

# Freedom of Information request 160/2014

Received 10 January 2014

Published

## Information request

- The legislation is such in child support law that a non-resident parent has no duty to report any changes unless asked to do so prior to 2008. Can you show the legislation you use when deeming a non-resident parent non-compliant for failing to inform of a change of circumstances? When no legal wrong doing has taken place, many cases that have caused non-resident parent's massive loss are not upheld due to you deeming them non-compliant yet in law the non-resident parent has done no wrong.
- Can you also evidence what checks are made by yourselves into Child Support Agency record keeping? When making decisions on each case do you accept that if contained in the persons file it is correct? What evidence would you disregard and how would you decide?

## DWP response

In response to your first point, it is not the Independent Case Examiner's (ICE) role to reach any determination on points of law; we do not therefore comment on legislation or on whether a complainant's actions are lawful. The phrase non-compliant within an ICE report does not refer to legislation; nor is it a determination. The word 'compliant' is defined in the Collins English dictionary as 'complying, obliging or yielding'. We therefore describe as non-compliant those who have not complied with Agency requests or instructions.

However for your information Regulation 4 of The Child Support Information Regulations 2008 specify the duty placed on non-resident parents to provide any information, if requested, in order to:

- Determine an application for child support and any issues which arise under that application.
- Make any other decisions under child support law.
- Enable the calculation, collection and enforcement of child support.

In addition, Regulation 9 explains that where a non-resident parent changes their address, they must notify the Agency within 7 days.

You can see the Child Support Information Regulations in full at - [www.legislation.gov.uk](http://www.legislation.gov.uk)

In response to your second point, ICE requires public bodies and invites other parties to a complaint to provide documentary evidence and uses all relevant evidence provided to judge the merits of the complaint. Unless we have reason to doubt the veracity of evidence provided by either party we accept it as accurate. Where the evidence appears incomplete or contradictory, we question the provider accordingly and, as necessary, may seek additional corroboration.