

## Factsheet

For single parents in England and Wales **January 2017**

Freephone

**0808 802 0925**

Gingerbread Single Parent Helpline

## Using the Child Maintenance Service (CMS)

This factsheet is for single parents who are thinking of using the Child Maintenance Service (CMS). It is a new service run by the government which has replaced the Child Support Agency (CSA). The CMS is for all new claims for child maintenance and for parents who used to use the CSA and whose cases have been closed.

**Note:** This factsheet is not applicable to parents who still have an ongoing CSA case. If your CSA case has not been closed you should see our child maintenance webpage for more relevant CSA information and resources: [www.gingerbread.org.uk/content/2143/Child-Maintenance](http://www.gingerbread.org.uk/content/2143/Child-Maintenance).

This factsheet has information on how the amount of child maintenance is worked out and what happens if, for example, one of your children lives with their other parent, you share the care of your child, or your child's other parent has a new partner. There are also details of how to complain if you're not receiving a good service.

For alternative options for getting child maintenance see the Gingerbread factsheet [Making Arrangements for Child Maintenance](#), which you can download for free at [www.gingerbread.org.uk](http://www.gingerbread.org.uk). For specific advice on your situation contact the Gingerbread Single Parent Helpline on 0808 802 0925. Calls are free.

### Key words

**Child maintenance:** The term used to describe the money a parent should pay towards their child's upbringing.

**Receiving parent:** The term used by the CMS to refer to the parent who looks after the child most of the time. This parent is eligible to receive child maintenance.

**Paying parent:** The term used by the CMS to refer to the parent who does not live with the child most of the time. This parent is liable to pay child maintenance.

**Family-based arrangement:** Parents deal directly with one another to agree the amount of child maintenance to be paid, how it's paid by and when.

**Gross income:** The CMS calculates gross income as the paying parent's income before deductions such as tax and national insurance, but after pension contributions have been deducted.

### Applying to the CMS for child maintenance

Before you can apply to the CMS you will have to speak to [Child Maintenance Options](#) to discuss whether you could make a family-based arrangement instead. It isn't possible to go directly to the CMS. All parents who wish to use the CMS must call Child Maintenance Options first.

Although Child Maintenance Options will try to encourage you to make your own arrangements where possible, you can always decide to make an application to the CMS if you want to. If a family based arrangement would not work in your case then you should make Child Maintenance Options aware of this and make sure they refer you on to the CMS.

If at the end of the conversation with Child Maintenance Options you decide you need the CMS to be involved in your child maintenance payment you will be given a reference number. You will need this number in order to start your CMS application. Child Maintenance Options should also give you a telephone number to call to make your CMS application.

For more information on alternative options to using the Child Maintenance Service see the Gingerbread factsheet [Making Arrangements for Child Maintenance](#).

### **What happens when I apply?**

There is usually a £20 application fee. Whether you have to pay this fee depends on your circumstances. To find out more about the Child Maintenance Service charges and if you'll have to pay, see our [interactive guide \(https://gingerbread.org.uk/content/2148/Child-maintenance-charges\)](https://gingerbread.org.uk/content/2148/Child-maintenance-charges).

If you have experienced domestic violence then you don't have to pay the fee, but you'll need to tell the CMS that this is the case – they probably won't ask you. It's important that you know how to claim maintenance safely if you have experienced domestic abuse. Read our advice on [child maintenance and domestic abuse \(https://gingerbread.org.uk/content/2330/Domestic-abuse-and-child-maintenance\)](https://gingerbread.org.uk/content/2330/Domestic-abuse-and-child-maintenance) for more help and information.

After you apply, the CMS should contact Her Majesty's Revenue and Customs (HMRC) to find out your child's other parent's income. The CMS will contact your child's other parent to ask for details about their circumstances. This will usually include a calculation of how much child maintenance will be payable, based on the information the CMS has received from HMRC.

This could take a few weeks. It may take longer if you don't know where the paying parent is and they have to be traced.

### **How will I receive payments?**

The CMS has two services; 'direct pay' and 'collect and pay'. You usually start on 'direct pay' and move on to 'collect and pay'.

#### **Direct pay**

This means that you and your child's other parent agree between yourselves how the money will be paid, and they pay it directly to you. Once the CMS has made the calculation, you and your child's other parent come to your own agreement about how and when the money will be transferred.

It is preferable that the money is paid by standing order into your bank account; that way you can keep track of the payments, and have a record if things go wrong.

Even though the CMS doesn't deal with the payments for you, the payments still need to be made in full and on time. If they aren't you need to tell the CMS so they can contact your child's other parent to enforce the payments.

#### **Collect and pay**

This means the CMS will collect the money from your child's other parent and pay it to you.

There are charges to use this service – the paying parent has to pay an additional 20 per cent on top of the usual child maintenance amount. You will have the amount of your child maintenance reduced by four per cent.

