

For the Attention of - Sir Stephen Timms

Reporting to - The CMS Select Committee

Introduction

Split the Difference CIC is a human rights organisation that strives to uphold the principles of equality through promoting parity, equity and justice for all.

While we centre our existence around the rights within the family and that of diverse communities, eighty five percent of our work is focused on the inequalities in legislation, guidance, policy and services for boys and men. Fifteen percent of our work supporting women and girls ensuing we hold ethics and values for all.

In raising awareness, we approach governance as a critical friend, understanding that individuals and families, their rights within legislation guidance and policy are often not served or worse still mismanaged.

Purpose

Fourteen months ago, we were approached by a father who'd lost his only child to suicide and two individuals who had been attempting to support him, requesting that our agency investigate and support a campaign to decommission the child maintenance service. Ian Briggs and his only child were both ex-servicemen.

Ninety percent of paying parents managed through the child maintenance service, are men and after evaluating evidence presented as part of the request, we agreed to begin an investigation.

Objectives

To formulate a strategy to raise awareness based on four main objectives

- 1) To formulate a volunteer group of professionals which includes a human rights legal solicitor, legal researchers and volunteers with first-hand experience as non-resident/paying parents and family members who have lost loved ones due to suicide

- 2) Advertise for cases of non-resident/paying and residential parents who have experienced adverse management of the CMS/CSA services, current and historical
- 3) Research and prepare individual cases for legal challenge
- 4) Formulate a media and marketing strategy based on documented fact checked evidence that will enable a trial by media, if/when required

Research methodology – Data Collection

Using qualitative, quantitative and empirical research:

- 1) Evaluate and cross-referenced legislation, guidance and policy management procedures that includes family court, child protection, child benefit, CMS, DWP, U.K.'s Treasury, National audit office, human rights, equality, corporate manslaughter, fraud, duties and legal responsibilities within public office, HR, criminal law, judicial review, declarations of incompatibility and constitutional responsibilities, Coroners and Justice Act, contract and competitive law. Pay attention to include areas of incompatibility, ensure this includes the last three decades of legislative changes.
- 2) Source additional data through FOI requests
- 3) Correlate and review committee reports and Parliamentary presentations. Pay attention to misrepresentation, misinformation, the roles and responsibilities within public office.
- 4) Source additional data through complaints processes, stakeholder involvement for example contractors and subcontractors i.e. SERCO, G4S, Gingerbread etc.
- 5) Collect case studies from historical and current paying and residential parents.

Rationale

Our research and data collection has included the sourcing of qualitative and quantitative data.

Using current and historical cases we have worked in partnership with parents and loved ones who have lost family members due to suicide, structuring the data gathering process, accessing records held by CMS, ICE and other agencies.

Correlating data and using a timeline system we have then taken each individual file mapping the data besides legislation, guidance, policy and procedures based on the individual circumstances of the case.

Where each case has relevancy to external legislation to the CMS for example criminal court, family court, child protection, safeguarding, finance management and more we have incorporated legislative

and procedural requirements looking for appropriate management, failings and incompatibility within the relevant legislation. Where applicable our research has included quantitative data.

Initial assessment of selected cases showed such a gross mismanagement of paying parents cases that our team elected to design a research and evaluation process that would attempt to map and evidence each impact area a paying parents experienced that contributed to total disregard of their rights.

Our research is ongoing and works from a client base of over 75,000 current cases, some systematically documented from evidence leading back 24+ years.

Our research has expanded organically and now includes current and historical contracting and subcontracting private service providers, internal and external reporting mechanisms, the responsibilities of people within public office roles and government departments that manage those roles and processes.

We have documented the involvement of all stakeholders attached to the CMS governance, mapped the involvement of agencies like the national audit office, the treasury, sub-contractors and peripheral services.

Data sourcing through processing and case management

Within the last fourteen months, we have

- 1) From a pool of over 75,000 cases currently being mismanaged by the CMS we have investigated and prepared cases for legal evaluation based on the emergence of systemic illegal managerial behaviours.
- 2) Completed an 18 month study and consultation that has been peer-reviewed on parental deaths associated with the child maintenance services. (Please see attached)
- 3) Supported paying parents in the management of challenging decisions by the CMS, some of these cases span over a 20 year period when the CMS was known as the CSA. This support has meant we have assisted paying parents and family members who have lost a paying parent through suicide in managing the corporate processes available to them which includes but is by no means exhaustive; application processes, requests for calculation, requests for recalculation, direct pay, CMS complaints process, ICE complaints process, external complaints management i.e. contacting MPs, DWP leads, contacting Prime Minister's office, contacting Parliamentary leads, engaging legal representatives.
- 4) We have formulated legal cases which hold unchallengeable, overwhelming evidence that prove the need for; fraudulent investigation by the National crime agency, police and/or the

specific governmental investigation teams connecting with the CPS. Formulation of multiple cases that demand a judicial review, declaration of incompatibility, a review of the coroner's and Justice act and a criminal investigation into this government department and its leadership team's corporate neglect, that has contributed to decades of breaches/behaviours identified within corporate manslaughter legislation.

