

## CMG Appeals

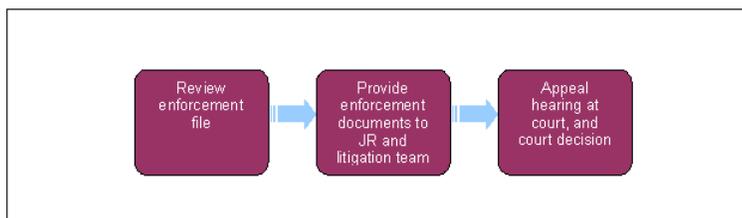
Where there is an unsuccessful outcome to court based enforcement action, the Child Maintenance Group (CMG) may appeal against the court decision.

For example, if the CMG applies for a charging order against a paying parent's property, the court may dismiss the application. The CMG has the right to appeal that decision.

Appeals are dealt with by case managers in enforcement. The role of the case manager is to provide information to the judicial review and litigation team (the JR team), to allow them to manage litigation in conjunction with litigation solicitors.

The purpose of this process is to show how to process a Commission appeal against a court decision.

For more information on appeals 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.

### Review enforcement file



Some actions may require an up front payment to the service provider (eg Courts). This payment will be made using the government procurement card (GPC), for more information refer to [Admin Account - Add To](#).

1. When court based enforcement action is unsuccessful, you will either receive a:

- Telephone call or email from the court presenting officer (CPO),

or

- Letter from the court which has been scanned into the system, associated with the case and appears in your work item queue

2.

Contact the judicial review and litigation team (JR team) to tell them about the unsuccessful enforcement action and that we are considering appealing the court decision.



The Child Maintenance Group (CMG) intention to appeal a decision should be brought to the court's attention at the earliest opportunity. At the original enforcement action hearing the CPO would have advised the court that the CMG will be considering an appeal. If an appeal is being made, it must be submitted no later than 21 days from the date the court decision was made.

3. If the file has not been returned from the CPO you must telephone them to request that it is returned immediately.

4. Access the **My Service Requests** (SR) screen and highlight the relevant unsuccessful enforcement action, for example charging order. Update the SR **Status** to **In Progress**.

5. From the options displayed, select the **CMEC Appeal** button. This generates a child SR. Update the new SR **Status** to **In Progress**. The system will then display an activity plan in the **Activity Plan View**.

6. Review the file when it is returned from the CPO. Consider the reasons why the application was dismissed and possible grounds for appeal. Record the outcome of the **Review Appeal Information** task as **Done**.

7.

Record the outcome of the **Appeal Appropriate?** task as **Appropriate**.



It is the litigation solicitor's responsibility to decide whether to continue with the appeal and this is covered further on in the procedure. At this stage, recording the outcome of this task as **Appropriate** generates the next activity plan to continue the appeal process.

## Provide enforcement documents to judicial review and litigation team

8. The JR team will inform you of all the information they require, such as detailed background information regarding how the case has progressed, with specific emphasis on how arrears have accrued and all enforcement action taken. Gather all the relevant documents including any items stored on Adobe and correspondence.

9.



The Activity Plan tells you to generate a letter. You need to manually create a letter and send the required information to the JR team.

- Raise a blank CMEL9201 template
- Enter the addressee's details
- Complete the letter as appropriate
- Print the letter and all supporting documents
- Send to the JR team by next day courier

Update the **Notes** field to show that the letter has been generated and sent clerically. Input the details of the letter and relevant information sent. Mark the **Letter Oubound** activity as **Not Required**.

10. The JR team liaises with the litigation solicitors, and will keep you updated on an ongoing basis. It is the litigation solicitor's responsibility to decide whether an appeal is appropriate. Set up a **Wait** period of **seven days** to act as a prompt to call the JR team if you haven't heard anything. Update the SR **Status** to **Wait** and **Sub Status** to **Awaiting Info**. Record the Reason as **Waiting For Solicitor Reply**.

11.

The JR team will contact you with the solicitor's decision:

- If the solicitor advises we cannot proceed with the appeal, update the **Notes** field and record the outcome of this task as **End Appeal**. **Close** the SR. Update the SR **Status** to **Closed** and the **Sub Status** to **Cancelled**. The case will now need to go through the Case Routing process to determine the next appropriate action to take.
- If we can proceed with the appeal, update the **Notes** field and record the outcome of this task as **Proceed**. This will generate the next Activity Plan. Go to **step 12**.

## Appeal hearing at court and court decision

12. The litigation solicitors will liaise with the court to arrange a court hearing date and the JR team will keep you informed.

13. Select **Update Form/Document** CMEL9200 and complete the fields with as much information as possible. Record the outcome of this task as **Done**.

14. It is expected by the court that anyone who has produced a witness statement should be present at the court hearing. If your presence is required at the hearing, in order to provide evidence or support to the solicitor with advice on complex issues, you must do so.

15.

You receive a letter from the court which is scanned into the system, associated with the case and appears in your work item queue. This letter will detail the outcome of the hearing. Update the system with this outcome.



For more information refer to [Client Contact Overview](#).

16. Review the next task to see if there are any further appeals to process.

- Process a paying parent appeal. For more information refer to **Paying Parent Appeals** in related items.
- Process a CMG appeal, refer back to **step 1** of this process.
- If there are no further appeals, record the outcome of this task as **No Further Appeals**.

17. Update the SR **Status** to **Closed** and the **Sub Status** to **Complete**. That is the end of this appeal process. The case will now need to go through enforcement case routing to determine the next appropriate action to take. For more information refer to [Case Routing - Enforcement](#).

### CMEL9200 Off system letter

(off-system letter)

Internal off system form to be completed with details of the proposed CMG appeal.

Enter free text in the appropriate fields, before attaching to all related appeals documents.

### CMEL9201 Appeal request

Ask solicitor whether an appeal request is appropriate.

Enter free text in the appropriate fields.

All other fields in this letter are pre-populated by the system. Once completed review the letter to ensure the correct information is provided.

[Admin Account - Add To](#)

[Case Routing - Enforcement](#)

[Client Contact Overview](#)

[Paying Parent Appeals](#)

[Terminology Changes](#)

[Can the CMG's appeal an unsuccessful court decision?](#)

Yes, this should be brought to the court's attention at the earliest opportunity. At the original enforcement action hearing the CPO would have advised the court that the CMG will be considering an appeal. If an appeal is being made, it must be submitted no later than 21 days from the date the court decision was made