



## Variation - Special Expense

Variations are specific types of changes which allow us to look at some circumstances which are not covered by the basic maintenance calculation rules. If a variation succeeds, the maintenance calculation will be adjusted accordingly.

A variation may be made in specific circumstances where the receiving parent, paying parent or child in Scotland (CiS) believe the maintenance liability should take into account their exceptional circumstance. The variation amount awarded will be applied to the paying parent's assessable income used in the calculation. There are two distinct types of variation: special expense variation will reduce the amount of income used to calculate maintenance and additional income variation will increase it, as this affects the paying parent's gross income it will have an impact on the calculation of all cases in the casegroup. This procedure deals with special expenses:

Special expenses – where the paying parent believes that they incur particular expenses relating to one or more of the following:

- Contact costs
- Illness or disability of relevant other child
- Prior debts
- Boarding school fees
- Payments in respect of certain mortgages, loans or insurance policies



Receiving parents cannot apply for a special expenses variation. Refer to Policy, Law and Decision Making Guidance for further information.



Once an application for child maintenance has been made, a client may apply for a variation at any time during the life of the case.

Where an application for a variation is received in relation to a calculation decision notified within the last 30 days (with certain exceptions) - following completion of the variation action, the client must legally accrue a right of appeal to Her Majesty's Court and Tribunal Service (HMCTS).

Applications for variations can be made by letter, phone or by self service portal.

Variations are dealt with by caseworkers in whichever business area the case is currently located. For more information refer to the Policy, Law and Decision Making guidance.



Caseworkers in the applications service may create variation service requests but they will be completed within maintenance service.

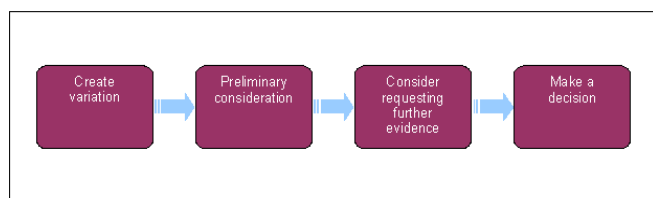
This procedure explains how to enter the special expense variation on the 2012 system and the steps required to gather evidence. For more information on whether the variation can be applied to the casegroup refer to the Policy, Law and Decision Making guidance.



A variation cannot be considered in respect of a child in a family based arrangement (CIFBA).



If a special expense variation decreases the maintenance calculation to a figure below the flat rate, the paying parent will still be liable to pay maintenance at the flat rate.



When speaking to clients always use the new terminology - for more information refer to [Terminology Changes](#) in related items.



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.

### Create Variation



When the P2P schedule has been created as a result of the change, follow the below guidance, in order to allow the paying parent enough time to make the first payment. If there is more than one QC raise and complete one SR for each one individually.

- MOPF of BHOCA & Standing Order (weekly)- If the requested collection date would be 7 days after the initial effective date but is within 4 days of the date the Schedule is being run, the next collection will be too soon for the paying parent to make payment. The caseworker needs to consider waiting until the requested collection date has passed for this week eg Today is Friday, the paying parent has requested Monday as the collection day, wait until Monday to run the schedule.
- MOPF of Default Standing Order (monthly) - If the default collection date (9th) would be 30 days after the initial effective date but within 7 days of the date the schedule is being run, the next collection will be too soon for the paying parent to make payment. The caseworker needs to consider waiting until the default collection date has passed for this month ie the 9th.



If a special expense variation decreases the maintenance calculation to a figure below the flat rate, the paying parent will still be liable to pay maintenance at the flat rate.