- 5) We have investigated reporting mechanisms, complaints processes including the involvement of designated employees, Ministers and political parties in power dating back over twenty years. The investigation of the departments and those with responsibilities within public office has included a series of freedom of information requests.
- 6) We have paid particular attention to impact identifying key issues for example, child poverty including second family resourcing, suicide and deaths attributed to parents associated with the CMS, safeguarding of children and adults, homelessness, mental health, loss of employment, loss of the children's right to both parents, the voice of the child, the illegal stripping of parental funds and assets and more.

Preliminary Findings

Within the first three months of our research it was clearly evident that common, systemic misuse and misrepresentation of legislation, guidance and policy within CMS case management systems was being implemented¹.

We found that the CMS operates through a set of mismanagement principles that is so finely defined they are clearly evident in every single case we have investigated. Please note within the library of 75000 current cases, the areas below are part of a common consistent narrative of experience.

They include but are not limited to

- 1) Assessments that calculate parental income up to 300%² more than factually proven, while external monitoring processes for example the NAO believe this figure is no longer being

¹ Images) (IG, "Parents Share 'Horror' Child Maintenance Stories" (*HullLive* June 12, 2020) <<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/child-maintenance-support-horror-stories-4222260>> accessed December 18, 2022

² Sam-Barker, "Parents 'Left Homeless' after DWP Doubled Child Maintenance Payments by Mistake" (*mirror* March 21, 2022) <<https://www.mirror.co.uk/money/parents-left-homeless-after-dwp-26519257>> accessed December 18, 2022

collected, however we have cases on file that show they are continuing to demand debts known to be fictitious, leading low-income parents/families into a never ending poverty trap³.

A prime example of this sits with one of our legally prepared cases that shows in 2006 the CSA attempted to elicit payment for a fictitious debt of £6000. This paying parent challenged the debt and eventually had a positive result where the CSA admitted miscalculation. Fast forward this to 2019 and the same parent received a notification from the CMS stating that the debt had not been paid and therefore the parent now had a debt of £18,000 the CMS subsequently took this parent to court where the magistrate refused to look at the evidence the paying parent held, placed a suspended sale order on his home and is now forcing this parent to pay £500 a month with the threat that if you does not pay the property will be put up for sale immediately without a further court date.

We currently have multiple cases with documented evidence that this is common practice.

- 2) Refusal to complete a mandatory recalculation even when evidence has been shared through HMRC reporting mechanisms, employers and bank statements that there is a 25% difference in current income. Blocking or denying evidential proof is a common practice experienced by all paying parents we are supporting or in discussion with.
- 3) Calculations that take over 40% of the paying parent's income, in one of our cases being prepared for legal action this has resulted in a proven suicide.
- 4) Add in an unproven secondary income to the paying parents account denying HMRC, employers notifications and bank records as proof that the secondary income does not exist.
- 5) Refusal to accept current proven income, instead 'cherry picking' previous income years that show higher income levels for parents, on some occasions up to 5 years.
- 6) Fictitious arrears calculated through more than one method, most recently due to national audit office reporting and challenges on the magnitude on the misreporting of arrears by the CMS we are seeing more cases where the CMS now calculates these fictitious arrears in a way that is hidden to the NAO, a prime example is the increase in cherry picking income years. The NAO now believe the CMS are 99% correct in their calculations, what we have found is by cherry picking previous annual incomes to base their calculations on the CMS is calculating false arrears onto the parents accounts leading the NAO to believe the arrears are correct.

³ "The Hidden Parent Poverty Trap - Centre for Social Justice" <<https://www.centreforsocialjustice.org.uk/wp-content/uploads/2019/03/CM-UC-Publication.pdf>> accessed December 18, 2022

Example – father earned £50,000 in 2018, but now in 2022 he earns £32000, the CMS cherry pick the assessment of income as 2018, calculate arrears from 2018 to 2022, send a letter demanding payment of arrears, parent requests recalculation, CMS refuse, NAO only see annual income and parent account calculation and believe the audit is correct. A purposely hidden misappropriation of parental funds.

- 7) Parents forced onto collect and pay when they have not missed payments, the CMS makes a profit of 20% off the paying parent and 4% off the resident parent⁴,
- 8) CMS's refusal to accept paying parents reporting of a change of circumstances when they have a shared cared arrangement 50-50⁵
- 9) False imprisonment, dominant reason is fictitious arrears but we have more than one case where the CMS has refused to carry out paternity tests. One of our most poignant and damning cases currently is where the CMS have refused the request of a potential DNA test, taken a paying parent to court that has resulted in them being served a prison sentence. On leaving prison this parent managed to secure a paternity test to show they are not the father.
- 10) CMS's refusal to acknowledge second family needs, current cases show second families and their children have been forced into poverty, made homeless, providing unchallengeable evidence of the CMS neglect of child and adult safeguarding needs⁶
- 11) CMS refusal to accept the residential parents increase in income, contributing to gender inequality and discrimination
- 12) Mismanagement within the removal of funds from individual parents accounts. We currently hold cases where CMS are calculating fictitious arrears forcibly removing that figure from personal accounts without notifying parents.
- 13) There is evidence to say that the CMS place more of its resources on putting pressure on paying parents, examples are forcing without need onto collect and pay where they will be required to pay 20% and the resident parent 4%⁷.

