTIONS ON THE RESOURCE PROCESS

Sensitive topics

As this research topic was likely to create powerful emotional reactions among respondents (and in the interviewer in response) noting both the respondent's and the interviewer's emotional demeanour was particularly important for this study. Not only were sensitive topics being discussed in terms of fathers' affective relationships with their children, but also in terms of dealing with the topic of money. The taboos surrounding discussions on income and money, have, in modern society, probably replaced those surrounding sexual behaviour. But for this study there was an added dimension of sensitivity surrounding discussing money as it was related specifically to child maintenance payments. This sensitivity was heightened even further because child maintenance (or its lack) has been used in political discourses to stigmatise and criticise non-resident fathers. As the fathers might seek to justify their conduct in response to this culture of blame, this created the risk that the interviewer would be subject to public accounts of how fathers' made financial commitments. It is hard to say what effect this culture had on data generation, but it did seem to be related in a complex way with the gender of the interviewer in terms of whether fathers gave more public or private accounts.

In line with other studies on fatherhood and divorce, where men were being interviewed by a woman (McKee and O'Brien, 1983; Arendell, 1995), some of the men welcomed the opportunity to discuss these sensitive matters as they stated that the interviewer as a female would have a 'special understanding' of how they might feel as fathers/parents. Some also commented that it was the first time they had talked to anyone in such detail and depth about the breakdown of their relationships and the aftermath. Certainly all the men seemed to be open and frank; they did not shy away from discussing what they found to be painful events and some even broke down and wept. This suggests that the men were giving very private accounts of their experiences and it is possible to speculate that had the interviewer been a man, this might have inhibited such frankness.

Simultaneously however, while this apparent lack of inhibition implied an openness, it is possible that the men viewed the female gender of the interviewer as important for maintaining

their public reputations as caring fathers. Perceptions of gender are such, that women might be considered to have a greater propensity to express sympathy and in this regard the gender of the interviewer may have worked to elicit more public accounts. For example, some men wanted to portray themselves in a good light and as victims of circumstances and eliciting a sympathetic response from the interviewer was one way of achieving this. Alternatively, two men said that talking to an 'outsider' about their relationships and financial commitments would provide a 'cathartic' experience. In such instances, the interviews seemed to act as a kind of confession. This is not dissimilar to the ways in which some people might divulge their life histories to a stranger on a long plane journey, in the safe knowledge that they would never meet them again. Ultimately it is impossible to say exactly how the gender dimension worked within these social interactions, or how the influence of gender might have been counteracted by the status of the interviewer as an outsider. Nevertheless, the majority of the men seemed to be seeking sympathetic reactions, not least because the political climate denounced them as uncaring fathers. Yet, while it is important to be empathetic in interviews in order to understand the respondent's perspective, it is not helpful to be sympathetic as this may preclude gentle probing of such public accounts. Having an awareness of this dimension throughout the interview process, by recording emotional reactions, was therefore important in identifying where public accounts might be most apparent. This facilitated further probing both in the interviews themselves and in explicating the data. This was one way to manage the sensitivity of discussing financial obligations. But there were other problems in terms of deciding upon the appropriate timing of sensitive questions.

Timing sensitive questions

Previous experience from conducting qualitative interviews with fathers on the same topic, demonstrated that the two aspects of child maintenance - the emotional and the economic - were difficult to discuss at broadly the same point in the interview process. Thus when fathers were discussing in-depth their obligation to pay maintenance, there never seemed an appropriate moment to ask how much maintenance they actually paid. This was partly because such questions would interrupt the flow, but also fathers may have felt manipulated into revealing information on how much they paid at a time when they were focussed more on emotional factors. Most importantly however, introducing such questions ran the risk of introducing an element of judgement via this absolute measurement of money. Discussing money in absolute terms either during, or some time after, fathers have rationalised their

behaviour in relation to making commitments to pay maintenance, could place fathers in an awkward position as they risked discrediting themselves and their explanations (especially if they did not pay, or paid very little maintenance). This might have proved fruitful in terms of probing these rationalisations, but at the same time the interviewer should not cause harm by challenging people's social constructs to such an extent that they are found wanting. Moreover it might have jeopardised the interview itself if fathers felt they were being judged in some way.

Because of these potential problems it was decided in an earlier study *not* directly to raise the question of 'how much' maintenance was paid, thus allowing fathers to volunteer the information themselves. However, only one out of seven fathers did so. Avoiding discussing levels of maintenance paid was not an option for this study, given that fathers' commitments to pay maintenance are probably linked to their perceptions of affordability of maintenance. It was therefore decided that the best approach was to address the issue of how much maintenance in a 'matter of fact' way within the standardised questions at the beginning of the interview. Thereby it was hoped that the economic aspects of money would be dissociated from the emotional aspects which would be discussed later in the in-depth part of the interview. Another rationale for this approach was that the fathers had already been interviewed at length on money matters in the national survey. It was felt that earlier disclosures on maintenance monies may have served to de-sensitise the topic to some degree, making it easier to discuss a second time. However this was not the case for all the respondents.

Some fathers in response to questions on amounts of maintenance immediately began to justify the level of their payments or justify non-payment. While this information was useful, it was very difficult to continue with the standardised questions at the beginning of the interview. This in itself was not a problem, as there was flexibility to move into the in-depth part of the interview which would allow fathers to 'run' with their story. However the difficulty this generated was that the interview prematurely 'lurched' into an important and complex topic area too early in the interview process. This created what Lee (1993:103) describes as an 'existential fog'. That is where in discussing sensitive, and thereby stressful topics, the respondent becomes unsure and equivocal about what has happened and what is happening, and so too does the interviewer. For example in these interviews, whilst justifying the level of maintenance paid, some fathers would weave together a whole series of past and current events which were related to relationships with children and ex-partners. The speed of the delivery and

the complex interweaving of events and relationships made it impossible to follow what was being said. It therefore became necessary to stem gently the flow of the fathers' stories to check the details of whom the fathers were referring to and the sequence of events that were being described. Consequently, in some cases, the interview seemed to 'judder' along in a stop - go fashion, as opposed to having a gradual development into discussing the more sensitive issues. When this situation did occur, it seemed that the interviews could tolerate the interruptions in flow and there were no obvious disparities in the quality of data received when reviewed for analysis. Nevertheless, the dilemma of knowing when and how to introduce the factual questions on maintenance remained problematic.

Flexibility V consistency

Given that a quota sample of respondents was chosen to compare and contrast their level of commitment on the basis of two dimensions, namely contact and maintenance, this created an inherent tension between flexibility and consistency within the interview situation. On the one hand the interview was designed to allow a considerable degree of flexibility in the topics discussed, but on the other hand there was also a need for consistency to ensure that all the fathers covered broadly the same topics to the same degree of depth. With a fairly extensive topic guide this took some time, especially where fathers had more than one past relationship or had particularly complex stories to tell. Time therefore became an important factor in the interview process especially where achieving some interviews involved extensive travel. The need for consistency and the consumption of time tended to constrain the degree of flexibility in some interview situations. It was difficult to know what the optimum amount of time might be to achieve an equitable balance between consistency and flexibility. This appears to be an inherent problem in qualitative interviewing for as May (1991:194) asserts:

> The dynamic nature of qualitative research interviewing, that is, the need for ongoing adjustments in relative structure, timing, intensity, and selection of informants, and in balancing flexibility, consistency, depth and breadth of data collection defies precise prediction.

In that sense the tension between the need for consistency and the need for flexibility experienced in these interviews, was by no means unusual.

SUMMARY

This chapter has attempted to explain in detail the methods used in this empirical work. It has

described the research design, the advantages and limitations of using a mixed method approach and highlighted some of the problems experienced in the sampling strategies adopted in both the quantitative and qualitative studies. In particular, the procedures and rationales involved in generating and analysing the qualitative data, have been illuminated as much as possible. This is especially important, as there are no standard procedures which can be utilised to determine the validity of the qualitative findings. A reflexive account of some elements of the qualitative research process has also been given to aid evaluations of the status of the data. Despite the doubts raised about the representativeness of the quantitative sample, it is hoped that both the quantitative and qualitative elements of this study provide a broad and rich picture of non-resident fathers' circumstances and that as full an understanding as possible is reached about the nature of fathers' financial obligations to their children. The findings are now presented in the following four chapters beginning with the quantitative work. The next chapter describes who pays maintenance and the factors that are implicated in payment and non-payment.

CHAPTER FIVE

CHILD SUPPORT: WHO PAYS?

INTRODUCTION

Little is known about the characteristics of fathers who pay child maintenance or the factors that are related to payment. Similarly, there is only limited information (collected from clients using the CSA) about why men may be reluctant to pay maintenance, and the capacity of men to pay. The findings presented here from a national survey of non-resident fathers intends to contribute to knowledge about these matters. This chapter describes who pays maintenance, the factors that are most associated with payment, fathers' accounts of reliability in payment, reasons for non-payment, and an analysis of potential to pay. Chapter Six then continues by exploring the level of formal maintenance and informal support provided by non-resident fathers and the factors that are associated with the amounts paid. Note the survey collected data on all of the fathers' past relationships involving children where they had more than one past relationship. The findings presented in this thesis however relate only to the last most recent partnership in which fathers had children, and not to all past relationships.

Who pays Child Support

The non-resident fathers were asked two distinct questions about money payments; first whether now or ever they made regular or occasional payments for child maintenance; second whether they now make money payments for child maintenance. The findings show that 77 per cent had ever paid and 57 per cent were currently paying. There is considerable disparity between these fathers' reports of maintenance paid and that reported by lone parents in other studies. Bradshaw and Millar (1991) found that only 40 per cent of lone mothers had ever received maintenance payments and only 30 per cent were currently (in 1989) receiving them. Marsh *et al.* (1997) found in their national survey of lone parents (including lone fathers) that only 30 per cent received maintenance in 1994.

Some further analysis was conducted on the Bradshaw and Millar data to examine to what extent this disparity could be explained. In the Bradshaw and Millar (1991) study maintenance payments varied by the employment status of the fathers. Thus where lone mothers said the father was employed just under half received maintenance compared with only eight per cent

of those whose former partners were unemployed. The rates of unemployment of fathers in the Bradshaw and Millar study (where the status was known by the mother) was higher than in this study; some 48 per cent of lone mothers' former partners were employed, compared with 66 per cent of non-resident fathers who were employed in this study. Similarly the proportion of lone mothers receiving maintenance varied considerably according to their previous marital status. The ex-married lone mothers were much more likely to be receiving maintenance; some 31 per cent of the ex-married compared with 18 per cent of the ex cohabiting and only 13 per cent of the ex-single were receiving maintenance at the time of the study.

Of the ex-married fathers in this sample, 66 per cent of the divorced and 61 per cent of the previously married but separated fathers claimed to be paying maintenance at the time of the study, whilst only 39 per cent of the ex cohabiting fathers were paying and 48 per cent of the never married/never cohabited (they made up only ten per cent of the whole sample) fathers claimed to be paying maintenance currently. Lone mothers in the Bradshaw and Millar survey had not repartnered (by definition) but where the fathers in this study knew the partnership status of the mother 57 per cent of the mothers had repartnered. If the analysis is restricted to those who are still known to be lone mothers then the fathers in this sample were paying maintenance in 62 per cent of those cases. When some of the differences between non-resident fathers in this sample and the lone mothers in the Bradshaw and Millar sample are controlled for, some of the gap in reported levels of maintenance payment is closed, but by no means all of it.

There remain two possible reasons for this discrepancy: this sample is not representative and biased in favour of non-resident fathers who pay maintenance (it is possible that Bradshaw and Millar is also biased though this is unlikely given that Marsh *et al.* (1997) have confirmed their findings on maintenance); second non-resident fathers are exaggerating the extent to which they pay maintenance, and lone mothers are diminishing the extent to which they receive it. For example there is no incentive for lone mothers in receipt of means tested benefits to declare that they receive maintenance, because as there is no disregard for those on Income Support, they risk losing their benefits - over three-quarters of lone mothers are dependent on one or other means tested benefits. Non-resident fathers on the other hand stand to gain by declaring maintenance payments, as paying would enhance their reputation as responsible fathers.

Fathers' individual characteristics

Table 5.1 compares the characteristics of fathers by the payment of maintenance. Particularly striking was the difference in the employment status of the groups: 74 per cent of current payers were in employment, whereas only 34 per cent of past payers and 28 per cent of never paid fathers were in employment. The picture that emerges from the fathers' individual characteristics is that payers, in comparison to the two groups not paying, were better educated, were more likely to be economically active, were more likely to live in owner-occupier accommodation, to describe themselves as being financially better off and were more likely to have savings. They also seemed to have postponed fatherhood till they were older, and were more likely to have had only one past relationship involving children.

Interestingly just under a third of the never paid fathers were under 20 years of age when they first became a father and a third were under 30 years of age at the time of the study. They were the group most likely to have had more than one past partnership involving children; 18 per cent compared to 11 per cent of past payers and only seven per cent of payers. Their tendency to be younger at the time of the study and their slightly higher multiple past partnership rate could reflect that they were younger when they first became fathers. Additionally, more of the never paid fathers were living with family and friends than in the other two groups, and whilst financially they were similarly hard pressed to the past payers, less of them described themselves as 'managing alright'. Only 35 per cent of the never-paid fathers said they were managing alright, compared to 44 per cent of current payers and 46 per cent of past-payers.

Table 5.1 Payment of maintenance by fathers' individual characteristics

Variable	*Current payers* %	*Past payers* %	*Never paid* %	*All* %
Current age				
< 30	15	19	33	20
31-40	51	48	41	48
41-50	32	27	21	28
51+	2	7	5	4
Base	(336)	(122)	(130)	(588)
Chi sq=28.12 df=6; Sig ***				
Employment status				
employed	74	34	28	54
self-employed	15	9	9	12
inactive	11	57	69	33
Base	(331)	(122)	(129)	(582)
Chi Sq=178.55 df=4; Sig ***				
Highest educational qualification				
no qualifications	26	46	44	34
CSE, GCE, GCSE, School cert	38	31	35	36
ONC/BTECH/A level/higher	15	14	10	14
HNC/Degree/Post Graduates	21	8	10	16
Base	(317)	(111)	(124)	(552)
Chi Sq=29.99 df=6; Sig ***				
Housing tenure				
family/friends and other	13	9	19	14
private owned/mortgage	60	33	21	46
LA/HA and private rent	27	58	60	41
Base	(335)	(122)	(130)	(587)
Chi Sq=78.92 df=4; Sig ***				
Fathers circumstances now				
very well off	12	6	2	9
comfortably off	22	11	16	18
managing alright	44	46	35	42
not very well off	12	13	20	14
hard pressed	9	25	25	16
Base	(336)	(122)	(130)	(588)
Chi Sq=45.84 df=8; Sig***				

Savings				
yes, have savings	35	21	17	28
no savings	65	79	83	72
Base	(330)	(122)	(130)	(582)
Chi Sq=18.90 df=2; Sig***				
Age first became a father				
< 20	8	20	30	15
20-24	37	41	29	36
25-30	38	27	24	33
> 31	17	11	17	16
Base	(333)	(123)	(130)	(586)
Chi Sq=44.54 df=6; Sig***				
Number of past relationships in which had children				
one past relationship	92	88	82	89
more than one past relationship	7	11	18	11
Base	*(336)*	*(122)*	*(130)*	*(588)*
Chi Sq=10.51 df=2; Sig**				
Occupation of those employed				
professional/technical/admin	28	23	10	26
clerical/sales/service	20	19	31	22
skilled worker	28	26	28	27
semi-skilled/farm/other	24	32	31	26
Base	(294)	(53)	(39)	(386)
Chi Sq Not Sig				

Socio-economic Circumstances of fathers' last former partner

Whilst the fathers' socio-economic circumstances were associated with their maintenance status, so too were the socio-economic circumstances of their last former partners, to whom they were paying child maintenance (Table 5.2).

Comparing across the groups, the current payers seemed the most well informed about the circumstances of their former partners. Nevertheless the current payers' former partners were also more likely to be living with a new partner, to have partners that were employed, to be working full-time themselves, and to be financially comfortable. Though over a third were also said to be in receipt of Income Support. An opposite picture is provided of the circumstances

of the former partners of the never paid fathers; nearly half (44 per cent) were known to be in receipt of Income Support and they were more likely to be described as just getting by or finding it quite/very difficult financially.

Though not shown in the table, where the former partners were working or where they were not in receipt of Income Support, they were much more likely to be paid maintenance. Some 69 per cent of those former partners who were known to be working full-time were paid maintenance (and 79 per cent of the part-time workers) compared to only 42 per cent who were not working. Similarly, 74 per cent of the former partners who were not in receipt of Income Support were paid maintenance compared to only 47 per cent who received Income Support.

It seems therefore that the potentially poorest mothers - those who were in receipt of Income Support or not working themselves were the least likely to be paid maintenance.

Table 5.2 Payment of maintenance by former partners' socio-economic circumstances

	Current %	*Past %*	*Never %*	*All %*
Mother lives with new partner				
yes	52	50	42	49
no	41	31	35	37
don't know	8	18	24	13
Base	*(335)*	*(121)*	*(130)*	*(586)*
Chi Sq=24.81 df=4; Sig***				
Mother's new partner working				
yes	81	69	52	73
no	9	7	15	9
don't know	10	25	33	18
Base	*(173)*	*(61)*	*(54)*	*(288)*
Chi Sq=21.54 df=4; Sig ***				
Mothers employment status				
works full-time	32	22	15	26
works part-time	26	14	5	19
not working	17	23	37	22
don't know	25	42	42	32

Base Chi Sq=64.70 df=6; Sig***	*(334)*	*(123)*	*(130)*	*(587)*
Whether mother on income support				
yes	35	38	44	38
no	36	9	17	25
don't know	29	53	39	37
Base Chi Sq=34.99 df=4; Sig***	*(228)*	*(97)*	*(116)*	*(441)*
Mothers financial circumstances				
living comfortably	32	23	14	26
doing alright	26	23	23	24
just getting by	21	16	18	19
it's quite/very difficult	9	8	16	10
don't know	12	30	29	19
Base Chi sq=37.23 df=8; Sig***	*(327)*	*(113)*	*(120)*	*(559)*

Fathers' current marital status and household circumstances

Fathers' current family circumstances were also significant factors associated with maintenance payments (Table 5.3).

Whilst the majority of the fathers in each maintenance group were single, the current payers were most likely to be married or cohabiting with a new partner but not living with children. Even if they were living with children, they tended to have fewer children than the past payers. In addition, where the current payers had new partners, these new partners were most likely to be working full time - 55 per cent were compared to only just over a quarter of the past payers' and only 15 per cent of the never paid fathers' new partners.

These patterns of maintenance payment, by different family and household circumstances, probably reflect both the incomes and the financial demands upon these fathers' households. Thus it seems the current payers had the most help from the earnings of their current partners, whilst having lesser demands on their resources from having no children, or fewer children in their households. While the never paid fathers were the group most likely to be living alone and therefore had the least demands on their resources from resident children, but they were also

most likely to have partners that were economically inactive (like the majority of these fathers of whom over two thirds were economically inactive).

Table 5.3 Payment of maintenance by fathers' current household arrangements

	Current payers %	*Past payers* %	*Never paid* %	*All* %
Current marital status				
single	54	57	70	58
married	26	29	13	24
cohabiting	20	14	17	18
Base	(336)	(122)	(130)	(588)
Chi Sq=15.13 df=4; Sig**				
Current living arrangements				
lives alone	35	36	40	36
lives with partner only	22	11	8	16
lives with partner & children only	24	33	22	25
lives with parent/other relative	9	7	13	9
other	10	14	16	12
Base	(336)	(122)	(130)	(588)
Chi Sq=23.67 df=8; Sig**				
Number of dependent children in household				
none	74	56	71	70
1	13	25	13	15
2 or more	13	19	15	15
Base	*(336)*	*(122)*	*(130)*	*(588)*
Chi Sq=15.57 df=4; Sig**				
Fathers' partner works				
partner works full-time	55	28	15	43
partner works part-time	17	22	12	17
partner inactive	28	50	73	40
Base Excludes those partners who were self-employed	(156)	(54)	(41)	(251)
Chi Sq=38.11 df=4; Sig***				

Fathers' individual characteristics and household arrangements could be described as the more structural elements that may be related to financial ability to pay maintenance. The history of the relationship with former partners and current relations with former partners and children could be described as the 'softer' factors that may be associated with maintenance payment. These are now discussed.

Payment of maintenance by fathers' relationships with former partners

Table 5.4 demonstrates that among the current and past payers of maintenance, the history of relationships with former partners were very similar; by far the majority in both groups had been married to their former partners and had lived with them for at least five years. While the majority of never paid fathers had not been married and had shorter term relationships. However it is interesting to note that, although the proportions are small, the never paid fathers were only slightly more likely to have never lived with the mothers of their children compared to current and past payers. This suggests that the majority of their relationships were not fleeting in nature.

The state of current relations with partners provides a slightly different picture. In comparison to current payers, both groups of non-payers (past and never paid fathers) were more likely not to have contact with former partners and to describe their current relations with her as hostile or non existent. Of course non payment of maintenance itself may lead to poor relations with former partners and loss of contact. It is therefore impossible to tell in which direction these factors exert influence on one another.

Table 5.4 Previous history of the relationship with the last former partner by maintenance status

	Current payers %	*Past payers* %	*Never paid* %	*All* %
Time lived together				
never lived together	8	9	13	9
2 years or less	10	15	25	14
>2 but <5 years	17	19	28	20
>5 but <10 years	27	22	15	24
10 years and over	38	36	19	33
Base	*(328)*	*(115)*	*(125)*	*(568)*
Chi Sq=38.06 df=8; Sig***				
Marital status to former partners				
was married, now divorced	64	62	29	55
was married, now separated	12	6	15	11
co-habited but never married	16	23	43	23
never cohabited/never married	8	8	12	9
Base	*(335)*	*(120)*	*(129)*	*(584)*
Chi Sq=63.49 df=6; Sig***				
Contact with former partner				
yes, contact	82	59	60	72
no contact	18	41	40	28
Base	*(335)*	*(122)*	*(130)*	*(587)*
Chi Sq=43.83 df=2; Sig***				
State of relations with former partners - all fathers				
amicable	63	43	46	55
neither amicable or hostile	10	9	7	9
hostile - no relationship	27	48	47	36
Base	*(332)*	*(119)*	*(126)*	*(577)*
Chi Sq=25.80 df=4; Sig***				

Payment of maintenance by fathers relationship with children from last partnership

Compared to the number and ages of the fathers' non-resident children, the most important factor associated with maintenance payment was fathers' level of contact with their children (Table 5.5). Some 80 per cent of the current payers had shared care[11] of their children, or frequent weekly to monthly contact, while over a quarter of the past payers, and over a third of the never paid fathers, saw their children less often than once a year if at all.

However current payers also tended to have more children and have older children than the rest. These factors are probably related to the length of the fathers' relationships with the children's mothers. As already highlighted the majority of current payers had longer term relationships with mothers, thus the age of their youngest non-resident child would be older, and presumably the longer the parent's relationship the more chance there would be of having more than one child.

The sex of children and the distance fathers lived from their children's homes (measured in miles) were not significant factors associated with maintenance payment.

[11] Shared care was where the children spent roughly equal time living in their fathers' households and their mothers' households.

Table 5.5 Payment of maintenance by numbers of non-resident children and by fathers' relationship with non-resident children from last partnership

	Current payers %	*Past payers* %	*Never paid* %	*All* %
No. of non-resident children				
1	54	62	70	60
2	37	34	22	33
3 and above	8	4	8	7
Base	*(336)*	*(121)*	*(129)*	*(586)*
Chi Sq=12.50 df=4; Sig**				
Age of youngest child				
0-4 years	16	20	32	20
5-10 years	47	35	47	45
11-18 years	37	44	21	35
Base	*(336)*	*(121)*	*(129)*	*(586)*
Chi Sq=25.49 df=4; Sig***				
Contact with children				
shared care	5	7	5	5
weekly to at least once per month	75	53	46	64
once every three months to once or twice per year	8	15	10	10
less often than once per year to never	11	26	38	20
Base	*(330)*	*(121)*	*(128)*	*(579)*
Chi Sq=53.68 df=6; Sig***				
Involvement in decisions over children for fathers who have seen child in last year				
about right	42	26	40	38
not often enough	26	20	17	23
never	32	53	42	38
Base	*(308)*	*(97)*	*(90)*	*(495)*
Chi Sq=17.15 df=4; Sig**				

Types of maintenance arrangements

Another important factor that may have contributed to whether fathers paid maintenance was the kind of arrangement made. Table 5.6 describes whether fathers ever had, or never had, a formal arrangement in place to pay maintenance through the CSA/Courts or DSS. It seems that overall the majority of fathers (54 per cent) never had formal arrangements. But comparing across the groups the majority of current payers (57 per cent) had made a formal arrangement at some time, while only a minority of never paid fathers (15 per cent) had made one. This means that only a minority of fathers (three per cent of the sample as a whole) had actually *never complied* with a legal maintenance arrangement (or at least admitted to it). It was not possible to tell how many of the past payers had defaulted on their legal agreements as the data reflects all arrangements made over time. Thus formal agreements made through the Courts may not have been in force at the time of the study.

The fact that more of the current payers had formal agreements could be explained in two ways. First, since the majority were already paying maintenance (and were therefore not defaulting on payment) they may have been more willing to admit to having a formal arrangement. Second as the majority were ex married men, the legal proceeding of divorce would necessarily involve negotiations about maintenance for children.

A detailed breakdown of all types of arrangements is provided in Table 5.7. Given that the survey was conducted between April 1995 and April 1996, some two to three years after implementation of the Child Support Act in April 1993, very few fathers had a Child Support Agency assessment (16 per cent).

Table 5.6 Whether fathers ever had a formal arrangement to pay maintenance by maintenance status

	Current payers %	*Past payers* %	*Never paid* %	*All* %
Ever had formal agreement CSA/Court/DSS	57	50	15	46
No formal agreement	42	51	85	54
Base	(334)	(122)	(128)	(584)
Chi Sq=68.31 df=2 Sig***				

Table 5.7 Type of maintenance arrangement

	Current payers %	*Past payers* %	*Never paid* %	*All* %
Through the courts	34	34	8	28
Through the DSS	4	6	1	4
Through the CSA	21	14	7	16
Informally between parents	40	43	12	35
Father arranged alone	4	13	4	6
Other	4	2	-	2
No arrangements	-	-	72	16
Base	*(334)*	*(123)*	*(128)*	*(585)*

Multiple responses

Variations in the payment of maintenance

As shown, there is considerable variation in the proportion of fathers with different characteristics paying maintenance. The picture that emerges is one where current payers of maintenance are in better positions financially, they were most likely to be employed, to have partners that were working full-time, and to have no children or fewer children in their households making demands on their resources. Additionally they tended to have had longer term relationships with the mothers of their non-resident children, have amicable relations with her and frequent contact with their children. However in order to identify the most salient factors associated with the payment of maintenance logistic regression analysis has been conducted to assess the odds of fathers paying maintenance. Table 5.8 presents the results of

an analysis of the factors which have a bearing on whether child support is currently being paid. The first column presents the results of a bivariate analysis. The second column presents the results of a logistic regression with all the variables forced in, and the third column presents the results of the best fitting model, including only those variables that contribute to explaining whether the non-resident father paid maintenance. The best fitting model shows that maintenance is less likely to be paid if the father is economically inactive, if he was under 20 when he first became a father, if he does not provide informal support, if he had never made a formal arrangement for paying maintenance, if he had cohabited with the mother, if the mother was in receipt of Income Support and if he had no contact with the mother. Thus the regression shows that contact with the mother overrides contact with children when it comes to paying maintenance - though the two are probably closely related. Additionally it may help to explain some of the discrepancy between reports on maintenance from lone mothers (who are mainly dependent on Income Support), and those from a population of non-resident fathers. For where the mothers were not in receipt of Income Support the odds of them receiving maintenance were increased more than five fold.

Table 5.8 Factors associated with the chances of currently paying child support, bivariate and multivariate analysis

Variable	*Bivariate*	*Simultaneous*	*Best Fitting*
Net income quintile			
1	1.00	1.00	
2	1.38	0.34	
3	4.24***	0.54	
4	15.26***	1.60	
5	19.75***	1.80	
don't know income	3.61***	0.48	
Employment status			
employed	1.00	1.00	1.00
self-employed	0.67	0.79	0.77
inactive	0.06***	0.04***	0.05***
Current marital status			
single	1.00	1.00	
married	1.50*	0.60	
cohabiting	1.58*	1.31	
Current family circumstances			
lives with children	1.00	1.00	
no children	2.08***	0.55	
lives alone	1.29	0.28	

Age when first became a father			
under 20	1.00	1.00	1.00
20-24	3.29***	3.65**	3.49**
25-30	4.78***	5.61**	4.00**
31+	3.76***	6.40**	3.84*
Marital status to mother			
married now divorced	1.00	1.00	1.00
married now separated	0.80	0.90	1.13
cohabited never married	0.33***	0.43	0.45*
never lived with mother	0.52*	5.66	2.08
Time lived with mother			
less than one year	1.00	1.00	
1-4	1.27	5.91	
5-9	2.51***	3.99	
ten and more	2.44***	1.30	
Time since separation			
less than two years	1.00	1.00	
2-5	1.05	0.84	
5-9	1.19	0.56	
ten and more	0.85	0.55	
Distance lived from child			
0-9 miles	1.00	1.00	
10-25	1.27	1.37	
26+	0.77	0.45	
Age of youngest child			
0-4 years	1.00	1.00	
5-10	1.95**	1.74	
11-18	1.90**	2.36	
Number of non-resident children			
one			
two	1.00	1.00	
three or more	1.62**	1.49	
	1.77	6.21*	
Contact with child			
no	1.00	1.00	
yes	3.29***	1.21	
Mother's employment status			
working	1.00	1.00	
not working	0.27***	0.58	
don't know	0.28***	0.71	
Mother lives with a new partner			
yes			
no	1.00	1.00	
don't know	1.10	2.78*	
	0.33***	0.55	

Mother receives income support			
yes	1.00	1.00	1.00
no	3.16***	6.69***	5.30***
don't know	0.76	1.48	1.33
Contact with mother			
yes	1.00	1.00	1.00
no	0.29***	0.45	0.36**
Relations with mother			
amiable	1.00	1.00	
amiable/distant	1.29	2.35	
not amiable	0.72	1.77	
no relationship	0.26**	1.34	
Gives informal support			
no	1.00	1.00	1.00
yes	4.27***	2.35	3.17**
Maintenance arrangement			
court/DSS/CSA at some time	1.00	1.00	1.00
no formal arrangement	0.33***	0.07***	0.11***
Assessed by the CSA			
yes	1.00	1.00	
no	0.75*	1.11	

Total number of cases in regression =360

REASONS FOR NON-PAYMENT

So far the analysis has focused on the factors that may influence payment of maintenance, but non-paying fathers were also asked to give an account of why they had either never paid or why they had stopped paying. Their reasons are outlined below in Tables 5.9 and 5.10.

Never-paid fathers

The most common reasons given for never having paid maintenance was either unemployment (33 per cent), or not being able to afford maintenance (30 per cent). However, one-quarter gave reasons other than those listed for non-payment. Only a few fathers suggested that they never paid maintenance because they had made either a capital or cash settlement with the mother (ten per cent); or because they did not know where the children and the mother were (ten per cent); or where the father preferred not to pay (seven per cent). Very few said they did not pay because the mother and children did not need it.

Interestingly some 18 per cent said they never paid because the mother preferred not to receive

any maintenance. This finding is comparable to that in Bradshaw and Millar's study where 20 per cent of all lone parents said they did not receive maintenance because they preferred not to have it (Bradshaw and Millar, 1991, Table 7.2, p.80).

Table 5.9 Fathers reasons for never paying maintenance

	% of cases
Father unemployed	33
Cannot afford to pay	30
Mother prefers not to receive any	18
Mother receives Social Security	15
Mother received family home/lump sum	10
Don't know where children are	9
Father prefers not to pay	6
Shared child care arrangements	6
Father's current family needs greater	4
Maintenance being arranged	3
Mother and children do not need any	2
Reasons other than above	25
Refused	1
Base	*(128)*

Percentage of cases giving each response

Past payers

The fathers who had paid in the past also highlighted economic factors for non-payment, 27 per cent said they stopped because they became unemployed, and a further ten per cent said it was because their financial situation had worsened (see Table 5.10).

Table 5.10 Reasons for stopping paying maintenance for fathers who had paid in the past

	Main reason %	*Most popular reason* %
Father became unemployed	27	14
Other**	19	11
No reason/none	11	30
Father's finances worsened	10	14
Mother obstructed contact	7	5
Mother remarried/repartnered	6	3
Minimal/no contact with child	5	6
Mother wanted payments to stop	5	3
Mother financially well off	3	3
Amount too high	2	2
Amount was increased	-	-
Father wanted to stop paying	-	2
Mother on Income Support	-	2
Father remarried/repartnered	-	1
Don't know why	-	3
Base	*128 cases*	

PAYING POTENTIAL

It has been shown that non payment of maintenance is related to whether the father is in employment. The question arises what scope is there for increasing the proportion of fathers who are paying maintenance? If there was to be an effective child support regime what would be its target? What evidence is there that non-payers are financially able to pay but nevertheless deliberately avoid their obligation? In an attempt to tackle these questions, non-payers were divided into one of four groups.

