

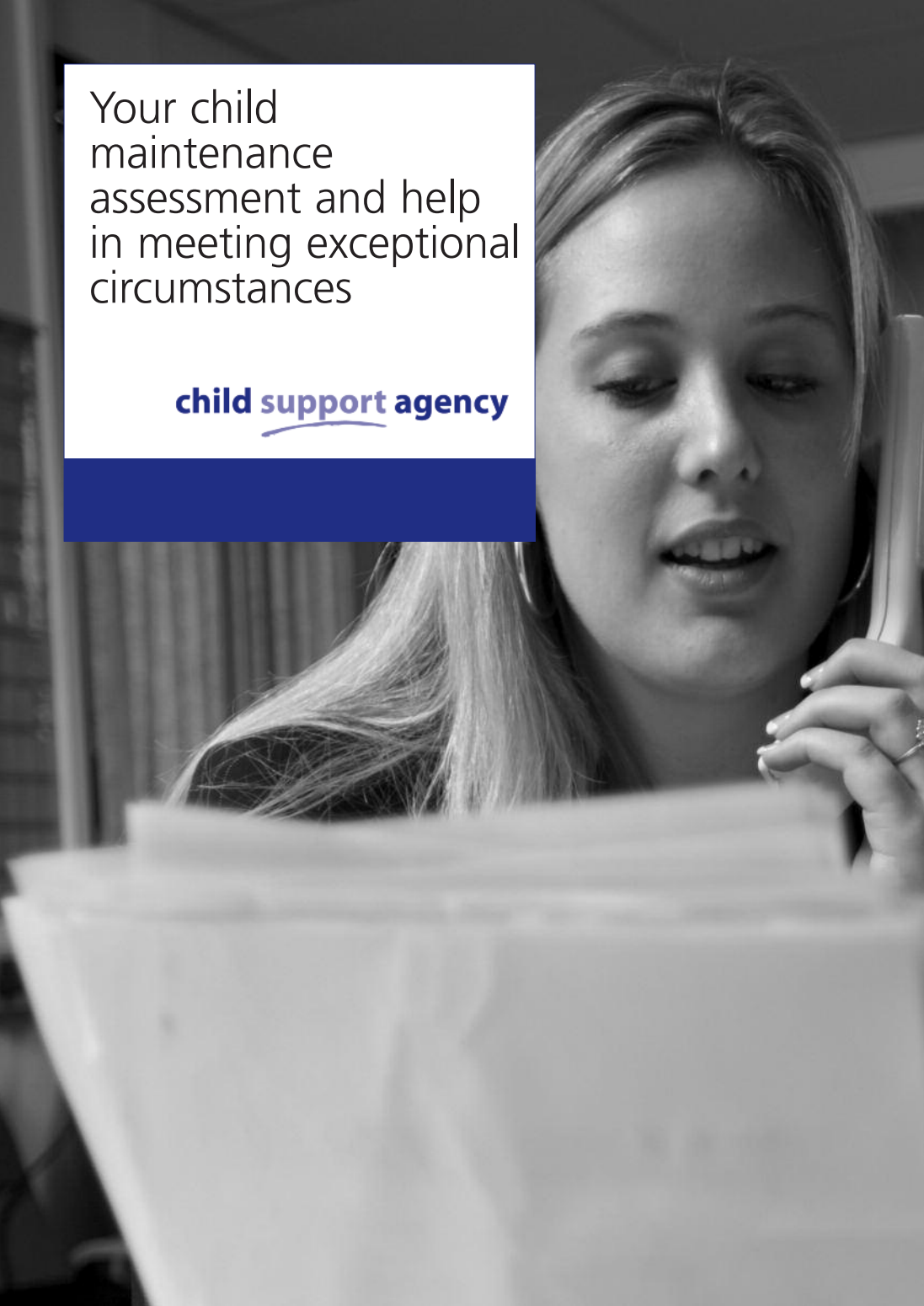
Withdrawn

This leaflet is withdrawn.

The Child Support Agency no longer exists.

Your child
maintenance
assessment and help
in meeting exceptional
circumstances

child support agency



What is this leaflet about?

This leaflet explains how we work out child maintenance for all child maintenance cases opened between 5 April 1993 and 2 March 2003, called 'old scheme' cases. We use different rules for working out child maintenance on cases set up on or after 3 March 2003, called 'current scheme' cases.

You have received this leaflet now because:

- we have recently reviewed the amount of child maintenance that must be paid in your case, or
- you have asked us to remind you how we work out child maintenance in your case.

If the amount of child maintenance that must be paid in your case has changed, the leaflet will help you understand why.

In this leaflet, we use some standard terms to talk about our services and the way we work. The glossary at the end explains them.

Important information about this leaflet

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure the leaflet is correct as of 28 October 2013, but it may not reflect changes to the law or our procedures after this date. You may wish to get independent advice before making financial decisions based on the leaflet.

Your child maintenance assessment and help in meeting exceptional circumstances

About us

The Child Support Agency (CSA) is the Government's child maintenance service. It is provided by the Child Maintenance and Enforcement Commission.

Our role is to make sure that parents who live apart from their children contribute towards their children's upkeep by paying child maintenance.

We use a standard process to work out how much child maintenance should be paid in each case, and then manage payments. We can take legal action if the right amount of money is not paid at the right time.

To get help or more information, visit our website **www.csa.gov.uk** or call us on **0845 713 3133** or **0845 713 8924** (textphone). For details of call charges, opening times and our Welsh-language helpline, see page 52.

If you want to make a family-based arrangement, rather than one through the CSA, contact Child Maintenance Options for impartial information and support. Visit their website at **www.cmoptions.org** or call them on **0800 988 0988** or **0800 988 9888** (textphone).

