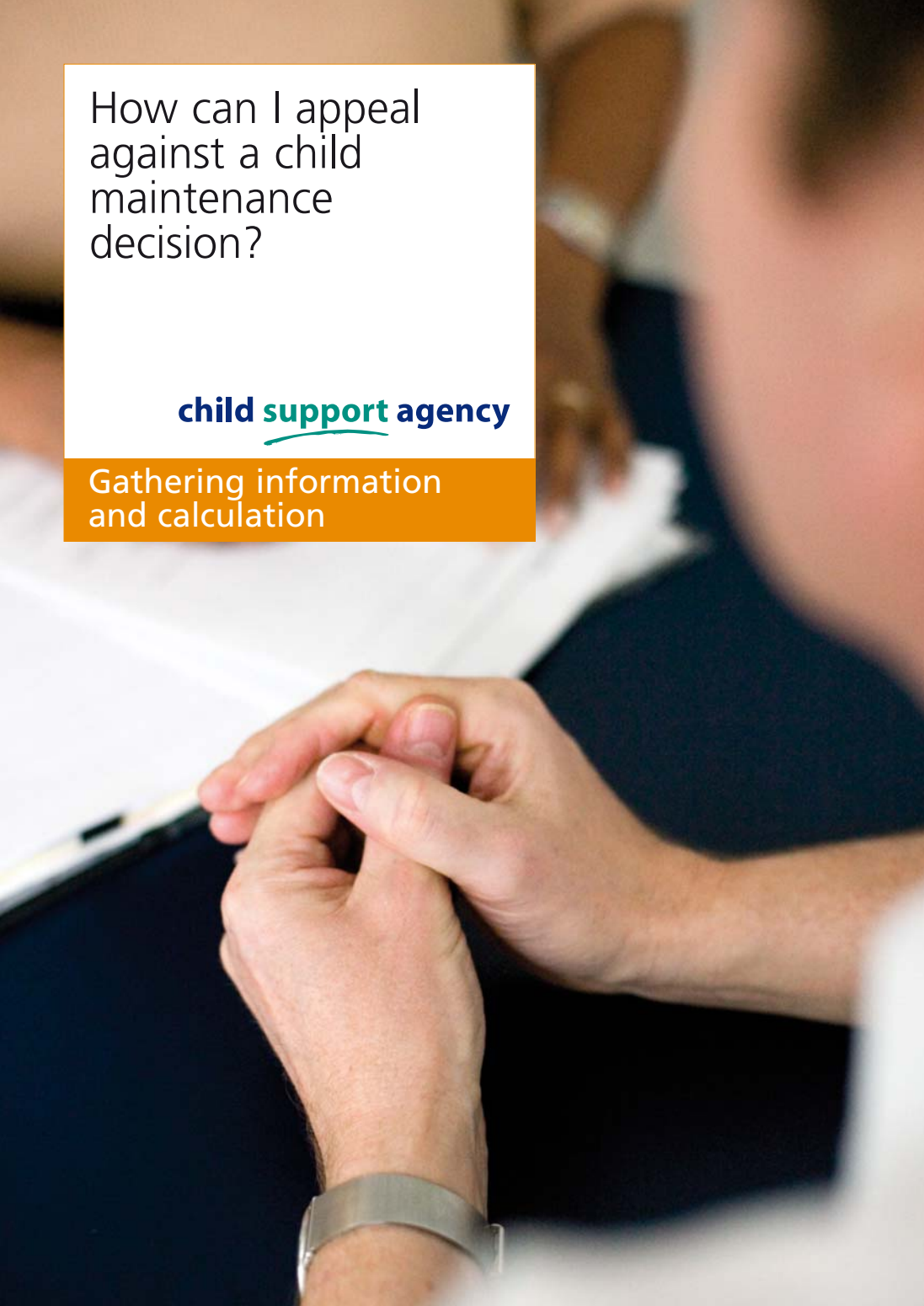


How can I appeal  
against a child  
maintenance  
decision?

