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[Boarding School Fees: Decision Making Guidance](#)

What is a Boarding School Fees variation?

[2012/2677](#) *Regulation 66 of the Child Support Maintenance Calculation Regulations 2012*

Boarding school fees cover the maintenance fees payable by a non-resident parent for a qualifying child to attend boarding school at a recognised educational establishment, providing full-time non-advanced education (FTE).

The permitted expenses cover

- The maintenance element only of any fees payable

The maintenance element is the part that covers the child's normal day-to-day living expenses, such as the cost of food / accommodation.

Background:

Non-resident parents may query why we allow a variation for boarding school fees, but not for private day school fees.

A boarding school fees variation can only be considered for the maintenance element of any contribution made. It is intended to reflect the non-resident parent's contribution for the child's day to day living expenses, such as food and accommodation, rather than the contribution to the child's education.

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[Boarding School Fees: Decision Making Guidance: Application](#)

All applicants must state the ground they want to apply on or provide enough information for an appropriate ground to be identified.

Boarding School Fees: is the ground identified?

Some non-resident parents may be aware of the variations scheme, and specifically ask for a variation to be considered. In other cases, they may just say that their assessment is too high and / or they cannot afford to pay it, because they contribute towards boarding school fees for their qualifying child.

Example:

'I can't afford / it isn't fair that I have to pay this amount. I pay £3000 a year towards my child's boarding school fees'

In these circumstances, you should try to establish whether the non-resident parent's costs fall within the grounds for a boarding school fees variation. If so, you should advise the non-resident parent of the variations scheme and explain the process to them.

If the non-resident parent would then like to apply for a variation, you should try and obtain as much information as possible for the application to proceed

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[Boarding School Fees: Decision Making Guidance: Preliminary Consideration](#)

All applications should be given preliminary consideration and rejected immediately if certain criteria are not met / apply.

If an application is made on multiple grounds, then preliminary consideration is applied to each ground individually. Only the ground(s) that fail preliminary consideration would be rejected on this basis. Any other ground(s) can be taken forward.

Fact based reasons for rejection

An application should be rejected immediately if any of the following apply:

- a default maintenance decision (DMD) is in force;
- the non-resident parent is liable to pay the flat rate or nil rate because they or their partner are in receipt of certain benefits;
- the amounts claimed do not meet the threshold. REMEMBER: applications on multiple special expenses grounds will only be rejected if none of the Special

Expenses thresholds are satisfied. Otherwise, you would only reject the ground(s) that failed to meet the threshold;

the non-resident parent's gross weekly income would still exceed the capped amount (£3000) after deducting the special expenses claimed.

Discretionary reasons for rejection: general

Applications may also be rejected if you consider that the applicant has:

- not stated a ground or provided enough information for you to identify a ground;
- stated a ground, but has not provided any facts to support that ground or justify further enquiries;
- stated a ground and provided facts, but those facts do not fit that ground or any alternative ground

Boarding School Fees: Discretionary Reasons for Rejection

For the ground to be identified, the non-resident parent must confirm that they pay or contribute towards boarding school fees for the qualifying child:

Examples:

The following type of statement will be sufficient to pass preliminary consideration:

- 'I cannot afford to pay this amount because I pay £500 a month towards my child's boarding school fees'

The following type of statement will not be sufficient to pass preliminary consideration:

- 'I cannot afford to pay this amount because I pay £500 a month for my child to attend private school'.

In this situation, the facts stated do not fall within the allowable costs for this ground. You should explain this to the non-resident parent and clarify what type of costs can be considered.

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[Boarding School Fees: Decision Making Guidance: Gathering information and evidence](#)

If the case passes preliminary consideration, you need to obtain the necessary information and evidence from the applicant.

Boarding school fees applications relate to the non-resident parent's own expenditure and so they can be expected to provide any information / evidence needed to support their application. You must obtain details of the amount and type of expenses that the non-resident parent wants to claim for. This is basic factual information that a non-resident parent must provide for an application to be properly considered.

You will also need to obtain appropriate documentary evidence to confirm the expenses claimed. Non-resident parents should be encouraged to provide supporting evidence, as this will help you to make an accurate decision.

Amount / type of expenses

I pay £2000 a year towards the maintenance element of my child's boarding school fees.

Both the amount and type of expenses have been identified.

Details of amount / type of expenses not provided

If the non-resident parent does not know the exact amount, you can either agree an amount using available information sources, or allow them 14 days to provide the actual details. If the information is not provided, you can reject the application without inviting representations from the other party.

