

## Contents: Contact Costs Decision Making Guidance

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### Contact Costs: Decision Making Guidance

What is a Contact Costs variation?

*2012/2677 Regulation 63 of the Child Support Maintenance Calculation Regulations 2012*

Contact Costs cover certain expenses (travel and accommodation) that a non-resident parent incurs in order to maintain regular contact with a qualifying child.

The permitted expenses include:

#### **Public Transport Tickets**

Tickets for any form of public transport can be considered.

#### **Fuel**

The cost of fuel can be considered if the non-resident parent travels by car. However, fuel costs cannot be allowed if the non-resident parent is a taxi driver and part / all of the journey includes fare-paying passengers.

#### **Taxi Fares**

The cost of a taxi can be permitted if the illness / disability of the non-resident parent or qualifying child makes it impracticable for any other form of transport to be used.

#### **Car Hire**

The cost of a hire car may be permitted if the non-resident parent can show this is a cheaper option compared to the cost of public transport or taxis, or a combination of the two.

### **Overnight Accommodation**

Overnight accommodation costs (including breakfast if included in the price) can be permitted if:

- the non-resident parent has travelled a distance that would make a same-day return journey unreasonable; or
- contact with the qualifying child is intended to be over two or more consecutive days.

Example:

The non-resident parent has a contact arrangement allowing them to spend every other Saturday and Sunday with the qualifying child. The non-resident parent and parent with care live 120 miles apart, and it takes 3 hours for the non-resident parent to travel to the parent with care's home.

It would be reasonable to consider allowing an amount for overnight accommodation in these circumstances. Without an overnight stay, the non-resident parent would need to make a 12 hour round journey for the contact visit to take place.

### **Minor Incidental Costs**

These costs can be permitted if they relate to toll fees or other fees that are payable for the use of a particular road or bridge.

Example: The non-resident parent's journey involves travelling through specific areas of London where congestion charges apply.

### **Third Party Costs**

Third party travel / accommodation costs can be permitted if it is clear that the presence of another party is reasonable / necessary. However, the only expenses that could potentially be considered remain those incurred in relation to the travelling and/or accommodation provided for the supervisor by the NRP, which must still also be deemed reasonable to be taken into account.

Example:

The presence of a third party may be considered reasonable if the non-resident parent or qualifying child has a health condition which makes it impracticable for them to travel alone.

Example:

The presence of a third party may be accepted if a court decision requires any form of contact to be supervised.

NOTE: in these circumstances, the non-resident parent must show that it is required / reasonable for them to meet the third party's costs.

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### [Contact Costs: Decision Making Guidance: Application](#)

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

#### **Contact Costs: 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 that they cannot afford to pay it, because of expenses linked to their contact with a qualifying child.

Example:

'I can't afford / it isn't fair that I have to pay this amount. I see my child every week and that costs me £40.'

- In these circumstances, you should try to establish whether the non-resident parent's costs fall within the grounds for a Contact Costs 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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### [Contact Costs: Decision Making Guidance: Preliminary Consideration](#)

Applications must be given a 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**

Applications 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 maintenance liability is £7 or less; or
- 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

## **Contact Costs: Discretionary Reasons for Rejection**

For the ground to be identified, the non-resident parent must confirm that they incur costs in order to maintain regular contact with 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 visit 'X' every week. They live 40 miles away and it costs me £20 in petrol to get there'.
- My child lives 100 miles away. I only have contact on Saturdays, so I need to stay in a hotel every Friday to have the full day with them'.

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

- 'I cannot afford to pay this amount because I take my children out every Saturday and it costs me a lot'.

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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## Contact Costs: 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.

Contact costs 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. If a non-resident parent is unable to provide documentary evidence, you can still proceed with an application. In this situation you will need to make your decision on the balance of probabilities, taking into account the factual information the non-resident parent has provided and any information / evidence provided by the parent with care.

### **Details of the amount / type of expenses**

Examples

'I pay £40 a week in train fares to visit my child'

The amount of £40 and the type of expenses (train fares) have both been identified.

### **Details of amount / type 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 travel costs incurred during contact visits with the qualifying child. They cannot remember the exact amounts

involved, but say they will check their records and provide the information as soon as possible.

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

If the 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**

The type of documentary evidence needed will depend on the type of expenses claimed. NOTE: the following drop-downs indicate what would be considered sufficient evidence for each type of expenses. However, if a party submits any other form of evidence, this can still be taken into account and should be weighed against the other information / evidence submitted.

#### **Tickets**

The following types of evidence can be accepted:

- used tickets;
- ticket receipts;
- bank statements confirming purchase of the tickets

#### **Fuel**

Non-resident parents may not be able to provide evidence of their fuel costs. This is because they are unlikely to use all the fuel purchased in a single transaction for the contact visit.

