

Factsheet

For single parents in England and Wales June 2016

Freephone

0808 802 0925

Gingerbread Single Parent Helpline

Challenging your CSA child maintenance calculation

This factsheet explains what to do if you think you're not getting the right amount of child maintenance from the Child Support Agency (CSA). It covers what to do if the information used in your child maintenance calculation is wrong, your circumstances have changed, or you don't think the full circumstances have been taken into account.

This factsheet is only for parents using the CSA to collect child support maintenance. If you're using the Child Maintenance Service (CMS) the rules are different – see our factsheet [Challenging your CMS child maintenance service calculation](#) instead.

For advice on using the Child Maintenance Service please see our factsheet [Using the child maintenance service](#) or call the Gingerbread Single Parent Helpline on 0808 802 0925. Calls are free

Challenging the amount of child maintenance you receive

The CSA has a standard way to calculate child maintenance. It is based on:

- How much your child's other parent earns
- How many children they pay child maintenance for
- Whether your child stays overnight with their other parent
- If there are any other children living with your child's other parent.

You may want to challenge the calculation because:

- You believe the CSA has used the wrong information to calculate the child maintenance
- Either your or your child's other parent's circumstances have changed since the amount was calculated
- You want further information about the other parent's income or circumstances taken into account.

If you're unhappy with a decision the CSA has made, there are several ways to challenge it. The table on the right shows the options available. It is important to request the type of action that applies to your specific circumstances. This factsheet explains how to do this.

The table below lists the issues that you may be facing, and shows the types of challenges you can make in each scenario

Issue	Type of challenge
The amount was calculated using the wrong information.	Revision (also known as Mandatory Reconsideration)
Your circumstances, or those of your child's other parent, have changed since the child maintenance was calculated. A new calculation is needed.	Supersession
You want additional information about your child's other parent's finances to be taken into account.	Variation
You want to challenge a decision made by the CSA, including a decision to refuse your request for a revision, supersession or variation.	Appeal, but you must first ask for a revision (also known as a Mandatory Reconsideration).

First steps

Before taking any formal action, such as applying for a revision, supersession, variation or appeal, contact the CSA to find out more. Ask the CSA how they calculated the child maintenance, what figures have been used and what information was taken into account.

The CSA will only give you a limited amount of information about your child's other parent's income. If you think the figures are wrong, you can get more information by appealing, but you need to ask for a revision first. See below.

You can contact the CSA by phone, the number should be on the last letter you received from them, or call the national helpline. You should take a note of who you speak to and what information they give you.

Revision: the CSA has used the wrong information

A revision is how you ask the CSA to look at the decision again. It is also known as a mandatory reconsideration.

You can ask for a revision if you think the CSA has used incorrect information to calculate the child maintenance.

For example, where the CSA has:

- Made a mistake about the number of children your child's other parent pays maintenance for
- Used incorrect income figures
- Not included all the nights you or your child's other parent care for your child.

You can also ask for a revision if you think your child's other parent hasn't disclosed all of their earnings. If the decision isn't changed then you can appeal. This will give you more information on what income the CSA has recorded. See page five for more information about appeals.

Alternatively, if you believe your child's other parent can control how much income they receive, such as if the parent is a company director who has arranged to take income in the form of dividends instead of wages, you could ask for a variation.

How do I apply?

Details of how to ask for a revision should be on the child maintenance calculation sent by the CSA.

You must ask for a revision within one month of the date on the decision letter. You can request a revision by letter or phone, but it is a good idea to request it by letter and keep a copy, if possible.

A request for revision more than a month later will only be considered in special circumstances. If it's too late to apply for a revision then you may be able to ask for a supersession instead.

If the CSA agrees to revise the decision, they will calculate the amount again. If you're entitled to more child maintenance, you should be paid any money that you've missed out on from the date of the original calculation.

Supersession: there has been a change in circumstances

When there has been a change of circumstances and the child maintenance calculation needs to be changed, this is called a supersession. Either parent can ask for a supersession. For example, you can ask for a supersession because the contact arrangements for your child have changed; eg if the number of nights your child stays with their other parent has changed.

How do I apply?

You can apply at any time by contacting the CSA by phone or letter. It is a good idea to request it by letter and keep a copy, if possible. If you're entitled to more child maintenance, you're also entitled to any money you've missed out on from the date you asked for the supersession.

Variation: you want other information or circumstances to be taken into account

You can ask the CSA to look at the other parent's income that may not have been included in the original calculation. This is called a variation. When you request a variation, you ask the CSA to take into account income or circumstances that it hasn't already considered.

