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Mandatory Reconsideration

Mandatory reconsideration is a request for a decision to be reconsidered by Child Maintenance Group (CMG) before accruing the right to appeal to an independent tribunal - Her Majesty's Court And Tribunal service (HMCTS).

i Mandatory reconsideration appeal rights only apply to maintenance liability related decisions.

⚠ **Different scenarios will require different approaches to changing a decision (by Revision or correction.**

- **If a single accidental error is identified by a client 'in time' to request a Mandatory Reconsideration of the decision, then the decision must be corrected using the Revision/Correction process**
- **If more than one accidental error is identified by a client, or a client raises a challenge (not errors) with other elements of a decision in addition to one or more accidental errors, and that is done 'in time' to request a Mandatory Reconsideration, the decision should be considered for a revision under a Mandatory Reconsideration. For more information see section Out of Time**
- **If an accidental error is identified internally (at any time), or by a client but 'out of time' to request a Mandatory Reconsideration of the decision, then the decision must be revised using the Revision/ Correction process (as a Secretary of State 'own initiative' revision). For more information see section Out of Time**
- **If a client is challenging any element of a decision (i.e. not pointing out accidental errors), then the decsion should be considered for revision under Mandatory Reconsideration**

i An accidental error is where the true facts are known but incorrect information has been input (i.e. if a paying parent's weekly income is known to be £290.00 but is input as £920.00 in error).

A mandatory reconsideration will be instigated by the client challenging a decision and this process only applies to any new decisions made on or after 28th October 2013. A decision made before the 28th October 2013 will follow the original dispute process. This includes any revisions/corrections of these decisions even if the revision/correction was completed after this date. For more information refer to Dispute Resolution. As the law changed on 28 October 2013, few disputes should now be seen.

This process is completed by the business as usual (BAU). This process will take you through the steps to successfully sift and complete a mandatory reconsideration request.

When a client requests mandatory reconsideration the BAU team will;

- determine if the decision is pre 28th October 2013 and can be considered as a Dispute

- provide a walkthrough to explain the decision to the client

- check if the client is notifying a CMG error aka slip of the pen error and complete the relevant revision/correction. See Related Items to view Revision/Correction procedures

- conduct a sift to filter out any requests that are not eligible for mandatory reconsideration eg change of circumstances (CofCs), complaints

- ensure the mandatory reconsideration is within time

- issue a refuse to reconsider letter when the request is out of time

- issue a mandatory reconsideration notice (MRN) when the request is outside formula for mandatory reconsideration and the client insists that the decision is reconsidered

- determine if the query can be considered as a dispute

- consider all evidence and any further evidence provided during the process

- complete any action including any work that is instigated outside of the mandatory reconsideration

- revisit the decisions and decide whether to revise or not

- issue a mandatory reconsideration notice to all clients following the outcome of the mandatory reconsideration

If a client challenges a decision about Case Closure relating to residual arrears or the case closure journey determine:

- If financial transition is complete contact the 93/03 Rules Reassessment team to source the Legacy information (2003 or 1993 Scheme) needed to progress the mandatory reconsideration

- If the client has been advised about residual arrears in a case closure letter, challenges the decision, and financial transition to CMS 2012 is not complete the mandatory reconsideration must be dealt with by the Legacy Case Closure Team (2003 or 1993 Scheme).

- If the client has an open mandatory reconsideration with both Legacy (2003 or 1993 Scheme) and CMS 2012 then the caseworkers dealing with the scheme specific challenges should liaise internally to ensure all the client's issues are being worked through and the best customer service is provided across the two schemes.

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.

Mandatory reconsideration request received

This procedure is for decisions calculated on or after 28th October 2013. It does not apply to revisions of decisions where the original calculated date was pre 28/10/13.

Mandatory reconsideration can not be considered until the new decision letters have been received by the client. This ensures that the client has all of the legal information included in the letter and that all parties in the case have been informed of the decision made on the case. If you contact a client to inform them of a new decision and they wish to challenge it, you would need to advise them to wait until the letters have been received for the above reasons.

If you have come to this procedure as a result of sign posting from Effective Date - Client Challenge, an incident needs to be raised to obtain case specific action. For more information refer to Incident Management - Manage Incident Locally.

Mandatory reconsideration appeal rights only apply to maintenance liability related decisions.

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance.

For a list of resolution codes available to enable you to complete the SR correctly, refer to procedural exceptions - **Resolution Codes.**

If a client challenges a decision about case closure relating to residual arrears or the case closure journey refer to procedural exceptions - **Case Closure Mandatory Reconsideration**

1. When client contact is made to challenge a decision made on or after 28th October 2013, a Transitioned Case Check must be completed. Select the **paying parent surname** and then select the **More Info** tab and check the **Transition date** and **NRP Case Group Look Up** fields. Where both fields show:

   - **Transition date** = Any date before 30/06/2014
   - **NRP Case Group Look Up** = Reactive Transition with Pause

   Go to the **procedural exceptions** tab and complete the steps for **Transitioned case group - Initial effective date check.**

2. When client contact is made to challenge a decision made on or after 28th October 2013, discuss with the client how CMG came to the original decision, explaining how and why dates and evidence were considered in the process.