We have seen evidence although this needs further research that resident parents when they first approach the CMS for support, their sharing of address, employer details and proof of ex-partners income does not guarantee they will receive the service they require. In fact, we have evidence that

⁴ <<https://publications.parliament.uk/pa/cm5803/cmselect/cmpubacc/255/summary.html>>

⁵ <<https://publications.parliament.uk/pa/cm5803/cmselect/cmpubacc/255/summary.html>>

⁶ "Committees - UK Parliament" <<https://committees.parliament.uk/writtenevidence/106915/html/>> accessed December 18, 2022

⁷ (2017) <<https://youtu.be/082lnT5MJqE>> accessed December 19, 2022

some resident parents are forced to wait up to three years before receiving any financial payments. In some cases, those financial payments are taken from the paying parent but not forwarded to the resident parents.

Since beginning our research we are seeing evidence and corporate patterns of behaviour that paying parents could be referenced as 'low hanging fruit'.

The reason for this is we are seeing an operating system in place for example:

Paying parents who show a commitment to financially supporting their children for between 3 – 5 years, generally on a Saturday morning will receive a letter telling them they have arrears, while there are occasions where the arrears may be relatively low the parameters of the arrears tend to be between £6000 and £18000.

From this point the CMS begins a process of recovery that is never managed in a consistent process and starts years of avoidance, denying the presentation of evidence and forcing parents into poverty by the CMS.

Where unproven fictitious secondary incomes are placed on the paying parents account, we are seeing similar income assessments as the fictitious debts, sitting between the same financial parameters⁸.

This needs further research and assessment, involving data we have been unable to access currently from the CMS.

Examples of the mismanagement and impact are

Case one, father who received notification he had a £3000 debt, he responded by showing evidence he did not owe £3000. The CMS refuse to accept the evidence weeks later removing £20,000 from his ISA savings at which point he had to fight to get that money replaced back into his bank account.

Eventually they repaid him £17,000 refusing to acknowledge documented evidence that the debt was fictitious.

Case two, parent cares for his two sons in a 50-50 arrangement, CMS sent in a letter that he was in arrears, father sent evidence to prove the children were in his care 50% of the time and that the arrears were false. The CMS refuse to accept the evidence went into this father's account emptied his bank account and left him with no money to feed his two sons or to maintain travel getting to and from work, he is now unemployed. This father rung us saying he had no choice but to end his life, on more

⁸ "Committees - UK Parliament" <<https://committees.parliament.uk/writtenevidence/106915/html/>> accessed December 18, 2022

than one occasion we as an agency had to instigate wellbeing checks using police services and involve mental health.

Please note as part of our evaluation of the CMS we have noted systemic, cultural business management processes that consistently show a purposeful objective of gaining fraudulent funds from parents who when placed in a court system, because of the legislation within CMS which prevents magistrates from evaluating the parents calculated evidence, paying parents are then unable to exercise their right to a fair trial.

The mismanagement of legislative duties

While conducting our research for the last fourteen months, we have consistently notified public office leaders, with documented evidence of the illegal mismanagement and misconduct of individuals, departments and stakeholders.

The submission and notification at all levels including the Prime Minister's office and has been conducted for multiple purposes.

- 1) To support victims of abuse from the CMS and to attempt to get their cases highlighted and supported
- 2) To remove the ability of leaders within public office to plausibly denying that they or their offices have been unaware of the gross mismanagement of the CMS service. In fact, we have undeniable evidence dating back to 2010 that leadership within the CMS and individuals situated within public office roles in other departments have known about this and have chosen to knowingly, misinform parliament, the media and other stakeholders.
- 3) To monitor the processing of the evidence we supply, assessing the responses and outcomes of each department and individuals we inform

Sections we hold evidence that proves misconduct of named officers within public office are related to

Misconduct in a public office

- a public officer acting as such;
- wilfully neglects to perform his duty and/or wilfully misconducts himself;
- to such a degree as to amount to an abuse of the public's trust in the office holder;
- without reasonable excuse or justification.

