

Withdrawn

This publication is withdrawn.
The publication is no longer current.



Child Maintenance
Service

What to do if you're unhappy with the Child Maintenance Service

Help with
complaints,
mandatory
reconsiderations
and appeals

About this leaflet

This leaflet explains what to do if you're unhappy with the service provided by the Child Maintenance Service or with a decision we've made.

Important information

This leaflet 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.

We have done our best to make sure the leaflet is correct as of September 2018, 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 leaflet.

The law regarding how you appeal against a child maintenance decision changed on 28 October 2013. If the letter telling you about your child maintenance decision is dated before 28 October 2013 then different rules apply. We have used footnotes where relevant to tell you about the different rules.

About us

The Child Maintenance Service is the government's statutory child maintenance service. We work out, collect and pay out child maintenance payments on behalf of some separated parents in England, Wales and Scotland.

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

What is child maintenance?

Child maintenance is regular, reliable financial support that helps towards a child's everyday living costs.

In most cases, the parent who does not have the main day-to-day care of the child pays child maintenance to the parent who does have the main day-to-day care. In child support law the parent who receives child maintenance is known as the 'parent with care' - we call them the 'receiving parent' - and the parent who pays child maintenance is known as the 'non-resident parent' - we call them the 'paying parent'. In some cases, the receiving person can be a grandparent or guardian.

If they live in Scotland, a child aged 12 to 19 and in full-time, non-advanced education or training can apply for child maintenance.

Get in touch

If you can't find the information you need in this leaflet, you can contact us or find out more in the following ways:



On the web:

www.gov.uk/child-maintenance



By phone:

Call us on **0800 171 2345***. Our TextBox and textphone number is **0800 232 1975***.

Our opening hours are:

8am to 7:30pm - Monday to Friday

9am to 4:30pm - Saturday



By letter:

Write to us at:

Child Maintenance Service 21

Mail Handling Site A

Wolverhampton

WV98 2BU

*Please see the information about call charges at the back of this leaflet.

4 What to do if you're unhappy with the Child Maintenance Service

Contents

- 5 Complaint or appeal?
- 10 How does the Child Maintenance Service handle complaints?
- 13 Mandatory reconsiderations and appeals
- 24 Useful information

Section 1:

Complaint or appeal?

If you're unhappy with the Child Maintenance Service we want to know about it and we want to put things right.

The action you should take will depend on what the problem is. This leaflet will help you take the right steps to get things sorted out.

We take improving our service very seriously, and we'll help you at every step along the way.

To sort the issue out as quickly as possible you need to consider whether you want to **complain** about our service or **ask us to look again** at one of our decisions. It's important to understand the difference as each option means we will go about helping you in a different way.

If you're not happy with the **service** you've received from us you should tell us and consider making a **complaint**.

If you think we've made a mistake in working out **how much** child maintenance you should be paying or receiving, you can ask us to look at our decision again. We call this a '**mandatory reconsideration**'.

After we've looked at our decision again, we may find we need to change it. Whether we change it or not, if you still feel it's incorrect, you can also **appeal** against it. Appealing is a formal legal process managed by HM Courts and Tribunals Service (HMCTS) (see Section 3 for more details). You cannot appeal until you have had a mandatory reconsideration and received a mandatory reconsideration notice from us[†].

You'll find out more about the difference between a complaint, a mandatory reconsideration and an appeal over the page.

6 What to do if you're unhappy with the Child Maintenance Service

† If the decision you think is incorrect 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. You can appeal straight away. You can still ask us to look at our decision again without formally appealing, however - and then you can consider appealing if you're still not happy with the outcome after we've looked at it.

If you're not happy with the service we provide

If you're not happy with the service you get from us, the first thing you should do is let the people dealing with your case know. Complaints about our service can usually be sorted out by doing this.

When you speak to the team, please explain your concerns about our service in detail. We'll use your comments to help us improve our service.

