




Arrears Recovery - Paying Parent Estate

When a paying parent dies and there are child maintenance arrears outstanding, the Child Maintenance Group (CMG) can make a claim for those arrears against the estate of a deceased paying parent, where it is appropriate to do so.

The decision to claim is discretionary and takes account of the circumstances of each case, whether the receiving parent wants the action to be taken this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Notes** refer to Policy, Law and Decision Making Guidance 

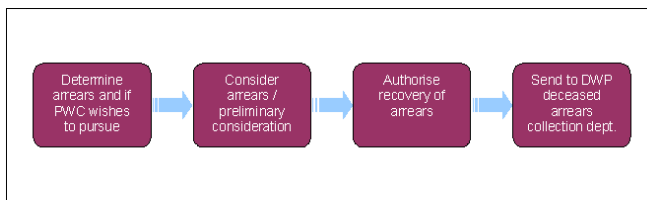
CMG will only seek recovery from the paying parent's estate if the arrears are more than £65.00. Where arrears are less than £65.00 they will be written off.

This action is taken by the maintenance service or enforcement where they already have case ownership.

Where recovery from the paying parent's estate is authorised, the caseworker will outsource recovery of the arrears to the Department for Work and Pensions' (DWP's) recovery from estates team.

The aim of this process is to determine if the arrears should be pursued from the paying parent's estate and includes authorisation of the recovery and the outsourcing of the debt recovery to DWP.

For more information refer to the Policy, Law and Decision Making Guidance 



When speaking to clients always use the new terminology. For more information refer to [Terminology Changes](#).



This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

Determine arrears

1. A service request (SR) is automatically generated as part of the case closure process with the following values:

- **Process = Arrears**
- **Area = Arrears Management**
- **Sub Area = Authorise Recovery NRP Death**



Where only secretary of state (SoS) residual arrears remain manually create a **Authorise Recovery NRP Death** SR as a child SR of the **Master Case Closure** SR.

2. Set the SR **Status** to **In Progress** to generate an activity plan.

3. Select the SR **More Info** applet which will show how much the paying parent is in arrears. The receiving parent arrears balances will be shown on **PWC Arrears** view tab which is found within the **Arrears** option of the **More Tabs** drop down. This will allow you to get a breakdown of the arrears owed to each individual receiving parent on the case.


For more information on the recovery of arrears from deceased estates refer to the Policy, Law and Decision Making Guidance 





If there is more than one receiving parent on the case, they will appear in a list applet.



Establish if the receiving parent wishes to pursue arrears

4. Go to **Contact** view, select the **Go To Contact** button on the **SR Detail** applet. Select **Contact Relationship** to view and understand the history of the case including paying parent details, date and place of death, relevant children, previous dealings, etc.


5.  Call each receiving parent within the casegroup to determine if they wish to pursue the arrears. Explain the process of recovery, including that the actual recovery will be pursued by the DWP recovery from estates team.

 Deal with each call sensitively, as the receiving parent may be upset by the death or may not yet be aware. Ensure you manage the receiving parent's expectations regarding the arrears appropriately. The value to be collected from the estate must be greater than £65.00 in total, per casegroup, before we will pursue the arrears (not £65.00 for each receiving parent). E.g. If there are two receiving parents on a case, each owed £35.00, this is deemed collectable if both wish to pursue the arrears as the total is £70.00. However if one receiving parent does not want the arrears collected then we cannot collect the arrears for the other receiving parent as the collectable amount would only be £35.00.

For more information on decision making refer to the Policy, Law and Decision Making Guidance 

6.  Try to call each receiving parent on three occasions before sending a letter.
7.  When the receiving parent cannot be contacted by phone, select the **Letter Outbound** activity to send letter CMSL6010.
8. Set a start and end date on the SR to allow each receiving parent to respond to us. If no response has been received after 14 days, mark this against each receiving parent applicable on the list as **Write Off**. This is not a decision to Write Off. Write Off can be considered by following processes contained within [Arrears - Write Off](#)
9. Once contact has been made, if the receiving parent's wish to pursue the arrears:
 - Update the **Outbound Call** or **To Do** activity with the **Outcome** set as **Complete**
 - Update the **Outcome** and record the decision to pursue arrears against each receiving parent record on the **PWC Arrears** applet.
10. If the receiving parent does not wish to pursue the arrears:
 - Update the **Outbound Call** or **To Do** activity with the **Outcome** set as **Complete**
 - Update the **Outcome** and record the decision not to pursue arrears against each receiving parent applicable
 - If none of the receiving parent's wish to pursue the arrears, update the **Resolution Code** to **No Recovery Required**
 - Consider write off. For more information refer to [Arrears - Write Off](#)

Consider arrears/preliminary consideration

11. Determine if the arrears should be pursued.
 - The value to be collected from the estate must be greater than £65.00 in total, per casegroup, before we will pursue the arrears (not £65.00 for each receiving parent)
 - Check the system to review other factors, e.g. the welfare of the child, the paying parent's estate may have to provide for other children, such as RoCs.
For more information on decision making refer to the Policy, Law and Decision Making Guidance 
12. If you decide to use powers to pursue the arrears.
 - Update **Review Activity** in the Activity Plan (e.g. Outcome = Appropriate)
 - Update the SR **Sub Status** to **Commission Confirm Appropriate** and this generates the next activity plan. Go to **step 15**.
13. When the arrears are not worth pursuing, or if you decide not to use powers to pursue the arrears:
 - Update the activity plan (e.g. **Outcome** = **Not Appropriate**)
 - Update the **Resolution Code** to **Recovery Not Appropriate**
14. Write off the arrears (refer to step 10).


