

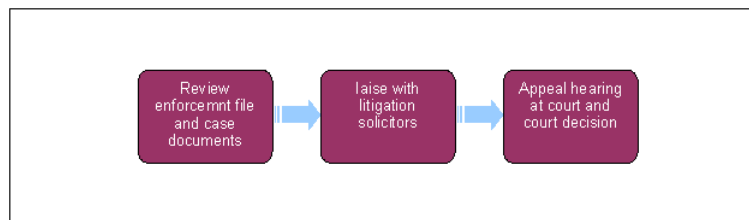
Paying Parent Appeals


Where there is a successful outcome to court based enforcement action, the paying parent may appeal against the court decision. For example, if the Child Maintenance Group (CMG) applies for a charging order against the paying parent's property and the court grants the application, the paying parent may have grounds to appeal that decision. The CMG has the right to be present at the appeal hearing and make representation against the paying parent's case.


Appeals are dealt with by case managers in the judicial review and litigation team (the JR team). The role of the case manager is to gather information and manage litigation against the CMG in conjunction with litigation solicitors. The case manager also takes over control of the day to day running of the case to ensure that no action is taken that may be prejudicial whilst litigation is outstanding.

The purpose of this process is to show how to process a paying parent appeal against a court decision.

For more information on appeals refer to the Policy, Law and Decision Making Guidance 



 Always use the new terminology when speaking to clients. 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.

Review enforcement file and case documents

Case manager action (JR team)

1. When court based enforcement action is successful, and the paying parent wishes to lodge an appeal, the paying parent should serve papers on the litigation solicitors. The current address for service is:

The Solicitor to the Department for Work and Pensions and the Department of Health


The Adelphi

1-11 John Adam Street

London

WC2N 6HT

The litigation solicitors will inform the JR team, who will inform the enforcement case manager.

 It may be that the paying parent is not aware of the court procedure and serves papers on a local office of the Child Maintenance Group (CMG). If this happens, the papers should be forwarded immediately to the JR team, for the JR team to liaise with litigation solicitors.

2. Search the system for the case and look at the recent service requests (SR) to identify the relevant court based enforcement action and the enforcement case manager. Contact the enforcement case manager to inform them of the paying parent appeal and request that they follow **step 3 and 4** immediately.

Case manager action (Enforcement team)

3. Access the **My Service Requests** screen and highlight the relevant enforcement action to which the appeal is related, e.g. charging order. Update the SR **Status** to **In Progress**.
4. From the options displayed, select **NRP Appeal**. This will generate a new service request. Update the new service request **Status** to **Pending Assignment**. The SR and the case will now route to the JR team.

Case manager action (JR team)

5. Access the **My Service Requests** screen and identify the **NRP Appeal** SR. Update the SR **Status** to **In Progress**. The system will then display an activity plan in the **Activity Plan** view. Update **Add/Validate Original Action** in the activity plan to **Done**.

6. Review the appeal information and keep on file. Liaise with the enforcement caseworker to understand the detailed background information regarding how the case has progressed, with specific emphasis on how arrears have accrued and all enforcement action taken. Gather all the relevant documents including any items stored on pdf file and correspondence and ask the enforcement case manager to send you any relevant documents they may have in their possession by next day courier. Update **Review Appeal Information** in the activity plan to **Done**.

7. The activity plan tells you to **send a letter - outbound**.



Do not select **Not Applicable** as this will automatically cancel and close the SR. Instead, update the activity as **Done** and update the **Notes** to say that this activity is not applicable.

8. Review the case history. Identify whether there is any existing enforcement action in progress and decide whether to pause the action. For more information on paying parent appeals refer to the Law and Policy Handbook 

- If you do not find any existing enforcement action in progress that requires to be paused, update the activity as **No Dependent Actions**. This will generate the next activity plan to continue with the appeal process
- If you do find existing enforcement action in progress that requires to be paused, update the activity as **Pause Actions**. This will generate the enforcement **Case Routing SR**. Work through the enforcement case routing work item to pause the existing enforcement action, then come back to the appeal process and continue to **step 9**. For more information refer to **Case Routing - Enforcement**.