1. If the paying parent requests the variation over the phone, gather information during the call. To see what information is needed, refer to the application form CMSF2001 and the Policy, Law and Decision Making guidance: . Complete the CMSF2001 (ensuring as much evidence as possible is gathered) on behalf of the paying parent, whilst on the call, then upload this into the system. Explain what evidence you need and that the paying parent must send this within 14 days. For further information refer to **Scanning - Local**. Explain to the paying parent that we can only consider expenses of at least £10 per week except for disability or illness of a relevant other child (ROC) which doesn't have a threshold. If it is clear that the variation will not pass the threshold advise the paying parent, raise the service request (SR) complete steps 1 - 10 and close it with the reason as **Rejected**. This will ensure the correct notifications are issued. Ensure that the paying parent understands that the receiving parent will be contacted as part of the verification process. For more information refer to the Policy, Law and Decision Making guidance:



Receiving parents cannot apply for a special expenses variation. Refer to Policy, Law and Decision Making Guidance for further information.



The threshold is £10 per week but this is included in the calculation of the variation.

2. If the client would prefer to complete a form themselves, create a new SR with the following:
  - **Process = Manage Inbound Call**
  - **Area = General Enquiry**
  - **Sub Area = General Enquiry**



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

3. Set the **Status** to **In Progress**. Issue form CMSF2001 and CMSL4050 covering letter, giving 14 days to allow time for a response. For more information refer to **Letters (Outbound) - Send To Client**.
4. Update the **Status** to **Closed** and the **Sub Status** to **Complete**.
5. When the information has been returned, create a new SR using the paying parent's details. The SR needs to be created against the paying parent regardless of who has applied for the variation. If the paying parent asks for a variation on more than one ground, create a separate SR for each variation requested.

Select the following options, then set the SR **Status** to **In Progress**:

- **Process = Perform Calculation**
- **Area = Variation**
- **Sub Area = Special Expense**
- **Source = NRP**

6. Issue CMSL4050 to the paying parent to acknowledge the variation application.
7. If the Perform Calculation SR has used Historic or Current Income go to the Procedural Exceptions tab in **Calculation - Post Initial** to complete the Perform Calculation Checks.  
If the Perform Calculation SR has used Benefit Income, Estimation of Earnings or a Default Maintenance Decision (DMD) go to the Procedural Exceptions tab in **Calculation - Non-HMRC** to complete the Perform Calculation Checks.
8. Go into the SR and work out the variation effective date using the evidence supplied by the paying parent. You can amend later if new evidence is received. The effective date of the maintenance calculation which takes account of the variation is:

- **Pre initial calculation**
  - Where the grounds giving rise to the variation existed from the initial effective date - the initial effective date; or
  - Where the grounds giving rise to the variation arose after the initial effective date - the day on which the grounds arose
- **Post initial calculation**
  - The date the ground is expected to occur, if this is in the future
  - The date the application is made



If a client makes an application for a Variation within 30 +2 days of the maintenance calculation being notified, the maintenance calculation can be revised to take the Variation into account from the effective date, providing the ground arose from this date. For

information on revisions refer to Policy, Law and Decision Making Guidance 


For more information on effective dates refer to the Policy, Law and Decision Making guidance  and the [Fundamentals](#).


## Evidence received

10. Attach any supporting evidence to the SR, including the variation application form CMSF2001.


11. Go to the **Variation Details tab** and in the **Variation Details** applet select **New** and record the following information:

- **Variation Type** (select from the dropdown)


- **Contact Costs** (eligible with or without Shared Care): for guidance if required to calculate contact costs use the HMRC link - [Advisory fuel rates for company cars](#). For further information refer to the Policy, Law and Decision Making guidance: 

- **Illness or Disability of relevant other child**: for more information on long term illness refer to the Policy, Law and Decision Making guidance: 

- **Prior Debts**: for more information on prior debts refer to the Policy, Law and Decision Making guidance: 

- **Boarding School Fees**: for more information on boarding school fees refer to the Policy, Law and Decision Making guidance: 

- **Payments in Respect of Certain Mortgages, Loans or Insurance Policies**: for more information on certain payments relating to mortgages, loans or insurance policies refer to the Policy, Law and Decision Making guidance: 

 Entries for each are not mandatory. The minimum information needed is the Variation Type, Relevant QC, Description and Expense Amounts. You can also find more information about special expense variations along with working examples within the [Fundamentals](#).