3. Where a request has been made in writing, you must attempt to call the client as many times as necessary, at all different times of the day, until you are satisfied that to continue call attempts will delay progression of the case. If phone contact is not possible issue **CMSL5511** via a general enquiry service request (SR). Link this SR to the case:

   - **Process = Manage Inbound Call**
   - **Area = General Enquiry**
   - **Sub Area = General Enquiry**

   Set the SR to **In Progress** and create a new activity, this will create a **Call Inbound** activity. Tick the **Global Flag** field then change the **Type** field to **Letter Outbound.**

   When creating the general enquiry SR, remember to assign it to the correct case.

4. When the client accepts the explanation of the decision, no further action is required. Update the **Case Notes**. Notes must be comprehensive and detail everything that was discussed as they may be needed as the basis of a MR/appeal at a later date. No further action needs to be taken.

5. When the client does not accept the explanation of the decision check to see if the client is;

- Notifying an accidental error - see Related Items to view Revision/Correction procedures

- Raising a complaint. In the case where the client is disputing a decision and making a complaint eg about customer service received. The challenge on decision would be dealt with in parallel with the dissatisfaction. Go to **step 6.**

- Notifying a new change of circumstances (CofC). For a new CofC - a change that occurred after the original decision effective date - follow the relevant CofC procedure. If it isn't a new CofC, determine if the decision was calculated pre or post 28/10/13. Go to **step 7.**

- Where the client does not accept the explanation of the decision, is not notifying a CofC and is not solely complaining go to **step 8**.

Client is complaining (instead of MR or as well as MR)

6. Check to see if the client is raising a complaint. For more information refer to Complaint/Dissatisfaction – Log. Update **Case Notes**. Notes must be comprehensive and detail everything that was discussed as this may be needed as the basis of a MR/appeal at a later date. In the case where the client is disputing a decision and making a complaint eg about customer service received. The challenge on decision would be dealt with in parallel with the dissatisfaction and the filter process continued.

Change of circumstances is notified

7. Check to see if the client is notifying a change of circumstances (CofC). For a new CofC follow the relevant CofC procedure in related items. Update **Case Notes**. Notes must be comprehensive and detail everything that was discussed as they may be needed as the basis of a MR/appeal at a later date. If it isn't a new CofC, determine if the decision was notified pre or post 28/10/13.

Client does not accept original decision explanation

8. Determine the original calculated date. This is vitally important as pre and post lead to different outcomes. Ensure that you are looking at the original calculated date where a revision/correction has been actioned.

- For pre 28/10/13 decisions, you need to raise a **Disputes** SR. for more information refer to Dispute Resolution.

- For post 28/10/13 decisions, you will continue the filter process from **step 9**.

Out of Time

For more information on Mandatory Reconsideration, refer to policy, law and decision making guidance.

9. For a challenge on a decision to be valid it must be received within the time period allowed. The time limit for a challenge on decision is within 30 days plus two days posting from the date of notification of the challenged decision. The notification date can be found by querying outbound correspondence SRs. A time limit does not apply when the revision/correction is required because of:

- An official error revision/correction - see Related Items to view Revision/Correction procedures

- Misrepresentation of or failure to disclose relevant information by a party of the maintenance case and the new calculation would be to the detriment of the party who misrepresented or failed to disclose

- A batch error in sending out the calculation letters lead to the client being provided with an incorrect effective date. For more information refer to Effective Date - Client Challenge

Challenge on decision period

10. The challenge on decision period begins on the day following the date of notification. The challenge on decision period must be extended by one day unless the caseworker is absolutely certain that a notification was posted on a particular date. This also applies to applications for appeal.

Challenge on decision received outside of 30 days plus two days posting

11. If a challenge on a decision is received outside 30 days plus two days posting of notification of the decision, it will only be accepted if special circumstances for delay can be established.

- special reasons which are wholly exceptional and relate to the history or facts of the case, e.g. the client may have been away when the decision was notified

- special reasons which have existed throughout the period commencing one day after the one month period and ending on the day the application is made, e.g. the client has been in hospital during this period

- special reasons which carry sufficient weight, e.g. lack of understanding of the law is not a sufficient reason but a client being in hospital is

- on active duty with no active representative

- postal strike
- residence abroad

As a general rule, the later the challenge on decision request is received, the stronger the reason must be for acceptance of the late application.

12. When the challenge on a decision is

- in time, you will continue the filter process from **step 15**
- not in time, go to **Out Of Time**

13. Where no indication as to why the late challenge has been received, you must attempt to call the client in order to determine why the request for reconsideration is late.

14. Once a reason has been given, use the criteria in the bullets above to make a decision as to whether or not the reason for lateness is acceptable.

Variation

15. Determine if the query relates to a Variation where that Variation request is within one month of a new calculation. The BAU process needs to be followed where information has been provided for a variation for the following;

- Special Expenses
- Additional Income
- Property Or Capital Transfers (POCT)

For more information refer to Variation - Additional Income or Variation - Special Expense.

Where the query relates to a challenge of a variation decision go to **Valid Mandatory Reconsideration**. For more information

refer to the Mandatory Reconsideration Flow Charts in policy, law and decision making guidance

Outside Formula

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance.

