

Withdrawn

This leaflet is withdrawn.

The Child Support Agency no longer exists.

How to **appeal**

child support agency

What is this leaflet about?

This leaflet tells you what you can do if you disagree with a decision we have made about how much child maintenance you must pay or how much you should get. It explains the rights you have to ask us to look at a decision again or appeal against it.

It also tells you what happens after a decision on your appeal has been made and what you can do if you disagree with that decision.

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

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 that the leaflet is correct as of 28 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 any financial decisions based on the leaflet.

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 method to work out how much child maintenance should be paid in each case and to manage the 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, go to 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 22.

If you want to make a family-based arrangement, rather than one through the CSA, contact Child Maintenance Options for impartial information and support.

Go to their website at **www.cmoptions.org** or call them on **0800 988 0988** or **0800 988 9888** (textphone).

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What can I do if I'm unhappy with the Child Support Agency?

If you're unhappy with the Child Support Agency, what you should do depends on what you're unhappy about.

- If you're not happy with the way we've managed your case or the level of service you've received from us, then this is a complaint. You cannot appeal against these things. Instead, you should tell us that you're not happy, and we'll do our best to put things right. Please phone us to do this.
- If you don't agree with the amount of child maintenance we've worked out then you should ask us to look at our decision again. We call this a 'mandatory reconsideration'.

You also have a right of appeal through the legal system. You'll find out more about this below.

If you're not sure which of these options is right for you please call us. We'll be happy to explain more.

You can ask someone to contact us on your behalf, as long as you have given us written permission to speak to them about your case.

If you don't agree with the amount of your child maintenance

If you think we have worked out your 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 the decision. We will then look at the decision again. We call this a 'mandatory reconsideration'.

You can ask for a mandatory reconsideration by phone or in writing. You can find the address and phone number on the front page of the letter telling you about our decision. If you phone, **please have the letter with you** so that you can give us the reference number. You should tell us why you think the decision is wrong and ask us to look at it again.

To help us look at our decision again you can send us any new evidence that you think should affect our decision. You can use the envelope that we'll give you with our letter in reply to your asking for a mandatory reconsideration.

If you don't have any extra evidence you won't need to send us anything. We will still look at our decision again. If you're not sure what counts as new evidence, or whether something would affect our decision, you can call us and we can help you.

If you are the non-resident parent you must keep paying the amount we worked out until your mandatory reconsideration is dealt with.

Payment of professional fees

You can ask someone to act on your behalf if you want to appeal against one of our decisions or ask us to look at it again.

If you ask someone who will charge you a fee, such as a solicitor, you may be able to claim the fee back from us. We can only reimburse you for any fees you are charged if you can show us that:

- you made every attempt that you could, within reason, to get the matter resolved using our standard appeals process before you asked the person to help you professionally;
- the issue would not have been sorted out, within a reasonable timescale, if you had not asked them for help; and
- the fees you have been charged are reasonable.

We will not be able to reimburse you for professional fees under any other circumstances.

What do we do during a mandatory reconsideration?

During your mandatory reconsideration we will look again carefully at the facts and evidence we used to make our decision. We will also look at any new points you make and any new evidence you give us. We will also ask anyone else with a child maintenance case that may be affected by our looking at our decision again for any evidence they may have.

If we don't hear from you within 14 days from the start of your mandatory reconsideration we can look again at our decision using the information we already have about your case, plus any evidence sent to us by the other people involved. **We will only reconsider a decision once**, so it is very important that you send us any evidence within this time if you want us to take it into account.

When we have looked at the decision again, we may:

- change our decision, based on any new information or evidence we hadn't seen before, or
- decide that our original decision was correct.

We will send a letter explaining our findings to everyone in a child maintenance case that may be affected by your mandatory reconsideration. We call this letter a 'mandatory reconsideration notice'.

If you still feel our decision is wrong after we have sent you your mandatory reconsideration notice, you will be able to appeal to HM Courts and Tribunals Service (HMCTS) against the decision. Your mandatory reconsideration notice will tell you what you need to know if you want to appeal.

You **cannot** appeal against our decision until we have considered your application for a mandatory reconsideration.

Who is involved in a mandatory reconsideration?

If we change the amount of child maintenance in one case this can sometimes affect the amount paid in others. This means parents in more than one child maintenance case can be affected by a mandatory reconsideration.

Each parent in every affected case will get a right of appeal based on the result of the mandatory reconsideration. So that everyone knows that their child maintenance may change, and knows that they will have a right of appeal based on any change, we tell everyone in an affected case when we are carrying out a mandatory reconsideration. However, we don't give out any information that should remain confidential.

Important: if a decision is appealed against after a mandatory reconsideration, all the information about it will be included in our 'appeal response'. This is a legal document sent to everyone whose child maintenance case may be affected by the appeal's outcome. You can read more about this on page 17.