Group 1: **No paying potential**. These included the unemployed, the economically inactive, those on Income Support or with equivalent net disposable income in the bottom quintile of the equivalent income distribution and those with shared care of their children. This group consisted of 63 per cent of non-payers.

Group 2: **Possible paying potential**. These included those not in Group 1 but who had new family commitments involving children, and equivalent net disposable income in the second and third quintile range, which means that there would be competition for whatever resources were available in the household. They constituted 13 per cent of the non-payers.

Group 3: **Probable paying potential**. These had income in the second and third quintile of the income distribution, but no new family commitments, which meant that there was no competition for household resources. They consisted of 15 per cent of the non-payers.

Group 4: **Certain paying potential**. They were not in the previous three groups and had income in the top two quintiles of the distribution of equivalent income. They consisted of nine per cent of the non-payers.

These results are summarised in Table 5.11. To check whether the grouping of paying potential had some face validity current payers were also categorised into the same groupings. Only 16 per cent of current payers were classified as having no paying potential, whereas over 52 per cent of current payers fell into the certain paying potential category. Overall these results suggest that there is rather little scope for increasing the proportion of non-resident fathers who pay maintenance.

Table 5.11 Paying potential

	Current payers	*Non-payers*	*All*
Group 1: No paying potential	16	63	38
Group 2: Possible paying potential	14	12	13
Group 3: Probable paying potential	19	15	17
Group 4: Certain paying potential	52	9	32
Total %	100	100	100
% of total	54	46	100
N	226	197	423

In a search for further explanations for non payment, the characteristics of the non-payers were examined further. The results are summarised in Table 5.12. Two characteristics were

associated with potential to pay maintenance; contact with children and whether fathers ever had a formal agreement to pay maintenance. Non-payers classified as having a certain paying potential were the least likely to have regular contact with their children. They were also the most likely **not** to have a formal agreement in place to pay maintenance.

In contrast those with a *probable potential* to pay - had the greatest involvement in their children's lives. Some 73 per cent were in regular weekly to monthly contact, and 80 per cent claimed to be giving informal support. It is possible that their greater involvement with children reflects the fact that they had not formed second families. Non-payment of maintenance among this group of relatively well off fathers may be partly explained by the apparently better off economic circumstances of mothers. Where the mothers were known to have repartnered, the majority of these partners were in employment (67 per cent). Similarly, nearly a third of these mothers were known to be working themselves, the highest known employment rate across the groups. However, 42 per cent of mothers were also known to be receiving Income Support.

In comparison the non-payers with second families to support who could *possibly pay* were the least involved with their non-resident children. Over half had either seen their children only once in the last year or had never seen them. They were also the group most likely to have been assessed by the CSA; yet only a quarter of these fathers knew that the mother received income support, receipt of which would automatically involve the CSA. It is possible that having a second family to support was indicative of having a more settled lifestyle thereby making it easier for the CSA to contact these fathers.

The majority of the poorest fathers, defined as having no capacity to pay maintenance, did have regular contact with their children, and a sizeable majority had not been assessed by the CSA. It seemed that this poorest group of fathers also had the poorest mothers; less of the mothers had repartnered and where they had less of these partners were employed. Similarly less of the mothers were employed and more of them were known to be receiving Income Support.

Table 5.12 Potential capacity to pay among non-payers (includes never paid and past-payers)

	No paying potential %	*Possible paying potential %*	*Probable paying potential %*	*Certain paying potential %*	*All %*
Contact child					
regular *	56	40	73	33	55
infrequent **	15	8	7	17	13
yearly - never	27	52	20	50	31
Base	(122)	(25)	(30)	(18)	(195)
Chi Sq 25.24 df=12 Sig **					
Contact mother	60	40	63	44	57
Base *Not Sig*	(125)	(25)	(30)	(18)	(198)
Mother has a new partner	43	56	50	50	46
Base *Not Sig*	(125)	(25)	(30)	(18)	(198)
Mother's partner employed	52	62	67	56	56
Base *Not Sig*	(54)	(13)	(15)	(9)	(91)
Mother employed full-time or part-time	23	25	32	29	25
Base *Not Sig*	(125)	(24)	(31)	(17)	(197)
Mother receives Income Support	48	25	42	20	42
Base *Not Sig*	(109)	(20)	(24)	(15)	(168)
Gives informal support	66	60	80	50	66
Base *Not Sig*	(125)	(25)	(30)	(18)	(198)
Never lived with mother	14	8	7	-	11
Base *Not Sig*	(125)	(24)	(30)	(17)	(196)
Not Assessed by CSA	83	64	73	94	80
Base *Not Sig*	(125)	(25)	(30)	(18)	(198)
Never had formal maintenance arrangement	67	62	61	72	66
Base *Chi SQ 8.06df=3 Sig**	(123)	(24)	(31)	(18)	(196)
Total per cent	63	13	15	9	(198)

* Regular contact shared care or weekly to monthly

** Infrequent was three monthly to yearly.

Yearly - Never = fathers had seen child once in last year or had never seen them.

SUMMARY

In this sample 57 per cent of non-resident fathers were currently paying child support. This is a much higher proportion than the 30 per cent reported by samples of lone mothers. Part of the difference is explained by the fact that less than half of the ex partners of these non-resident fathers were still lone mothers and less likely to be dependant on Income Support (non-resident fathers are more likely to pay child support if the mother is not on Income Support). However it is also probable that this sample of fathers is biased in favour of those fathers who pay child support. Nonetheless ,nearly half (48 per cent) of the non-payers defined as having no capacity to pay, had former partners who were dependent on Income Support. Therefore, despite the potential bias in the sample, the evidence still points to the receipt of Income Support among lone mothers as accounting for some of the discrepancy in maintenance payments reported among mothers and fathers.

The characteristics of those currently paying child support were analysed using bivariate and logistic regression. Other things being equal payers were much more likely to be in employment, over 20 when they first became a father, the former partner does not receive Income Support, they have contact with the mother, the father also provides informal financial support and they have a formal maintenance arrangement. The main reasons given by the fathers who were not paying child support was that the father was unemployed or could not afford to pay and the main reason for past payers stopping paying was that the father had become unemployed.

The paying potential of non-payers was also evaluated: nearly two thirds of non-payers were inactive, on Income Support or living on a low income. Only nine per cent of non-payers were classified as having 'certain paying potential' but only a third of these had any contact with their child and half saw their child rarely or never. These results suggest that there is rather little scope for increasing the amounts of maintenance to be paid by non-resident. It also suggests that there are not large numbers of non-resident fathers financially able to pay but who are deliberately avoiding their obligations.

CHAPTER SIX

THE LEVEL OF FINANCIAL SUPPORT

INTRODUCTION

The previous chapter was concerned with finding out who paid maintenance, why some fathers did not pay, and ascertaining the potential capacity of non-payers to make cash payments. In this chapter the focus is upon the actual amounts paid and how these vary, the factors that might explain variations in amounts of maintenance, and whether fathers were satisfied with the amounts they had to pay. The reliability of payments is also examined. All of these are important considerations, not least for mothers and children who may need to rely on this support, but also for policy makers who are involved in setting realistic maintenance levels. As will be shown, one source of dissatisfaction over maintenance payments was the issue of giving support to children directly (providing clothes etc) as a preferred alternative to paying maintenance. This chapter explores the interaction of formal and informal child support. Additionally it seeks to explain variations in the amounts of regular informal support. Finally the chapter considers those who provide no support at all - those who neither pay maintenance nor give regular informal support.

Variations in the amounts of maintenance

The average amount of maintenance paid by all those who claimed to be making payments was about £26 per week per child. Figure 6.1 shows the distribution of child support per week per child - ten per cent of the fathers were paying £5 or less per child per week, over half (53 per cent) were paying in the range £16 to £30 per week per child and nine per cent were paying over £51 per child per week.

Figure 6.1 Distribution of child support

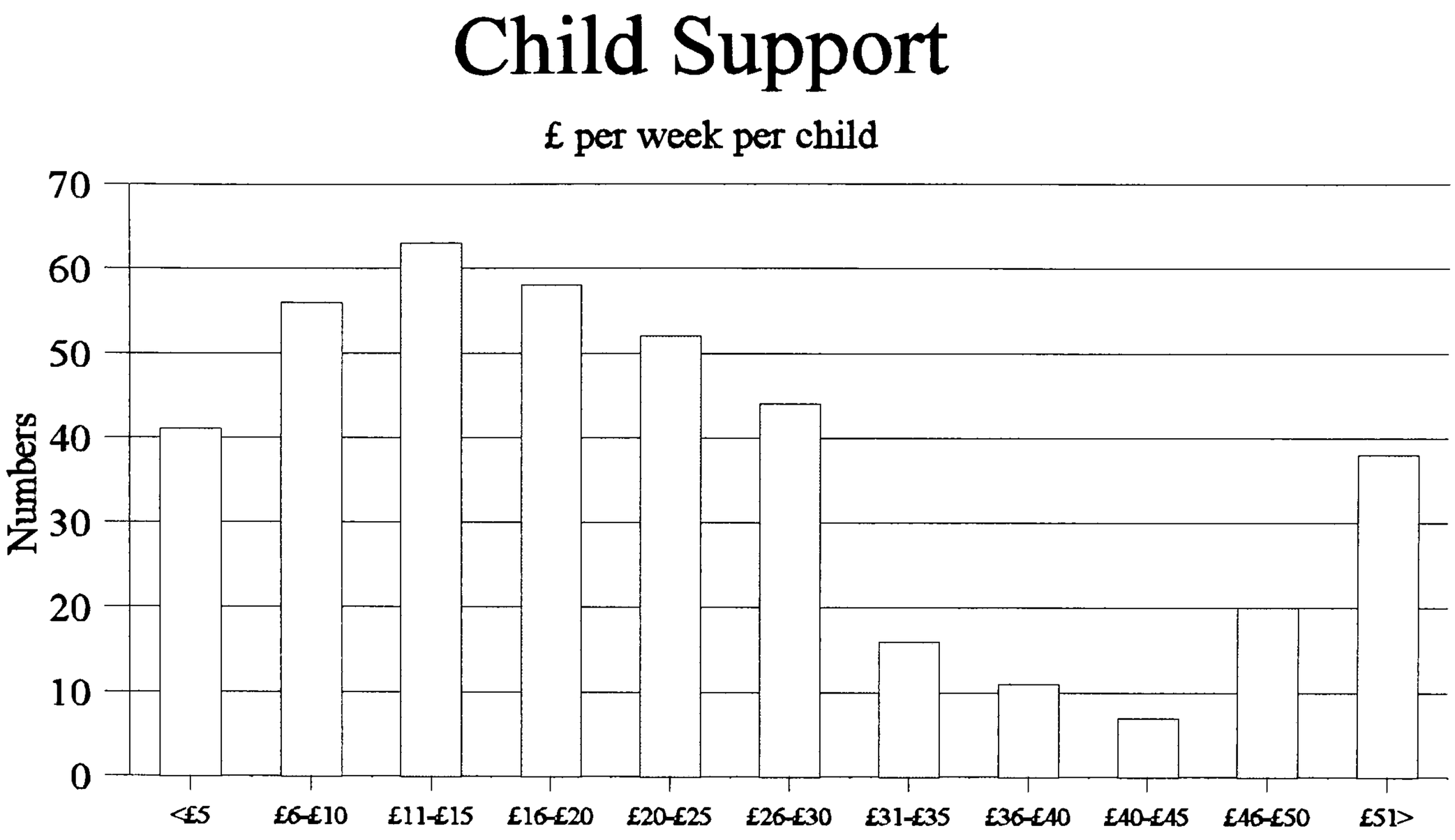


Table 6.1 shows that less was paid on average where fathers were economically inactive, where equivalent net income was lower, where fathers lived in a household with partners and children, where they had not made a capital settlement involving the family home, where they did not know whether the mothers'new partner was employed, where they lived less than 26 miles away from their children, or where their method of payment was described as 'other'.

Table 6.1 Average weekly amount of maintenance per child by current payers and total amount of maintenance paid as a percentage of weekly equivalent net income

	No.	*Mean* amount paid £	*sd*	*No.*	*Mean amount paid as % of income* £	*sd*
Employed	234	26.65	19.70	187	13	9.91
Self-employed	48	26.38	28.15	19	10	7.47
Inactive	35	17.03	23.72	25	20	18.27
Total *F=3.02 df=2 Sig **	*(316)*	*25.56*	*21.75*	*(232)* *F=6.36* *Sig****	*14*	*11.19*
Quintile net income						
1	21	14.27	18.26	15	16	12.45
2	26	12.38	10.64	26	12	10.49
3	51	21.77	18.61	51	16	16.43
4	69	23.97	16.77	69	14	9.41
5	75	37.16	24.87	75	12	7.42
don't know income	78	25.63	22.81			
Total *F=8.65 df=5 Sig ****	*(320)*	*25.53*	*21.67*	*(236)* *Not Sig*	*14*	*11.15*
Current household						
lives alone	114	25.47	24.36	91	16	11.84
lives with partner only	70	31.31	27.97	42	10	6.51
lives with partner and child only	78	19.42	12.69	56	8	6.12
lives with others	59	28.30	20.02	48	19	13.83

Total *F=3.82 df=3 Sig***	*(321)*	*25.79*	*22.52*	*(236)* *F=11.97* *Sig****	*14*	*11.15*
	No.	*Mean* *£*	*sd*	*No.*	*Mean* *%*	*sd*
Capital settlement						
mum kept all	42	31.85	30.11	27	12	7.51
dad kept all	17	32.00	33.30	14	9	5.61
value shared	53	31.63	24.64	40	14	8.95
other/not settled yet	62	27.84	20.34	43	13	8.93
no capital settlement	85	19.29	16.28	66	16	15.25
Total *F=3.60 df=4 Sig****	*(258)*	*26.73*	*23.41*	*(180)* *Not Sig*	*14*	*11.36*
Mothers new partner employed (for those living with a new partner)						
yes	135	23.63	17.01	102	13	11.78
no	15	36.43	35.12	11	12	5.69
don't know	16	14.36	8.74	15	11	8.16
Total *F=5.54 df=2 Sig****	*(167)*	*23.87*	*19.23*	*(128)* *Not Sig*	*13*	*11.02*
Distance lived from children						
0-9 miles	195	23.38	18.23	148	14	11.86
10-25	53	27.79	22.28	42	13	8.58
26 plus miles	67	33.20	30.95	47	14	11.08
Total *F=5.05 df=2 Sig ***	*(316)*	*26.21*	*22.46*	*(236)* *Not Sig*	*14*	*11.15*
Methods of payment						
direct cash/cheque	147	22.56	16.93	112	14	11.31

standing order/direct debit	105	34.46	29.11	76	15	12.21
magistrates court	24	17.35	7.50	18	10	7.79
CSA	32	23.33	22.04	20	15	10.27
other	12	12.91	14.07	10	9	4.20
Total *F=7.09 df=4 Sig****	*(321)*	*25.79*	*22.52*	*(236)* *Not Sig*	*14*	*11.15*

It is rather curious that where fathers lived 26 or more miles away from their children they paid more than those who lived closer by. Also if mothers had a working partner, then fathers paid less on average than if the mother's partner was unemployed; £36, compared to £24 if he was employed. This might suggest that employed stepfathers were expected to shoulder some of the financial costs of supporting the non-resident fathers' children. The existence of a capital settlement produced higher maintenance amounts and probably reflects that those who had lived in mortgaged or owned property were better off than those who had rented.

Differences in mean amounts of maintenance were not significantly different by the length of time fathers had lived with mothers, the fathers' marital status at the birth of the child, the length of time since separation from mothers, the quality of fathers' relationship with mothers, mothers' employment status, whether she received Income Support, whether she lived with a new partner or was a lone parent, or whether the father had made a previous cash settlement. The frequency of contact with non-resident children was also not significant. It is surprising that these factors do not explain variations in mean amounts paid. Some of them were found in Chapter five to have an impact on whether maintenance was paid at all. It could be that for those who were paying, the amounts were fixed. They may have been set by the Courts and not reviewed or upgraded over time. Certainly there was no significant difference in mean amounts between those who had made a formal agreement at some time (through the Courts, DSS or CSA) and those who had never made a formal agreement.

Table 6.1 also presents a summary of the level of total maintenance paid as a proportion of equivalent net disposable income. Overall 14 per cent of net income was paid in maintenance. Variations in amounts of maintenance as a percentage of net income were only significantly different in respect of employment status and the current household circumstances of the

father. Economically inactive fathers were paying twenty per cent of their net incomes in maintenance and the employed and self employed thirteen and ten per cent respectively. It seems that the poorest fathers were the most generous in terms of sharing their incomes, even if actual amounts paid were lower for this group than the rest. Where fathers had second families to support, less of their income was spent on maintenance, only eight per cent for those with a new partner and children compared to nineteen per cent by those who were living with others such as relatives or friends.

Multivariate analysis was undertaken to explain variation in the weekly amounts of maintenance paid per child. Overall, the best fitting model, summarised in Table 6.2, explained 44 per cent of the variation in maintenance. Not surprisingly the most important explanatory factor is the fathers' household equivalent income level, though employment status was also important. But interestingly the age of the father at the birth of his first child was also important ; the older the father at the birth of his first child then more maintenance is paid. Being older when entering first time fatherhood is probably associated with higher income. Where fathers have more than one child then the amount of maintenance per child increases. The amounts of any cash settlement given slightly increases the amount of maintenance paid. It is likely that the higher the value of cash assets given to mothers at divorce/separation then the better off the father, so increasing the amount of maintenance paid. Conversely the longer the father had been separated from the mother the lower the amount of maintenance paid. This finding did not show up in the individual analysis of variance. Unfortunately it was not possible to include the values of equity foregone on capital settlements as there were too few cases with sufficient information.

Other characteristics of fathers that were tried in the regression but did not explain variations in amounts of maintenance were; father's current marital status, age now, number of dependent children in the fathers' household, whether the mother was a lone parent, time lived with mother, whether the relationship with the mother was amicable and whether the father had debts incurred by the ending of the relationship. Surprisingly the existence of a CSA assessment did not explain variations in amounts of maintenance and neither did contact with children. Yet contact with children was associated with whether maintenance was paid or not.

Table 6.2 Regression analysis of the amount of child support paid per week

Variables	*Unstandardised coefficients*	*Standardised coefficients*	*t*	*Sig t*
Constant	-30.976			
Employment status	13.84	.172	2.837	**
Age when first became a father	1.160	.172	2.940	**
Equivalent net household income (HBAIINC)	.045	.454	7.361	***
Number of non-resident children	5.683	.134	2.271	*
Number of years since separation	-.107	-.147	-2.604	**
Value of assets given to mother (excluding equity of house)	.0003	.136	2.408	**
R square	.44			

Reliability of maintenance payments

Where fathers were paying maintenance they were asked about the method used for payment and their reliability in making payments. Table 6.3 shows that only a small minority paid through the Courts (seven per cent); or through the CSA (ten per cent). This suggests that the majority were taking responsibility for the transfer of maintenance to former partners, indeed the preferred method of payment was directly to the mother. However, it is hard to say whether those that used banking services had taken responsibility for ensuring maintenance was paid; some may have had this condition imposed upon them by the Court, the DSS or the CSA.

There was an association between regularity of payment and whether fathers were currently paying or had paid in the past. The majority of current payers (88 per cent) said their payments were completely reliable, whilst past payers were more likely to have said that they had missed payments. These findings on reliability amongst past payers were similar to those in the Governmental review of Court and DSS cases reported in 'Children Come First' in 1990. The review found that two in five DSS cases had one or more periods where the liable parent did

not pay (para 5.1.2) and in Magistrates cases one in three (who had maintenance orders that had resulted in enforcement action) did not pay at some time (para 5.1.3). The two studies are not directly comparable, as the data in 'Children Come First' came exclusively from parents (both liable mothers and fathers) with Court or DSS orders and agreements. Also no evidence was collected from parents with informal maintenance arrangements.

Table 6.3 Types of maintenance by current payers of maintenance

	%
Direct by cash/cheque	46
Standing order/direct debit	33
Through Magistrates Court	7
Through CSA	10
By other means	4
Base	*(334)*

Table 6.4 Reliability of maintenance payments among current payers and past payers

	Current payers %	*Past payers %*	*All %*
All the time, no missed payments	88	66	82
Most of the time, occasionally missed payments	9	18	12
Irregularly with frequently missed payments/other	2	15	6
Base Chi Sq=39.43 df=2Sig***	*(336)*	*(122)*	*(458)*

Satisfaction with payments

As well as this high level of perceived reliability in payments among the current payers, most of them (65 per cent) were satisfied with the amount of maintenance they were currently paying. However, 23 per cent were fairly or very dissatisfied with the amount they were paying.

Table 6.5 Levels of satisfaction of amounts of maintenance for current payers

	% of cases
Very satisfied	32
Fairly satisfied	33
Neither satisfied nor dissatisfied	11
Fairly satisfied	9
Very dissatisfied	14
Base	*(335)*

The very dissatisfied group of paying fathers were asked to give their main reason, second main reason and other reasons for their dissatisfaction. Table 6.6 presents all of these and also ranks the responses in both columns. The ranking shows that the main reasons for fathers' dissatisfaction were generally to do with economic concerns over the amount to be paid. Over a quarter (26 per cent) said the amount of maintenance was too much; whilst 13 per cent said the amount over-estimated the cost of bringing up a child. These were ranked first and third respectively in the main reason column. Similarly, the most popular reason for dissatisfaction was where maintenance was too high. However, the rankings in the most popular reason column demonstrates that there was a shift from concerns about issues of affordability towards issues of control over the money. Thus, where fathers said they were dissatisfied with the amount of maintenance, because they either had no control over the amount, or because they preferred to spend the money directly on the children, these increased from being fourth and fifth as the main reason to being the second most popular reasons given. Correspondingly dissatisfaction about the money not being spent to benefit the child, increased from being ranked eighth as the main reason to being the fourth most popular reason.

Very few fathers said they were dissatisfied with the amount because they had handed over the family home or because they had made a lump sum settlement. Neither did obstruction of contact with children seem a particularly important factor creating dissatisfaction.

Concerns among the dissatisfied fathers in this sample over how the maintenance monies should be spent were not uncommon among other non-resident fathers (see Table 6.7). In the Child Support Agency National Client Satisfaction Surveys for 1992, 1993, 1994 and 1995; the vast

majority of fathers agreed that someone should not pay maintenance unless they can be sure it is spent on the children. There was also a sizeable minority of fathers agreeing that it was better to buy clothes for their children than pay maintenance (this is explored further in the qualitative analysis).

Table 6.6 Reasons for dissatisfaction with amounts of maintenance among fathers who were dissatisfied

	Main reason		*Most popular reason*	
	Rank	%	Rank	%
Too much money	1	26	1	16
Other reasons	2	17	3	11
Over estimates cost of child	3	13	5	8
No choice over amount	4	11	2	13
Prefer to spend money directly on child	5	8	2	13
Mother obstructs contact	6	5	7	6
Father gave over family home	7	4	6	7
Father gave lump sum	9	2	8	4
Former family on income support so they don't benefit	9	2	8	4
Father needs money more	9	2	6	7
Minimal/no contact with child	9	2	7	6
Father never wanted child	8	3	9	1
Money spent on things that do not benefit the child	8	3	4	9
Don't know	-	-	6	7
Base no. of cases = 78				

Table 6.7 Child Support Agency clients' attitudes to paying maintenance

	1992 %	*1993* %	*1994* %	*1995* %
Someone should only pay maintenance if they can be sure it is spent on the children				
agree	76	79	84	87
disagree	16	11	8	8
don't know	8	-	-	-
It is better to buy the clothes for the children than pay regular maintenance				
agree	26	36	41	37
disagree	51	43	40	47
don't know	23	-	-	-
Base	*(265)*	*(543)*	*(1,536)*	*(1,162)*

Taken from the National Client Satisfaction Surveys for 1992, 1993, 1994, and 1995

Past capital settlements and cash settlements

In Table 6.6 very few fathers said they were dissatisfied with the amount of maintenance paid because of previous cash or capital settlements, yet when the Child Support Act 1991was implemented fathers complained bitterly that these past financial contributions were not accounted for in maintenance assessments. Eventually pressure led to changes which allowed for the inclusion of past capital settlements (but not cash settlements) in calculating the amount to be paid.

Cash settlements in this sample - defined as money given from insurance/endowment policies, savings/investments, assets/inheritance and pension rights were uncommon (see Table 6.8). Only about a quarter of all the fathers had made a cash settlement. Current payers were more likely than non-payers to have made a cash settlement. Similarly, just under half of the fathers (47 per cent) who had lived with former partners, did not live in owner-occupier accommodation and could therefore not make a capital settlement involving the family home (not shown).

It seems that complaints in respect of past settlements did not affect as many people as might have been suggested by the outcry at the time the Act was implemented, nor did they appear to stop fathers paying maintenance although the amounts they paid may have been less.

Table 6.8 Cash settlements all fathers

	Current payers %	*Past payers* %	*Never paid* %	*All* %
No cash settlement	67	69	87	72
Yes, cash settlement	33	31	13	28
Base	*(335)*	*(122)*	*(130)*	*(587)*
*Chi Sq=19.61 df=2 Sig****				

However, for the fathers who had lived in owner occupier accommodation and where capital settlements had been made, just under a third shared the value with the mother and a further 28 per cent said the mother took all the value of the property. Although the differences are not statistically significant, among those fathers who were not currently paying child support the ex partner was more likely to have taken the whole value of the house - suggesting that there might have been a trade-off between child support and capital settlements.

Table 6.9 Type of capital settlements made by those fathers who had made such settlements and who had lived with former partner in owner occupier accommodation

	Current payers %	*Past payers* %	*Never paid* %	*All* %
Partner took all value	25	39	39	28
Father took all value	10	6	4	9
Value shared	30	33	26	31
Other/not settled	35	22	30	32
Base	*(183)*	*(35)*	*(23)*	*(241)*

Not significant at the .05 level

Informal support

Given that the evidence on dissatisfaction over amounts was partly related to issues of control over how the money was spent on children, this may suggest that direct spending on children informally was related to maintenance payments in some way. It was important to measure all forms of support given by fathers - formal cash maintenance and informal support - to get a fuller picture of the financial support given to children. Thus the survey collected information on; children's presents, clothes, shoes and money given to or saved for children; payment of school fees/trips, holidays, and help with household bills, goods, mortgage payments and car expenses. As fathers with shared care of their children would, by necessity, provide some informal support items they are excluded from this part of the analysis.

Table 6.10 shows that only 14 per cent of the fathers had never given informal support to their children, and that the majority of non-payers were giving some informal support. The most common forms of provision were children's presents, clothes and shoes, children's pocket money and holidays and outings. Very few fathers gave help with general household expenses or housing costs, or car expenses. However, fewer of the non-payers gave informal support, even for the most popular items of children's presents. Of those who said they gave none of the items listed this was roughly equally split between the three maintenance groups; about a third in each.

Not surprisingly, as some informal support items would be given directly to children, patterns of provision seemed to reflect the amount of contact fathers had with children. Table 6.11 shows that the majority of fathers who had regular weekly to monthly contact with children gave more informal support for all the items listed whereas 79 per cent of those with no contact gave none of the items listed.

Table 6.10 Informal support given by all fathers (excludes shared care)

	Current %	*Past %*	*Never %*	*All %*
Gifts/Xmas/birthday presents	65	20	15	79
Children's clothing (not shoes)	64	21	15	61
Pocket money	67	19	14	57
Children's shoes/boots/sport shoes/trainers	65	20	15	56
Holidays or outings	74	16	10	53
Help with school fees/trips	74	15	10	31
Payments to savings accounts	72	18	10	18
Household or domestic goods	63	16	21	16
Help with other bills	70	14	16	13
Help with housing costs	69	17	13	8
Car expenses	68	16	15	8
Other not specified	56	21	23	6
Mortgage payments	85	6	9	3
None of these	35	31	34	14
Base	*(329)*	*(122)*	*(97)*	*(548)*

multiple responses

Table 6.11 Informal support given by all fathers by contact with children (excludes shared care)

	Regular %	*Infr' yearly* %	*Less than yearly to never* %	*All* %
Gifts/Xmas/birthday presents	79	11	10	78
Children's clothing (not shoes)	85	9	6	59
Pocket money	85	11	4	57
Children's shoes/boots/sport shoes/trainers	85	9	6	54
Holidays or outings	83	11	6	52
Help with school fees/trips	87	11	2	31
Payments to savings accounts	80	11	9	18
Household or domestic goods	87	8	5	15
Help with other bills	84	10	6	13
Help with housing costs	73	18	9	8
Car expenses	77	14	9	7
Other not specified	71	18	10	6
Mortgage payments	79	17	4	3
None of these	10	11	79	15
Base	*(350)*	*(57)*	*(104)*	*(511)*

multiple responses
Regular = weekly to monthly regular contact
Infr' = infrequent contact once every three months to once per year.
Never = less frequent contact that once per year to never seen child

Amounts spent on informal support

Fathers were asked to estimate the total amount they spent in a year on informal support. The average weekly amount calculated from these estimates, for all the respondents, was £15.99 per week (Table 6.12). Variations in mean amounts were not significant by whether fathers were currently paying maintenance or not. However, there were significant differences in amounts when expressed as a percentage of the fathers' equivalent net incomes. Those who had never paid maintenance were spending double the percentage of their income on informal support compared to current and past payers.

Nonetheless current payers were also paying maintenance thus the total amount spent on financial support (maintenance and informal support) was far greater for current payers. The weekly average spent by current payers was £60, representing 21 per cent of their net incomes (Table 6.13). It therefore appears that the past payers were spending the least amount of their net incomes on supporting their children.

Table 6.12 Average weekly amounts of informal support and average amounts expressed as a percentage of income by maintenance group (excludes shared care)

Group	*No. cases*	*Mean £*	*sd*	*No*	*Mean %*	*sd*
Current payers	276	17.92	26.52	205	7	10.27
Past payers	87	10.90	23.39	65	6	6.58
Never paid	60	14.55	21.07	41	13	17.40
Base	*(423)*	*15.99*	*25.30*	*(311)*	*8*	*110.1*
Not Sig				*F=5.12 df=2 Sig***		

Table 6.13 Average weekly amounts of total support includes maintenance and informal support for those who were currently paying maintenance (excludes shared care)

	No. cases	*Mean £*	*sd*	*No*	*Mean %*	*sd*
Current payers	252	60.30	53.05	193	21	17.53

Characteristics of fathers that explain variations in amounts of informal support

Table 6.14 examines variations in fathers' estimates of the value of the informal support they are providing. Informal support was significantly higher where fathers described themselves as being well off financially, where fathers were self-employed, where fathers were previously married but not yet divorced, and where mothers were known to be lone parents. The highest mean amount was £30.93 per week given by the previously married but not divorced. Conversely the lowest mean amount was £8.74 per week, spent by those fathers who described themselves as financially hard pressed.

However, when these amounts are expressed as a percentage of net income then an entirely different picture emerges. Income becomes a significant factor. The fathers in the bottom income quintile range gave the most informal support when expressed as percentage of net income; 16 per cent. This was a similar proportion of net income given by those who described themselves as financially hard pressed and for those who were economically inactive. Where fathers had two or more children in their households, only three per cent of their net incomes was spent on informal support, probably reflecting the higher demands on their resources from second families. Divorced fathers spent the lowest proportion of their net incomes on informal support, six per cent, and the never lived together fathers the most, eleven per cent.

Factors that were not associated with statistically significant variations in informal support were: whether fathers had a CSA assessment, the length of time since fathers had separated from mothers, the length of time fathers had lived with mothers, the quality of relations with mothers, and whether mothers were employed. Surprisingly, variations in mean amounts, or variations as a percentage of net income, were not explained by the frequency of contact fathers had with their children (excluding shared care cases). One might have expected that the greater the frequency of contact with children, the more fathers would spend on informal support, both in cash terms and as a percentage of net income.

The questions that arise from this analysis of informal support are whether the non-payers substitute informal support for maintenance, and what is the capacity of these providers of informal support to pay maintenance? Capacity to pay was defined in the same way as described in Chapter Five.