16. Check the decision the client disagrees with. The decision is not Outside Formula when the client is querying any aspect of the liability decision. The decision is Outside Formula if the disagreement is with one of the following;

- Residence abroad
- Arrears
- Collection Schedule
- DEO
- Paternity
- Deduction Order
- Liability Orders and other court based enforcement actions
- Something which is not related to calculating the weekly maintenance liability

This list is not exhaustive.

17. When the decision is not Outside Formula, go to **Valid Mandatory Reconsideration**. When the decision is Outside Formula, go to **Outside Formula**.

'Slip of the Pen' Errors – Light Touch

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance.

Where a client notifies us of an error and you recognise that there has been a genuine 'slip of the pen' error, you can put the decision right rather than handing the case off to an MR trained colleague. This is called 'light touch'. Where a single slip of the pen error is identified, there is no need to reconsider the whole decision. However, if more than one issue is raised by the client, regardless of whether or not those are identified as slip of the pen errors, the light touch approach is not appropriate. Where light touch is applied, the other party will not be contacted for further evidence. If either party challenges the amended decision, the decision will be subject to a full Mandatory Reconsideration review. Light touch will only be applied if a client challenges a decision and one of the following provides evidence of a 'slip of the pen' error:

- the information has been recorded correctly in Notes eg Notes recorded show both receiving parent and paying parent have stated two nights shared care, but only 1 is recorded on CMS

- the evidence is present eg paying parent has provided current income proof of £1,200, but £12,000 has been recorded. The proof has been scanned into CMS and is attached to an SR

- No other error has been identified

If the above criteria are not met, a full Mandatory Reconsideration is required.

1. Use the table below to determine if light touch is appropriate for the decision being challenged.

Referral reason	Can slip of the pen occur?	Will information be recorded?	Evidence examples	To be included?
Current income	Yes	Yes	Wage slips attached to SR	Yes
Bonus	Yes	Yes	Wage slips attached to SR	Yes
Pension	Yes	Yes	Wage slips attached to SR	Yes
Expenses	Yes	Yes	Wage slips attached to SR	Yes
Foreign exchange costs	Yes	Yes	Recorded in Notes as reason for change	Yes
Shared care	Transposition errors	Yes	Correct number of nights per week in Notes	Yes
Local Authority care	Yes	Yes	Correct number of nights per week in Notes	Yes
Effective date	Yes (CofC only)	Yes	Letter attached to SR, Notes and voice recording	Yes
Qualifying child	No	Child is considered a child once CIS interface complete	N/A	No
Dividends	No	Automatic population	N/A	No
Relevant other child	No	Child is considered a child once CIS interface complete	N/A	No
HMRC income	No	Automatic population	N/A	No
Benefits	No	Automatic population	N/A	No
Child in private arrangement	No	Child is considered a child once CIS interface complete	N/A	No

⚠️ If the activity that triggered the need for the Mandatory reconsideration was not created by the person raising the MR service request refer to procedural exceptions - **Access MR trigger activity**.

2. Raise an SR via the inbound or outbound activity using the following;

- **Process** = **Escalated Enquiries**

- **Area** = **Mandatory Reconsideration**

- **Sub Area** = **Mandatory Reconsideration**

3. Link the SR to the original decision SR by selecting the MVG button next to **Original Decision SR#** and picking the correct original decision SR, attach any documents and update the **Source.** Update the **Status** to **In Progress**.

ℹ️ If you are unable to link the original decision SR through the MVG, select the **Related SR** tab, for more information refer to 2012 System Overview.

4. Within the **More Info** tab, **Escalated Enquiries - MR** sub-tab complete the following:

- **Reconsideration Decision Type** – use this field to capture the type of decision being reconsidered eg initial, revision, annual review etc.

- **Original Decision SR#** - ensure this has populated.

- **Original Decision Date** – this only pre-populates where the Original Decision SR has had at least one letter fulfilled.

- **Effective Date** – use this to record the effective date of the decision being challenged.

- **Request Received Date** – this value will be automatically populated by the system.

- **Reconsideration Details** free text box – use this to note all of the information and evidence provided by the client, whether this was in writing or via telephone.

5. Complete the system action to revise the decision. Launch the relevant SR as a child SR and follow the correct procedure in related items. Ensure you provide a summary of the action taken to complete the light touch within the **Reconsideration Details**.

   ⚠ Cancel any notification automatically issued by the **Mandatory Reconsideration** SR.

6. ✉ Issue relevant notifications to both parties advising them of the revised decision via the child SR or **Perform Calculation** SR following the relevant BAU process.

7. Update the **Resolution Code** of the mandatory reconsideration SR to:

   - **Revised Satisfied** - if the revision has been completed and the client is happy with the outcome

   - **Revised Dissatisfied** - if the revision has been completed, but the client is not happy with the outcome

   depending on the outcome of the call. Ensure that all notes have been updated and **Findings** free text box is updated. Update the **Reason for Invalid MR** with **Invalid MR - Further Action**, **Reconsideration Decision**, **Applied Correctly** and **Revision Applicable fields** and any outstanding activities.

8. 📞 Contact the client to give them an update and advise that letters informing them of the revised decision have been issued.

   If the client is not satisfied with the outcome of the light touch MR then the decision will have to undergo a full Mandatory Reconsideration.

9. Update the **Mandatory Reconsideration** SR **Status** to **Closed** and the **Sub Status** to **Complete**.

Out of Time

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance. ⚖

1. Contact the client to explain why the mandatory reconsideration cannot be considered as they are past the time limit with no reasonable grounds.