Example

Dave is a non-resident parent who pays child maintenance in two separate child maintenance cases – one with a parent with care called **Linda**, and one with a parent with care called **Celine**. In each case we have worked out his child maintenance using a ‘net income’ figure of £300 a week.

Linda thinks that Dave has got a new job and is earning more than this. She asks for a mandatory reconsideration.

We check Dave’s income as part of our mandatory reconsideration, but we find that actually Dave’s net income has gone **down** in his new job. We change the child maintenance amount in Linda’s case and, as part of the mandatory reconsideration, we automatically change **Celine’s** child maintenance amount, too.

Because this change affects Celine we send her:

- a letter at the start to say we are doing a mandatory reconsideration in a child maintenance case that may affect hers, and
- a mandatory reconsideration notice at the end.

However, we **don’t** give Celine any information about Linda, her case or her children.

Decisions made before 28 October 2013

Mandatory reconsiderations for child maintenance decisions came in on 28 October 2013. If the decision you think is wrong was given to you on a letter dated before 28 October 2013 then you don't have to ask us for a mandatory reconsideration before you appeal, but you will need to appeal within one month of the date of the letter telling you about the decision.

You can also still ask us to explain our decision or to look at the decision again. This is less formal and, because an appeal can take a long time, it is often a quicker way of correcting a decision that you think may have overlooked some important facts.

Are there things I should not appeal about?

Yes, there are four situations when an appeal will not be accepted:

1. If you are unhappy with the service you have received from us. You can contact us to discuss this instead. If you are still not happy you can make a complaint.
2. When a person denies they are the child's parent. This is called 'disputed parentage'. If you want to know more about disputed parentage, get a copy of the leaflet What happens if someone denies they are the parent of a child? (CSL304). See the back of this leaflet for details. There is also more information on our website at **www.csa.gov.uk**
3. If you are a non-resident parent and you are unhappy that we are collecting child maintenance from your earnings using a 'deduction from earnings order', you need to appeal to a magistrates' court (in England and Wales) or to a sheriff court (in Scotland). The letter we have sent you about the order will say more about this.
4. If you are unhappy that we are trying to collect child maintenance from your bank account using a 'deduction order', you need to appeal to the county court (in England and Wales), or to the sheriff court (in Scotland). The letter we have sent you about the order will say more about this.

Are there any time limits for asking us to look again at a child maintenance decision?

You should ask us for a mandatory reconsideration within one month of the date of the letter that tells you our decision. If you don't contact us within one month of the date of the letter:

- we may only be able to change the decision from the date you contact us, even if you then give us information we haven't already considered, and
- we may decide not to look at the decision again and you may lose your right to appeal.

If you contact us after one month we may look at our decision again only if we are satisfied that:

- it is reasonable to do this, and
- special circumstances stopped you from contacting us within one month – for example, if you were in hospital for the whole one-month period.

Time limits for appeals

If you want to appeal after your mandatory reconsideration you must do this within one month of the date of your mandatory reconsideration notice. Your appeal must be in writing and sent to Her Majesty's Courts and Tribunals Service (HMCTS). You can find out more about how to do this on page 16.

An appeal is a formal process. When someone appeals against a child maintenance decision, an independent tribunal judge will take another look at our decision.

Important: if we or a tribunal make a new decision, the amount of child maintenance due could go **up** or **down**. If we or the tribunal decide to change the amount of child maintenance, this new amount will be backdated to start from the date of the decision you have appealed against.

While a decision is being appealed against, it will stay in force. If you are the non-resident parent, you must keep paying the amount we worked out until the appeal is dealt with.

How can I appeal against a child maintenance decision?

At the end of your mandatory reconsideration we will send you two copies of your mandatory reconsideration notice: one for you to keep and one for you to send with any appeal you may make.

Your appeal may not go ahead unless you include a copy of your mandatory reconsideration notice with your appeal.

You can use HMCTS's Notice of Appeal form to make your appeal. Using the form will help you to make sure that all the information the tribunal needs is included.

How to get an appeal form

To download a copy of an appeal pack, which includes a Notice of Appeal form, go to:

- HMCTS's website **www.justice.gov.uk/tribunals** or
- **www.gov.uk**

You can also get the appeal pack from local advice services such as Citizens Advice.

You can find other places that stock the appeal form by going to HMCTS's website at **www.justice.gov.uk/tribunals**

You can also appeal by letter giving all the reasons for your appeal. But if any information is missing it may take longer to register your appeal and the tribunal may have to contact you for more information.

Where to send your appeal

If you live in **England or Wales**, send your appeal to HMCTS, SSCS Appeals Centre, PO Box 1203, Bradford BD1 9WP.

If you live in **Scotland**, send your appeal to HMCTS, SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ.

What happens when HMCTS get my appeal?

When HMCTS get your appeal they will tell us straight away. They will ask us to do some work so the Tribunal has all the information it needs.

