



Maintain Case Overview

The purpose of this summary is to provide a high level overview of the maintain case topic which complements the more detailed procedures. The procedures explain parentage disputes, variations, periodic checks, how to change the service type and Case Surveillance Enforcement cases.

The procedures will be carried out by the caseworkers who have ownership of the case at the time, to ensure that the correct amount of child maintenance is calculated to be paid to the receiving parent or child in Scotland (CiS).

Parentage disputes

A parentage dispute is where an alleged parent does not agree that they are the parent of any qualifying child/ren (QC) named in an application or case. It can be raised at any time. The dispute involves gathering evidence where available, arranging DNA testing when other evidence isn't available and then using the information received to resolve the dispute.

Variations

A variation is a type of change that allows us to take into consideration some circumstances which wouldn't normally be used in the maintenance calculation. The two types of variation are special expenses and additional income. Special expenses are where a paying parent asks us to take into account certain costs or payments in order to reduce the amount of child maintenance that they pay. Additional income is where a receiving parent or CiS asks us to take into account other sources of income that the paying parent receives, in order to increase the amount of child maintenance paid.

Processing a variation involves gathering evidence from both parties and then using this information to decide whether to accept or reject the variation application. If the information is accepted then a new maintenance calculation is carried out.

Maintenance calculations

Other factors which can affect a maintenance calculation includes the number of QC/s in a case, the number of relevant other children (ROCs) and the number of overnight stays a QC has with a paying parent. Overnight stays are also known as shared care. If any of these factors change then a new assessment may be carried out.


The paying parent's gross taxable income used for a calculation is reviewed annually. The system will automatically request the most recent income details from Her Majesty's Revenue and Customs (HMRC). Where the current income is at least 25% different to the income held by HMRC, the paying parent can provide evidence to allow their current income to be used for the assessment instead. This is also known as a non HMRC calculation.

Service types

A case can either be set to collect and pay or direct pay. Collect and pay cases are where the Child Maintenance Group (CMG) collect child maintenance monies from the paying parent and send these payments to the receiving parent. Direct pay cases are where the paying parent pays money directly to the receiving parent. The paying parent or receiving parent can ask to change between these two service types at any point. Where the receiving parent has previously indicated that they want collect and pay the paying parent must pass an unlikely to pay check. For further information on the unlikely to pay check, refer to [Unlikely To Pay Check](#).

When either client requests to use CMG's collect and pay service advise them that collection fees apply. These fees can be avoided by making their own family based arrangement or choosing direct pay.

If either party has any concerns about setting up direct pay as they don't want the other party to know their location from their bank sort code advise them that they can choose to use a money transfer service such as PayPal or MoneyGram or set up a non geographic bank account. Although not appropriate for everybody as this usually requires an email address or telephone number, which could facilitate unwanted contact, this remains a viable option for clients who wish for a simple, auditable way of transferring money. The Child Maintenance Group must not advertise any specific provider of these services but must ensure that clients are aware that some providers of these services may charge and to be aware of this before entering into any such agreement. For more information on money transfer services refer to the Policy, Law and Decision

Making Guidance 



When a case is assessed and the service type is to be changed, caseworkers must not change the **Case Service Type** as this will not sync with BaNCs. A **Change Service Type** SR must be completed for this process. For more information refer to [Change - Service Type - To Direct Pay](#) and [Change - Service Type - To Collect and Pay](#).

Preferred Method Of Payment

Check the method of payment is in place each time a change of circumstances is progressed. Ensure a preferred method of payment is in place where appropriate and make every effort to replace any MOPF that is set as default standing order.

Revisions and changes of circumstances

Where an error has been identified on a case or a change is made which is later found to be incorrect then a revision can be carried out.





Revisions can only be considered up to 30 days (plus 2 days for posting) after the original decision has been made. The exception to this is where the error has been caused by the Child Maintenance Group (CMG), in these instances there are no timescales.



When notified of a change of circumstances, a service request (SR) should not be raised for a change of circumstances where there is not enough information to complete the SR to **In Progress**. Where a client advises of a change, but does not have sufficient information, record the reason for the call in an inbound call activity, but don't trigger the change until all information is available to allow progression. If you have generated the SR

before it is evident that the client does not have enough information, you should cancel the SR and ask the client to call back with the required details.

For guidelines on dealing with multiple changes of circumstances relating to a case refer to [Maintain Client Details Overview](#).

 When progressing a case where evidence has been requested, the SR **Resolution Code** is used to accept or decline the information. The resolution code must be updated prior to the SR **Status** being changed to **Closed** and SR **Sub Status** to **Complete**.

 If an active benefit record is held and a change of circumstances needs to be recorded before the start date of the benefit claim, the benefit record must be ended, the change of circumstances completed and then the benefit record re-entered.

 You must make every effort to prevent overpayments occurring on a case by encouraging clients to report a change and by completing all change of circumstances as they are reported. However, when a backdated change of circumstances is being reported you will need to consider the impact. An overpayment could reduce the amount of payments the receiving parent will receive until annual review, you must make a decision to allow the system to make the change, or in very exceptional circumstances to halt the system action if the adjustment appears to be too much. Applying overpayments against arrears is a discretionary decision, this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Notes** refer to Policy, Law and Decision Making Guidance 

Case Surveillance - Enforcement

Where all means of gathering information have been exhausted, enforcement cases that are unable to be progressed will be placed into Case Surveillance by Enforcement Case Managers (ECM's). A review date will be set to determine whether enforcement action can resume at a later date. For action to take on enforcement Case Surveillance cases refer to [Case Surveillance - Maintenance Segment](#).