Evidence held of those informed of the illegal mismanagement of the CSA/CMS since 2010 are:

While we have consistently shared evidence with leaders within public office, we also hold a library of contact from volunteers dating back 12 years. Leaders in public office who were informed of the gross misconduct of the CMS are:

- Theresa May
- David Cameron
- Nick Clegg
- Boris Johnson
- Arlene Sugden (Director of Child Maintenance Group)
- Theresa Coffee
- Debra Steadman Scott
- Will Quince
- Peter Schofield (Permanent Secretary for DWP)
- Iain Duncan Smith
- Marion Fellows
- Deborah Stedman-Scott
- Tom McCormack (Director of Child Maintenance Group)
- Noel Shanahan (Director of Child Maintenance Group)
- MP's (we as an agency have connected with multiple MPs, this is also a first port of call for parents)

Examples of areas within legislation ignored or breached by the CMS management systems, this is a representative list and does not reflect all areas of the legislation, guidance and policy that are being misused

1. Human Rights Act 1998⁹ – Article, 2, (right to life) 3, (prohibition of torture includes psychiatric torture) 6, (Right to a fair and public hearing) Section 6 of the act (acts of

⁹ Participation E, "Human Rights Act 1998" (*Legislation.gov.uk* November 9, 1998)
<<https://www.legislation.gov.uk/ukpga/1998/42/contents>> accessed December 18, 2022

meaning of public authorities) (link from Gavin's site -

<https://www.legislation.gov.uk/ukpga/1998/42/section/6>

2. European Convention of Human Rights (prior to December 2019 this was applicable and public office was notified within relevant timescales. The Charter of fundamental rights of the European union.)
3. Statute of Rome/International Criminal Court Act 2001¹⁰. Please refer to Article 7 of the Statute of Rome and Schedule VIII¹¹ of ICCA 2001¹²
4. Universal Declaration of Human Rights¹³ Article 25.
5. The Commonwealth Charter¹⁴ (rule of law, separation of powers, human rights)
6. Corporate manslaughter and corporate homicide act 2007
<https://thecommonwealth.org/charter>
7. Inquiries act 2005 (formal requests to ministers to investigate have been made)

Case law is also being denied or ignored when this should be applied, steam roller affect

- Gibbons and Karoonian v CMEC 2012. Right to fair trial and hearing
<https://www.familylawweek.co.uk/site.aspx?i=ed104067>
- Donaghy v DWP 2018 The statutory child maintenance application for liability order under section 33 of the child support act 1991 should be adjourned pending completion of the review <https://www.familylawhub.co.uk/default.aspx?i=ce6865>
- PJG v Child Support Agency [2006] EWHC 423 (Fam) Appeal against a CSA liability order on the grounds that the amount of the liability was inflated.
<https://www.familylawweek.co.uk/site.aspx?i=ed570#:~:text=PJG%20v%20Child%20Support%20Agency%20EWHC%20423%20%28Fam%29,route%20for%20any%20appeals%20against%20CSA%20liability%20orders.>

¹⁰ "International Criminal Court Act 2001" (*Legislation.gov.uk*)
<<https://www.legislation.gov.uk/ukpga/2001/17/contents>> accessed December 18, 2022

¹¹ Participation E, "International Criminal Court Act 2001" (*Legislation.gov.uk*)
<<https://www.legislation.gov.uk/ukpga/2001/17/schedule/8>> accessed December 19, 2022

¹² "<http://www.justice4gavinbriggs.Com/p/Crimes-against-Humanity.html>"

¹³ "Article 25: Right to Adequate Standard of Living - standup4humanrights.Org"
<<https://www.standup4humanrights.org/layout/files/30on30/UDHR70-30on30-article25-eng.pdf>> accessed December 18, 2022

¹⁴ "The Commonwealth Charter - Globalwps.org"
<<https://www.globalwps.org/data/GBR/files/Commonwealth%20Charter.pdf>> accessed December 19, 2022

Karoonian v CMES;Gibbons v CMES [2012] EWCA 1379¹⁵

Additional Information on Case Law

The appeal was focused on two fathers under scrutiny by the CSA for alleged non-payment of child maintenance: Christopher Gibbons who was appealing against a prison sentence of 21 days, suspended for 11 years and Kambiz Karoonian of Ormskirk, appealing against a suspended sentence of 42 days. The CSA claims that Mr Karoonian owes more than £10,000 in child maintenance arrears but he denies this.

Amongst other criticisms, Lord Justice Ward said the wording of court summons sent to the two men had wrongly implied that they bore responsibility for proving that they did not owe the money claimed, thereby reversing the traditional legal burden of proof, when it is up to the accuser to prove their claims.

The Latin expression sometimes used to define the concept of 'innocent until proven guilty' is: *Ei incumbit probatio qui dicit, non qui negat* (the burden of proof lies with who declares, not who denies).

<https://www.familylawweek.co.uk/site.aspx?i=ed104067>

Additional useful examples of actions, evidence and resources Split the Difference is currently holding

- 1) Email trails dating back to 2010 proving leadership within public office and CMS teams who have known the magnitude of mismanagement of this service.
- 2) Portfolio of evidenced of complaints made within the CMS, CSA and ICE.
- 3) Presentations and committee interviews within the parliamentary process.
- 4) Evidence of misreporting that purposely excludes known misconduct, known misuse of powers, known miscalculations of funds that have been presented to review stakeholders and committees within Parliament
- 5) Current case law.
- 6) Contract and stakeholder management, please note our research has organically evolved, broadening to include and in-depth evaluation of stakeholder and public office influencers in relation to political and private contract management creating a portfolio of coercive manipulation in the misuse of powers of those within public office.

