



Deduction Order Appeals

When a paying parent or third party wishes to appeal against a Lump Sum deduction Order (LSDO) or a Regular Deduction Order (RDO), they will make the appeal through the court. CMG may be made aware of the appeal by the court, or by the paying parent / third party who will in turn contact CMG.

Although the Deduction Order team handle RDOs and LSDOs any appeal will be received by the case owning enforcement case manager, who will advise the Deduction Order Team, and the Judicial Review team of the appeal. The Judicial Review Team will decide whether the appeal is appropriate and will discuss the appeal with the appellant (the paying parent or third party). The Judicial Review Team will also raise a Court Presentation SR in cases where the Child Maintenance Group (CMG) wishes to contest the appeal.

The Judicial Review Team will engage the services of the Government Legal Department (GLD) then prepare a pack of information for the court hearing, who will present the case in the Family Court. In Scotland an expert witness from the Deduction Order Team will attend the Sheriff Court. The GLD / solicitor will advise the Judicial Review Team of the outcome of the hearing, and the Judicial Review Team will update the Deduction Order Team and the Enforcement Case Manager.

The Deduction Order caseworker will complete the deduction order SR once they are advised of the hearing outcome.

For more information on Deduction Orders, and appeal action 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.

Appeal received

Case Owning Caseworker actions

1. The appeal against the deduction order will have been scanned by the third party scanning provider, against the Paying Parent SCIN number. When the post is received, link it to the Deduction Order SR to which it relates. For more information refer to the procedure for [Correspondence - Inbound](#).



You may also be made aware of the appeal by the paying parent / third party directly. If this occurs, email the Judicial Review Team with the information, and they will contact the court.

2. Send an email to the Judicial Review Team, providing them with the following information:

- Case details
- A copy of the appeal letter, and any associated documents that may bear upon the appeal

In the title bar of the email include the appellant name and the relevant SR number. Copy the deduction Order Team in on the email to make them aware of the appeal.

3. This ends your involvement in this process. The Judicial Review Team will liaise with the deduction order team and will engage the services of a court presentation officer / contracted solicitor / expert witness where required.

Deduction Order Team action

4. Once the paying parent appeal has been received by email, set an initial **Wait** state of **21 days** in the relevant deduction order SR, pending a decision from the Judicial Review Team regarding whether CMG intends to dispute the appeal.
5. Select **Update Form / document** to access the **Enforce form**, and update the fields for **Party Making the Appeal** and **Appeal Received date**.
6. If the Judicial Review Team intends to dispute the appeal, update the **Sub status** of the deduction order SR to **Information gathering** and set a further **Wait** state of **28 days** in anticipation of a court verdict.
7. Update SR notes to record that an appeal has been received, and who the appellant is (i.e. the paying parent or third party).




The Judicial Review Team will handle the appeal and will advise of the outcome and any updates required at **Step 26** of this procedure.

Review Appeal



Steps 8 - 25 are completed by the Judicial Review Team



Any evidence required to contest the appeal will be collated by the Judicial Review Team.

8. Review the paying parent appeal, consider accuracy and appropriateness of the appeal and review the original order. Refer to the Policy, Law and Decision Making Guidance for further information .
9. Investigate the original Deduction Order and the paying parent appeal, make a decision to:
 - agree with the appeal and discharge / variation / lapse of the deduction order is appropriate. If so, proceed to **Step 10**
 - Contest the appeal, proceed to **Step 13**

Appeal agreed

10.  If a decision is made not to contest the appeal, call the appellant (the paying parent or third party) to discuss the case. Advise them that if they wish to withdraw their appeal they will need to contact the court themselves to confirm that they do not wish to proceed with the appeal
11.  Also call the court to advise them that the CMG are not planning to contest the appeal.
12. Email the deduction order team to inform them that the deduction order is to be discharged, varied or lapsed. Provide details of any variation.




The remainder of the process will be completed by the Deduction Order Team, from **Step 26** of this procedure.




If the paying parent or third party subsequently decides that they wish to pursue the appeal, proceed to **Step 13**.

Appeal contested

13. If a decision is made to contest the paying parent's appeal email the Enforcement Case Manager and the Deduction Order Team to advise them of the action.
14.  Complete form 1010A for an LSDO appeal, or 1010B for an RDO appeal. These are off-system forms and should be scanned and linked to the case once completed. For further guidance refer to the procedure for **Scanning - Local**.
15. Raise a service request to engage the services of a Court Presenting Officer (CPO). Create an SR with the following values:
 - **Process - Enforcement**
 - **Area - Use specialist services**

■ Sub Area - Court Presentation

16. Link the original deduction order SR to the **Court Presentation** SR.
17. Add the appeal document and form 1010A / 1010B (as appropriate) to the **Court Presentation** SR by selecting **Documents** from the **More Tabs** drop down.
18. Generate covering letter CMEL9183.
19. Within the **Court Presentation** SR, select **Update form / Document** to access the **Enforce Form**. Update the **Type of Hearing** field by selecting the appropriate option from the drop down list.
20. When engaging a CPO in an LSDO appeal also access the **Enforce form** of the original LSDO SR and update the field for **Referral to CPO date**.
21. Update the SR Status to **Pending assignment** and the SR will be routed to the **Specialist Services Support Team**. For more information refer to the procedure for [Specialist Services Support Team](#).
22. The SSST will forward the **Court Presentation** SR to a CPO in the correct area, and will provide them with all necessary supporting documentation and details of the case. The SSST will also advise of any updates they receive from the CPO, hearing outcome, adjournment dates etc.
 The CPO may make direct contact, rather than via the SSST, particularly if working relationship has been established with them.
23. When the SSST or CPO make contact with the appeal hearing date, navigate to the original RDO or LSDO SR and select **Update Form / Document** to access the **Enforce form**. Depending on the type of SR update:
 - For an DO SR complete the field for **Court reference number**
 - For an LSDO SR complete the fields for **Court reference number**
24. Set a **Wait** state of **21 days**. This will allow time for written outcome reports to be received from the CPO / contracted solicitor, and for the paying parent the to make an appeal against the court's decision.
25. Once an outcome has been received from the court email the Deduction Order Team to advise them of the court's decision, and of the actions they need to take to complete the deduction order action.

Complete Deduction Order Action

Deduction Order Team action

26. Once their action is completed the Judicial Review Team will advise your of their decision, and the outcome of any court action they may have initiated.
27. If the Judicial Review Team has agreed with the appeal, return to the original **RDO** or **LSDO** SR and refer to the steps for varying, lapsing and discharging the action. For more information refer to the procedure for [RDO - Set Up, Vary Lapse, Discharge](#) and [LSDO Final - Set Up, Amend](#).
28. Select **Update Form / document** to access the **Enforce form** and update the field for **Outcome of Appeal**.
29. If the Judicial Review Team disputed the appeal they will advise of the outcome of the hearing. Based on this outcome, update the original **RDO** or **LSDO** SR accordingly to reflect the court's decision

[Form 1010A](#)

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[Form 1010B](#)

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[CMEL9183 Court presentation covering letter](#)

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Correspondence - Inbound

LSDO Final - Set Up, Amend

RDO - Set Up, Vary Lapse, Discharge

Specialist Services Support Team