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How does the CSA work out child maintenance under the old scheme?

Child maintenance is regular, reliable financial support that helps towards the child's everyday living costs. The parent who does not have main day-to-day care of the child (the non-resident parent) pays child maintenance to the parent who does have main day-to-day care (the parent with care). In some cases, this person can be a grandparent or guardian.

We use information from both parents to decide if someone has to pay child maintenance and to work out how much they must pay. That information includes:

- how much income you each receive
- how many other children you each have living with you
- the age of the child or children who the maintenance is being paid for, and
- your housing costs.

We can also use information from either parent's employer, Jobcentre Plus and HM Revenue & Customs (HMRC).

The reason we ask the parent with care about their income is that we can take into account how much they can contribute towards the care of their child when we work out how much child maintenance must be paid.

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For more about how we use the information we ask you for, please read our leaflet *How does the Child Support Agency use and store information?* (CSL311). See the back page for details.

Working out how much child maintenance must be paid

To work out how much child maintenance must be paid, we follow a standard process set down in law. These 6 steps show how this works. We explain it in more detail in the sections that follow.

- 1 We set a basic amount of money needed to look after the child, or children, each week, based on the age and number of children. This is known as ‘maintenance needed’.
- 2 We look at how much income each parent gets after tax, National Insurance and some contributions to an occupational or personal pension scheme are taken off. This is known as ‘net income’.
- 3 Next we look at each parent’s day-to-day living costs – such as their housing costs, travel-to-work costs, and the amount they have to pay to support any children who live with them. This does not include stepchildren. The costs of supporting other children, and how to calculate travel-to-work costs, are based on standard amounts set in law for each child. The money you need for these costs is known as ‘exempt income’.

- 4 We take away the exempt income from the net income to give the amount we can use to work out how much child maintenance is due. This is known as 'assessable income'.
- 5 We then use a standard formula to work out how much child maintenance the non-resident parent must pay. This is normally equal to 50p in every £1 of their assessable income until the maintenance needed is reached.
- 6 In some cases, this may mean that the non-resident parent would not have enough money to live on or to support any second family they have. To make sure they do have enough money to live on, we aim to make sure that non-resident parents do not have to pay more than 30% of their net income in ongoing child maintenance. We do this by working out a level of 'protected income' for non-resident parents. If the non-resident parent has to clear debts from late or missed payments, the total we ask them to pay may rise up to 40% of their net income.

What changes to my circumstances must I tell the CSA about?

If either parent's circumstances change, this can mean we need to change the amount of maintenance that must be paid. So you should tell us if there is a change to any of the information you gave us to work out child maintenance, such as the amount of income the non-resident parent gets.

In particular, if you are a non-resident parent, you **must** tell us if:

- your address changes (you **must** tell us about this within 7 days from the date that your address changes)
- you pay child maintenance through a deduction from earnings order and you leave your job. You **must** tell us:
 - the name and address of your new employer (if any)
 - how much you expect to earn, and
 - your payroll number (if any).

If you fail to give us the information we need, or you give us information that you know is false, we can take you to court and you could be fined up to £1,000. This applies to any person or organisation who, by law, must give us information – such as employers and accountants as well as parents.

If you are a parent with care, you **must** tell us if there is a change to:

- the number of children living with you that the non-resident parent must pay child maintenance for, or
- the number of nights a child regularly stays overnight with the non-resident parent.

Not all changes of circumstance will mean we need to change the amount of child maintenance that must be paid.

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How is 'maintenance needed' worked out?

Maintenance needed is the amount of money needed to pay for the basic day-to-day costs of looking after a child or children. It is also known as 'the maintenance requirement'.

Maintenance needed is based on the number of children that child maintenance must be paid for and the ages of those children. It does not take into account the parents' income or any special circumstances involved in looking after a child.

It is worked out by adding up:

- for each child who maintenance must be paid for, an amount equal to the Income Support personal allowance for a child of that age
- an amount equal to the Income Support family premium
- an extra amount based on the age of the youngest child for whom child maintenance is needed. This is known as a carer allowance. This is not maintenance for the children, but we include it because the children need to be cared for by an adult. This carer allowance is reduced by 25% if the youngest child is 11, 12 or 13, or by 50% if the youngest child is 14 or 15. The carer allowance ends when the youngest child is 16.

We then take off the amount of Child Benefit that the parent with care gets. There's also more information on our website at **www.csa.gov.uk**.

Example

Luke and Kelly are separated. They have one child, Lisa, who is 8 and lives with Kelly.

- The weekly personal allowance for Lisa is: £64.99
- The weekly family premium is: £17.40
- Because Lisa is under 11, the weekly carer allowance is: £71.00

If she were older, the amount would be lower, as the carer allowance would be less.

- These add up to: £153.39
- The weekly Child Benefit paid for Lisa is: £20.30
- **So, the weekly amount of maintenance needed is £153.39 – £21.30 £133.09**

This may not be what Luke will have to pay because it does not take into account his income or any special circumstances he may have.

This example uses rates that were correct in April 2012. To check the most up-to-date allowances and premiums, read the leaflet *Benefit and pension rates* (BRA5DWP), which you can get from Jobcentre Plus and most post offices. Or you can download a copy from **www.jobcentreplus.gov.uk**.

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How is 'net income' worked out?

Net income is the amount of income each parent receives from work or from income-related benefits (Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance) or Pension Credit each week, after taking off:

- income tax
- National insurance, and
- half of any amount they pay into an occupational or personal pension. If the pension is set up to repay a mortgage, only 37.5% of the money paid into the pension scheme is taken away from the income.

What is included in a parent's net weekly income?