Decisions about your child maintenance amount can't be changed by making a complaint. If you aren't happy with the way your child maintenance has been worked out you should ask us to look at the decision again.

Go to Section 2 of this leaflet for more details about making a complaint.

If you think we've made a mistake in working out your child maintenance amount

If you think this decision is wrong, or have any information that would affect it that we haven't already considered, please get in touch with us within 32 days of the date of this letter. We will then look at the decision again. We call this a 'mandatory reconsideration'.

You, or someone who has the authority to act for you can:

- ask us to explain the decision, or
- ask us to look at the decision again, to see if it can be changed. There may be some facts you think we have overlooked, or you may have new information that affects the decision.

When we have looked at the decision again, we will decide either that it was correct or that we need to change it. We will send you a letter explaining what we have done. We call this 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 a First-Tier Tribunal, managed by HMCTS, against the decision. You cannot appeal against our decision until we have done the mandatory reconsideration.

If you want to appeal against a decision, you should do this within one month of getting your mandatory reconsideration notice.

Go to Section 3 of this leaflet for more details about mandatory reconsiderations and appeals.

8 What to do if you're unhappy with the Child Maintenance Service

Example A: Tom

Tom is a receiving parent who has applied for child maintenance. He gets a letter saying that the paying parent will pay £50 a week, based on her gross weekly income and the fact that she has care of the children for two nights each week.

Tom thinks she should pay more. He believes the paying parent has other income that hasn't been taken into account.

- Tom should ask us for a **mandatory reconsideration**. He doesn't have a problem with the level of service he's getting from the Child Maintenance Service – but he thinks we should look again at our child maintenance decision.

The content of the examples in this leaflet is for illustrative purposes only.

Example B: Denise

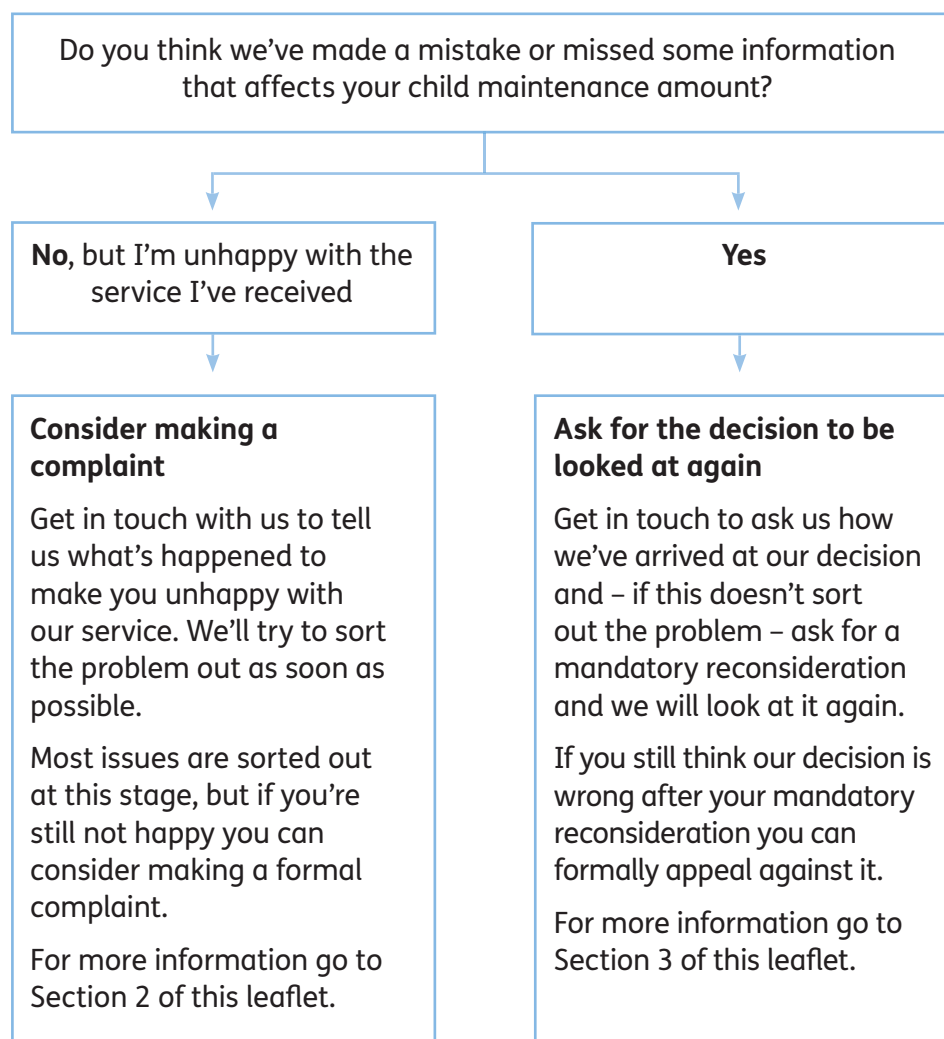
Denise is a receiving parent who gets weekly child maintenance payments. She writes to the Child Maintenance Service to ask when the payments are likely to be reviewed. Three weeks later, she still hasn't had a reply to her letter.

