

# How do I pay child maintenance?

**child support agency**

Part of the Department for Work and Pensions



# **What is this leaflet about?**

This leaflet is for you as a non-resident parent and explains how you should pay child maintenance for your children. It starts by telling you the different ways you can pay child maintenance and then tells you how often you can make payments.

It also explains what happens if you don't make a payment.

The information in this leaflet is for all non-resident parents, whether you are employed, self-employed or unemployed.

In this leaflet, we use some standard terms to explain our services and the way we work. We have included a glossary at the end of this leaflet in case any of the terms are unfamiliar.

## **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 information in this leaflet is correct as of April 2008. It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law. We recommend that you get independent advice before making any financial decisions based on the information in this leaflet.

## About us

The Child Support Agency (CSA) is part of the Department for Work and Pensions (DWP). Our role is to make sure that parents who live apart from their children contribute financially to their upkeep by paying child maintenance.

You may have heard that the Government plans to replace the CSA with a new organisation and a new approach to child maintenance. You can find out more about these plans on our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**. In the meantime we will continue to help parents who live apart to sort out arrangements for child maintenance.

You can contact us if you:

- have any questions about how we work out child maintenance
- want help or more information after you have read this leaflet, or
- want us to send you any of our other leaflets.

You can call our national helpline. See the details below for how to do this.

Or, you can visit **www.csa.gov.uk** for more information on how we work out child maintenance and for our online child maintenance calculator. We will not keep any information you provide when you use our online calculator.

To get help or more information, you can call us on **0845 713 3133** or **0845 713 8924** (textphone). Both lines are open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays. Please see page 40 for details of call charges and our Welsh-language helpline.

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# How do I pay child maintenance?

Parents can either:

- agree that the non-resident parent will pay the parent with care direct, or
- ask that the non-resident parent makes their payments to us.

If parents agree to make their own arrangements for paying child maintenance they can choose how the non-resident parent will pay the child maintenance. The quickest and easiest way is for the non-resident parent to make a standing order to pay the child maintenance from their bank, building society or Post Office account direct into the parent with care's account.

Or, if the non-resident parent will be making their regular child maintenance payment to us they can pay by:

- direct debit (which is a quick and convenient way of making a payment)
- asking their employer to agree to take the child maintenance payments direct from their earnings or pension, or
- standing order.

There are more details on each of these methods later in the leaflet.

### **Do I have to pay through the CSA?**

No. If you and the other parent come to an agreement, and they are not getting Income Support or income-based Jobseeker's Allowance, you can pay child maintenance without involving us. You should keep a record of any payments you make for future reference.

If you or the other parent are not comfortable agreeing an arrangement, you can choose to pay through us.

If the parent with care is receiving Income Support or income-based Jobseeker's Allowance, we will usually ask you to pay through us. However, if you already have, or want to have, an arrangement to make payments between yourselves, we will discuss this with you and the other parent before we decide if the arrangement can continue.

However, if you get benefits, State Pension or a War Pension, we usually take your child maintenance direct from your benefits or pension.

If you want to pay child maintenance direct to the parent with care, you can use our online child maintenance calculator at **[www.csa.gov.uk](http://www.csa.gov.uk)** to see how much the child maintenance might be in your situation. We will not keep any information you provide when using our online calculator.

### **What happens if I'm going to pay through the CSA?**

If you are going to use us, we will gather information from both you and the parent with care and work out how much child maintenance you should pay. We will then take the payments from you and pay them to the parent with care.

## Do I have to tell you about a change in my circumstances?

Yes, you must tell us if there is a change to any of the information you have given us to use to work out the amount of child maintenance.

This includes changes to:

- your regular weekly income
- the number of children living with the parent with care that you must pay child maintenance for
- the number of children living with you that you or your partner get Child Benefit for (a regular payment made to anyone bringing up children), or
- the number of nights a child regularly stays overnight with you.

