

A guide to visits by Child Maintenance Service investigating officers

This factsheet is about investigating officers from the Child Maintenance Service.

It tells you about:

- the powers that our officers have to arrange and carry out visits
- your rights
- your legal duty to give our officers the information they ask for.

Who appoints investigating officers and why?

The Child Maintenance Service appoints investigating officers to gather information that we need to help us with setting up, managing or enforcing child maintenance. These appointments are made under Section 15(1) of the Child Support Act 1991 ('the act').

Our officers will usually ask you for information about a 'paying parent'. This is what we call a parent who doesn't have the main day-to-day care of his or her children and is expected, by law, to pay child maintenance for their children.

The Act gives an investigating officer the power to make enquiries about a paying parent at premises where:

- he or she works, or has worked[†]
- information about him or her has been gathered through a business, trade, profession or vocation.

[†]This can be somewhere they are employed or have been employed; or where they follow, or have followed, a trade, profession, vocation or business.

What power does an investigating officer have to enter my premises?

The Act gives our officers the power to visit any premises that aren't solely used as a dwelling house, if we believe that there is information there that can help us carry out our duties under the Act.

Our officers are allowed to do this at any reasonable time. They can ask to see any documents and can ask any questions that might help them to gather the information we need. They can question anyone who is over the age of 18.

Our officers can't force entry into premises and they can only stay with the permission of the owner or occupier, or their representative. If you ask the officer and anyone with them to leave, they will do so. However, if the officer believes that you have asked them to leave to deliberately delay them or to stop them using their powers, we can consider taking legal action against you.

Will I be told that an investigating officer will be visiting my premises?

Our officers will always try to let you know that they plan to visit. However, the officer does not have to do this by law.

Our officer will usually send you a letter to tell you:

- the date and time of the visit
- who the paying parent is
- what information they will need.

If you are sent a letter and the appointment isn't suitable, you can call the officer to arrange a different one. You will find the phone number you need on the letter the officer has sent you.

Will the investigating officer have an identity card that I can see?

All our officers carry an identity card and a certificate of appointment. They will show you these before they ask questions or look at documents. If they don't show you these documents, you must ask to see them.

Sometimes there may be another person from one of our offices with the investigating officer. This person will also be able to show you proof of their identity.



What information could I be asked for?

Examples of information our officers might ask for about a paying parent include:

- wage or salary details
- dates that he or she has or hasn't worked
- details of whether he or she is an employee, a sub-contractor or self-employed
- bank account details, including account numbers and addresses
- mortgage accounts and payments
- National Insurance number
- home address or other contact details
- date of birth
- driving licence details
- pension payment details
- whether or not he or she has a partner.

As well as these things, an investigating officer can ask for any information that is relevant to an application for child maintenance or is needed under the Act.

Will the investigating officer take information away?

If our officer can't copy information at the time of the visit, they will explain why they need to take it away and when you can expect to get it back. The officer will give you a receipt for any documents they take away.

Our officers can't remove any information or documents unless you give them permission. However, we can consider taking legal action against you if the officer believes that you have refused to give them permission deliberately, to delay them or to stop them using their powers.

What are my legal responsibilities for giving information to the Child Maintenance Service?

Under the Act it is an offence for anyone to:

- deliberately delay or obstruct an investigating officer in carrying out their duties, or
- without a reasonable excuse, refuse or fail to answer any questions, or
- without a reasonable excuse, refuse or fail to supply any information, or to produce any document when we ask for it.

If you commit any of these offences, we can take you to court. If you are found guilty, the court can fine you up to £1,000.

If you refuse to give information, our officer will explain what information the law says you must give and what action we can take if you still refuse.

However, no one has to give any information, either written or spoken, that might incriminate themselves, or their wife, husband or civil partner.

You may want to get independent advice before you give our officer the information or documents they have asked you for. You can ask an investigating officer to leave the premises if you want to get independent advice. If you do this, we don't normally consider you to have deliberately delayed an officer or stopped them using their powers.

How will you use and store the information I give you?

We need personal information about our clients to provide our services, and to prevent and detect fraud. We only collect and use this information in ways the law allows. We use and store information in line with the Data Protection Act 1998 (DPA). The DPA means that we must make sure we collect and use the information we have correctly.

The Child Maintenance Service is the government's child maintenance service, and the Department for Work and Pensions is our 'data controller' under the DPA. The Department's registration as a data controller is in the Public Register of Data Controllers at www.ico.gov.uk.

What about my own duties under the Data Protection Act?

If you are a data controller under the DPA you must make sure that you follow the DPA when you process personal information. Under the DPA you would not normally be allowed to disclose the type of information our investigating officers ask for. However, Section 35 (1) of the DPA allows you to do this, because you have a legal duty to disclose the information under Section 15 of the Child Support Act.

How do I complain about a visit from one of your investigating officers?

If you are not happy with the way an investigating officer uses their powers, or the way they have behaved, you can make a complaint. To make a complaint you should contact us either by phone on **0800 171 2345*** or by writing to us at:

Child Maintenance Service 21
Mail Handling Site A
Wolverhampton
WV98 2BU

Where can I get more information?

Visit www.gov.uk/child-maintenance for more information, or call us on **0800 171 2345*** if you have any questions.

Important information about this factsheet

This factsheet is only a guide and does not cover every circumstance. It only refers to the statutory child maintenance scheme provided by the Child Maintenance Service. It does not refer to any child maintenance schemes provided by the Child Support Agency. 'Statutory' means set up under the law.

We have done our best to make sure the factsheet is correct as of September 2018, but it may not reflect changes to the law or our procedures after this date. You may want to get independent advice before making financial decisions based on the content of this factsheet.

*Call charges

Calls to 0800 numbers are free from landlines and mobiles.