**child support agency**

Gathering information  
and calculation



## **What is this leaflet about?**

This leaflet tells you what you can do if you disagree with a child maintenance decision we have made. It explains what rights you have to appeal against a decision and how we handle appeals. Finally, it tells you what happens after an appeal decision has been made and what you can do if you disagree with that decision.

At the back there's a form you can use if you want to appeal against a 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 them.

## **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 1 November 2008, but it may not reflect changes to the law or our procedures after this date. You may wish to get independent advice before making any financial decisions based on the leaflet.

How can I appeal against a child maintenance decision?

## 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 process 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, visit our website **[www.csa.gov.uk](http://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 34.

If you want to make child maintenance arrangements privately, rather than through the CSA, contact Child Maintenance Options for impartial information and support. Visit their website at **[www.cmoptions.org](http://www.cmoptions.org)** or call them on 0800 988 0988 or 0800 988 9888 (textphone).

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How can I appeal against a child maintenance decision?

## **What child maintenance decisions can I appeal against?**

For every child maintenance case arranged through us, we use information from both parents to work out how much child maintenance the non-resident parent must pay. We then write to both parents saying how much must be paid and the date the payments should start.

If you think the amount we have worked out is wrong, you have the right to appeal against it to the Social Security and Child Support Appeals Tribunal (SSCSA). You also have the right to appeal if:

- the rate we ask the non-resident parent to pay is based only on the number of children they must pay child maintenance for, because they have not given us the other information we need (this is called a 'default maintenance decision' or 'interim maintenance assessment')
- we refuse to calculate child maintenance
- we refuse to cancel a default maintenance decision or interim maintenance assessment
- we reduce the payments of child maintenance to the parent with care because the non-resident parent has paid too much
- you disagree with the changes we make to a decision you have asked us to look at again, or
- we refuse to look again at a decision you have asked us to review.

There are also specific circumstances when you can appeal to a magistrates' court in England and Wales or to a sheriff court in Scotland. You can appeal to the court against a deduction from earnings order if:

- some of the information on the order is wrong
- the payments your employer makes to you are not classed as earnings (for example, it is Statutory Maternity or Paternity Pay). For more information on what is classed as earnings when setting up a deduction from earnings order, see our leaflet CSL305 *How do I pay child maintenance?*
- you are a non-resident parent who cannot pay child maintenance by direct debit and we have said that you do not have a good reason not to pay by a deduction from earnings order.

In any child maintenance case that we deal with, we gather information from both parents about their family circumstances. If we work out child maintenance using the rules of the scheme introduced after 3 March 2003, we ask only the non-resident parent for details about their income. If we work out child maintenance using the rules of the scheme that was in force before that date, we ask both parents about their income.

How can I appeal against a child maintenance decision?

## When can I appeal against a child maintenance decision?

You should appeal **within one month of the date of the letter** that tells you our decision. See page 15 for more information about what happens if your appeal is late.

**If you miss the one-month time limit, you may not have another opportunity to appeal against our decision, even if we take action through the courts to get child maintenance paid.**

An appeal is a formal process where an independent tribunal, the Social Security and Child Support Appeals Tribunal (SSCSA), will take another look at our decision. The Social Security and Child Support Appeals Tribunal is organised by The Tribunals Service. It may take a long time to come to a result.

Instead of appealing, you can ask us to explain our decision or to look at the decision again. This is less formal and is often a quicker and better way of correcting a decision that you think may have overlooked some important facts.

You should be aware that if we or a tribunal make a new decision, it may either **increase** or **reduce** the amount of child maintenance due. If we or the tribunal decide to change the amount of child maintenance that must be paid, this new amount will be backdated to start from the date of the decision you have appealed against. Also:

- non-resident parents may have to make extra payments, and
- parents with care may have to pay back some of the child maintenance they have received.