If the non-resident parent does not have evidence of their fuel costs then the following information will be required:

- the mileage involved in the journey; and

- the cost of the journey.

If the non-resident parent does not know the cost of the journey then you can use the average fuel costs guidance based on the mileage the non-resident parent travels.

The average fuel costs guidance can also be used if the non-resident parent provides an amount which you (or the parent with care, when invited to make representations) consider unreasonable or excessive.

### [HM Revenue & custom: Company cars - advisory fuel rates from 1 September 2013](#)

HMRC guidance under Company Cars - Advisory Fuel Rates for Company Cars under the current rate link. According to the site, there are three rates according to engine size.

#### **Taxis**

The following types of evidence can be accepted:

- receipts to confirm the cost involved; and
- medical evidence to confirm the relevant illness / disability. E.g. a doctor's note or evidence of relevant benefits such as Disability living Allowance.

#### **Car Hire**

The following types of evidence can be accepted:

- receipts / statements from the car hire company;
- the cost of the same journey using public transport / taxis.

#### **Overnight accommodation costs**

The following types of evidence can be accepted:

- receipts;
- bank statements confirming the accommodation charges were paid on the relevant date(s); or
- confirmation from the hotel.

#### **Minor incidental costs**

The following types of evidence can be accepted:

- receipts ;
- copy of bank statements.

Where neither of the above are available:

- details of the journey and where the charges arise;
- caseworkers will be able to check these details on the internet if needed.

### **Third party costs**

The following types of evidence can be accepted:

You will need 2 types of evidence for third party cost applications:

1. evidence of the type / amount of costs claimed: the usual types of evidence can be accepted for this purpose: e.g. receipts / bank statements etc.; and
2. evidence of the Third Party requirement: e.g. a court order requiring a third party presence or a letter from a GP / specialist

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### [Contact Costs: 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.

#### **Representations do not need to be invited if:**

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

- 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

#### **When you invite the other party to make representations, they must be:**

[1991/48 Schedule 4A\(4\) of the Child Support Act 1991](#)

[2012/2677 Regulation 59\(4\) of the Child Support Maintenance Calculation Regulations 2012](#)

- 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 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 located.

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### **Contact Costs: Decision Making Guidance: Deciding whether to allow the variation**

When you are deciding whether to allow a contact costs 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 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 non-resident parent and parent with care agree that a contact arrangement is due to start in 2 weeks. Information has been provided confirming that this will lead to the non-resident parent incurring permitted contact costs.

In these circumstances, a variation can be considered, with a future effective date, based on the estimated future expenses

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 variation on 1 July 2010. Due to the need for further evidence, a decision was not made until 1 September 2010. By that time, the decision maker has been notified that the non-resident parent's contact arrangements ceased on 1 August 2010. A variation can only be considered for the period between the date of the application (1 July 2010) and the date that the contact arrangement ceased (1 August 2010)

#### **Are the expenses claimed Reasonable?**

If – based on the evidence available - you consider any expenses to be unreasonably high or to have been unreasonably incurred; you may apply a lower amount.

Example:

The non-resident parent claims accommodation costs for an overnight stay. The requirement for an overnight stay is accepted, but the non-resident parent is claiming for a 5 star hotel and there is a range of alternative accommodation available in the relevant location at a lower cost.

In these circumstances, we can consider allowing the variation for an amount lower than the actual costs claimed by the non-resident parent. If this decision is made, it will need to be explained carefully to the non-resident parent. You are not saying that the non-resident parent must use different accommodation, but that we can only allow a reasonable amount for accommodation costs. It is up to the non-resident parent to decide whether they want to incur costs above this.

#### **Does the non-resident parent receive any financial assistance?**

Non-resident parents may receive financial assistance towards the specific expenditure on which their application is based.

Example:

- a friend / relative may accompany the non-resident parent on contact visits, and make a contribution towards petrol costs

In these circumstances, the non-resident parent should not receive an allowance for costs that are effectively being paid by someone else. An amount equivalent to the financial assistance that the non-resident parent receives must be deducted from the expenses total, before the variation is calculated.

### **Is the Financial Threshold still satisfied?**

An application for contact costs 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 contact costs 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?

### **Reinstating variations for non-resident parents who have returned from active duty**

Where a non-resident parent returning from active service informs us by telephone they have returned from active duty and wish their previous contact costs variation reinstated, you would consider this to be an application for a variation.

Contact the parent with care by telephone to obtain confirmation and, provided that they agree the variation be reinstated on the **previously existing terms**, variation should be reinstated.

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### **Contact Costs: Decision Making Guidance: Effect of a variation**

There is no ground specific guidance for the effect of a variation. Please refer to the [overview](#).