¹⁵ "Karoonian v CMEC; Gibbons v CMEC [2012] EWCA Civ 1379" (*Family Law Week: Karoonian v CMEC; Gibbons v CMEC [2012] EWCA Civ 1379*) <<https://www.familylawweek.co.uk/site.aspx?i=ed104067>> accessed December 19, 2022

<https://web.archive.org/web/20121024145535/http://www.publications.parliament.uk/pa/cm/201012/cmselect/cmworpen/uc1047-ii/uc104701.htm>

- 7) Statement from Noel Shanahan: "I think there are some severe question marks over the figure of 3.8. The work that the Department and CMEC have done identifies that, going back many years, we used to create something called an interim maintenance arrangement. Essentially it was a number that was brought up to say to the non-resident parent, "This is how much you will have to pay," and used as a bit of a lever when they would not give us their pay and information, which we have to ask for. [So actually it was inflated, and it seems to be inflated by about 300%. When they did not pay, all those numbers have gone into the arrears. The truth is actually those arrears are somewhat inflated because of the tools that we used up to 18 years ago.](#)
- 8) Children in Poverty - <https://committees.parliament.uk/committee/164/work-and-pensions-committee/news/172930/children-in-poverty-and-the-child-maintenance-service-work-and-pensions-committee-to-hold-first-oral-evidence-session/>
- 9) From the case that started our research - [Justice 4 Gavin Briggs: People Wrongly Forced onto Collect and Pay](#)
- 10) Collect and Pay has increased from 2014/15 £1.97 million to 2019/20 £41.54 million from <https://researchbriefings.files.parliament.uk/documents/CBP-7774/CBP-7774.pdf>
(as shown in the screenshot above See page 12)
- 11) This link contains the screenshots of paying parents complaints regarding the forceful use of collect and pay) also Margaret Ferrier MP talking about the CMS encouraging Receiving Parents to use Collect and Pay.
<http://www.justice4gavinbriggs.com/p/people-wrongly-forced-onto-collect-and.html>
- 12) This is a link to the article by Voice of the Child which was removed from the internet by the CMS and Gingerbread, this exposed the Director Tom McCormack instructing his staff to push people onto Collect and Pay thankfully the page is on the web archive obviously this page was embarrassing for the Child Maintenance service
<https://web.archive.org/web/20191203151725/https://voiceofthechild.org.uk/cms-collect-and-pay-targets-and-leadership-performance-meetings/>

Second article on voice of the child

https://medium.com/@VOC_ORG/which-hmrc-tax-year-should-the-cms-use-for-calculations-25b2944fa75e

- 13) Paying parents are being wrongly forced on to collect and pay – Without missing payments which is the criteria for being forced onto this payment method. Here is a link to statements - [Justice 4 Gavin Briggs: People Wrongly Forced onto Collect and Pay](#) This evidence is found in the minutes of team meetings for the CMS, (Tom McCormack) and in the cases we hold.
- 14) Fraud – One of the evidence strands can be found in the proof communicated to people in public office through liability orders, dates on orders are incorrect, they eventually admitted wrongful enforcement and inaccurate, misleading information. Liability orders always incorrect with highly inflated areas and breach of article 6 human rights act 1998, also a breach of the separation of powers as an executive agency has been given legislative powers by the legislator, to tie the hands of the judiciary and this compromises the decision making and independence of the judiciary this is unconstitutional.
- 15) Incompatible with Human Rights - legislation states that Magistrates Courts are not allowed to look at evidence challenging the CMS calculation. Magistrates thus are simply rubberstamping orders.

Section 33 subsection 4 Child Support Act 1991 This section prevents the Magistrates Courts to question the calculations of the CMS. This is open to abuse by the CSA/CMS as they knowingly make applications for liability orders with highly inflated arrears. It is also stated in the Donaghy v DWP 2018¹⁶ case <https://www.familylawhub.co.uk/default.aspx?i=ce6865>

section 33 of the Child Support Act. Section 33 says in respect of liability orders:

"This section applies where:

(a) a person who is liable to make payments of child support maintenance ("the liable person") fails to make one or more of those payments; and

(b) it appears to the Secretary of State that

(i) it is inappropriate to make a deduction from earnings order against him (because, for example, he is not employed); or

¹⁶ "Family Law Hub" (*Donaghy v DWP [2018] EWFC B73*)

<<https://www.familylawhub.co.uk/default.aspx?i=ce6865>> accessed December 18, 2022

(ii) although such an order has been made against him, it has proved ineffective as a means of securing that payments are made in accordance with the maintenance assessment in question."