For more information refer to **Backdated Change of Circumstances** in the **Procedural Exceptions** tab.

For more information on any of these topics, please refer to the related items.

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

 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.

Backdated Change of Circumstances

When completing a backdated change of circumstances, consider whether the change is likely to create an overpayment on the case. An overpayment may occur when the paying parent's payments exceed their liability and the money has been paid to the receiving parent e.g.

- A mid year current income change of circumstances (where the 25% tolerance level is breached and there is a decrease in income)
- A non income related change where there is ongoing maintenance e.g. A QC leaves but is not the last QC on the case, a backdated ROC or another case is added

1. Do not allow the system to complete the adjustment and produce a new schedule until you have completed the following actions:

- Consider whether the change is likely to create an overpayment
- Check the current liability and new liability
-

Calculate the weekly difference and how many weeks since the effective date to calculate the total reduction amount

- Check the current arrears balance and reduce down the arrears balance with the reduction amount. If it will clear the arrears then there will be an overpayment


2. If no overpayment will be created, continue with the change of circumstances as normal.

3.

If there is an overpayment you will now have to check how this will reduce future collections and in very exceptional circumstances consider halting system action. To do this:

- Calculate how many weeks left until annual review and calculate how much the new liability amount will total
- Reduce this down by the overpayment balance

- Check how many more collections are available in annual review and consider if the new collection amount is reasonable

Before completing and producing the new schedule, you must consider whether it is reasonable to allow the system to apply the overpayment against any arrears and/or maintenance payable up to the next annual review. This is a discretionary decision known as **Regulation 8**. For further information on **Regulation 8** and the factors you need to consider before proceeding, refer to Policy Law and Decision Making Guidance 

- If you consider the adjustment reasonable, complete the change of circumstances and fully record your decision, including the reasons in the notes field.
- In exceptional circumstances if you do not consider the adjustment reasonable, you will start the process to consider moving the case to exceptional case handling to manage off system. Do not allow the system to complete the change of circumstances and discuss the case with your team leader (TL). If your TL agrees with your decision you will need to seek advice from the Advice and Guidance team before discussing the details with the client. Refer to [Advice And Guidance - Create Request](#) and send the following information:
 - How the overpayment occurred
 - The amount of the overpayment
 - The period it relates to
 - The current maintenance liability amount
 - The reduced maintenance liability amount
 - The annual review date
 - The amount of outstanding arrears
 - The reasons why you do not consider it reasonable to allow the system to proceed
- Once you receive a response from advice and guidance, if the advice is to proceed as normal, continue with the change of circumstance.
- If the advice is not to proceed and to handle the case off system, the case will need to be referred to the Exceptional Case Handling team until annual review. For more information refer to [Exceptional Case Handling – Overview](#).

[Advice And Guidance - Create Request](#)

[Annual Review Summary](#)

[Arrears \(paused\) - Review](#)

[Calculation - Non HMRC](#)

[Calculation - Post Initial](#)

[Case Surveillance – Maintenance Segment](#)

[Change - Carer Status - Paying Parent Not Carer of ROC](#)

[Change - Carer Status - Receiving Parent Not Primary Carer of QC](#)

[Change - Service Type - To Collect and Pay](#)

[Change - Service Type - To Direct Pay](#)

[Change - Shared Care of QC](#)

[Close Case \(Collect and Pay\)](#)

[Close Case \(Direct Pay\)](#)

[Close Case - Revise/Reverse](#)

[Correction - Contact Address](#)

[Correction - Personal Details](#)

[Direct Pay Overpayment/underpayment](#)

[DMD Review](#)

[Enforced DEO - Review](#)

[Exceptional Case Handling – Overview](#)

[Family Based Arrangement - Record](#)

[HMRC - Unmatched Income](#)

[Income - Current - Periodic - Check](#)

[Initial Effective Date - Revise](#)

[Maintain Client Details Overview](#)

[Non Standard Case - Process](#)

[Non Standard Case - Refer](#)

[Overpayments](#)

[Paper / File / Electronic Media Destruction Process – Overview](#)

[Parentage Dispute - Alleged Parent Is Not The Parent](#)

[Parentage Dispute - DNA testing](#)

[Parentage Dispute - Evidence](#)

[Parentage Dispute - Log](#)

[Parentage Disputes - Record Outcome](#)

[QC/ROC Adopted](#)

[Reconciled Receiving Parent/Paying Parent](#)

[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 - FTE Status \(ROC/CIFBA\)](#)

[Revision/Correction - New QC](#)

[Revision/Correction - New ROC/CIFBA](#)

[Revision/Correction - Paying Parent Not The Parent](#)

[Segment 5 Compliance Opportunity](#)

[Sensitive Case - Handle](#)

[Split Care And Role Reversal](#)

[Unlikely To Pay Check](#)

[Variation - Additional Income](#)

[Variation - Cancel](#)

[Variation - Review Existing](#)

[Variation - Special Expense](#)

[Can the paying parent pay direct pay without the receiving parent's agreement?](#)

Yes, if the paying parent has been compliant throughout the case, they will be able to change to direct pay without the receiving parent's permission.