   ⚠ If the activity that triggered the need for the Mandatory reconsideration was not created by the person raising the MR service request refer to procedural exceptions - **Access MR trigger activity**

2. Raise an SR via the inbound or outbound activity using the following

   - **Process = Escalated Enquiries**

   - **Area = Mandatory Reconsideration**

   - **Sub Area = Mandatory Reconsideration**

3. Link the SR to the original decision SR by selecting the MVG button next to **Original Decision SR#** and picking the correct original decision SR, attach any documents, update the **Source** and the **Status** to **In Progress**.

   ℹ If you are unable to link the original decision SR through the MVG, select the **Related SR** tab, for more information refer to 2012 System Overview.

4. Within the **More Info** tab, **Escalated Enquiries - MR** sub-tab complete the following:

   - **Reconsideration Decision Type** – use this field to capture the type of decision being reconsidered eg initial, revision, annual review etc

   - **Original Decision SR#** - ensure this has populated.

   - **Original Decision Date** – this only pre-populates where the Original Decision SR has had at least one letter fulfilled.

   - **Effective Date** – use this to record the effective date of the decision being challenged.

   - **Request Received Date** – this value will be automatically populated by the system

   - **Reconsideration Details** free text box – use this to note all of the information and evidence provided by the client, whether this was in writing or via the telephone

5. Update the **Sub Status** to **Validate Grounds**.

6. Issue refusal to reconsider notification **CMSL5993** to the client.

7. Ensure that all notes have been updated and **Findings** free text box is updated. Update the **Resolution Code** using the most relevant outcome (refer to procedural exceptions - **Resolution Codes**), then the **Reconsideration Decision**, **Applied Correctly** and **Revision Applicable** fields and complete any outstanding activities then **Complete** and **Close** the MR SR.

Outside Formula

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance.

1. Contact the client to explain why the decision is Outside Formula, and route them to the appropriate line of business/court. Even though the case is not applicable for MR, the client will still have an outstanding query to be actioned.

   ⚠️ If the activity that triggered the need for the Mandatory reconsideration was not created by the person raising the MR service request refer to procedural exceptions - **Access MR trigger activity**

2. Raise an SR via the inbound or outbound activity using the following

   - **Process = Escalated Enquiries**
   - **Area = Mandatory Reconsideration**
   - **Sub Area = Mandatory Reconsideration**

3. Link the SR to the original decision SR by selecting the MVG button next to **Original Decision SR#** and picking the correct original decision SR, attach any documents, update the **Source** and the **Status** to **In Progress**.

   ℹ️ If you are unable to link the original decision SR through the MVG, select the **Related SR** tab, for more information refer to 2012 System Overview.

4. Within the **More Info** tab, **Escalated Enquiries - MR** sub-tab complete the following:

   - **Reconsideration Decision Type** – use this field to capture the type of decision being reconsidered eg initial, revision, annual review etc.
   - **Original Decision SR#** - ensure this has populated.
   - **Original Decision Date** – this only pre-populates where the Original Decision SR has had at least one letter fulfilled.
   - **Effective Date** – use this to record the effective date of the decision being challenged.
   - **Request Received Date** – this value will be automatically populated by the system
   - **Reconsideration Details** free text box – use this to note all of the information and evidence provided by the client, whether this was in writing or via the telephone

5. Update the **Sub Status** to **Validate Grounds**.

6. If the client:

   - accepts, that the challenge to the decision is outside formula and may be dealt with by other means, e.g. change of circumstances or complaints, then no letter needs to be issued. If the client insists that the decision is reconsidered despite being outside formula then issue the refusal to reconsider notification **CMSL5993** to the client.
   - does not accept that the challenge to the decision is outside formula and the decision is non-liability related, issue the refusal to reconsider notification **CMSL5993** to the client.
   - insists that the decision is reconsidered despite being outside formula and the decision is liability related, issue the appropriate Mandatory Reconsideration Notice **CMSL5931** or **CMSL5932**.

   ⚠️ There is no template available to pick for **CMSL5931** and **CMSL5932** on the system.

7. Ensure that all notes have been updated and **Findings** free text box is updated. Update the **Resolution Code** using the most relevant outcome (refer to procedural exceptions - **Resolution Codes**), then the **Reconsideration Decision**, **Applied Correctly** and **Revision Applicable** fields and complete any outstanding activities then **Complete** and **Close** the MR SR.

Valid mandatory reconsideration

For more information on Mandatory reconsideration, refer to policy, law and decision making guidance.

⚠️ If the activity that triggered the need for the Mandatory reconsideration was not created by the person raising the MR service request refer to procedural exceptions - **Access MR trigger activity.**

1. Discuss the MR with your team leader and update **Case Notes** with the conversation. If agreement has been obtained raise an SR via the inbound or outbound activity using the following:

   - **Process = Escalated Enquiries**
   - **Area = Mandatory Reconsideration**
   - **Sub Area = Mandatory Reconsideration**

2. Link the SR to the original decision SR by selecting the MVG button next to **Original Decision SR#** and picking the correct original decision SR. Attach any documents, update the **Source** and the **Status** to **In Progress**.

   ℹ️ If you are unable to link the original decision SR through the MVG, select the **Related SR** tab, for more information refer to 2012 System Overview.