You should also tell us about any changes to:

- your address or the address of the other parent, and
- your phone number or the phone number of the other parent.

## How often do I pay child maintenance?

If you and the other parent agree that you will arrange your payments without using us, you should also agree how often the payments will be made. If we are transferring your payments to the other parent, we will agree with you and them when you will make those payments. Sometimes this will be when you are paid your earnings, pension or benefits.

In general, most payments are made:

- every week – 52 payments a year
- every fortnight – 26 payments a year
- every four weeks – 13 payments a year, or
- every month – 12 payments a year.

# **What happens if I'm self-employed?**

If you are self-employed, you still pay child maintenance in the normal way. If you are paying through us, we will work out the amount you should pay based on your net weekly income, the number of children living with you and the number of children you are paying child maintenance for. The only difference is how we work out the amount to use as income.

## **What counts as income if I'm self-employed?**

We count the following as income.

- Earnings from self-employment, after taking off:
  - income tax
  - National Insurance, and
  - normally any money paid into a pension scheme. This does not apply if you set up the pension to pay off a mortgage, when only 75% of the money you pay into the pension scheme is taken away from the income.
- Working Tax Credit if you are the main earner for the tax credit application.

- Child Tax Credit, whether it is paid to you or your partner (someone you are married to or living with as if you were married to them).
- Any money from an occupational or personal pension.

If you want to know more about how we work out child maintenance for non-resident parents who are self-employed, get a copy of our leaflet '*How is child maintenance worked out?*' (CSL303). See the back page for details of how to get this leaflet.

# **What happens if I want to pay by direct debit?**

Paying child maintenance by direct debit is a quick and convenient way of making a payment.

You set up the direct debit so the money is paid to us. Where appropriate, we will then transfer the payment to the parent with care's bank, building society or Post Office account. We aim to transfer child maintenance within one week of receiving it.

Or, you can make a standing order, which transfers the payments from your bank, building society or Post Office account either to us or to the account of the parent with care direct if they agree. If the parent with care is on benefits, we also have to agree that payments can be made direct. If you want to pay by direct debit or standing order, you will need to fill in some forms, which we can send you.

If you or the other parent do not have an account and cannot open an account to pay or receive child maintenance, contact our national helpline. See page 39 for details of how to contact us.

If you are paying child maintenance to more than one parent with care, you can make the payments either direct to each parent with care, or through us.

However, if any of the parents with care are receiving Income Support or income-based Jobseeker's Allowance, you have to make one regular payment through us for all the children you need to pay child maintenance for. We will work out how much to transfer to each parent with care. The payment you make will be divided equally so that the same amount will be paid for each child that you have to pay child maintenance for.

# **What happens if I want to pay direct from my earnings?**

Paying your child maintenance direct from your earnings is easy, and can help you manage your finances. This is because your child maintenance is taken from your earnings before you receive them. So whatever you get as take-home pay, you don't have to pay child maintenance from it.

If your employer agrees, you can pay child maintenance in this way through a **voluntary deduction from earnings arrangement**.

We can provide guidance for employers about how this works both through the employers' section of our website **[www.csa.gov.uk](http://www.csa.gov.uk)** and in our leaflet for employers '*What is my role in helping my employees pay child maintenance?*' (CSL313). See the back page for details of how to get this leaflet.

## **How does a voluntary deduction from earnings arrangement work?**

A voluntary deduction from earnings arrangement works like other deductions from your earnings – such as union fees or repayments for travel-ticket loans. Your employer will take the child maintenance direct from your earnings or pension, and send it to us.

First, you will need to discuss this with your employer. If they agree, let us know that you want to set up a voluntary deduction from earnings arrangement. We will send your employer a letter telling them how much to take.

If your employer agrees and their payroll system can process requests like this, they will take the child maintenance out of your earnings unless we tell them to stop.

Your employer must tell you the amount they take from your earnings, including any amount taken for administration costs. You may find this information on your wage slips. They must do this no later than the pay day after the one on which they took the amount from you.