Table 6.14 Average weekly amounts of informal support and as a percentage of net

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income (excludes shared care)

Group	*No. cases*	*Mean £*	*sd*	*No. cases*	*Mean £*	*sd*
Quintile net income group						
1	51	11.29	14.02	49	16	20.27
2	55	11.53	39.00	58	7	8.46
3	62	10.04	12.40	65	6	7.44
4	62	14.06	18.76	67	5	6.00
5	70	28.13	33.40	73	6	6.61
don't know income	96	38.46	177.7	-	-	-
Base	*395*	*21.10*	*90.71*	*311*	*8*	*11.01*
Not sig				*F=11.39*		
				*Sig***		
Very well off	46	24.23	22.61	35	8	9.26
Comfortably off	72	20.89	47.06	47	5	5.48
Managing alright	191	14.84	20.87	142	6	9.96
Not very well off	64	17.49	33.64	49	8	8.66
Hard pressed	50	8.74	10.61	37	13	19.64
Base	*(423)*	*16.56*	*28.69*	*(311)*	*7*	*11.01*
*F=2.37 Sig**				*F=3.38*		
				*Sig**		
Fathers' employment status						
employed	245	16.33	20.56	195	5	6.34
self-employed	53	27.46	50.63	21	5	5.91
inactive	123	10.81	14.31	92	13	16.80
Base	*(448)*	*20.21*	*84.94*	*(308)*	*8*	*11.07*
*F=8.19 df=2 Sig****				*F=15.49*		
				*Sig****		
Marital status to mother						
divorced	254	15.56	27.86	184	6	6.82
married now separated	50	30.93	48.53	29	10	12.61
cohabited/never married	95	13.47	15.24	78	10	14.28
never lived with mother	25	9.87	9.22	20	11	19.97

Base *F=5.24 df=3 Sig****	*(424)*	*16.55*	*28.66*	*(311)* *F=4.23* *Sig***	*7*	*11.01*
Mother repartnered						
yes	213	13.13	16.70	166	6	10.12
no	176	21.70	39.61	118	9	12.21
don't know	34	11.37	13.29	27	9	10.68
Base *F=4.99 df=2 Sig***	*(423)*	*16.55*	*28.69*	*(310)* *Not Sig*	*7*	*11.02*
Fathers' household composition						
lives alone	159	16.17	23.98	123	10	13.27
lives with partner only	77	19.11	36.51	46	6	13.23
lives with partner and child only	98	12.02	16.93	71	4	4.12
lives with others	90	19.96	32.27	71	8	8.61
Base *Not Sig*	*(424)*	*16.55*	*28.66*	*(311)* *F=5.51* *Sig****	*7*	*11.01*
Children in household						
no children	309	18.45	31.97	224	9	12.39
one child	63	12.58	15.33	49	4	4.80
two children	36	10.95	19.11	27	3	4.74
three+ children	16	8.40	9.64	11	3	3.09
Base *Not Sig*	*(424)*	*16.55*	*28.66*	*(311)* *F=4.39* *Sig***	*7*	*11.01*

Average amounts of informal support for non-payers whose capacity to pay maintenance was assessed

The average amounts of weekly informal support for those non-payers of child maintenance

providing informal support is presented in Table 6.15, (excluding those with shared care). The average amounts are also expressed as a percentage of income. Variations in average amounts across the four groups were significant; those who had the greatest capacity to pay maintenance paid the highest mean amount of informal support. This suggest that although these fathers were not paying maintenance there was some substitution through informal support payments; though the numbers were small for this category. Even the fathers assessed as having no potential to pay formal child support seemed to be contributing to their children's upkeep, spending nearly £9.00 a week on average. There was no significant difference between the groups in the proportion of income spent on informal support.

Table 6.15 Average weekly amounts of Informal Support given by non-payers by their potential capacity to pay maintenance and expressed as a percentage of income (excludes those with shared care)

Group	*No.*	*Mean £*	*sd*	*No.*	*Mean %*	*sd*
No paying potential	81	8.99	11.75	67	12	16.03
Possible paying potential	15	9.21	9.20	15	5	6.26
Probable paying potential	21	10.59	13.92	21	9	12.16
Certain paying potential	9	25.46	25.54	9	4	2.74
Total	*125*	*10.49*	*13.78*	*112*	*10*	*13.94*
*F=4.27 df=3 Sig***				*Not Sig*		

Logistic regression of the odds of paying something either formal maintenance or informal support

The majority of fathers in this study claimed to be giving informal support even if they were not paying maintenance. We therefore carried out a logistic regression of the odds of paying some financial support, whether maintenance or informal support. The best model identified six factors that affect the likelihood of giving some kind of financial support. Fathers are less likely to give any financial support if they are economically inactive, have only one non-resident child, have no contact with the child, they have no contact with mother and if they have never had a formal maintenance arrangement. The number of non-resident children is probably masking the effect of marital status/length of living together relationship. The finding that fathers are no less

likely to give some financial support if the mother is on Income Support (it is only significant if fathers do not know whether she is on Income Support) is curious, especially as in the logistic regression on maintenance only they were five times less likely to receive maintenance.

Table 6.16 Logistic regression on giving some financial support maintenance or informal support

Variable	*Bivariate*	*Simultaneous*	*Best Fitting*
Net income quintile			
1	1.00	1.00	
2	1.18	2.07	
3	2.63**	1.49	
4 and 5	4.86***	6.04	
don't know income	1.77*	4.04	
Employment status			
employed	1.00	1.00	1.00
inactive	0.21***	0.28*	0.28***
Current marital status			
single	1.00	1.00	
married	0.73	0.89	
cohabiting	1.04	2.91	
Current family circumstances			
lives with children	1.00	1.00	
no children	2.09**	1.25	
lives alone	1.82*	3.86	
Age when first became a father			
under 20	1.00	1.00	
20-24	2.91***	4.09*	
25-30	5.94***	5.77**	
31+	3.76***	1.70	

Marital status to mother			
married now divorced /separated	1.00	1.00	
cohabited never married	0.49**	2.39	
never lived with mother	0.42**	22.84*	
Time lived with mother			
less than one year	1.00	1.00	
1-4	1.27	8.95*	
5-9	2.39**	6.21	
ten and more	3.76***	3.69	
Time since separation			
less than two years	1.00	1.00	
2-5	1.15	1.13	
5-9	1.30	2.67	
ten and more	0.50*	0.60	
Distance lived from child			
0-9 miles	1.00	1.00	
10-25	0.82	4.38*	
26+	0.36***	1.14	
Age of youngest child			
0-4 years	1.00	1.00	
5-10	0.71	0.40	
11-18	0.87	1.52	
Number of non-resident children			
one	1.00	1.00	1.00
two or more	2.13**	6.34**	2.42*
Contact with child			
no	1.00	1.00	1.00
yes	13.00***	13.68***	4.61***
Mother's employment status			
working	1.00	1.00	
not working	0.21***	1.77	
don't know	0.43**	4.76*	

Mother receives income support			
yes	1.00	1.00	1.00
no	0.91	1.41	0.83
don't know	0.23***	0.59	0.31**
Contact with mother			
yes	1.00	1.00	1.00
no	0.08***	0.08***	0.20***
Relations with mother			
amiable/distant	1.00	1.00	
not amiable	0.56	6.16**	
no relationship	0.08***	2.15	
Maintenance arrangement			
court/DSS/CSA at some time	1.00	1.00	1.00
no formal arrangement	0.40***	0.17***	0.27***
Assessed by the CSA			
no	1.00	1.00	
yes	1.62	0.82	

Total number of cases in regression = 361

SUMMARY

The analysis suggests that current payers on average paid in the region of £26 maintenance per child per week. The level of maintenance paid was higher where fathers were employed, they had higher incomes, they were older when they first became a father, they had more than one non-resident child, and where they had given a cash (not capital) settlement at the time of divorce/separation. The longer the length of time since divorce/separation the lower the amount paid.

The majority paid their child support directly to their former partners and 88 per cent of current payers said that they paid their child support regularly. Two thirds of the fathers were satisfied with the amount of maintenance that they paid. Those who were dissatisfied mostly felt that the amounts were too high. A quarter of the fathers had made a previous cash (not capital) settlement but they were also more likely to be current payers of child maintenance.

The majority of current payers also gave informal support. Fathers estimated that the average value of informal support was £16 per week. Two-thirds of the never- paid fathers claimed to give informal support and of those who provided an estimate they spent a larger percentage of their income in this way than either the past payers or current payers. Actual amounts spent on informal support also reflected the financial circumstances of fathers. Amounts were greater on average where the father was employed and where he had a higher income and where he described himself as not being 'hard pressed' financially. However, the fathers who were economically inactive or whose incomes were in the lowest quintile range or who described themselves as hard pressed spent the highest proportion of their incomes on informal support compared to the others.

Fathers are less likely to give either formal or informal support if they are economically inactive, have only one non-resident child, have no contact with the child or mother and if they have no formal maintenance arrangement. In the next two chapters the qualitative findings are presented and these consider how fathers develop, maintain and sometimes dissolve their financial commitments to their non-resident children.

CHAPTER SEVEN

WILLINGNESS TO PAY

INTRODUCTION

The quantitative study has provided information on the factors that affect maintenance payments and the limited capacity of the non-resident fathers in the survey to pay. Obviously if fathers have limited financial means they will be unable to pay maintenance, or much maintenance, but it has been argued that capacity to pay is closely related to willingness to pay (Burgoyne and Millar, 1994). For example, if maintenance payments can be given without incurring a high financial cost this might increase willingness to pay; the converse also applies. However it is unknown how other factors are implicated in willingness to pay, not least how perceptions about the affordability of maintenance may affect willingness and the development of financial commitments. Judgments about the affordability of maintenance will be specific to individual circumstances and are likely to be based upon various contingent factors that need to be weighed-up in making a decision to pay. This needs investigating from the perspective of the fathers themselves and a qualitative approach is the most appropriate method.

The overall purpose of this qualitative study is to delve deeper into the financial obligations of non-resident fathers to cast some light on how commitments to pay maintenance are developed, sustained and sometimes dissolved, and will thus seek to discover why some men pay maintenance while others do not. In this chapter the findings are presented describing how fathers both view and fulfill their financial obligations to non-resident children within the context of their own lives. It then goes on to explore which factors may mitigate against or facilitate fathers' willingness to pay maintenance and how these may be interrelated in developing a commitment to pay. This is achieved by grouping the fathers' relationships with their non-resident children on the basis of payment and non-payment and making comparisons across the groups. In the next chapter these findings will be seated into theoretical frameworks on family obligations and the social meanings of money. This chapter begins by describing the characteristics of the 18 respondents in this qualitative sub-sample and their current and past maintenance arrangements.

RESPONDENT CHARACTERISTICS

Eighteen non-resident fathers were interviewed in depth. The fathers' ages ranged between 29 and 52 years. Ten of the 18 were employed, three of whom were self employed, with two owning their own businesses. The two businesses were a contract cleaning firm and a plumbing firm. Occupations among the employed included: two lorry drivers, a bereavement counsellor, social worker, prison officer, bar manager, taxi driver and insurance broker. Of the remaining eight, five were unemployed and dependent upon social security benefits, two were students and one had taken early retirement.

Table 7.1 Employment status

Employed	7
Self-employed	3
Unemployed	5
Retired	1
Student	2
Total respondents	18

Non-resident children

All the fathers had at least one dependant non-resident child for whom there was a legal obligation to pay maintenance (see Table 7.2). A dependent child is defined as under the age of sixteen, or between 16 and 18 and in full-time education. However, five fathers had two sets of non-resident children from two past relationships. In three of those cases the children from first past families were now adult and the obligation to provide child maintenance had therefore ceased. This leaves 20 past relationships involving dependant children and in the subsequent analysis these relationships are examined independently. Thus, there are 20 past relationships but only 18 fathers. These multiple relationships are referred to as the first past relationship (1) and the second (2) past relationship; where the second relationship was the most recent.

Table 7.2 Number of past relationships and number of non-resident children

No. of past relationships	
One past relationship	13
Two past relationships	5
Total past relationships	23
No. of non-resident children	
Fathers with one child	11
Fathers with two children	5*
Fathers with three children	2
Total non-resident children	27

* Contains two cases where fathers had one child in each of two past relationships

Second families

Some of these 18 respondents had developed new family relationships; seven were married currently and five were cohabiting. Of those 12 repartnered fathers, six had new children to their current partner and three had step-children. Nine fathers therefore had responsibilities for children living in their households as well as having an obligation to pay child maintenance for their non-resident children. A more detailed description of each of the fathers' current relationships is provided within the findings.

Table 7.3 Second families

Married to new partner	7
Cohabiting	5
Single	6
Has new child in household	6
Has stepchildren in household	3
Child from past relationship	1

Payment of maintenance

In order to examine how financial commitments to pay maintenance were developed, the respondents are grouped according to whether they were paying maintenance or not. The payers are then subdivided into two groups: those who were paying as a result of enforcement

and those who were apparently paying willingly. Although this is a crude categorisation, it allows comparisons to be made to ascertain how, and under what circumstances maintenance payments were sustained or dissolved. Table 7.4 below describes the types of maintenance agreements the fathers had, whether they were currently paying maintenance and whether these payments were enforced. The respondents are given pseudonyms with their agreement.

In all of the 20 past relationships, 13 fathers were currently paying maintenance and in four of these cases there was an element of enforcement attached to payment. The definition of enforcement was where fathers said that they would not have paid if the maintenance had either not been deducted at source (attachment of earnings or directly from benefit entitlement), or there had not been the threat of legal action for non-payment. In the seven other relationships no maintenance was currently being paid, but in five cases the fathers claimed to have paid in the past, one of whom said he gave a single cash payment at the time of separation (£60,000). Of the two fathers with multiple past relationships both were currently paying maintenance for their children from second past partnerships,(but only one of them, Harold, was paying maintenance for his child from his first relationship which was enforced).

In only four of the 20 relationships had there *never* been a formal agreement made through the courts, with solicitors or through the Child Support Agency. Only one father said he had also paid spousal maintenance, but this had subsequently been withdrawn by the Court at the father's request. In three relationships CSA assessments were being paid and in two of those cases this was for the minimal amount which was deducted from the father's Income Support benefit. However one of these fathers said he gave an additional amount of maintenance on top of his CSA assessment. In two other relationships the fathers were awaiting an assessment from the CSA and in a further four relationships the fathers said they had had some contact with the CSA, but this had not led to an assessment being made. In two cases the CSA had dropped the assessment after the mothers had withdrawn their claims for Income Support. In the two other cases it was not clear why no assessment had been made, though in both these cases the circumstances were unusual. One father (Rhidian) had residency of one of his children and the mother had residency of the other child thus both were lone parents and non-resident parents simultaneously, and in the other case (Alex) there were doubts about whether he was the biological fathers if the child. Alex needs some further explanation at this point. His paternity was denied by the mother a short time after the baby was born. In addition he was adopted

himself, and he had always wanted to meet his own biological parents. Thus he placed a significant importance to biological relationships.

Yet maintenance payments were not dependent upon a formal agreement, and neither did the existence of a formal agreement guarantee payments. In Stephen's only relationship and in Harold's second relationship, they said they had always paid on a voluntary basis. Three of the non-payers also had court agreements, but it was not made clear whether these were actually still in force.

Table 7.4 Maintenance provision

Name	*Maintenance arrangement*	*Paying now*
WILLING PAYMENTS		
Alan	Voluntary agreement +	Yes
Theo	Court agreement	Yes
Lenny	Court agreement	Yes
Carlton	Court agreement	Yes
Matthew	Court agreement	Yes
Stephen	Voluntary agreement	Yes
Peter	CSA agreement +	Yes
Malcolm (2)	CSA and Voluntary agreement	Yes
Harold (2)	Voluntary agreement	Yes
ENFORCED PAYMENTS		
Collin	Court, attachment of earnings	Yes
Robert	Court agreement	Yes
Paul	CSA agreement	Yes
Harold (1)	Court, attachment of earnings	Yes
NON-PAYMENTS		
Leo	Never had agreement	No - paid in past
Barry	CSA case in hand	Never paid
Malcolm (1)	No agreement +	No - paid in past
Ian	No agreement +	No - paid in past
Henry	CSA case in hand ++	No - paid in past
Rhidian	No agreement +	No - paid in past
Alex	Never had agreement	Never Paid

+ Previously had Court Agreement.
++ Previously paid lump sum in lieu of maintenance
(1) first past relationship.
(2) second past relationship

Analysis

This small group of men exhibit a wide variation in terms of their employment and occupational status, current family circumstances and maintenance payment status. Payment of itself however, does not necessarily signify commitment as four fathers had to have maintenance payments enforced. Similarly non-payment may not signify a lack of commitment as Henry claimed to have paid a 'one off' cash lump sum in lieu of regular payments. Therefore to find out how these fathers did make commitments, the nine willing payers will be contrasted with the other two groups together: enforced and non-payers.

It is important to note that the unit of analysis is the fathers' past relationships and that they are grouped according to these relationships. Thus Harold and Malcolm are willing payers regarding second past relationships but not in their first past relationships. Harold's payments were enforced for his child from his first past relationship and Malcolm paid nothing for his first child.

Additionally actual amounts of maintenance offered by individual fathers are not described systematically. The intention is to avoid creating a moral hierarchy in which fathers who are seen to be paying the highest amounts are equated with being the most committed to their children. As Finch (1989: 189) argues people feel able to make 'strong moral judgements' about other people's duties and obligations. This is something the analysis is keen to avoid, not least because amounts of maintenance will vary according to individual circumstances but also because maintenance payments are but one form of support fathers can provide for their children. What is of interest here is to explore how fathers become committed to paying maintenance and what sustains this commitment, rather than to seek to make judgements about whether the amounts paid were adequate, though it is recognised that this is an important issue for mothers, children and policy makers. Nonetheless, the questions addressed here ask, 'what is it about the willing payers, or their circumstances, which influenced their payment of maintenance? How did these fathers perceive the affordability of maintenance and how important was this in influencing payment?' In addressing these questions the current socio-economic circumstances of the willing payers are described first.

WILLING PAYERS

Socio-economic circumstances

Table 7.5 presents a summary of the willing payers' employment status and a history of their current and past family relationships. Only three of the nine were economically inactive. One was a student, one retired and the other unemployed. Broadly this suggests that as a group there was some capacity to pay maintenance, but five had demands on their incomes from current families. Just how did these fathers perceive their maintenance obligation in this context?

Table 7.5 Current socioeconomic circumstances of willing payers and the history of their past relationships

Name	*Work status*	*No. children in current family*	*Current marital status & time lived with current partner*	*Ages non-resident children*	*Past marital status & time lived with mother*	*Contact with children*
Alan	Retired	1	M 14yrs	23,21,17	M 13yrs	Yes
Theo	Self Employed	2 +	M 4yrs	16	M 8yrs	Yes
Lenny	Employed	none	M 4yrs	15	M 10yrs	Yes
Carlton	Student	none	Single	17,16	M 11yrs	Yes
Matthew	Employed	3 +	M 18mths	14	M 18mths	No
Stephen	Employed	1 and *	M 5yrs	12	Cohabit 18mths	Yes
Peter	Employed	none	M 7yrs	16,14,12	M 9yrs	Yes
Malcolm (2)	Inactive	1 + and *	Cohabit 2yrs	9	Cohabit 5yrs	Yes
Harold (2)	Employed	none	Single	5	Cohabit 5yrs	Yes

M = married
+ Step-children
* partner pregnant

Maintenance as a duty

The willing payers described maintenance payments as a 'duty', something that was 'owed', as part of the responsibility of bringing a child into the world, or as part of their overall parental

responsibilities. Thus they accepted that the obligation to pay maintenance belonged to them, in that sense they 'owned' the responsibility.

Generally this acceptance of the obligation appeared to be unconditional. Typical comments included:

> ... I have got a financial responsibility to [child] and there is no question about that at all...
>
> ...it was sort of I have got to pay that and that's it, that is my duty...
>
> I thought an ongoing commitment in terms of maintenance was right...

For six fathers this sense of duty seemed steadfast regardless of obligations to children in second families. They said their non-resident children 'came first' or 'equal first' with children in their current families. Therefore these six made no distinction between responsibilities for children within or outside their households, including step-children. The remaining three fathers however did not explicitly prioritise non-resident children.

Matthew said his step-children came first, Lenny said himself and his wife came first and Carlton felt his own needs took priority. Compared to the other six willing payers, these three were less involved with their non-resident children. Matthew, the only father in the willing group with no contact, had not seen his child for seven years. Lenny saw his child for only a couple of hours a fortnight, but he said this arrangement suited him. Carlton had infrequent contact over the years and felt that the children viewed him as 'unimportant' in their lives.

The different ordering of priorities therefore partly reflected the degree of involvement fathers had with their non-resident children. Nonetheless despite this, and despite the presence of second families, all the willing payers accepted the obligation to pay maintenance and were doing so. This did not mean however that all found payments affordable.

Trying hard to pay maintenance

All the fathers described how they had struggled to maintain payments during periods of financial hardship. Such hardship was experienced in two main ways. First, the early period following separation was seen as particularly difficult. Second, unemployment or early retirement (in one case) was another difficult time. The period of resettlement following

separation placed many financial burdens upon these respondents. For some this was due to foregoing their share of equity in the marital home, which meant they had to finance the purchase of another house from existing income only. Other factors like debts from the marriage or from failed businesses, and the legal costs of divorce were viewed as heavy financial burdens. However as the period of resettlement ended and as the amounts of maintenance stayed relatively fixed over time, payments generally became more affordable. That is if the fathers stayed in employment. However, unemployment itself did not necessarily result in non-payment.

Three fathers who experienced unemployment said they *tried hard* to maintain payments during these times. For example, Carlton, who was currently a student, said he insisted in making a small weekly payment to the Court, although the Court did not expect payment due to his lack of earned income. Similarly, Lenny had kept payments going during repeated short episodes of unemployment, while Malcolm said that although he was unemployed he 'earned money on the side' and it was this money he used to top up his CSA maintenance for his second child (see Table 7.4). This continued commitment to pay in the face of financial difficulty seemed to carry with it a sense of pride. Carlton said:

> Well I have always been an honest kind of guy. I have always worked for all I have got, I eh..eh.. and I always thought it was my responsibility regardless because they are my children, even though I am not seeing them they are still my children ...

Carlton took pride in his honesty, hard work and sense of parental responsibility, whereas Lenny's and Malcolm's sense of pride came from their determination to ensure that the mother never went without a payment. Some of the other willing payers also expressed a sense of pride in being able to meet the financial obligation when times were difficult. Allan described this well:

> ... we managed to get through and for my own sort of self respect I was thinking whatever it was [the maintenance] I would pay that, try ...

Yet despite improvement in some of these fathers' financial circumstances, in only two cases had amounts been increased since the point of separation. The amounts paid varied from £10 per week up to £100 per week and for those with higher amounts, they said that they found it very difficult to keep paying in the immediate post-separation period. Equally for others with low amounts it could still be difficult to meet the payments, especially during periods of unemployment. Arguably however, it is possible that as in the majority of cases the amounts

stayed static over time, maintenance became more affordable as incomes increased and this may have contributed to willingness to pay. Yet those who had experienced episodes of unemployment had still managed to keep paying. Indeed in all these relationships in the willing group, the fathers were adamant that they had never missed a payment. Therefore downward fluctuations in income (at least over the short-term - six months or so) seemed to have little impact on whether maintenance was paid or not in these relationships. This suggests both a strong commitment to pay among the willing payers' relationships and that financial capacity to pay was not the main factor in developing and sustaining this commitment. However it must be noted that in some cases the amounts paid were small relative to income and in these cases (at the time of interview) payment could be considered as a token gesture. Nevertheless, whilst it is difficult to gauge how far changes in the affordability of maintenance over time influenced willingness to pay, the apparently unconditional commitment to pay amongst this group must be further understood within the context of relationships with mothers and children and the *usefulness* of maintenance in these relationships.

RELATIONSHIPS WITH MOTHERS AND CHILDREN

Useful maintenance

With the exception of Matthew, all the willing payers had active contact with their children; though not all had friendly relationships with mothers. Nonetheless contact helped sustain their commitment to pay as maintenance was useful in these relationships. For example, Theo said he paid because:

> ... it just made it oil the wheels easier that's all to make sure there was no ups and downs of access [contact] or anything like that ...

For Theo, his maintenance worked as a kind of guarantee for contact. But he also stated that he paid it to make sure *'they'* [the mother and son] would not be 'hard up financially' and that it was to make up for *'not being there'* as a father living in his son's household. Theo's commitment was therefore underpinned by a multiplicity of reasons: to ensure his son's well being, as a lever for ensuring contact and to compensate his son for the absence of his father in his daily life. Similarly, the other willing payers explicitly gave multiple reasons for paying maintenance. These included: paying maintenance in recognition of the mothers' daily caring responsibilities, to persuade or even coerce the mother into agreeing to contact and to ensure the children's financial well being. One father even likened maintenance payments as a wage to the mother as the resident parent.

Paying maintenance could therefore help keep the relationship with the mother in balance. It could represent the father's parental contribution to offset the mother's daily caring responsibilities - almost a clear division of labour, or payments could operate on a reciprocal basis where fathers expected contact with children in return for payment. However payments could also be given in recognition of the child's entitlement, or given as compensation to make up for some perceived lack by the father. The particular mix of reasons given for payment varied on an individual basis but these were the common themes. These proffered reasons expose how relationships with mothers and with children overlapped within the maintenance obligation. The mothers could receive maintenance based on their own entitlement as the primary carer. Additionally they show how, in these particular relationships, some fathers could gain from payment - contact with their children. However, guilt also appeared to be a factor in motivating willing payers, though they did not give this as an explicit reason themselves. Matthew, who had no contact with his child, did gain some relief from his sense of guilt through paying maintenance - even though he did not gain contact.

Matthew

Matthew was consumed with guilt about his decision to end his relationship with the mother when his son was only six months old. Additionally, he felt he had behaved irresponsibly over contact arrangements. When his son was a baby, Matthew admitted that he did not want the responsibility of looking after him at weekends and he was unreliable over contact arrangements. However as his son grew older, Matthew became more reliable over contact visits until he lost contact altogether subsequent to two interrelated events. The mother moved 200 miles away and Matthew's relationship with her and with her boyfriend deteriorated. Consequently, Matthew had not seen his son for the last seven years. In this context he described his current responsibility to his son as follows:

> That I should love him purely as a father should.

He went onto to define this as:

> I see that I still owe [ex-wife] or [son] if you like eh a duty to em see that he doesn't go without to certain respects. ... My responsibility to him now is purely a financial one.

Paying maintenance was, as Matthew said, an expression of his fatherly love. Paying was therefore meaningful for Matthew as it helped bolster his self-identity as a responsible and

caring father. However he also felt his maintenance was a duty 'owed' to the mother, as he said he was ashamed that he had left her to cope alone when his son was just a baby. It was therefore Matthew's sense of shame and guilt that underpinned his commitment to pay. Having a sense of guilt about past events was evident among four of the other willing payers' relationships.

Alleviating guilt

Three fathers (Alan, Peter and Lenny) had committed adultery and left the family home to live with their mistresses, whom they all eventually married. They did not regret divorcing their wives but they did regret the disruption this caused to their children's family life. All three expressed feelings of guilt about the emotional and psychological harm caused to children as a consequence of departing from the family home. The fathers said they 'dreaded' the day when their children might hold them to account for their actions. However, feelings of guilt did not stem only from fathers' adulterous behaviour. One other father, Carlton, felt guilty that he had not tried hard enough to save his marriage (his wife had the affair). Carlton perceived that his relationship with his children had deteriorated enormously subsequent to the difficulties he experienced in parenting them as a non-resident father. Whilst these four men expressed feelings of guilt about the consequences of past events, they did not overtly give this as a reason for paying maintenance. Rather, as already highlighted, they described their maintenance obligation in terms of a 'duty owed', or in terms of it being 'right' that they should pay. It is possible that this sense of duty was born out of feelings of guilt, as feeling guilty implies a desire to take some responsibility for one's actions. Thus despite their description of maintenance as an unconditional duty, this may not have been the case. They may have felt it their duty to pay maintenance because they wanted to *compensate* children and possibly mothers for their past behaviour within these family relationships. This could partly explain why they persevered with payments even when they found it financially difficult and why they had either *prioritised* their maintenance obligation and/or had *selected* themselves as the ones who 'owned' this responsibility. Guilt could therefore act as a precondition for payment. Burgoyne and Millar (1994) found similar suggestions of guilt underlying the commitment of some of the men in their sample who were continual payers of maintenance.

The behaviour and attitudes of the willing payers fits within a normative expectation that parents should be altruistic towards their children: that fathers 'should pay' maintenance even

if this involves an element of self sacrifice. Does this mean therefore that the enforced and non-payers are inherently irresponsible or selfish individuals? Possibly not, as Harold and Malcolm were paying maintenance willingly in their second past relationships (examined here), but not in their first past relationships. So what was it about the enforced and non-payment relationships that could help explain reluctance to pay, or non-payment? To address this question the socio-economic circumstances of these two groups and the history of their past relationships are described first.

ENFORCED AND NON-PAYERS

Socio-economic circumstances

Table 7.6 demonstrates that more of the enforced and non-payers were economically inactive (six), compared to the willing payers (two), though obviously Malcolm's and Harold's current circumstances remain the same for their first and second past relationships, the former being examined here. Four fathers also had second families to support (as did four within the willing group). One other father, Rhidian, was simultaneously a non-resident parent and a lone parent as he had residency of his son and the mother had residency of their daughter. The most striking feature of all these relationships was the lack of contact fathers had with their non-resident children. Only one of the eleven fathers had contact. This was the exact opposite of the willing payers, where only one father (Matthew) did **not** have contact. Before exploring the issue of contact further, the question of how the affordability of maintenance may have influenced these fathers' perceptions of their maintenance obligation needs addressing.

Table 7.6 Socio-economic circumstances of enforced and non-payers and the history of past relationships

Name	*Work status*	*No. of children in current family*	*Current marital status & time lived with current partner*	*Ages non-resident children*	*Past marital status & time lived with mother*	*Contact with children*
ENFORCED PAYERS						
Collin	Employed	1	Cohabit 4yrs	8	M 18 mths	No
Robert	Employed	2	M 5yrs	17	M 10yrs	No
Paul	Inactive	None	Single	7	M 8yrs	No
Harold (1)	Employed	None	Single	9	Never lived with mother	No
NON-PAYERS						
Leo	Inactive	None	Single	14	Never lived with mother	No
Barry	Employed	None	Cohabit 3 mths	7 & 5	M 5yrs	Yes
Malcolm (1)	Inactive	1 + *	Cohabit 2yrs	11	M 2yrs	No
Ian	Inactive	None	Single	8	M 6 yrs	No
Henry	Employed	1	Cohabit 6yrs	12 & 9	M 10yrs	No
Rhidian	Student	1**	Lone Parent	13**	M 6yrs	No
Alex	Inactive	1	Cohabit 18mths	6 ++	Cohabit 3yrs	No

** This father had split residency of his children; his son lived with him and the daughter with the mother
\+ Step child
* Partner pregnant
++ The mother denied this respondent was the father of this child

Non-prioritising of maintenance

In none of the enforced or non-paying relationships did the fathers prioritise their financial obligations to non-resident children. Where fathers had second families, these resident children were deemed to 'come first', and the fathers without resident children said their own needs came first. This lack of financial priority given to the maintenance obligation was partly explained by the poor economic circumstances of some of these fathers. However this was not as straightforward as it might appear as changing life events were interlinked in a complex way with poor economic circumstances.

Changing life events

Four of the six unemployed fathers had stopped paying maintenance as result of certain dramatic incidents. The sudden change of residency of one of Rhidian's two children prompted a new agreement with the mother to halt maintenance payments. Ian had attempted to commit suicide and this action had many immediate consequences: he lost his job, he lost contact with his daughter and consequently he also stopped paying maintenance. Two others, Paul and Leo, said that the mother had accused them of sexually abusing their children (which they vehemently denied) and they immediately lost contact. They no longer knew where their children lived and as they had previously paid maintenance direct to the mother during visits, they therefore ceased to pay once contact was lost (although Paul was now paying some maintenance as a result of the CSA deducting direct payments from his Income Support). Thus while there were doubts about being able to afford maintenance, it could be argued that this was also not the *right time* in these men's lives to pay.

Among the remaining seven relationships, other factors which contributed to it being not the right time to pay maintenance included: the previous payment of a lump sum for maintenance (Henry), the repaying of debts incurred within the marriage and as a result of the divorce (Barry currently, but others had highlighted this as a problem in the past at the point of separation), the denial of paternity by the mother (Alex), having financial obligations to second families (Robert and Collin) and paying maintenance for other children (Malcolm and Harold). It was difficult to prioritise the maintenance obligation to these particular children in such circumstances, especially for Alex who was unsure of his paternity. However, it was not just the fathers' own socioeconomic circumstances that contributed to the low priority given to the maintenance obligation, but the mothers' circumstances as well.

Selecting others

Among the enforced and non paying relationships the fathers tended to select others to carry the financial responsibilities of parenthood. In that sense they did not 'own' the responsibility, rather they felt it was the mothers' and/or their partners' responsibility to meet the financial needs of children (seven of the eleven mothers were known to have repartnered). For some fathers this was born out of a belief (true or false) that the mothers' household incomes were greater than their own. For example Ian said:

> ... I mean to be honest I felt once she had remarried and they were both working and I was out of work I thought hang on a minute, why should I have that uh responsibility for [daughter's] you know basic needs when she [mother] has chosen to take - she remarried, they have got two loads of savings - why am I still having to pay so much?

In fact Ian had never paid maintenance when he was unemployed. What he was referring to was a period of particular financial difficulties when he sought a reduction in his maintenance through the courts (unsuccessfully). Nevertheless his statement highlights his sense of unfairness at paying maintenance when the mother was believed to be better off than himself. Thus, the mother and/or the stepfather were selected to shoulder the financial responsibilities of parenthood on the basis of this guideline of *financial equity* across the two households. Five other fathers used this guideline of financial equity to rationalise their reluctance for paying maintenance (including Paul who was enforced to pay through the CSA). Furthermore, as the children were living with their mothers, there was therefore no real financial need to pay maintenance when it was believed that they were financially better off than the fathers. Consequently some who used this guideline assigned themselves only a residual financial role. For example they said that if the children were starving they would obviously pay maintenance.

Thus we see how in these relationships the fathers gave a low priority to the maintenance obligation. They either needed the money for themselves/second families, or they felt their non-resident children did not need maintenance, or they believed that at this moment in time, the financial responsibility now lay with the mother and/or her partner, if she had one. On these grounds the fathers found the obligation to pay unacceptable. First, economically maintenance was not seen as being affordable. There was a restricted capacity to pay because of low incomes, unemployment or overlapping and competing demands from current families or from other non-resident children. Second, there was the factor of time and change. There were experiences of mental illness, changes of residency of children, loss of contact, accusations of child abuse, denial of paternity, and economic debts resulting from family dissolution. Not surprisingly all these factors affected how the maintenance obligation was prioritised in these relationships.

