

CMDMG – Volume 7: Evidence and decision making

Summary of changes from July 2022

Amended Chapters March 2024

Chapter 99 Evidence and Decision making

Amendments to paragraphs 99004 and 99006 - broken links

Chapter 96: Evidence and Decision making

New content added after examples at paragraph 96044.

Financial Investigation Unit

96045 The Financial Investigation Unit's (FIU) role is to investigate allegations of Fraud and Financial Inaccuracies that impact the amount of child maintenance due to be paid/collected.

96046 Referrals to the FIU can be made at any point in the lifespan of the child maintenance case. Whilst the investigation is ongoing the case will be maintained by caseworkers and all standard activities such as annual reviews, change of circumstances and enforcement will continue.

96047 The FIU investigate income related misrepresentation, fraud and diversions, and a wider variety of allegations including, but not limited to;

- Allegations of fraud when attending or supplying a DNA test
- Allegations that the paying parent is a complex earner and has failed to report their true level of income.
- Challenges to the income used by CMS from HMRC, not being reflective of the NRP's true earnings. Including instances when a variation for unearned or diversion of income has been completed but the outcome is subsequently challenged.
- Employers who fail to comply with deduction from earnings orders (DEO)
- Offences that relate to client status, for example:
 - A Qualifying Child (QC) may no longer be a QC
 - The QC may no longer be in the Parent With Care's (PWC) household

- A CIFBA (Child In Family Based Arrangement) is reported instead of a ROC (Relevant Other Child)

96048 FIU will gather evidence independently from a range of sources, in line with legislation. Where evidence indicates a discrepancy in the information used in the maintenance calculation, the subject of the investigation will be invited to attend an interview.

The individual will have the opportunity to provide evidence/representation, which will be reviewed before a decision is made. Where information used in a maintenance calculation is found to be incorrect the FIU will direct a change to the maintenance calculation. All actions and decision made by the FIU will be documented on the FIU systems.

Where evidence shows the individual is suspected of committing a criminal offence, the investigator will refer the case to the Crown Prosecution Service or the Crown Office and Procurator Fiscal Service (COPFS) in Scotland. The Crown Prosecution Service or COPFS will consider the evidence presented and decide if prosecution is appropriate

Amended Chapters February 2024

Chapter 96: Evidence and Decision making

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Amended Chapters July 2023

Chapter 97: Evidence – Income

Minor amendment made to the note at para. 97049.

Amended Chapters June 2023

Chapter 98: Evidence – Variations

New paragraph added 98025a

Amended Chapters September 2022

Chapter 97: Evidence – Income

Paras. 97035, 97049 and 97051 amended.

Amended Chapters July 2022

Chapter 97: Evidence - Income

Note added after para 97011A for caseworkers to refer to 97022 when dealing with verbal confirmation of changes to income.