



*From the Secretary of State for Social Security*

The Rt Hon Sir Geoffrey Howe QC MP  
Lord President of the Council  
Privy Council Office  
Whitehall  
London  
SW1A 2AT

12<sup>th</sup> March 1990

*Jean Geoffrey*

#### LONE PARENTS AND MAINTENANCE

As you know, the Prime Minister held a meeting on 20 February to discuss what measures should be taken to improve the recovery of maintenance from absent parents. It was agreed that my Department would proceed with all speed on the short-term measures set out in my note of 16 February. Some of these require primary legislation and it was agreed that they would be included, where possible, in the current Social Security Bill.

The measures concerned involve:

- i) extending the existing provisions which set out liability when Income Support is claimed by a lone parent to enable the recovery of benefit expenditure to cover the needs of the caring parent. At present, unless the parents are still married, the liable person is responsible for benefit expenditure only in relation to the children of the relationship. The amendment will enable DSS to seek to recover the personal allowance paid to a divorced or never-married lone parent as part of what is recovered for the children as well as the allowances and premiums which directly relate to them. This brings Social Security arrangements into line with those in private law.
- ii) extending the scope of orders taken out by DSS to recover benefit expenditure so that the order can be transferred to the liable person when she ceased to claim benefit. At present the Department's order ends when the claim ceases. The lone parent would therefore need to go to court herself to obtain a maintenance order, which could deter some lone parents from making the transition to independence. The amendment will give DSS power to transfer an order they have taken out to the lone parent herself where this is appropriate.



E.K.

iii) giving DSS power to ask courts to enforce a claimant's own maintenance order. This will enable DSS to take whatever enforcement action is open to the claimant herself. This will remove the need to ask the lone parent to approach the courts.

As discussed at the Prime Minister's meeting, these are important policy developments which will make valuable improvements in the maintenance recovered from absent parents. A few residual technical issues have arisen and I have asked my officials to pursue and resolve these in agreement with colleagues'. They are also in discussions about the resource implications.

I am copying this letter to colleagues on H and L Committees and, unless I hear to the contrary by 2 pm Wednesday 14 March, I will assume agreement, and include appropriate amendments at Report Stage of the Social Security Bill on 28 March. The Government's stand on maintenance and absent parents' responsibility elicited widespread support and I think it is important to maintain the positive impact. I am therefore anxious to make an announcement in good time before laying. My officials will, of course, continue to be in touch with officials in the Lord Chancellor's Department, the Home Office and the Scottish Office.

*[Handwritten signature]*

TONY NEWTON





ccpa  
Lord Advocate's Chambers  
Fielden House  
10 Great College Street  
London SW1P 3SL

Telephone: Direct Line 01-276 6810  
Switchboard 01-276 3000  
Fax 01-276 6834

The Right Hon Tony Newton OBE MP  
Secretary of State for Social Security  
Richmond House  
79 Whitehall  
LONDON SW1A 2NS

Prime Minister?  
CAS  
15/3

14 March 1990

Dear Tony,

**SOCIAL SECURITY BILL: LONE PARENTS AND MAINTENANCE** *in the PM's box.*

*with CAS?*  
For my interest in the enforcement of court orders in Scotland I was glad to see your letter of 12 March about the matters you propose to include in the Bill. Your proposed measures should be useful on a short-term basis before the long-term measures can be introduced.

You mention that some residual technical issues have arisen. I hope that these can be resolved in the near future and that they will not prove, on detailed examination, to be more than merely technical. For example, in Scotland a person holding a court order instructs enforcement without further recourse to the courts. (Hence on the measure iii it may be necessary for there to be some link between the DSS and the maintenance creditor to allow for DSS taking over enforcement of the claimant's own order.) I see no reason in principle why the differences between the two law districts should make for difficulties in framing your provisions but clearly it will be necessary for us to give proper consideration to these differences.

I am copying this letter to colleagues on H and L Committees.

*nb*  
Yours ever,  
Peter

FRASER OF CARMYLLIE







celo



SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

Prime Minister<sup>2</sup>

The Rt Hon Tony Newton OBE MP  
Secretary of State for Social Security  
Richmond House  
79 Whitehall  
LONDON  
SW1A 2NS

As you will see from the  
attached, Mr Newton is  
hoping to table amendments  
to the Social Security Bill  
on 28 March to follow up  
your recent meeting.

14 March 1990

Dear Tony,

MS  
14/3  
Fax copy attached  
hard copy to follow  
tomorrow.

**SOCIAL SECURITY BILL: LONE PARENTS AND MAINTENANCE**

Thank you for copying to me your letter of 12 March with your proposals for the Bill. I welcome your proposals, and I am pleased that your officials will continue to liaise with mine. Some of the outstanding detail will be important. For example, it needs to be clear that the right to recover the mother's personal allowance exists only so far as that allowance reasonably represents the costs of caring for the children. I think, too, that court orders will need to distinguish this amount within the total of the order, since it is this element which will be at issue when the mother comes off income support. We need to ensure that your orders supersede any private law orders in force; and that once they are transferred, they are reviewable in the same way as private law orders. And there ought to be provision for notifying the father of such a transfer.

I register these points simply out of a concern that we do not detract from the credit we will get from these reforms by leaving ourselves open to the charge that we are being unfair to fathers. Recent media coverage of the lone parent issue has clearly identified the potential for such a reaction.

Copies of this go to the Prime Minister, colleagues on F and L and to Sir Robin Butler.

MALCOLM RIFKIND