Denise rings the Child Maintenance Service to say she is unhappy at the delay.

- This is a **complaint**. Denise isn't disputing the amount of money she is due to receive. But she's unhappy that nobody has contacted her about her enquiry, and wants somebody to deal with the problem.

The content of the examples in this leaflet is for illustrative purposes only.

Should I make a complaint or ask for the decision to be looked at again?



If you are not happy with the service you have received from us and you think we have made a mistake, let us know so we can look at both of these issues. You'll need to make a complaint and ask us to look at our decision again.

Section 2

How does the Child Maintenance Service handle complaints?

If you're not happy with the service you have received from us, the first thing you should do is let the team that normally handles your case know. As they are familiar with your case, they will be able to deal with your problem straight away. When you speak to them please explain your concerns about our service in detail.

What happens next?

We will discuss the issues you have raised and agree with you the actions we can take to sort out your concerns.

If we have made a mistake, we will:

- apologise
- explain what went wrong and why
- make the changes needed to fix it
- try to improve our service as a result of your complaint.

We aim to deal with your complaint within 15 working days. If we think it may take longer we will let you know. We will tell you when you can expect to hear back from us and agree a timescale with you.

When the actions are complete, we will let you know.

If you are happy with the way your complaint has been sorted out, we won't take further action. Most complaints are sorted out at this stage, but if you're still not happy with the service you've received from us you can ask for your complaint to be looked at again.

If you want to complain in writing our address is:

Child Maintenance Service
PO Box 249
MITCHELDEAN
GL17 1AJ

What if I'm still not happy?

Complaints stage 1

If you're not satisfied that your complaint has been dealt with you can ask for it to be looked at again by the Complaints Resolution Team.

In nearly all cases they will be able to agree with you how the complaint can be sorted out and will carry out any action needed.

If you remain unhappy after the Complaints Resolution Team has looked at your complaint, you can ask us to escalate your complaint to stage 2.

Complaints stage 2

At stage 2, your complaint will be passed to the Director General, DWP Operations who will arrange for your complaint to be looked at. The Director General can only look at complaints that have gone through stage 1.

We're committed to providing the best possible child maintenance service that we can, and we know we can learn a lot from what you tell us in your complaint.

We continually look for trends and common issues that can help us spot particular areas where we can improve.

Independent Case Examiner

If you've been through all our complaints stages, received our final response and still aren't satisfied, you can ask the **Independent Case Examiner** to look at your complaint. You must contact them within 6 months of getting our final response and send them a copy of it.

12 What to do if you're unhappy with the Child Maintenance Service

The Independent Case Examiner can look at complaints about our service but not matters of law or government policy. If they accept your complaint, they will look at what happened and what we did about it. If they think we should have done more, they will ask us to put matters right. Their service is free and impartial.