- Within the more tabs view select **Variation Details** applet.

- **Relevant QC/ROC Last Name**: select which child/ren the variation applies to from the drop down list.


- **Description**: input the variation type applied for

- **Frequency**: select the frequency that the variation occurs

- **No. of Times**: input the number of times the variation occurs within the chosen frequency (for example if the Paying Parent incurs contact costs twice a month then input the Frequency as Monthly and the No. of Times as 2).

- **Amount**: £X.XX - input the amount incurred or received each time the variation occurs.

- **Actual Amount (Per Week)**: this field should be updated with the weekly variation amount.

 If there is more than one QC in the case, all fields above should be completed for each QC with the amounts split between each QC. For example: the paying parent uses a taxi to collect four children. The taxi fare is £12.00, so should be entered as £3.00 per child. However, if one or more of the children leave the receiving parent's household, the taxi fare remains the same, but the amount per child changes. Where the split leaves a fraction round the values to the nearest whole ie 0.1 - 0.4 = round down, 0.5 - 0.9 = round up. You cannot have a floating penny eg, if the taxi fare is £10.00 and there are three children, the split would be QC1 = £3.33, QC2 = £3.33 and QC3 = £3.34.

- Add any supporting information in **Notes**.


## Preliminary Consideration

12. Perform preliminary consideration, to make sure the application for a variation is made on the proper grounds and in appropriate circumstances. For more information on the grounds for a variation refer to the Policy, Law and Decision Making guidance: 

13. If the variation application doesn't pass preliminary consideration, call the paying parent if they're not already on the phone. Explain the reasons why the variation can't be accepted and go to **step 38** to reject the variation request.

14. If you've decided that the variation application does pass preliminary consideration, record your decision in the **Notes** field. If you need more evidence from the paying parent, go to **step 15**. Otherwise, go to **step 18**.


## Consider requesting further evidence

15.  If the paying parent hasn't provided enough evidence, call them if they're not already on the phone. Explain what evidence you need and that the paying parent must send this within 14 days. If you haven't already discussed the variations process with the paying parent, do this now and manage their expectations on what happens next. Ensure that the paying parent understands that the receiving parent/s will be contacted to verify the variation requested.


16. If the call was unsuccessful, ask the paying parent to call in by sending CMSL4055 to the paying parent. Record the information you need in the **Notes** and set the SR **Sub Status** to **Wait** with a due date of 14 days to allow time for a response.

17. On the due date, open the SR and view **Inbound Correspondence** to see any evidence the paying parent has sent in. If the paying parent has responded, go to **step 18**. If the paying parent hasn't responded, go to **step 38** and reject the variation application.


### Consider all the information you've got

18. Review the verification that the paying parent has sent in and decide whether there is enough evidence to continue. For more information on the £10 limit and current future expenditure refer to the Policy, Law and Decision Making guidance.  If the paying parent has provided enough information, continue with the variation application. Record your decision in the **Notes** and go to **step 20**.
19. If the paying parent hasn't provided enough evidence, go to **step 38** and reject the variation application.

### Consider representations

20.  Call the relevant receiving parent/s in the paying parent's case group about the variation application. If the receiving parent agrees with the facts and does not wish to provide further comment, proceed with the variation. If the receiving parent disagrees or cannot be contacted then notification of the variation needs to be sent to the receiving parent by locally printing the paying parent's variation application and including any supporting evidence. To do this, view the cancellation options available from within the variation application template and select **Local Print Preparation** and then **Cancel**. On the copy, manually black out any sensitive information that the receiving parent/s should not have access to eg NINO, address, phone numbers, names of ROCs etc. Send the copy to the receiving parent/s along with the relevant representation letter:







- In illness or disability - CMSL4063 to all receiving parents in the casegroup
- In all other cases - Attach form CMSF2001 to letter CMSL4059 and send this to the relevant receiving parent

 CMSL4059 is generally a system generated and system printed letter. However, if evidence has been provided then this should be redacted correctly, the CMSL4059 generated on the system will need to be locally printed. The letter is then sent to the receiving parent with the evidence attached and the status of the correspondence item changed to **Ready for Local print**.