When we work out how much income each parent gets, we include:

- earnings from employment, including overtime and bonuses
- earnings from self-employment
- income-related benefits
- Pension Credit
- any money received from an occupational or personal pension scheme

- any money received from investments such as the income from renting out property, interest on bank or building society accounts or dividends from shares
- income from Working Tax Credit (in certain circumstances), and
- income from the following benefits and entitlements:
 - Carer's Allowance
 - Christmas Bonus
 - Incapacity Benefit
 - Maternity Allowance and Statutory Maternity Pay
 - Severe Disablement Allowance
 - Statutory Sick Pay.

We work out the income by asking each parent (or their employer) to give us information such as payslips. We then work out an average weekly amount of earnings, so it doesn't matter if the income is paid weekly, monthly or at different times.

In some circumstances we can work out average weekly earnings from the total year to date earnings.

Example

Joe's earnings from employment change each week, depending on the hours he works.

- In week 1, Joe earns: £315
- In week 2, Joe earns: £360
- In week 3, Joe earns: £325
- In week 4, Joe earns: £300
- In week 5, Joe earns: £375
- Over the 5 weeks, Joe has earned: £1,675

His average earnings are £1,675 divided by 5 £335

To work out Joe's net weekly income, we take from his average earnings the amounts he pays each week for income tax and National Insurance and into a pension scheme.

What is excluded from a parent's net income?

When working out how much income each parent gets a week, we exclude certain benefits, including:

- Attendance Allowance
- Child Benefit
- Council Tax Benefit
- Disability Living Allowance or Disability Working Allowance
- Guardian Allowance
- Housing Benefit, and
- Social Fund payments.

When working out net income, we exclude the income of any partner living with the parent. But we do use a partner's income when working out other parts of the amount of child maintenance that must be paid, such as protected income.

We also exclude:

- the earnings of any child who lives with the parent, or
- up to £10 a week of a child's unearned income (such as an inheritance or interest from a bank account).

If the child has unearned income of over £10 a week, we include it in working out the net income of the parent they live with. If you think this applies in your case, please contact us to discuss it.

How is 'net income' worked out if the non-resident parent is self-employed?

If the non-resident parent is self-employed, we usually work out their average weekly earnings for the most recent tax year. If we can't, perhaps because the non-resident parent has only recently started self-employed work, we use details of the gross income of the business – this means all the money it has earned. To work out the non-resident parent's earnings, we take away from the gross income of the business:

- any reasonable expenses paid to run the business (not including capital spending or business entertainment expenses), and
- VAT (value added tax).

When we have worked out the non-resident parent's earnings, we work out their net income as explained on page 14.

How is 'exempt income' worked out?

Each parent is allowed to keep part of their net income to pay for their basic living costs, including paying for the living costs of any of their own children living with them. This is known as 'exempt income'.

It may include reasonable housing costs and some travel-to-work costs, as well as a standard amount that is the same as the Income Support personal allowance for a single person. It does not include allowances for any partner, stepchildren or other people living in the parent's household (apart from their own children).

We work out exempt income for **each** parent by adding up the following:

- An amount equal to the Income Support personal allowance for a single person.
- An amount equal to the Income Support personal allowance for each child living with the parent for whom child maintenance is being paid, plus an amount equal to the Income Support family premium. The personal allowance for each child may change depending on their age.
- An amount equal to the Income Support personal allowance for each child that the parent has with a new partner and who lives with the parent. If the parent is living with a partner who can pay towards the everyday living costs of these children, then we'll split these amounts in half. (This does not affect the amounts allowed for the children for whom child maintenance is being paid, explained on page 20.)

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- An amount for reasonable housing costs for the place where the parent lives. More details on housing costs are in the next section.
- An allowance for travel-to-work costs for any parent who has to travel more than 240 kilometres (about 150 miles) a week to and from work, measured as a straight line. The parent can claim 6p as exempt income for every kilometre over 240 kilometres they travel to work. This does not apply to parents who are self-employed or whose employer helps to pay travel costs.

Example

Luke and Kelly are separated. They have one child, Lisa, who is 8 and lives with Kelly.

Luke lives on his own and travels to work a short distance by public transport.

- Luke's weekly personal allowance is: £71.00
- Luke's weekly allowance for children is: £0
(because no children live with him)
- Luke pays weekly rent of: £75.70
(he doesn't get Housing Benefit)

- Luke's weekly travel-to-work allowance is: £0
(because he travels less than 240 kilometres in total to and from work each week)
- Luke's weekly exempt income is $£71.00 + £75.70 = £146.70$
- Kelly's weekly personal allowance is: £71.00
- Kelly's weekly allowance for Lisa is: £64.99
- Kelly's weekly mortgage payment is: £85
(she doesn't get Housing Benefit)
- Kelly's weekly travel-to-work allowance is: £0
(because Kelly does not work)
- Kelly's weekly exempt income is
 $£71.00 + £64.99 + £85 =$ £220.99

This example uses rates that were correct in April 2012. To check the most up-to-date allowances and premiums, read the leaflet *Benefit and pension rates* (BRA5DWP), available from Jobcentre Plus and most post offices. Or you can download a copy from www.jobcentreplus.gov.uk.

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If a parent claims Income Support or Employment and Support Allowance and they, or their child who is living with them, are qualified to get disability, severe disability or carer premiums, we can increase their exempt income by the amount they would get from those premiums.

If the non-resident parent transferred property or money to the parent with care as part of a court order settlement or written maintenance agreement made before 5 April 1993, this can also affect the exempt income. The property or money transferred must have been valued at £5,000 or more.

Working out housing costs as part of exempt income

Reasonable housing costs are a major part of exempt income. For parents with care, the housing costs that count towards exempt income are normally their rent or mortgage payments, or any other costs for which the parent would be allowed to claim Housing Benefit (such as board and lodging). The amount we allow is the housing costs after taking off any Housing Benefit.