You can contact the Independent Case Examiner in the following ways:

On the web:

www.gov.uk/ice

By phone:

0800 414 8529

By text phone:

18001 0800 4148529

By email:

ice@dwp.gsi.gov.uk

By letter:

**The Independent Case Examiner
PO Box 209
Bootle
L20 7WA**

Parliamentary and Health Service Ombudsman

You can complain to the Parliamentary and Health Service Ombudsman, but you must do this through your MP. The Parliamentary and Health Service Ombudsman will expect you to tell us first that you are unhappy. They will not become involved in a complaint until we, and the Independent Case Examiner, have had a chance to reply. They look at complaints where government organisations have not acted properly or fairly, or have given a poor service.

You can make a complaint online or contact the Ombudsman in the following ways:

On the web:
www.ombudsman.org.uk

By phone:
0345 015 4033

By text to the 'call back' service leaving your name and mobile number: **07624 813 005**

Independent Help

If you would like independent help when dealing with us or want to complain about our service, you could ask:

- Your local Citizens Advice (see www.citizensadvice.org.uk for more information).
- Your local Member of Parliament (MP)

Section 3

Mandatory reconsiderations and appeals

What should I do if I disagree with a Child Maintenance Service decision?

If you disagree with a decision we have made about how much maintenance you should be paying or receiving, the first thing you should do is ask us to look at it again. This is called a mandatory reconsideration. It means we can quickly fix a mistake or consider important facts we may have missed.

Although you have the right of appeal against child maintenance decisions, you can't appeal until **after** we have looked at the decision again and sent you a mandatory reconsideration notice.*

We make all our decisions in line with the regulations and policies that are set out under child maintenance law. And we take into account all the relevant information we have about your circumstances.

14 What to do if you're unhappy with the Child Maintenance Service

While we try not to make mistakes, we accept that we don't always get it right – working out the right amount of maintenance can be complicated and that's why we're always happy to look at a decision again.

What happens when the Child Maintenance Service looks at a decision again?

When you ask us to look at a decision again, we'll look carefully at our decision to make sure that it is correct. If we need more information to do this, we may contact you or the other parent.

If we find that our decision was incorrect, we'll change it. If this happens, we will write to both parents with the new decision. We'll also send both parents a new schedule of child maintenance payments.

If we find that we can't change the decision we'll let you know in writing as soon as possible. The letter we will send you is called a 'mandatory reconsideration notice'. If you still disagree with the decision after you get your mandatory reconsideration notice, you may decide to appeal. You should do this within one month of the date of your mandatory reconsideration notice[†].

Please remember that we make all our decisions in line with the regulations and policies set out under child maintenance law.

While a decision is being looked at again, or appealed against, it stays in force. This means the paying parent still has to pay the amount we have worked out, on the dates we have given, until the issue is sorted out.

How do I ask the Child Maintenance Service to look at a decision again?

If you want us to look at a decision again you should call us on **0800 171 2345*** as soon as possible. You'll find our phone number on the letter telling you about our decision. Please have the letter with you when you phone, so that you can give us the reference number on the top.

If you want to write to us our address is:

Child Maintenance Service
PO Box 249
MITCHELDEAN
GL17 1AJ

When you get in touch, you should tell us why you think the decision is wrong and ask us to look at it again. We will look at our decision thoroughly to make sure it is correct.

Your right to appeal

You also have a legal right to formally appeal against a number of child maintenance decisions.

If you want to appeal against a child maintenance decision you need to know that:

- an appeal can take a long time – often up to nine months and sometimes longer
- making an appeal starts a legal process that’s managed by HM Courts and Tribunals Service (HMCTS) and that follows their own rules and regulations – not those of the Child Maintenance Service – although their decisions will be guided by the same child support law
- your address can be kept confidential throughout your appeal. But if your appeal goes to a tribunal hearing, all the other details about the decision you have appealed against will be made available to all parties to your case – including the other parent
- appeal hearings involve your case being heard by a judge, and you may be called on to explain why you think the decision is wrong; and

† 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. You can appeal straight away. You can still ask us to look at our decision again without formally appealing, however - and then you can consider appealing if you’re still not happy with the outcome after we’ve looked at it.

