



## Change - Shared Care Of QC

A change of circumstances (CofC) is a change to a client's circumstances that results in an update to the system.

Changes to shared care are dealt with by caseworkers in the segment that owns the case at the time the change is reported.

Shared care is where care of a qualifying child (QC) is shared between the receiving parent and the paying parent and the QC stays overnight with the paying parent.

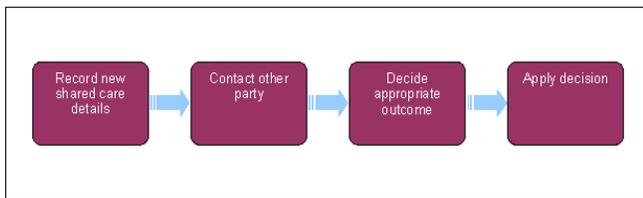
A change to a shared care arrangement can be reported at any time during the lifecycle of the case by the receiving parent and the paying parent.

If a change to the shared care arrangement is accepted there may be a change in the maintenance liability.

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

The aim of this process is to gather information from both the receiving parent and the paying parent when a change to shared care is reported. If the receiving parent or paying parent do not agree with the change, the dispute process will be followed for evidence of previous arrangements to check if there is any evidence of formal agreement. The decision will be updated on the system and the receiving parent and paying parent notified of the outcome.

For further information please 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.

### Record New Shared Care Details

 If a decision has been made to decline/reject a **Shared Care** SR as evidence was not received within 14 days, but evidence is then received within allowable time i.e. 30 days + 2 days for posting, from the date the decision to decline/reject the change was made, refer to [Mandatory Reconsideration](#).

 When equal shared care is applied, the system will generate a **PWC Not Primary Carer of QC** SR. For more information on completing this SR refer to [Change - Carer Status - Receiving Parent Not Primary Carer of QC](#). The system will pre-populate the source of this work item as **PWC** even if the **source** of the Change to Shared Care was **NRP**. If the work item is required, users should cancel the automated work item for this scenario and generate a new work item using the **source** as **NRP**, in order to display the correct activities for that scenario. The case may need to be closed, but should not automatically be closed - for more information to decide whether the paying parent is still a paying parent refer to the Policy, Law and Decision Making Guidance. 

 When a client reports a change to shared care band and there is an existing contact cost variation in place consider the change may impact the variation.

- Create the following service request (SR) against the person reporting the change and input the **Source** as the person reporting the change.
  - **Process** = CofC
  - **Area** = Change Carer Role
  - **Sub Area** = Shared Care
- Record the shared care details in the **CofC More Info, Change Carer/Income details** view Applets:
  - **Subject Contact** – record the receiving parent's details and select **PWC** from the **Subject Type** dropdown, the date it was reported and the QC name
  - **SR Details** – record the date of the reported change in **Effective Date**
  - **Current Shared Care Details** - Select the Current Shared Care Details

- **NRP Shared Care Details** – For paying parent reported changes, record the **New Shared Care Details** in this Applet.
- **PWC/PeWC Shared Care Details** – For receiving parent reported changes, record the **New Shared Care Details** in this Applet

 Note that where there are multiple QC's in the case, if the change relates to all QC's select **Y** on the **Apply to All QC's** dropdown - this must be done so that the **Current Shared Care Details** is populated. However if the change does not apply to all QCs, if there are different levels of shared care for each child, raise a separate SR for each child.

For more information on shared care bands, refer to the Policy, Law and Decision Making Guidance. 

For more information on shared care effective dates refer to the Policy, Law and Decision Making Guidance. 

 Ensure all fields are populated to allow case progression e.g. with a Zero or N/A if no value is applicable.

If the shared care arrangement doesn't round to a whole number of nights per week, record the additional nights in **Occasional Nights**. For example, if the paying parent has 160 nights over the year, record 3 nights in **Regular Nights with NRP**, and 4 in **Occasional Nights** (3 nights per week  $3 \times 52 = 156$ .  $160 - 156 = 4$  is the remainder to be entered in the occasional nights field).