On page 24, there is more information on what we can include as housing costs for different types of mortgage payments.

For non-resident parents, the housing costs that count towards their exempt income are normally up to £80 a week or half their net income – whichever is higher. This is the amount we normally include even if their actual housing costs are higher than this.

In some circumstances – such as when other children live with the non-resident parent – we can include a higher amount of housing costs in the non-resident parent’s exempt income. If you think this may apply in your case, please call us to find out more.

We don’t count the following as housing costs as part of exempt income:

- Council Tax
- contents or property insurance
- charges for fuel, water or sewerage services, or services such as food or laundry
- property maintenance charges, unless the parent has to pay them under the terms of their tenancy or as a condition of their lease.

If a parent has no responsibility for paying the rent or mortgage for the place where they live, we won’t usually include any housing costs as part of their exempt income. This will usually be because they are living in someone else’s home – for example, living with a friend or family member who claims Income Support or Housing Benefit. But if the non-resident parent has to pay when living in someone else’s home, we can make an allowance for these costs in protected income. (We explain this on page 32.)

If a parent uses the property they live in partly for business, we can only include as housing costs the amount they pay for the part they live in.

Working out housing costs if a parent has a mortgage

If a parent owns the house they live in and is paying a mortgage on it, there are rules on what counts as housing costs towards exempt income. The maximum amounts and exceptions already mentioned still apply. Different rules apply to working out housing costs for protected income.

- If you have a repayment mortgage, we can include the amount you repay each week as housing costs. This includes payments for:
 - interest
 - capital
 - mortgage payment protection insurance, and
 - other insurance (for example, life insurance or cover for critical illness or unemployment), which you have taken out to repay a loan or mortgage.

Repayments are normally made monthly, so to work out the weekly repayments we generally multiply the monthly repayment by 12 and divide the result by 52.

- If you have an **endowment mortgage**, we can include an amount for mortgage interest as housing costs plus the amount paid for the endowment policy.
- If your **mortgage is linked to an Individual Savings Account (ISA)** or other similar saving scheme, and it is for:

- **less than £60,000**, we can include the full amount you pay into the scheme each month as housing costs, or
- **more than £60,000**, we can only include the amount that would be enough to repay the original loan as housing costs.
- If your **mortgage is linked to a personal pension**, we can only include as housing costs 25% of the amount you pay into the pension.

For all property owners, we can include as housing costs the amount you pay for a mortgage protection policy.

How do you work out how much child maintenance must be paid?

We work out the amount of child maintenance that must be paid by using a standard formula for the 'assessable income' of the non-resident parent and the parent with care.

The assessable income is the net income less the exempt income.

We normally ask non-resident parents to pay 50p in every £1 of their assessable income until they are paying the maintenance needed for their child or children.

The minimum weekly amount of child maintenance a non-resident parent must pay is £7.10 (based on Income Support rates from April 2012. The minimum amount changes every year in line with benefit rate changes). If we work out that the amount of child maintenance is less than the minimum amount, the non-resident parent will still have to pay the minimum, unless they:

- can't afford to pay because their net income is less than the minimum amount
- are in prison
- are under 16 years old (and so for child maintenance purposes are a child themselves)
- are under 18 and in full-time education and have no income except student grants or loans
- have other children in their household, or

- receive one of the following benefits
 - Carer's Allowance
 - Disability Living Allowance or Disability Working Allowance
 - Income related Employment and Support Allowance
 - Incapacity Benefit
 - Industrial Disablement Benefit
 - Maternity Allowance or Statutory Maternity Pay
 - Severe Disablement Allowance
 - War Disablement Benefit
 - Attendance Allowance.

We'll send both parents a letter explaining what information we have used to work out the amount that must be paid and what they can do if they disagree with it.

What happens if the non-resident parent can't afford to pay this amount of child maintenance?

In some cases, paying the full amount of child maintenance needed may mean that the non-resident parent would not have enough money to live on or to support any second family.

To make sure they have enough money to live on, we aim to make sure that non-resident parents don't have to pay more than 30% of their net income in ongoing child maintenance. We do this by working out a level of 'protected income' for non-resident parents. If the amount of child maintenance would mean using some of this protected income, we can reduce the amount they have to pay.

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However, if they have to clear debts from late or missed payments, the total we ask them to pay may rise up to 40% of their net income.

Protected income is not the same as exempt income and we work it out in a different way. There's more about protected income on page 32.

What happens if the non-resident parent can afford to pay more child maintenance?

In some cases, when we have worked out the amount of child maintenance that must be paid, the non-resident parent may have assessable income left over. If the assessable income is more than twice the maintenance needed, then by law we can increase the amount of child maintenance that the non-resident parent must pay. But we won't do this if the assessable income is less than twice the maintenance needed.

We work out this extra amount based on the number of children that child maintenance must be paid for.

- If child maintenance must be paid for one child, the non-resident parent must pay an extra 15% of their assessable income that is left over after we have taken off the basic maintenance amount.
- If child maintenance must be paid for 2 children, the extra amount is 20% of the assessable income left over.
- If child maintenance must be paid for 3 or more children, the extra amount is 25% of the assessable income left over.

Example

Steve and Rosemary are divorced and have one child, aged 10, who lives with Rosemary. Rosemary does not work.

- The weekly maintenance needed for their one child is: £133.09
- Steve's assessable weekly income is: £180.00
- The amount of assessable income left after Steve has paid the basic amount is $£180 - £133.09 =$ £46.91

Because Steve has an assessable income left over, he has to pay an extra amount of child maintenance. This extra amount is for one child, so it will be 15% of his remaining assessable income (£46.91).

- 15% of £46.91 is: £7.04
- The total weekly amount of child maintenance Steve must pay is: $£133.09 + £7.04 =$ £140.13

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What happens if the non-resident parent is getting benefits?