While a decision is being looked at again, or appealed against, it will stay in force. **The non-resident parent must still pay child maintenance until the issue is sorted out.**

### How do I ask you to look at the decision again?

If you think that the decision is wrong, or that we have overlooked some important facts or evidence, you should contact us 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. **Please have the letter with you when you phone, so that you can give us the reference number and we can find a copy of it.**

You should say why you think the decision is wrong and ask us to look at it again. We'll explain to you the reasons for the decision and change it if it is wrong. If we change the decision, we'll send you a letter to confirm the new decision. We'll also tell you if we don't change our decision.

You can ask someone to contact us on your behalf, but before they do so you must give us your written permission to speak to them about your case.

How can I appeal against a child maintenance decision?

## **Are there any decisions I cannot appeal against?**

Yes. You cannot appeal in the following circumstances:

- You cannot appeal against administrative decisions about how we collect and enforce child maintenance payments.
- You cannot appeal against a decision by denying that you are the child's parent (known as 'disputed parentage'). We use a separate process to manage disputes over this. 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 page for details. There is also more information on our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**.

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

If either parent's circumstances change, this can mean 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 from the date that your address changes)
- you pay 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 any)
  - how much you expect to earn, and
  - your payroll number (if any).

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

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 fail to give us the information we need, or you give us information that you know is false, we can take you to court and you could be fined up to £1,000. This applies to any person or organisation who, by law, must give us information – such as employers and accountants as well as parents.

Not all changes of circumstance will mean we need to change the amount of child maintenance that must be paid. We may not change the amount of child maintenance if the non-resident parent's regular net weekly income changes by less than 5%.

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

If you want to appeal, you should fill in the form at the back or write a letter telling us:

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

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 signing where shown on the appeal form or in your letter. They can then sign the form or letter.

When you have filled in the form or written your letter, please send it to:

Child Support Agency  
Central Appeals Unit  
Peel Park Blackpool  
Pittman Way  
Preston  
PR11 2DN.

How can I appeal against a child maintenance decision?

You should send your appeal to us **within one month of the date of the letter** that tells you our decision.

If you want to appeal to a magistrates' court in England and Wales or a sheriff court in Scotland for one of the reasons stated on page 6, do not send your appeal to the Central Appeals Unit.

Instead, ask the office handling your case about how to appeal to the courts. You can find a contact number at the top of the last letter you received from us.

## What happens if my appeal is late?

We may not accept your appeal after the time limit. This is one month after the date of our original letter about the decision, or a letter telling you we would not change it.

We will only accept a late appeal if it is late because of one or more of the special circumstances listed below. If we are not satisfied that one or more of these circumstances applies to you, we will pass your late appeal to the Social Security and Child Support Appeals Tribunal (SSCSA).

The Social Security and Child Support Appeals Tribunal is only allowed to accept a late appeal if it is satisfied that the appeal:

- has a reasonable chance of success
- is being made in special circumstances, and
- is no more than a year 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

How can I appeal against a child maintenance decision?

- the Social Security and Child Support Appeals Tribunal decides there was some other exceptional reason why you could not appeal within the time limit.

If you want the tribunal to consider your late appeal, you need to tell it why your appeal is late in the correct box on the appeal form or in the appeal letter you send.

The Social Security and Child Support Appeals Tribunal will look at the reasons you have given and decide whether or not to go ahead with your appeal.

## **What happens when the CSA receives my appeal?**

First we'll check that you have given us all the information we need. We'll also check that you, or the person you have asked to represent you, have signed the appeal. If you have, we'll accept that your appeal has been made properly. We sometimes call this 'duly made'. We'll then examine your appeal.

If your appeal has not been made properly, we'll return it to you to complete, or ask you to give us more information, within 14 days.

If you send back everything that is needed within these 14 days, we'll treat your appeal as if it had been made in time. If you think you cannot meet this deadline, please tell us straight away. We may be able to give you more time.

If you don't send us all the information we ask for in the time allowed, we'll send what you have provided to the Social Security and Child Support Appeals Tribunal. It may decide not to accept the appeal because it was not duly made.

How can I appeal against a child maintenance decision?