3. Update the SR **Status** to **In Progress**. The system generates a new activity plan at this point.
4. Record the following information in the shared care applet:
  - Formal Shared Care **Yes/No** (i.e. a court order/maintenance order for shared care or some other formal written agreement)
  - Apply change to more than one QC **Yes/No**

### Contact other party

5.  Call the other party. Explain that a change to shared care has been reported and ask them to verify the details provided by the reporting party.
6. Record the response by updating the SR **Notes** with the decision. Update the **Sub Status** of the SR with the relevant outcome:

- **No response**
- **Verified/Aligned**
- **Disputed**

 Select **Disputed** where clients disagree on the shared care band, not the number of nights within a band. This creates further steps in the Activity Plan.

7. If provided, record the shared care details confirmed by the other party in the relevant applet in the **CofC More Info**, view. Depending on the outcome of the call:

- **No response**, go to **step 8**
- **Verified/Aligned**, go to **step 18**
- **Disputed**, go to **step 12**

 Assumption of shared care should only be considered if no agreement other than the fact that shared care is present between the two parties can be reached. The ability to use the assumption rules should be used as a negotiation tool to encourage the two parties to come to an acceptable arrangement. For more information on the policy rationale refer to Policy, Law and Decision Making Guidance. 

8. Create a new record in the **Gather Record Evidence** view and record details of the evidence requested and the due date. Record the following details:

- **Requested evidence** - confirmation of the reported change to existing shared care
- **Requested date** - today's date
- **Due date** - 14 days from today

9.   Select **Generate Activity** to update the activity, call the other party to advise more information is required then send letter CMSL9508 to ask them to verify the shared care arrangement.

10. Update the SR **Status** to **Wait** and the **Sub Status** to **Awaiting Evidence** and set a **Wait** period of **14 days** for the client to respond. Once evidence is received the **Status** of the SR changes back to **In Progress**. Consider if SMS is appropriate - for more information refer to [SMS Text](#)

11. If agreement between the clients has been reached, or if there is no response to letter **CMSL9508** refer to **step 18**. If agreement has not been reached see **step 12**.

### Decide Appropriate Outcome

12. If the other party disputes the shared care reported, check whether either party has sent in a formal shared care agreement such as a court order/maintenance order or written agreement. If this evidence has been provided refer to **step 18**.

 If the QC spends at least 52 nights in the care of a local authority (LA), the shared care reduction would be applied to the assessment as normal. If it is appropriate, contact the LA to confirm the number of nights the QC spends in their care. There is no letter template for this, contact them by telephone. Where the LA decline that the QC spends any nights in their care, contact the paying parent/receiving parent to advise them of this outcome by telephone. For more information on LA care refer to the Policy, Law and Decision Making Guidance. 

13.  Call both clients and explain that they have provided different shared care details. Try to reach an agreement between the clients and explain what evidence will be used if an agreement is not reached, i.e. a court order/maintenance order or previous written agreement. Record the outcome of the calls and any new evidence provided in the Activity Plan and in the SR **Notes**. If the clients have reached agreement refer to **step 18**.

For more information about shared care disputes and evidence refer to the Policy, Law and Decision Making Guidance. 

14.  If the receiving parent cannot be contacted by telephone, issue letter **CMSL9601**. If the paying parent cannot be contacted by telephone, issue letter **CMSL9509**.

15. Update the SR with details of what evidence is expected and when it is due. View **Gather Record Evidence** and create a new entry. Record the following details:

- **Requested Evidence** - e.g. a court order/maintenance order or some other formal written agreement regarding shared care
- **Requested Date** - today's date
- **Due date** - generally 14 days, discretion can be applied

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

16. Update the **Status** to **Wait**, and **Sub Status** to **Awaiting Evidence**, with a **Wait** period of **14 days**. Once evidence is received the **Status** of the SR changes back to **In Progress**. Consider if SMS is appropriate - for more information refer to [SMS Text](#)

17. Check the client responses, update the SR **Sub Status** with the relevant outcome and record the decision in the SR **Notes**:

- NRP (or PWC) Formal Agreement
- Client Aligned
- NRP (or PWC) Declaration
- Automated Dispute

 Where the clients have provided different amounts of shared care with no agreement and there is insufficient acceptable evidence available, e.g. a court order, then base your decision on all the information available, e.g. client statements received. If the lowest of the two shared care numbers provided is decided upon select **Client Aligned**, ensure the **Notes** are clearly updated with the dispute information and decision reason. For more information about shared care disputes refer to the Policy, Law and Decision Making Guidance 

 If Automated Dispute is selected the system will then apply a decision based on information already held, e.g. if there was a previous shared care value in place the system will apply this agreement, even if that value is 0 nights.