You can use this procedure if you believe that your child's other parent's income is higher than they have declared to the CSA.

For example, you might suspect that your child's other parent is using self-employment or payment by dividend to make their salary income look artificially low.

Therefore, an application for a variation asks the CSA to recalculate your child maintenance more accurately, using the additional information.

How do I ask for a variation?

You can apply for a variation by phoning or writing to the CSA. If you call, you may be sent a form to fill in. Make sure to keep a note of who you speak to and what you discuss.

To apply for a variation ask for the CSA calculation to be reconsidered under **additional cases**. There are four grounds, which are the reasons for a variation. You must clearly state which of the grounds your request falls under. As they can overlap, use as many grounds as you think are relevant – you can ask for a variation using all of the grounds if relevant.

The four grounds for a variation are:

1: Assets

Note: your child's other parent's home is not counted as an asset.

Assets include all other types of property, savings, shares or other investments. You must be able to show that the total value is over £65,000 after any mortgage or other loan is deducted. For example, if they own a house worth £100,000 but have a mortgage for £90,000, the asset is worth £10,000.

To prove the value of property such as a second home or investment property, look at the value of similar properties in the area listed online, with estate agents, or on property sale websites. You can also apply to the Land Registry to find out who owns a property and the price they paid.

Information about company shareholders can be found on the share register of the company, a public document held by the company registrar. Information is also held by an organisation called Companies House (see useful organisations).

2: Income not taken into account

This means that you believe the other parent has other income that hasn't been taken into account in the calculation. This income has to be over £100 a week.

Examples of when this ground can be used are:

- The flat or nil rate of child maintenance applies because they receive a certain benefit, but they have income, such as wages or a pension, that would have been taken into account if they were not receiving the benefit
- They can control the income they receive from a business or company, including earnings from employment or self-employment, and the income from that company or business would not otherwise be taken into account. For example, this may apply if they are a company director and they have arranged to take income in the form of dividends instead of wages.

3: Diversion of income

This can be used when your child's other parent can control their own income so they appear less well off than they are. This category often applies when your child's other parent is self-employed or runs their own business.

Examples of when this can be used are:

- They employ a relative and pay them more than their job is worth
- They make excessive contributions to their pension, leaving themselves with less income
- They have a business which makes substantial profits but they take a lower income
- They have given an interest in their business to a new partner or a relative.

4: Lifestyle inconsistent with declared income

This ground is used when you feel that your child's other parent's lifestyle could not be supported by the amount of income they have declared to the CSA. For example, you may believe they have a comfortable lifestyle but they have declared low earnings to the CSA.

Sometimes the other parent is financing their lifestyle using loans, credit cards, savings or a new partner. If any of these circumstances apply then a variation will not be successful.

Difficulties with variations

It can be hard to successfully apply for a variation because the CSA will expect you to prove the facts. The CSA will not usually carry out a detailed investigation itself. Ask for a variation under as many of the four grounds as you think apply and provide as much information as you can. However, you can still ask for a variation even if you don't have much information.

If you don't get the outcome you want, or the CSA does not investigate, you can ask for a mandatory reconsideration and then appeal.

What can I do if a variation isn't successful?

If your application for a variation is rejected, the next step is to request a mandatory reconsideration. If the mandatory reconsideration fails then you can appeal. The benefit of going through each process is that once you reach the appeal stage your case will be decided by an independent panel rather than the CSA.

Appeal: you want to challenge the decision made by the CSA

If you don't agree with the mandatory reconsideration decision, you can appeal. Most decisions made by the CSA can be challenged by an appeal.

Appeals are decided by an independent tribunal, which has the power to get much more detailed information from your child's other parent and from the CSA.

Some examples of when to appeal are:

- The CSA has refused to make a calculation, or to revise or supersede a decision
- You don't agree with a maintenance calculation
- You don't agree with the result of your revision or supersession.

You shouldn't appeal because there's been a delay or you've received poor service; you should complain instead. See our factsheet [How to complain to the Child Support Agency](#) for more information.

Why should I appeal?

The decision is made by an independent tribunal, and the benefits of this process include:

- The CSA will be asked to explain how it worked out your child's other parent's income and what evidence they used
- Paperwork will be sent to you that could provide details of your child's other parent's income
- The tribunal can ask for more in-depth information from your child's other parent
- They will check that information that was given to the CSA is correct

- If your child's other parent has complicated finances you can ask for a financially qualified panel member to sit on the tribunal. This is usually an accountant who can unpick all the finances in detail.

How do I appeal?