## Looking at the decision again

If we accept that you have made an appeal properly, we look carefully at the parts of our decision that you disagree with. We may contact you direct to try to sort out the issue – either by explaining the reasons for our decision or to get more information.

If you are satisfied by our explanation, you can ask to withdraw your appeal. We'll also ask if you want to withdraw your appeal if we find that we made no mistakes in our decision or that changing our decision would not be in your favour. To withdraw your appeal, you must write to the Central Appeals Unit at the address on page 13.

If we find that we can change the decision, and that the change will be in favour of the parent who made the appeal, we'll write to both parents saying how much child maintenance must now be paid.

We usually sort out around half of all appeals by this stage in the process. However, this stage does take an average of 10 weeks.

## Preparing an appeal submission

If we don't change the decision and you decide you want your appeal to continue, we'll then prepare an **appeal submission** for the Social Security and Child Support Appeals Tribunal.

The appeal submission gives the tribunal all the information it needs about the decision you have appealed against and why we made it. The information may include the original application form, wage slips, bank statements, and any letters we sent or received. It may also include everything we have about the appeal, such as copies of letters from you or the other people involved.

We'll then send copies of our appeal submission to the Social Security and Child Support Appeals Tribunal, to you and to all the other people involved in the appeal.

Before we send the appeal submission to everyone involved, we will send a form to ask if they want us to remove any information that would reveal where they are living. If you want to make sure that your address does not appear in the appeal submission, you must fill in this form and return it to our Central Appeals Unit within 14 days of receiving it.

How can I appeal against a child maintenance decision?

## What happens at the appeal hearing?

During the appeal hearing, the Social Security and Child Support Appeals Tribunal will look at all the evidence given in the appeal submission and any new evidence we have received since sending in the submission. Before the hearing, the tribunal will give everyone involved a copy of all the evidence it has received. All the evidence will be taken into account at the hearing.

There are 2 types of hearing.

- A **paper hearing** means the Social Security and Child Support Appeals Tribunal will decide the appeal on the written evidence or information provided.
- An **oral hearing** is one you can go to. If you choose to go, you will be asked to present your case and challenge anything you are unhappy with. The tribunal chairperson may ask you to explain any points in your appeal.

If the appeal will be an oral hearing, you can ask whether you can use a video-conferencing service, which could mean you don't have to travel so far to the hearing. You should ask the Tribunals Service, who organises the Social Security and Child Support Appeals Tribunal, about this. You can also ask the Tribunals Service for any other information you need when it contacts you about the hearing.

On the pre-hearing enquiry form, which we send to everyone connected to the appeal, we ask you to say what sort of hearing you would like.

If anyone asks for an oral hearing, there will be one. If nobody asks for an oral hearing, your appeal will probably get a paper hearing. However, the tribunal chairperson may decide to hold an oral hearing anyway.

### **Who takes part?**

In an oral hearing, all the people involved in the appeal can take part. You can bring a friend or representative to support you, if you feel this would help. Or you can send a representative in your place to give your views.

If you need an interpreter or signer, tell the Social Security and Child Support Appeals Tribunal as soon as possible. Before the hearing, you should tell it if you will need help to attend the hearing – for example, if you have a disability.

How can I appeal against a child maintenance decision?

The appeal tribunal is independent of the CSA, and its members are appointed by the Tribunals Service, not by us. Whether for a paper or oral hearing, the tribunal can consist of:

- a legally qualified member alone, or
- a legally qualified member, who will normally be the chairperson, and a member who has financial expertise, such as an accountant. The financial expert will be there if the Tribunal Service feels that your appeal needs one, for example to help decide difficult questions about your or the other parent's accounts.

### **Who else can come to the hearing?**

Appeal tribunal hearings are normally public. This means that the press, and people without any personal interest in your case, can go. One of our representatives, called a presenting officer, may also attend. If you want a private hearing, you can ask on the day of the hearing. The tribunal chairperson (or legally qualified panel member) can decide that a hearing should be in private, depending on the case.