## Apply Decision

18. Record the outcome of the calls and any further evidence provided in the activity plan. If other party has not responded to calls or letter **CMSL9508** you may assume the information you have been provided is correct and continue with the change.

19. Enter the agreed shared care details in the **NRP Shared Care Details** field and **PWC/PeWC Shared Care Details Field**. All boxes in these fields will need to be completed. If the paying parent has more than one child with the same shared care bands, select **Applies To All QC's** in the **Outcome Applet**. If the QC spends at least 52 nights per year in LA care, enter the number of nights in the **Nights With LA Care** field. If the QC doesn't spend any nights in LA care, enter a 0 in the **Nights With LA Care** field.

20. Record the **Shared Care Outcome** and **Outcome Reason**, update the **Sub Status** with the relevant outcome:

- PWC Formal Declaration
- NRP Formal Declaration
- Dispute Shared Care
- Automated Dispute

21. Update the SR **Notes** with the decision and evidence supplied to support the recorded outcome of the shared care change request.

 If the shared care was set by the automated dispute process ensure the SR **Notes** are updated to explain the decision.

22. Update the **Sub Status** with the relevant decision, this creates further steps in the Activity Plan:

- **CofC Accept (PWC)**
- **CofC Accept (NRP)**
- **CofC Accept (Dispute)**
- **CofC Decline**

### ■ CofC Accept (LA Care)

 If the change is the result of the dispute process, select **CofC Accept (Dispute)**. If there is no change from a previous shared care decision, select **CofC Decline**. Where either client's evidence has been used, select the appropriate client and ensure the SR Notes are updated to support the relevant decision.

23.   Call the clients to notify them of the outcome. If the shared care has not changed issue letter **CMSL9510** to the paying parent and **CMSL9602** to the receiving parent, individual letters must be sent for each QC. (To issue individual letters for each QC, go to **Contact** tab and change **QC name** via MVG tab relating to the relevant QC you want the letter to include).

Where shared care has changed but the shared care band has not then the liability will not be affected, issue **CMSL9597** to PP and **CMSL9598** to RP.

24. Update the **Resolution Code** to the correct option that matches the outcome.
25. If shared care has changed, the system will generate a **Perform Calculation** child SR. Navigate to this child SR and send letter **CMSL4093** to the receiving parent and **CMSL4097** to the paying parent. For more information refer to [Calculation - Post Initial](#).
26. Complete any child SR for a new assessment, return to the **Shared care** SR and manually close it by updating the **Status** to **Closed** and the **Sub Status** to **Complete**.

#### CMSL4093 Your child maintenance payments have changed

To receiving parent– maintenance liability calculation after receiving parent change of circs.

Under "What this means for you" select the relevant optional paragraph:

- If multiple change of circumstances were reported and more changes are to follow, select paragraph "If multiple change of circumstances reported by client in one contact and more changes are to follow"
- If multiple change of circumstances were reported and no more changes are to follow, select paragraph "If multiple change of circumstances reported by client in one contact and no more changes are to follow"

To receiving parent– maintenance liability calculation after change of circs.