21. To send representation letters to more than one receiving parent, take the following action:


- Select **Case Num** and select the linked case/s to associate them with the Variation SR
- Create a new activity step with type **Letter - Outbound**
- Select the letter template
- Drill down on the activity and select the **Service - Recipients** view
- Select the PWC and select **Add as Recipient** to mark them as an addressee
- Select **Create Correspondence** - this will take you to the Correspondence screen
- Select **Generate** to create the letter
- Select **Open Generated Document** when required, to view the letter

 Repeat these steps whenever you need to send a letter to more than one client.

22. When you've sent the letter/s, set a **Wait** period in the SR for 14 days to allow time for the receiving parent/s to make their representations against the variation. If the receiving parent responds prior to the end of the 14 day period and both parties agree to the evidence provided, you don't have to wait the full 14 days and can continue with the variation straight away.
23.  Follow up the letter with a call to the receiving parent/s. Tell the receiving parent/s that the paying parent has applied for a variation and explain the details requested in the letter. Explain the variations process to alleviate any concerns the receiving may have. Make sure the receiving parent/s understands what information you need from them and manage their expectations on what will happen next.
24. On the due date, check inbound correspondence for any information the receiving parent has sent in. If the receiving parent has sent the information, go to **step 26** and consider whether you need any further information from the paying parent.
25.  Call the receiving parent if they haven't provided enough information and explain what you need them to send in. Explain what will happen next if the receiving parent doesn't send in the information.
26.  If the call was unsuccessful, ask for more evidence by sending CMSL4062 to the receiving parent. Set a **Wait** period in the SR for 14 days to allow time for a response.
27.  Once the receiving parent has had the opportunity to make their representations, consider whether you need any more evidence from the paying parent. If you do, call the paying parent and explain what information you need. If you need more information due to a dispute from the receiving parent, consider explaining this to the paying parent so that they understand why you're asking for more evidence.
28.  If the call is unsuccessful, send CMSL4055 to the paying parent to request more information.
29. If further information or evidence is provided or after the review period has ended consider all the evidence available and make a decision. For more information on whether to allow a variation refer to the Policy, Law and Decision Making guidance. 


## Make decision

30. Once the paying parent and receiving parent/s have been given the opportunity to respond, review the evidence and make a decision. Record the outcome of your decision in the **Notes** field ensuring you note **Welfare of the Child**. Include comments to explain your decision and specifically that you have considered the decision to be just and equitable. For more information refer to the Policy, Law and Decision Making guidance: 



 Steps 30 and 31 must be completed in the order stated and within the Variation Details tab, so that the correct letters can be generated with appropriate information.

31. Where the variation has been accepted update the **Weekly Variation Amount**, it is important that this is completed before the **Resolution Code** is changed. Change the **Sub Status** to **Validate Variation**.
32. Record the decision as one of the following available from the **Resolution Code** drop down:
- Approved
  - Failed Preliminary Consideration – No Grounds
  - Failed Preliminary Consideration – Flat Rate
  - Failed Preliminary Consideration – Below Threshold
  - Failed Preliminary Consideration – Lack Of Evidence
  - Failure To Provide Evidence
  - Evidence Inconclusive
  - Inconclusive After Contest
  - Not Just And Equitable
  - Below Threshold



33. Save the record by pressing Ctrl and S on your keyboard, this generates a Child SR. Go to the Child SR by selecting the blue arrow.


 Where the case is at initial calculation stage, a child SR will not generate until completion of the initial calculation SR.