## What if I can't get to the hearing?

If you want to go to the hearing, but cannot do so – for example, because you are ill or have transport difficulties – you should contact the Clerk to the Tribunal as soon as possible. The address and phone number will be on the letter telling you the date of the hearing. The Clerk may agree to postpone your hearing.

Alternatively, in some places you may be able to have the appeal heard using video-conferencing services.

The Social Security and Child Support Appeals Tribunal may pay for some expenses for going to a tribunal – for example, travel costs within Great Britain. If you want more information about expenses, contact the Social Security and Child Support Appeals Tribunal office handling your appeal. The phone number and address will be on the letter telling you the date of the hearing.

## How does the tribunal give its decision?

The tribunal will send you its decision in writing after the appeal hearing. The other people involved in the appeal will also receive a copy. For oral hearings, the tribunal will usually give you its decision on the day of the hearing and will confirm it by letter a few days later.

How can I appeal against a child maintenance decision?

The tribunal will also tell you about:

- your right to ask for a statement of its findings and the reasons for the decision (this is called a 'statement of reasons'), and
- what to do if you disagree with its decision.

If you disagree with the tribunal's decision, you must ask it for a statement of reasons within one month of the date of its decision letter. You can also ask for a copy of the record of the tribunal proceedings within 6 months of the hearing. After this time, the record may be destroyed.

## **How will my appeal hearing be arranged?**

When we send the appeal submission to all the people involved, we'll also send you a pre-hearing enquiry form.

The pre-hearing enquiry form asks when you will be available to come for an appeal hearing and whether you want your appeal considered in a 'paper hearing' or an 'oral hearing'. You should read the appeal submission and the other documents carefully.

You must fill in the pre-hearing enquiry form and return it to the Social Security and Child Support Appeals Tribunal in the envelope provided.

You may want to get independent advice, for example about child maintenance law or the appeal submission. This may help you decide whether you agree with what is said in the appeal submission. You will need to send your comments, extra information or evidence to the Social Security and Child Support Appeals Tribunal regional office dealing with your appeal as soon as you can if you:

- disagree with what has been said, or
- have any extra information or evidence that you think the tribunal needs to know about.

How can I appeal against a child maintenance decision?

The address will be on the enquiry form. The sooner you can send this, the more time you will give the tribunal to read and understand the extra information. If you send this on the day of the hearing, the tribunal chairperson may decide to move the hearing to another day to give it time to read the new information. The tribunal will send copies of any extra information or evidence you provide to the other people involved in the appeal.

You **must** return the pre-hearing enquiry form **within 14 days**. If the tribunal does not receive the form in time, it may decide not to go ahead with your appeal. This is known as 'striking out' an appeal.

If the tribunal strikes out your appeal and you still want a hearing, you can ask it to reinstate your appeal. The tribunal will tell you how to do this.

### When will my hearing take place?

The Social Security and Child Support Appeals Tribunal will normally tell you when and where your oral hearing will take place at least 14 days beforehand so that you can prepare. Sometimes you may be able to get a decision more quickly if you agree to an oral hearing on shorter notice.

If an early hearing date is available, the tribunal will write to you, and the other people connected to the appeal, asking for permission to book it. In these circumstances, the oral hearing will only go ahead on the new date if everyone agrees it can.

## Can I withdraw my appeal?

Yes, you can withdraw your appeal at any time:

- If you want to withdraw your appeal **before you have received the appeal submission**, you should write to our Central Appeals Unit.
- If **you have been sent the appeal submission**, you must tick the box on the enquiry form that came with it to show that you want to withdraw your appeal, and send it to the Social Security and Child Support Appeals Tribunal.
- If **you have returned the enquiry form**, you should write to the Social Security and Child Support Appeals Tribunal at the address shown on the letter sent with it.
- You can withdraw your appeal at the hearing.