If the non-resident parent is getting income-related benefits or their partner is getting one of these benefits for them, they have no assessable income so don't have to pay the full amount of child maintenance.

But they may still have to pay a contribution towards child maintenance from these benefits.

What happens if the parent with care is getting benefits?

In the past, if the parent with care or their partner was getting income-related benefits or Pension Credit and was getting child maintenance, the parent with care **may** not have got their full amount of benefits. However, since April 2010 the amount of child maintenance that the parent with care receives will not affect their benefits.

How is ‘protected income’ worked out?

We work out a level of ‘protected income’ for each non-resident parent to make sure they have enough money to live on and to support any second family. If the amount of child maintenance they must pay would mean they would not be able to keep this protected income, we can reduce the amount they have to pay. We aim to make sure that the non-resident parent does not have to pay more than 30% of their net weekly income in ongoing child maintenance. However, if they have to clear debts from late or missed payments, the total we ask them to pay may rise up to 40% of their net weekly income.

We work out protected income when we work out the child maintenance that must be paid. We won’t tell the parent with care what the protected income level is, unless it affects the amount of child maintenance that will be paid.

Protected income is worked out differently from exempt income. We work it out in 2 ways and use the higher amount as the protected income.

The two ways we work out protected income

We work out the protected income by calculating the non-resident parent's household expenditure and comparing this to 70% of their net income (see page 14). We then use the largest of these two figures as the protected income level.

Below is an explanation of how we do this:

- 1 We work out the total 'disposable income' of the non-resident parent's household. This is their net income plus the net income of their partner (if they have one). It also includes Child Benefit and Child Tax Credit.
- 2 We then add up the following:
 - Income Support allowances and premiums for all adults and children in the non-resident parent's household (including stepchildren).
 - Travel-to-work costs, worked out in the same way as for exempt income.
 - Housing costs – based on one of the following:
 - weekly rent
 - weekly mortgage interest
 - An allowance for housing costs the non-resident parent pays to live in someone else's home if they are not supported by them. (This is not the same as the way we work out housing costs for exempt income.)

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- The Council Tax that the non-resident parent's household must pay each week.
 - A standard amount of £30.
- 3 We subtract the amount we worked out at Step 2 from the disposable income figure from Step 1. If that results in a positive figure we add 15% of that amount to the figure from Step 2.
 - 4 We then calculate 70% of the non-residents parent's net income (see page 14).
 - 5 Finally, we compare the figure worked out in Step 3 to the figure from Step 4 and use the higher of the two as the protected income amount.

We only take account of the income of a non-resident parent's partner when working out protected income. We don't expect a non-resident parent's partner to pay anything towards the child maintenance that the non-resident parent must pay.

Why do you work out the parent with care's 'assessable income'?

We work out the parent with care's assessable income because sometimes they will have enough income to contribute more towards the everyday living costs of their child or children.

If the parent with care has a net income that is greater than their exempt income, they will have an assessable income. This means they can contribute more towards the everyday living costs of their child or children. So we may reduce the amount of child maintenance the non-resident parent has to pay to reflect this.

The parent with care does not have to pay any child maintenance, but they will get less child maintenance because they can contribute more to the everyday living costs of their child or children.

However, many parents with care will have no assessable income, particularly if they receive income-related benefits, or if they are working and get Working Tax Credit.

When we work out the maintenance needed, we add the assessable income of the parent with care to the assessable income of the non-resident parent. If this total is more than twice the maintenance needed, we may reduce the amount of child maintenance that the non-resident parent has to pay.

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We'll work out the full amount of child maintenance that must be paid. This includes both the maintenance needed and any extra amount we have explained in the previous section. We then expect the non-resident parent to pay a share of both the basic amount and the extra amount that reflects their share of the combined assessable income.

In general, we don't take account of the income of the parent with care's partner, if they have one, when working out how much child maintenance must be paid. The exception is when the parent with care has a child or children with a new partner, and the new partner can contribute to the everyday living costs of these children. If so, we can reduce the amount of exempt income, as explained on page 19, and this in turn can affect the amount of assessable income of the parent with care.

What happens if the child or children stay overnight regularly with the non-resident parent?

If a child for whom the non-resident parent is paying child maintenance stays overnight with the non-resident parent for 104 nights a year (2 nights a week averaged over the last 12 months) or more, this is known as 'shared care'.

This means we can reduce the amount of child maintenance that the non-resident parent has to pay. The reduction will take account of the number of nights the child stays with the non-resident parent.

If the child spends an equal amount of time staying overnight with each of their parents (averaged over the last 12 months), we say care is shared 50/50. When this happens, we'll work out who is the parent with care, considering things like which parent usually receives Child Benefit for the child.

The other parent would then be the non-resident parent. We then work out how much child maintenance should be paid using our normal processes but we would take into account that both parents contribute towards the everyday living costs of the child.

Please let us know if the number of nights your child stays overnight with the non-resident parent changes. We can look at your case again and, if necessary, change the amount of child maintenance that must be paid. There's more about when we'll look at cases again on page 46.

What happens if a parent does not give the CSA the information it needs to work out child maintenance?

If child maintenance is being arranged through us and parents don't give us the information we need, we can take action. As well as the action explained on page 11, we can do the following:

- If the **parent with care** does not give us the information we need to work out child maintenance, we can close the case and the parent with care will not receive child maintenance.
- If the **non-resident parent** does not give us the information we need to work out child maintenance or to look again at the amount of child maintenance they must pay, then we can make an interim maintenance assessment.

We can make different kinds of interim maintenance assessments. The most common sets the amount to be paid at one-and-a-half times the maintenance needed. But if we think that the non-resident parent can afford to pay more than this, we can make an interim maintenance assessment for a higher amount.