Under "What this means for you" select the relevant optional paragraph:

- If multiple change of circumstances were reported and more changes are to follow, select paragraph "If multiple change of circumstances reported by client in one contact and more changes are to follow"
- If multiple change of circumstances were reported and no more changes are to follow, select paragraph "If multiple change of circumstances reported by client in one contact and no more changes are to follow"

#### CMSL4097 Your child maintenance payments have changed

To paying parent– maintenance liability calculation following change of circs (Supersession)

Under "What this means for you" select the relevant optional paragraph:

- If multiple change of circumstances were reported and more changes are to follow, select paragraph **TM\_17060\_E** "Although we were told about more than one change to (PP) circumstances at the same time, this letter shows how the changes listed above affects your child maintenance payments"
- If multiple change of circumstances were reported and no more changes are to follow, select paragraph **TM\_17061\_E** "We were told about more than one change to (PP) circumstances at the same time. We have already written to you to tell you how the other changes affect your child maintenance payments"

#### CMSL9508 We need to check some information with you

Inform client (receiving parent or paying parent) that other party (receiving parent or paying parent) has requested change to Shared Care details. Can client confirm the information that has been provided is correct.

Under the heading "We need to check some information with you" record who the child stays with and the number or range of nights per year in the free text box. The free text box can be added by selecting **CTM\_00259\_E** and then **LM\_00064\_E**.

Add one of the following optional paragraphs if they apply to the case:

- If shared care has been reported for more than one QC and the change of circumstances has not yet been completed, use the paragraph 'If client reported shared care change for more than one QC and more changes are to follow'
- If shared care has been reported for more than one QC and the change of circumstances has already been completed, use the paragraph 'If client reported shared care change for more than one QC and no more changes are to follow'

Under the heading "What else you need to know" add one of the following paragraphs as applicable:

- **TM 15299 E** This letter is only about the child named above. We will send you a separate letter about changes to your shared care arrangements for the other child in this case

- **TM 15300 E** Although your shared care arrangements may have also changed for another child in this case, this letter is only about the child named above. We have already sent a separate letter about changes to your shared care arrangements for the other child in this case.

Once completed review the letter to ensure the correct information is provided.

#### CMSL9509 We need some more information from you

To paying parents - Inform client that based on the info provided by both parties, there is a disagreement between parties about their shared care arrangement. Client needs to provide further info and evidence that we'll then evaluate. In the meantime the payments will carry on as per their existing arrangement.

Add one of the following optional paragraphs if they apply to the case:

- If shared care has been reported for more than one QC and the change of circumstances has not yet been completed, use paragraph code **TM\_25036\_E** "Use if client has reported a change which affects more than one QC and more changes are to follow"
- If shared care has been reported for more than one QC and the change of circumstances has already been completed, use paragraph code **TM\_25037\_E** "Use if client has reported a change which affects more than one QC, this is the last QC's details that have been updated and no more changes are to follow"

Once completed review the letter to ensure the correct information is provided.

#### CMSL9510 Your child maintenance payments will not change

Confirm with paying parent that requested change to Shared Care has been declined and the liability has not changed.

Under the heading "Your child maintenance payments will not change" select one of the following from the dropdown:

- Where there are more QC's to be included, use paragraph **TM\_01106\_E** "Although your shared care arrangements may also have changed for"
- Where the letter is for the final QC use paragraph **TM\_01107\_E** "Although your shared care arrangements may also have changed for"

Under the sub heading "Unfortunately, we cannot accept that there has been a change to the level of shared care for the child because" select one of the following from the dropdown:

- If there is no court order in place, use paragraph **TM\_01096\_E** "No court order in place"
- If there is no evidence of an existing shared care, use paragraph **TM\_01097\_E** "No evidence of an existing shared care"
- If the PWC does not agree, use paragraph **TM\_01098\_E** "PWC does not agree"
- If there is no formal independent evidence, use paragraph **TM\_01099\_E** "No formal independent evidence"
- If the evidence provided is not acceptable, use paragraph **TM\_01100\_E** "Evidence you provided is not acceptable"

Under the sub heading "If you think we might have the wrong information" select one of the following from the dropdown:

- If the reported change affects more than one QC select "If reported a change which affects more than one QC"
- If the client reported a change that affects more than one QC select "If client has reported a change which affects more than one QC"
- If the reported change was only for one QC select "If only one QC"

#### CMSL9597 Your child maintenance payments will not change

Confirm with paying parent that receiving parent's requested change in Shared Care has been verified and processed but liability will not change because they are still in the same shared care band.

- Under the heading "Your child maintenance payments will not change", record the number of shared care nights in the Notes field.