Our Central Appeals Unit or the Social Security and Child Support Appeals Tribunal will write to you and the other people involved to say that the appeal has been withdrawn. If you withdraw your appeal, we will take no further action on it unless we find we made mistakes. If there were mistakes, we will correct them. Otherwise, the existing arrangements for paying child maintenance will continue.

How can I appeal against a child maintenance decision?

## What happens if the tribunal changes the original decision?

If the Social Security and Child Support Appeals Tribunal changes the decision that you appealed against, it will tell us within 19 weeks from the date we sent it the appeal submission. This will say 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 after we receive the tribunal's decision, as long as we have all the information we need.

Please be aware that **the new decision may mean that your child maintenance payments will rise or fall**. The new rate will normally apply from the date we made the decision you appealed against.

However, if the original payment date or other earlier decisions were wrong, we may change the payment date. The new rate of child maintenance payments will then apply from the revised payment date. We'll let you know about any changes.

The tribunal may ask us to get more information from you or others. If we require you to give more information, you must do so within the time that we or the tribunal give you.

We'll work out the child maintenance due again when we get the tribunal's decision and any more information it has asked for. We'll tell you the new amount as soon as possible.

If you think the new calculation is wrong, you may be able to go back to the tribunal chairperson.

How can I appeal against a child maintenance decision?

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

If the tribunal decides the original decision was correct, that decision will stand.

How can I appeal against a child maintenance decision?

## **If I disagree with the tribunal's decision, what can I do?**

The tribunal will write to you, and everyone involved in the appeal, telling you:

- its decision
- how to apply for permission to appeal, and
- how much time you have to do this.

If you disagree with the tribunal's decision, you can then:

- ask for its decision to be set aside
- appeal to the Child Support Commissioner.

If the tribunal's decision was legally correct, its decision cannot be changed.

## Asking for a tribunal decision to be set aside

If documents were not sent to someone involved in the appeal, or someone who should have been at the oral hearing was not there, you can ask the tribunal chairperson to set aside the tribunal's decision. This basically means that the decision is overturned, but if the tribunal followed procedures properly its decision cannot be changed.

Anyone connected to the appeal can ask for the tribunal's decision to be set aside. If a decision is set aside, the appeal will need to be heard again by another Social Security and Child Support Appeals Tribunal.

There is a one-month time limit to apply for a tribunal decision to be set aside. The month starts on the date you were given or sent the tribunal's decision or its statement of reasons. Everyone involved in the appeal will get a copy of an application to set aside a tribunal decision, so they can comment on it.

How can I appeal against a child maintenance decision?

## Appealing to the Child Support Commissioner

You can also **appeal to the Child Support Commissioner**.

The Child Support Commissioner is an independent body outside the CSA. It has the authority to overturn the Social Security and Child Support Appeals Tribunal's decision, but only if it is wrong in law, for example if the tribunal failed to keep to proper procedures.

Before you appeal to a Commissioner, you have to apply to the tribunal for a statement of reasons for its decision. If you still want to appeal after considering the reasons, you must ask the tribunal for permission. If it refuses permission, you can still ask the Child Support Commissioner direct for permission to appeal. The tribunal may set aside its original decision and direct the appeal to be heard by a new tribunal, rather than refer it to the Child Support Commissioner.

If the Child Support Commissioner decides the Social Security and Child Support Appeals Tribunal's decision is wrong in law, it will usually:

- say what decision it thinks the tribunal should have made, or
- refer the case to a different Social Security and Child Support Appeals Tribunal and tell it how to deal with the matter.

## Where can I get more help and information?

If you want to know more about child maintenance and how we work it out, visit our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**. You can download all our leaflets from there and also find out how much child maintenance might be in your situation, using our online calculator. The calculator is for guidance only, and we don't keep the information you give when using it.

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 handling your case.

If you do not yet have a case with us or cannot find a recent letter, you can contact our national helpline. The person taking your call won't have your personal information so won't 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 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.

How can I appeal against a child maintenance decision?

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

### Textphone services

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.

### 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

From 1 April 2008, calls to **0845** numbers from BT landlines should cost no more than 4p a minute. 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)**.

