



Department
for Work &
Pensions

Parliamentary Under
Secretary of State for Work
and Pensions (Lords)
4th Floor
Caxton House
Tothill Street
LONDON
SW1H 9DA

0207 340 4000

www.gov.uk/dwp

Baroness Berridge
House of Lords
London SW1A 0AA

10th May 2023

PRIVATE MEMBER'S BILL – CHILD SUPPORT COLLECTION (DOMESTIC ABUSE) BILL

Dear Elizabeth,

Thank you for your contribution at the second reading debate for the Child Support Collection (Domestic Abuse) Bill that took place on 21st April 2023. I am writing to you as you raised some important points, one of which was outside of my Ministerial responsibilities.

Firstly, you raised a very important point about the work the Department has done to assess and improve its support for customers who experience domestic abuse since the tragic death of Emma Day in 2017. Emma's death was a truly shocking and distressing event. The Child Maintenance Service (CMS) acted immediately to review its processes and procedures to ensure it is doing everything it can to support victims and survivors of domestic abuse to make a maintenance arrangement safely, and to reduce the risk of CMS customers being subject to further abuse through its operations.

On the 1st June 2017, Senior Coroner, Andrew Harris, opened an inquest into Emma Day's death. A Domestic Homicide Review, published by Safer Lambeth Partnership in 2019 made a recommendation for the Department to commission an independent review of the ways in which the CMS support victims of domestic abuse. In Autumn 2021 the government commissioned the independent review following the publication of the coroner's Prevention of Future Deaths report in August 2021. The appointed reviewer, Dr Samantha Callan, was invited to assess the current framework of CMS operational policies and procedures that are intended to provide support and assistance to customers experiencing domestic abuse. This was completed in April 2022 and presented to the Secretary of State in Summer 2022; it was imperative that the process of its development was thorough and unhurried to ensure it was accurate and a true reflection of what improvements we needed to make.

The review report and government response were published on the 17th January. The Review found the CMS to be an agency which has worked hard to develop and improve its domestic abuse practices. We are committed to continually improving our services to victims of domestic abuse. We have accepted eight of the ten recommendations made in the Review and I am strongly committed to implementing these, as soon as possible.

One of those recommendations is to introduce legislative changes to allow victims of domestic abuse to access the CMS Collect & Pay Service where there is evidence of domestic abuse against the other parent involved in a case. This is being implemented through a Private Member's bill, which was introduced in the Summer of 2022 by Sally-Ann Hart MP, Member of Parliament for Hastings & Rye. It has the full backing of HM Government. You also raised an issue about the Domestic Abuse Act 2021, in particular, whether the review of the Matrimonial Causes Act will consider the role of allegations of Domestic Abuse when financial affairs are settled. I needed to consult with officials in Ministry of Justice to provide clarity on this point. Section 25(2)(g) of the Matrimonial Causes Act 1973 sets out that conduct is a factor the court must have regard to when exercising its powers to make financial orders, if the conduct is such that in the opinion of the court it would be inequitable to disregard it.

I can confirm that the Law Commission's Terms of Reference for its review of the law of financial remedies on divorce sets out that the Law Commission will consider specifically whether there is scope for reform in relation to the operation of conduct as a factor to which the court must have particular regard when deciding to make financial remedies orders.

I do hope that this answers your questions.

*My best wishes
James Younger*

VISCOUNT YOUNGER OF LECKIE

PARLIAMENTARY UNDER SECRETARY OF STATE