Liaise with litigation solicitors

9. Liaise with the litigation solicitors to discuss the approach to take on litigation, taking all facts and issues (some of which may not relate directly to the case in question) into account. Update the **Notes** field and update **Refer Case To Solicitor** in the activity plan to **Done**.

10. The litigation solicitors may need time to make a decision as to whether to contest the paying parent appeal. If so, ask for an indication of how long they need, (remember that time is limited so decisions need to be made quickly), and set up a wait period to act as a prompt to call the solicitors if you haven't heard anything. Update the SR **Status** to **Wait** and **Sub Status** to **Awaiting Info**. Record the reason as **Waiting for solicitor reply**.

11. The litigation solicitors will contact you with their decision:

- If the solicitor advises we cannot contest the appeal, update the **Notes** field and update the activity to **Do Not Contest**. This will generate the next Activity Plan. Go to **step 12**.
- If the solicitor advises we can contest the appeal, update the **Notes** field and update the activity to **Contest**. This will generate the next Activity Plan. Go to **step 15**.

12.  The litigation solicitors will negotiate with the paying parent to attempt to reach agreement that the paying parent withdraw their litigation "by consent". In order to do so, you may apply to have the original court decision set aside. The activity plan tells you to generate a letter. This is the request to be sent to court to quash the original order.

- Select **Contacts**. Enter the addressee's details
- Select the required template
- Select **Create Correspondence**. This will generate the template in the pdf file, edit the letter as appropriate
- Print the letter and all supporting documents
- Send to the court by next day courier

Update the **Notes** field with details of the letter and relevant information sent. Update the activity to **Done**.

13. Select **Update Form/Document** and complete the fields with the appropriate information. Update the activity to **Done**.

14. When all litigation activity is complete, close the SR manually. Update the **Status** to **Closed** and the **Sub Status** to **Complete**. The case will now go back to the relevant segment, e.g.. enforcement. For more information refer to **Case Routing - Enforcement**.

Appeal hearing at court and court decision

15. The litigation solicitors will liaise with the court to arrange a court hearing date and will inform you of this.

16. Select **Update Form/Document** and complete the **NRP Appeal** fields with the appropriate information. Update the activity to **Done**.

17. It is expected by the court that anyone who has produced a witness statement should be present at the court hearing. If, e.g. the enforcement case manager is required at the court hearing, liaise with the enforcement case manager to inform them of the court hearing date and update them on the progress of the case.

18. Any court order/maintenance order issued as a result of proceedings will be sent to you by litigation solicitors. Update the system with the outcome of the court hearing.

19. Review the next activity to see if there are any further appeals to process.

- To process an paying parent appeal, refer back to step 1 of this process
- Process any CMG appeals. For more information refer to **CMG appeals**.
- If there are no further appeals, update the activity plan with **No Further Appeals**.

20. Update the SR **Status** to **Closed** and the **Sub Status** to **Complete**. The case will now go back to the relevant segment, e.g. enforcement. For more information refer to **Case Routing - Enforcement**.

21. If a Paying Parent's appeal against a Liability Order is successful you will need to invalidate the original LO debt period. Refer to the procedure for [LO/LSDO Stamping](#) for guidance on this action.

NICMS replaces CMG in Northern Ireland.

Possession order replaces charging order.

[Case Routing - Enforcement](#)

[Civil Enforcement Overview](#)

[CMG Appeals](#)

[LO/LSDO Stamping](#)

[Terminology Changes](#)

[If a paying parent serves papers for appeal in a local office of the CMG, where should they be sent to?](#)

The appeal should be forwarded immediately to the judicial review and litigation team so they can liaise with the litigation solicitors.

[If a case manager has produced a statement, will they need to attend the court hearing?](#)

Yes, the case manager will need to attend the court hearing.