   ⚠️ To prevent the case moving segments when progressing a valid mandatory reconsideration, set the **Lock Assignment Flag**. Once a decision has been made and all action is complete, remove the **Lock Assignment Flag**. For more information on how to do this refer to BOM - Segments Summary

3. Within the **More Info** tab, **Escalated Enquiries - MR** sub-tab complete the following:

   - **Reconsideration Decision Type** – use this field to capture the type of decision being reconsidered eg initial, revision, annual review etc
   - **Original Decision SR#** - ensure this has populated.
   - **Original Decision Date** – this only pre-populates where the Original Decision SR has had at least one letter fulfilled.

     ℹ️ If the Original Decision Date isn't populated it can be manually input.

   - **Original Decision Effective Date** – use this to record the effective date of the decision being challenged.
   - **Request Received Date** – this value will be automatically populated by the system
   - **Reconsideration Details** free text box – use this to note all of the information and evidence provided by the client, whether this was in writing or via the telephone

4. Update the **Sub Status** to **Validate Grounds**.

5. 📞 Call the client to acknowledge receipt of the Mandatory Reconsideration request and advise of the next steps, attempt to call the client as many times as necessary, at all different times of the day. Within the **More Info** tab, **Escalated Enquiries - MR** sub-tab update the **Reconsideration Details** box of the SR. If there is no response to the calls a letter is issued at **step 7**.

6. Within the **Reason/Resolutions** tab:

   - Select the **Case Party** tab add each contact and their role in the reconsideration including the **Case Party Role** dropdown, then complete the **Evidence Type** field and **Evidence Received Date**.
   - Select the **Reason** tab to create a new reason, record the grounds as appropriate for the reconsideration with any relevant comments.
   - Select the **Resolution** tab to create a new resolution, record the grounds as appropriate for the reconsideration with any relevant comments.

     ⚠️ Ensure all fields are updated and the plan is updated from **Draft** to **Done** when appropriate otherwise the SR will not close.

7. 📞📧 Call all the other parties to inform of the Mandatory Reconsideration request and advise of the next steps. If the requestor has not responded to the calls issue **CMSL5991** and issue **CMSL5992** to any of the other parties who have not responded. The clients will have a total of 16 days to respond. However, if all clients confirm they have no further information or you have all of the information requested prior to the 16 days there is no need to wait for the full 16 days to elapse before continuing with the MR.

8. 📧 If after seven days no response has been received, issue **CMSL5997** and set a wait state of nine days on the SR. For more information refer to Letters (Outbound) - Contingency Summary.

9. Based on either the information supplied in making the original request or as a result of additional information supplied by the client, investigate the decision by conducting a full check of the decision under reconsideration.

10. Check the decision SRs and inbound correspondence.

11. Decide whether the evidence provided has an impact on the decision under revision. Any evidence should be analysed to see if a change of circumstances is being requested. For any CofC follow the BAU process, for more information refer to the relevant procedure in the related items.

12. If further information has not been received from the client, make a final decision based on the information available.

13. Use the checklist to check all of the components of the decision to ensure the information is correct and valid.

HMRC income	Variation
Current income	Effective date
Bonus	Closure
Pension	Shared care
Expenses	Flat rate
Dividends	Qualifying child
Benefits	Relevant other child

14. Determine if there has been any misrepresentation of legislation, new evidence, contradictory evidence or incorrect evidence recorded etc. to determine what information is required to complete the Mandatory Reconsideration.

15. Once you have reviewed and analysed the information, make a decision as to whether the decision under Mandatory Reconsideration can be revised or not. Note the MR decision in the **Findings** field, and update **Decision Applied Correctly** and **Revision Applicable** fields. If the decision is to be revised go to **step 17**, but if the decision will not be changed then go to **step 16**.

16. Update **Reconsideration Details** box on the SR with the reason the decision cannot be changed. You must still follow the Mandatory Reconsideration process, go to **step 18**.

17. Complete the system action to revise the decision. Launch the relevant SR as a child SR or standalone SR (where possible relate the standalone SR to the **Mandatory Reconsideration** SR via the **Related SRs** tab), and follow the correct procedure in the **Related Items** tab. Once all relevant action has been completed on the **Child** SR or standalone SR, leave it open and provide a summary of the action taken to complete the Mandatory Reconsideration in the **Findings** free text box. Do not close this child or standalone SR until letters are issued at **step 21**.

    ⚠ If the client supplies acceptable evidence from HMRC which shows the Historic HMRC Income figure held at the time of the CMG decision differed to that held by HMRC, contact AAC to raise an incident. When considering acceptable evidence please refer to Policy, Law and Decision Making Guidance ⚖

    ℹ If there is doubt in understanding acceptable evidence through Policy, Law and Decision Making Guidance please consult with Advice and Guidance Team

    ℹ **CMSL5994** and **CMSL5995** are issued from the **Perform Calculation SR** within the Revision/Change SR not the **Mandatory Reconsideration SR**. If the original decision is unchanged following Mandatory Reconsideration **CMSL5949** and **CMSL5948** are issued from the **Mandatory Reconsideration SR**.

18. Ensure that the reconsidered decision is on or after 28th October 2013, this is a precaution. Where the reconsidered decision is before 28th October 2013, the correct notifications must be issued. For more information refer to Dispute Resolution.