If the non-resident parent is self-employed and, through no fault of their own, cannot give us full proof of their income when we ask for it, we can ask them to pay up to £30 a week in child maintenance.

It is in the best interests of the non-resident parent to give us the information we need when we ask for it so that we can work out the right amount of child maintenance from the start.

What happens if the non-resident parent then gives the CSA the information it needs?

When we have the information we need from the non-resident parent, we work out the amount of child maintenance they must pay using our standard process. The non-resident parent will then normally have to pay the new amount of child maintenance from the date of the interim maintenance assessment.

If the new amount of child maintenance is less than the interim maintenance assessment, we'll reduce the amount that the non-resident parent must pay until any overpayments are covered. The non-resident parent won't get money back unless the case is closed, in which case we may decide to refund some of the payments.

If the new amount of child maintenance is more than the interim maintenance assessment, we'll increase the amount that the non-resident parent must pay until we have recovered any underpayments. If the case has been closed, the non-resident parent may still be liable and may need to make these payments.

Are there any other factors that the CSA may take into account when working out child maintenance?

Yes, there are some other factors we may take into account when working out child maintenance. Doing this is known as a 'departure' from the normal way we work out child maintenance.

These other factors are shown below.

You have other care costs

- Since before 5 April 1993, you have been responsible for your partner's children or your former partner's children, who are not your own but live with you.
- You have extra costs because you have, or one of your family has, a long-term illness or a disability. However, if you are a parent with care and your child has a disability that involves extra costs, you cannot apply to us to cover these costs as a departure. You should apply to a magistrates' court in England and Wales, or to a sheriff court in Scotland, for a court order for 'top-up child maintenance'. You can contact your local citizens advice bureau for more information about how to apply for top-up child maintenance.

You have high travel costs

- You have high travel-to-work costs that are not fully met by the allowance in your exempt income (or you don't qualify for an allowance in your maintenance assessment).
- You are a non-resident parent and you have high travel costs to see the children you pay child maintenance for.

You have existing financial arrangements with the other parent

- You are still repaying a debt that you took on before you were separated from your partner and that debt was for the benefit of the family or a member of the family at the time.
- You are a non-resident parent and you have a financial arrangement that started before 5 April 1993 and that you cannot now stop paying, and it includes or refers to a written maintenance agreement or court order for your children.
- You were involved in a settlement to do with property or savings and investments (sometimes called a clean-break settlement) before 5 April 1993 and:
 - it was not included when we worked out your exempt income, or
 - we included it when we worked out your exempt income, but the amount we included was too low.

Your child maintenance assessment and help in meeting exceptional circumstances

You believe the other parent has exceptional circumstances

- You believe the other parent has money, property or something else they own, which should be bringing in income but is not accounted for in their net income.
- You believe the other parent is giving money or assets to someone else to prevent us using them in our child maintenance assessment.
- The other parent has housing or travel-to-work costs that you think are unreasonably high, or some or all of their housing costs could be paid for by their new partner.
- The other parent's lifestyle suggests they have access to more money or a higher income than the income we used to work out child maintenance.

If a parent has told us that any of these factors applies in their case, we may have already included a departure in the amount of child maintenance that must be paid.

Please tell us if you think one of these factors applies to you but is not currently included in the amount of child maintenance that you pay or receive. We can then look again at your case and, if necessary, change the amount of child maintenance that must be paid. The amount may increase, reduce or stay the same. For more about when we will look at cases again, see page 46.

How can child maintenance be paid?

The easiest way for the non-resident parent to pay child maintenance is direct to the parent with care. This can be done by standing order, which means the non-resident parent sets up a regular payment direct from their bank or building society account to the account of the parent with care.

This is not the same as a family-based arrangement (known as a family arrangement in this leaflet), because we have worked out the amount that has to be paid and we can take action if the non-resident parent does not pay.

If parents do not want to pay this way, payment must be made through us. In this situation:

- if the non-resident parent is **employed**, we normally either ask them to pay us by direct debit, or agree with them that we will take the money direct from their earnings using a deduction from earnings order
- if the non-resident parent is **self-employed**, we normally ask them to set up a direct debit to pay us
- if the non-resident parent is **receiving income-related benefits**, we normally take the money direct from their benefits before they receive them.

When we get the payment from the non-resident parent, we pay the right amount to the parent with care by transferring it to their bank or building society account. We aim to transfer child maintenance within one week of receiving it.

Your child maintenance assessment and help in meeting exceptional circumstances

We can also arrange for the non-resident parent to make their first payment, or a one-off payment, by debit or credit card or by online banking.

If either parent does not have a bank or building society account and cannot open one to pay or receive child maintenance, they can discuss with us other ways of paying or receiving it.

What happens if the parent with care is entitled to receive child maintenance from different non-resident parents for their children?

A parent with care may apply to us for child maintenance from more than one non-resident parent. In these cases, we work out the amount that each non-resident parent must pay separately. Depending on how each non-resident parent wants to pay, you may receive:

- one payment from us that includes all the separate payments
- separate payments based on how often each parent has agreed to pay child maintenance, or
- separate payments direct from each parent.

What happens if the non-resident parent gives money to the parent with care for another reason?

Exceptionally, a non-resident parent who normally pays child maintenance through us will agree to pay money to or for the parent with care for a particular reason. If they do this, they can ask us to count this payment towards the amount of child maintenance they have to pay or any arrears they owe.

We may be able to count an exceptional payment if it was made, with the agreement of the parent with care, for one of the following reasons:

- to pay a mortgage or loan which is taken out to buy or pay for essential repairs or improvement to the home where the child lives, and which is secured on that home
- to pay rent or council tax for the home where the child lives
- to pay gas, water or electricity charges for the home where the child lives, or
- to make essential repairs to the heating system or fabric of the home where the child lives.

