

# Withdrawn

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The publication is no longer current.

# What is a deduction from earnings order?

Under a deduction from earnings order, child maintenance payments are taken directly from a paying parent's<sup>+</sup> earnings or pension and sent to the Child Maintenance Service.

Under child support law, an employer must take the payments from a paying parent's earnings or pension if we ask them to. If they do not do this, they can be prosecuted and fined.

We can ask for deductions from a paying parent's earnings or pension if they owe some child maintenance, or if they have not made a satisfactory agreement to pay child maintenance. The decision to apply a deduction from earnings order is taken by us and not the courts. But the paying parent can appeal to a court if they don't agree with our decision or if they think it's wrong.

## What are 'earnings'?

We class the following as earnings:

- wages, salary, fees, bonuses, commissions, overtime pay and any payments made on top of wages or salary under a contract of service
- private and occupational pensions and compensation payments
- statutory sick pay.

We do not class the following as earnings:

- amounts paid by any public department of the Government of Northern Ireland or any country outside the UK
- any social security pension, allowance or benefit
- any pension or allowance paid for a disability
- a guaranteed minimum pension under the Social Security Pensions Act
- Working Tax Credit or Child Tax Credit.

## Protected earnings proportion

There is a limit on the amount an employer can take from a paying parent's earnings for child maintenance. This is so they have enough money to pay for their living costs. The 'protected earnings proportion' makes sure that once deductions for child maintenance have been made, the paying parent will be left with 60 per cent of their 'net' earnings.

If we apply a deduction from earnings order, we will ask the employer to make sure the paying parent is left with 60 per cent of their earnings after deductions.

## What information should be on a deduction from earnings order?

A deduction from earnings order should show:

- the paying parent's name and address, their place of work, and the type of work they do
- the paying parent's National Insurance number (if we know it)
- the employer's name
- the amount or amounts to be taken (these will be shown as weekly, two-weekly, four-weekly or monthly deductions)
- the protected earnings proportion
- the Child Maintenance Service address which the employer should send the payments to.

If there are minor spelling mistakes in the order, or if we have not signed it, the order is still valid and the employer must still act on it.

## Will you charge for taking this action?

We can charge the paying parent for taking this action. We will tell the paying parent if we will charge them when we take action, and we will say how much the charge will be.



## If you are the paying parent

### If you do not agree with our decision or you think it is wrong

If you formally ask for a decision to be changed, this is called an appeal. Your appeal can only be based on one or both of the following reasons:

- the order is not correct or does not contain enough information for the deductions to be made by an employer, or
- the payments made to the paying parent by the employer are not classed as earnings.

You cannot appeal through the courts just because you do not agree with the amount of your maintenance assessment.

If you want to appeal against the deduction from earnings order you must write to your local magistrates' court if you live in England, Wales or Northern Ireland; or to your local Sheriff's Court if you live in Scotland.

You must make the appeal **within 28 days** of the date on which the deduction from earnings order was sent to you (56 days if you do not live in the United Kingdom). You should also give the reasons for your appeal. **Remember** – your reasons can only be one or both of the ones shown above.

### Changes you must tell us about

If you pay child maintenance through a deduction from earnings order and you leave your job, you must tell us **within seven days**:

- the name and address of your new employer (if you have one)
- how much you earn or expect to earn (if you are working)
- your new payroll number (if you have one)
- the type of work you are doing
- the address where you are working.

**Important:** If you leave your job and you do not tell us about it **within seven days**, you may be prosecuted and **fined up to £500** (this amount could change in the future). Your child maintenance payments may also be backdated to the date when the change happened.

## If you are the paying or receiving parent

### Where can I get more information?

Go to [www.gov.uk/child-maintenance](http://www.gov.uk/child-maintenance) for more information, or call us on **0845 266 8792\*** 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 1 October 2013, but it may not reflect changes to the law or to 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 0845 numbers from BT land lines 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 factsheet.

\*You may have heard different terms used to describe the parents in a child maintenance case.

In child support law:

- the parent who receives child maintenance is known as the 'parent with care' - we call them the 'receiving parent'
- the parent who pays child maintenance is known as the 'non-resident parent' - we call them the 'paying parent'.