



Enforcement Action -Consider (NI)

When considering a case for civil or criminal legal action, a case manager makes their decision based on information gathered from a number of sources, and by reviewing the unique history of the case/s concerned.

This action will be taken by enforcement case managers in Northern Ireland.

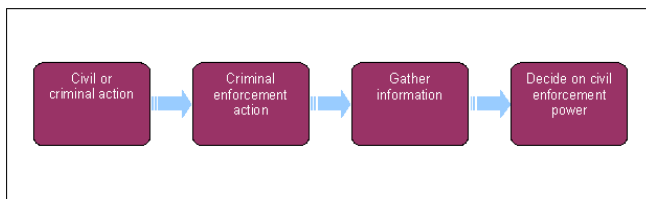
This procedure describes the process taken when considering the next step of enforcement action and allows the case manager to initiate the gathering of information from online resources and third parties. Prior to deciding the next enforcement action case managers will be able to assess the risk of a paying parent disposing of asset/s, based on information gathered in previous stages of the case.



When speaking to the paying parent at any point during enforcement, take the opportunity to tell them why we are considering or taking this action. Explain that enforcement is not the Child Maintenance Enforcement Division (CMED)'s preferred course of action and tell the paying parent what they can do to get their child maintenance payments back on track (i.e. making a lump sum payment and adhering to an arrears agreement).

It is important that data protection laws are adhered to and that a record is kept of how this information is used or that it has been destroyed/disregarded.

This process also allows the initiation of criminal enforcement action against a paying parent, receiving parent, third party or employer. Criminal action can be taken in parallel with civil action.



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.

Image Viewer

To link to an image, [open the tool pane](#) and then type a URL in the **Image Link** text box.

Civil or criminal action

1. Create a service request (SR) using the following options:

- **Process = Enforcement**
- **Area = Decide On Enforcement Action**
- **Sub Area = Gather information**

Update the SR **Status** to **In Progress**. The 2012 system will generate an activity plan at this point.

2. Select **No** in the **Any Evidence Of Criminal Activity** field if you are considering civil enforcement action only, and go to **step 7**.

3. Select **Yes** in the **Any Evidence Of Criminal Activity** field if you consider criminal proceedings would be appropriate and go to **step 4**.

Criminal enforcement action

4. Update the **Initiate Criminal Action** field with one of the following options:

- **Failure to notify Child Maintenance Enforcement Division (CMED)**

- **Failure to comply with request**

- **Employment change failure**

- **Provision of false information**

- **Failure to comply with DEO**

The 2012 system will create a child SR for criminal action at this point. For more information refer to **Criminal Action - Decide** in related items.

5. Select **Yes** in the **Continue Data Gathering** field if you wish to also take parallel civil action, and go to **step 7**.

6. Select no in the continue data gathering field if you do not wish to take civil enforcement action and manually close the work item by updating the SR as follows:

- **Status = Closed**

- **Sub Status = Completed**

Gather information



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](#).

7. Check online search facilities for any new information regarding the paying parent's circumstances:

- Credit reference agency (CRA)

- Companies House

- Land Registry



- Driver and Vehicle Licensing Agency (DVLA)

- Her Majesties Revenue and Customs (HMRC) – guidance on accessing the Her Majesty's Land Registry site can be found [here](#).

- Customer Information System (CIS)

Update the **Assess Online information** field to **Done**.

8. Add a note in the **Notes** field if no relevant information is gathered from the online search facilities.

9.  Issue the following letter to any third party that you may wish to ask for further information.  **In relation to deposit takers i.e. Banks or Building Society, it is only the Deduction Order Team (DOT) or Financial Investigations Unit (FIU) who are authorised to make requests.** Third parties include:

- Employers – CMEL9251
- Accountants – CMEL9251
- Banks – CMEL9251
- PWC - CMEL9236 – a detailed questionnaire
- PWC – CMEL7183 – when the receiving parent is subject to a criminal referral
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- DVLA or DVA - Complete form CMEL9235 to raise a query with the regional CSA SPOC, who will complete form VQ615 and submit it to the DVLA. The CSA SPOC will advise you once a response has been received
- Council or local authority – CMEL9253
- Update the **Letter Outbound (Request 3rd Party)** field to **Done**. Set a Wait period at your discretion to allow a reply to be received.



Note that letters CMEL9251, and 9253 will need to be generated manually.

10. Record any evidence you decide to retain on the system by updating the Asset view. In addition to this, update the Record Data and Source field of the activity plan with the information received and source of information e.g. third party, Inland Revenue, Companies House etc.



Use the Asset view to record assets on the system. If you decide to take any enforcement action, you will use the Contact Asset view to associate the asset/s to your enforcement SR. When recording assets, only use the data fields under the applet name. Don't use the menu next to Asset Type.

11. Record if the information you gathered was relevant in the **Notes** field. If not, ensure that it is deleted or disregarded. Retain a record of the search for audit purposes and refer to **Case Routing - Enforcement**.



Where arrears are identified as being on the CSA, you will need to ask for the arrears to be fast tracked onto the 2012 system. For more information on fast track arrears refer to [Fast Track Legacy Arrears to 2012 system](#). Although this speeds up the receiving parent arrears decision process, any further deferral rules will still apply. Due to this there is no set time frame for arrears to be sent to the 2012 scheme and the time taken will depend on each individual case.