In correspondence from the CSA/CMS regarding liability order hearings it states that the Paying Parent does not need to attend, this indicates that these liability order hearings are administrative and the CSA/CMS are going to get the liability order granted regardless even though the arrears are grossly and deliberately inflated. Arrears are inflated so the CSA/CMS can recover the £3.8 billion of unpaid child maintenance, however, the £3.8 billion is not owed as it was created by Interim Maintenance Assessments being inflated of up to 300% an explanation of what has been happening regarding fictitious arrears is here

<http://www.justice4gavinbriggs.com/p/fictitious-arrears-interim-maintenance.html>

It is important that the content of the above link is read as it has transcripts from parliamentary oral hearings with the CSA/CMS and the Work and Pensions Select Committee and the National Audit Office reports where they indicate the CSA/CMS has been distributing the £3.8 billion into Paying Parents accounts even though they are fully aware the debt is not owed and is uncollectable.



Dear Mr Lynch

Thank you for your response, I am not a constituent of Mrs Miller but I do have concerns over her conduct. In on the 15th June 2011, she attended a meeting with Noel Shanahan director of the CSA/CMS. At this meeting, Noel Shanahan brought to her attention that most of the £3.8 billion of child support arrears weren't enforceable due to them being created by interim assessments and inflated of up to 300%, basically, they were fraudulent. My question is, why did Mrs Miller take no positive action and to instruct the government to write off these fraudulent arrears and she allowed the CSA to add fraudulent arrears to all NRP's accounts in an attempt to collect the £3.8 billion of false arrears? This is fraud and as Mrs Miller was aware of the arrears being fraudulent and she took no action, I believe her inactions constitute willful neglect of which is an element of misconduct in a public office. It is only now the government have started to write off these fraudulent arrears, it is now 2019 and they were made aware of these fraudulent arrears in 2011, why was this issue not addressed back in 2011?

I would like an explanation from Mrs Miller, I also believe that she has breached the Ministerial Code - Ministers of the Crown, I am also aware of her dishonest expenses claims of which were fraudulent, this conduct is misconduct in a public office!

16) Other good Human Right violation examples

Article 8 Human Rights Act 1998 is breached when the CSA/CMS send threatening and menacing correspondence demanding monies that is not owed – inflated arrears, texts are also

sent to the Paying Parents over weekends which has a negative impact on the mental health of the Paying Parents these are tactics acquired from the Nudge Unit

<https://www.instituteforgovernment.org.uk/explainers/nudge-unit>

https://en.wikipedia.org/wiki/Behavioural_Insights_Team

Evidence of psychological warfare on members of the public is occurring.

Article 3, 4 ECHR

Article 25 UDHR <https://www.un.org/en/about-us/universal-declaration-of-human-rights> as well as the right to a fair trial/ hearing Articles which are mirrored in the ECHR and Human Rights Act 1998

17) Decision Makers Guidelines - Volume 1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096149/volume-1-basic-principles.pdf

Collect and Pay

Chapter 16 - Charging and Application fees page 90

Collection Charges subsections 16022 – 16030

Collect and pay are only to be used if parents have missed payments and it should only last 6 months and after the 6 months the arrangement needs to be revised, this isn't happening.

Parents are being left on Collect and Pay for years (Both Parents are charged if on Collect and pay). Paying – Section on guidelines 2012

18) Craig Bulman's case <https://gary-chick-csa-corruption.blogspot.com/p/the-broken-biased-csacms-complaints.html?m=1>

19) Our work has resulted in Split the Difference being asked to pick up a follow through on threats of suicide. We hold documented evidence of the suicide prevent support we have had to provide on numerous occasions.

National Audit Office¹⁷

Over the last 14 months one of our researchers has maintained a project focusing on the financial management of the CMS. As part of this project he has studied National Audit reports dating back 12

¹⁷ "National Audit Office (NAO)" <<https://www.nao.org.uk/wp-content/uploads/2022/03/Child-Maintenance.pdf>> accessed December 18, 2022

years and has written to the National Audit Office requesting specific data to enable us to understand the false accounting systems within the CMS and the false reporting of those in public office roles.

Included in the email requests we have made freedom of information requests to relevant stakeholders within these auditing processes.

While the evidence is grossly damning, showing the misrepresentation, miscalculation, misinformation being delivered to the public and Parliament, key facts, that may be relevance within this report are:

The National audit office has confirmed via email that there was never a debt of 3.79 billion, they believe the real calculation is 300 million.

Through our case studies we have evidence that shows there are occasions where monies collected from paying parents from fictitious depth and overinflated income is not always paid to the residential parent.

We hold a catalogue of misinformation that is contradictory and unvalidated, for example when the CSA was reported to have been decommissioned, statements were made that cases were closed.

Reports to Parliament and associated committees reflect that as a data management process when cases are closed they are deleted after 14 months, however we are working on cases where the CMS, leaving gaps of up to 18 years have now re-engaged with what is supposed to be closed and satisfied accounts, re-engage in and sending penal intentions to reclaim fictitious debts.

Our research into the financial management internal to the CMS and external through is auditing processes have left us with many questions.

For example:

- 1) If reports are correct what evidence do the CMS hold that enables them to re-engage what should be deleted accounts that have been satisfied?
- 2) Who is the recipient of the debt when we are told through other processes no files are kept after 14 months? One of the examples of our current paying parents is a falsified debt which the CSA sent confirmation that they agreed it was fictitious. The figure originally dismissed by the CMS was £6000, once they reengaged with the paying parent, reinstating the fictitious debt they added an additional £12,000 on top of this as interest on the arrears.

