



Civil Enforcement Overview

The purpose of this summary is to provide a high level overview of the civil enforcement process for England, Wales and Northern Ireland which complements the more detailed procedures linked to the topic. For an overview of the civil enforcement process for Scotland see the corresponding procedure.

This process will be dealt with by case managers and support staff in Enforcement.

The case manager will contact both clients by telephone to:

- Build relationships with the clients - introduce themselves, explain who they are and that they are managing the case
- Explain the current situation of the case and what needs to be done to secure regular maintenance
- Manage expectations – explain to the receiving parent that we can only take legal action that is likely to result in compliance, and/or payment of arrears, and we can only do this if we have obtained all the relevant information required. We also need to be clear and realistic about how long legal action could take
- Gather information – confirm with the paying parent if there are any changes to their circumstances that we have not been made aware of as this may affect their assessment

When a case manager is making a decision on whether to progress a case for further action, they will use the information that has been gathered and the individual case's history. They will also consider the welfare of the child/ren. This will be fully documented on the system.

The case manager must take the most appropriate action for the client in order to secure what is owed, and always strive for long term payment compliance not just a quick fix.

Enforcement powers available for the case manager are:

- Lump sum deduction order (LSDO)
- Regular deduction order (RDO)
- Freezing order
- Set aside disposition order (SADO)
- Liability order (LO)
- Registering LO at county court (England and Wales)
- Registering LO with the register of judgement orders and fines
- Registering LO with the enforcement of judgments office (EJO) (Northern Ireland)
- Charging order (England and Wales)
- Order for sale
- Bailiff action (England and Wales)
- Third party debt order (TPDO) (England and Wales)

If any of the above list are unsuccessful the case manager may consider sanctions against the paying parent's liberty from the following list:

- Removal of driving licence
- Commitment to prison



When considering sanctions Wilful Refusal/Culpable Neglect must be considered and recorded as an Instance. For further information refer to [Wilful Refusal/Culpable Neglect](#).

When the case manager is considering an LSDO or an RDO, they will need to establish which bank or building society the paying parent uses. The case manager will refer the case to a specialist deduction order team who will obtain the required information. For more information refer to **Disclosure for Deduction Order Action** in related items.

If a case goes to court (magistrates or county), the Child Maintenance Group (CMG) will be represented by a court presenting officer (CPO).

The paying parent may appeal against a court decision. The enforcement case manager will continue to action the case, and will ensure that nothing prejudicial will happen on the case until the appeal is resolved. CMG can also appeal against a court decision.

Considering Parallel and Concurrent Enforcement actions

Parallel and concurrent action should be considered at the point of initial referral to Enforcement so that a clear plan is in place to be executed at the earliest and most reasonable time.

Enforcement Case Managers (ECMs) should be mindful of the amount of debt in relation to relevant Enforcement Charges in order to ensure that actions are reasonable.

At any point during the Enforcement lifecycle, referral to Financial Investigation Unit (FIU) can be considered.

At each decision point in the process, ECMs should be considering parallel or concurrent actions, as PP circumstances can change.

The decision will need to be made on a case by case basis, balancing factors such as

- the amount of debt
- a reasonable repayment period
- the cost of Enforcement actions in relation to the debt
- assets and likely success rate of parallel or concurrent actions
- the speed at which maintenance can be re-established

The **Details** tab has a table showing examples of when parallel or concurrent action should be considered.

Functionally unique areas

Some enforcement areas are either functionally unique, or may not have access the FCMS system (e.g. Face to Face or Court Presenting Officers.) For roles without CMS system access the Specialist Services Support Team acts as a liaison with the case owner. For further guidance see [Specialist Services Support Team](#). Client contact for roles without CMS system access is covered in the Procedure for [Call Backs](#).

Minimum enforceable amounts

Enforcement action is subject to a de minimis amount. If the debt is lower than the de minimis and the caseworker believes that legal action may be effective the case can be referred to Legal Enforcement. The Enforcement case manager will decide if the case is suitable for Enforcement action and will attempt to secure payment. However, if this is unsuccessful the case will be paused until the debt reaches £500 and formal legal action will be considered at that time. Enforcement case managers can decide that enforcement action is not appropriate even if the de minimis has been breached, as the debt is accruing so quickly.

- Liability Order £500.00
- LSDO £500.00
- Charging Order £500.00 - £750.00 depending on the court
- Order for Sale £3,000.00
- Commitment £1,000

When the only arrears on a case are previous enforcement charges (e.g. when a case has been closed by the receiving parent and all arrears adjusted) it is not appropriate to collect these by enforcement action.