Yet if the enforced and non-payers are compared with the willing payers, then this lack of commitment to pay maintenance is not fully explained by poor economic circumstances alone, or indeed by loss of contact. Remember, fathers in the willing paying group still managed to

pay maintenance even where they had second families and when they were financially hard pressed and in one case even where contact was lost. Some even paid while recognising that the mother's household income was greater than their own. So just why was the obligation to pay less acceptable within the enforced and non-paying relationships? As implied by the factors of denial of paternity, the accusations of child abuse and other more benign reasons for loss of contact, the answer lies partly in the history of relationships with mothers and the fathers' sense of loss and marginalisation in their children's lives. As already highlighted, all, except Barry, had no contact with their children. How did this affect commitment to pay maintenance?

RELATIONSHIPS WITH MOTHERS AND CHILDREN

Hostility and loss

A powerful feature of these enforced and non-paying relationships was the hostility fathers felt towards mothers. Some of this hostility presented itself as resentment about past financial matters. Mothers were described at the very least as materialistic and selfish if not actually callous thieves, hell bent on 'bleeding' fathers 'dry'. Such criticisms of mothers were not entirely absent within the willing paying relationships, but for the enforced and non-payers these criticisms exemplified the fathers' continued resentments about the history of relationships with mothers. Depending on the individual case this could include the following:

Feelings of loss over the failure of the adult's relationship (six cases)

Loss of the fathers' relationships with children (all excluding Harold)

Loss of the family home and everything that the father had worked for (four cases)

Anger at the mother's apparent adultery (five cases)

Anger at being left with debts following relationship breakdown (five cases)

Anger at perceived financial inequity between mothers' and fathers' households (five cases)

Loss of the biological status of father through denial of paternity by the mother (Alex only)

Anger at having no say in becoming a father in the first instance (Harold only)

Anger and disbelief that the mother made accusations of child sex abuse (two cases).

Regarding these particular past relationships all the enforced and non-payers were hurt, confused, frustrated and/or angry. Even where the particular events giving rise to these feelings had happened years previously, the feelings had generally not been ameliorated with the passage of time. Indeed the experience of recalling events for interview purposes created considerable distress for some. This is perhaps indicative of what Kruk (1992) found among his respondents: where fathers had lost contact with their children they were stuck in an extended grieving process. Certainly the majority among the enforced and non-payers wanted contact with their children but had been unable to achieve this (including Alex who did attempt to maintain contact in the first year post-separation despite the doubt raised over his paternity). However, one father, Harold, had never wanted contact with his child from his first relationship.

Harold's relationship with the mother had been very fleeting. Consequently he was unaware that she was pregnant and he was not involved in any decisions to continue the pregnancy or express his views about becoming a father. He was adamant that he never wanted any contact with this child as it would necessarily involve having some contact with the mother; whom he said he despised. His animosity towards this mother was palpable. This animosity was partly because maintenance payments had been enforced by the Courts. But he also said he did not care whether the amount he paid was 'too much or too little', all he wanted to do was 'buy off' the mother -'to get her out of my life forever'. To that end he had previously offered her a sum of £10,000. In return she was to sign an affidavit releasing him from the maintenance obligation. However she refused. This was the only case where such direct 'bargaining' with mothers was apparent, and Harold was the only man who dismissed outright any obligation to pay maintenance, at least that is in regard to this child from his first past relationship. No matter what one might think of Harold's bargaining behaviour, at least the lump sum payment did offer some recognition of the child's entitlement to financial support and had the payment been accepted it would have provided for some of the child's material needs. Nevertheless, his case demonstrates how hostility towards mothers can spill over into financial obligations. For the rest in the enforced and non-payment groups this hostility tended to manifest itself in mistrust over how the mothers might spend the maintenance monies.

Squandered maintenance

The issue of how the mothers' might spend maintenance monies was a deeply felt concern for

five of the seven non-payers (everyone but Leo and Alex) and one of the four enforced payers (Paul). These five non-payers believed maintenance payments would be squandered as the money would be spent inappropriately: not for the benefit of the children. The three enforced payers were not concerned about how the money was spent for different reasons. Harold, as highlighted above, because he viewed maintenance as a means to pay off the mother - it was never intended for the child. Whereas Collin and Robert seemed to trust the mother to spend the maintenance on the children, although they both saw their current payments as serving another purpose which will be discussed later. The two non-payers Alex and Leo were unconcerned, because, Leo also trusted the mother to spend it on his son, and Alex because he had never paid any maintenance and because the child was probably not his biological kin.

Among the six fathers who were concerned about how the maintenance money would be spent (five non-payers and one enforced payer), a particular focus of concern for four of them was the potential use of maintenance monies on a car. It did not matter whether it was used for the purchase of a car or to meet its running costs. It still rankled. Maintenance spent on a car was not seen to be of value to children, only of value to the mother and worse still of value to her new husband/boyfriend. Other variations on this theme were where fathers felt maintenance would be spent on cigarettes, alcohol, nights out for the mother and decorating the house and so on. These were all items specifically picked to prove how the mothers' control over spending could not guarantee that children would benefit from maintenance payments. The money would thus be seen as being squandered.

However only Henry (the non-payer who claimed to have given a cash lump sum in lieu of regular maintenance) seemed to provide evidence that the maintenance had been *squandered.* He accused the mother of 'blowing the money' on holidays abroad and on boyfriends. He was annoyed that the lump sum of £60,000, given six years previously, had all gone and the mother and children were now dependent on Income Support. It is highly debatable of course whether this money had been squandered as it would only have provided a relatively modest income of £10,000 per year. The others however, had little evidence that maintenance payments had been, or would be squandered. Yet they knew for a 'fact' that maintenance would not be spent on children. To prove this 'fact' many examples of the mothers' selfishness were cited. These examples served as *atrocity stories* about mothers (Silverman, 1993). The construction of atrocity stories were used to highlight how the mothers were pernicious, calculating and money

grabbing. It was therefore pointless to pay maintenance to a person who would only use the money for their own ends. Thus there was a double jeopardy attached to maintenance payments. The mothers could spend it inappropriately (on cars, holidays etc.), but in addition their innate selfishness would ensure that their own needs would come first before the children's.

Demonising mothers

Importantly, whilst these six fathers constructed atrocity stories about mothers in relation to money, they also engaged in these stories to demonstrate how she was the one who took the children, would go to any lengths to stop contact, and was rejecting or ejecting the father. Similarly, although the other four fathers who were unconcerned about how the maintenance was spent did not engage in telling stories about the mothers in relation to money, they did engage in constructing atrocity stories in relation to issues of co-parenting and their status as fathers. Therefore according to all the enforced and non-paying fathers, the 'lengths' that the mothers' 'would go to' included:

'false' accusations of child sex abuse

'telling' the child their father was dead

'brain washing' the children against their fathers

'removing' the children from the fathers' care

'disappearing' without warning and not sending a forwarding address

entrapping the father into parenthood in the first instance (Harold and Alex), and less dramatically,

'refusing' to meet fathers 'half way' metaphorically or physically in enabling contact with children.

Thus it was the mothers' behaviour towards them as fathers that was atrocious in the eyes of these men. Typically they commented that they '*could not put into words*' how they felt about mothers. These atrocity stories served to display several things: a deep sense of loss, of powerlessness and victimisation in their role as fathers. For Alex and Harold in particular, they both felt they had been entrapped into fatherhood. In Alex's case he felt he had been duped into becoming a social father without a confirmed biological status. He described his feelings thus:

> I was only with her [the child] for the first six months anyway, and then I was told that I wasn't the father of the baby, then I was told there wasn't any need to see her. So it was just like something being taken away from you, it was hard. Because obviously the first six months of her life I actually thought she was my daughter and then all of a sudden she wasn't, it was just like being kicked in the teeth if you want to put it that way, it was hard.

His anger at the mother was still very apparent at the time of interview.

> ... You've got to remember I was in a relationship prior to her having the baby, I was treating her as somebody I loved and somebody I wanted to marry, then all of a sudden she turns round, this person who loves you and says 'You're not the father of my baby' so what am I going to think. You cannot actually put down in words what I would like to say.

Harold on the other hand, felt the biological status of fatherhood, and the concomitant financial obligation, had been forced upon him without any desire to fulfill a social relationship with his child, as he wanted no further contact with the mother. Thus both rejected their financial obligation to these particular children on the basis of a separation between the social and biological basis of fatherhood.

For the rest however, their sense of victimisation and loss was rooted more firmly in a sense of unfairness by what they saw as the mother's obstruction of contact. Even though Barry still had contact with his child, he had to fight hard to maintain this and at the time of interview he was beginning to question whether this continual battle was worth it. It seemed he was on the verge of letting go. He complained bitterly that the mother 'had removed the children from my care'. So although he still had contact he felt this was unsatisfactory as he had lost his role as a carer. For these fathers then, it was the enforced discontinuity between their biological and social roles as fathers that made them feel it was pointless in paying maintenance when they were being denied satisfactory relationships with their children against their wishes. For in the post-separation period, these men would not accept responsibility for loss of contact with children. Yet whilst they grudgingly admitted that their own behaviour may have contributed to failed co-parenting relations with mothers in the post-separation period, they remained bemused about how this had led to such dire consequences as loss of contact with children. Transgressions such as not turning up for prearranged contact visits, or failing to communicate between visits that may have been three months apart, were not deemed big enough to produce such critical outcomes. Even the attempted suicide of one father was viewed by him as irrelevant.

Evidence from Kruk (1992: 86) in part supports these findings, he claims that on the whole fathers tended to underestimate their own role in regards to loss of contact. Though from Kruk's viewpoint, the role played by fathers in lost contact was due to the negative consequences of an abnormal grieving process brought about by the loss of children and the loss of the pre-divorce father-child relationship. It is difficult to say how far this grieving process affected these fathers, though this may have been a significant factor in Ian's attempted suicide and a factor in Robert's case which will be discussed later. For the others it is more likely that they were unable or unwilling to assess how their 'unreliability' over contact arrangements could be detrimental to developing a new contract of trust with the mother and/or children. As Goto (1996:120) points out the relationship aspect of trust involves relying on the character, strength, or truth of someone and is synonymous with cooperation. Clearly the atrocity stories demonstrated a deep suspicion and a complete lack of faith in mothers as co-parents.

Nonetheless demonising mothers was the only way all these fathers could make sense of either their feelings of entrapment into parenthood (be it biological or social parenthood), or their lack of involvement in their children's lives. Furthermore if they were to focus on the part they had played in failed relationships they would have undermined the credibility of their atrocity stories. Simpson *et al.* (1995:33) found similar responses among the non-resident fathers in their sample who had no contact with their children. In their study they commented that the fathers use of words like:

> ... 'assassination', 'crucifixion', and poisoning used by some fathers bring to mind a slow and lingering death: in this instance the death is that of fatherhood and it is the custodial mother who is felt to wield power over life and death.

However the ex-partners of these men in Simpson *et al. 's* (1995) study made parallel comments which indicated that the fathers were 'late, erratic and insensitive' when collecting children for contact and this produced high levels of mistrust (p33). It is not hard to imagine that the ex-partners of the men in this study might have felt the same way. What most of the men in the enforced and non-payment groups in this sample had failed to grasp was that their behaviour in relation to contact could make them appear untrustworthy in the eyes of the mother.

Of those that wanted contact, their apparent mystification over its loss is therefore probably explained by another key element of trust that is, where they had failed to meet the mothers'

expectations over contact. This led to negative consequences of a greater magnitude than the positive consequences that would have been generated if this expectation had been met (Goto, 1996). In other words, the negative consequences of being 'unreliable' over contact were critical, especially in the early days following separation when both parties were in a period of readjustment. Yet generally these men had never entertained the notion that they might be viewed as untrustworthy in the early days following separation. Indeed six of them blamed their long, irregular and unpredictable working hours for imposing restrictions on their ability to stick to regular contact arrangements. Four had been self employed running their own businesses (all of which had subsequently failed), one other was a taxi driver (and was still a taxi driver), another had been a long distance lorry driver and was now unemployed. These fathers described how they either had to cover for unexpected staff shortages at short notice, or in the case of the lorry driver and taxi driver, that they could be called away at any time for long periods. Being tied to the demands of their employment contributed to both their sense of injustice over the loss of contact and their mystification about why the mothers would not make allowances for this by being more flexible over arrangements. Here then the employment patterns of these men proved to be an almost insurmountable barrier in sticking to set contact arrangements, thereby compounding the difficulties of maintaining good co-parenting relationships with mothers.

Nevertheless, despite the different circumstances which had led to a breakdown in relationships with mothers and children among these men in the enforced and non-paying groups, demonising mothers was the only way they could make sense of either their feelings of entrapment into parenthood, or their lack of involvement in their children's lives. However in discussion about child maintenance, the whole point of these atrocity stories was to prove innocence and as a quid pro quo, justify reluctance, or non-payment of maintenance.

The common theme among the enforced and non payment groups was therefore a culture of blame aimed at mothers. There were however three contexts in which this blaming behaviour operated. The first and most common context was where fathers accepted that they had both a biologically and socially based obligation to their children. But the enactment of the latter was, in the minds of the fathers, frustrated by the mothers' intransigence over contact. The second context was where the social obligation was given primacy over the biological, as in Harold's case. He said that he was 'nothing more than a biological father' to his son from his

first past relationship who was conceived as a result of a fleeting sexual relationship. 'Anyone', he said 'could father a child', 'what mattered' was how you 'brought them up', how you acted as a parent after they were born. Thus he distinguished between his children from his two past relationships. He pointed out how he loved his second son and that he paid maintenance voluntarily to ensure his financial needs would be met. Conversely, for his first child, he felt it was unimportant whether the money he paid met the child's financial needs or not and had maintenance not been enforced, he would probably not have paid. The third context was exemplified by Alex where he had unwittingly enacted his social obligation, but without the biological status of fatherhood. The biological status of fatherhood was particularly important to Alex as he had been adopted himself and had always wanted to get to know his own biological parents. Thus he tended to emphasise the biological over the social. What all three examples clearly demonstrate however, is that for all the men in the enforced and non-paying relationships, the biological and social bases of parenthood are inextricably linked in the context of developing and sustaining a commitment to pay ongoing maintenance. At its simplest, in the minds of these men there is a link between contact and maintenance.

Contact and maintenance

In reality, the fathers in the non-paying and enforced groups saw their maintenance obligation as primarily a payment made to the mother. Harold wanted to pay the mother a lump sum to rid himself of any further contact with her; his case was exceptional however as he had never wanted any contact with his child. The others did want contact, but they questioned why they should pay maintenance to the mother when she would not reciprocate by *'allowing'* them some parental responsibilities in terms of caring. Clearly there was an expectation upon mothers to facilitate the fathers' relationships with their children. What the atrocity stories signify is that not only were the mothers apparently failing to meet this expectation but that the fathers could not understand why this was so. The 'proper thing for the mother to do' was to enable contact, while the 'proper thing for the father to do' was to pay maintenance. This exposes the 'silent bargain' attached to maintenance payments. The clearest example of this came from two of the non-payers Ian and Rhidian. These two fathers had ceased to pay maintenance over time and whilst Rhidian had gained residency of his son he still had no contact with his non-resident daughter. Ian was currently locked in a legal battle over contact but the chances of success seemed negligible. Ian said:

> I know you shouldn't tie the two together, the whole concept of tying contact and access

> and financial responsibility is supposed to be separate, but it is virtually impossible to do that in my mind, it is like saying, you know, I want you to run this car and I think you should pay for it but you can't drive it, you can't see it - em - and that is different between cars and children obviously, but it is quite similar and its even more - more of a cheek in a way to say here is your daughter and I don't want you to see her full stop, nobody wants you to see her, but you should pay for her! Know what I mean?

Ian's analogy of the car with maintenance highlights how he felt there was no utility attached to the maintenance money when he was denied contact. Rhidian expressed similar sentiments: that when contact was denied there was 'no return' on the maintenance paid, that he was doing 'his bit' by paying, but by implication the mother was not doing 'her bit' by facilitating contact.

> ...and I think if you are denied access automatically you think well I will stop paying then - and it becomes involved somehow - but there were times when I didn't see the children but still paid maintenance because I understood they had to live and I was doing my bit, but it was unfair because I was denied the return you know - so in some ways it looks as though, or it feels as though the two are interlinked but really they are not are? - or they shouldn't be.

Neither of these two fathers suggested they stopped paying maintenance solely as a result of loss of contact. Even so they felt uncomfortable about linking contact and maintenance. This was not the case for Robert, one of the enforced payers. Robert deliberately withheld payment in response to lack of contact. However another father in the enforced payment group, Collin, said he paid maintenance precisely because he had no contact. These two cases will be used to illustrate both the different outcomes of the link between contact and maintenance - at least over time - and to illustrate some of the possible consequences of the failure in reciprocal relations with mothers.

Robert explained that he got increasingly resentful of paying maintenance for a child that he 'wasn't seeing'. He responded to his resentment by repeatedly withholding maintenance till the Court stepped in to enforce it. He described this behaviour as 'childish'. But he said that it was his way of making a 'protest' to the mother. He wanted her to respond to the withdrawal of payment by agreeing to contact. Thus he was trying to use maintenance as a tool to manipulate the mother. However his protest was also a means through which he could relay his anger, frustration and sense of loss about his relationship with his son:

> Just having no contact you don't realise what it is, what it involves. You go through a period of bereavement I suppose ... it's just like having - or similar to having - a death of a child, that's the only way I could describe it.

and he went on to say:

> You could break down and cry, I have many times, then you get all resentful towards it if you like and hardened to it. ...You realise that you are not going to get it [contact] and you get ... you can't get it away from your mind.

So powerful were Robert's feelings that his disruptive behaviour and protest lasted for six years. He finally complied with making payments on time, when he had only two years left to pay. It is possible therefore, as Kruk (1992) found among his respondents, that Robert's behaviour was the result of an abnormal grieving process as a result of the loss of his son whom he had parented for 10 years prior to separation.

Collin on the other hand paid in part because he had no contact.

> I mean I pay maintenance and that's it... I pay the maintenance and eh that is as far as my responsibility goes at the moment because I have no contact I pay maintenance.

Although Collin's payments were still being enforced through the mechanism of an attachment of earnings order, as he had initially refused to pay, he had however come to find the maintenance obligation more acceptable over time. This increase in the acceptability of the maintenance obligation arose for a number of complex reasons. First, his conditions of employment required his absolute obedience with the law. Second, he had accepted some responsibility for the failure in his contact arrangements; he admitted that he was reluctant to travel the 250 miles necessary to see his daughter, but he was also hesitant about making contact visits because they upset his current partner, whom he said got very jealous and insecure when he visited his daughter as it brought him into contact with his ex-wife. Third he had since transferred a savings account held in the name of his daughter to his current son, thus his maintenance payments became the only source of financial help for his non-resident child. Fourth, consequent to the transfer of this savings account, Collin now viewed his maintenance payments as a medium through which he could express some sense of obligation to his daughter. For example he stated that he 'didn't mind' paying maintenance because in 'his own mind' the money was to be used to buy clothes, shoes and toys. These were items that Collin said he would have given directly to his daughter himself had he been seeing her regularly.

Implicitly therefore, Collin paid maintenance to make up for both his lack of contact and the things he might have given in informal support as a supplement to, or perhaps even as a

substitute for, maintenance. His reasons for paying were therefore similar to some of the willing payers: as a means of compensating his daughter and perhaps also to alleviate a sense of guilt over his reluctance to make the effort to travel to visit her. However although he was more like the willing payers, particularly Matthew who had also lost contact, he was still categorised as an enforced payer, first because his attachment of earnings remained in force and second because he still expressed some ambivalence about this obligation. Despite his own hesitancy over making the effort to visit his daughter, he remained angry with the mother for her failure to travel half way to meet him for contact, whereupon it would be easier for him to bring his daughter back to his own house for the visit. In that way he would minimise contact with the mother and thereby not upset his new partner and yet still manage to see his child. Metaphorically therefore, Collin found himself stuck between a rock and a hard place as he could not find a way to meet everybody's competing needs, nor could he appease everybody's feelings. As a result he constructed stories about the mother's unreasonable behaviour in regard to contact.

The link between contact and maintenance is clear in this study. It does not necessarily occur explicitly such that fathers might express this when asked about their attitudes. It could be rather that at the attitudinal level fathers express what they think should happen, rather than what actually can happen. As the cases of Ian and Rhidian suggest, these two fathers knew that contact and maintenance should not be linked but felt unable to stop making the link in their own minds. The possible reasons for this are explored further in the next chapter. In addition the link is not straightforward some fathers may pay maintenance because they do not have contact, it seems that this payment can act as compensation for the child for the loss of their father.

SUMMARY

When comparing across the two main groups, the willing payers contrasted with the enforced and non-payers. The key difference was the lack of or presence of contact with non-resident children. All of the willing payers, bar one, had contact and they had selected themselves as having a 'duty' to pay maintenance (even if they did not always prioritise their obligations to non-resident children first). The act of paying maintenance was also useful and/or meaningful to them in their relationships with children and for their personal identity as fathers. Payment could work as a guarantee for contact with children by 'easing' relationships with mothers or

as a tool to manipulate mothers into agreeing to contact arrangements. Payment could also act to compensate children and/or mothers for a past misdemeanour, or for some perceived lack by the father. All these factors helped the willing payers develop and sustain commitments to paying maintenance. Such commitments were held so strongly that some fathers were determined to pay even when unemployed, though in some of these cases, as the amounts paid had remained consistently small over the years, they could be considered as token payments. All the fathers were however fulfilling normative expectations about their obligation to pay maintenance to the children from these particular past relationships. All of them (except Matthew) also had some active involvement in their children's lives in terms of ongoing contact and their children recognised them as their natural father.

It was suggested that feeling guilty was one possible precondition for developing a commitment to pay within some of the willing payers' relationships. This was evident in the ways that fathers paid maintenance on a compensatory basis. Victimisation on the other hand was the converse of guilt. A sense of victimisation, or blamelessness, was the overriding feeling exhibited within the enforced and non-paying relationships. In two cases the fathers did not accept either the social or financial responsibilities attached to biological parenthood: Harold as the result of a fleeting sexual relationship and Alex as a result of the denial of his paternity by the mother. The rest however were bemused and angry about their lack of satisfactory relationships with children, including Barry, the only father in these two groups with contact. He found his contact arrangements highly unsatisfactory and like all the rest without contact, he felt the mother was at least unsupportive, if not obstructive, in facilitating the father-child relationship. In addition, these men could not, or would not, acknowledge any responsibility for failed relationships post-separation. Such negative feelings did not form a sound basis from which to begin to accept the maintenance obligation. The majority of enforced and non-payers tended not to accept that there was a legitimate 'need' for this kind of financial support. Either their own or second families' financial needs were a *priority*, or the mothers (and stepfathers) were *selected* as having the financial capacity or obligation to meet the costs of parenting unsupported by the father. Moreover they believed that even if they did pay, this money would simply be squandered by mothers. Making payments therefore served no useful purpose as it could not be used to facilitate contact with children, despite sustained attempts by some (as exemplified by Robert) to use it in this way. Nor could payments act to alleviate guilt where fathers felt victimised. Ultimately the majority rejected the obligation primarily upon failed

reciprocal relations with mothers; if mothers would not 'allow' contact then why should they pay maintenance? It was not then that these fathers were necessarily uncaring or feckless individuals, as the cases of Harold and Malcolm make clear. Both these fathers had two past relationships involving children, yet they were extremely reluctant to pay maintenance for the children in their first past relationships, but willingly paid maintenance for their children in their second past relationships. The distinction between their first and second past relationships was the quality of their relationships with the children's mother and thereby ultimately also with the children. Given the importance of relationships with mothers and children in the development and sustenance of financial commitments, this suggests that the maintenance obligation was negotiated. This process of negotiation is discussed in the next chapter.

CHAPTER EIGHT

NEGOTIATING CHILD MAINTENANCE

INTRODUCTION

Chapter seven explored the factors that impinged upon fathers' willingness to pay and how this helped sustain financial commitments. But this does not tell us about the processes and mechanisms that underlie the development or otherwise of these commitments. To explore this we need to engage with theoretical debates on family obligations and financial obligations. The theoretical underpinnings to the study are therefore viewed as being twofold; first, the processes involved in making financial commitments to help support family members and second, the relationship between obligations and money. On obligations and money Finch (1989) has argued that policy which defines people's financial obligations may fail if that policy is out of line with what people regard as fair. An example of this was the demise of the Poll Tax. Finch and Mason (1993) found in their work on family obligations that commitments to *adult* family members were created within a process of negotiation where people accepted or rejected their responsibility to give support in the light of their specific circumstances. Responsibilities, they argued were therefore the products of *negotiated commitments* developed over time (Finch and Mason, 1993:179).

As already discussed in chapter three, Finch and Mason's work was restricted to exploring commitments between adult kin and therefore the framework of negotiated commitments might seem an inappropriate way of exploring non-resident fathers' obligations to their *dependent* children. Because first, as children are dependents, they have a legal and moral right to expect support from their parents, and second, because children's needs are immediate, they cannot wait for their parents to develop commitments to them over time. Thus surely, parents' financial responsibilities are non-negotiable just as the 1991 and 1995 Child Support Acts propose. However non-resident fathers enact their obligations against a background of family fragmentation. They therefore have at least two sets of social relations and obligations to consider; those with children **and** with mothers (more if they have second families). In the context of family separation and non-residency, these two primary sets of relations have been described as representing a simultaneous continuity and discontinuity. Fathers may want a continuing relationship with children but within the context of a discontinued relationship with the mother (Simpson *et al.*, 1995). There is therefore a schism in these sets of relationships and

the interesting question is whether and how, this schism creates a negotiated commitment to pay maintenance. But making financial commitments also involves giving money and it is unknown how the meaning of money may affect the development of commitments to pay child maintenance. In this chapter both of these factors will be explored. This chapter begins by reviewing the evidence already presented in chapter seven to see whether and how maintenance commitments may have been developed within a process of negotiation. To do that we need to understand how negotiations operate in practice.

OPERATING NEGOTIATIONS

Finch and Mason describe (1993) how people arrive at making commitments to provide support to relatives through a process of negotiation. In describing how this process operates, Finch and Mason (1993) suggest that people apply certain moral guidelines to steer them in negotiations. Thus, people apply *moral principles* such as *fairness* and *justice* and this helps guide their conduct in negotiations. But in addition people apply more specific *normative guidelines* to work out what to do in practice. These normative guidelines act as criteria which people use when considering what to do about giving support. Finch (1989:178) lists five normative guidelines;

1. Consider who this person is; what their relationship is to you in genealogical terms.
2. Consider whether you get on particularly well with this person.
3. Consider the patterns of exchanges in which you and they have been involved in the past.
4. Consider whether receiving assistance from you would disturb the balance between dependence and independence in this person's family relationships.
5. Consider whether this is the proper time in both your lives to you to give this type of assistance to this particular person.

In making decisions about whether to offer support to a relative, these guidelines help people *prioritise* across all their responsibilities; they *select* whether they are the appropriate person to give the support based on the *past history* of the relationship with that person; they assess the past patterns of *reciprocal exchange* with that person, they strive to maintain a balance between independence and dependence; and they assess whether it is the *right time* in their lives to give support of the kind asked. These normative guidelines are used to make judgements

about the real *need* for support and the individual's *capacity* to give it and thus whether the claim itself, at this moment in time, is legitimate. This legitimising of the obligation leads to a commitment being made and thus commitment is a product of the process of negotiation. Deciding upon the legitimacy of the obligation (and making a commitment) however, does not necessarily occur in explicit discussions with the interested parties. Rather the normative guidelines highlight some of the more implicit thought processes that people engage in when deciding about making commitments to offer support.

If these normative guidelines are applied to the findings already presented in chapter seven, then there is evidence that the financial obligations were negotiated. Fathers did prioritise their financial obligations, select others to financially support their non-resident children, decide it was not the right time in their lives to pay maintenance and based their willingness to pay, at least in part, on reciprocal exchanges with mothers, particularly in relation to gaining contact with children. For example, the willing payers, most of whom had contact, found their maintenance payments *useful* in maintaining contact with children as it 'eased' relationships with mothers. These payments therefore helped balance reciprocal exchanges with mothers and fathers were willing to pay.

Conversely, the enforced and non-payers felt victimised and had rejected the obligation to pay. They tended to prioritise their own needs above that of their non-resident children, partly as a result of poor economic circumstances, but this was also related to it not being the right time in their lives to pay. Therefore, the fathers selected the mothers (and their boyfriends/husbands) as having the primary obligation to provide financial support for the fathers' non-resident children, especially if the fathers believed the mothers were better off financially. But it was also argued that one of the principle reasons for rejecting the maintenance obligation was the failure of the mothers to reciprocate with contact. This engendered powerful feelings of unfairness and injustice. This was exemplified in the demonising of mothers through the construction of atrocity stories about them as mothers/co-parents and this in turn confirmed the fathers' beliefs that any maintenance paid would simply be *squandered*. As Finch points out:

> Obligation, duty and responsibility, as understood in this sense [as products of negotiation], are commitments developed between real people, not abstract principles associated with particular kin relationships (Finch, 1989:181).

The *real people* with whom these fathers were developing commitments to pay maintenance

were the mothers and not the children. This helps explain why the same man will pay maintenance willingly in one past relationship and refuse to pay in another. Indeed, that was the situation for Malcolm and Harold, the respondents with two past relationships. Malcolm described the mother of his first child as:

> The parent from hell, a horrendous sort of person.

Yet, he described the mother of his second child as 'a friend'. Similarly Harold 'despised' the mother of his first child and was 'a friend' to the mother of his second child. When it came to negotiating parental obligations this 'friendship' with the mothers enabled both fathers to put the needs of their children (from these second past relationships) ' first'. This does not mean to say that these two fathers, or the others in this study, necessarily entered into explicit negotiations with mothers about whether to pay maintenance, or about how much to pay. Rather the process of negotiation between mothers and fathers tended to be implicit, though in Harold's case it was very explicit. He bargained with the mother over a sum of money to release him from his obligation, he was the only one to behave in this way however. Of course the other fathers may have had explicit discussions with mothers in another forum, in front of solicitors and the Courts for example. The point is that the process of negotiation arises out of fathers *interactions* with mothers at both an explicit and implicit level (Finch and Mason 1993:61). It is the implicit interaction which is of most interest here, as it seems the expectations fathers' held of mothers as co-parents operated mostly at this level.

Finch and Mason (1993) point out that the more implicit aspects of negotiation are exposed in the ways people try to legitimise their excuses for not giving support of the kind expected. *Legitimate excuses* exist where people tend to give pre-eminence to the emotional aspects of the relationship over the financial need for support. Here then we see how the reasons given by the enforced and non-payers for their reluctance to pay played down the economic importance of maintenance. The children in these relationships were deemed as not having a 'real' need for financial support, at least not in comparison to the fathers' own financial needs, or, as was demonstrated so clearly by Robert, not as important as the fathers' own emotional needs to have contact with their children.. Here the fathers' desires for an ongoing relationship with their children took pre-eminence over their financial capacity to pay maintenance. It is possible that the continued commitment of the willing payers in the face of financial difficulties demonstrates this. Yet mothers as the resident parent are the gatekeepers to fathers' physical contact with

children. Thus her central position, between father and child, is fundamental for a relationship with children in the context of non-residency (Simpson *et al.,* 1995; Neale and Smart, 1997).