Preparing our ‘appeal response’

As part of your appeal we’ll prepare an appeal response for HMCTS. This will include all the relevant information about the decision you have appealed against and why we made it.

The information will include the original application form and may include wage slips, bank statements, and any letters we sent or received. It may also include all documents and records we have about the appeal, such as copies of letters from you or the other people involved, details of bank accounts or the name of your employer. We will aim to prepare our appeal response within 42 days of your lodging your appeal.

HMCTS will send copies of our appeal response to you and to all the other people involved in the appeal. This may include people in other child maintenance cases that could be directly affected by a change to your case.

Before they send the appeal response to everyone involved, HMCTS may send them a form to ask if they want us to remove their address from the document. If anyone involved wants to make sure that their address does not appear in the appeal response, they must fill in this form and send it back to HMCTS within 14 days of getting it. However, we cannot remove these

details if the other person in the case already knows that address.

Some appeals may involve more than one parent with care. In these cases all parents with care will get a copy of the appeal papers. You may want to think about this before deciding whether you want us to remove your address from the appeal response.

No other information that is part of the appeal can be removed from the response.

What happens at the appeal hearing?

HMCTS will send you all the information you need about what they do and what happens at an appeal hearing. You can also find out more on their website: **www.tribunals.gov.uk** After a hearing, the tribunal will give its decision to you and to the other people involved in the appeal.

What happens if the tribunal changes the original decision?

If the tribunal changes the decision that you appealed against, they will send us a 'decision notice'. This will tell us what we should do to put the decision right.

If we have to work out your child maintenance again, this will take about one week from when we receive the tribunal's decision. It may take longer if we have to get more information to do this.

The tribunal may ask us to get more information from you or from other people. If we need you to give us more information, you must do this within the time that we or the tribunal give you.

The new decision may mean that your child maintenance payments will go **up** or **down**. The new amount will normally apply from the date we made the decision you appealed against. We'll tell you the new amount as soon as possible.

What happens if the tribunal decides the original decision was correct?

If the tribunal decides the original decision was correct, that decision will stand. The Tribunals Service will give you information about what to do if you disagree with the tribunal's decision.

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

If either parent's circumstances change, it can mean that 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 of the date that your address changes)
- you are paying 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 you have one)
 - how much you expect to earn, and
 - your payroll number (if you have one).

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.

If you do not give us the information we need, or you give us information that you know isn't true, we can take you to court and you could be fined up to £1,000. This also applies to any person or organisation who the law says must give us information – such as employers and accountants, as well as parents.

Where can I get more help and information?

If you want to know more about child maintenance and how we work it out, go to 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 should call the number on the top right-hand corner of your most recent letter from us. That number will be for the office dealing with your case.

If you don't have a case with us yet, or can't find a recent letter, you can phone our national helpline. The person taking your call won't have your personal information so won't be able to answer questions about your case. However, they can help you with anything general to do with child maintenance. They will also be able to give you the phone number of the office dealing with your case if you want to ask specific questions.

You can call the 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 problems, there is a textphone service 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 bureaux 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.

To visit our website, go to **www.csa.gov.uk**

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**

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

This is when you ask an independent tribunal to look at your case if you are not happy with a decision we have made.

Appeal response

An appeal response contains all the information we have about the decision you are appealing against (such as the original application form, wage slips, bank statements and any letters we have sent or received). We send it to the tribunal, to you and to all the other people connected with the appeal.

Child

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

- is not, and has never been, married or in a civil partnership, and
- is in full-time, non-advanced education.

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

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

This is one of the ways we can 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 their earnings and send it to us.

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

Deduction order

This is when we take the child maintenance that the non-resident parent owes direct from their bank or building society account. We can set up a deduction order to take regular payments or to take a one-off payment. We do not have to get the non-resident parent's agreement to do this and do not have to ask a court for permission. The bank or building society can charge the non-resident parent an administration fee for each deduction they make.

Duly made

An appeal is said to be 'duly made' if all the information we need is provided correctly.

This information is:

- your child maintenance reference number (this will be at the top of the letter telling you about the decision)
- the decision you are appealing against
- the date on the letter telling you about the decision, and
- why you think the decision is wrong.

The Notice of Appeal form asks for all this information. You must also sign the form. If you appeal using a letter, you must make sure that you include all the information and sign the letter.

HMCTS

Her Majesty's Courts and Tribunals Service (HMCTS) manages appeals against decisions by the Child Support Agency. It is an executive agency of the Ministry of Justice.

It is the First-Tier (Social Entitlement Chamber) Tribunal, which we call 'the tribunal', that hears appeals about decisions on social security, child maintenance and related issues.

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 HMCTS against our decision until we have done our mandatory reconsideration.

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. They are then called the 'person with care', rather than the parent with care.

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**

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.