If the non-resident parent regularly gives the parent with care money for another reason – such as to pay bills each month – then both parents should think about changing the way child maintenance is arranged. For example, parents can make a family arrangement where they would not have to use the CSA. For more information, contact Child Maintenance Options by visiting www.cmoptions.org or call them on **0800 988 0988** or **0800 988 9888** (textphone).

Your child maintenance assessment and help in meeting exceptional circumstances

When and why will you look again at how much child maintenance must be paid?

We normally look again at the amount of child maintenance when either parent asks us to because they believe the information we used to work it out has changed.

We'll contact both parents to confirm what has changed and then use our standard process to work out the amount.

If we need more information or proof of what has changed, we'll contact one or both parents.

When we have worked out the new amount, we'll send both parents a letter explaining:

- what information we have used to work out the new amount, and
- what they can do if they disagree with this amount.

While we are looking at a case again, the non-resident parent must still pay child maintenance on time and in full.

We'll normally look at a case again if we receive information that means any of the following:

- Either parent's income has changed enough so that the amount of child maintenance that must be paid would change by £10 a week or more.

- We included an amount of ‘protected income’ last time we worked out how much child maintenance the non-resident parent must pay, and their income has changed enough so that the amount of child maintenance they now have to pay would increase by £5 a week or more, or fall by £1 a week or more. (We explain protected income on page 32.)
- Either parent has a new child living with them, who does not need child maintenance to be paid for them, and this would mean that the amount of child maintenance that must be paid would change by £1 a week or more.
- The non-resident parent or their partner starts to receive an income-related benefit (Income Support, income-based Jobseeker’s Allowance or income-related Employment and Support Allowance) and has no other income.
- The non-resident parent or their partner no longer receives income-related benefits.
- Care of the child or children is now shared between the parents. (We explain shared care on page 37.)
- A child we included when we last worked out the amount of child maintenance (because the non-resident parent was either paying maintenance for them or living with them) leaves or joins the parent with care’s household, or leaves school and starts work.
- We are given information by an organisation such as Jobcentre Plus, HMRC or a court which leads us to think the amount of child maintenance should change.

Your child maintenance assessment and help in meeting exceptional circumstances

We can require both parents to give proof of changes in their circumstances. For example, we may ask to see wage slips to prove that your earnings have changed, or we may ask you both to keep a diary or record of when the child stays overnight with the non-resident parent.

What happens after we have looked again at how much child maintenance must be paid?

We'll send each parent a letter telling them if the amount of child maintenance that must be paid has changed or not. If it has, we'll tell you the new amount and when payments must start.

What happens if a non-resident parent doesn't pay?

Non-resident parents are responsible for paying child maintenance in full and on time. If you have arranged child maintenance through us, and the non-resident parent doesn't pay in full and on time, we'll take action to make sure payments are made as soon as possible.

The action we take depends on the situation, but we may:

- take money direct from the non-resident parent's earnings as an employee if they are employed and don't already pay that way,
- take money direct from a non-resident parent's bank or building society account, or
- take action through the courts.

We can take more than one action at a time.

Taking action through the courts can be expensive and can result in the non-resident parent:

- paying their own legal costs and our legal costs, as well as the child maintenance they owe
- being forced to sell their home or other assets
- losing their driving licence for up to 2 years
- going to prison.

Your child maintenance assessment and help in meeting exceptional circumstances

The only exception to this process is if the non-resident parent contacts us **before** they have to make their next payment to let us know that the payment will be delayed. They **must** explain why they can't pay in full and on time. If there is no good reason, we can still take the action above. If the non-resident parent can give us a good reason, we'll tell the parent with care and agree how to recover the money that has not been paid.

Sometimes the non-resident parent may be late in making a payment or miss a payment. To help them sort this out, they can phone us and pay using a debit or credit card, or pay by online banking.

If they do not make a payment in this way, they will have to pay a higher amount of child maintenance on the next regular payment they make. This is known as paying 'arrear's'.

Remember that if you don't make full payments on time, this may cause your children hardship.

If you want to know more about what happens if a non-resident parent does not pay, get a copy of our leaflet *What action can the Child Support Agency take if parents don't pay?* (CSL306). See the back page for details. There's also more information on our website at **www.csa.gov.uk**.

What happens if I disagree with the CSA's decision?

If you think we have worked out child maintenance incorrectly, or if you have any information that would affect it that we haven't already considered, then you can ask us to look at the decision again. You need to get in touch with us within one month of the date of the letter telling you about our decision. We will then look at our decision again. We call this a 'mandatory reconsideration'. You can call us using the phone number on the front of the letter.

If you still think our decision is incorrect after your mandatory reconsideration you will be able to appeal against the decision to a 'first-tier tribunal' managed by HM Courts & Tribunals Service (HMCTS). You cannot appeal to HMCTS against our decision until we have done our mandatory reconsideration.

If you want to know more about asking us to look at our decision again or appealing against our decisions, get a copy of our leaflet *How can I appeal against a child maintenance decision? (CSA2006A)*. See the back page for details.

Your child maintenance assessment and help in meeting exceptional circumstances

Where can I get more help and information?

If you want to know more about child maintenance and how we work it out, visit our website at **www.csa.gov.uk**. You can download all our leaflets from there.

If you would like to talk to someone about your case, you can call our national helpline on **0845 713 3133** from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays.

Please have your National Insurance number with you when you call.

We may record our phone calls to check our service and to train our employees.

Textphone services

If you have speech or hearing difficulties, a textphone service is available on **0845 713 8924**.