## Approve Application

34.  Letters;
- The system will issue CMSL4064 to the receiving parent, CMSL4066 to any linked receiving parent/s and CMSL4056 to the paying parent to inform them that the variation has been accepted.
  - For variations considered under Mandatory Reconsideration, issue CMSL5934 to the receiving parent, CMSL5935 to any linked receiving parent/s and CMSL5933 to the paying parent. These letters inform the client that the variation has been accepted and is the Mandatory Reconsideration Notice (MRN) needed to appeal. For more information refer to [Mandatory Reconsideration](#).
35. Where the variation has been fully or partially accepted the system completes a revision or supersession to the previous calculation so the assessment reflects the change.
36.  Call the paying parent and receiving parent/s once you've completed the variation. Explain how your decision has affected the liability and manage the clients expectations on what will happen next.
37. Close the child and parent SRs by updating the Status to **Closed** and Sub Status to **Complete**.

## Reject an Application

38.  Record the reason why you're rejecting the variation application by selecting the appropriate reason in the Resolution Code drop down menu. Record your reasons for rejection in the Notes field. Update the Activity Plan and issue the appropriate letter below:
- CMSL4054 to the paying parent and CMSL4065 to the receiving parent.
    -  If rejecting an earned income variation because tolerance has not been breached, the CMSL4054 will need to be issued clerically.
  - For variations considered under Mandatory Reconsideration, issue CMSL5936 to the paying parent and CMSL5937 to the receiving parent

 A variation application can be rejected at various stages during this process. Ensure that two copies of the CSML5936 and CMSL5937 are sent, one for clients records and one incase of appeal.

 Call the paying parent and receiving parent/s once you've completed your decision. Explain the reasons why you've rejected the variation and manage their expectations on what will happen next.

39. Close the child and parent SRs by updating the Status to **Closed** and Sub Status to **Complete**.

#### [CMSF2001 We've sent you a 'special expenses' variation application form](#)

Special expense variation form – this form will include all grounds available to the paying parent

All fields in this letter are pre-populated by the system. Once completed review the letter to ensure the correct information is provided.

#### [CMSL4050 You've made a variation application](#)

Acknowledgement letter to the paying parent in response to a special expenses variation being applied for by the paying parent

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

#### [CMSL4066 – Your child maintenance payments have changed](#)

Variation decision – change to maintenance liability – receiving parents with linked case

Under the sub-heading 'Boarding school fees' select one of the following optional paragraphs:

- Boarding element of school fees could not be determined
- The amount has been adjusted because the maximum amount allowed for this ground is 50% of NRP income

Under the sub-heading 'What this means for you' select from the following options if:

- Multiple variations reported in one contact and more changes are to follow
- Multiple variations reported in one contact and no more changes are to follow

All other fields in this letter are pre-populated by the system. Once completed review the letter to ensure the correct information is provided.

#### [CMSL4065 – We've made a decision about a variation application](#)

Variation rejection to the receiving parent – no change to maintenance (prelim and final stage)

Under the sub heading 'We've made a decision about a variation application'

- If the variation is for a special expenses category, use the paragraph **TM\_25710\_E** 'We're writing to you about a variation application that has been made by XXXX'
- If the variation is for additional income, use the paragraph **TM\_25711\_E** 'Thank you for asking us to take other forms of XXXX's income into account when we work out your child maintenance payments'

Under the sub heading 'We have looked carefully at this application and decided that it has been unsuccessful'