If you want to know more about how we work out child maintenance, read '*How is child maintenance worked out?*' (CSL303). See the back page for details of how to get this leaflet.

## What information will I need to give you to set up a voluntary deduction from earnings arrangement?

To set up a voluntary deduction from earnings arrangement, we will need:

- your employer's name and address
- the amount of your current earnings
- details of when you are paid – weekly, fortnightly or monthly
- your place of work and the type of work you do, and
- your works or payroll number (your employer should be able to give you this).

If your circumstances change, you should tell us as soon as possible. This includes if you:

- stop working for your employer,
- become unemployed, or
- change jobs.

We can either:

- look at your child maintenance calculation again, or
- arrange another way for you to pay.

## What counts as earnings for a voluntary deduction from earnings arrangement?

We count the following as earnings.

- Wages, fees, bonus, commission, overtime pay or any payments on top of wages
- Private or occupational pensions, and compensation payments
- Statutory Sick Pay
- Contractual sick pay
- Contractual maternity pay (not Statutory Maternity Pay)
- Contractual paternity pay (not Statutory Paternity Pay)
- Contractual adoption pay (not Statutory Adoption Pay)
- Contractual redundancy pay (not Statutory Redundancy Pay)

Contractual pay is pay that has been agreed between a company and their employee over and above their statutory pay. Statutory pay is money that you are entitled to by law.

## **What does not count as earnings for a voluntary deduction from earnings arrangement?**

We do not count the following as earnings.

- Money paid to you by a public department of the Government of Northern Ireland or any country outside the UK
- Any social-security pension, allowance or benefit
- Tax credits
- Any pension or allowance paid for a disability
- A Guaranteed Minimum Pension within the Social Security Pensions Act 1975
- Statutory Maternity Pay
- Statutory Paternity Pay
- Statutory Adoption Pay
- Statutory Redundancy Pay

## **Will my information be treated confidentially?**

Yes. All information about child maintenance is confidential, so your employer will not be able to identify the names and address of the parent with care and your children.

## **Will my employer charge me for setting up a voluntary deduction from earnings arrangement?**

It's up to you to discuss this with your employer. You have to agree the amount that they can take as an administration fee. This would be on top of the voluntary deduction from earnings arrangement.

## **What happens if my employer is already taking money from my earnings to pay court orders?**

Your employer might be taking money from your earnings to pay other court orders such as:

- attachment of earnings orders, or
- Council Tax attachment of earnings orders.

If they are, they must take these amounts before they can make the voluntary deduction from your earnings.

## **What happens if I don't earn enough to cover my voluntary deduction from earnings arrangement?**

If you choose to pay child maintenance by a voluntary deduction from earnings arrangement, we will write to your employer at the same time as we write to you, to tell them how much to take from your earnings. You need to be sure

that you will earn enough money to cover the deduction from your earnings. If there is not enough money left to cover the full amount, your employer will take as much as they can. This may leave you with little or no take-home pay.

It's your responsibility to let us know if you can't pay the full amount.

If we do not receive the full amount, we will phone you direct to arrange for you to pay the amount you still owe.

**How is a voluntary deduction from earnings arrangement different from a deduction from earnings order?**

A deduction from earnings order is something that we can use to make sure you pay if you:

- fail to pay the right amount of child maintenance on time
- refuse to pay, or
- have used other payment methods which have failed.

**If you use a voluntary deduction from earnings arrangement to pay child maintenance, you must tell us as quickly as possible if you stop working for your employer, become unemployed or change jobs.**

If you want to know more about deduction from earnings orders, see page 34 of this leaflet or '*What action can the Child Support Agency take if parents don't pay?*' (CSL306). See the back page for details of how to get a copy of this leaflet.

# What happens if I receive benefits?

If you are getting one of the following benefits, and you pay the flat rate of £5 for child maintenance – no matter how many children are involved – the child maintenance will normally be taken direct from those payments before they are paid to you.