Please remember that the CMS is a profit-making agency and will take 20% of that from the paying parent. In this case the child is now 23 years old no calculation was made on the mother's income and we have no evidence that the £500 per month that they are taking from

him is being paid to either the mother or the adult child. He is living under a suspended sale order if he defaults.

- 3) Why are the processes of fact checking absent from Parliamentary scrutiny, example, we have content from the Erskine May Parliamentary Practice sent from the HOC showing dishonest and misleading. This is a breach of the Perjury Act 1911 which can hold up to 7 years imprisonment?
- 4) Why is the child in the resident parents case worth more than a second family child, this is evident in every single second family home we have assessed?
- 5) Linked to above, why is the assessment process on paying parents not done aligning with the government's evaluation on what payment a child can live off?

In relation to suicides that we know the CMS are responsible for; we have made formal requests with the CMS to provide us with annual statistical evidence taken from death certificates which are required to be provided to the CMS when a paying parent dies. The CMS are refusing to share this data.

This section of our work is attached to evidence we are processing in regards to corporate manslaughter, fraudulent activity within the CMS, (concerns of this highlighted in the National audit office reports) and evidence showing key leadership within public office roles who are/have grossly neglecting their duties.

For more information we have provided a link to an interview with Noel Wilcox a contributor to our research in this area, you can find this below.

Current activity for split the Difference

- 1) Managing a portfolio of active cases prepared/being prepared for legal challenge targeting various breaches within legislation
- 2) Supporting an active complaint of governmental fraud with Action Fraud and Essex Police.
- 3) Support a current Legal challenge on the misuse of child benefit legislation
- 4) Building a portfolio of cases evidencing corporate manslaughter
- 5) Building marketing/media resources to raise awareness, including working with mainstream media

Examples of media

- 1) Noel Wilcox talks to Alex Reid on the Failings of the CMS and the National Audit Office reports - <https://youtu.be/cFL2XxtwmS0>

- 2) Ian Briggs talks to Alex Reid on the suicide of his only child and how the CMS's left him with less than £200 to live on every month before he ended his life - <https://youtu.be/D8noVlvtwrE>
- 3) Brian Hudson, volunteer research presents his peer reviewed research on how there are over 1000 additional deaths per year attributed to parents attached to the CMS in comparison to general population statistics - <https://youtu.be/werwdgNYrW4>
- 4) Ian Briggs, volunteer research is interviewed by Anne Widdecomb on the loss of his son <http://www.justice4gavinbriggs.com/p/email-to-anne-widdecombe.html>

Conclusions and Recommendations

The evidence we have researched and correlated has been compiled from a team who have a broad-spectrum of knowledge and experience that includes government consultation processes, for example the formulation and review of legislation guidance and policy and the delivery of procured government services. Included in this we have a portfolio of cases formulated for legal challenge but most importantly providing a magnitude of evidence that shows the CMS not only negates its responsibility to legislation, guidance and policy, but also does that knowingly.

This report is designed to give the select committee an overview of some of the components where breaches of law and the U.K.'s constitution can be clearly seen. This document reflects approximately 25% of our work to date.

We recognise that while we are happy to share our data this would be better placed within a structure that enables us to present the evidence in a clear way allowing the select committee the opportunity to not only understand each area and its significance within the legal, financial, emotional, physical and mental abuse the parents have experienced but also to enable the committee to ask questions and fact check the work we have done.

We have systematically evaluated each area contributing to the management of the CMS, all stakeholders, their responsibilities and the impact on families, and have started to take legal challenges.

Media

As part of our strategy to raise awareness on human rights violations and the management behaviours the CMS has maintained for three decades, incorporating the profit-making activities of what can only be called a rogue governmental department, our evidence has been reviewed by a number of mainstream investigative journalists and academics.

Their evaluation of our evidence has concluded that what we hold can only be aligned with the US governments Watergate Scandal.

In reality, evidence of the gross mismanagement of this agency is visible in every single department and the connected stakeholders we have investigated.

A significant grounding to how simple it would be to remove all the facets that enable those in public office and the private contracting agencies who financially benefit from delivering this service, would be to question why the paying parent's financial obligation is not assessed using the same system the DWP uses to operate Universal Credits.

HMRC through employer management and reporting mechanisms required from employees enable income to be calculated monthly. Through our research we have found that this system is available and could be used within the child maintenance service. It would enable paying parents through HMRC reporting to have their income accurately assessed month by month, disabling the 'cherry picking' of income years, the falsifying of over inflated or secondary income and the loading on accounts of fictitious arrears.

This system has been in operation in the UK for over a decade and has enabled the government to prevent the overpayment of benefits. You have to ask, when these systems within the employers requirements, HMRC requirements and the universal credit system are operating for 5.6 million households every week what is the CMS gaining by not enable paying parents to be assessed utilising this system every month.