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

Enforcement Charging

A paying parent is subject to a fixed charge when the child maintenance group (CMG) take any of the following actions:

- Enforced Deduction From Earnings Order (DEO): £50.00
- Enforced Deduction From Earnings Request (DER): £50.00
- Regular Deduction Order (RDO): £50.00
- Lump Sum Deduction Order: £200.00
- Liability Order: £300.00

A paying parent who has opted to pay by a voluntary DEO/DER will not be subject to a charge. Similarly, if a paying parent advises the CMG of a change of employer there will be no further charge for re-issuing an enforced DEO/DER. However if a paying parent on an enforced DEO/DER fails to advise the CMG of a change of employer and need to be traced, a further charge will be applicable once they have been traced to their new employer.

enforcement charges will apply only to debt that has accrued at least partially under the CMS Scheme. Debt that accrued under the CSA only will not be subject to enforcement charges.

- CSA debt only: No charge
- CSA + CMS debt: Charge applies
- CMS debt only: Charge applies

The charge may be applied at the beginning of the enforcement process. The CMS System will automatically present the case manager with the appropriate charge for approval, and once accepted the charge will be automatically applied in BaNCS and impacted on subsequent collection schedules. Applying the charge at the beginning of the process also allows the charge to be recovered as part of the enforcement action. For more information please refer to the procedure for [Enforcement charge-apply](#).

The enforcement charge is discreet from any fee imposed by CMG to recover costs associated with enforcement actions. For more information on applying enforcement costs please refer to the procedure for [Apply costs](#)

Where an enforcement action is started in Maintenance then sent to a specialist / functionally unique team (E.G RDO or LSDO) the charge is applied by the specialist team case manager, rather than the referring officer. This avoids the need to reverse the charge if the action is found not to be appropriate.

If a case manager decides that an enforcement charge does not need to be applied, for example when applying multiple DEO's for one action, then an existing enforcement charge can be associated with several service requests (SR's)

Although the charge isn't always applied at the beginning of the enforcement process it may be reversed under certain circumstances:

- When a liability order is not granted
- If the paying parent wins an appeal


- Where a DEO, DER, RDO or LSDO is discharged as a result of maladministration by CMG.


For further information please refer to the procedure for [Enforcement Charge - Reversal](#)

 Existing business processes should be followed if a Liability Order has previously been granted on any CSA system. For more information refer to the [Enforcement/Liability Order Actions - Check CSA](#) procedures. All Segment 5 cases with previous CSA Legal Enforcement action will automatically generate an SR which will be managed by the 1993/2003 Rules Reassessment team who will build the Liability Order. Exceptions to this will be:

- Order for Sale
- Committal
- Sisted cases

For more information refer to Enforcement Transition Part 1 and Enforcement Transition Part 2 from [Fundamentals](#).

 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](#).

 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.

[Parallel and Concurrent Actions](#)

What Enforcement actions can be taken in parallel or concurrently?

Legally various actions can be taken in parallel or concurrently. ECMs should consider the benefits case by case.

Enforcement Action	Parallel Action	Concurrent Action
DEO and LO	Yes	No
DEO and RDO	No	No
DEO and LSDO	Yes	No
RDO and LO	Yes	No
LSDO and LO	No	No
Bailiff and Charging Order	No	Yes
Bailiff and Third Party Debt Order (TPDO)	No	Yes
Bailiff and Sanctions	No - not legally possible	No - not legally possible

Child Maintenance Group (CMG) replaced with NICMS

[Admin Account - Add To](#)

[Apply costs](#)

[Bailiff](#)

[Call Backs](#)

[Case Routing - Enforcement](#)

[Charging Order](#)

[CMG Appeals](#)

[Court Presentation - County Court](#)

[Court Presentation - Magistrates Court](#)

[Court Presentation - Sanctions](#)

[CRA-Disclosure-of-Paying-Parent-Information](#)

[Deduction Orders - Appeals](#)

[Default \(E, W and NI\)](#)

[Disclosure for Deduction Order Action](#)

[Enforcement Action - Consider \(E and W\)](#)

[Enforcement Action - Consider \(NI\)](#)

[Enforcement Charge - Apply](#)

[Enforcement Charge - Reversal](#)

[Enforcement of Judgements Office - Actions](#)

[Enforcement of Judgements Office - Monitor](#)

[Enforcement of Judgements Office - Register](#)

[Freezing Order](#)

[Liability Order – Magistrates Court](#)

[Liability Order - Register in County Court](#)

[Liability Order - Register With The Register of Judgement, Orders and Fines](#)

[LO/LSDO Stamping](#)

[LO Stamping CSA Arrears](#)

[LSDO Interim - Set Up/Amend](#)

[Order For Sale - England and Wales](#)

[Order For Sale - Northern Ireland](#)

[Paying Parent Appeals](#)

[RDO - Set Up, Vary, Lapse/Discharge](#)

[Redemption Request](#)

[RIPA - Apply For Information](#)

[RIPA - Information Returned](#)

[RIPA-Pay Invoices](#)

[RIPA - SPOC Considers Referral](#)

[RIPA - SPOC Issues Notice](#)

[RIPA - Weed Applications](#)

[Sanctions \(E, W and NI\)](#)

[Set Aside Disposition Order](#)

[Specialist Services Support Team](#)

[Terminology Changes](#)

[TPDO](#)

[Variation Order](#)

[Wilful Refusal/Culpable Neglect](#)