- Income Support
- Contribution-based Jobseeker's Allowance
- Income-based Jobseeker's Allowance
- Pension Credit
- State Pension
- Incapacity Benefit
- Training Allowance
- Armed Forces Compensation Scheme Payments
- War Pension
- Bereavement Allowance

If you have a partner and they get Income Support, income-based Jobseeker's Allowance or Pension Credit, the child maintenance will be taken before the benefit is paid to your partner. This means you or your partner will receive a lower amount of benefit.

If the child maintenance can't be taken from your benefits because other money is already being taken, you will need to talk to us about making other arrangements to pay the child maintenance.

# **How do I know when to pay?**

If you are making payments to us, we will contact you to set up payment arrangements and tell you when to pay. We do this by sending you a collection schedule.

## **What is a collection schedule?**

A collection schedule is a table that shows details of how much child maintenance you will pay and when you need to make the payments. If you are paying direct to the parent with care, you might find it useful to draw up your own timetable of payments. This can help you and the other parent know how much child maintenance is due and on what date.

## **What does a collection schedule look like?**

The diagram on page 28 shows you what a collection schedule looks like. All amounts are shown as weekly, fortnightly, four-weekly or monthly amounts, depending on how often you have agreed to pay your child maintenance.

# Collection schedule

How often you should pay child maintenance.

You must pay the child maintenance until this date. After that, we may send you a new collection schedule.

<b>How often paid</b>	<b>Date payment starts</b>	<b>Date payment ends</b>	<b>Regular amount to be paid</b>
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The date the child maintenance must be paid from.

The amount of child maintenance you must pay.

The amount you need to pay to cover any previous payments you missed.

The amount of child maintenance you have overpaid.

**Plus arrears**

**Plus any other liabilities**

**Less any overpayment**

**Total to be paid by you**

Any payments, other than child maintenance, you need to pay. For example:

- the cost of a DNA test, or
- court costs.

The total amount you must pay after taking off any overpayments and adding together:

- your regular child maintenance payments
- any payments you owe, and
- any other payments you are responsible for.

The collection schedule is usually for 12 months.

If we know the amount you must pay will change within the next 12 months, the schedule will show this. For example, you may be paying any previous payments you have missed (sometimes called 'arrear'), as well as your child maintenance payments. If you pay all the previous payments before the end of the 12 months, your collection schedule will show when the amount of child maintenance you must pay will change. Each line of the schedule will show:

- the different amounts of money to pay
- the date that the payments start from, and
- the date that they should be paid up to.

About 28 days before the date of the last payment shown in the collection schedule, we will send you a new schedule for the next child maintenance period. We will also send you a new collection schedule if the amount of your child maintenance changes for any reason.

## Where can I find out more?

If you want to know more about your collection schedule, you can:

- call us on the phone number at the top of your collection schedule, or
- write to us at the address at the top of your collection schedule.

Please have **your reference number** to hand, or include it in your letter. You will find your reference number in any letter we have sent you or at the top of your collection schedule. If you phone us, you will also need to have your National Insurance number ready – this may or may not be the same as your reference number.

If we can't sort out your questions about your collection schedule over the phone or in writing, we can arrange for you to talk to us face-to-face. We will usually see you in one of our offices. If you can't come to one of our offices, we may be able to arrange a visit to your home.

# What happens if I can't make a payment?

If you know you are going to miss a child maintenance payment or pay it late, you should tell us straight away.

If you are late in making a payment or have already missed a payment, you can pay by credit or debit card or through internet banking. Please call our national helpline straight away on **0845 7133 133** or **0845 7138 924** (textphone) if you are behind with your payments.

## What will the CSA do?

If you can't pay the amount we asked for because your circumstances have changed – for example, because you have changed jobs or become unemployed – tell us and we might be able to change the amount we ask for. But if you refuse to pay, we will take action to make sure you do pay. If you are paying through us, we can take action immediately. If you and the other parent agreed that you would pay them direct after they made an application to us, and you fail to keep to that arrangement, the parent with care can contact us and ask us to take action.