- If insufficient special expenses information is provided, use the paragraph **TM\_25713\_E** 'If insufficient evidence – NRP special expenses'
- If the information provided does not support the variation ground, use the paragraph **TM\_25714\_E** 'If the facts given do not support the stated ground'
- If the client failed to provide any information, use the paragraph **TM\_25715\_E** 'If we asked for information and did not get it'
- If there is a default maintenance decision in place, use the paragraph **TM\_25716\_E** 'If default maintenance decision is in place'
- If the variation has failed the financial threshold, use the paragraph **TM\_25717\_E** 'If failed threshold for financial expenses'
- If the special expenses variation would still result in the the paying parent's income being above the £3000 capped amount, use the paragraph **TM\_25718\_E** 'After special expenses variation reduction, NRP income would still be above the capped amount of £3000 a week'
- If the additional income variation would still result in the paying parent's income being above the £3000 capped amount, use the paragraph **TM\_25719\_E** 'If after additional income variation increase, NRP income would still be above the capped amount of £3000 per week'
- If the paying parent/paying parent partner is on flat rate because a benefit is in payment e.g. income support, use the paragraph **TM\_25720\_E** 'If NRP or their partner is on flat rate – benefit in payment'
- If the paying parent is on nil rate, use the paragraph **TM\_25721\_E** 'if NRP is on nil rate'
- If the paying parent's income did not breach the unearned income threshold, use the paragraph **TM\_25722\_E** 'if NRP did not breach unearned income threshold'
- If the paying parent's income did not breach the earned income threshold, use the paragraph **LM\_00199\_E** 'If NRP did not breach earned income threshold'
- If the paying parent has evidence to show that their unearned income is nil, use the paragraph **TM\_12804\_E** 'If NRP produced evidence to show that unearned income was nil'
- If the paying parent has evidence to show that earned income was nil, use the paragraph **TM\_25725\_E** 'If NRP produced evidence to show that earned income was nil'
- If the paying parent provides evidence to show diversion of income to their pension is reasonable, use the paragraph **TM\_25726\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – payments to pension were reasonable'
- If the paying parent provides evidence to show diversion of income for keeping profits within the business is reasonable, use the paragraph **TM\_25727\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – keeping reasonable profits within the business'

- If the paying parent provides evidence to show diversion of income for making payments to another party is reasonable, use the paragraph **TM\_25728\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – payments made to another party were reasonable'
- If the paying parent produced evidence to show the diversion of income was acceptable, use paragraph TM\_25729\_E 'We have decided that XXXX's income has not been diverted unreasonably'
- If the variation is not just and equitable for welfare of the child reasons, use the paragraph **TM\_25730\_E** 'If just and equitable – welfare of child'
- If the paying parent is paying the flat rate amount per week, use the paragraph **TM\_25732\_E** 'If NRP pays flat rate amount per week'
- If the paying parent receives financial assistance which takes the variation below the financial threshold, use the paragraph **TM\_25733\_E** 'If NRP's financial assistance takes the special expenses variation below the threshold'

Under the sub heading 'What happens next'

- If the income source is gross historic income from HMRC, use the paragraph **TM\_25735\_E** 'We will look again at your payments during your annual review'
- If the income source is current income, use the paragraph **TM\_25736\_E** 'We'll look again at how much maintenance you should pay'

Once completed review the letter to ensure the correct information is provided.

#### [CMSL4064 – Your child maintenance payments have changed](#)

Variation decision – change to maintenance liability - receiving parent

Under the sub-heading 'How we worked out the variation' regarding contact costs select one of the following if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground (total contact costs)

Under sub-heading 'Costs associated with the long-term illness or disability of a relevant other child (ROC) select the following paragraph if:

- an existing variation is in place for this ground and a new variation for this ground (total variation for illness or disability of a ROC)

If the grounds displayed are 'Prior debts' select one of the options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

If the grounds displayed are for 'Special expenses – boarding school fees' select one of the following options if:

- The boarding element of fees could not be determined
- The amount adjusted is because the maximum amount allowed for this ground is 50% of the NRP income

In respect of this ground select from the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground (total variation for boarding school fees)

If the grounds displayed are 'Payment of mortgage, loan or insurance policy' select one of the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

The system will automatically display the relevant paragraphs reference further grounds and methods of payment but caseworkers must select from the following options if:

- multiple variations are reported in one contact and more changes are to follow
- multiple variation are reported in one contact and no more changes are to follow

All other fields in this letter are pre-populated by the system. Once completed review the letter to ensure the correct information is provided.

#### [CMSL4063 – A variation application has been made that could affect your payments– please respond](#)

Representation letter to all receiving parents linked to a case following special expenses variation application by the paying parent for illness or disability of ROC

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

#### [CMSL4062 - Please call us as soon as possible](#)

Letter to the receiving parent asking them to call us because evidence they sent to us following representations was not correct

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

#### [CMSL4059 – A variation application has been made that could affect your payments–please respond](#)



Representation letter to the receiving parent following special expenses variation application made by the paying parent.