12. Go to **step 13** for a summary of possible civil enforcement actions.

Decide on civil enforcement power

13. Based on your investigation of the case, select the appropriate enforcement power. For more information on policy guidance on each sanction refer to the Policy, Law and Decision Making Guidance.

- **Lump sum deduction order (LSDO)**: consider this action if the paying parent has a bank account with suitable funds to allow a lump sum to be deducted.

- **Regular deduction order**: consider this action if you wish to take funds from a paying parent's bank account on a regular basis.

- **Freezing order:** consider this action if you consider there is a risk of the paying parent disposing of any assets or removing them from NICMS's jurisdiction.
- **Set aside disposition order:** consider this action when a paying parent has disposed of an asset to a known third party (e.g. their partner or a family member).
- **Liability order:** magistrates court: consider this action when you want a specific period and amount of debt to be officially recognised. This will enable further civil enforcement action to follow.
- **Enforcement of judgements office (EJO):** consider referring the case the EJO for further civil debt action once a liability order has been granted in the magistrates court.
- **Deduction from earnings request (DER):** consider this action if the paying parent is in the armed forces and you wish to deduct payments direct from their wages.
- **Deduction from earnings order (DEO):** consider this action if the paying parent is employed and you wish to deduct payments direct from their wages.




Enforcement Case Managers must also consider whether parallel or concurrent action is appropriate. For more information about parallel and concurrent actions see **Enforcement Overview** and **Enforcement Overview (Scotland)**.

14. When every possible means of debt recovery listed in **step 13** has been exhausted and where there is evidence of wilful refusal or culpable neglect, you may consider the following sanctions as a last resort to encourage an paying parent to comply. For more information on each sanction refer to the Policy, Law and Decision Making Guidance.

- **Removal of driving licence:** consider applying for an order of disqualification in cases where all other sanctions have been exhausted and the paying parent does not depend upon driving for their livelihood.
- **Committal to jail:** consider applying to court for a warrant of commitment if all other sanctions are exhausted and the paying parent does not hold a passport or driving licence



The decision to apply any of these is a discretionary decision, this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Update Child Welfare Details – Reason** refer to Policy, Law and Decision Making Guidance .

Go to **step 15** to complete this action once you have decided on the civil enforcement power you wish to employ.

15. Once you have confirmed which enforcement power is appropriate, manually close the work item by updating the SR as follows:

- **Status = Closed**
- **Sub Status = Completed**

[CMEL7183 Urgent – we need some information from you](#)

Criminal Compliance - Request for information from receiving parent with IO visit

In the paragraph **TM_25340_E** 'The information we need is...' enter the information required in the freetext field.

Under the sub heading 'What you need to do', in the paragraph **TM_25341_E** enter the reason we need the information in the 'enter reason' freetext field and the date the information needs to be returned to us in the 'date information to be returned by' freetext field.

[CMEL9235 We need your help to trace someone](#)

Request for information about a paying parent (to DVLA, DVA)

- All fields in this letter are system generated, no manual intervention is required.

[CMEL9236 Child maintenance arrears - we need some information](#)

Receiving parent information gathering letter

- All fields in this letter are system generated, no manual intervention is required.

[CMEL9251 Information request with investigating officer warning](#)

Information request with investigating officer warning (for contacting third parties e.g. gathering pension information).

Under the heading 'We need some information' enter what the information relates to in the free text field and select one of the following:

- If the person has been approached for this information but has failed to supply it, use paragraph 'this person has been approached for this information but has failed to supply it'.
- If we have been unable to trace this person and need to establish an address, use paragraph 'If we have been unable to trace this person and need to establish an address'.

[CMEL9253 Urgent - we need some information](#)

Ask council/Rates Collection Agency for further information about a paying parent.

You will be required to locally print this letter and tick the box next to the information required.

[VQ615 We need your help to trace someone](#)

Request for information about a paying parent (to DVLA, DVA).

Complete the request form with the following details:

- Your contact details
- Data protection registration number and expiry date
- Case reference number
- NRP's full name
- Vehicle details and registration number
- The reason for the request
- The legislation under which the information is requested

For an example of a completed form, refer to [VQ615 We need your help to trace someone](#)

If you do not know the make and model of the car, please please input **Not Known**. Failure to do so may lead to the referral being rejected.

[Admin Account - Add To](#)

[Case Routing - Enforcement](#)

[Criminal Action - Decide](#)

[DEO - Enforced](#)

[DEO - Self Selected - Set Up](#)

[DER - Enforced](#)

[DER - Self Selected - Set Up](#)

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

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

[Enforcement Of Judgements Office - Register](#)

[Enforced Deduction From Earnings Request \(DER\)](#)

[Fast Track Legacy Arrears to 2012](#)

[Freezing Order](#)

[Liability Order - Magistrates Court](#)

[Liability Order - Register With The Register Of Judgement Orders And Fines](#)

[LSDO - Set Up/Amend](#)

[RDO - Authorise](#)

[Set Aside Disposition Order](#)

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

[Terminology Changes](#)