We will try to get in touch with you by phone first. If we cannot contact you by phone, we will write to you and warn you that we can start to take action to make you pay unless you:

- make an agreement to pay the full amount of the child maintenance you have missed, or
- keep to the agreement you have already made.

You then have seven days to do this. If you do not contact us and agree to pay what you owe, we can start taking action against you.

The action we take will depend on the circumstances of each case, but could include going to court.

If you don't respond to this warning and you are working for an employer, our first step is to take child maintenance from your earnings or your pension.

We will do this through a **compulsory deduction from earnings order**. We will tell your employer how much to take from your earnings or pension. Your employer must take this amount and pass it to us on your behalf. If they fail to do this, we can take them to court. They must send this money to us by the 19th day of the month that follows the one in which they took the payment of child maintenance from your earnings or pension. (For example, if the employer took the child maintenance from your earnings in February, they must pass these payments to us by 19th March.)

Your employer may also take an extra amount of up to £1 from your earnings every time they have to take money from your earnings. This is to help with their administration costs.

If your employer cannot take the full amount direct from your earnings or pension (for example, because you haven't earned enough in a particular week), they will take what they can. However, we will tell them to leave you a certain amount to pay for your living costs. We call this amount the 'protected earnings proportion'.

**We work out the protected earnings proportion as 60% of your net earnings after things income tax, National Insurance and any money paid into a pension scheme have been taken off of your earnings.**

If there is not enough left to cover the full amount of child maintenance after leaving the protected earnings proportion, your employer will add the rest of the amount you owe to the regular amount of child maintenance we have asked your employer to take from your earnings or pension.

If your income regularly falls below the protected earnings proportion, you should tell us because we may need to look at your child maintenance calculation again. If you don't make other arrangements to pay the amount by which your child maintenance was short, we can take you to court.

If you are in **Her Majesty's Armed Forces** and have failed to make your payments, we will ask the Ministry of Defence to take the amount of child maintenance you owe from your wages.

If you get benefits, State Pension or a War Pension, we will usually take the amount you owe direct from your benefit or pension.

**If you stop working for your employer, become unemployed or change jobs, you must tell us. It is a criminal offence if you do not tell us within one week of the date this change starts from.**

**Can I appeal against the decision to make a deduction from earnings order?**

Yes, you can. However, you can only make your appeal against a deduction from earnings order to a magistrates' court in England and Wales or to a sheriff court in Scotland, and it can only be based on one or both of the following reasons.

- Our request for your employer to take a payment from your earnings does not have the correct information on it.
- The payments your employer made to you are not classed as earnings (see page 21).

Normally, you will need to appeal within 28 days of the date on the letter we sent you telling you about the deduction from earnings order. However, if you live abroad, you have 56 days to appeal.

If you want to know more about appealing against our decisions, read '*How can I appeal against a child maintenance decision?*' (CSL307). See the back page for details of how to get a copy.

### **What other action can the CSA take if I don't make a payment?**

Apart from taking child maintenance direct from your earnings or your pension, we use the courts to claim any child maintenance you owe.

We will give plenty of warning if we are going to take court action.

Taking action through the courts is costly and you could end up paying our legal costs as well as your own, having your driving licence confiscated or even going to prison. However, before we take this action, we always take account of:

- the welfare of your children
- your needs
- the needs of the parent with care, and
- any hardship you tell us about.

If you want to know more about our powers to make sure you pay, read '*What action can the Child Support Agency take if parents don't pay?*' (CSL306). See the back page for details of how to get a copy.

# Where can I get more help and information?

If you want to know how much child maintenance you might receive, you can use our online calculator. You can find the online calculator at **[www.csa.gov.uk](http://www.csa.gov.uk)**. We will not keep any of the information you provide when you use our online calculator.