Add one of the following optional paragraphs if they apply to the case:

- **TM 30159 E** If shared care has been reported for more than one QC and the change of circumstances has not yet been completed, use the paragraph 'If change affects more than one QC and more changes are to follow'
- **TM 30160 E** If shared care has been reported for more than one QC and the change of circumstances has already been completed, use the paragraph 'If change affects more than one QC but this letter is for the last QC and no more changes are to follow'

Once completed review the letter to ensure the correct information is provided.

#### CMSL9598 Your child maintenance payments will not change

Confirm with receiving parent that receiving parent's requested change in shared care has been verified and processed but liability will not change because they are still in the same shared care band.

- Under the heading "Your child maintenance payments will not change", record the number of shared care nights in the notes field.

Add one of the following optional paragraphs if they apply to the case:

- If shared care has been reported for more than one QC and the change of circumstances has not yet been completed, use paragraph code **TM\_15205\_E** "If change affects more than one QC and more changes are to follow"

- If shared care has been reported for more than one QC and the change of circumstances has already been completed, use paragraph code **TM\_15206\_E** "If change affects more than one QC but this letter is for the last QC and no more changes are to follow"

Once completed review the letter to ensure the correct information is provided.

#### CMSL9599 Your child maintenance payments will not change

Confirm with receiving parent that paying parent's requested change in Shared Care has been verified and processed but their liability will not change because they are still in the same shared care band.

Under the heading "Your child maintenance payments will not change" select one of the following from the dropdown:

- Shared Care Band A
- Shared Care Band B
- Shared Care Band C
- Shared Care Band Equal

Under this sub heading "What you need to do" select one of the following from the dropdown:

- If the payments made are by calculation and collection select "If calculation and collection"
- If the payments made are by maintenance direct select "If maintenance direct"

Under the sub heading "What else you need to know" select one of the following from the dropdown:

- If the reported change affects more than one QC with more changes to follow select "If change affects more than one QC with more changes to follow"
- If the changes affects more than one QC with no changes to follow select "If changes affects more than one QC with no changes to follow"
- If this dropdown is not applicable select "Not applicable"

#### CMSL9601 We need some more information from you

Request further info from receiving parent in the result of a dispute between clients about shared care.

Add one of the following optional paragraphs if they apply to the case:

- If shared care has been reported for more than one QC and the change of circumstances has not yet been completed, use the paragraph 'Use if client has reported a change which affects more than one QC and more changes are to follow'
- If shared care has been reported for more than one QC and the change of circumstances has already been completed, use the paragraph 'Use if client has reported a change which affects more than one QC, this is the last QC's details that have been updated and no more changes are to follow'

Once completed review the letter to ensure the correct information is provided.

#### CMSL9602 Your child maintenance payments will not change

Confirm with receiving parent that requested change to Shared Care has been declined and the liability has not changed.

Under the heading "Your child maintenance payments will not change" select one of the following from the dropdown:

- If there is no court order in place select "No court order in place"
- If there is no evidence of an existing shared care select "No evidence of an existing shared care"
- If the receiving parent does not agree select "NRP does not agree"
- If there is no independent evidence select "No independent evidence"
- If the evidence provided is not acceptable select "Evidence you provided is not acceptable"

Under the heading "What this means for you" select one of the following from the dropdown:

- If the payments made are by calculation and collection select "If calculation and collection"
- If the payments made are by maintenance direct select "If maintenance direct"

Under the sub heading "I understand that this is not the result you were hoping for" select one of the following from the dropdown:

- If the reported change affects more than one QC with more changes to follow select "If change affects more than one QC with more changes to follow"
- If the changes affects more than one QC with no changes to follow select "If changes affects more than one QC with no changes to follow"

- If this dropdown is not applicable select "Not applicable"

[Application - Paying Parent](#)

[Application - Receiving Parent](#)

[Calculation - Post Initial](#)

[Calculation - Provisional](#)

[Change - Carer Status - Receiving Parent Not Primary Carer of QC](#)

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

[Existing Case - New QC](#)

[Terminology Changes](#)

[Can shared care be 50/50?](#)

Yes, in this situation shared care is recorded as 3 nights per week plus 26 additional nights.