19. 📧 If the decision has been revised issue two copies of the **CMSL5994** to the paying parent and two copies of the **CMSL5995** to other parties affected by the decision via the child SR (or grandchild SR), or standalone SR. For more information on reissuing letters refer to Letters (Outbound) - Send Copy. If the decision has not been revised, issue two copies of Mandatory Reconsideration Notice **CMSL5948** to the paying parent and two copies of the **CMSL5949** to the receiving parent. If the Mandatory Reconsideration relates to a Variation, issue the correct decision letters through the **Variation child or standalone SR.**

    ⚠ Where the paying parent is on benefits and mandatory reconsideration results in the liability changing from flat rate to nil assessment then the **CMSL5995** has to be issued to the receiving parent clerically and edited so it does not state child maintenance payments will be unaffected.

20. Update the **Resolution Code** of the **Mandatory Reconsideration SR** using the most relevant outcome. There is a full list of resolution codes and the scenario in which to use them held in the Procedural Exceptions tab for further information. Ensure that all **notes** have been updated and the **Findings** free text box is updated. Update any outstanding activities.

i Ensure all fields are updated within the **Reason/Resolutions** tab and the plan is updated from **Draft** to **Done** otherwise the SR will not close.

21. 📞 Contact the client to give them an update and advise that letters have been issued. If the client is not satisfied with the outcome of the MR they will need to appeal directly to HMCTS. For more information refer to Direct Lodgement.

22. Update the **SR Status** to **Closed** and **Sub Status** to **Complete** on any child SR or standalone SR and then the MR SR.

Withdrawal

The client can withdraw the request for Mandatory Reconsideration at any time in the lifecycle of the MR.

The other party must be consulted to see if they agree with the withdrawal.

1. If the other party agrees to the withdrawal and no information relating to a material change has been received from either client then:

   - Update the Case Notes. Notes must be comprehensive and detail everything that was discussed as they may be needed as the basis of a MR/appeal/refusal at a later date.

   - No further action needs to be taken. Update the **Resolution Code** to **Closed entered in error**, complete any outstanding activities then Complete and Close the MR SR.

2. If either party has provided information pertaining to a material change then this must be pursued through the Revision process appropriate to that change. For more information on the revisions process see Related Items.

3. If the other party disagrees with the applicant's request for withdrawal then the Mandatory Reconsideration must continue with appeal rights being conferred at the conclusion of the process via the Mandatory Reconsideration Notice.

Case Closure Mandatory Reconsideration

If a client challenges a decision about case closure relating to residual arrears or the case closure journey determine:

- If financial transition is complete, i.e. the residual arrears are held on CMS 2012, contact the 93 /03 Rules Reassessment team based in CMS 2012 to source the Legacy information (2003 or 1993 Scheme information from CS2, CSCS or Clerical Case Database) needed to progress the mandatory reconsideration.

- If the client challenges a decision at any point in the case closure journey, in relation to the case closure process, and financial transition is complete then the mandatory reconsideration must be dealt with by CMS 2012.

- If the client has been advised about residual arrears in a case closure letter and financial transition to CMS 2012 is not complete the mandatory reconsideration must be dealt with by the Legacy Case Closure team (2003 or 1993 Scheme).

- If the client challenges a decision at any point in the case closure journey in relation to the case closure process and financial transition is not complete then the mandatory reconsideration must be dealt with by the relevant Legacy Case Closure team (2003 or 1993 Scheme).

- If the client has an open mandatory reconsideration with both Legacy (2003 or 1993 Scheme) and CMS 2012 then the caseworkers dealing with the scheme specific challenges should liaise internally to ensure all the client's issues are being worked through and the best customer service is provided across the two schemes.

Access MR Trigger activity

If the activity that triggered the need for the Mandatory Reconsideration was not created by the person raising the Mandatory Reconsideration Service Request then:

Option 1

1. Locate the contact activity that triggered the mandatory reconsideration in the **Contact Screen / Inbound Interaction / Outbound Interaction** view.

2. Highlight the row with activity and select the MVG button in the **Employees** field.

3. Search for your own Staff Number and select **Add.**

4. Tick **Primary User** against own Staff Number and select **Ok**.

5. Select **Ctrl + Save** and access the **inbound or outbound activity** via the hyperlink.

6. Within the **inbound or outbound activity**, change the **Status** to **In Progress** and select **Ctrl + Save**.

7. Select the **Activity Service Request** view and create a new **Mandatory Reconsideration SR**.

Option 2

1. Locate the Service Request that contains the inbound or outbound activity that triggered the mandatory reconsideration.

2. Select the **inbound or outbound activity** hyperlink in the SR screen.

3. Select the **Activity Service Request** view.

4. Create a new **Mandatory Reconsideration SR**

Northern Ireland

Mandatory Reconsideration came into force in respect of child maintenance decisions in Northern Ireland from 11 July 2016.

Replace Child Maintenance Group (CMG) with the Northern Ireland Child Maintenance Service (NICMS).

Replace Her Majesty's Court and Tribunal Service (HMCTS) with The Appeals Service (TAS).

Replace decision date 28th October 2013 with 11 July 2016.