Authorise recovery of arrears

Caseworker action

15. When the arrears are to be pursued, send to the adjudicator/approver.
 - Update the **SR Status** to **Pending Approval** and the SR **Sub Status** to **Pending Approval - TL**
 - This creates an entry in the team leader's (TL's) **Approvals Inbox** for authorisation.


 To prevent the casegroup moving segments whilst you are awaiting TL authorisation, set the **Lock Assignment Flag**. For more information on how to do this refer to **BOM - Segments Summary** in related items.

Team Leader action



16. The approver will need to review the SR from the caseworker and make a decision on the arrears, based on the caseworker activities, the amount of arrears, whether the decision to pursue is correct, etc.
For more information on decision making refer to the Policy, Law and Decision Making Guidance 
17. Select the hyperlink in **Inbox > Submitted Items List**, to view **SR > More Info** view.
 - Check the activity plan **Outcome** fields and arrears values.

- **Arrears** applet provides key information.
 - Check arrears values supplied by the BaNCS when the SR was created.
18. After viewing all of the information, if you do not agree with the recovery of the arrears.
- Go back to Inbox and set the **Inbox Status** as **Rejected**
 - Complete the **Comments** field for rejection reason on the SR
 - Return this to the caseworker
19. If you agree with the recovery of the arrears:
- Select the **Inbox Status** as **Approved**
 - Enter reasons for approval (optional)
 - Return to caseworker

Caseworker action

20. When the decision from the approver has been received, review the returned SR and decision.
-  When payment is received from the executor an SR is received to allocate the money on the case. Caseworkers must ensure that the money is for the purpose of child maintenance.
21. Record the **Outcome** of the approver as **Approved/Rejected**.
22. Update the SR **Resolution Code** as **Recovery Not Appropriate** if the approver rejects the request and consider write off (refer to **step 10**).

Send to DWP Recovery from Estates Team

23. If approved, open the **SR > More info** view.
- Select the **Sub Status** as **Issue Recovery To DWP**.
 - The Email – Outbound activity is created.
24. Select the **3rd Party Account** multi value group (MVG), select **Query** and select **DWP Recovery from Estates Team**.
25. Go to **Activities** and mark the activity **Email - Outbound (3rd Party)** as **Not Required**.
26.  Locate and open CMSF5581 in OSCAR. Select **Enable Editing** and **Enable Content** to open the **CMEC Data Entry Form**.
27. Complete the following sections:
- **Deceased NRP** - All fields
 - **Contact Details** - NOK, Executor and Solicitor (if known)
 - **Debt Details** - Amount of Debt to be recovered and SCIN fields
28. Select **Enter** to populate the form.
29. Select **Exit** to bring up a spreadsheet located within the **Debt Management** tab, populated with the relevant details.
30. Select **File** and **Save & Send** then **Send as Attachment** to populate an email.
31. Add **Restricted** to the email title and send it to RFE.CMEC@DWP.GSI.GOV.UK.
-  Recovery from estates in Northern Ireland should not be issued to the above address. For any Northern Ireland cases, refer to Procedural Exceptions.
32. Record the issuing of CMSF5581 to DWP Recovery from Estates in **Notes**.
33. To complete this action select the appropriate **Resolution Code** and update the **Status** of the SR to **Closed** and the **Sub Status** to **Complete**.
34. The DWP Recovery from Estates Team will provide details of an executor once traced. They may also request information. This will be on a CMSL6013. This form should also be used to request or provide information for CMG purposes. This should be emailed to the address as above at **Step 31**.

Replace all references to DWP as Debt Centre Northern Ireland

For Northern Ireland cases set the manual allocation flag on cases when sending a referral to the Debt Centre Northern Ireland

Referrals for the NI Debt Centre, send to Jenna.hollran@nissa.gsi.gov.uk and copy in Elaine.hunter1@nissa.gsi.gov.uk

When payment is received ensure that the Debt Centre NI are advised

[CMSL6013 RFE Internal Communication Form](#)

Select appropriate Option and use Freetext box if required. Manual letter to be emailed to DWP Recovery from Estates Team.

For further information on letters to clients refer to [Letters \(Outbound\) - Send to Clients](#)

[CMSL6010 Your child maintenance case – estate claim](#)

Our offer to the receiving parent to make a claim on a deceased paying parent's estate.
All fields in this letter are system generated, no manual intervention is required

[CMSF5581 Referral to recovery from estates team](#)

Tell the DWP to recover from deceased NRP estate - Excel version
Complete all free text fields in the documents before sending. Once completed review the letter to ensure the correct information is recorded.

[Arrears Recovery - Receiving Parent Estate](#)

[Arrears - Write Off](#)

[BOM - Segments Summary](#)

[Death - Paying Parent](#)

[Letters \(Outbound\) - Send to Clients](#)

[Terminology Changes](#)

[Do arrears need to be over a certain amount before they can be recovered from a paying parent's estate?](#)

Yes, the value to be collected from the estate must be greater than £65.00 in total per case group before we will pursue the arrears, not £65.00 for each receiving parent. What we mean by £65.00 per case, is that there may be more than one receiving parent on a receiving parent's case group, therefore the arrears of all of the receiving parent's on the case must add up to at least £65.00 in total as a group before we will pursue them.