Example

The non-resident parent applies for a variation for the boarding school fees they pay / contribute towards. They state they will send in information confirming the fees details and the amounts they have paid.

The case passes preliminary consideration, because the facts stated fall within the boarding school fees ground and there are no reasons for automatic rejection. However, you do not have enough information about the amount / type of costs to be considered.

If this information is not provided after 14 days, the application can be rejected on the basis that there is insufficient information for a decision to be made.

Requesting additional information from applicants

[2012/2677](#) *Regulation 58 of the Child Support Maintenance Calculation Regulations 2012*

If you need more information / evidence from an applicant in order to proceed with the application, you can ask them to provide this and allow fourteen days for their response. You may allow additional time if you are satisfied it is reasonable in the circumstances of the case.

Documentary evidence

For most boarding school fees applications the non-resident parent will be required to submit documentary evidence, such as receipts, to support their application. Due to the amounts / methods of payment that are likely to be involved, it is very unlikely that a non-resident parent will be unable to provide any documentary evidence. However, if this does happen, you should seek advice from your Team Leader / the Advice and Guidance Team.

The following types of evidence will be accepted:

- confirmation of the boarding school fees including, if possible, details of how much per week / term / year is intended to cover the maintenance element: e.g. a letter / fees breakdown from the school; and
- evidence of the amount that the non-resident parent pays towards boarding school fees: e.g. bank statements / receipts

Calculating the Maintenance Element

Once you have received the above information / evidence, you will need to calculate how much of the non-resident parent's contribution can be treated as made towards the maintenance element. This will be straightforward in cases where the non-resident parent pays the full fees, and the school confirms the actual maintenance element amount.

In other cases, the non-resident parent may only make a partial contribution towards the boarding school fees, or the school may be unable to confirm the maintenance element. The following sections provide guidance on the action to take in these circumstances.

Non-resident parent makes Partial Contribution, Maintenance Element Identified

The amount of the non-resident parent's contribution that should be treated as made towards the maintenance element will be calculated as follows:

$$(M/B) \times A$$

M = the maintenance element of the boarding school fees

B = the overall boarding school fees

A = the actual contribution made by the non-resident parent towards boarding school fees

Example

The non-resident parent provides evidence that they contribute £2000 per year towards the qualifying child's boarding school fees. The School confirms that the annual fees are £10,000, with £2500 intended to cover food and accommodation.

The amount of the non-resident parent's contribution that should be treated as made towards the maintenance element will be calculated as follows:

$$£2500 (M) / £10,000 (B) \times £2000 (A) = £500 \text{ per annum}$$

Maintenance Element not identified - Estimating the Maintenance Element

Where the maintenance element cannot be identified, you will need to use an estimated amount. The maximum amount that can be allowed in these circumstances is prescribed in legislation as 35% of the total fees payable

[2012/2677](#) Regulation 66(2) of the *Child Support Maintenance Calculation Regulations 2012*.

The maximum amount of 35% of the total fees payable should be applied unless there is contradictory / conflicting information to indicate that the maintenance element is a lower amount: e.g. the school confirm that more than 65% of the total fees payable are specifically allocated to other things, such as tuition / extra curricular activities.

Where an amount greater than 65% is allocated in this way, the remaining amount should be used as the estimate for the maintenance element.

Examples

Remember: any estimated figure for the maintenance element cannot exceed 35% of the total fees. If the school provide a breakdown showing 50% of the fees is allocated to tuition etc. you cannot treat the other 50% as the maintenance element.

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[Boarding School Fees: Decision Making Guidance: Representations](#)

This part of the process gives the other parties notice of the application and the opportunity to comment on it. This step should be completed once any information / evidence to support the application has been obtained from the applicant / other available sources.

Representations do not need to be invited if:

- it is clear from information provided by the applicant / other available sources that the variation will not be successful; or

- the non-resident parent has not provided details of the specific amount / type of their special expenses. In this situation you do not have enough basic information to make a decision on the application.

[2012/2677](#) Regulation 59(2)(a) of the Child Support Maintenance Calculation Regulations 2012

When you invite the other parties to make representations they must be:

- notified that an application has been made; and
- informed of the grounds that the application has been made on, including any relevant information / evidence that has been provided by the applicant or obtained from other sources, unless it falls within the excluded information category;

the other party should be allowed fourteen days to respond. You may allow additional time if you are satisfied it is reasonable in the circumstances of the case. If the other party fails to respond in the time allowed, you should decide whether to proceed with the application on the basis of the information held.