## 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](http://www.csa.gov.uk)**.

How can I appeal against a child maintenance decision?

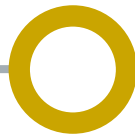
## How a child maintenance case can progress

This diagram shows you how a child maintenance case can progress. This leaflet covers part of the process at the highlighted stage.



### Information and guidance

CSA can provide information on how the process works, what parents will need to do and what might be an acceptable amount of maintenance in their case.



### Application

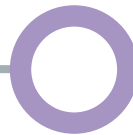
A case officially begins when a parent applies to us to set up child maintenance payments.

**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.



### **Payment**

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.

How can I appeal against a child maintenance decision?

## **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 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**

### **Appeal**

The process of asking an independent tribunal to look at your case if you are not happy with a decision we have made.

### **Appeal submission**

An appeal submission contains all the information we have that relates to the decision you are appealing against (such as the original application form, wage slips, bank statements and any letters we sent or received). We send it to the Social Security and Child Support Appeals Tribunal (SSCSA), to you and to all the other people connected to the appeal.

### **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 paid by the non-resident parent to the parent with care to help pay for their child's everyday living costs.

How can I appeal against a child maintenance decision?

## Deduction from earnings order

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 the non-resident parent's earnings and send it to us.

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

## Duly made

An appeal is '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 appeal application form asks specifically for all this information. You must also sign the appeal form. If you appeal using a letter, you must make sure that you include all the information and sign the letter.

### **Legally qualified member**

For a tribunal, this will normally be a lawyer.

### **Non-resident parent**

The parent who the child does not normally live with.

### **Oral hearing**

In an oral hearing, people involved in the appeal can go to the tribunal and present their case.

### **Paper hearing**

In a paper hearing, the tribunal will decide the appeal using just the written evidence or information provided.

### **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 – who is then known as the 'person with care', rather than the parent with care.

How can I appeal against a child maintenance decision?

## **Social Security and Child Support Appeals Tribunal (SSCSA Tribunal)**

The Social Security and Child Support Appeals Tribunal arranges and hears appeals on decisions on social security, child maintenance and related issues. It used to be known as the Appeals Service, but changed its name on 1 April 2006 when it became part of the Tribunals Service.

### **Striking out**

If a tribunal strikes out an appeal, it means that the appeal is stopped and no further action will be taken.

# Appeal application form

In the decision I am appealing against, I am the:

non-resident parent     parent or person with care     other

Please give us the following information.

The name of the other parent  
or the person with care

*(we will send this person copies of the appeal papers)*

Your child support reference number

*(this is on the letter telling you about the decision)*

Your National Insurance number

Your surname

Your first names

Your address

Postcode

A phone number where  
we can contact you

Daytime

Code

Number

Evening

Code

Number

Have you arranged for someone to help you with  
your appeal?

No

Yes

Please tell us their name and address.

Their full name

Their address

Postcode

Sign this box to authorise  
this person to act for you.



# Appeal application form – continued

The date of the letter telling you about the decision.

The decision you are appealing against.

Are you making this appeal more than one month after the date on the letter telling you about the decision?  No  Yes

If yes, tell us in the box below why your appeal is late (see page 15).

Use the box below to explain why you think the decision is wrong. Please give exact reasons. If you need more space, use a separate piece of paper.

# Appeal application form – continued

Use the space below to give us any other information you think the Tribunals Service should know. If you need more space, please use a separate piece of paper.

Signature

Date

Are you (please tick):

the person appealing?     the representative?

## What to do now

Check that you have answered **all** the questions on this form that apply to you.

Check the form has been **signed and dated**. If you are authorising a person to act for you, check that you have signed the appropriate box.

Then send this form to:

**Child Support Agency  
Central Appeals Unit  
Peel Park Blackpool  
Pittman Way  
Preston  
PR11 2DN.**

Please remember, this form must reach the address above within one month of the date at the top of the letter telling you about the decision.



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.

CSL307

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