

How to **appeal**

What is this leaflet about?

This leaflet tells you what you can do if you disagree with a decision we have made about how much child maintenance you must pay or should receive. It explains what rights you have to appeal against these decisions 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.

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 30 August 2010, 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.

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** 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 20.

If you want to make a family-based arrangement, rather than one through the CSA, contact Child Maintenance Options for impartial information and support. Visit their website at **www.cmoptions.org** or call them on **0800 988 0988** or **0800 988 9888** (textphone).

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Is an appeal the only way to get the CSA to look at a decision again?

No. Instead of appealing, you can ask us to explain our decision or to look at the decision again. This is less formal and, because an appeal can take a long time, it is often a quicker way of correcting a decision that you think may have overlooked some important facts.

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

If you think that the decision is wrong, 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.

You should tell us 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. We will let you know the outcome in writing.

If you are still not happy after we have looked at our decision again, you can appeal. However, if you are the non-resident parent, you have to continue to pay the amount we worked out until the appeal is resolved.

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

What child maintenance decisions can I appeal against?

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. You also have the right to appeal if:

- we refuse to look again at a decision you have asked us to review
- you disagree with the changes we make to a decision you have asked us to look at again
- we refuse to calculate child maintenance (for example, if a court order for child maintenance has been in place for less than 12 months)
- we make a 'default maintenance decision' or 'interim maintenance assessment'. (We will do this when the non-resident parent has not given us the information we need to work out child maintenance), or
- we refuse to cancel a default maintenance decision or interim maintenance assessment.

Are there things I should not appeal about?

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

1. If you are unhappy with the service you have received from us. You can contact us to discuss this instead. If you are still not happy, you can make a complaint. For more information on how to do this, read our leaflet *How can I complain about the service I get from the Child Support Agency?* (CSL308). See the back page for details. There is also more information on our website at **www.csa.gov.uk**.
2. When a person denies they are the child's parent. This is called disputed parentage. If you want to know more about disputed parentage, get a copy of the leaflet *What happens if someone denies they are the parent of a child?* (CSL304). See the back page for details. There is also more information on our website at **www.csa.gov.uk**.
3. If you are a non-resident parent and you are unhappy that we are collecting child maintenance from your earnings using a deduction from earnings order, your appeal should be made to a magistrates' court in England and Wales or to a sheriff court in Scotland. (The letter we have sent you about the order will say more about this.)
4. If you are unhappy that we are trying to collect child maintenance from your bank account using a deduction order, your appeal should be made to the county court, or (in Scotland) to the sheriff court. (The letter we have sent you about this will explain how to do this.)

When can I appeal against a child maintenance decision?

You have to appeal within one month of the date of the letter that tells you our decision. See page 11 for more information about what happens if your appeal is late.

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

Remember, instead of appealing, you can ask us to explain our decision or to look at the decision again. This is less formal and can be a quicker way of correcting a decision that you think is wrong.

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, this new amount will be backdated to start from the date of the decision you have appealed against.

While a decision is being looked at again, or appealed against, it will stay in force. **If you are the non-resident parent, you have to continue to pay child maintenance until the appeal is resolved.**

How can I appeal against a child maintenance decision?

If you want to appeal, you should fill in the form at the back of this leaflet 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 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, please send it to:

Central Appeals Unit
Child Support Agency
PO Box 33
PRESTON
PR11 2DT.

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

When we receive your appeal, we will look again at our decision and contact you to discuss it. We may then prepare an appeal response for the tribunals service, which will arrange a tribunal hearing to consider your appeal. You can find out more about this on page 16.

If you want to appeal to a magistrates' court or county court in England and Wales or a sheriff court in Scotland for one of the reasons stated on page 8, 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?

Appeals have to be made within one month. – see page 9 for details. If you want us to consider a late appeal, you need to tell us why it is late in the correct box on the appeal form or in the appeal letter you send us.

We will only accept a late appeal if it is late because of one or more of these special circumstances:

- if you have been seriously ill
- if a close relative – your partner or someone who depends on you, such as a child – has been seriously ill or died

- if you live outside the United Kingdom, or
- if the postal services were disrupted.

Even if we are not satisfied that one or more of these circumstances applies to you, we will pass your late appeal to the Tribunal Service. However, the Tribunal Service 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,
- is no more than a year after the time limit for appeal, and
- the tribunal decides there was some other exceptional reason why you could not appeal within the time limit.

The Tribunal Service 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 because 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 Tribunal Service. It may decide not to accept the appeal because it was not duly made.

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.

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 change the decision. We'll then write to both parents saying how much child maintenance must now be paid.

If we find that we made no mistakes in our decision or that changing our decision would not be in your favour, we'll ask you if you want to withdraw your appeal. To withdraw your appeal, you must write to the Central Appeals Unit at the address on page 10.

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

Preparing an appeal response

If we don't change our decision and you decide you want your appeal to continue, we'll then prepare an appeal response for the Tribunal Service. If we do change the decision but not in your favour we will still prepare an appeal response but we will explain our new decision.

The appeal response includes all the relevant information about the decision you have appealed against and why we made it. The information will include the original application form and may include wage slips, bank statements, and any letters we sent or received. It may also include all documents and records we have about the appeal, such as copies of letters from you or the other people involved, details of bank accounts or the name of your employer.

We'll then send copies of our appeal response to the Tribunal Service, to you and to all the other people involved in the appeal. The tribunal will then contact you and give you the information you need about the hearing, including when it will take place. It can be more than 20 weeks before a hearing takes place.