NI versions of the Mandatory Reconsideration letters to be used. Note that at present all NI Mandatory Reconsideration letters need to be issued clerically. These will need to be scanned and saved to CMS2012.

Resolution Codes

Resolution Code	Scenario
Closed entered in error	The SR has been raised erroneously. i.e. client is actually requesting a change of circumstances or making a complaint
LCRD closure	SR opened in error – client wants LCRD action instead
Refuse to revise - dissatisfied	The decision has been reconsidered and will not be revised in the clients favour and the client is dissatisfied with the outcome
Refuse to revise - satisfied	The decision has been reconsidered and will not be revised and the client is satisfied with the outcome
Revise dissatisfied	The decision has been reconsidered and will be revised not in the clients favour and the client is dissatisfied with the outcome.
Revise satisfied	The decision has been reconsidered and will be revised and the client is satisfied with the outcome

Transitioned case group - initial effective date checks

Transitioned case group - initial effective date checks

1. Check the initial effective date of the case on the system and confirm whether the effective date held aligns with the date the letter notifying of the liability was issued (CMSL0039 or CMSL0084 for Receiving parent applications and either CMSL3400, CMSL4096 or CMSL4101 for paying parent applications), the aligning is based on the phase 1 rules for setting the effective date. Steps to confirm the effective date are listed below. The phase 1 rules were:

   - **For letters issued by the system** - The date the system created the letter which informs the Paying Parent of their 2012 Scheme liability + next working day + two calendar days
   - **For letters issued clerically** - The date the letter was issued clerically + two calendar days

     Some clerical letters were issued with just one calendar set instead of two, a decision was made at the time to allow these

2. If the initial effect date aligns with the letter issue date, then the case can continue as normal. For the cases that don't align, an incident will need to be raised with the area advice centre (AAC) and the customers expectations managed in regards to possible delays until the issue is resolved.

Confirming the effective date and letter issue date

2012 scheme case that triggered transition

1. In the **Case view**, select **Activities**.

2. Select **Query**, in **Type**, select **Letter Outbound – Auto** from the drop down pick list to view all system letters issued for case then select and drill down on relevant record for **Liability Statement (Applicant Type = PWC)** or **Issue Maintenance Calculation Decision for NRP (Applicant Type = NRP).**

3. Select **Go To Correspondence** to view Letter Template.

4. Under **Template Name**, view **Created field** to confirm date system created the letter

5. Check **Status** field to confirm that letter was successfully fulfilled

6. Select **Open Generated Document** to view actual letter on the system

7. The Effective Date in the letter should align with Letter created date + Next Working Day + 2 calendar days

   Example:

   - Letter created date = 18/09/2013
   - Next Working day = 19/09/2013
   - Initial Effective Date = 21/09/2013

8. In the **Summary Case Details**, view the **Effective Date** field. If this date does not match the Initial Effective Date, then the effective date on the case needs to be changed to align with this date (action to amend this date on system will be taken in certain case scenarios). If there is no record of any system generated letter being created or successfully fulfilled, then you will need to confirm whether a clerical letter was issued and obtain details of when the letter was issued.

   Where there are cases that have transitioned, a check will need to be made to ensure the effective date is correct. For more information see **Cases that have transitioned below**.

9. If you are unable to establish the correct Initial Effective Date you should refer the case to Advice and Guidance to provide guidance on the correct initial effective date. Where Advice and Guidance determine there is no evidence that the Effective date letter has been issued refer to **Corrective Action** below.

Cases that have transitioned

For Phase 1 where 1993/2003 scheme cases have had the liability ended for reactive transition, the liability is ended the day before 2012 Scheme liability starts to ensure that these clients have continuous liability, if 2012 Scheme effective dates are changed, this means that the Transition Date (Legacy Liability End Date) must also be changed.

This action is only required where legacy cases had on-going liability at the point of transition.

1. In **Case view**, navigate to the **More Info** tab of each case. If the **Application Type** field shows **Reactive With Pause** then the case had a legacy liability at transition, if not no further action is necessary.

2. Select the **Paying Parent's surname** and navigate to the Paying Parent's **More Info** tab

3. The **Transition Date** field shows the date legacy liability end date, where this date needs to be changed to align with a revised 2012 Scheme initial effective, the revised date must be recorded in **Notes** as it cannot be changed on the system.

4. As the 1993/2003 scheme case is closed, a revised transition date will need to be provided to the 1993/2003 Re-Assessment Team so a clerical adjustment to the 1993/2003 scheme liability and arrears can be made. Email the case details to **CM 2012 Scheme 1993-2003 reassessment team**.

Corrective action

For both the 2012 scheme case and the transition case, where it is identified that the effective date needs to be changed, corrective action will also need to be taken. The action is dependent on where the case's are in their lifecycle:

- **Pre-Initial Effective date** - Your team leader has the steps necessary to correct the effective date
- **Post-Initial Effective date** - Raise an incident via AAC who can provide case specifics steps

CMSL5511 - Free Text Letter

This letter can be used when no other letter is appropriate. It has a free text paragraph to write your query/statement

CMSL5931 - Mandatory Reconsideration Notice (Outside Formula) - Paying Parent

This letter is used to advise the paying parent of the outcome of the mandatory reconsideration when the request is out of formula, including the next steps a client must take where they disagree with the decision regardless of the decision, and appeal rights.