The answer could lie within the latest published running costs of the CMS service, understanding that a large proportion of this service is paid to private contractors and according to recent publications equates to:

£40 million in 20-21, Profit from paying and resident parents

£322 million cost to taxpayers

Data Source - <https://www.nao.org.uk/wp-content/uploads/2022/03/Child-Maintenance-Summary.pdf>

In addition to this, currently moneys paid from paying parents to resident parents is not calculated by the government as part of the resident parent's income.

From the beginning of our project, through a communication strategy we have consistently notified leadership individuals and teams within public office. Shared our research and evidence from parents, loved ones, government agencies and stakeholders. The evidence and actions we have taken has contributed to the removal of plausible deniability for these public office individuals and teams.

Split the difference will not stop until every parent and child who has been harmed has their voices heard. The loss of children or parents to suicide, lost assets, employment, homes, businesses, children

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and families forced into poverty is not acceptable from a government process that by its very existence was meant to support the needs of families at their most difficult point of transition.

We understand that the select committee received a report from Dr Christine Davies in her document she says: "I am a Senior Lecturer in Applied Mathematics at Royal Holloway University of London, now retired but retaining an honorary position. My interest in child maintenance was prompted in 2011 through the case of a particular individual who could not possibly pay what was asked of him. My investigations revealed serious flaws in the regulations used to calculate the child maintenance liability. These flaws mean that child maintenance liabilities are unaffordable for those on low income. Moreover, the interaction between child maintenance with the welfare system gives a situation in which work does not pay."

We value Dr Davies's input into the select committees procedure and are keen to promote a more effective solution for all parents. (Please see attached)

We are seeking accountability and believe the only choice the government has now, is to follow through with the requests we have consistently made over the last 14 months.

To instigate

- **A full criminal investigation of Public Officers and contract leads.** The evidence we hold is a catalogue of three decades of mismanagement highlighting the abuse to parents and children by a government department. Ignoring fact and evidence leaves the committee open to challenge if it does not take suitable measures.
- **A full Independent public enquiry.** The conduct of leadership and the subcontracted agencies within this department of the DWP has been permitted for nearly 3 decades to implement policies and procedures that directly go against UK legislation, human rights and financial management. The abuse crosses over from statutory and private and third sector. The CMS, ICE and the penal management of this department within the DWP has an overarching management system that does not have the appropriate level of accountability in place. We ask that a full independent enquiry is commissioned which would include independent scrutiny members like ourselves to act as a critical friend.
- **The decommissioning of the CMS services.** While the UK believed the CSA was decommissioned and replaced by the CMS in 2012 in fact evidence shows that what took place was a rebranding exercise in fact the CMS bank account another management systems case management protocols and other areas within the ending of the CSA and the beginning of the CMS confirms this. What we know from history and our research, is those in leadership of this

organisation clearly do not have the skills, knowledge all credibility within their duty to manage a service instead it has been used to destroy families. In every area within their case management system what we are seeing is an archaic broken service and from our evidence we can only come to one conclusion that this is intentional when evidently the DWP has been operating effective month by month employment systems that enable universal credit equations to work in a very streamlined effective way in comparison.

All the sections shared within this document can be evidenced, we have consistently fact checked to the best of our ability, unfortunately with the misrepresentation of evidence, and conflicting data releases by stakeholders there are occasions where there is differentiation particularly within CMS publications.

Split the Difference would like to request inclusion/participation as a stakeholder with any future consultation processes.

CMS Project Team Members

Lived Experience/Support Volunteers

Ian Briggs – Promoting the voice of his son Gavin Briggs (Suicide victim of the CMS) Research Volunteer

Joanna Smith – Promoting the voice of her brother Jonny O’Neill (Suicide victim of the CMS) Research Volunteer

Legal Team

Arpu Kumar – Human Rights Solicitor

Craig Bulman – Legal Research Volunteer (Subject area - legislation, guidance and policy management, constitutional governance, and international law)

(Split the difference has now engaged a Solicitor’s practice and London based Chambers)

Research Team

Noel Wilcox – Research Volunteer (Corporate and contract management including fiscal, regulatory action)

Brian Hudson – Research Volunteer (Author of the research report, Parental Deaths and the Child Maintenance Service)

Strategy and Project Management

Sally-Anne Burris – Company Director for Split the Difference CIC

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Media Team

Alex Reid – Journalist/Presenter

Andy Blythe – Video Production

Lee Stafford – Media Volunteer

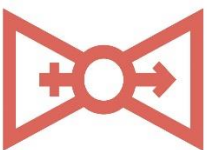
We request the opportunity to meet with the committee to enable parent's voices to be heard. We would like the opportunity to share the evidence and knowledge we hold from cases and the scrutiny of malpractice within the CMS, stakeholders and those within public office.

We feel that it is in the best interest of the committee to understand the magnitude of the damaged caused particularly with pending legal action.

Sally-Anne Burris



Company Director



Email: sally.burris@split-the-difference.com

Website: www.split-the-difference.com