Department for Work & Pensions   Procedures ▸ Inhibition On Dependence

Inhibition On Dependence

An inhibition on dependence (IOD) is applied for to prevent a paying parent from selling or otherwise disposing of any heritable assets such as land or property that they own.

This action is carried out by case managers within Scottish enforcement, instructing the Child Maintenance Group's (CMGs) contracted solicitor.

An IOD is applied for at the same time as applying for a liability order (LO) when the case manager has strong evidence that the paying parent will dispose of the asset/s. If the LO is not granted the case manager will instruct the contracted solicitor to also cancel the IOD.

The IOD is granted against the paying parent rather than against specific assets that they own, although the sheriff court may decide to grant a restricted IOD, which will be effective for a specific asset/s.

Once a LO has been granted the IOD becomes an inhibition in execution and will be served to the paying parent by sheriff officers. The sheriff officers will also lodge a notice with the Register of Scotland to have the inhibition registered with the register of inhibitions and adjudication.

Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: Inhibition on Dependence

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. For more information refer to **Enforcement Transition Part 1** and **Enforcement Transition Part 2** from Fundamentals.

For more information refer to Policy, Law and Decision Making Guidance.
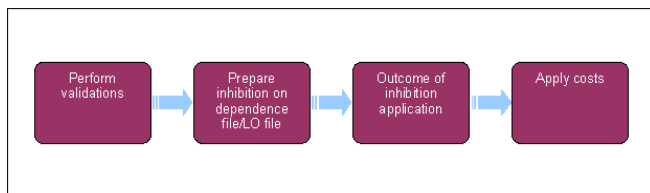
When speaking to clients always use the new terminology - for more information refer to Terminology Changes.

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.

Perform validations

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.

Due to the nature of the inhibition action the paying parent will not be contacted prior to the application to the sheriff court, as this would increase the risk of the paying parent moving or disposing of the asset/s.

1. Create a new service request (SR):

   - **Process = Enforcement**
   - **Area = Take Enforcement Action**
   - **Sub Area = Inhibition On Dependence**

2. Confirm that the paying parent falls into the correct jurisdiction for this action (i.e. they are habitually resident in Scotland) and update the service request (SR) **Status** to **In Progress**. If you cannot confirm jurisdiction add an explanatory **Note** and select **Exit**. To manually close the SR, go to **step 13**.

3. The system will present an activity plan of standard validations which may be completed in any order. If you cannot complete any of the validations, select **Exit** and go to **step 13** to manually close the SR .

- **Verify arrears outstanding**: Check the exact amount of arrears outstanding. Select **Go To Contact** button, navigate to the **Financial Accounts** screen, drill down on the account number and view the **Payment Schedule** tab. Check the value in the **Total Arrears Balance** field.

- **Consider welfare of child/ren**: Record your decision in **Update Child Welfare Details – Reason.** This 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 refer to Policy, Law and Decision Making Guidance .

- **Letter - Outbound**: The letter advising the receiving parent that we intend to seek an Inhibition on dependence is issued from within the SR for Liability Order - Sheriffs Court.

  To allow you to proceed with the SR, populate the letter CMEL9271 with "Blank letter generated to work around enforcement validation", and Xerox will ensure that the letter is not sent. Please refer to the procedure for Letters outbound - contingency summary for further guidance

- **Add/validate asset**: Select the required paying parent assets from the **Contact Asset** view and associate them with this activity plan

- **Decide next steps**: Select **Continue**

If you select **Continue** the system will automatically present the next activity plan to prepare the inhibition on dependence (IOD) file.

Use the **Asset** view to record assets on the system. Use the **Contact Asset** view to associate an asset 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**.

When speaking with the receiving parent regarding the intention to apply for an inhibition, stress to them the importance of not letting the paying parent know about the proposed action. Making mention of it on social networking sites or to mutual friends will greatly increase the risk of the paying parent becoming aware of the action and disposing of any assets.

Prepare IOD file/LO file

4. Call the contracted solicitor to update them, and send letter CMEL9271 instructing them to take the action. The solicitor will make the application for an IOD at the sheriff court. You can make the application for an IOD at the same time as applying for a LO. For more information refer to Liability Order - Sheriffs Court.

5. Update the SR **Status** to **Pending** and set a **Wait** period of 28 days for a response to be received from the solicitor.

6. Call the contracted solicitor for an update if no response has been received after the wait period. Set a further **Wait** period if necessary.

Outcome of application

Inhibition on dependence and LO granted

7. Link the liability order with the IoD SR, and update the activity plan line **Add/validate LO details - IoD** to a**dded/validated.**

8. Go to **Step 12** to apply costs and complete the action.

9. Please refer to the procedure for Liability Order - Sheriffs Court for the letters to issue once you have confirmed the LO outcome.

Inhibition on dependence or LO not granted

10. Call the contracted solicitors if the LO is not granted, instructing them to cancel the IOD.

11. Send letter CMEL9140 to the receiving parent if the IOD is unsuccessful, but the LO is still ongoing. Go to **step 13** to manually close the SR.

Apply Costs

12. Access the **Costs** applet and input any costs associated with the IOD.

    This step is optional, depending on whether costs have been granted against the paying parent in this procedure. For more information refer to Apply Costs.

13. To complete the process manually close the work item by updating the SR as follows:

    - **Status = Closed**

    - **Sub Status = Completed**

CMEL9140 Your child maintenance update, inhibition not granted

Tell receiving parent that inhibition on the dependence was not granted, however the LO application is ongoing and we will update on LO progress later.

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

CMEL9271 Freetext letter

This letter is entirely clerical

Admin Account - Add To.

Apply Costs

Letters outbound - contingency summary

Letters (outbound) - Off system

Liability Order - Sheriffs Court

Terminology Changes