16 What to do if you're unhappy with the Child Maintenance Service

- if you are a paying parent, you will have to continue to pay the amount we worked out until the appeal is resolved.

If you want to appeal against a child maintenance decision, you should do so within one month of the date of your mandatory reconsideration notice.

If you've asked us to look at a decision again and we change it, we will tell you and the other parent about our revised decision. If we find that our decision was correct, we'll explain our reasons why. Either way you will have the right to appeal against our decision. This will all be explained on your mandatory reconsideration notice[†].

You should appeal within one month of the date on the letter telling you that we won't change our decision.

[†] If the decision you think is wrong was given to you on a letter dated before 28 October 2013 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.

What else do I need to know before asking for the decision to be looked at again, or making an appeal?

The tribunal will use the same child support law that we do to decide on your case.

Also, if a new decision is made you should be aware that:

- it can either **increase** or **reduce** the amount of child maintenance that has to be paid;
- paying parents may have to make extra payments;
- receiving parents may have to pay back some of the child maintenance they have received.

There have been some cases where parents have waited until the tribunal hearing before revealing information affecting their case. Because it can take many months for the hearing to take place, this can mean that changes have to be backdated, resulting in overpayments and underpayments having to be corrected.

It is **always** in your best interests to give us all the information that you think will affect your case so that we can make the best decisions we can in the interests of your children.

What child maintenance decisions can I appeal against?

You have a right to appeal to the tribunal if:

- you think the amount we have worked out for child maintenance is wrong
- we make a 'default maintenance decision' – this is something we do if the paying parent has not provided information we need to work out child maintenance
- we refuse to work out a new amount of child maintenance after you've told us about a change in your circumstances
- we refuse to cancel a default maintenance decision
- you disagree with the changes we make to a decision you've asked us to look at again
- we refuse to look again at a decision you have asked us to review, within the time allowed by law (32 days from the date of the letter telling you about the decision)
- you think we have made a decision that should have taken effect from a different date
- you think we have used incorrect information to make our calculation
- we decide to cancel your case.

When shouldn't I appeal to a tribunal?

Certain issues do not fall within the jurisdiction of a tribunal (meaning they have no legal power to look at them). There are four specific situations where you should not appeal to a tribunal:

- 1 When a person denies they are the parent of a child. This is called 'disputed parentage'. If you want to know more about disputed parentage, see our leaflet *What happens when someone denies they are the parent of a child?* or go to **www.gov.uk/child-maintenance**

18 What to do if you're unhappy with the Child Maintenance Service

What is the difference between a mandatory reconsideration and an appeal?

There are some key differences between asking us to look at a decision again and appealing against it. These are explained in the table below.

	Mandatory reconsideration	Appealing
When should I do this?	You should ask us to look at the decision you disagree with as soon as you can and within 32 days of the date on the letter telling you about the decision.	You need to do this within one month after we've looked at a decision again and told you we won't change it. If you appeal later than this the other party (or parties) in your appeal may be asked to comment on whether they object to its being accepted after the one-month time limit. HM Courts & Tribunals Service may not be able to accept it.
What do I need to do?	Call or write to us to say you would like us to look at the decision again.	Fill in an appeal form which you can get from HMCTS. You should send your completed form and a copy of your mandatory reconsideration notice to HMCTS - not the Child Maintenance Service.†
How long will it take for a change to be made?	If we have made a mistake, or overlooked important facts, we will change the decision as soon as we can.	This could take a long time, often up to nine months and sometimes longer. Appeals against child maintenance decisions are heard by a First-Tier Tribunal of the Social Entitlement Chamber. It can take a long time to come to a result.

