

## Annex C - Notifications

### Overview

The CMS issues 2 basic types of notifications to clients that

1. inform them about a decision affecting the maintenance calculation, or
2. provide them with other information or ask them to provide information to CMS.

This guidance details the notifications the CMS is legally required to issue to its clients to inform them of decisions affecting their maintenance calculation<sup>1</sup> and of the NRP's requirement to pay child maintenance. These include

1. any decision starting, ending or changing child maintenance liability
2. any decision revising or superseding the maintenance calculation, including any refusal to revise or supersede, and
3. any notice to the NRP of the requirements about payment<sup>2</sup>.

1 CSMC Regs 2012, s24; 2 CS (CE) Regs 1992, reg 7

**Note:** when a maintenance application is received, written notice of the application must be sent to the non-resident parent<sup>1</sup>.

1 CSMC Regs 2012, s11

### Date notifications are treated as sent

All notifications issued by the CMS are treated as sent on the second day following the day they are posted<sup>1</sup>, with no allowance for bank holidays or weekends.

1 CSMC Regs 2012, s7(2)

### Information Provided

#### Information that the CMS is legally required to provide

The CMS has a legal duty to include the following information in maintenance calculation decision notifications

1. details of any revision, supersession and, or appeal rights relating to the decision<sup>1</sup>

2. the effective date of the maintenance calculation
3. details of the gross weekly income used in the calculation and whether this is based on historic, current, or estimated current income
4. the number of QCs
5. the number of ROCs
6. the weekly amount of child maintenance
7. the amount of any adjustment for a variation
8. details of any adjustment due to shared care or apportionment in multiple PWC cases,
9. details of any other decreases to the calculation and reasons for them, for example care for the QC provided by a local authority or NRP liable to maintain a child under a family-based arrangement or child abroad<sup>2</sup>.

1 CSMC Regs 2012, s24(1); 2 CSMC Regs 2012, s25(1)

If a DMD has been applied, the notification must include

1. the effective date of the maintenance calculation
2. the default rate
3. the number of QCs
4. whether the amount of child maintenance is to be apportioned due to there being more than one PWC on the case, and
5. details of the information required for a maintenance calculation decision to be made<sup>1</sup>.

1 CSMC Regs 2012, s25(2)

### **Information that the CMS is not legally required to provide**

The following information is not required by law but is included in maintenance calculation decisions, to assist the client

1. details of the tax year of any HMRC data used in the calculation

2. details of the type of changes that the client is required to report
3. what a 25% increase or decrease in income would be for the NRP, and
4. an explanation of the decision and what the client should do if they disagree with it
5. in the case of a DMD, in addition to the details listed in Information that the CMS is legally required to provide, an explanation of the decision is included to assist the client.

## **Information that must not be included**

The following information should not be included without express permission from the party it relates to<sup>1</sup>

1. the address of any person other than the intended recipient
2. any other information that could lead to a person other than the intended recipient being located
3. any other information that could lead to a person other than the QC or a party to the application being identified.

1 CSMC Regs 2012, s 25(3)

## **Initial maintenance calculation**

A notification in keeping with details listed under the section Information provided, must be issued when the first maintenance calculation decision on an individual case is completed. This notification will be issued automatically by the system.

## **Notifications required where an NRP has a legal responsibility to report changes in income**

NRPs on current income calculations have a legal duty to report any increase in income of 25% or more<sup>1</sup>. Similarly, a NRP on a nil rate liability has a legal duty to report if their income increases to £7 or more.

1 CSMC Regs 2012, s23

However, these duties only become effective when the NRP is told they apply. Therefore, the requirement to report increases in income of 25% or more or of £7 or more should be included in any notification informing a NRP of their maintenance calculation

## **Revision or supersession decisions**

The DM must issue notifications when

1. the maintenance calculation has changed due to a change of circumstances (supersession), or a successful dispute against the original decision (revision)<sup>1</sup>

Note: this will also apply to applications for Variations, which are applications for revision or supersession if made after the maintenance calculation is in force

2. the CMS has decided to refuse a request for supersession or revision. In these circumstances, the maintenance calculation will not be altered, but the clients need to know the outcome of their request.

1 CSMC Regs 2012, s26

These notifications will be issued automatically when the relevant decision is completed on the system.

### **Notification that a maintenance calculation has changed**

Notifications following the rules detailed in Information provided will be issued.

### **Notification that a revision or supersession has been refused**

If the DM refuses to supersede or revise a maintenance calculation, they must notify the relevant parties of the decision and their further rights of appeal.

The relevant parties in these circumstances will be

1. the party who made the revision or supersession application, and
2. the other party to the maintenance calculation if they were aware that an application for revision or supersession had been made.

### **Maintenance liability has ceased**

The DM must issue notifications when a maintenance calculation ceases<sup>1</sup> due to the removal of a QC, parent with care or NRP from the case.

1 CSMC Regs 2012, s27

This notification will be issued automatically when the decision ending the calculation is

completed on the computer system.

### **Information that must be included**

In such cases the CMS has a legal duty to include the following information

1. the date that the maintenance calculation will, or has ceased to have effect
2. reason for cessation.

### **Notice of the requirement to make payments**

Where a NRP is required to make payments of either OGM or arrears a notice must be sent to the NRP detailing those requirements. For child maintenance purposes this notice takes the form of a payment schedule. The notice must include

1. the amount of child support maintenance and any collection fees payable
2. to whom payments must be made
3. the method of payment
4. when payments are to be made, and where appropriate
5. the amount of any payment calculated in accordance with the new scheme rules and any payment of a collection fee which remains outstanding, and
6. the amount of any payment calculated in accordance with the old scheme rules where the old scheme arrears have been transferred to the computer system for the new scheme rules.

1 CS (CE) Regs 1992, reg 7(1)

Where there is liability for penalty payments, or interest, or enforcement fees, these should be set out in a notice<sup>1</sup>.

1 CS (CE) Regs 1992, regs 7(1A) and 7(1B)