Because of the cost involved you can't choose to use 'collect and pay' if your child's other parent would prefer to use 'direct pay'. If the CMS think that your child's other parent is 'unlikely to pay' they can decide that you shouldn't be paid directly and they will step in to collect the payments.

#### **How much should I get?**

The CMS calculates child maintenance according to what the law says a parent should pay. It uses the paying parent's gross income to work out the payment. This can include wages, income from a pension and other taxable income.

Other income, such as interest on savings, income from a company or rent from a property is ignored in the initial calculations. Assets such as savings and property are also ignored. If the paying parent has other income or savings you can ask for the standard child maintenance calculation to be varied so that these are taken into account.

The income of a paying parent's partner is not included in the calculation.

There are different rates of child maintenance, dependent on the paying parent's income:

### 1: Nil rate

The nil rate means that the paying parent doesn't have to pay any child maintenance. The nil rate applies to a paying parent who is:

- A person with a gross weekly income of less than £7
- A child under 16 or a young person under 19 who is in full-time non-advanced education (up to A-level or equivalent)
- A person who is aged 16 or 17 and getting income support or income-based jobseeker's allowance
- A young person getting a work-based training allowance
- A prisoner
- In residential care or a nursing home and getting help with fees or on certain benefits
- A patient in hospital who has had their benefits reduced.

### 2: Flat rate of £7 a week

The flat rate is used if the paying parent:

- Claims income support, income-based jobseeker's allowance or pension credit (or their partner claims for both of them)
- Has an income below £100 a week
- Claims certain benefits such as contribution-based jobseeker's allowance, retirement pension, incapacity benefit, employment and support allowance or invalid care allowance.
- Claims universal credit with no earned income

### 3: Reduced rate

The reduced rate is used when the paying parent's gross income is between £100 and £200 a week.

Any income over £100 a week is taken into account for child maintenance. A percentage is deducted based on how many children the receiving parent is claiming child maintenance for, and the number of other children living with the paying parent. £7 is then added to this amount. The total figure is rounded to the nearest pound.

The percentage of gross income deducted is as follows:

Other children living with the paying parent	Children applied for		
	One	Two	Three or more
None	17%	25%	31%
One	14.1%	21.2%	26.4%
Two	13.2%	19.9%	24.9%
Three or more	12.4%	18.9%	23.8%

### 4: Basic rate

The paying parent pays the basic rate if none of the other rates apply. It is a percentage of the paying parent's gross income. It is calculated in two stages:

**Stage one:** The paying parent's gross income is reduced depending on the number of children living with them. This includes the children of a new partner.

Number of children living with the paying parent	Percentage gross income is reduced by
One	11%
Two	14%
Three or more	16%

**Stage two:** Maintenance is a percentage of the amount left after any deductions are made in stage one. The percentage depends on the number of children that need to be paid for. The amount is rounded to the nearest pound.

The first £800 of any earnings is assessed on the percentage shown in the first column of the table below. Any earnings over £800 per week are assessed on the percentage shown in the second column. These two amounts are then added together.

Number of children applied for	Percentage of gross income up to £800	Percentage of gross income over £800
One	12%	9%
Two	16%	12%
Three or more	19%	15%

### What if we share the care of our child?

The CMS considers a parent to share care if they look after the child at least one night a week on average. If your child's other parent cares for your child 52 nights a year or more, the amount of child maintenance you can receive is reduced. For child maintenance to be reduced, care must include an overnight stay.

If the paying parent is liable to pay the reduced rate or basic rate of child maintenance then the maintenance is reduced by:

Number of nights your child stays with paying parent	Amount maintenance is reduced by
52 - 103	One seventh
104 - 155	Two sevenths
156 - 174	Three sevenths
175 or more	One half

If there is a dispute about how many nights the children stay with their other parent, the CMS will assume that they stay over once a week. If the other parent is telling the CMS that your child is staying over with them more nights than they are, you should provide any evidence you can so they can make a decision.

If your child spends exactly the same amount of time with both parents, neither parent has to pay child maintenance to the other. This is the case even if one parent is much better off financially.

If the paying parent is liable to pay the flat rate of £7 a week the calculation is more complicated. To find out more about how shared care affects the flat rate of child maintenance, contact the Gingerbread Single Parent Helpline on 0808 802 0925.

**Example: Reduced rate  
How child maintenance is calculated**

Euan and Heather have separated. They have one child together, Callum, who lives with Heather. Euan now lives with his new partner Dipa and her daughter Rana. Heather applies for child maintenance for Callum.

Euan earns £190 a week (gross income) and neither the nil rate nor the flat rate applies. The reduced rate applies as Euan's income is between £100 and £200 a week.