CMSL5932 - Mandatory Reconsideration Notice (Outside Formula) - Receiving Parent

This letter is used to advise the receiving parent of the outcome of the mandatory reconsideration when the request is out of formula, including the next steps a client must take where they disagree with the decision regardless of the decision, and appeal rights.

CMSL5948 - Result of Mandatory Reconsideration when there is No Change to Liability - Paying Parent

This letter is used to advise the Paying Parent of the outcome of the Mandatory Reconsideration where the decision is not changing.

CMSL5949 - Result of Mandatory Reconsideration when there is No Change to Liability - Receiving Parent

This letter is used to advise the Receiving Parent of the outcome of the Mandatory Reconsideration where the decision is not changing.

CMSL5991 - Mandatory Reconsideration Acknowledgement - Requesting party

This letter is used to acknowledge the MR request has been received

CMSL5992 - Mandatory Reconsideration Acknowledgement - Other party/ies

This letter is used to acknowledge the MR request has been received

CMSL5993 - MR Refuse to Reconsider

This letter contains no reconsideration/appeal rights and only the client requesting the reconsideration will receive a refusal to reconsider notification.

CMSL5994 - Mandatory Reconsideration Notice - Paying Parent

This letter is used to advise the Paying Parent of the outcome of the Mandatory Reconsideration. FT0001 and FT0003 can be issued with this letter.

Complete the free text box with a summary of the new decision.

CMSL5995 - Mandatory Reconsideration Notice - Receiving Parent

This letter is used to advise the Receiving Parent/s of the outcome of the Mandatory Reconsideration. FT0002 and FT0004 can be issued with this letter.

Complete the free text box with a summary of the new decision.

CMSL5997 - Mandatory Reconsideration Reminder

This letter is used to remind all parties to send in the requested information

FT0001 - Paying Parent - Part B Payment Plan

This is issued with the CMSL5994

FT0002 - Receiving Parent - Part B Table

This is issued with the CMSL5995

FT0004 - Paying Parent - Part C Payment Plan

This is issued with the CMSL5994

FT0005 - Receiving Parent - Part C Expected Payment Plan

This is issued with the CMSL5995

CMSB048 - What to do if you think your decision is wrong

Fact Sheet issued to client.

Related Items

Advice and Guidance - Create Request

Appeals - Pre 28/10

Appeals - Prepare for Tribunal

Change - Carer Status - Paying Parent Not Carer of ROC

Change - Carer Status - Receiving Parent Not Primary Carer of QC

Change - Service Type - To Direct Pay

Change - Service Type - To Collect and Pay

Change - Address Details

Change - Benefit Status/Details

Change - Contact Details

Change - Contact Preferences

Change Employment Status

Change - Income

Change - Name/Gender/D.O.B.

Change - Payment Frequency/Collection Date

Close Case - Reverse/Revise

Complaints Overview

Complaint/Dissatisfaction - Log

Direct Lodgement - Appeals Post 28/10

Dispute Resolution

Effective Date - Client Challenge

Existing Case - New ROC

Off Benefit

On Benefit

Revision/Correction - Carer Status - Paying Parent Not Carer of ROC

Revision/Correction - Carer Status - Receiving Parent Not Primary Carer of QC

Revision/Correction - Change to Benefit Details/Status

Revision/Correction - Change to Employment Status

Revision/Correction - change to Income

Revision/Correction - Change to Shared Care

Revision/Correction - FTE Status (QC)

Revision/Correction - FTE Status (ROC/CIFBA)

Revision/Correction - New QC

Revision/Correction - New ROC/CIFBA

Revision/Correction - Paying Parent Not The Father

Variation - Additional Income

Variation - Special Expense

When would I need to use a stand alone SR rather than raising a child SR of the Mandatory Reconsideration SR?

If the paying parent has a multi case group the SR which needs to be amended may relate to a different case within the group, a stand alone SR would then be raised as an alternative to a child SR. Also if there are issues in raising the SR as a child SR then the SR would need to be raised as a stand alone SR and where possible link to the mandatory reconsideration SR via the Related SRs tab.

How do I raise a Service Request against an inbound activity?

Select on the activity hyperlink (call or letter etc.) in the **Type column** to go to the **Activity Screen**. Then select the **Service Request View** within the Activity Screen and select the **New** button to create a service which will be linked to the inbound activity. For more information refer to the 2012 Business As Usual Mandatory Reconsideration Training portal.

Can the 14 + 2 days time limit for evidence be extended?

In exceptional circumstances the time limit can be extended within reason. If the client was away and missed the request for information, they would have a Mandatory Reconsideration Notification waiting which would allow them to appeal if they felt our decision was incorrect.

If a client says they can't provide information at present, can an extension be given?

If the client informs you early in the time limit period and request a few extra days this could be considered, however calling on the day of the deadline and asking for two weeks extension would not be an ideal situation. The information would need be to looked at as a change of circumstances.

To what extent can we discuss the decision being challenge with the other party?

Data protection rules apply pre-appeal. Conversations need to be sufficiently vague in terms of what is discussed, yet specific enough to obtain the required information.

A MR results in a change of circumstances instead of a revision. Is a MRN still issued?

Yes. Once a MR is underway the process cannot be 'backed out'. The MRN would be issued stating no changes have been actioned and the CofC would be notified separately.