

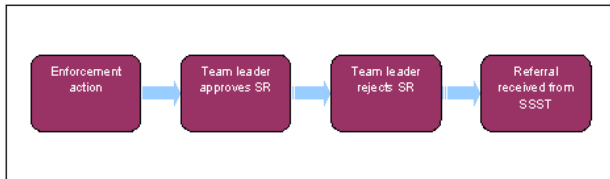


## Employer - Refer To Enforcement

This procedure guides you through the steps to take when an Employer Payments Team member believes enforcement action is an appropriate step to take against an employer/agent. This action is dealt with by the Employer Payments Team.

A service request (SR) is raised by the Employer Payments Team when they come across a situation where an employer/agent is suspected of committing a criminal offence. Once approved by a team leader the SR is routed to the Specialist Services Support Team (SSST) who assign to the Fraud Investigation Unit (FIU) to consider enforcement action.

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](#).

### Reasons for referral

Employer Payment Team (EPT) can consider a referral when:

#### Employer Demonstrates Wilful Non-Compliance

- Explicitly states that they won't comply. This can happen at any point in the process. The payment does not have to be missed for the referral to be considered
- Employer has failed to acknowledge ALL of the following, resulting in a missed payment:
  - Welcome Call
  - All follow-up calls
  - Follow up letter/letters

#### One Missed Payment Per Employee

When the employer has missed a payment, consider the case for referral. Attempt to resolve the situation before referral. For more information refer to [Employer - Handle Missed Payment SR](#).

When either of the above scenarios apply, continue to **Enforcement Action Required**.

### Enforcement Action Required

1. Navigate to the relevant employer and create a new service request (SR) to notify Specialist Services Support Team.
2. From the drop down select:
  - **Process = Employer**
  - **Area = Enforcement**
  - **Sub Area = Notify Enforcement**
  - **Source = Employer**
3. Update the **Status** to **In Progress** to generate an activity plan.
4. Update the **Notes** in the SR with the reasons for enforcement referral, include the minimum following information:
  - Section 32 (8) Child Support Act 1991
  - Alleged offence type - E.g. Wilful Non Compliance or One Missed Payment
  - Jurisdiction of the employer (E&W, NI or Scotland)
  - Number of alleged offences and dates
  - Name, NINO and SCIN reference of the paying parent(s) affected - To locate the SCIN, access the NRP tab within the Employer Record and take note of the name required. Access the Contacts tab located at the top of the screen. Select the New button and input the PP Name within the search field and select the Go button. This will locate the name. Select the name and make a note of the SCIN.

- A note of any CMSL2040 sent to the employer, including the relevant activity identification
- Details of the missed payment/payments amounts and dates
- Verint details when the employer has stated that they are wilfully non-compliant - Request this information from a Team Leader and provide them with the Call Reference ID. To locate the Call Reference ID, refer to [Verint](#) procedures.

For more information on employer non-compliance and offence types please refer to Policy, Law and Decision Making Guidance 

5. Update the **Status** to **Pending Approval** and the **Sub Status** to **Pending Approval TL**. The system generates an inbox item assigned to the team leader.

### Team leader approves SR

6. The team leader accesses the SR by going to **My Approval Inbox** and selecting the relevant referral.

#### EPT Team leader action


7. Review the **Notes** within the SR and check the Deduction of Earnings Order letter was issued to the registered address to determine if enforcement action is applicable:

- **Referral to enforcement is appropriate:** Within the **Action** field update the **Status** to **Approved**. Save the record.
- **Referral to enforcement is not appropriate:** Update the **Notes** field with the reasons for the rejection and Within the **Action** field update the **Status** to **Rejected**.

When considering authorising a referral for employer non compliance please refer to Policy, Law and Decision Making Guidance 


#### EPT Caseworker action

8. Update the SR **Status** to **Pending Assignment** to route the SR to the Specialist Services Support Team (SSST).

 Contact the case group owner in the maintenance team to advise them of the action taken. The enforcement team will update regarding any action taken against the employer.

### Referral received from Specialist Services Support Team

9. The SR is returned to the originating EPT member by Specialist Service Support Team with an update on the original referral.
10. The EPT member reviews any comments recorded in the SR **Notes** field, the SR is marked with either:
  - Enforcement action is being considered
  - Enforcement action is not appropriate

 Where enforcement action is being considered, the Employer Payment Team member will need to liaise with SSST SPOCs to determine whether further action is required. If enforcement action is not appropriate, the Employer Payment Team Member will continue to process the case as necessary.

11. When no further action is required, **Close** and **Complete** the Enforcement SR.

#### Exceptions

NICMS replaces CMG in Northern Ireland

[Credit/Debit Card - One Off Payment](#)

[DEO - Reconcile](#)

[DEO - Update](#)

[Employer - Use Overdraft](#)

[Suspicion Of Criminal Activity](#)

[Terminology Changes](#)

[Verint](#)

[Employer - Handle Missed Payment SR](#)