Under the sub heading 'What this means for you' select one of the following options if the variation is for:

- contact costs
- prior debts
- boarding school fees
- payment in respect of certain mortgages, loans, insurance payments

All other fields in this letter are pre-populated by the system. Once completed, review the letter to make sure the correct information is provided.

#### CMSL4056 – Your child maintenance payments have changed

Variation decision – change to maintenance liability - paying parent

Variation decision - maintenance liability calculation after variation decision

Under the sub-heading 'How we worked out the variation' select one of the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

Under the sub-heading 'Costs associated with the long-term illness or disability of a relevant other child' select one of the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

If the grounds displayed are 'Prior debts' select one of the options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

If the grounds displayed are for 'Special expenses – Boarding school fees' select one of the following options if:

- The boarding element of fees could not be determined
- The amount adjusted is because the maximum amount allowed for this ground is 50% of the NRP income

In respect of this ground select from the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

If the grounds displayed are 'Payment of mortgage, loan or insurance policy' select one of the following options if:

- there is an existing variation award on this ground which is still valid
- there is an existing variation and a new variation in place for this ground

The system will automatically display the relevant paragraphs reference further grounds and methods of payment but caseworkers must select from the following options if:

- multiple variations are reported in one contact and more changes are to follow
- multiple variation are reported in one contact and no more changes are to follow

All other fields in this letter are pre-populated by the system. Once completed review the letter to ensure the correct information is provided.

#### CMSL4055 – Please call us as soon as possible

Letter to the paying parent asking them to call us because evidence they sent to us following representations was not correct.

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

#### CMSL4054 – We've made a decision about a variation application

Rejection letter to the paying parent explaining why the variation has been rejected.

This letter will need to be completed clerically if the paying parent is in receipt of benefit.

Under the sub heading 'We've made a decision about a variation application'

- If the variation is for special expenses, use the paragraph **TM\_25589\_E** 'Thank you for asking us to take certain costs that you pay into account..'
- If the variation is for additional income, use the paragraph **TM\_25590\_E** 'We were asked to take other forms of your income into account..'

Under the sub heading 'We have looked carefully at this application and decided that it has been unsuccessful'



- If no grounds for the variation were provided, use the paragraph **TM\_25591\_E** 'if applicant did not state a ground for the variation'
- If insufficient special expenses information is provided, use the paragraph **TM\_25592\_E** 'If insufficient evidence – NRP special expenses'
- If the information provided does not support the variation ground, use the paragraph **TM\_25593\_E** 'If the facts given do not support the stated ground'
- If the client failed to provide any information, use the paragraph **TM\_25594\_E** 'If we asked for information and did not get it'
- If there is a default maintenance decision in place, use the paragraph **TM\_25595\_E** 'If default maintenance decision is in place'
- If the variation has failed the financial threshold, use the paragraph **TM\_25596\_E** 'If failed threshold for financial expenses'
- If the special expenses variation would still result in the paying parent's income being above the £3000 capped amount, use the paragraph **TM\_25597\_E** 'After special expenses variation reduction, NRP income would still be above the capped amount of £3000 a week'
- If the additional income variation would still result in the paying parent's income being above the £3000 capped amount, use the paragraph **TM\_25598\_E** 'If after additional income variation increase, NRP income would still be above the capped amount of £3000 per week'
- If the paying parent's partner is on flat rate because a benefit is in payment e.g. income support, use the paragraph **TM\_25599\_E** 'If NRP or their partner is on flat rate – benefit in payment'
- If the paying parent is on nil rate, use the paragraph **TM\_25600\_E** 'If NRP is on nil rate'
- If the paying parent's income did not breach the unearned income threshold, use the paragraph **TM\_25601\_E** 'If NRP did not breach unearned income threshold'
- If the paying parent's income did not breach the earned income threshold, use the paragraph **TM\_25602\_E** 'If NRP did not breach earned income threshold'
- If the paying parent has evidence to show that their unearned income is nil, use the paragraph **TM\_25603\_E** 'If NRP produced evidence to show that unearned income was nil'
- If the paying parent has evidence to show that earned income was nil, use the paragraph **TM\_25604\_E** 'If NRP produced evidence to show that earned income was nil'
- If the paying parent provides evidence to show diversion of income to their pension is reasonable, use the paragraph **TM\_25605\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – payments to pension were reasonable'
- If the paying parent provides evidence to show diversion of income for keeping profits within the business is reasonable, use the paragraph **TM\_25606\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – keeping reasonable profits within the business'
- If the paying parent provides evidence to show diversion of income for making payments to another party is reasonable, use the paragraph **TM\_25607\_E** 'If NRP produced evidence to show that diversion of income was for acceptable reasons – payments made to another party were reasonable'
- If the paying parent produced evidence to show the diversion of income was acceptable, use paragraph **TM\_25608\_E** 'We have decided that XXXX's income has not been diverted unreasonably'
- If the variation is not just and equitable for welfare of the child reasons, use the paragraph **TM\_25609\_E** 'If just and equitable – welfare of child'
- If the paying parent is paying the flat rate amount per week, use the paragraph **TM\_25611\_E** 'If NRP pays £5.00 per week'
- If the paying parent receives financial assistance which takes the variation below the financial threshold, use the paragraph **TM\_25612\_E** 'If NRP's financial assistance takes the special expenses variation below the threshold'