Notifying the applicant about representations

If the other party / parties agree with the facts provided by the non-resident parent, and do not wish to make any further comments, you can proceed with the application and decide whether to allow the variation. It is not necessary to invite further comments from the non-resident parent in these circumstances.

If the other party / parties disagree with the facts provided and submit additional information / evidence that conflicts with the details provided by the non-resident parent, you may need to go back to the non-resident parent for their comments. However, this will only be necessary if you are unable to make a decision on the basis of the information / evidence submitted.

Excluded information

[2012/2677](#) Regulation 59(5) of the Child Support Maintenance Calculation Regulations 2012

1. Medical evidence / advice that has not been disclosed to the applicant or the other party and that you consider could be harmful to the health of the applicant or the other party if disclosed.
2. The address of the other party or qualifying child and any other information that could lead to that person / child being locate

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[Boarding School Fees: Decision Making Guidance: Deciding whether to allow the variation](#)

When you are deciding whether to allow a boarding school fees variation, you need to consider all the following points:

- Do the expenses claimed fall within the permitted expenses?

Are the expenses claimed linked to current / future expenditure?

The costs that the application is based on must be:

- in place at the time of the application; or
- due to start at a known future date that is agreed by both parties.

Example

The qualifying child is due to start attending boarding school in 3 weeks. The non-resident parent and parent with care agree that the non-resident parent will contribute £100 a week towards the boarding schools fees at that point.

In these circumstances, a variation can be considered, with a future effective date, based on the agreed future contribution.

A variation can also be considered where the relevant expenses were in place at the time of the application, but have ceased by the time a decision on the application is made.

In these circumstances, the variation should be considered for the period between the effective date of the variation and the date the expenses ceased.

Example:

The non-resident parent applies for a boarding school fees variation on 1 May 2010. A decision is not made until 1 September 2010. By that time, the qualifying child has left school. A variation can only be considered for the period between the date of the application (1 May 2010) and the date that the child's attendance at boarding school ceased.

Are the expenses claimed reasonable?

There is no requirement to consider whether the total fees for attendance at boarding school are reasonable or not.

There is also no need to consider whether any amount that the school states is intended to cover the maintenance element is reasonable or not.

However, in order to prevent an unreasonable reduction in child maintenance, a variation for boarding school fees must not reduce the non-resident parent's gross weekly income by more than 50%.

Example:

Non-resident parent has a gross weekly income of £250.00. They contribute £150.00 a week to the maintenance element of the child's boarding school fees. The variation award must not exceed 50% of the non-resident parent's gross weekly income. The amount to consider must therefore be restricted to £125.00.

Does the non-resident parent receive Financial Assistance?

In some cases, another party may be contributing towards the child's boarding school fees. This contribution may be from a friend, relative, scholarship award or other third party. In other cases, the non-resident parent may receive financial assistance towards the contribution they make.

It is important that any variation for boarding school fees only reflects expenditure incurred by the non-resident parent. You will therefore need to calculate the amount treated as made towards the maintenance element as follows:

$(M/B) \times A$

M = Maintenance element

B = Total fees payable

A = the non resident parent's actual contribution

Example:

The school confirms that the annual school fees are £40,000, with £12,000 intended to cover food / accommodation. The non-resident parent provides evidence that they contribute £25,000 to the school fees. The remaining is paid by the qualifying child's grandparents.

The amount of the non-resident parent's contribution that can be treated as made towards the maintenance element will be calculated as follows:

$£12,000 (M) / £40,000 (B) \times £25,000 (A) = £7,500$ per annum.

Is the financial threshold still satisfied?

An application for boarding school fees will only be agreed if the expenses are equal to or exceed the threshold amount of £10.00 per week. When you are deciding

whether to allow the variation, you will need to consider whether this threshold is still satisfied following any adjustment for reasonableness/ financial assistance

If the financial threshold is satisfied, the whole amount of the expenses claimed can be considered – you do not have to deduct an amount equivalent to the threshold.

REMEMBER: if the application is based on more than one ground, the threshold applies separately to each ground. For example: if a non-resident parent applies for boarding school fees and prior debts, both types of expenses must equal or exceed £10.00 per week individually.

- Finally, taking all of the above into account, is it Just and Equitable to allow the Variation?

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[Boarding School Fees: Decision Making Guidance: Effect of a variation](#)

There is no ground specific guidance for the effect of a variation. Please refer to the overview.

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PLDMG @ 09.03.2017