Central position of mothers

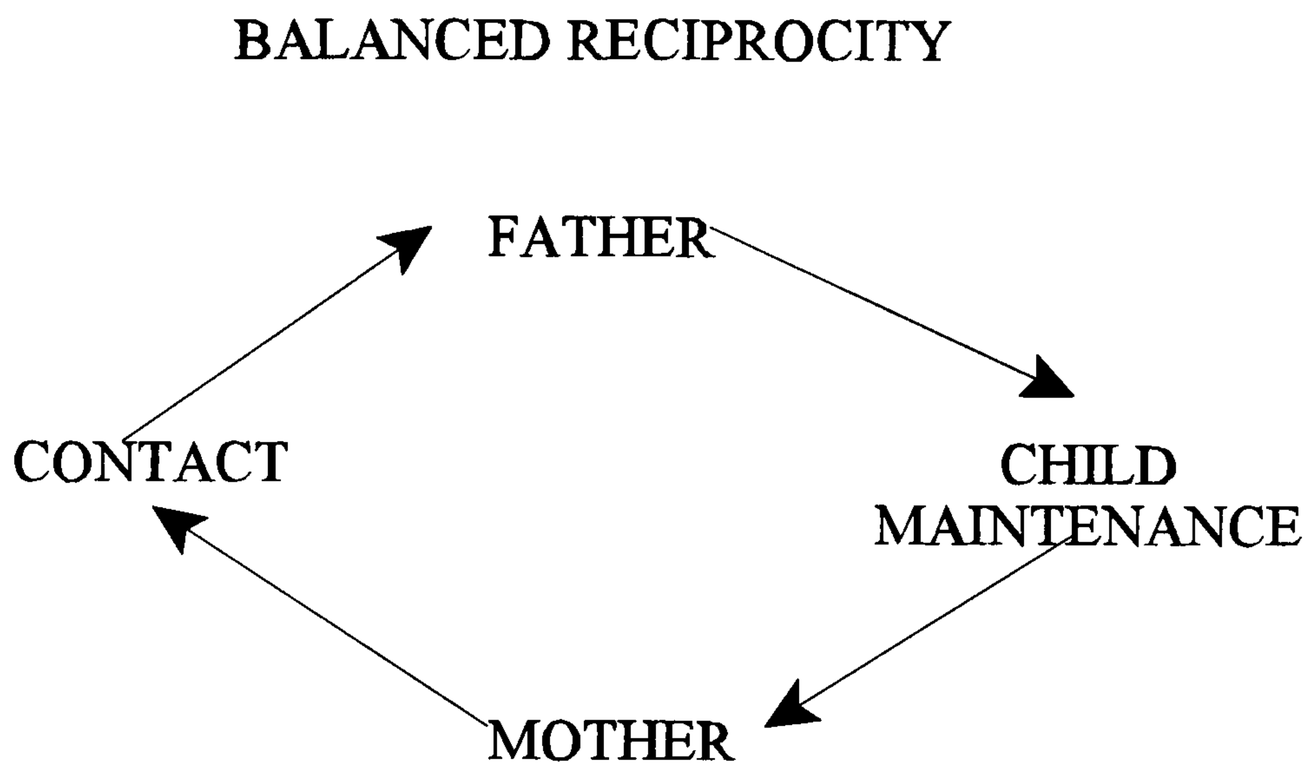
The centrality of the position of mothers and its predominant importance in financial support is exposed through the guideline of *balanced reciprocity*. Fathers expected their parental relationships with mothers to be kept in balance. This expectation became most explicit when it was not fulfilled. Thus where the fathers perceived that the mothers were obstructing relationships with children they tended to feel they were not, or would not, get anything 'back in return' for maintenance. Contact and maintenance were therefore linked through the process of *balanced reciprocity* and when these exchanges became imbalanced, through 'denial' of contact, this engendered powerful feelings of injustice or unfairness. As highlighted in the previous chapter, Robert's strategy of allowing his maintenance to build up in arrears was a means through which he could express his sense of injustice to the mother (and perhaps also to the Courts for their apparent failure in helping him to gain contact). For some of the others, their sense of injustice was expressed by their outright refusal to accept the obligation of maintenance. This was evident in their resistance to the threat of potential enforcement by the CSA or by the Courts. For example Barry said in relation to the CSA that he would;

> 'go to any lengths to not pay, even if it were for only a small amount.'

Whilst Ian said he found it 'beyond moral understanding' when the Courts would not help him to gain contact yet they would still insist that he should pay maintenance for his child. Similarly, Rhidian felt that the whole 'agreement made by the Court' over contact and maintenance had broken down when contact was denied to him. It is this principle of fairness that underlies the guideline of balanced reciprocity and it seemed the mothers, the Courts and the CSA were contravening this principle when they would do nothing to help the fathers sustain their relationships with their children.

The reciprocal loop between contact and maintenance is described below in Figure 8.1.

Figure 8.1: Reciprocal loop between contact and maintenance



This guideline of *balanced reciprocity* is more typical in adult relationships where people are expected to reciprocate almost immediately by offering something back for support received (Finch and Mason, 1993:146). Thus, when contact was desired but was not forthcoming, this signified an imbalance in reciprocal relations and it was extremely difficult to accept the obligation to pay maintenance within this context. This was partly due to the creation of a powerful sense of injustice as a result of the breakdown in these parental exchanges and the loss of contact with children. Only Matthew, the one willing payer without contact, managed to override this.

Matthew expected nothing in return for maintenance; it was his expression of 'fatherly love' and a duty 'owed' to the mother. Thus he conflated his feelings of obligation to his child with his feelings of obligation to the mother. In so doing, he applied a different guideline of reciprocity to both these relationships simultaneously: that of - *generalised reciprocity.* Generalised reciprocity is more typical in adult-child relationships. There is no expectation of an immediate return as it forms part of the pattern of inter-generational exchange within families. Matthew was therefore able to tolerate the imbalance in the parental relationship as he saw his maintenance obligation as being owed to the mother on an equal basis with that of his child. This sense of duty to the mother seemed to arise out of his feelings of guilt about past events where he felt he had abandoned the mother when his son was just a baby.

In contrast, none of the enforced and non-payers carried such a powerful sense of guilt over the history of their failed relationships. Rather, they felt themselves to be victims at the mercy of pernicious mothers. This was clearly demonstrated by the construction of atrocity stories about mothers. Importantly these stories illuminated how the legitimacy of the mothers' claim for maintenance on behalf of children was rejected. Specifically, fathers perceived that mothers were unsupportive of the fathers' emotional and physical relationships with their children. This was not only atrocious but also beyond understanding. This exposes another product of negotiations: the creation of shared understandings. The process of negotiation not only involves making a commitment to give material support but also involves reaching a *shared understanding* about what each party expects of the other (Finch, 1989). Therefore in reaching a decision about the legitimacy of the obligation to pay maintenance, the fathers' willingness to pay was based upon their own conduct and upon the conduct of the mother. This was primarily the mothers' conduct as co-parents and not necessarily their conduct in terms of termination of the adult's relationship, although these could be intertwined. Yet at the level of principle all the men in this study agreed that fathers should pay maintenance. Given this, it is better to view the maintenance obligation as one that was found to be more or less acceptable, rather than suggest that the obligation in principle was ever seen as illegitimate. Additionally the fathers' (and mothers') circumstances altered over time and these changes had to be 'weighed-up' to reassess the acceptability of this obligation. Finding the obligation either acceptable or unacceptable is therefore not fixed and is best represented as a continuum whereupon the strength of various contingent factors vary over time. The contingent factors highlighted by these respondents include the following:

Contingent factors related to capacity to pay

Fathers' income
Fathers' commitments to new second families
Mothers' socio-economic circumstances
Children's need for support
Past financial settlements

Contingent factors related to willingness to pay

History of relationship with mother and child(ren)

how child conceived
confidence over paternity
length and quality of parental relationship
length and quality of relationship with child (related to child's age)
how relationships ended: blame/guilt

Parental relations post-separation

reciprocal behaviour
reaching shared understandings
sharing parental responsibilities
blame/guilt

Relations with child post separation

wanting and seeking contact
having active contact
guilt over reduced/unsatisfactory fatherhood role

Legal expectations and the threat of enforcement

Maintenance as a negotiated commitment

In reality therefore, it all depended upon circumstances whether maintenance was paid or not. Where payments were not enforced, they were the products of *negotiated commitments* emerging from the fathers' interactions with mothers and children. Yet because of the crosscutting nature of legal enforcement it was not possible to tell from the act of payment alone whether the fathers found this obligation acceptable. Legal enforcement was effective in making some of these fathers' pay. But as Robert's case highlights, this could have long lasting negative repercussions. Robert railed against the injustice of enforcement when he could not have contact with his son. Therefore, the maintenance obligation was negotiated. It was not viewed as an unconditional moral obligation owed to children on the sole basis of the biological

father-child relationship, even though the fathers agreed that in principle they 'should pay'. The analysis of the enforced and non-payers indicates that these men did not fully accept a financial responsibility to pay maintenance for their children. It is more difficult to be sure about the payers. Although they demonstrated some sense of duty to pay maintenance this was generally, though not exclusively, within the context of active relationships and defining themselves as having some capacity to pay. However it must be noted that for some, the amount of maintenance had never increased for many years and whilst it may have been difficult in the past to pay the original amount, it was now relatively small (around £10 per week) and therefore affordable, except that is if the father entered a period of unemployment. Thus arguably over time, the payment of maintenance had become something of a token gesture. Perhaps that is why Lenny and Carlton in particular continued to pay even in the face of financial difficulties, because this token payment was useful in sustaining their reputations as caring fathers. However the question that cannot be answered is if the willing payers found themselves in similar circumstance to the enforced and non-payers would they express the same level of financial commitment to pay maintenance: perhaps not?

So far the discussion has compared the willing payers with the enforced and non-payers together. This has highlighted how, and in what ways, the obligation of maintenance was a negotiated commitment and how the enforced and non-payers found this obligation unacceptable (even though some of them had acquiesced in enforcement). This raises a number of other questions: does this mean that enforced and non-payers have no sense of financial obligation to these children whatsoever?; or if they do, then how do they reconcile this sense of obligation when they do not pay? To answer these questions the enforced and non-payers need to be compared.

COMPARING ENFORCED AND NON-PAYERS

What became immediately apparent when comparing the two groups was that the non-payers faced a moral dilemma about their lack of financial support. This was the key difference between enforced and non-payers. Although the four enforced payers had initially rejected this obligation, for two of them, Collin and Robert, there had been a gradual shift to acceptance. Paul and Harold still begrudged making payments, however. Even so, neither faced a dilemma about finding the obligation unacceptable, partly because they were still paying something, and in Paul's case he was also saving money for his child. This dilemma among non-payers is worth

exploring in more detail as it highlights the complexity facing non-resident fathers in deciding what to do about their financial obligations to children.

The moral dilemma of maintenance

The moral dilemma of maintenance is explained as follows: On the one hand, five of the seven fathers who were not paying maintenance but wanted a relationship with their children (everyone but Leo and Alex[1]), did feel some moral obligation to provide financial support for their children. They acknowledged that the children from these particular past relationships had a right to expect support from them and indeed they wanted to be in a position to 'give things' to them. On the other hand the fathers rejected the maintenance obligation because they felt the mother had denied them contact. Yet, they still expressed a willingness to pay but on the basis of the guideline of generalised reciprocity. This guideline being related primarily to the father-child relationship and not the fathers' relationship with mothers. Hence the concerns among these five non-payers about how the maintenance would be spent.

If the maintenance was spent inappropriately by mothers, maintenance payments would not form part of inter-generational exchanges between father and child and worse still would further imbalance the exchange relationship of the parents. There was therefore little point in paying as fathers would not - or could not - trust mothers to spend it on the children. Nor could they 'see' for themselves, in the absence of contact, that the children were benefiting from payments. Further, the children would not know that their fathers were supporting them financially. Thus these men came to believe that maintenance payments would be squandered. To avoid this squandering of maintenance, all five of the non-payers who wanted contact with their children said the 'only way' they would provide financially was to save money in bank accounts for children or to 'give things' directly to the children themselves. In this way they could bypass the mother completely. This was how they attempted to reconcile their moral dilemma, as all financial provision could now operate upon the basis of generalised reciprocity between father

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1 Leo and Alex, the two remaining non-payers were not concerned about how the maintenance money might be spent because both felt their status of fatherhood had been lost. They had given up any hope of having a relationship with these children long ago. Alex because of the denial of paternity by the mother and Leo because of the accusation of child abuse. Leo had not seen his child for seven years and never expected to see him again and Alex had never seen the child since he separated from the mother.

and child. There was therefore a tension between the guidelines of balanced and generalised reciprocity. This was directly related to the continuity of these fathers' relationships with their children (albeit in the face of no contact) and the discontinuity in their relationships with the mothers. Thus they had to make a choice between basing their maintenance obligation upon their relationships with children or upon their relationships with mothers. For example, the first question these fathers might ask themselves is whether paying maintenance would primarily benefit the child financially or the mother. If they felt payment primarily favoured the mother they were reluctant to pay and suggested that instead they would give 'things' or 'money' to the children themselves, or save money for them. This was how Paul, the one enforced payer who was concerned about how the maintenance was spent, had resolved his dilemma. He said that the amount of maintenance he paid through the CSA was not much to support his child, but he also said:

> .. I will look after me daughter one way or the other at least she will get something out of it you know.

What his daughter was getting 'out of it', was the savings Paul was investing for her future and the inheritance he intended to bequeath her upon his death. One would therefore expect that the five non-payers were providing informal support. Not so. Only Barry gave clothing and saved money in a bank account for his children. Therefore it is argued that operating the guideline of generalised reciprocity in such a way as to justify non-payment of maintenance is a means through which these fathers were constructing *legitimate excuses* for their non-payment.

Legitimate excuses

Making their intentions to provide informal support explicit to an outside audience (such as the interviewer), but not actually doing so, was a way of sustaining their moral reputations as caring fathers. For the whole point of 'legitimate excuses' is to give an account of your actions for **not** providing support in such a way that your moral reputation is maintained (Finch, 1989; Finch and Mason, 1993). Yet this does not mean that excuses for not paying maintenance were illegitimate *per se*: rather the conditions surrounding the direct giving of things or money to children necessitates actual contact with them (except if money was left as an inheritance as in Paul's case) Otherwise, like maintenance payments, fathers would be dependent on mothers to pass items on. Presumably the same feelings of mistrust of mothers would also apply to these items of informal support: that any informal support would also be squandered. This was how Barry felt about his informal support. He accused the mother of hiding or selling the clothes that

he sent for the children. However, he was able to give other things (pocket money and treats) directly to his children as he had physical contact with them. The potential squandering of maintenance however was not just related to its uselessness in terms of the loss of financial benefit to the children. Payment would also be useless in terms of its manipulative power over mothers to gain contact. Thus the second question fathers might ask themselves is whether payment would benefit them in terms of helping them gain contact with their children. Given the high levels of hostility and the absence of direct contact with mothers among these five men in the non paying relationships, the answer to this question is clearly no. Thus it seemed the fathers sought alternative ways in which they could use money to further their aims of having contact with their children. This was evident in the intention to save money for children to be given to them when older.

Generosity and reciprocity

If the fathers did manage to give money from savings when the children were older, then this would enable fathers to appear generous in the eyes of children themselves. This has implications for the father-child relationship in the longer term. For example on receipt of this *gift* children might feel beholden to their fathers and respond by establishing contact independently of the mother. Thus giving a lump sum of money to children may help kick start active relationships in the future. Whatever the intentions embedded within saving monies, it exemplifies how those fathers in the non-paying relationships who had suggested this approach had *postponed* their relations with children until some future time. This postponement of relationships with children concurs with the findings of Simpson *et al.* (1995) in their study of divorced fathers. However, it also demonstrates how the fathers wanted to use money to aid their relationships with their children and signifies how they had disengaged from direct communication and negotiations with mothers. The fathers had unilaterally decided what their financial obligations were. In the absence of contact with children, the fathers had transformed the obligation to pay maintenance into one of giving informal support instead. In their minds at least, these five men had not completely abandoned or dismissed their financial obligations as fathers. Nor had they given up all hope of having a relationship with their children when older. In comparison, Paul the one enforced payer who was concerned how the maintenance money was spent, had given up hope of ever seeing his child again. This was exemplified in his saving money for his daughter to inherit. In that sense he was similar to Leo. Both had been accused of sexually abusing their child and as they were adamant that these accusations were false, they felt they had been robbed of their status as

fathers (as had Alex but for different reasons).

The responses of the five non-payers to their moral dilemma highlights how the central position of mothers (as the recipients of maintenance) created difficulties in translating financial obligations into practice. Fathers had to decide which guideline of reciprocity should underpin their maintenance payments: balanced or generalised reciprocity. Making a choice between these two guidelines was important, because the meanings underlying payments would differ substantially depending upon which one was seen as the main operational guideline on which to base a commitment to pay maintenance. For the non-payers it seemed that making a choice in favour of generalised reciprocity over balanced reciprocity was synonymous with not only an expression of care for children but also, rather incongruously, with a dissolution of the commitment to pay ongoing maintenance. In so doing the fathers had both resolved their dilemma and nullified this inherent tension between the two guidelines of reciprocity. However this was not the case for some of the willing payers. In the context of continuing relationships with children some fathers in the willing group had to continually address this tension as they tended to operate both guidelines simultaneously within their financial support. Two cases are used, Stephen and Peter, to illustrate how the tension between the two guidelines of reciprocity operates in respect of developing and sustaining commitments to pay maintenance. In Peter's case the involvement of the CSA had specific disruptive effects.

THE TENSION BETWEEN BALANCED AND GENERALISED RECIPROCITY

Stephen

Among the 20 relationships in this sample, Stephen was one of the most actively involved fathers in his relationship with his non-resident child. His son came to stay with him every weekend and he saw him frequently during the week. Stephen and the mother got on well and they had both explicitly agreed to be fair to one another and 'give and take' in negotiations about their son. Stephen described how they both had 'given in' in equal measure over different parenting issues. This 'giving in' was indicative of balanced reciprocal relations. Yet even in these most ideal of situations Stephen experienced difficulties in reconciling the tension between generalised and balanced reciprocity. This was evident in the ways Stephen had earmarked his maintenance payments.

Earmarking maintenance

Stephen had *earmarked* part of his maintenance payments for the exclusive use of his child. In his own mind he said he split the maintenance into an amount for 'board and lodging' and the remainder for 'clothes and shoes and things like that'. He also gave informal support by paying for school trips, hobbies and he gave his son pocket money. Because Stephen had earmarked part of the maintenance for his son's sole use (clothes and shoes) he was not entirely satisfied with his payments. He said he wanted to 'see what he was getting for his money'. For example Stephen complained that when his son came to visit him and he was wearing new clothes or shoes, Stephen never knew if he had paid for all, part, or none of these. In this way he couldn't *see* what was happening to the maintenance money and consequently he wanted to know how it was spent. Thus the maintenance money had been rendered *invisible* to Stephen. It was this *invisibility* that was problematic.

The invisibility of maintenance

Stephen described the invisibility of maintenance by contrasting the monies given for maintenance with Christmas and birthday presents. These forms of support were *visible* because his son knew that his father gave these gifts and he could acknowledge this by thanking his father. Stephen said this made him 'feel good'. In contrast Stephen likened maintenance payments to the experience of using a Visa Card. It was like using a Visa Card because there were no 'feelings' attached to this form of financial support. He described it thus:

> ... I suppose its like when you're buying things on a Visa you don't see any money handed over you just sign away and you just get your goods and you go away don't you ... and I think that that is the same feeling that you, you've got no benefit - you don't see any - there is no feeling at all - or there is nothing there to say that you contributed towards paying for that...

The feelings Stephen could not enunciate were those of *intimacy*. Giving gifts is a distinguishing characteristic of *intimate* relationships. It is one way in which intimacy is maintained and thereby emotions and financial transactions are deeply interconnected (Cheal, 1987). *Gift-giving* is a means through which fathers can express their love, care and affection. It seems that giving money for child maintenance is unsatisfactory in this regard because the giver and receiver are not visible to one another. This is in part because money itself is a poor gift as it can remove all traces of the person on whom the social relationship depends (Zelizer, 1994). As Stephen's case highlights, the invisibility of child maintenance operated to disconnect him from the meanings attached to giving this money.

There was an additional problem however. Stephen's disconnection was made worse because it appeared that the mother was giving these things to the son and not Stephen.

> ... but he just takes it for granted that his new clothes his mum's bought em...
>
> ...and I would like him to come and say 'look you know this is what me mums bought this month' or 'she's going to get me this this month when she gets money from you' and things like that, and I don't really expect him to mention it but I would like his mum to have said something.

Thus the *utility* of the money to express love and care was inadvertently transferred to the mother. The exchange was therefore not money, nor was it the value of the money in pounds and pence, but the value it carried in *aiding intimacy* and demonstrating Stephen's love and care for his child. These symbolic meanings attached to maintenance were completely lost if it disappeared into household expenses, or if the mother retained the power to spend all the available resources provided by the father. It is the symbolic meaning of the money itself which is being transferred to the mother. Once in her hands she potentially gains this hidden utility at the father's expense. This highlights how Stephen's desire to 'know how maintenance was spent' was about enabling his status as giver to become visible to his child.

Herein lies the tension between the two guidelines of reciprocity. For payments made under each guideline corresponded to a different relationship and therefore had different meanings attached. Maintenance payments were problematic because the giver of the money was rendered invisible to the intended recipient: father to child. Thereby the meanings attached to the act of giving were also rendered invisible. Yet contrary to Stephen, Peter had actually managed to resolve this tension as he had negotiated with the mother a specific arrangement where he would provide only so much money in maintenance and take the prime responsibility for buying the children clothes and shoes and any extras that they might need. He was therefore not unduly concerned about how the maintenance money was spent. However this altered drastically once the CSA got involved and Peter now found himself in the middle of a dilemma as he tried to resolve the tensions between generalised reciprocity and balanced reciprocity.

Peter

Like Stephen, Peter was actively involved with his three daughters seeing them every week and having them to stay overnight frequently at the weekends. Relationships between himself and the mother were generally very good and in the past Peter had even invited the mother and her husband to go on holiday with himself and his new wife. However everything changed as a result of the increased maintenance liability following the CSA assessment. This had an impact in two interrelated ways. First, the higher amounts of maintenance meant he gave less in informal support for his three children. Secondly, this reduction in informal support led to subtle changes in everybody's behaviour. For example, when the CSA increased his maintenance by £40 a month Peter said he could no longer afford to carry on with the arrangement to buy the children clothes etc. This in turn affected the mother's behaviour. She now resorted to emotional blackmail to persuade Peter to buy shoes. Peter described the situation thus:

> That's why I got a bit annoyed at the beginning. Cause you pay £120 to the CSA and then a few days later you'd get a call [phone call from mother] ... em '[name of oldest daughter] hasn't got any shoes and if you don't get her any shoes then I'll send her to school in her slippers', and you can't send kids to school in slippers so I'd go out and buy them a pair of shoes. But I weren't happy about it cause I'd just spent £120 [in maintenance], and now I were having to spend another £20.

However, the difficulty of affordability was exacerbated because of Peter's parental rule of treating his three children equally. Thus:

> But once I'd bought one of them a pair of shoes, so I had to buy another pair of shoes and another pair of shoes for the third one. So your £20 soon became £60 and it got silly, I were skint all the time and I hadn't any money spare to do what I wanted to do. So I weren't too happy at that point. I blame the CSA more than do [ex-wife], because we had it settled before the CSA got involved, we were fine before the CSA got involved.

Peter said 'everybody suffered' as a consequence of CSA involvement. His children no longer received the same amount of new clothes and shoes and they could no longer go on holiday with their father or be treated to days out. Peter despaired because of his inability to provide in this way and he felt his emotional relationship with his children had deteriorated as a result. Indeed the very core of Peter's fathering was made manifest through the provision of informal support as it was apparent that this was one of the main means through which he expressed his love and commitment to his children. The evidence for this lay in his explanation of his own upbringing as a child.

Peter was brought up by his step-father and he described how, when anything was being bought, he was 'pushed to the back of the queue' behind his step-father's natural children. This experience had profoundly affected him and he explained:

> ... there was no way my children would have to go through what I had been through. ...

This commitment to his children was however mainly expressed through his provision of informal support and not so much through maintenance payments. Giving informal support was an important aspect of his emotional relationship with his children, both in a direct sense, when he treated them to days out, but also indirectly where he wanted to make sure that his children's material needs were being met. Peter knew that this kind of informal support was a vital contribution to their well-being as their mother (and her husband) were unemployed and dependent on Income Support. Often they could not afford to buy the children what they needed and it was the mother's poverty and resultant dependency on Income Support that became the root of Peter's problem.

Following involvement of the CSA the mother's overall income was reduced. She no longer received any of the maintenance paid by Peter as all of it was clawed back from her Income Support (though strictly speaking this should also have happened in the case of his voluntary payments, but possibly this was not declared for benefit purposes). Nevertheless as a result of the CSA's involvement Peter felt that the maintenance money was now used for general household expenses to support the mother's husband and their new child, rather than being used specifically for the benefit of his children. Consequently Peter began to object to paying maintenance and at one point he stopped paying having previously been reliable. From Peter's perspective he felt that he was now the main breadwinner for the mother's household and he was adamant that that responsibility belonged to the mother's new husband. Peter therefore concluded that the CSA's involvement made 'everybody' unhappy.

On the surface this unhappiness was directly related to the financial and emotional consequences of paying more in maintenance and less in informal support. But at a deeper level this unhappiness was related to behavioural changes. According to Peter the children had become very resentful of their mother because she could not make up the loss of informal support. The mother could not provide adequate clothing or take them swimming or for days out. This

resentment expressed itself in the children's behaviour presenting both parents with difficulties in disciplining the children across two households. In particular Peter felt torn between supporting the mother in disciplining the children (something he said he had always done) or sympathising with the children in their resentment against the mother. As a result Peter became highly critical of the mother and her husband, disparaging their dependency on Income Support. He no longer accepted that the husband could not find paid work, (having apparently been sympathetic previously). In Peter's eyes even a job 'cleaning public toilets' was a work option that the husband should consider. The increases in maintenance as a result of the CSA and the overlap between the benefit system and the child support system served to create hostility in cross household relations which apparently were either non-existent, or minimal, prior to CSA involvement. Arguably this hostility was the direct result of the resurfacing of the tension between generalised and balanced reciprocity brought about by the changes in his maintenance by the CSA.

Suffice to say that Peter's commitment to providing financial support for his children seemed strong. However, the effect of CSA involvement made him much more ambivalent about the legal obligation to pay maintenance under this system. This ambivalence found expression in his temporary withdrawal of maintenance. Interestingly Stephen also had dealings with the CSA in the past, but he had managed to sidestep the CSA as did some of the other respondents in this study (see Bradshaw *et al.* 1999 for a fuller account of this phenomenon). Even so his contact with the CSA raised similar concerns to Peter.

When Stephen contacted the CSA he was told that the amount he would have to pay would remain the same. He became incensed however, when he realised that the CSA based their calculation on what the mother received in Income Support. He described his discussion with the CSA staff as follows:

> ... So what ***you*** are saying is ***my*** child support isn't just to cover for ***my*** child it's to cover for his mum, his brother [the mothers' child to her boyfriend], and her boyfriend, because he's out of work, so ***I am*** looking after the family.

Clearly Stephen's concerns were not related to the amount he had to pay, but the distortion of his financial responsibilities brought about by the interaction between the CSA and the welfare benefits system. In effect the CSA procedures would turn Stephen into the main breadwinner of the mother's new family and thereby alter his status as the financial provider of his son.

Consequently he wanted to avoid CSA involvement and he therefore threatened to report the mother for making 'fraudulent claims' for Income Support. According to Stephen the mother's partner was employed and his earnings were not being declared. Whether this was true or not, the mother withdrew her claim for Income Support and the CSA subsequently dropped the case. Though the effect of his maintenance payments under a voluntary agreement may have been exactly the same (that each pound paid in maintenance would be deducted from Income Support) Stephen still placed a different meaning onto his CSA assessment. He said the CSA was unfair because:

> You know they are not just asking for child support they are wanting to get as much money out of that person as they can so that the Government can pay as little as possible. I am totally against that.

Thus the problem identified by Stephen was the same as that identified by Peter above, that is the overlap between public and private responsibilities for non-resident children. But it was more complex than a simple juxtaposition of private responsibilities with the responsibility of the state to provide a subsistence income for children. The CSA assessment procedures effectively cut across the private responsibilities of step-fathers to maintain their own families and households. This raises more fundamental problems about child support policy itself, particularly the granting of a maintenance disregard for mothers dependent on Income Support.

It has been demonstrated how the lack of a maintenance disregard can be detrimental to children's welfare in the case of Peter. But additionally Peter's and Stephen's cases highlight how the lack of a disregard distorts the private responsibilities of families. It is easy to imagine how this could work as a powerful disincentive for fathers (and perhaps mothers) to comply with the CSA. Whether the introduction of a maintenance disregard would be enough to alleviate these problems is open to question. Some people might argue that all the money paid in maintenance should go to children. This would however require a radical rethink of child support policy and welfare provision and would necessarily involve much philosophical debate about the roles of non-resident fathers, the roles of stepfathers/step families and the role of the state. This issue was not fully debated in the early proposals for a child support policy. Instead the Child Support Act (1991) romped home on the back of an over-simplistic belief that all fathers should pay maintenance.

THE SYMBOLIC MEANING OF MAINTENANCE

It is argued that the tension between generalised and balanced reciprocity, and therefore the particular problem of maintenance, resides in the different meanings fathers attach to their financial support. For as Zelizer (1996:481) explains:

> Monetary payments fall into three categories: gifts, entitlement, and compensation. Each one corresponds to a significantly different set of social relations and systems of meanings. People making payments use a number of earmarking techniques to distinguish those categories of social relations and meanings from each other, impose substantial controls over the proper uses of money received within each category, and attach great importance to the distinctions involved...

Earmarking money is a social process through which different *symbolic meanings* are attached to otherwise indistinct monies. This explains how fathers differentiated between maintenance and informal support. Informal support was earmarked for children only and thereby it fell into the category of gift-giving. It corresponded directly with the father-child relationship and the principle of generalised reciprocity underpinning it. Informal support was relatively unproblematic; it was always given directly from father to child and thus it guaranteed that the fathers' status as giver was rendered visible. In the light of this, it is easy to see why those enforced and non-payers who wanted contact with children but had hostile and mistrustful relations with mothers, wanted to give informal support instead of maintenance. This 'would be' the 'only way' they could guarantee that first, their status as giver was rendered visible and second, that the money given would be spent only on children. Taking control over how the maintenance money was spent was a means through which fathers could endow this money with feelings of care which they wished to convey to their children directly. The importance of informal support to convey messages of love was described explicitly by one of the non-payers. Ian said that he would like to give his daughter 'things' so that she would know that he was there for her; that he existed. It was not the material value of the items or gifts but their value in conveying Ian's feelings to his child. For Ian said there was 'no one in the world that could tell her he loved her'. Money could therefore be the only medium of communication left available, and under these circumstances child maintenance could be imbued with greater symbolic significance than might be the case if the father had contact. Although other qualitative studies did not find direct links between contact and maintenance, at least at the attitudinal level they did uncover similar strategies of wanting to save money for children, or to give informal support as a substitute for maintenance (Burgoyne and Millar 1994; Davis, Cretney and Collins, 1994). So while some men might not be explicit about this link, it is perhaps made at a subliminal level and becomes apparent in their concerns about how the maintenance money might be spent.

The importance of trust

The power of maintenance payments to transmit messages of love and care was diminished if it was to be paid against a backdrop of mistrust and failed reciprocal relations with mothers. The majority of non-payers and one enforced payer believed maintenance payments would only be *squandered*. They could not use maintenance to aid intimate relations with children or even gain contact with them. Moreover it would be squandered because mothers (and perhaps step-fathers) could use this money to aid their own intimate relations with children, or worse, spend the money on themselves. Thus trust in mothers to spend maintenance on the children was fundamental to the expression of the fathers' care through financial provision. The importance of trust was demonstrated by the telling of atrocity stories about mothers. The construction of these stories becomes explicable if they are related to more general gift-giving behaviour.

Imagine the responses of people if money given as a gift to a close relative, to help them out of financial difficulties, was spent on something frivolous like a holiday. How might they feel as a result? It is likely that they would not want to give monetary support in the future. Or if they felt obliged to continue to offer help, they may be more explicit about how the money should be used. Or they may even attempt to control the money by adopting coercive/manipulative strategies to restrict how the person actually spends the money given. Or control could be exercised by going with the recipient of the money to pay the bills, or by demanding to see receipts, or by giving the money in small amounts. Control could also be exerted by buying specific items instead. In equivalent terms this is how some fathers in the enforced and non-payment groups wanted to behave in regard to maintenance. They preferred to offer financial support through providing specific items directly to, or for the children, even though few of them put this into practice. Nevertheless it demonstrates how they specifically *earmarked* informal support as a *gift*, and not maintenance. It also shows how money, in the form of savings, could be used to aid father-child relationships in the future. For giving *gifts* implies a long term relationship (Zelizer, 1994).

Nonetheless, as highlighted, only one of the non-payers actually gave informal support. Therefore it was argued that transforming the obligation to pay maintenance into informal support acted as a legitimate excuse for not paying maintenance. Excuse or not, it is more complex than merely squirming out of a financial obligation. It also shows how relations with children were postponed, how the mothers were bypassed, and how the process of negotiation

was curtailed. In other words these fathers were beginning to disengage, or had already become disengaged from involvement in their children's lives, albeit generally not through their own choosing. The majority of fathers without contact exhibited a deep need to interact with children. They wanted to 'give' to their children, be with them and make them happy, be there for them when they were not physically with them, protect them, love them, help them, and support them in times of need. Just how could they manage all this within the context of having no or minimal involvement in their children's lives? There were at the very least limited outlets for the expression of such feelings or indeed no outlet in the absence of contact. Such feelings however were expressed through the creation of 'good intentions' to provide informal support instead of maintenance. This highlights the importance of money in aiding fathers' relations with their children.

The usefulness of maintenance

Where fathers wanted continuing relations with children they all wanted to use money directly, or indirectly, to convey their feelings of love 'for' or 'to' their children. For example where maintenance was paid willingly it was given:

> As compensation for past failings in relations with mothers and children
>
> As a substitute for not 'being there' for children on a frequent enough basis
>
> To ease parental relations and act as a guarantee for contact. Thus it acted as a manipulative tool in negotiations with mothers
>
> As a token gesture to uphold the man's reputation as a caring father; this token gesture might also have some manipulative power over the mother to agree to contact
>
> In recognition of the mother's entitlement as the primary carer of children
>
> In recognition of the child's entitlement and material needs.