Euan has to pay Heather £20 a week for child maintenance. The CMS works this out:

The amount of Euan's weekly income above £100 is £90. He lives with one child and maintenance is being claimed for one child, therefore Euan has to pay 14.1% of £90 plus £7.

$$\begin{aligned} \text{£}90 \times 14.1\% &= \text{£}12.69 \\ \text{£}12.69 + \text{£}7 &= \text{£}19.69 \end{aligned}$$

This is rounded to the nearest pound so Euan pays £20 a week.

**What if the paying parent has other children they don't live with?**

If your child's other parent has children from another relationship that they don't live with, the amount of maintenance you receive is reduced. The amount the paying parent needs to pay is split between you and the other receiving parent. This is called apportionment.

**Example: Basic rate  
How child maintenance is calculated**

Simon and Lucy are separated. They have two children, Evie and Ruby who live with Lucy. Simon now lives with Jane and her four children. Lucy applies to the CMS for child maintenance.

Simon's gross weekly earnings are £207.55 wages and some working tax credits. Working tax credits aren't counted as income.

**Stage one:** Simon's total weekly income is £207.55. This is reduced by 16 per cent because he has four children living with him.

$$\begin{aligned} \text{£}207.55 \times 16\% &= \text{£}33.21 \\ \text{£}207.55 - \text{£}33.21 &= \text{£}174.34 \end{aligned}$$

**Stage two:** The maintenance due for two children is 16 per cent.

$$\text{£}174.34 \times 16\% = \text{£}27.89$$

This is rounded to the nearest pound so Simon has to pay Lucy £28 a week.

**Example: Shared care  
How shared care affects child maintenance**

Simon pays Lucy £28 a week for child maintenance as both children live with Lucy full time. Later on, both children start to stay over at Simon's house one night a week. This means that the amount Simon pays Lucy reduces by one seventh.

$$\begin{aligned} \text{£}28 / 7 &= \text{£}4 \\ \text{£}28 - \text{£}4 &= \text{£}24 \end{aligned}$$

Simon needs to pay £24 a week.

### **What if I think the CMS child maintenance calculation is wrong?**

If you think you should be getting more child maintenance you can challenge the calculation. The way to do this will depend on the circumstances of your case.

For more information on what you can do if you think your calculation is wrong, see our factsheet [Challenging your Child Maintenance Service Calculation](#).

### **What if the paying parent does not pay child maintenance regularly or in full?**

If your child's other parent stops paying regularly or in full, the CMS have a range of enforcement powers they may be able to use depending on the circumstances of your case.

See our factsheet [Enforcing payment of CMS child maintenance](#) for more information about what you can do.

### **Making a complaint about the CMS**

You can complain if you have received poor service from the CMS such as delays, poor communication or administrative errors.

The CMS should investigate your complaint and try to put things right. In some cases where there have been long delays or wrong information given, you may be paid compensation. Also, if the CMS has caused you serious inconvenience, severe embarrassment or your health has suffered, you may be eligible for a small sum known as a consolatory payment. There is no legal right to these payments.

A complaint may not necessarily lead to a change in the amount of maintenance you receive. You will need to challenge the calculation as well if you think it has been wrongly calculated.

For more details on how to complain see [What to do if you're unhappy with the Child Maintenance Service](#), published online at [www.gov.uk](http://www.gov.uk). Complaints can be made by phone or in writing.



## Further help and information

### Gingerbread Single Parent Helpline

Freephone 0808 802 0925

[www.gingerbread.org.uk](http://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](http://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 Maintenance Options

0800 988 0988

[www.cmoptions.org](http://www.cmoptions.org)

Information about your child maintenance options and making an agreement best suited to your circumstances. Information booklets, a maintenance calculator and a private agreement form are on the website.

### Child Maintenance Service

0845 266 8792

[www.gov.uk/child-maintenance](http://www.gov.uk/child-maintenance)

Information about claiming child support through the Child Maintenance Service. To make a claim you must have a reference number provided by Child Maintenance Options.

### Child Law Advice

[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

The Child Law Advice site provides legal advice and information on all aspects of law and policy affecting children. Information is available on parental responsibility, contact and residence disputes. Some materials are free, and there is also a paid-for service.

### Citizens Advice

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Information and advice on a wide range of issues including benefits and tax credits. Check your telephone directory for your local bureau or find details on the website.

### National Family Mediation

0300 4000 636

[www.nfm.org.uk](http://www.nfm.org.uk)

Can answer general enquiries relating to mediation and put callers in contact with local mediation services.

### More from Gingerbread

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

- > [Making arrangements for child maintenance](#)
- > [Challenging your Child Maintenance Calculation](#)
- > [Enforcing payment of CMS child maintenance](#)

Download them from our [website](http://www.gingerbread.org.uk) or call 0207 428 5791 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](http://www.gingerbread.org.uk), call 0800 018 4318 or email [membership@gingerbread.org.uk](mailto: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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