Contact our national helpline if, having read this leaflet, you:

- have any questions about how we work out child maintenance
- want help or more information, or
- want us to send you any of our other leaflets.

You can phone us on **0845 713 3133** from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays.

If you have speech or hearing difficulties, a textphone service is available 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 bureaus may have one. Textphones do not receive text messages from mobile phones.

The person taking your call will not have your personal information to be able to answer questions on 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 handling your case if you want to speak to someone who can answer specific questions.

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.

If English is not your first language, you can use your own interpreter or one that we provide.

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.

## Call charges

From 1 August 2007, calls to **0845** numbers from BT landlines should cost no more than 4p a minute with a 6p for setting up the call. 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.

To visit our website, go to **[www.csa.gov.uk](http://www.csa.gov.uk)**.

## Other formats

This leaflet is available in other languages, in large print, in Braille and on audio cassette. You can get these formats by contacting our national helpline.

# **How a child maintenance case can progress**

The information below tells you how a child maintenance case can progress. This leaflet covers the part of the process shown in the box.

## **Information and guidance**

Parents can go to the CSA for information about child maintenance – such as what options there are for arranging child maintenance (either through us or in other ways) and what might be an acceptable amount in their case.

## **Application or referral**

A case officially begins either when a parent applies to us to set up child maintenance payments, or when Jobcentre Plus automatically refers one of their customers to us because they claim Income Support or income-based Jobseeker's Allowance.

**If there is a change in either parent's life that could affect the amount of child maintenance that should be paid, we can review your case – so let us know.**

## **Gathering information and calculation**

To work out the amount of child maintenance that should be paid, we need to gather important information. We ask both parents to provide certain information. When we have this, we will work out child maintenance

### **Payments**

The non-resident parent pays the agreed amount on the agreed dates and in the agreed way. This can be either direct to the parent with care, or to us. We then pass the payments on.

### **Enforcement**

If the payments aren't made on time, we can take action.

# **Leaflets available from us**

**What is child maintenance and how does it affect me?**

(Reference: CSL301) For all parents

**How do I complain about the service I get from the Child Support Agency?**

(Reference: CSL308) For all parents

**How do I get child maintenance if I'm on benefits?**

(Reference: CSL302) For parents with care on benefits

**How do I apply for child maintenance?**

(Reference: CSL309) For children aged 12 and over in Scotland or their parents

**How is child maintenance worked out?**

(Reference: CSL303) For all parents

**What happens if someone denies they are the parent of a child?**

(Reference: CSL304) For all parents

**How can I appeal against a child maintenance decision?**

(Reference: CSL307) 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

**How do I pay child maintenance?**

(Reference: CSL305) For non-resident parents

**How will I receive child maintenance?**

(Reference: CSL314) For parents with care

**What action can the Child Support Agency take if parents don't pay?**

(Reference: CSL306) For all parents

# **Glossary**

## **Child**

For child maintenance purposes, someone is a child if they are aged:

- under 16, or
- under 19 and in full-time education doing a course that is not higher than A level or an equivalent standard.

## **Child maintenance**

Money the non-resident parent pays to the parent with care to help pay for their child's everyday living costs.

## **Collection schedule**

A table that shows details of your child maintenance payments. It shows how much child maintenance is due and on what date.

## **Deduction from earnings order**

A compulsory way of collecting child maintenance direct from the non-resident parent's earnings or pension if they:

- fail to pay
- don't pay the correct amount, or
- don't pay on time.

## **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, as a result, pay for most of the child's everyday living costs. In some cases, this can be a grandparent, guardian or other family member – although this person will be known as a 'person with care', rather than a parent with care.

## **Voluntary earnings deduction arrangement**

A way of choosing to pay child maintenance direct from your earnings or pension.

CSA leaflets are also available in other languages, in large print, in Braille and on audio cassette.

You can get any of these 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](http://www.csa.gov.uk)**.

Where textphone numbers are provided, these 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.



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