Before we send the appeal response to everyone involved, we may send a form to ask if they want us to remove their address from the document. If anyone involved wants to make sure that their address does not appear in the appeal response, they must fill in this form and return it to our Central Appeals Unit within 14 days of receiving it.

However, we cannot remove these details if the other person in the case already knows that address.

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

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

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 response**, you should write to our Central Appeals Unit, at the address on page 10.
- If **you have been sent the appeal response**, you should then receive an enquiry form from the Tribunal service. To withdraw your appeal, tick the relevant box on the enquiry form and return it to their office.
- If **you have returned the enquiry form**, you should write to the Tribunal Service.

Our Central Appeals Unit or the Tribunal Service will write to you and the other people involved to say that the appeal has been withdrawn.

What happens at the appeal hearing?

The Tribunal Service will send you all the information you need about what they do and what happens at an appeal hearing. You can also find out more on their website: www.tribunals.gov.uk.

After a hearing, the tribunal will give its decision to you and to the other people involved in the appeal.

What happens if the tribunal changes the original decision?

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

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

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

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. We'll tell you the new amount as soon as possible.

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

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

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

If either parent's circumstances change, it can mean that we need to change the amount of maintenance that must be paid. So you should tell us if there is a change to any of the information you gave us to work out child maintenance, such as the amount of income the non-resident parent gets.

In particular, if you are a non-resident parent, you must tell us if:

- your address changes (you must tell us about this within 7 days 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).

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.

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**. You can download all our leaflets from there.

If you would like to talk to someone about your case, you should call the number on the top right-hand corner of your most recent letter from us. That number will be for the office 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.

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

Calls to **0845** numbers from BT landlines should cost no more than 6p 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 a lot more, so check the cost of calls with your service provider.

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

Information in other formats

This leaflet is available in other languages, in Braille and on audio cassette. You can order information in these formats online or by contacting our national helpline.

We also have large-print versions of this leaflet available for you to download from our website, **www.csa.gov.uk**.

Leaflets available from us

For parents who live apart

(Reference: CSA2001) For all parents

How to appeal

(Reference: CSA2006(A)) For all parents

Paying child maintenance direct from your earnings

(Reference: CSA2034) For non-resident parents

Notes for non-resident parents who are self-employed

(Reference: CSA2095) For non-resident parents

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

(Reference: CSL306) For all parents

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

(Reference: CSL308) For all parents

My case is moving to the child maintenance scheme introduced in 2003 – what will change?

(Reference: CSL310) For any parent whose case is moving to the current scheme

How does the Child Support Agency use and store information?

(Reference: CSL311) For all parents

Glossary

Appeal

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

Appeal response

An appeal response contains all the information we have 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 the First-Tier Tribunal, to you and to all the other people connected to the appeal.

Child

For child maintenance purposes, a child is anyone under 16 or someone between 16 and 19 who:

- is not, nor has ever been, married or in a civil partnership, and
- is in full-time non-advanced education.

However, if child benefit is still being received, someone under 19 can still be regarded as a child for child maintenance purposes even if they are not in full-time non-advanced education.

Child maintenance

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

Deduction from earnings order

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.

Deduction order

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

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.

The Tribunal Service

The Tribunal Service manages appeals against decisions by the Child Support Agency. It is an executive agency of the Ministry of Justice.

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

Non-resident parent

The parent who the child does not normally live with.

Parent with care

The parent or carer who the child normally lives with and who therefore pays for most of the child’s everyday living costs. In some cases this can be a grandparent, guardian or other family member – who is then known as the ‘person with care’, rather than the parent with care.

Appeal application form

Before filling in this form, it may be quicker to ask us to look at our decision again. You can find out more on page 6

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

☐ non-resident parent ☐ 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 maintenance
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

Evening

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.

Have you spoken to the CSA to discuss the issues related to your appeal?

☐

No

☐

Yes

The decision you are appealing against. (Please see page 7 for the decisions you can appeal against and page 8 for things that the tribunal does not deal with.)

Please tick the relevant box or boxes:

☐ Maintenance calculation (please tick which part of the calculation you are appealing against)

☐

Earnings used

☐

Housing costs (only for applications made before 3 March 2003)

☐

Effective date

☐

Shared care

☐

Voluntary payments (only for decisions made after 25 January 2010)

☐

Variation/departure

☐

Interim maintenance assessment

(only for applications made before 3 March 2003)

☐

Default maintenance decision

☐

CSA refused to calculate

☐

I disagree with the decision that the CSA has looked at again

☐

Your case has been closed

☐

Other

Appeal application form – continued

Use the box below to explain why you think the decision is wrong, based on the reasons you have ticked on the previous page. Please give as much relevant information as you can. If you need more space, use a separate piece of paper.

Appeal application form – continued

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 11).

Are you (please tick):

☐ the person appealing? ☐ the representative?

We may send your appeal to other people involved in your case. We can remove from the appeal papers only your home address and any information that might reasonably lead to your address being identified. Other details including financial information, will remain in the appeal papers. If the other parent/s in your case do not know where you live, you may wish to keep your address confidential (See page 15 for more information.)

Do the other parent/s in your case know where you live? ☐ No ☐ Yes

Do you want your home address to be kept confidential? ☐ No ☐ Yes

| | |
|-----------|------|
| Signature | Date |
|-----------|------|

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: **Central Appeals Unit, Child Support Agency, PO Box 33, PRESTON, PR11 2DT.**

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.



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

You can get any of our leaflets:

- by phone on **0845 713 3133** (the line is open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays)
- by textphone on **0845 713 8924**, or
- from our website at **www.csa.gov.uk**.

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 bureaux may have one. Textphones do not receive text messages from mobile phones.

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