	Mandatory reconsideration	Appealing
What will happen?	We will look again thoroughly at the decision we have made, to see if it was correct or if important facts were overlooked. We will also consider any evidence that we haven't already seen.	HMCTS will arrange a hearing for your appeal in front of an independent tribunal. You may need to come to this hearing. While we can keep your address confidential during the appeal process, any evidence of how the decision you have appealed against was made must be made available at the appeal hearing (including to the other parent).
What can happen as a result?	If we find that our decision was wrong we will change it. If we find that it was correct, we will tell you why. Either way you will have a legal right to appeal against the decision. You can only do this after we have sent you a mandatory reconsideration notice.	The tribunal can change our decision or they can decide that our decision was correct. We always implement whatever decision the tribunal reaches, and are legally bound to do so.

† If you are appealing against a decision made before 28 October 2013 you should appeal direct to the Child Maintenance Service. Call us on **0800 171 2345*** to ask us for an appeal form or for more information on how to appeal.

20 What to do if you're unhappy with the Child Maintenance Service

- 2 If you're unhappy with the service you have received from us. In this situation, you should make a complaint to us instead. See Section 2 of this leaflet for more information on how to do this, or go to **www.gov.uk/child-maintenance**
- 3 If you want to appeal against a **deduction from earnings order (DEO)**, your appeal should be made to a magistrates' court in England and Wales or to a sheriff court in Scotland. If you have been sent a deduction from earnings order, it will tell you what appeal rights you have and what you need to do.
- 4 If you want to appeal against a **deduction order**, your appeal should be made to the county court, or the sheriff court in Scotland. The order will tell you what appeal rights you have and what you need to do.

How do I appeal against a child maintenance decision?

You cannot appeal until **after** you have received a mandatory reconsideration notice.

- If you want to appeal, you should fill in an appeal form. You can get one from HMCTS. Their contact details are online at **www.justice.gov.uk/hmcts**

You **must** sign the appeal form or letter. If you have asked someone to represent you, you must authorise them to do so by giving their name and address and signing where shown on the appeal form or in your letter. They can then sign the form or letter on your behalf.

When you have filled in the form or written your letter, you need to send it with a copy of your mandatory reconsideration notice to HMCTS.

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

How long do I have to appeal?

You should send your appeal to HMCTS[†] **within one month** of the date of your mandatory reconsideration notice.

If you miss the one-month time limit, HMCTS may not be able to accept your appeal automatically. If you want them to consider a late appeal, you'll need to explain why it's late. You can do this in the appeal form. The other party (or parties) in your appeal will be asked to comment on whether they object to its being accepted after the time limit and HMCTS will make the final decision.

HMCTS can only accept a late appeal if they are satisfied the appeal:

- has a reasonable chance of success
- is being made in special circumstances (see below), and
- is being made no more than twelve months after the time limit for appeal.

The special circumstances include if:

- you have been seriously ill
- a close relative – your partner or someone who depends on you, such as a child – has been seriously ill or died
- you live outside the United Kingdom
- the postal services were disrupted, or
- the tribunal decides there was some other exceptional reason why you could not appeal within the time limit.

If we're not satisfied that one or more of these circumstances applies to you, we'll still pass your appeal to the tribunal – but we'll tell them that it's late and whether the other party has objected to its being accepted.

[†] If you are appealing against a decision made before 28 October 2013 you should appeal direct to the Child Maintenance Service. Call us on **0800 171 2345** to ask us for an appeal form or for more information on how to appeal.

22 What to do if you're unhappy with the Child Maintenance Service

HMCTS will look at the reasons you have given and any objection from the other party and will decide whether or not your appeal can still be accepted.

What happens when HMCTS receives my appeal?

Step 1: They will check the appeal is 'duly made'

First HMCTS will check that you have given them all the information they need and that the appeal has been made in time. They'll also check that you, or the person you have asked to represent you, have signed the appeal. If you have, they'll accept that your appeal has been made properly. This is known as the appeal being 'duly made'.