Thus maintenance payments fell into a number of different categories of meaning. It could be *'gift maintenance', 'compensatory maintenance' 'entitled maintenance' 'token maintenance'* or indeed a combination of all four. What is not known is how fathers used money and gifts to express their feelings when they were living with children. Nor whether their behaviour in this regard was a continuation of what went before. Nonetheless it is reasonable to assume that when resident, fathers did not run the risk of having their acts of giving rendered invisible. This was not

the case when non-resident. Thus it is argued that the *usefulness* of monies in non-resident relations all hinged upon creating opportunities which would render the giver *visible*. The giver could be usefully rendered visible in three main ways, first to an outside audience to demonstrate that the father was doing the right thing, second to make it plain to the mother that she should be indebted to the father for receiving this support and thus reciprocate in kind, and third, perhaps most importantly, to enable fathers to convey their feelings for children within the act of giving itself. The most obvious way for fathers to render their status as givers visible to the children was to encourage mothers to enable contact. Hence the importance of maintenance as a tool in negotiations. Mothers could, in facilitating contact, earn their entitlement to claim maintenance on behalf of children. Thus entitled maintenance could reflect both the mothers' and children's entitlement simultaneously.

Whether fathers were manipulating mothers or not, it would seem that within willing paying relationships an *understanding* had been reached that parental relationships should be kept in balance. However even in the absence of active relations and the opportunity to enact exchanges, the mother could still play an important role as the recipient of the message that was underlying payment. That payment was a means of making amends for past failings. This was exemplified by Matthew, the one father who paid maintenance willingly in the absence of contact. In effect his payments acted simultaneously as a *gift, as entitlement* and a*s compensation* as he expected nothing in return for payment. In addition, as he voluntarily regularly increased his maintenance in line with his earnings, it is unlikely that these payments were also '*token maintenance*', though for others who had not increased their payments when they could clearly afford to do so, there was an element of payments also being 'token maintenance'. This gesture could help persuade mothers to further the fathers' aim to have contact with their children. Thus paying maintenance on the basis of a gift, entitlement, compensation and even as a token gesture were useful and meaningful to the willing payers in their relationships with mothers and children. There was also no need to transform the obligation of maintenance into informal support as most of these fathers were in a position to give gifts directly to their children, or endow part of their maintenance payments as '*gift maintenance*'. Fathers were therefore willing to pay.

SUMMARY

The aim of this qualitative study was to try and understand why some fathers paid maintenance while other did not. To that end the 20 relationships of the 18 fathers in this qualitative sample

were categorised on two criteria: first by whether maintenance was paid and second by whether these payments were enforced. Three groups emerged: willing payers where maintenance was paid without being enforced, enforced payers and non-payers. From the comparisons made between the groups it became apparent that key to understanding how financial obligations operated in practice was the nature of fathers' social relations with mothers and children. It was within the context of these relationships that the fathers' commitments to pay maintenance (and to provide informal support) were created, sustained and sometimes dissolved. The interaction between social relations and financial obligations were exemplified in two main ways. First through the process of negotiation and second through the process of earmarking money. Both of these perspectives helped illuminate the specific nature of non-resident fathers' financial obligations. In particular they helped to expose the tension between the fathers' relationships with children and the fathers' relationships with mothers. This tension found expression within the different *normative guidelines* that operated within each set of relationships and in the different meanings that were applied to maintenance payments and informal support.

Spending money on informal support was an important aspect of non-resident fathers' social relations with children. Indeed this may have been a continuance of fathers' expressive relations with children when resident with them. But perhaps informal support took on greater importance in the context of non-residency, as it could aid intimate relations with children through the provision of, gifts and treats, entertainment and holidays. It was primarily a medium through which fathers could express their feelings to their children directly. Therefore strictly speaking informal support was not a form of payment. It was not an obligation or a responsibility 'owed' to children but it was mainly an integral part of active relationships. Thus it was distinguished from maintenance.

Child maintenance was much more problematic. The fathers in this qualitative sample did indeed view it as an obligation 'owed' to children. But in reality, as maintenance payments were given to the mother, then this obligation was open to negotiation. Not only did fathers have to negotiate directly with mothers over contact arrangements about children. They were also negotiating the acceptability of paying maintenance 'to' the mother. They were therefore deciding upon the legitimacy of her claim for maintenance on behalf of children. Her claim was viewed as legitimate if she at least enabled contact between the father and child. The expectation was that the fathers' relationships with mothers should operate upon the basis of *balanced reciprocity.*

The proper thing for the mother to do was to enable the father to have continuing contact and the proper thing for the father to do was to pay maintenance. Where the fathers perceived that the mother was obstructing contact then her claim for maintenance was felt to be illegitimate. This was the main distinction between the willing paying relationships and the other two groups of relationships where maintenance was not paid or enforced.

All bar one of the fathers in the willing group had contact with their children and they found their maintenance payments both *useful* and *meaningful* in these relationships. This underpinned their commitment to pay. First, payments could be used to 'ease' persuade or even coerce mothers into agreeing to contact arrangements. Second, maintenance could be *earmarked* in whole or in part as a gift, as compensation or as part of the mothers' and/or child's entitlement and it could also act as token maintenance to preserve the fathers' reputation.

On the whole the willing payers tended not to distinguish between *entitled maintenance* and *compensatory maintenance* because the mothers' claims for maintenance were viewed as legitimate. Thus she could receive it in her own right, either as compensation for bad conduct on the part of the father (adultery for example, or as a result of the fathers' failure to keep to contact arrangements) and/or she could be entitled to it in her role as carer and as a co-parent. Similarly, children were both entitled to maintenance and they could receive it on a compensatory basis as a result of some perceived lack by the father in his role as a parent. Thus reciprocity and entitlement were inextricably linked. The child's right or entitlement to support from both parents depends upon the ability of the parents to share and reciprocate over caring and financial responsibilities. It is hard to be sure what the meaning of token maintenance was in terms of relations with mothers and children and in terms of entitlement and reciprocity. Giving maintenance as *a gift* to the mother however was rare however because gifts are given with no expectation of a return and as already highlighted mothers were generally expected to reciprocate for maintenance received by enabling contact. It seemed that Matthew, the one willing payer who had no contact with his child did however endow part of his maintenance as a kind of *gift*. He expected nothing in return for maintenance as he did not blame the mother entirely for his lack of contact. Rather he felt himself to be partly responsible. In addition he described his maintenance as an expression of his *fatherly love*. Gift maintenance therefore tended to reflect the father-child relationship and not the mother-father relationship. The enforced and non-payers however did distinguish between these different types of payments.

The enforced and non-payers had all found the maintenance obligation unacceptable because they felt the mothers' claim was illegitimate. They had either decided that the mother and children did not need it, or that the mother did not deserve it as she had obstructed contact, or that she could not be trusted to spend it appropriately only on the children. Maintenance payments would therefore be *squandered;* they could not be used as a means of manipulating the mother to agree to contact nor would the children benefit from payment. Consequently maintenance payments were both useless and meaningless to these men in their relationships. Even token maintenance was useless as it would not help yield contact in return for payment. In response they tended to earmark their actual payments (enforced payers) or intended payments (non-payers) as *gift maintenance* to be spent only upon children. However given the lack of trust in mothers expressed by some of these fathers (mainly among the non-payers) there was no means of ensuring that the children would receive this gift. They therefore refused to pay. This kind of circular argument however worked as a legitimate excuse for the non-payment of maintenance. In effect the fathers were announcing to the world that if the circumstances through which the maintenance obligation could be realised was more acceptable to them, they would pay it.

Clearly the processes of negotiation and earmarking are closely related. They have helped to demonstrate not only what is involved in developing a commitment to pay maintenance but also the peculiarities of maintenance as monies. The maintenance obligation was owed to children but because the mothers were the actual recipients of these monies then it mattered very much how it was spent. Mothers were in effect acting as trustees: trustees of the fathers' relationships with their children and trustees of both the maintenance money and the expressions of care attached to it. It is highly probable that where fathers had contact with their children maintenance payments were not such an important medium for the expression of care directly 'to' children. Conversely it seemed to be a very important medium for the fathers without contact hence earmarking it as gift maintenance. However it was highly unsatisfactory in this regard as essentially maintenance payments were invisible. The children would not necessarily know their fathers were paying it and the fathers would not know whether the children were benefiting from it. The non-payers in particular were therefore left with nothing but 'good intentions' to provide financially in other ways, but here too, informal provision suffered from the same problems of invisibility. The reality was that most of these non-payers were not providing any form of financial support for their children and the vital question for policy makers is 'how can they capture the 'good intentions' of non-payers to encourage commitments to pay maintenance, that

is if they can afford to pay?'

CHAPTER NINE
CONCLUDING DISCUSSION

This thesis set out to examine the saliency of the principle in the Child Support Acts 1991 and 1995, that non-resident fathers had an unrenouncable and unconditional obligation to pay maintenance for their biological children - at least where some capacity to pay maintenance had been objectively defined. It has been shown that the policy met with considerable opposition from fathers and proved to be an administrative nightmare to implement. The formula for assessing capacity to pay was over-ambitious, too stringent and inflexible, and had to be revised in the light of massive protests, as well as to maintain fathers' work incentives. Yet despite these attempts to retrospectively improve the formula and quieten opposition, the ineffectiveness of the policy grew under the weight of increasing administrative complexity, caused partly by the policy revisions. Consequently non-compliance burgeoned almost out of control. The question of whether the policy foundered on the basis of administrative problems, as a result of a failure in marketing the policy aims, or as a result of the policy principle is not easily answered (Barnes *et al.,* 1998). Certainly the policy principle was based upon a particular view of non-resident fathers which sought to identify them as errant and irresponsible. Yet in contrast, fathers themselves argued that they could not afford to pay as they had commitments to second families, or they felt themselves to be victims of circumstances who were being denied the opportunity to play an active part in their children's lives. Such competing portrayals of non-resident fatherhood and the fact that policy was failing to deliver its objective of more maintenance was the main motivation for this thesis. Just how are non-resident fathers to be viewed? Are they as irresponsible as they have been portrayed and do they really not care about the welfare of their non-resident children? Can they afford to pay the maintenance expected of them? Ultimately the main question to be addressed was whether fathers accepted that they had an unconditional obligation to pay maintenance, as envisaged by the policy principles, or whether this acceptance depended on circumstances. These were the sorts of questions this thesis set out to explore using data from a national survey of non-resident fathers and from a qualitative in-depth study which examined how fathers made commitments to pay maintenance.

This multiple research method has provided a rich and full picture of the financial obligations of non-resident fathers. The national survey is the first of its kind in the UK which has explored

the financial obligations of non-resident fathers from their perspective and not from the perspective of mothers. It has also provided some indication of the level of informal support provided by fathers which has hitherto remained largely invisible. In addition the qualitative work has sought to explore fathers' commitments to pay child maintenance within theoretical frameworks on family obligations and money. This has provided a unique insight into the ways in which fathers both think about their obligations to non-resident children and how they put these obligations into practice. There were however also limitations with the approaches adopted, not least the difficulties in achieving a representative sample of non-resident fathers. The confidence with which inferences can be made to the wider population of non-resident fathers is therefore reduced. Similarly, while the qualitative work did explore a wide range of parenting experiences, it was limited by the small numbers of parents who might be considered as less typical, but who may still be regarded as important. For example there was only one case where the man became a father after a fleeting sexual relationship and his approach to deciding his maintenance obligation, in this relationship, was though a process of bargaining and not negotiation. The differences between the processes of negotiation and bargaining might require further exploration and testing with a sample of fathers which reflect specific types of relationships. Nor did the qualitative study examine the perspectives of *non-resident mothers* or the perspective of *resident mothers* to see whether and how these processes of negotiation might have operated. Finally, it was not possible to consider possible effects related to ethnicity, as only five per cent in the survey sample identified themselves as belonging to different ethnic groups. Nevertheless, the pervasive picture that emerges from the findings is not that the majority of men were deliberately avoiding their responsibilities when they could easily afford to pay, but rather that most were struggling to be fathers to their non-resident children.

SUMMARY OF THE FINDINGS

Overall, the survey analysis has shown that financial provision, be it maintenance or informal support, is primarily related to the financial circumstances of fathers, the presence of an ongoing relationship with mothers and children and whether a formal agreement to pay maintenance was made at some time (but is not necessarily in force). Certainly, the modelling of capacity to pay among non-payers, based on fathers' financial circumstances and obligations to second families, demonstrated that the majority ought not to be expected to pay. Importantly, the modelling also suggested that there was only a small minority of fathers who

appeared to have some capacity to pay but were not doing so. Though as the survey sample probably exhibited some bias in favour of men who did pay maintenance, it is difficult to be confident about capacity to pay among the wider population of non-resident fathers (see further discussion below).

Nevertheless, the majority of all the fathers, including those who did not pay maintenance, claimed to be providing some kind of informal support for their children. Indeed of those non-payers defined as having no potential to pay child maintenance (the majority of non-payers), the estimated amount spent on informal support was £9 per week on average. However, like maintenance, the provision of informal support seemed to be related to fathers' contact with children. Four-fifths of all the fathers who had less than yearly contact, or no contact (whether they paid maintenance or not), provided nothing in informal support. It was the fathers who were most closely involved in their children's lives who provided the most in terms of maintenance and informal support. The importance of ongoing social relationships with children to the fulfilment of financial obligations was also highlighted in the qualitative analysis, although the picture presented there is much more complex.

As shown, contact with children and mothers is very closely associated with whether child maintenance is paid or not. Yet the Child Support Acts are based on the principle that biological fathers have an absolute responsibility to provide financial support, irrespective of the nature of fathers' relationships with mothers and children. Not all the fathers in the qualitative sample accepted this principle. Rather the obligation to pay maintenance was one that was negotiated. Fathers arrived at a commitment to pay maintenance by weighing up the strength of the financial obligation in the context of their own and their ex-partner's and non-resident children's personal, financial and family circumstances. In practice the obligation to pay was never unconditional, it always depended on circumstances. It partly depended upon the father's ability to pay, the father's perceptions of the children's material need for maintenance in comparison to his own needs and perceptions of the mother's and her partner's (if she had a partner) ability to provide financially. But most importantly it was the history of the relationship with the mother which was the overriding factor in making a commitment to pay maintenance.

From the fathers' perspective it was mothers who were claiming maintenance (albeit on behalf of children), not the children. This claim had to be *legitimized* before fathers would pay. Primarily the mother's right to claim maintenance on behalf of children was accepted if she at least recognized, if not actively supported, the father's independent relationship with his child(ren). If the mothers failed to recognise this relationship by refusing to support or grant contact, then the fathers found this extremely difficult to comprehend. This incomprehension led fathers to believe that the mothers were selfish and callous and it induced an overwhelming sense of victimisation and powerlessness. Consequently the attitude of the fathers who wanted contact but could not achieve it, tended to be that there was no point in paying maintenance because the children would not know their fathers were supporting them, because there was no guarantee that these 'selfish mothers' would spend the maintenance on the children, and because the fathers were 'paying for a child they were not seeing'. Thus fathers would not only get 'nothing back' in return for maintenance (contact with their children) but payment was also meaningless as the fathers' act of giving was rendered invisible to the children themselves. Children would be unaware of the symbolic expression of love and care embedded within the act of giving maintenance money. That children should be aware of these expressions of care through maintenance money was especially important, as in the absence of contact there was no other means through which fathers could demonstrate their affection to children directly. Therefore the obligation to pay maintenance was intimately linked with contact with children through the relationship with the mother, and the different outcomes - of the process of negotiation (payment or non-payment) - primarily hinged upon this relationship. This helps explain why, in the quantitative survey, contact with mothers overrode contact with children in the logistic regression which explored the odds of maintenance being paid. It might also partly explain how the existence of formal agreements, made at some point, contributed to payment, as parents may have negotiated agreements between themselves or with the aid of solicitors and thus some form of contact existed post-separation or birth. Of course the relationship between payment and formal agreements could also reflect the use of enforcement powers.

As shown, financial obligations are not straightforward, non-resident fathers are one step removed from their children and consequently it appears that money takes on greater significance in these relationships. Like it or not, men seem to use money to at least ease relationships with mothers, if not use it to persuade mothers to agree to contact. The use of

money in this way exposes the gendered nature of these relationships and the different power dynamics that seem to operate in the context of family relationships which exist across different households. Whether the operation of these power dynamics, in terms of fathers' financial provision and mothers' support of the fathers' relationships with their children, is any different to what goes on in intact families remains largely unknown. But certainly maintenance money is earmarked for specific purposes and endowed with particular meanings. The maintenance obligation is therefore not just a bill to be paid, but is paid on the basis of the nature of the relationships which underpin it. Thus we have different expressions of the obligation where there is token maintenance, gift maintenance, entitled maintenance, and compensatory maintenance (these expressions existed even if maintenance was not paid). Though as already highlighted, these meanings are not necessarily discretely applied, rather they can all be interwoven within the same maintenance obligation. For some fathers in the qualitative study maintenance was enforced, and in those enforced cases, the fathers could use withdrawal of payment to send messages to the mother of the father's disquiet and anger over loss of contact.

POLICY IMPLICATIONS

In July 1999 the Labour Government produced its White Paper outlining their reforms of child support policy. Many of the critiques of the current system have been finally addressed in these proposals these include:

- a simpler percentage-based formula which ignores the income of new partners and takes account of the numbers of non-resident children
- a reduction in the average amount expected to be paid
- all maintenance disregarded where children are dependent upon Working Families Tax Credit (to replace Family Credit) and Disabled Persons Tax Credit (to replace Disability Working Allowance)
- where children are dependent upon WFTX or DPTX there is no compunction for parents to use the CSA and they can come to privately negotiated agreements for child support,
- £10 maintenance premium given to children dependent upon IS or income based Job Seekers' Allowance (JSA), and
- the costs of supporting step-children and biological children in second families given equal recognition (though fathers' resident children not given equal recognition with non-resident children).

The tone of the White Paper is also more conciliatory towards fathers where their wider role as parents is given verbal recognition - 'they should never be marginal to a child's well-being' (DSS, 1999: 45). Simultaneously however, a distinction is made between 'good responsible parents' and 'irresponsible' parents and the main emphasis of the proposals is stronger sanctions and more effective enforcement. The new sanctions include:

- A £1,000 fine for parents refusing to give details or lying to the Agency
- a late payment penalty, and
- consideration is being given to withdrawing fathers' driving licenses and passports (DSS, 1999: 4).

Whilst policy making has progressed since the data for this thesis was collected, the research findings are still pertinent to the new proposals as the fundamental principle of the Labour Government's plans remain the same: that fathers have an unconditional obligation to pay maintenance. Even though this principle will only be applicable where children are dependent upon IS or income based JSA, this is likely to be little different to the current situation as the majority of the CSA's case load are IS clients. Moreover, this principle is being strengthened as the majority of fathers who are themselves dependent upon IS will not be exempt from paying a minimal amount of £5 per week.

Capacity to pay

On the basis of the survey evidence above, it seems that despite the political rhetoric of 'fecklessness', or now 'irresponsibility', there were very few fathers deliberately avoiding their maintenance obligations. However, as a result of the potential bias in the sample, it is difficult to make inferences on capacity to pay for the population of non-resident fathers as a whole. Nevertheless it is clear that this sample of non-resident fathers, as a specific group of parents, are less well off than fathers in intact families: they were more likely to be unemployed, be claiming Income Support and even where they were in employment, they tended to be in lower status jobs and have lower rates of pay than fathers generally. (For a full socio-economic profile see Bradshaw *et al.*, 1999.) If one then also considers that this sample is probably under-representative of single, young and unemployed non-resident fathers, then it is likely that the capacity to pay maintenance among the wider population of non-resident fathers will be even more limited. In that sense the modelling on capacity to pay maintenance is probably a reasonable approximation, if not an overestimation. This does not preclude the possibility that

there will be men, who for whatever reason, will refuse to take financial responsibility for their children. But it seems unlikely that there is a vast army of non-payers out there somewhere who are able to pay maintenance but are deliberately avoiding their financial obligations. Moreover given the reported levels of informal support among the non-payers, caution needs to be exercised when assumptions are made about the levels of financial support given by fathers based entirely upon official maintenance contributions. This raises another point about objective measurements of fathers' capacity to pay.

Capacity to pay is what the formula is designed to measure. However objections to the formula highlight that there is a fundamental conflict between fathers' subjective position on what is affordable and objective measurements about capacity to pay. The fathers have taken issue with the formula on the grounds of affordability, they want to be sure that they have enough income left over to meet their other financial commitments, and these will vary depending upon the individual father's preferences and priorities for various goods and services and what each perceives as his rights and needs, relative to others. It is therefore immaterial to fathers how economically rational the formula is in deciding capacity to pay. Affordability is what matters. The conflict between these two positions sums up exactly what has happened in the development of the Child Support Acts. The formula failed abysmally in the first instance as it grossly exaggerated men's capacity to pay more maintenance. Consequently it had to be adapted to accommodate the subjective arguments on affordability put forward by fathers. This accommodation was unsuccessful however and it has since been decided that the formula must go, not least because it has proven impossible to administer.

It remains to be seen whether the simpler percentage formula will address this problem of affordability. It appears that the maintenance obligation is reduced. But it is a rougher justice and it has been argued that it will disproportionally affect low income men, particularly fathers dependent upon Income Support (Barnes *et al.*, 1998; Bradshaw *et al.*, 1998). This new formulaic prescription will almost certainly be at odds with some men's perceptions of affordability. It seems it will be impossible to reconcile the conflict between objective and subjective positions in all cases: some fathers will remain unwilling to pay maintenance as a result. This will also be the case if the effect of the maintenance demand is to reduce fathers' capacity to provide informal support to their children. Giving, in this way, seems to form an integral part of fathers' intimate and emotional relationships with their children. But the

evidence from the qualitative analysis suggests that there are more fundamental problems than the affordability of maintenance in terms of encouraging willingness to pay.

Willingness to pay

Making a commitment to pay maintenance is not based upon a straightforward economic calculation as child maintenance is not simply a bill to be paid. It also constitutes a moral obligation as it reflects normative expectations for specific family practices - fathers should pay maintenance because children are entitled to financial support from their parents. It is this moral argument of entitlement that has underpinned the legitimacy of the Child Support Acts, although the 1991 and 1995 Acts were flawed as none, or only a small amount of maintenance, was handed over to the poorest children who were dependent upon Income Support, Family Credit, or Disability Working Allowance. The new proposals for maintenance premium and disregards intend to correct this and re-establish the legitimacy of the principle of children's entitlement. Thereby it is also hoped that these measures will work as incentives to encourage greater compliance.

Certainly fathers have tended not to dispute this principle of entitlement. Indeed, maintenance premiums and disregards will benefit mothers and children and are to be applauded. But their incentive effects on fathers' compliance may be limited, because in the context of social relationships which vary in quality, limited economic circumstances and formulaic prescriptions for child maintenance, fathers do not always believe that by simply paying maintenance the assumed benefits of entitlement can be turned into reality for children. This is evident in the case of fathers' without contact.

Fathers without contact tended to believe that paying was pointless as the money was not guaranteed to be spent on children, nor could it be used to facilitate contact, and nor would the children know that their fathers' were caring for them through this financial contribution. Under these circumstances of no contact and a lack of trust in mothers to spend the maintenance for children's benefit, fathers ran the risk of not being able to fulfill their moral obligation. That is they could not guarantee that their payments would benefit children, either materially or emotionally. Similarly, where fathers' could no longer provide informal support because of compulsory maintenance payments, they could become reluctant to pay because the loss of informal provision could have negative effects on fathers' affective and emotional relationships

with their children. Non-payment in such circumstances does not necessarily mean however that fathers' behaviour is amoral, or inconsistent with the principle of children's entitlement. Rather it shows how the moral power of children's entitlement to financial support, can also work to discourage payment of maintenance. Therefore the assumption in the White Paper, that the maintenance premium will encourage compliance because the 'fathers will know that they are contributing directly to the support of their children' (DSS, 1999: 18) completely misses the point. Fathers will not necessarily know, or see, that their contributions will successfully increase the welfare of their children at all. This is a critical issue.

The lack of transparency of child support is a major grievance for fathers, an important reason for not paying and a cause of non-compliance. Non-resident fathers want to express their affection and commitment through the provision of goods, services and money - including child maintenance. However when they have no contact they do not see any recognition of their financial contribution and neither will the children know that their fathers are contributing towards their welfare. Consequently they do not want to pay or would prefer to provide informally. From the father's perspective, there is a need for his children to have clear signals that he cares for them and is paying maintenance. This demonstrates how the utility of maintenance, as money, is not only important to children's material needs, but also plays a vital part in the sustenance of the father-child relationship through its transparency, which can work to enhance both children's and fathers' emotional well-being. Thus, interwoven within the obligation to pay maintenance are the fathers' needs to maintain his role as a parent, or at least to have this role recognised. Generally these needs are not given due recognition. Ideally the fathers would like the children to be informed about their maintenance contribution, but it is difficult to see how the CSA could do this without gaining the permission of the mother. The CSA could however not only acknowledge receipt of maintenance on behalf of the children, but they could also explicitly state that the father's obligation to his children had been fulfilled. Thus some public recognition could be afforded to fathers in their capacity as parents and not just as financial providers.

The main point is however, that the obligation to pay maintenance involves making moral choices about deciding the 'proper thing to do' within a specific social context through a process of negotiation. Moral decision-making is therefore underpinned by a different set of considerations: about what is right and proper in a given situation, rather than just economic

calculations. From the perspective of fathers in this study, it was right and proper to enact their financial obligations within the context of a meaningful relationship with their children. In the absence of such a relationship they were generally reluctant to accept the maintenance obligation on its own. Thus the moral legitimacy of the maintenance obligation is not just rooted within children's entitlement to maintenance, but also within meaningful social relationships through which fathers can directly contribute to children's emotional, physical and material well-being. Moreover, if fathers without meaningful social relationships are forced to comply, they may consider payment to be morally wrong as payment does not necessarily increase the well being of the children, or of the father.

Economic incentives, or penalties, are therefore unlikely to be effective in the face of such moral rationalities and policy makers may be making a 'rationality mistake' because men are making commitments to pay on grounds other than 'rational economic' assessments of costs and benefits (Barlow and Duncan, 1999). Indeed in the past, economic sanctions such as the higher Interim Maintenance Assessment failed to have the desired effect, though effectiveness may have been compromised by administrative failure. Nevertheless, the new child support proposals, like the current system, are also riven with what Barlow and Duncan (1999) call a 'morality mistake' where it is assumed that fathers who do not pay are morally deviant and this justifies the use of compulsion and greater sanctions.

Certainly the new proposals on child support adopt a stronger punitive stance against non-payers who are classified, en masse, as 'irresponsible' parents who require tougher measures to force them to meet their responsibilities. Economic sanctions and more effective enforcement are seen as the only alternatives to deal with non-compliance because surely now, as the simpler formula will rid the system of its inefficiencies, the fathers will be simply choosing not to pay for selfish or irrational reasons. But the assumption of moral deficiency underlying these sanctions is open to question. The outcome of moral decision-making, to not pay, may be considered from the outside as reprehensible, even more so now as children will receive some of the maintenance due. But non-payment can make moral sense from the fathers' perspective on the inside. Some fathers question why they should pay maintenance, when in reality the very people who enable this obligation to be fulfilled (mainly mothers, but also the state) are not themselves committed to acting as trustees or guarantors of the very relationship which underpins the obligation: fathers' parental role with their children. Yet it is payment of

maintenance that is heralded as the moral duty of non-resident fathers in child support policy, and not their role as an active and involved parent, which fathers themselves seem to place first. Fathers' moral reality therefore seems to be at odds with that of policy makers and this may be the major problem with child support policy - that it does not seriously consider fathers' need for active relationships with their children through contact.

Contact - the missing element in child support policy

It is generally believed that it is better for children, if not for their parents, for the fathers to maintain contact, not only for the child's emotional health but also for its social and cognitive development (that is, where abuse is not a feature of the father - child relationship). The terms of the Children Act (1989) reflect this view where parental responsibility is encouraged to be shared by the parents. Under this Act the old notion of 'care and control' or custody being awarded to one parent has been swept away. Rather it is hoped that parents will seek to make their own arrangements with the law stepping in as a last resort to arrange the residency of children and contact. As Walker (1996) has pointed out it is difficult for any external authority to ensure contact, or at least not without risk of damage to all involved.

Perhaps partly because of these difficulties, the Conservative Government always insisted that child support and contact should remain separate issues. Certainly, as argued in chapter one, Lord Mackay, the Lord Chancellor, saw positive benefits in separating legislative responsibility for contact and maintenance. He believed that parental behaviour which sought to resolve these two matters together through negotiations, often led to lengthy disputes which were difficult for the Courts to resolve. He hoped that using a standardised formula, under the control of the CSA, would remove some of the basis of conflict leaving parents to come to their own agreements on contact under the terms of the then new Children Act 1989. The reasoning for this did make sense: the Courts would be able to deal more effectively with resolving disputes over contact without the issue of child support muddying up parental negotiations. Vice versa, the CSA might have more success in enforcing maintenance as they would not get bogged down with contact disputes. Separating legislative responsibility in this way however reflects administrative concerns rather than those of parents, who find it difficult to disconnect maintenance and contact. But the major flaw in this reasoning was that it did not sufficiently recognise that ongoing contact resulted in more financial support for children.

Under the Labour Government's new proposals however, recognition is finally given to the interrelationship between contact and higher maintenance levels and to the importance of contact to fathers' and children's well-being (DSS, 1999: 45). The White Paper states that 'It is clearly important for effective child support arrangements that contact is settled to the satisfaction of both parents.' But it does not say how that is to be achieved. There is only some vague notion of an 'active family policy', whereby child support staff are to become part of a 'wider family support network' (DSS, 1999: 27). In practice this translates into CSA staff providing parents with names and addresses of other agencies that deal with contact difficulties and family welfare problems. Whilst this may be helpful, it merely pays lip service to the problems facing some men in gaining contact with their children and to the interconnectedness of financial and social obligations. Ultimately, there is only the hope that a more effective system for child support will enable parents 'to put financial issues to one side when sorting out the more difficult questions of caring for their children' (DSS, 1999: 27). It seems then, that in regard to contact issues, little has changed for child support policy. This is perhaps not surprising given the delicate nature and controversy surrounding the resolution of contact disputes.

Smart and Neale (1997) argue that there has been a 'strong presumption' in favour of contact and that now judicial treatment has adopted a 'rigid and dogmatic' form which is harmful. Mothers are increasingly viewed as being 'implacably hostile' when reluctant to allow contact, whereas before it was believed they were acting in the best interests of the child and in any case it was felt to be unrealistic to enforce it as it would necessitate separating out the interests of the child from the circumstances of the parent with daily primary care. Increasingly, argue Smart and Neale (1997), the legal profession are using coercive techniques including the threat of imprisonment , even in the face of evidence in some cases where the children were visibly distressed during supervised contact visits with their fathers, and where the previous behaviour of fathers (towards mothers at least), has been known to be violent. Under this new orthodoxy, where contact with fathers is seen as beneficial regardless of his behaviour, Smart and Neale (1997) question whether it will soon be possible to be critical of any kind of fathering.

What this debate serves to highlight is the interwoven nature of the needs and interests of mothers, children and non-resident fathers. Giving primacy to the needs of either of the parents can result in losing the best interests of children - a fine balance needs to be struck. Yet the

needs and interests of these three major parties may constantly shift requiring a responsive and refined approach in the exercise of the law. It is certainly not advocated that all fathers should have contact with their children but there must come a point too where men's complaints about their lost relationships with their children must be taken seriously. Legal enforcement is not the answer, and anyway it comes too late after relationships between the parents have completely broken down. At the moment, mediation seems the most hopeful way forward, though it has been argued that this can also coerce mothers to comply with contact. This is not the place to discuss in detail the problems of resolving contact disputes, but the point is that it was probably a grave error to seek to establish a child support regime based on a rigid (and complicated formula) administered by the DSS. This area of policy calls for a degree of flexible, individualised justice that probably cannot be handled within the disciplines and culture of social security. The results of this research show that the child support scheme has a very limited prospect of success unless it is based on negotiation between the parents which is recognised as fair and the perception of fairness on the fathers' part depends more than anything on their ability (and the former partners' willingness) to share parental responsibility of their children. What is needed is a service which enables these fathers and mothers to work out arrangements for child support, contact and other matters that concern them. This is the common approach adopted in Europe, where issues of property, finance, contact and child support are decided together through negotiations at the time of formal separation (Corden, 1999). It is not easy to see how this can be achieved at the current time in the UK however.

There are three systems in place dealing with family matters arising from family breakdown, the Child Support Acts dealing with financial obligations to children, the Children Act 1989 dealing with contact and protection of children 'at risk', and the Family Law Act 1996 dealing with divorce. Under the Family Law Act 1996, the Lord Chancellor's Department was experimenting with an information service and a mediation service following marital breakdown (but not cohabitation breakdown). The plans for mediation and information sessions have however since been abandoned as a result of the experience gained in the pilot studies. Mediation in this context was aimed at helping parents consider whether their relationship had really broken down or whether it could be saved. The failure of mediation in this context does not therefore preclude its possible success in dealing with contact issues. The real difficulty is not whether mediation might work, but that an incoherent set of arrangements are already set in place for dealing with parental obligations when families do not live together. It would

neither be quick, or easy, to dismantle these arrangements. Nobody wants to go back to the drawing board and start again. This is despite the vague promises in the new child support proposals of having an 'active family policy'. The policy however falls short of providing a truly integrated system where it might be possible to return adjudication to a Family court system with collection and enforcement remaining the responsibility of the CSA. Instead the new proposals plan to complicate matters further as they introduce duplication and overlap between the Courts and the CSA. For example, parents with care can negotiate private agreements for child maintenance if they have independent financial means, or if they receive in work tax credits. But should they reclaim IS, their previous arrangements for maintenance have to be overturned and reassessed using the CSA formula. This overturning of previous agreements was a major cause of resentment, anger and non-compliance when the Act was first implemented. There is no reason to think that this will not continue to be the case and contribute to the unpopularity of this policy.