Textphones are for people who find it hard to speak or hear clearly. If you do not have a textphone, some libraries or citizens advice bureaus may have one. Textphones do **not** receive text messages from mobile phones.

Welsh-language helpline

If you want to speak to us in Welsh, you can ring our Welsh-language helpline on **0845 713 8091**. The line is open from 9am to 5pm, Monday to Friday. There is also a Welsh-language textphone service on **0845 713 8099**.

Other languages

If English is not your first language, you can use your own interpreter or one we provide.

Call charges

Calls to **0845** numbers from BT landlines should cost no more than 4p a minute with a 15p call set-up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad. Calls from mobile phones can cost up to 40p a minute, so check the cost of calls with your service provider.

Charges were correct as of the date of this leaflet.

Information in other formats

This leaflet is available in other languages, in Braille and on audio cassette. You can order information in these formats online or by contacting our national helpline.

We also have large-print versions of this leaflet available for you to download from our website, **www.csa.gov.uk**.

Your child maintenance assessment and help in meeting exceptional circumstances

Leaflets available from us

For parents who live apart

(Reference: CSA2001) For all parents

How to appeal

(Reference: CSA2006(A)) For all parents

Paying child maintenance direct from your earnings

(Reference: CSA2034) For non-resident parents

Notes for non-resident parents who are self-employed

(Reference: CSA2095) For non-resident parents

What action can the Child Support Agency take if parents don't pay?

(Reference: CSL306) For all parents

How do I complain about the service I get from the Child Support Agency?

(Reference: CSL308) For all parents

My case is moving to the child maintenance scheme introduced in 2003 – what will change?

(Reference: CSL310) For any parent whose case is moving to the current scheme

How does the Child Support Agency use and store information?

(Reference: CSL311) For all parents

Glossary

Appeal

The process of asking an independent tribunal to look at your case if you are not happy with a decision we have made.

Assessable income

Net income, less exempt income. We use assessable income to work out the amount of maintenance that must be paid. We do this by using a standard formula on the assessable income of the non-resident parent and the parent with care.

Child

For child maintenance purposes, a child is anyone under 16 or someone between 16 and 20 who:

- is not, nor has ever been, married or in a civil partnership, and
- is in full-time non-advanced education.

However, if child benefit is still being received, someone under 20 can still be regarded as a child for child maintenance purposes even if they are not in full-time non-advanced education.

Your child maintenance assessment and help in meeting exceptional circumstances

Child Benefit

A regular payment made to anyone bringing up children. It is paid for each child who is:

- under 16
- under 19 (under 20 in some cases) and in full-time education doing a course that is not higher than A-level or an equivalent standard or on a Government-funded training programme, or
- 16 or 17 and has recently left school and registered for work or training with the Careers or Connexions Service or something similar.

Child maintenance

Money paid by the non-resident parent to the parent with care to help pay for their child's everyday living costs.

Deduction from earnings order

One of the ways we normally set up payments if the non-resident parent is employed. Under a deduction from earnings order, we ask the non-resident parent's employer to take child maintenance direct from the non-resident parent's earnings and send it to us.

We can also set up a deduction from earnings order if the non-resident parent is employed and they have not kept to other payment methods or failed to agree a payment method.

Departures

Departures allow us to take account of certain other factors when we work out child maintenance, such as extra costs the non-resident parent has to pay to visit the child.

Exempt income

The amount of net income each parent is allowed to keep to pay for their basic living costs, including paying for the living costs of any of their own children living with them.

Income-related benefits

In all CSA leaflets, income-related benefits are Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance.

Interim maintenance assessment

If the non-resident parent does not give us the information we need to work out how much child maintenance must be paid, we can make an interim maintenance assessment. This assessment means that the non-resident parent may have to pay child maintenance at a higher rate until they give us the information we need to work out the right amount.

Maintenance needed

The amount of money needed to pay for the basic day-to-day costs of looking after a child (or children).

Your child maintenance assessment and help in meeting exceptional circumstances

Mandatory reconsideration

If you think we have worked out child maintenance incorrectly, or if you have any information that would affect it that we haven't already considered, then you can ask us to look at the decision again. We call this a 'mandatory reconsideration'. You cannot appeal to HM Courts & Tribunals Service against our decision until we have done our mandatory reconsideration.

Net income

Net income is the weekly amount of income (usually pay or salary) left after taking off:

- income tax
- National Insurance
- half of any amount you pay into an occupational or personal pension. If the pension is set up to repay a mortgage, only 37.5% of the money paid into the pension scheme is taken away.

Income can also include certain benefits, tax credits and occupational or personal pensions. Bonuses and commission also count as pay or salary.

We count Working Tax Credit as income if the **non-resident parent's** earnings are higher than their partner's earnings. If the non-resident parent and their partner's earnings are the same, we include half of the Working Tax Credit in the child maintenance calculation. We don't count Working Tax Credit as income if the non-resident parent earns less than their partner.

Non-resident parent

The parent who the child does not normally live with.

Parent with care

The parent or carer who the child normally lives with and who therefore pays for most of the child's everyday living costs. In some cases this can be a grandparent, guardian or other family member – who is known as the 'person with care', rather than the parent with care.

Protected income

We work out a minimum amount of weekly income for the non-resident parent to make sure they are left with enough money to live on, and to support any second family they have, after paying child maintenance. This amount is known as protected income.

Information in CSA leaflets is also available in other languages, in large print, in Braille and on audio cassette.

You can get any of our leaflets:

- by phone on **0845 713 3133** (the line is open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays)
- by textphone on **0845 713 8924**, or
- from our website at **www.csa.gov.uk**.

Where textphone numbers are provided, these are for people who find it hard to speak or hear clearly. If you do not have a textphone, some libraries or citizens advice bureaus may have one. Textphones do not receive text messages from mobile phones.

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