If your appeal is missing information, they will send it back to you to complete, or ask you to give them more information, within 14 days. If HMCTS does not receive all the information they ask for in that time, they may decide not to accept your appeal because it was not duly made.

Step 2: We will prepare our response

If HMCTS accepts your appeal they will ask us to prepare our response. This will give the tribunal all the information it needs about how we made the decision and why we made it. **This will include the original appeal form and may include wage slips, bank statements, and any letters we sent or received.** It will also include all the relevant information we have about the decision you have appealed against, such as copies of letters from you or the other people involved and details of bank accounts.

We'll send copies of our appeal response to the tribunal, to you and to all the other people involved in the appeal.

Important

Before we send the appeal response to everyone involved, we will send a form to ask if they want us to remove their address, or information that could lead to the identification of their address, from the document. If anyone involved wants us to remove these details from the appeal response, they must fill in this form and return it to us within 14 days of receiving it.

Some appeals may affect more than one receiving parent or paying parent. In these cases all parents involved will receive a copy of the appeal papers. You may wish to consider this before deciding whether or not you want us to remove your address from the appeal response.

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

Step 3: The tribunal will hear your appeal

Once we have sent out our response, HMCTS will set a date for your hearing and send you details of where and when it will take place. They will also let you know more about the hearing itself.

If you have any issues with the date, time or venue, you should contact HMCTS as soon as possible.

What can happen as a result of a tribunal hearing?

The tribunal can change the decision we have made, or they may decide our decision was correct.

If they do decide to change the decision you appealed against, they will tell us when they send out their 'decision notice' to all the parties involved in the appeal. This will tell us what we need to do to change the decision. If this means we have to work out a new amount of child maintenance, we will aim to do this within one week.

24 What to do if you're unhappy with the Child Maintenance Service

Any new decision could mean that your child maintenance payments could go up or down.

If you disagree with the tribunal's decision, you need to take this up with HMCTS. You should:

- ask for a statement of reasons from the tribunal judge, which will explain in more detail how they reached their decision. If you still do not feel the decision is correct after this, you can seek "leave to appeal" against it to the 'Upper Tribunal'
- ask them to 'set aside' their decision (because you think that they did not follow the correct procedures, the decision reached was unlawful or there is more evidence not considered that would affect the decision that was reached). You should also contact HMCTS if a tribunal has told us to change a child maintenance decision following an appeal and you think we haven't made the change correctly. You will get full details of what you can do if you disagree with a tribunal decision when the tribunal writes to you to explain their decision.

Useful information

Help and information

If you want to know more about child maintenance, go to www.gov.uk/child-maintenance You can find information and leaflets here, and find out more about our services.

If you would like to talk to someone about your case, please call us on **0800 171 2345***. Our TextBox and textphone number is **0800 232 1975***.

Please have your customer reference number with you when you call. This is a 12-digit number starting with the number 12. It will be shown as 'your reference' at the top of any letter we've sent you.

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

If you don't have a case with us, you can call Child Maintenance Options on **0800 988 0988*** between 8am and 8pm, Monday to Friday, and between 9am and 4pm on Saturdays. The person taking your call can help you with general questions about child maintenance.

Other languages

If English is not your first language, you can use your own interpreter or one that we provide. Call us on **0800 171 2345*** for more information.

Information in other formats

This leaflet is available in other languages and in Braille.

Contact us on **0800 171 2345*** for more information. Our TextBox and textphone number is **0800 232 1975***.

26 What to do if you're unhappy with the Child Maintenance Service

***Call charges**

Calls to 0800 numbers are free from landlines and mobiles.

The Child Maintenance Service administers the statutory 2012 Child Maintenance Scheme (2012 Scheme) and is part of the Department for Work and Pensions.

www.gov.uk/child-maintenance

We print on recycled paper. This keeps costs down and helps look after the environment.

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