Yet the proposed reforms have many laudable improvements, including the recognition that privately negotiated agreements for child support are acceptable, but only where Income Support is not paid for the children. The difficulty now, as it has long since been, is in deciding the appropriate balance of public and private responsibility for financially supporting children who are wholly dependent on the state and who at the same time have a non-resident parent who, in the eyes of the law, are also liable to support them.

The interest of the state and the taxpayer to seek some recompense for financial support given to the children of liable non-resident parents has long been established and that interest can be represented by a framework of guidelines, even a formula, but only if it is able to take account of exceptional cases and individual circumstances in a reasonably flexible manner. Given that there is a reluctance to accept private negotiations as a way forward to assessing the maintenance liability in Income Support cases and that a formula will still be rigidly enforced and further that very strict conditions for departures from the formula will still be applied, the future prospects for the legitimacy of child support policy do not look hopeful, even if there is a maintenance premium. This is because in essence, the state is earmarking a proportion of fathers' private income (and public income in the case of IS claimants) for maintenance purposes where the non-resident children are dependent upon IS. In that sense the obligation to pay maintenance is still effectively a tax, as this financial debt is to come first before fathers'

other 'day-to-day expenses' (DSS, 1999: 57) and before fathers' other obligations to their non-resident children, including the provision of informal support - except for some exceptional expenses such as mortgages payments for the child's home (DSS, 1999: 40). Thus some fundamental confusions over the aims of child support policy remain. Does it aim to seek some recompense for the state's costs in supporting children - a long established principle in social security legislation - or is it about getting more money to children to increase their well-being? If it is the latter then more care should be exercised in assessment and the provision of informal support should be recognised. This is unlikely to happen however, as it would not only introduce considerable complexity to working out the maintenance liability, but would also introduce loopholes through which the obligation to the state could be avoided. It is clear then, that despite the maintenance premium, the new proposals run the same risk of unpopularity since the state would still be stepping in to decide the level of obligation based on its need to keep public expenditure costs down. This would be even more so now as there is no upper limit on the amount to be paid under the new formula[13]. Therefore, despite the rationale in the White Paper for removing the upper limit, that 'children have a right to share in the income of their parents' they are clearly not doing so because when the maintenance paid is not high enough to lift them off IS, the amount they receive is fixed at £10 maximum.

Ultimately, the findings of the qualitative research suggest that fathers are struggling to make sense of their parental obligations - social and financial - in the context of non-residency and that they need to do this with reference to the mothers of their children though private negotiations. Yet, the 'hoped for' outcomes of negotiations for mothers and fathers for their particular children may be in conflict in terms of what either parent wants and expects of the other in relation to sharing ongoing parental responsibilities. Moreover, mothers and fathers may hope for different outcomes which are not only at odds with normative expectations about 'life-long fatherhood' but also with policy. This process of 'working out' a new, or revised set, of obligations in the context of non-residency must be gone through and needs to be continually reassessed in the light of changes in circumstances. What policy makers have not faced up to is the fact that 'active' parenthood, or more correctly 'active' non-resident fatherhood, is *not* for life, not at least without a private agreement being reached between the parents themselves.

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[13] Effectively there is an upper limit when the maintenance paid is high enough to lift the resident parents' family off IS. In that situation they can revert to being 'private cases' and come to their own agreements. Previously, however only about 500 cases paid maintenance at the maximum level of liability (DSS, 1999: 15).

That an external Agency should define how this parental obligation to children is not only to be expressed - merely in cash terms - but also prioritised is an anathema in the context of the private meanings of parenthood. This is brought into sharp relief where fathers endowed their maintenance payments with symbolic meanings. What is for life however, or at least for the duration of children's dependency on Income Support, is the obligation of maintenance owed to the state. But as highlighted above the policy aims remain confused: the espoused aim is to put the needs of children first, but not the needs of all children. Where it suits policy makers' purposes the ability of parents' to reach their own decisions about what is best for their children is given credence where the 'taxpayer' does not have an interest, but not where that interest is apparent. It is likely that no matter what mechanisms are put in place within child support policy in terms of incentives, or compulsion, it will never get to the heart of the problem: that fathers' social, financial and moral obligations to their children are intimately interwoven. They exist and operate in different social realities and are effectively negotiated within a framework of parenthood or fatherhood and not within a framework of DSS regulations.

In the end the evidence has suggested that many fathers are sad and frustrated at not being able to play as big a role in their children's life as they would like to. Their lives, like their children's and former partner's lives are disrupted following family breakdown, or the unexpected birth of a child. Nevertheless the majority are in touch with their children and the majority are paying either formal or informal support. If policy is to be successful in helping parents, both mothers and fathers, to care for their children, it needs to build on these positive elements in these human relationships. Yet, according to Smart (1997) there has been, in the debates about the decline and destabilisation of the family, a wishful thinking where it is hoped to return 'the family' to some idealised state unaffected by social change. The hope driving the child support policy was that it would effect this cultural change. However what appears not to have changed is that fathers are still keen to care for their non-resident children. That is the problem! Rather paradoxically, it is because they care about maintaining their role as fathers and because they continue to want a close, intimate and fulfilling relationship with their children, that they can become reluctant to pay maintenance. The majority want to fulfill all their parental obligations; social, emotional and financial. But it seems that one is unsatisfactory without the others. There is therefore in some sense no need to 'reinforce' parental obligations - they exist and are accepted already. But there is a need to facilitate them through an increased understanding of the emotional and moral turmoil that follows in the wake of family separation and relationship

breakdown. Further research might consider ways in which this could be achieved perhaps by exploring different approaches which might help parents' to resolve their financial obligations to children following relationship breakdown. However this assumes that a point of resolution *is* achievable and this may be a false assumption as the dynamic and shifting nature of family forms calls for a constant reappraisal of what it means to be a parent. Perhaps the best that policy makers can hope for is not more research evidence on the private management of parenting obligations, but to accept that the outcomes of parents' own moral decision- making has been made in the best interests of their children, even if this is sometimes at odds with the interests of the state. It is not so much perhaps that parents cannot put the needs of their children first, but that policy makers are reluctant to. They continue to refuse to provide a maintenance guarantee or advance. Policy makers should grasp the nettle and set in place a series of experimental pilot schemes to explore a co-ordinated Family Court System for dealing with all matters relating to divorce and cohabitation breakdown. The time has come to attempt to discover real 'joined up' solutions to 'joined up' problems.

BIBLIOGRAPHY

Abbott, D. (1996) 'The Child Support Act 1991: The Lives of Parents with Care Living in Liverpool', *Journal of Social Welfare and Family Law*, 18 (1) 21-36.

Allan, G. and Skinner, C. (1991) *Handbook for Research Students in the Social Sciences*, London: Falmer Press.

Allan, G. (ed) (1999) *The Sociology of The Family*, Oxford: Blackwell.

Allbeson, J. (1993) Child Support: Implications for Advice Agencies, in *Benefits*, April/May 1993, p32.

Anderson, M. Bechhofer, F. and Gershuny, J. (eds) (1994) *The Social and Political Economy of the Household*, Oxford: Oxford University Press.

Annual Report of The Chief Child Support Officer, Central Adjudication Services 93-94, London: HMSO.

Annual Report of The Chief Child Support Officer, Central Adjudication Services 94-95, London: HMSO.

Annual Report of The Chief Child Support Officer, Central Adjudication Services 95-96, London: HMSO.

Appropriation Accounts 1993-94; Volume 9: Classes XII And XIII - Health and Office of Population, Censuses And Surveys And Social Security. HCP 670 - ix (1993-94).

Arendell, T. (1995) *Fathers and Divorce,* Thousand Oaks, California: Sage.

Augustus, P. (1995) *Baby Father 2*, London: The X Press.

Backett, K.C. (1982) *Mothers and Fathers,* London: Macmillan.

Backett, K.C. (1987) 'The Negotiation of Fatherhood', in Lewis, C. and O'Brien, M. (eds) *Reassessing Fatherhood - New Observations on Fathers and the Modern World,* London: Sage Publications.

Baggott, R. (1994) *Health and Health Care in Britain*, London: Macmillan

Barlow, A. and Duncan, S. (1999) *New Labour's Communitarianism, Supporting Families, and the 'Rationality Mistake',* Paper to the Social Policy Association Annual Conference, July 1999.

Barker, R.W. (1994) *Lone Fathers and Masculinities*, Aldershot: Avebury.

Barnes, H. (1998) 'The International Lessons of Child Support', in *Family Policy Bulletin,* Spring 1998, London FPSC.

Barnes, H., Day, D., and Cronin, N. (1998) *Trial and Error: A Review of UK Child Support Policy*, Occasional Paper 24, Family Policy Studies Centre, London: FPSC

Bartfield, J. and Meyer, D.R. (1994) 'Are There Really Deadbeat Dads?' *Social Science Review,* 68 (2), 219-235.

Becker, H. S. (1966) 'Notes on the Concept of Commitment', *American Journal of Sociology*, 66, 32-40.

Becker, G. S. (1981) *A Treatise on the Family*, Cambridge, Massachusetts: Harvard University Press.

Beilharz, P. (1996) 'Cities and Money - Back to Berlin, Via Chicago', in *Thesis Eleven* No.46, 115-126.

Bennett, F. (1997) *Child Support: Issues for The Future*, London: CPAG.

Bennett, F. and Chapman, V. (1990) *The Poverty Of Maintenance*, London: Child Poverty Action Group (CPAG).

Bertaux, and Delcroix, C. (1992) 'Where Have All the Daddies Gone?' in Bjornberg, U. (ed) *European Parenting in the 1990's Contradictions and Comparisons,* Transaction Publishers New Brunswick (USA) and London (UK).

Bertoia, C. and Drakich, J. (1995) 'The Fathers' Rights Movement Contradictions in Theory and Practice', in Marsiglio, W. (ed) *Fatherhood: Contemporary Theory, Research and Social Policy*, London: Sage.

Bingley, P. Symons, E Walker, I . (1994) 'Child Support Income Support and Lone Mothers', *Fiscal studies*, vol.15 no.1, 81-98.

Bird, R. (1993) 'The Child Support Act 1991', in *Family Law*, March 1993.

Boden, R. and Childs, M. (1996) 'Paying for Procreation: Child Support Arrangements in the UK', *Feminist Legal Studies,* IV, 2, 131-157.

Boden, R. and Corden, A. (1998) *Self-employed Parents and Child Maintenance*, York: Social Policy Research Unit.

Bradshaw, J. and Millar, J. (1991) *Lone Parent Families in The UK*, DSS Research Report No.6, London: HMSO.

Bradshaw, J. (1993) 'Child Support: The Lessons from Australia', in *Administration*, November/December 1993.

Bradshaw, J. (1994) *What is Wrong With The Child Support Act?* Parliamentary Brief.

Bradshaw, J. (1996) *Talk to The All Party Committee on The Child Support Act.*

Bradshaw, J., Skinner, C., and Williams, J. (1998) *Impact of the Proposed Child Support Scheme on Non-resident Parents.* Unpublished paper.

Bradshaw, J., Stimson, C., Skinner, C., and Williams, J. (1999) *Absent Fathers?*, London: Routledge.

Brannen, J. (1992a) 'British Parenthood in the Wake of the New Right : Some Contradictions and Changes', in Bjornberg U. (ed) *European Parenting in the 1990's,* Transaction Publishers: New Brunswick (USA) and London (UK).

Brannen, J. (ed) (1992b) *Mixing Methods: Qualitative and Quantitative Research*, Aldershot: Avebury.

Brannen, J. and O'Brien, M. (eds) (1995) *Childhood and Parenthood.* Proceedings of ISA Committee for Family Research Conference on Children and Families, 1994, Institute of Education, London: University of London.

Brannen, J. and Moss, P. (1987) 'Fathers in Dual Earner Households - Through Mothers Eyes', in Lewis, C. and O'Brien, M. (eds) *Reassessing Fatherhood: New Observations on Fathers and the Modern Family*, London: Sage.

Braver, S.H., Wolchik, S.A., Sandler, I.N., Fogas, B.S. and Zventina, D. (1991) 'Frequency of Visitation by Divorced Fathers: Differences in Reports by Fathers and Mothers', *American Journal of Orthopsychiatry,* 61, 448-454.

Brown, J. C. (1988) *In Search of A Policy*, London: NCOPF.

Bryman, A. (1992) *Quantity and Quality in Social Research,* London: Routledge.

Bryman, A., and Burgess S. (eds) (1994) *Analysing Qualitative Data,* London: Routledge.

Burkitt, I. (1997) Social Relationships and Emotions, in *Sociology,* Vol. 31, no. 1, 37-55.

Burgess, A. (1997) *Fatherhood Reclaimed: The Making of the Modern Father, London:* Vermilion.

Burgess, A. (1998) *A Complete Parent: Towards A New Vision for Child Support*, London: IPPR.

Burgess, A. and Ruxton, S. (1996) *Men and Their Children: Proposals for Public Policy,* London: IPPR.

Burghes, L. (1991) *Supporting Our Children: A Briefing Paper on the Government's Proposals on maintenance for Children*, London: Family Policy Studies Centre.

Burghes, L. (1993) *One-parent Families: Policy Options for the 1990's,* York: Joseph Rowntree Foundation.

Burghes, L. (1994) *Lone Parenthood and Family Disruption: The Outcomes for Children*, Occasional Paper 18, London: Family Policy Studies Centre.

Burghes, L., Clarke, L. and Cronin, N. (1997) *Fathers and Fatherhood in Britain*, Occasional Paper 23, London: Family Policy Studies Centre.

Burgoyne, C. and Millar, J. (1994) 'Enforcing Child Support Obligations: the Attitudes of Separated Fathers', in *Policy and Pol*itics, 22, 2, 95-104.

Burgoyne, C. B. and Lewis, A. (1994) 'Distributive Justice in Marriage - Equality Or Equity', *Journal of Community and Applied Social Psychology*, 4, 2, 101-114.

Cassetty, J. (1978) *Child Support and Public Policy,* Lexington Books: Lexington M. A.

Cheal, D. (1987) 'Showing Them You Love Them: Gift Giving and the Dialectic of Intimacy', *Sociological Review*, 35, (150:69).

Cherlin, A.J., Furstenberg, F.F. Jr., Chase-Lansdale, P. Lindsay, Kiernan, K.E., Robins, P.K., Morrison, D., Ruane, Teitler, J.O. (1991) 'Longitudinal Studies of Effects of Divorce on Children in Great Britain and the United States', *Science,* 252, 1386-1389.

Child Poverty Action Group (CPAG) (1990) *The Poverty of Maintenance: A Response from the Child Poverty Action Group to the White Paper on Maintenance, Children Come First,* UK: CPAG Ltd.

Child Support (Miscellaneous Amendments Provisions) Regulations 1994 (SI 1994 No 227).

Child Support Agency (July 1994) *The First Two Years*, Annual Report for 93/94 and Business Plan for 95/96. London: HMSO.

Child Support Agency (March 1995) *Business Plan 1995-96*, London: HMSO.

Child Support Agency (July 1995) *Annual Report 1994/1995*, London: HMSO. (Includes National Audit Office Report for 1994-95; Annual Accounts for 1994-95.)

Child Support Agency (1996) *Annual Report 1995/1996*, London: HMSO.

Child Support Agency (1998) *Clients, Funds and Accounts,* HCP 313 97-98 (23rd Feb 1988). (Includes Report From the Comptroller and Auditor General on Client Fund Account for 96-97.)

Clarke, L., Condy, A. and Downing, A. (1998) *Fathers: A Socio-demographic Profile*, London: Family Policy Studies Centre.

Clarke, K., Craig, G. and Glendinning, C. with Thompson, M. (1993) *Children Come First? The Child Support Act and Lone Parent Families*, London: Barnardo's, The Children's Society, NCH, Action for Children, NSPCC and Save The Children.

Clarke, K., Glendinning, C. and Craig, G. (1994) *Losing Support: Children and the Child Support Act,* London: The Children's Society.

Clarke, K., Glendinning, C. and Craig, G. (1995) 'Child Support, Parental Responsibility and the Law: An Examination of the Implications of Recent British Legislation', in Brannen, J. and O'Brien, M. (eds), *Childhood and Parenthood.* Proceedings of ISA Committee for Family Research Conference on Children and Families, 1994, Institute of Education, London: University of London.

Clarke, K., Craig, G. and Glendinning, C. (1995) 'Money Isn't Everything. Fiscal Policy and Family Policy in the Child Support Act', in *Social Policy and Administration,* vol.29, no. 1, 26-39.

Clarke, K., Craig, G. and Glendinning, C. (1996a) *Small Change: the Impact of the Child Support Act on Lone Mothers and children*, London: Family Policy Studies Centre.

Clarke, K., Craig, G. and Glendinning, C. (1996b) *Children's Views on Child Support: Parents, Families and Responsibilities,* London: The Children's Society.

Clarke, L. (1997) 'Who Are Fathers?: A Socio-demographic Profile', in Burghes, L., Clarke, L. and Cronin, N. (eds), *Fathers and Fatherhood in Britain*, Occasional Paper 23, London: Family Policy Studies Centre.

Clarke, L., Cooksey, C. and Verropoulou, G. (1998) 'Fathers and Absent Fathers: Socio-demographic Similarities in Britain and the United States', *Demography*, vol. 35, no. 2, May 1998, 217-228.

Collier, R. (1993) *Waiting Til Father Gets Home: Family Values and the Reconstruction of Fatherhood in Family Law,* Newcastle Law School.

Coltrane, S. and Hickman, N. (1992) 'The Rhetoric of Rights and Needs - Moral Discourse in the Reform of Child Custody and Child Support Laws', *Social Problems*, 39, 4, 400-420.

Corden, A. (undated) *Child Support Agency Good Cause Review: Interviews with Field Staff,* York: Social Policy Research Unit, University of York.

Corden, A. (1999) *Making Child Maintenance Regimes Work*, London: FPSC.

Corden, A. (1999) *Child Maintenance: The Balance Between Private and Public Responsibility*, Paper to the Sixth International Research Seminar on 'Issues in Social Security', Sigtuna, Sweden, June 12-15.

Craig, G., Clarke, K. and Glendinning, C. (1995a) 'Child Support Savings or Service?', *Benefits*, April/May 1995.

Craig, G., Clarke, K. and Glendinning, C. (1995b) 'The State Versus Lone Parents? The British Child Support Act in Practice', in *Family Matters*, No 42, Spring/Summer 1995, Australian Institute of Family Studies.

Critcher, C., Waddington, D., Dicks, C. (1999) 'Qualitative Methods and Welfare Research', in Williams, F., Popay, J., Oakley, A. (1999) (eds) *Welfare Research. A Critical Review* London: UCL Press.

Daly, K. (1995) 'Reshaping Fatherhood: Finding the Models', in Marsiglio, W. (ed) *Fatherhood: Contemporary Theory, Research and Social Policy,* London: Sage.

Davis, G., Cretney, S. and Collins, J. (1994) *Simple Quarrels: Negotiating Money and Property Disputes in Divorce*, Oxford: Clarendon Press.

Davis, G., Wikeley, N. and Young, R. (1998) *Child Support in Action*, Oxford: Hart Publishing.

Davies, H. and Joshi, H. (1994) 'Sex, Sharing and the Distribution of Income', *Journal of Social Policy*, 23, 3, 301-340.

Delboca, D. and Flinn, C.J. (1994) 'Expenditure Decisions of Divorced Mothers and Income Distribution', *Journal of Human Resources*, 29 (3), 742-761.

Dench, G. (1995) *The Frog and the Prince and the Problem of Men,* London: Neanderthal Books.

Dennis, N. and Erdos, G. (1993) *Families Without Fatherhood,* London: IEA Health and Welfare Unit.

Depner, C.E. and Bray, J.H. (eds) (1993) *Non Residential Parenting,* Newbury Park: Sage Publications.

Deutschmann, C. (1996) 'Construction: on the Actuality of Marx and Simmel', in Thesis Eleven No.47, 1-21.

De'Ath, E. (ed) (1992) *Stepfamilies,* Croydon: National Stepfamily Association, Significant Publications.

DSS, Cmnd 1264, (1990) *Children Come First: The Government's Proposals on the Maintenance of Children,* vol. 1 and vol. 2, London: HMSO.

DSS, Cmnd 2745, (1995a) *Improving Child Support,* London: HMSO.

DSS (1995b) *Social Security Statistics* London: HMSO.

DSS (1995c) Cmnd. 2813, *The Government's Expenditure Plans 1995/96 - 1997/98,* London: HMSO.

DSS (1996) *The Requirement to Co-operate: A Report on the Operation of the 'Good Cause' Provisions*, London: DSS, Analytical Service Division.

DSS (1998) *Child Support Agency Quarterly Summary of Statistics,* London: HMSO.

DSS (1998b) *Social Security Statistics 1998*, Leeds: Corporate Document Services

DSS Cmnd 3992, (July 1998c) *Children First: A New Approach to Child Support*, London: The Stationery Office.

DSS Cmnd 4349, (July 1999) *A New Contract for Welfare: Children's Rights and Parent's Responsibilities*, London: The Stationery Office.

Dunleavy , P., Gamble, A. and Peele, G. (1990) *Developments in British Politics,* London: Macmillan Education Ltd.

Dunleavy, P. and O'Leary, B. (1991) *Theories of The State,* London: Macmillan.

Edin, K. (1995) 'Single Mothers and Child Support: The Possibilities and Limits of Child Support Policy', in *Children and Youth Services Review,* Vol. 17, Nos1/2, 203-230.

Edwards, S. and Halpern, A. (1992) 'Parental Responsibility An Instrument of Social Policy', *Family Law,* March 1992, 113-118.

Edwards, S.,Gould, C., and Halpern, A. (1990) 'The Continuing Saga of Maintaining the Family after Divorce' *Family Law*, January 1990, 31-35.

Eekelaar, J. (1991a) *Regulating Divorce,* Oxford: Clarendon Press.

Eekelaar, J. (1991b) 'A Child Support Scheme for the United Kingdom', in *Family Law*, January 1991.

Eekelaar, J. (1991c) 'Are Parents Morally Obliged to Care for Their Children', *Oxford Journal of Legal Studies* vol. 11, no.3. 1991.

Eekelaar, J. (1991d) 'Parental Responsibility: State of Nature or Nature of the State', *Journal of Social Welfare and Family Law.*

Eekelaar, J. and Maclean, M. (1986) *Maintenance After Divorce,* Oxford: Clarendon Press.

Eekelaar, J. and Maclean, M. (1994) *Family Law*, Oxford: Oxford University Press.

Eekelaar, J. and Maclean, M. (1997b) *Families or Households? The Importance Of Social Parenthood,* Paper to the Ninth World Conference of the International Society of Family Law, Durban, South Africa, July 1997.

Elliott, B.J. and Richards, M.P.M. (1991) 'Children and Divorce: Educational Performance and Behaviour Before and After Parental Separation', *International Journal of Law and the Family,* 15 (3), 258-276.

Families Need Fathers (1990) *The Nurture of Children: The Response to 'Children Come First'*, London: FNF.

Ferris, E. and Smith, K. (1996) *Parenting in the 1990s*, London: FPSC.

Finch, J. (1989) *Family Obligations and Social Change*, London: Polity Press.

Finch, J. and Mason, J. (1990) 'Divorce, Remarriage and Family Obligations', *Sociological Review*, 38 (2), 219-246.

Finch, J. and Mason, J. (1993) *Negotiating Family Responsibilities,* London and New York: Tavistock/Routledge.

Finch, J. (1994) *Families, Generations and Policy Relevant Research*, Paper presented to the Annual Conference of the Social Policy Assocciation, Liverpool, 1994.

Finer, M. (1974) Cmnd 5629, DHSS, *Report of the Committee on One-Parent Families*, London: HMSO

Ford, R., Marsh, A. and McKay, S. (1995) *Changes in Lone Parenthood,* DSS Research Report No 40, London: HMSO.

Ford, R., Marsh, A. and McKay, S. (1995) *Changes in Lone Parenthood*, London: HMSO.

Ford, R., Marsh, A. and Finlayson, L. (1998) *What Happens to Lone Parents,* London: The Stationery Office.

Ford, R. and Millar, J. (Eds) (1998) *Private Lives and Public Responses,* London: PSI.

Fox-Harding, L. (1996) *Family State and Social Policy*, London: Macmillan.

Funder, K., Harrison, M. and Weston, R. (1993) *Settling Down: Pathways of Parents After Divorce*, Melbourne: Australian Institute for Family Studies.

Furstenberg, F.F. Jr., Nord, C.W., Peterson, J.L. and Zill, N. (1983) 'The Life Course of Children of Divorce: Marital Disruption And Parental Conflict', *American Sociological Review*, 48, 656-668.

Furstenberg, F.F. Jr. and Nord, C.W. (1985) 'Parenting Apart; Patterns of Child Rearing After Marital Disruption', *Journal of Marriage and the Family,* 47, 893-904.

Furstenberg, F.F. Jr. (1988) 'Marital Disruptions, Child Custody, and Visitation', in Kahn A. and Kamerman, S.B. (eds), *Child Support: From Debt Collection to Social Policy*, London: Sage.

Garfinkel, I., McLanahan, S., Seltzer, J.A. and Meyer, D.R. (1997) *The Effects of Child Support Policy on Nonresident Fathers*. Paper for Princeton conference 1995.

Garfinkel, I., McLanachan, S.S., Meyer, D.R. and Seltzer, J.A. (Eds) (1998) *Fathers Under Fire: The Revolution in Child Support Enforcement,* New York: Russell Sage.

Garnham, A. and Knights, E. (1994) *Putting The Treasury First*. CPAG: London.

Gibson, C.S. (1991) 'The Future for Maintenance', *Civic Justice Quarterly,* 330-46.

Giddens, A. (1992) *The Transformation of Intimacy*, London: Polity Press.

Giddens, A. (1998) *The Third Way: The Renewal of Social Democracy*, Cambridge: Polity Press.

Gillespie, G. (1996) 'Child Support - The Hand that Rocks The Cradle', *Family Law*, March 1996.

Glasser, B.G. and Strauss, A.L. (1967) *The Discovery of Grounded Theory*, Chicago: Aldine.

Glasser, B.G. and Strauss, A.L. (1971) *Status Passage*, London: Routledge.

Glendinning, C., Clarke, K., and Craig, G. (1995) 'The Impact of the Child Support Act on Lone Mothers and their Children', *Journal of Child Law,* vol.7, no.1, 18-39.

Glendinning, C., Clarke, K. and Craig, G. (1996) 'Implementing the Child Support Act', *Journal of Social Welfare and Family Law*, 18 (3), 273-290.

Goto, S.G. (1996) 'To Trust or Not to Trust: Situational and Dispositional Determinants', *Social Behaviour and Personality,* 1996, 24 (2),119-132.

Guttmann, J. (1989) 'The Divorced Father: A Review of the Issues and the Research', *Journal of Comparative Family Studies,* vol. XX, No. 2.

Hansard; House of Commons (1991) *Child Support Bill*, Issue No 1560 3rd June - 7th June col 178-249.

Hansard; House of Lords (1991) *Child Support Bill,* Issue no 1496 25th - 28th February col 774-839.

Haskey, J. (1989a) 'One Parent Families and Their Children in Great Britain: Numbers and Characteristics', *Population Trends,* 55, 27-33.

Haskey, J. (1989b) 'Trends in Marriage and Divorce, and Cohort Analysis of the Proportion of Marriages Ending in Divorce', *Population Trends,* 54.

Haskey, J. (1998) 'One Parent Families and Their Dependent Children', *Population Trends,* 91, 5-15.

Haskey, J. and Kiernan, K. (1989) 'Cohabitation in Great Britain - Characteristics and Estimated Numbers in Cohabiting Relationships', *Population Trends,* 58, 23-32.

Foster, P. (1993) 'Are Men Now Suffering From Gender Injustice?', in Sinfield, A. (ed) *Poverty, Inequality and Justice,* New Waverley Papers, Social Policy Series No.6, The University of Edinburgh.

Hennis, M. (1995) *Pressure Squeeze: The Impact of Pressure Groups on Child Support Policy, Post-Implementation*. Unpublished MA Thesis, University of York.

Henwood, M. (1995) 'Family Policy: Retrospect & Prospect', in *Social Policy and Administration*, vol. 29, no. 1, March 1995, 55-65.

Hepplewhite, R. (1994) 'The Child Support Agency', in *Benefits,* September/October 1994.

Hewitt, P. and Leach, P. (1993) *Social Justice, Children and Families*, London: IPPR.

Hills, M.S. (1992) 'Role of Economic Resources and Remarriage in Financial Assistance for Children of Divorce', *Journal of Family Issues,* 13 (2), 158-178.

House of Commons, HC 429 (1990) *Department of Social Security*: *Support for Lone Parent Families*, Committee of Public Accounts, London: HMSO.

House of Commons, HC 277, and HC 277- ii (1991) *Changes in maintenance Arrangements: the White Paper 'Children Come First' and the Child Support Bill*, Social Security Committee Second Report - Session 1990-91, London: HMSO.

House of Commons, HC 69, (including HC 983 i-ii) (1993) *The Operation Of the Child Support Act*, Social Security Committee, First Report - Session 1992-93, London: HMSO.

House of Commons, HC 470 (26.10.1994) *The Operation of the Child Support Act: Proposals For Change*, Social Security Committee Fifth Report, Session -1993-94, London: HMSO.

House of Commons, HC 470 - i (1994) *The Operation of the Child Support Act: Proposals For Change,* Social Security Committee Minutes of Evidence, Session -1993-94, London: HMSO.

House of Commons, HC 470 - ii (1994) *The Operation of the Child Support Act: Proposals For Change*, Social Security Committee Minutes of Evidence, Session - 1993-94, London: HMSO.

House of Commons, HC 135 (1995) *Investigation of Complaints Against the Child Support Agency*, Parliamentary Commissioner for Administration, Third Report - Session 1994-1995, London: HMSO.

House of Commons, HC 199 (1995) *The Child Support Agency*, Select Committee on The Parliamentary Commissioner for Administration, Third Report - Session 1994-1995, London: HMSO.

House of Commons, HC 31 (1995) *Child Support Agency,* Committee of Public Accounts First Report - Session 1995-1996, London: HMSO.

House of Commons, HC 50 (24.1.1996) *The Performance and Operation of the Child Support Agency*, Social Security Committee, Second Report - Session 1995-1996, London: HMSO.

House of Commons, HC 20 (1996) *Investigation of Complaints Against the Child Support Agency*, Parliamentary Commissioner for Administration, Third Report - Session 1995-1996, London: HMSO.

House of Commons, HC 440 (26.5.1996) *Child Support: Good Cause And The Benefit Penalty*, Social Security Committee Fourth Report Session 1995-1996, London: HMSO.

House of Commons Official Report (July1996) *Draft Child Support (Miscellaneous Amendments) Regulations 1996,* Sixth Standing Committee on Delegated Legislation 1996, London: HMSO.

House of Commons, HC 282 (12 March 1997) *Child Support*, Social Security Committee Fifth Report Session 1996-1997, London: The Stationery Office.

House of Commons, HC 313 (1998) *Child Support Agency: Client Funds Account 1996-1997*, Committee of Public Accounts, Twenty First Report - Session 1997-1998, London: HMSO.

Hoggett, B. (1993) *Parents And Children*, London: Sweet and Maxwell.

Humphrey, R. (ed) (1996) *Families Behind the Headlines,* University of Newcastle upon Tyne.

Hutton, S., Carlisle, J. and Corden, A. (1997) 'Depth Follow-Up to the CSA National Client Survey, Working Paper DSS 1501, Social Policy Research Unit, University of York.

Ihinger-Tallman, M., Pasley K., and Buehler, C. (1993) 'Developing A Middle Range Theory of Father Involvement Post Divorce', in *Journal of Family Issues*, vol. 14, no. 4, 550-572.

Jackson, E., Wassoff, F., with Maclean, M., and Dobash, R. E. (1993) 'Financial Support on Divorce: The Right Mix of Rules and Discretion' in *International Journal of Law and The Family,* 7, 230-254.

Jacobs, E. and Douglas, G. (1994) *Child Support: The Legislation*. Supplement to the third edition, London: Sweet and Maxwell.

Jarvis, S. and Jenkins, P. (1997) *Marital Splits and Income Changes: Evidence for Britain.* Innocenti Occasional Papers, Economic and Social Policy Series no. 60. Florence, Italy: UNICEF International Child Development Centre

Jones, H. and Millar, J. (eds) (1996) *The Politics of the Family*, Aldershot: Avebury.

Jowell, A., Curtice, J., Brook, L. and Ahrendt, D. (1994) *British Social Attitudes 11th Report,* Dartmouth.

Kiernan, K. and Wicks, M. (1990) *Family Change and Future Policy,* London: Family Policy Studies Centre.

Kiely, G. (1998) *Parenting by Divorced Fathers: Some Policy Implications,* Paper given at the Conference; Family Europe, 21st Century, in Athens, May 20-22 1998.

Knights, E. (1997) 'Child Support Update', *Family Law*, August 1997.

Kruk, E. (1992) 'Psychological and Structural Factors Contributing to the Engagement of Noncustodial Fathers After Divorce', *Family Conciliation Courts Review,* 30, 81-101.

Lamb, M.E. (1982) *Non-Traditional Families,* London: Lawrence Erlbaum.