You should appeal within one month of the date on the mandatory reconsideration decision letter and use form SSCSC2, which you can download here: www.gov.uk/social-security-child-support-tribunal/appeal-tribunal

Be sure to include as much information as possible, including details of the decision and reasons for your appeal. You should send your appeal form directly to the tribunals service, together with a copy of the mandatory reconsideration notice. Also send any documents you have that support your appeal.

You can find the address for the tribunals service and guidance on filling in the form in leaflet SSCS1A, which you can download here too: www.gov.uk/social-security-child-support-tribunal/appeal-tribunal

Who makes the decision?

Once the CSA receives your appeal from the tribunals service it will prepare a response and send you a copy. The CSA will also send a copy to the tribunals service, together with all documents relevant to your case. At this stage you may wish to make a written submission and supply any further documents in reply to the response from the CSA.

The tribunal will either make a decision based on the papers or it can hold a hearing that you can attend. It's usually best to ask for a hearing that you can attend as it gives you a chance to explain your case and to answer any questions. The tribunal is **not** part of the CSA.

There can be two stages to the tribunal process. The first stage tribunal considers your appeal and makes a decision. Usually this is the end of the matter. You can only appeal to the second stage of the tribunal process if the tribunal has made a legal mistake, such as misinterpreting the law or not considering all of the evidence properly.

Frequently asked questions

- Q** My child's other parent is no longer able to look after our child at weekends - how do I get an increase in my maintenance?
- A** You should ask for a **supersession** as there has been a change in circumstances. You should provide as much information as possible to support your claim, including any evidence you can obtain.
- Q** I have been told that my child's other parent does not have to pay child maintenance because they are a full-time student - but they also do paid work. What can I do?
- A** You can ask for a **variation** to take into account any earnings over £100 a week. Apply under the heading of **income not taken into account** in the child maintenance calculation.
- Q** My child's other parent was living with a partner and their child, so I got less maintenance. They've now separated. Will my maintenance change?
- A** If your child's other parent doesn't live with their partner's child, your maintenance may go up. Apply for a **supersession** on the grounds that there's been a change of circumstances.
- Q** The CSA has refused to calculate maintenance because they say that I'm not the main carer for my child. What can I do?
- A** You can ask for a **mandatory reconsideration of** the decision not to calculate the maintenance. If you don't agree with the mandatory reconsideration decision you can **appeal**.
- Q** My child's other parent is self-employed, has an expensive car and regular holidays abroad but I don't receive much child maintenance. What can I do?
- A** You can ask for a **variation** on the grounds that the other parent's **lifestyle is inconsistent with their declared income**, they have **other income not taken into account** and **diversion of income**. If your application is refused you should ask for a mandatory reconsideration and after that appeal if necessary. An independent tribunal then hears the appeal and can ask for more information and go through the accounts in more depth.

Further help and information

Gingerbread Single Parent Helpline

Freephone 0808 802 0925

www.gingerbread.org.uk

Provides free, confidential advice for single parents. No matter the challenge – around your finances, contact arrangements or help you could receive – our trained advisers are here with tailored advice that works for you.

One Parent Families Scotland Lone Parent Helpline

Freephone 0808 801 0323

www.opfs.org.uk

Run by our partner organisation, One Parent Families Scotland, the Lone Parent Helpline provides free, confidential advice and information for single parents in Scotland.

Child Support Agency

03457 133 133

www.gov.uk/child-maintenance/contact

Provides a statutory child maintenance service, including collections and enforcement. For existing CSA cases only.

Child Maintenance Options

0800 988 0988

www.cmoptions.org

Information on making arrangements for child maintenance.

Companies House

0303 1234 500

www.companieshouse.gov.uk

The official register of UK companies. Search for company names or details, and order documents and other reports.

Land Registry

0300 006 0411

www.landregistry.gov.uk

For information on property ownership.

More from Gingerbread

The following related Gingerbread factsheets for single parents are also available:

- > [Making arrangements for child maintenance](#)
- > [Action to take when a relationship ends](#)
- > [Making arrangements for your children](#)

Download them from our [website](#) or call 0207 428 5420 to request them

Become a Gingerbread member

Membership is available to single parents in England and Wales. Join a community of thousands of single parents who benefit from the mutual support, free advice and information provided by Gingerbread. You can also meet other single parents at one of our local support groups.

Visit our [website](#), call 0800 018 4318 or email membership@gingerbread.org.uk

Gingerbread
Single parents, equal families

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750. The Gingerbread Single Parent Helpline is supported by the Department for Education, HMRC, The Big Lottery and other funders and is accredited by the Helplines Partnership.

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