Under the sub heading 'What happens next'

- If the income source is gross historic income from HMRC, use the paragraph **TM\_09672\_E** 'We will look again at your payments during your annual review..'
- If the income source is current income, use the paragraph **LM\_00151\_E** 'We'll look again at how much maintenance you should pay...'

Once completed review the letter to ensure the correct information is provided.

#### CMSL5512 - Generic free text

Off system letter.

- Generic free text letter used for information

#### CMSL5933 MR Variation decision – change to maintenance liability – PP

Letter to the paying parent informing them of the change to the maintenance calculation after a variation decision and including Mandatory Reconsideration information. FT0001 and FT0004 can be issued with this letter.

#### CMSL5934 MR Variation decision – change to maintenance liability – RP

Letter to the receiving parent informing them of the change to the maintenance calculation after a variation decision and including Mandatory Reconsideration information. FT0002 and FT0005 can be issued with this letter.

#### CMSL5935 To RP who is part of PP multi – maintenance liability calculation after variation decision (including MR info)

Letter to the receiving parent, where they are part of a paying parent multiple case group, informing them of the change to the maintenance calculation after a variation decision and including Mandatory Reconsideration information. It should only be sent to the RP who is not the beneficiary of any special expense payments. FT0002 and FT0005 can be issued with this letter.

#### CMSL5936 - to PP – variation application unsuccessful (including MR)

Rejection letter to paying parent explaining why the variation has been rejected and that there's no change to the maintenance calculation, including Mandatory Reconsideration information.

#### CMSL5937 - to RP – variation application unsuccessful (including MR)

Rejection letter to receiving parent explaining why the variation has been rejected and that there's no change to the maintenance calculation, including Mandatory Reconsideration information.

Calculation - Post Initial

Mandatory Reconsideration

Scanning - Local

Terminology Changes

Variation - Additional Income

Variation - Cancel

Variation - Review Existing

Work Allocation

Work Management

Fundamentals

The variation under consideration is particularly contentious, what advice is available?

If, after consulting procedures and discussing the case with your team leader, you still need clarification you can raise an Advice and Guidance SR for assistance.

Will the receiving parent be advised of the application of a variation for special expenses?

Yes, ensure that the paying parent understands that the receiving parent/s will be contacted as part of the verification process.

Is there a threshold for disability or illness of a relevant other child (ROC)?

No – there is no threshold.

What is the threshold for considering a special expense variation?

The threshold is £10 per week, but this is included in the calculation of the variation

Who can apply for a special expenses variation?

Only the paying parent can apply for a special expenses variation.