Layder, D. (1998) *Sociological Practice. Linking Theory and Social Research,* London:Sage

Lee, R.M. (1993) *Doing Research On Sensitive Topics,* London: Sage.

Leeming, A., Unell, J. and Walker, R. (1994) *Lone Mothers,* DSS Research Report No 30. London: HMSO.

Le Grand, J. (1997) 'Knights Knaves or Pawns? Human Behaviour and Social Policy' in *Journal Of Social Policy*, vol.26,2, April 1997.

Lewis C. and O'Brien M. (1987) 'Constraints on Fathers: Research, Theory and Clinical Practice', in Lewis, C. and O'Brien, M. (eds) *Reassessing fatherhood*, London: Sage Publications.

Lewis, J. (1995) *The Problem of Lone Mother Families in Twentieth Century Britain*, Welfare State Programme Discussion Paper 114, London: Suntory-Toyota International Centre.

Lister, R. (1991) 'Social Security in the 1980s' in *Social Policy and Administration*, vol 25, no. 2, 91-107.

Lister, R. (1994a) 'The Child Support Act: Shifting Family Financial Obligations in the United Kingdom', in *Social Politics: International Studies of Gender, State and Society*, 1, 2, 211-222.

Lister, R. (1994b) *Back to the Family: Family Policies and Politics Under the Major Government*. Paper presented to the Annual Conference of the Social Policy Association. Liverpool, July 1994.

Lloyd, T. (1996) 'Fathers in the Media: An Analysis of Newspaper Coverage of Fathers', in Moss P. (ed) *Father Figures: Fathers in the Families of the 1990's,* Children In Scotland, Edinburgh: HMSO.

Lord Chancellor's Department (1995) *Looking to the Future; Mediation and the Ground for Divorce - The Governments Proposals,* London: HMSO.

Lowe, R. (1993) *The Welfare State in Britain Since 1945*, London: Macmillan Press.

Lowerson, R. (1997) *Cutting Both Ways? The Impact of Child Support Agency Involvement on the Work Incentives of Unemployed Absent Parents*, MA Dissertation, Department of Social Policy and Social Work, University of York.

Lund, M. (1987) 'The Non-custodial Father: Common Challenges in Parenting After Divorce', in Lewis C. and O'Brien M. (eds) *Reassessing Fatherhood*, New York: Sage Publications.

Mac An Ghaill, M. (Ed) (1996) *Understanding Masculinities,* Buckingham: Open University Press.

Maccoby, E., Depner, C. and Mnookin, R. (1990) 'Co-parenting in the Second Year After Divorce', *Journal of Marriage and the Family,* 52, 1, 141-155.

MacKay, S. and Marsh, S. (1994) *Lone Parents and Work: The Effects of Benefits and Maintenance,* DSS, Research Report No. 25, London: HMSO

Maclean, M. (1987) 'Households After Divorce', in Brannen, J. and Wilson, G. (eds) *Give and Take in Families*, London: Allen and Unwin.

Maclean, M. (1990) 'Lone Parent Families: Family Law and Income Transfers', in *Lone Parent Families: The Economic Challenge,* Paris: OECD Social Policy Studies No. 8.

Maclean, M. (1991) *Surviving Divorce: Women's Resources After Separation,* Basingstoke: Macmillan.

Maclean, M. (1993) *Resource Allocation Between First and Second Families in the UK*, Paper: Population and Family in the Low Countries, Centre for Socio-Legal Studies, Wolfson College, Oxford.

Maclean, M. (1994) 'The Making of the Child Support Act of 1991: Policy Making at the Intersection of Law and Social Policy' in *Journal of Law and Society,* vol 21, no 4, 503-519.

Maclean, M. and Eekelaar, J. (1993) 'Child Support: the British Solution', *International Journal of Law and the Family,* 7, 205-229.

Maclean, M. and Eekelaar, J. (1997) *The Parental Obligation: A Study of Parenthood Across Households,* Oxford: Hart.

Manning, N. and Ungerson C. (1990) *Social Policy Review 1989-1990,* Essex: Longman.

Marsh, A. (1993) *Absent Parenthood,* London: Policy Studies Institute.

Marsh, A. and McKay, S. (1993) *Families Work and Benefits*, London: PSI.

Marsh, A., Ford, H. and Finlayson, L. (1997) *Lone Parents, Work and Benefits: the First Effects of the Child Support Agency to 1994,* DSS Report, 61, London: HMSO.

Marsiglio, W. (Ed) (1995) *Fatherhood: Contemporary Theory, Research and Social Policy,* London: Sage Publications.

Mason, J. (1996) *Qualitative Researching,* London: Sage.

May, K.A. (1991) 'Interview Techniques in Qualitative Research: Concerns and Challenges', in Morse, J.M. (ed) *Qualitative Nursing Research*, London: Sage.

McCarthy, P. and Walker, J. (1996) *Evaluating the Longer Term Impact of Family Mediation,* Newcastle upon Tyne: Relate Centre for Family Studies.

McCluskey, U. (1990) 'Money in marriage', *Journal of Social Work Practice,* 4, 16-29.

McGurk, H. and Glachan, M. (1987) 'Children's Conceptions of Parenthood Following Divorce' *JCPP,* 28, 427-435.

McKay, S. and Marsh, A. (1994) *Lone Parents and Work: The Effects of Benefits and Maintenance,* DSS Social Security Report No 25, London: HMSO.

McKee, L. and O'Brien, M. (1983) 'Interviewing Men: Taking Gender Seriously', in Garmarnikow, E., Morgan, D., Purvis, J., and Taylorson, D. (eds) *The Public and the Private*, London: Heinemann.

McKenzie (1998) *The National Newsletter from Families Needs Fathers*, February, Issue 34.

Meadows, H. (1993) 'Child Support Act 1991: Setting Aside Clean Break Consent Orders', *Family Law,* November 1993.

Middleton, S. Ashworth, K. and Walker, R. (1994) *Family Fortunes*, London: CPAG.

Millar, J. (1988) *Poverty and the Lone Parent Family: The Challenge to Social Policy,* London: Avebury.

Millar, J. (1996a) *Family Obligations and Social Policy*, Inaugural Lecture to the School of Social Sciences, University of Bath.

Millar, J. (1996b) 'Poor Mothers and Absent Fathers: Support for Lone Parents in Comparative Perspective' in (eds) Jones, H. and Millar, J. *The Politics of The Family* Aldershot: Avebury.

Millar, J. (1996c) 'Family Obligations and Social Policy: the Case for Child Support' in *Policy Studies,* vol. 17, no. 3, 181-193.

Millar, J. and Warman, A. (1996) *Family Obligations in Europe*, London: FPSC.

Monk, S. and Slipman, S. (1990) *Making Maintenance Pay: Practical Amendments to the Government's White Paper, Children Come First,* London: National Council of One Parent Families.

Morgan, P. (1992) 'Fidelity in The Family: Once Absolute, Now another 'Choice'', in Anderson, D. (ed) (1992) *The Loss of Virtue: Moral Confusion and Social Disorder in Britain and America*, USA: The Social Affairs Unit.

Morgan, P. (1995) *Farewell to the Family?,* London: IEA.

Morgan, D. (1996) *Family Connections,* Cambridge: Polity Press.

Morris, L. (1990) *The Workings of the Household*, London: Polity Press.

Morris, L. and Lyon, S. (1994) *Gender Relations in Public and Private: Changing Research Perspectives*. London: Macmillan.

Moss, P. (1996) *Father Figures: Fathers in the Families of the 1990's,* Children In Scotland, Edinburgh: HMSO.

Moss, P. (1996) 'Fathers and Work', in Burgess, A. and Ruxton, S. (eds) *Men and Their Children: Proposals for Public Policy,* London: IPPR.

Murray, C. (1984) *Losing Ground: American Social Policy 1950-1980*, New York: Simon and Schuster.

Murray, C. (1990) *The Emerging British Underclass*, London: Institute of Economic Affairs.

NACSA News May/June 1995.

National Association of Citizens Advice Bureaux (1994) *Child Support: One Year On*, London: NACAB.

National Audit Office, HC 328 (1990) *Department of Social Security: Support for Lone Parent Families*, Session 1989-90, London: HMSO

National Audit Office (1995) *Child Support Agency*. Memorandum by the Comptroller and Auditor-General to the House of Commons Public Accounts Committee, NAO, London: HMSO.

National Council of One Parent Families (1994) *The Child Support Agency's First Year: The Lone Parent Case*, London: NCOPF.

Neale, B. and Smart, C. (1995) *The New Parenthood?: Discussions from the ESRC Project. The Legal and Moral Ordering of Households in Transition*, GAPU Sociology and Social Policy Research Working Paper 13.

Neale, B. and Smart, C. (1997) 'Experiments with Parenthood', *Journal of the British Sociological Association*, May, 31, 2, 201-219.

Oakley, A. (1998) 'Gender, Methodology and People's Ways of Knowing: Some Problems with Feminism and the Paradigm Debate in Social Science' in *Sociology* vol. 32, no. 4, November 1998, 707-733.

Pahl, J. (1983) 'The Allocation of Money and the Structuring of Inequality within Marriage' in *Sociological Review*, 31, 238-260

Pahl, J. (1989) *Money and Marriage,* London: Macmillan.

Pahl, J. (1995) 'His Money, Her Money: Recent Research on Financial Organisation in Marriage', *Journal of Economic Psychology* 16, 1995, 361-376.

Pahl, J. (1997) *New Forms of Money and Financial Arrangements Within Families*, Paper to the Social Policy Association Conference Lincoln: July 1997.

Pasley, K. and Inhinger-Tallman, M. (1987) *Remarriage and Step-Parenting: Current Research and Theory,* New York: Guildford Press.

Perlman, D. and Duck, S. (eds) (1987) *Intimate Relationships*, Newbury Park, USA: Sage.

Popay, J. Hearn, J. and Edwards J. (1998) (eds) *Men, Gender Divisions and Welfare*, London and New York: Routledge.

Rendall, S.M., Clarke, L., Peters, H.E., Ranjit, N. and Verropoulou, G. (1997) *Incomplete Reporting of Male Fertility in the United States and Britain*, Working paper, mimeo.

Rodgers, B. and Pryor, J. (1998) *Divorce and Separation: The outcomes for children,* York: Joseph Rowntree Foundation.

Rodger, J. (1995) 'Family Policy or Moral Regulation?' in *Critical Social Policy*, April/May 1995.

Roll, J. (1994) *Child Support*, Research Paper 94/20, Education and Social Services Section, London: House of Commons Library.

Roll, J. (1995) *Child Support Bill, Bill 71 of 1994-95*, Research Paper 95/38, Education and Social Services Section, London: House of Commons Library.

Schaeffer, N.C., Seltzer, J.A. and Klawitter, M. (1991) 'Estimating Non-response and Response Bias', *Sociological Methods and Research,* 20 (1), 30-59.

Segal, L. (1990) *Slow Motion: Changing Masculinities Changing Men,* London: Virago.

Seltzer, J. (1991) 'Relationships Between Fathers and Children Who Live Apart: the Father's Role After Separation', *Journal of Marriage and The Family,* 53, February, 79-101.

Seltzer, J.A. and Bianchi, S.M. (1988) 'Children's Contact with Absent Parents', *Journal of Marriage and the Family,* 50, 663-677.

Seltzer, J.A., Schaeffer, N.C. and Charng, H.W. (1989) 'Family Ties After Divorce. The Relationship Between Visiting and Paying Child Support', *Journal of Marriage and the Family,* 51, 1013-1031.

Seltzer, J.A., and Brandreth, Y. (1994) 'What Fathers Say About Involvement with Children After Separation', *Journal of Family Issues,* 15 (1), 49-77.

Silverman, D. (1993) *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*, London: Sage.

Simpson, B., McCarthy, P. and Walker, J. (1995) *Being There: Fathers After Divorce,* Relate Newcastle upon Tyne: Centre for Family Studies.

Skinner, C. (1994 - BA. Dissertation unpublished) *Negotiation and Reciprocity: A Framework for Understanding the Views of Separated Fathers on Their Parental Responsibilities,* Department of Social Policy and Social Work , University of York.

Skinner, C. (1997) *The Symbolic Meanings Attached To Child Maintenance Monies,* Paper presented to IRISS Conference 'The Well-Being of Children and Young People', September 29-30, 1997. University of York.

Smart, C. (1989) *Feminism And The Power Of Law,* London: Routledge.

Smart, C. (1991) 'The Legal and Moral Ordering or Child Custody', in *Journal of Law and Society*, 18 (4), 485-500.

Smart, C. (1997) 'Wishful Thinking and Harmful Tinkering? Sociological Reflections on Family Policy', *Journal of Social Policy,* 26, 3, 301-321.

Smart, C. (1999) 'The 'New' Parenthood: Fathers and Mothers after Divorce', in Silva, E.B. and Smart, C. (eds) *The New Family*, London: Sage.

Smart, C. and Sevenhuijsen, S. (1989) (eds) *Child Custody and the Politics of Gender*, London: Routledge.

Smart, C. and Neale, B. (1997) Arguments Against Virtue: Must Contact be Enforced? In *Family Law*, May 1997.

Smart, C. and Neale, B. (1997b) 'Good Enough Morality? Divorce and Postmodernity' in *Critical Social Policy*, vol.17 (4), November 1997, Issue no. 53.

Smart, C. and Neale, B. (1999) *Family Fragments,* Oxford: Polity Press.

Smith, R. (1998) 'Who Pays for Children?' in *Benefits,* January 1998

Song, M. and Edwards, R. (1995) 'Babymothers': Raising Questions About Perspectives on Black Lone Motherhood', Paper presented at the Social Policy Association Annual Conference, 18-20 July 1995, Sheffield Hallam University.

Sopel, J. (1995) *Tony Blair The Moderniser,* London: Bantam Books

Sorenson, E.J. (1997) 'A National Profile of Nonresident Fathers and Their Ability to Pay Child Support', *Journal of Marriage and the Family,* 59, 4, 785-797.

Speak, S., Cameron, S. and Gilroy, R. (1997) *Young Single Fathers' Participation in Fatherhood - Bridges and Barriers*, London: Family Policies Studies Centre.

Speed, M., Roberts, C. and Rudat, K. (1993) *Child Support Unit National Client Satisfaction Survey 1992*, London: HMSO.

Speed, M., Crane, J. and Rudat, K. (1994) *Child Support Agency National Client Satisfaction Survey 1993,* London: HMSO.

Speed, M. and Seddon, J. (1995) *Child Support Agency National Client Satisfaction Survey 1994,* London: HMSO.

Speed, M. and Kent, N. (1996) *Child Support Agency National Client Satisfaction Survey 1995,* DSS Research Report No.51, London: HMSO.

Stepfamily Association. (1990) *Children Come First: A Response to the Government White Paper on Child Support and The Child Support Agency*, London: National Stepfamily Association.

Stephens, L. (1996) 'Will Johnny See Daddy this Week? An Empirical Test of Three Theoretical Perspectives of Post Divorce Contact', *Journal of Family Issues,* 17 (4), 466-494.

Stone, L. (1990) *Road to Divorce,* Oxford: Oxford University Press.

Sutherland, H. (1997) 'Women Men and the Redistribution of Income', *Fiscal Studies,* 1997, vol. 18, no. 1. 1-22.

Thatcher, M. (1993) *The Downing Street Years*, London: HarperCollins.

UK, Cmnd 2469 (February1994) *Child Support: Reply by the Government to the First Report on the Operation of The Child Support Act,* London: HMSO.

UK, Cmnd 2865 (May 1995) *The Child Support Agency*: *Reply by the Government to the Third Report of the Select Committee on the Parliamentary Commissioner for Administration*, Session- 1994-95, London: HMSO.

UK, Cmnd 2473, (January, 1995) *Reply by the Government to the Fifth Report from the* Select Committee on Social Security, Session -1993-94, London: HMSO.

UK, Cmnd 2865 (May,1995) *Reply by the Government to the Third Report from the Parliamentary Commissioner for Administration - Session 1994-95*, London: HMSO.

Ungerson, C. (1987) *Policy is Personal*, London: Tavistock Publications.

Vogler, C. and Pahl, J. (1994) 'Money, Power and Inequality Within Marriage', *Sociological Review*, 42, 2, 263-288.

Vogler, C. (1994) 'Money in the Household', in Anderson, M., Bechhofer, F. and Gershuny, J. (eds) *The Social and Political Economy of the Household*, Oxford: Oxford University Press.

Walker, J. (1992) 'Divorce, Remarriage and Parental Responsibility', in De'Ath, E. (ed), *Step Families: What Do We Know? What Do We Need to Know?,* London: The National Step Family Association, Significant Publications.

Walker, J. (1996) 'Staying in Touch', *Family Policy Studies Centre Bulletin*, November.

Walker, J., McCarthy, P. and Timms, N. (1994) *Mediation: the Making and Remaking of Co-operative Relationships,* Newcastle upon Tyne: Relate Centre for Family Studies.

Wallbank, J. (1997) 'The Campaign for Change of the Child Support Act 1991: Reconstituting the 'Absent' Father', in *Social & Legal Studies*, 6 (2), 191-216.

Wasoff, F. and Morris, S. (1994) *The Child Support Act: A Victory for Women?*, Paper presented to the Social Policy Assocciation Conference, 12-14 July 1994, Liverpool.

Weitzman, L.J. and Maclean, M. (1992) *Economic Consequences of Divorce*, Oxford: Clarendon Press.

Whiteford, P. (1994) 'Implementing Child Support - Are There Lessons from Australia?', in *Benefits*, September/October 1993, 3-9.

Wicks, M. (1998) *Viewpoint Article* in One Parent Families Newsletter Issue 2, October 1998

Williams, F., Popay, J., and Oakley, A. (eds) (1999) *Welfare Research. A Critical Review,* London: UCL Press.

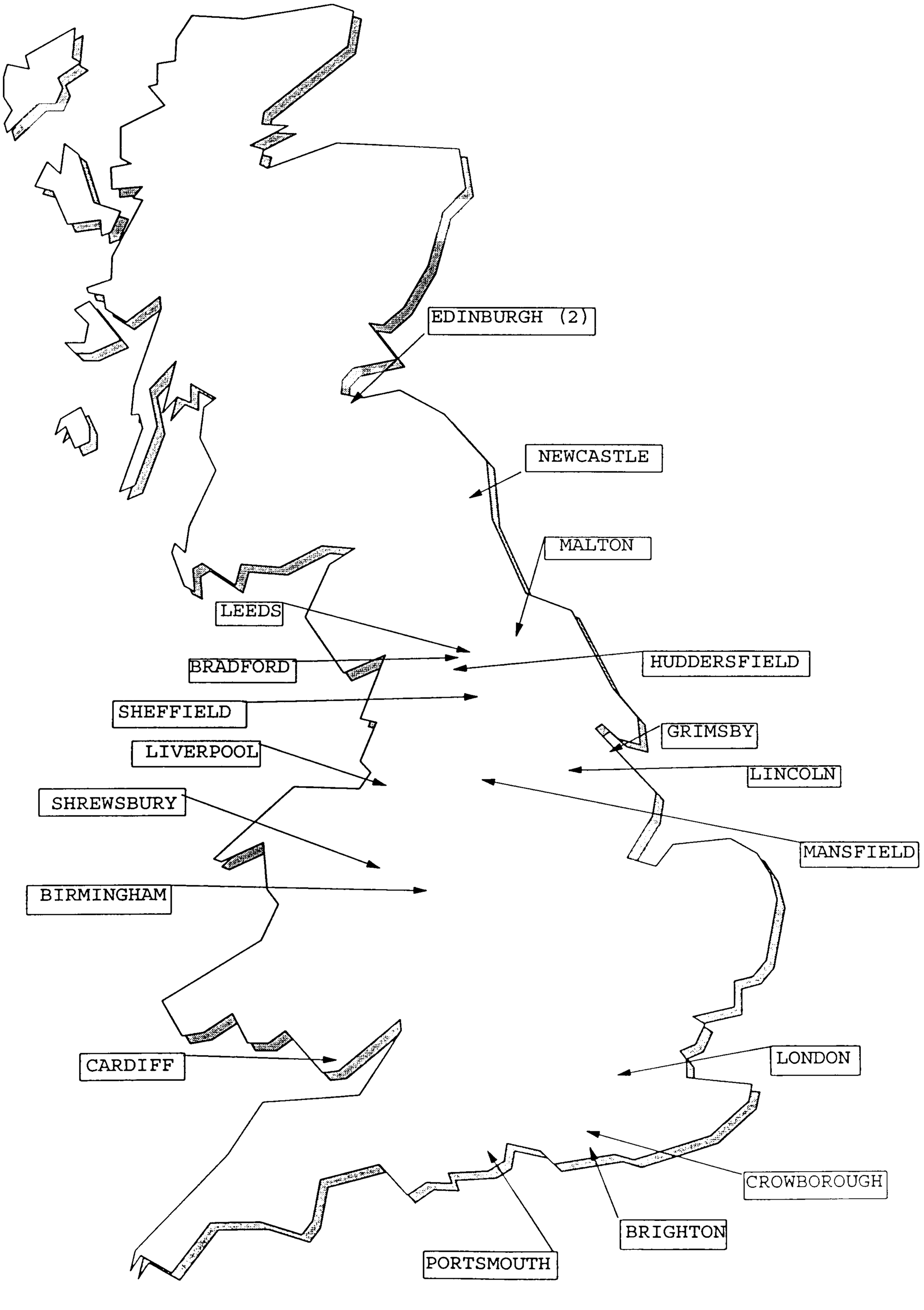
Wilson, G. (1987) 'Money: Patterns of Responsibility and Irresponsibility in Marriage', in Brannen, J. and Wilson, G. (eds), *Give and Take in Families*, London: Allen and Unwin.

Zelizer, A. (1994) *The Social Meaning Of Money*, New York: Basic Books.

Zelizer, A. (1996) 'Payments and Social Ties', *in Sociological Forum*, 11 (3), 481-95.

APPENDIX ONE

GEOGRAPHICAL SPREAD OF RESPONDENTS



APPENDIX TWO

TOPIC GUIDE

CONTACT WITH CHILDREN

- FREQUENCY
- SATISFACTION WITH CONTACT

- CONTRAST PAST PRESENT RELATIONS
- HOW FEEL ABOUT CONTRAST?

- HOW CONTACT AGREED/ NOT AGREED?
- INVOLVEMENT IN DECISIONS?

- WHAT MOST LIKE TO CHANGE?
- ANY BENEFITS IN CHANGES IN CONTACT?
  self, child, mother?

RELATIONSHIP BREAKDOWN

- HOW RELATIONSHIP ENDED?
- CURRENT RELATIONS? (feel about that)
- ANYONE'S FAULT?
- ANY BENEFITS?
  Self; Mother; Child(ren)
  (feelings on that)
- ANY REGRETS?
  (feelings on that)

FATHER'S RESPONSIBILITIES

- HOW SEE MAIN ONES NOW
- COMPARE WITH BEFORE
- CONTRAST WITH MOTHERS
- MOTHERS FINANCIAL RESPONSIBILITIES?
- FINANCIAL SEPARATE OR CONNECTED?

MAINTENANCE

- HOW DECIDE ABOUT?
- HOW IS IT SPENT?
- IDEALLY WHAT SHOULD IT BE FOR?
- HOW PREFER TO GIVE SUPPORT?

GIVING DIRECTLY

- GIVING DIRECTLY HOW IMPORTANT?
- HOLIDAYS HOW IMPORTANT ARE THEY?

- WHAT'S SPECIAL ABOUT HOLIDAYS?
- SATISFACTION WITH GIVING?

FUTURE PLANS

- HOW HAS BEING APART AFFECTED FUTURE PLANS?
  E,G, children, Marriage

BREADWINNER

- WHO MAIN BREADWINNER NOW IN 1ST FAMILY? (feel about that)
- HOW DID ORGANISE MONEY IN RELATIONSHIP?
- WHO WAS MAIN BREADWINNER IN OWN FAMILY? (feel about that)
- SHOULD THEY BE MAIN/SOLE BREADWINNER?

GRANDPARENTS (optional)

- DOES ANYONE ELSE HELP FINANCIALLY OR IN OTHER WAYS?
  eg Grandparents; other family members; stepparents.

VIEWS ON MOTHERS COMPETENCE

- FEEL ABOUT WAY CHILDREN BROUGHT UP?
- MOTHERS MONEY MANAGEMENT SKILLS PRE AND POST SEPARATION

CHILDREN'S STANDARD OF LIVING

- COMPARE PRE- POST
- FEEL ABOUT THAT
- ANYONE'S FAULT?

NEW PARTNERSHIPS/ STEPCHILDREN

- HOW DID REPARTNERING AFFECT RELATIONS BETWEEN EVERYONE?
  - Dad and Child?
  - Dad and X?
  - Dad and New Partner?

- HOW DID HAVING STEP CHILDREN AFFECT RELATIONS?

IN GENERAL CHILD SUPPORT ACT

- HOW FEEL ABOUT PRINCIPLE?
- HOW FEEL FATHERS OUGHT TO PAY REGARDLESS OF THEIR CIRCUMSTANCES?
- MAINTENANCE AND CONTACT NOT LINKED - WHAT DO THEY THINK?
- HOW COULD ACT BE IMPROVED?

ANYTHING ELSE?

QUESTIONNAIRE

INTERVIEW GRP; CI C2 C3 C4

DATE OF INTERVIEW:_____

TIME OF INTERVIEW:_____

LENGTH OF INTERVIEW:_____

PERSONAL DETAILS

NAME :

ADDRESS :

TEL NUMBER :

AGE:_____DOB_____

EMPLOYMENT STATUS

Employed	1	Occupation: _____
Self Employed	2	Occupation: _____
Unemployed	3	
Disabled	4	
Other	5	

.....

CHILDREN AND MOTHERS QUESTIONS FOR GRID

I WOULD NOW LIKE TO ASK YOU SOME QUESTIONS ABOUT YOUR CHILDREN

Q Excluding step-children, how many children under 16, or between 16 and 18 and in full time education, do you have?

No OF CHILDREN_____

Q Taking the oldest child first, what are the names, D.O.B. and sexes of your children?

Q Starting with your oldest children, can you tell me the Christian name of their mother?

PAST RELATIONSHIPS; TAKE THE Mother of the oldest children FIRST

Q What is your current relationship to _____ mother:

1 WERE YOU MARRIED BUT NOW SEPARATED?
2 WERE YOU MARRIED BUT NOW DIVORCED?
3 WERE YOU LIVING TOGETHER BUT NOW SEPARATED?
4 NEVER LIVED TOGETHER/HARDLY KNEW HER---**GO TO CURRENT**

Q Approximately what was the date that you stopped living together WITH _____ (mothers name) AND CHILDREN?

Q And at the beginning of your relationship with _____ approximately what date did you both start living together (or got married if did not live together before marriage)?

Q **For those who were married (codes 1,2 above) ask;** What was the date of the marriage?

Q **For those who were divorced (code 2) ask:** What was the date of your divorce absolute?

CURRENT PARTNERSHIP

Q What is your current relationship to _____ mother:

5 **CURRENT PARTNERSHIP** LIVE TOGETHER BUT NOT MARRIED
6 **CURRENT PARTNERSHIP** MARRIED TO ONE ANOTHER

Q And at the beginning of your relationship with _____ approximately what date did you both start living together (or got married if did not live together before marriage)?

Q What was the date of the marriage?

STEP CHILDREN

Q Do you have any step children living with you?
IF YES

Q Starting with your oldest step child, what are their names, D.O.B. and their sex?

Q And what is the Christian name of their mother?

Q And what is your current relationship to their mother?
1 WERE YOU MARRIED BUT NOW SEPARATED?
2 WERE YOU MARRIED BUT NOW DIVORCED?
3 WERE YOU LIVING TOGETHER BUT NOW SEPARATED?

5 **CURRENT PARTNERSHIP** LIVE TOGETHER BUT NOT MARRIED
6 **CURRENT PARTNERSHIP** MARRIED TO ONE ANOTHER

IF CODED 1-4 STEP CHILD FROM A PAST RELATIONSHIP ASK

DATE SEPARATED
DATE BEGAN LIVE TOGETHER
IF CODED 1,2 DATE MARRIED
IF CODED 2 DATE DIVORCED

.....

GRID OF RELATIONSHIPS

Child's Name	DOB	SEX	Mother's Name	Code Relationship	Date Separated (1-4)	Date began Live together (all)	Date Married (1,2.6)	Date Divorced (2 only)

Codes of mothers' reationship to respondent

1 MARRIED BUT NOW SEPARATED
2 MARRIED BUT NOW DIVORCED
3 LIVING TOGETHER BUT NOW SEPARATED
4 NEVER LIVED TOGETHER/HARDLY KNEW HER**---GO TO CURRENT**
5 **CURRENT PARTNERSHIP** LIVE TOGETHER BUT NOT MARRIED
6 **CURRENT PARTNERSHIP** MARRIED TO ONE ANOTHER

PAST PARTNERSHIPS; MOTHERS WORKING HISTORY

I WOULD NOW LIKE TO ASK YOU ABOUT THE MOTHERS CURRENT EMPLOYMENT SITUATION.

Mothers Name	Work now	Hrs/ Wk	Job/occupation	Work After Birth	Hrs /wk	Job/ Occupation
	Y N			Y N		
	Y N			Y N		
	Y N			Y N		
	Y N			Y N		
	Y N			Y N		

JOB PRE-CHILDREN

TAKING FIRST OR ONLY PAST RELATIONSHIP FIRST

Q1W Thinking of _____ (name of mother from past relationship(s)), does she currently work in paid employment outside the home?

YES NO ---- (go to Q4W)

IF YES

Q2W How many hours per week does she work at the moment?

Q3W what is her job/occupation?

ASK ALL

Q4W Did she work AT ALL after having the Children?

YES NO ---- **(GO TO Q7W)**

Q5W How many hours a week was that?

Q6W What was her job/occupation then?

Q7W What did she work at prior to having the children?

NB REPEAT QUESTIONS FOR MOTHERS IN CURRENT PARTNERSHIP (codes 5, 6) Q THINKING OF YOUR CURRENT RELATIONSHIP.....?

MAINTENANCE PAYMENTS

I WOULD NOW LIKE TO ASK YOU ABOUT ANY CASH MAINTENANCE PAYMENTS YOU MAY MAKE FOR THE CHILDREN FROM YOUR PAST RELATIONSHIP(S)?

Q1M Do you currently pay maintenance for any of your children from your past relationships?

IF NO ---- **(GO TO Q4M)**

.....

IF YES

CURRENT MAINTENANCE

Childs Name	If Pay Maintenance Now?	How Regularly Pay?	How Arrangement Made?
	Y N		
	Y N		
	Y N		
	Y N		
	Y N		
	Y N		
	Y N		

Q2M Starting with your oldest children, how regularly do you pay maintenance?

Q3m How was this arrangement made?

1 Voluntary agreement between yourself and the mother?
2 Voluntary agreement including a solicitor?
3 Through the Court ?
4 Through the CSA?
5 other _____

_____

.....

Q4M Did you ever pay maintenance for these children?

IF NO ---(GO TO NEXT SESSION INFORMAL SUPPORT)

IF YES

PAST MAINTENANCE

Childs Name	If Pay Maint in the Past?	How Often Pay?	How Long Pay For?	How Arrangement Made?	Why Stopped?
	Y N				
	Y N				
	Y N				
	Y N				
	Y N				
	Y N				
	Y N				

Q5M WHICH CHILDREN?

Q6M How long for?

Q7M Why did you stop paying maintenance?

.....

INFORMAL SUPPORT

I WOULD LIKE TO ASK YOU ABOUT OTHER FORMS OF REGULAR FINANCIAL SUPPORT YOU MIGHT GIVE FOR THE CARE OF YOUR CHILDREN FROM PAST RELATIONSHIPS.

QI1 Do you regularly give help for any of the following items?

CHILDS NAME	TYPE OF INFORMAL SUPPORT	LUMP SUM	CAPITAL SETTLEMENT
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		
	1 2 3 4 5 6 7		

RING EACH NUMBER IF GIVE SUPPORT

1 Help with the children's or mothers housing costs?
2 Shopping food/household goods?
3 Clothes for the children?
4 Social events such as clubs, or hobbies/
5 Education costs such as nursery fees, private schooling, extra tuition?
6 Do you take the children away on holiday?
7 Anything else?

_____

_____

LUMP SUM OR CAPITAL SETTLEMENTS

QL1 Thinking back to when you separated from the children's mother, did you give any large sum of money to help with the children either in cash or in terms of handing over a share of the house?

YES
NO------**(check if no current partner 5,6 ask any current relationship?)**

IF YES

QL2 How much in cash?
OR How much in terms of a share of the house?

.....

<u>CURRENT RELATIONSHIPS WITH NO CHILDREN THOSE WITH NO CODES 5, 6</u>

YOU HAVE TOLD ME ABOUT ALL OF YOUR PAST RELATIONSHIPS IN WHICH YOU HAVE HAD CHILDREN, BUT I WOULD NOW LIKE TO ASK YOU IF YOU HAVE A RELATIONSHIP WITH ANYONE AT THE MOMENT?

YES NO ---(GO TO START TOPIC GUIDE)

IF YES

Q When did you start this relationship?

date_____

Q Are you and your current partner;

1 LIVING TOGETHER BUT NOT MARRIED?
OR
2 MARRIED TO ONE ANOTHER?

Q What date did you start living together?

IF MARRIED CODE 2;

Q What date did you get married?
date_____