

Effective Date Table 7 - Revisions

Relevant PLDMG links

[Revisions](#)

[Mandatory Reconsiderations](#)

Circumstances	Effective Date
Mandatory Reconsideration – change accepted as applicable at the effective date of the decision under dispute	The effective date is the same effective date as that under dispute.
Mandatory Reconsideration – Change was not applicable at the effective date under dispute	See relevant table for supersession: Effective Date Table 2 – Supersession - Income Related Changes Effective Date Table 3 – Supersession – Add Child Role Effective Date Table 4 – Supersession – Remove Child Role Effective Date Table 5 – Supersession - Other Effective Date Table 6 – Close Case
Original decision was wrong because a client misrepresented or failed to inform the CMS about a relevant fact and the original decision was advantageous to the client as a consequence	The original decision is revised to correct the misrepresentation and/or include the relevant fact.

<p>Appeal has been made but not determined</p>	<p>If a client submits an appeal against the original decision within the relevant appeal time limits and the CMS identifies that there are grounds for a revision then it can revise the decision at any time before a Tribunal makes a decision on the appeal.</p> <p>Example A</p> <p>The PWC appeals the maintenance calculation because they believe the HMRC data is incorrect. The CMS later receives confirmation that HMRC have amended their data due to an official error which produced an incorrect income figure for the NRP. The Tribunal have not yet made a decision on the appeal and therefore the CMS can proceed with the Revision.</p>
<p>CMS becomes aware within 30 days of the initial maintenance calculation being notified that the maintenance calculation was incorrect</p>	<p>The maintenance calculation can be revised from the initial effective date.</p> <p>Example B</p> <p>A third party notifies the CMS that the NRP is in prison. The CMS therefore needs to complete a revision to place the NRP onto the nil rate from the initial effective date.</p>
<p>A decision was incorrect due to an official error by the CMS, DWP or HMRC</p>	<p>The decision is revised to correct the error from the original effective date the error occurred.</p>
<p>A maintenance calculation is based upon information from HMRC and that information is subsequently amended</p>	<p>The first calculation that included that information is revised from that effective date. This could be the initial effective date or supersession (i.e. annual review).</p> <p>Example C</p> <p>The CMS completes an Annual Review based on gross weekly income of £550 from HMRC for the tax year 2011 / 2012. HMRC subsequently receive further information and amend their records to reflect £600 gross weekly income for the same period. The CMS updates their records and revises the maintenance calculation.</p>

<p>A person is named as a parent of the Qualifying Child and is later found not to be a parent</p>	<p>The liability ends from the initial effective date for that child. Note this may not be the initial effective date of the case if there are two QCs and the person is only found not to be the parent for one child.</p> <p>Example D</p> <p>The NRP has a maintenance liability based on two QCs. He subsequently provides evidence in the form of a DNA test which confirms he is not the father of one of the QCs. The CMS updates their records and revises the maintenance calculation.</p>
<p>A Default Maintenance Decision (DMD) has been imposed and the Non-resident Parent provides or the CMS obtains information enabling a full maintenance calculation to be made</p>	<p>If the CMS now has sufficient information valid on or before the effective date of the DMD then the DMD is replaced from its effective date.</p> <p>If the evidence starts after, then a new calculation (supersession) will be required for the case and the caseworker will still need the NRP to provide information for the period covered by the DMD, to replace it. The effective date of such a “later” change will be:</p> <ul style="list-style-type: none"> • the date the change to income is reported by the client; • the date information is provided to us, if received from a third party (e.g. employer); or • the date the decision is made if the change was not reported by a client or a third party. <p>Example E</p> <p>A DMD is in place from 7th October 2015. The NRP notifies CMS on 9th November 2015 of new employment that started 29th October 2015. The DMD cannot be replaced using this evidence as it is not effective from 7th October 2015. The DMD remains in place and a supersession completed from 9th November 2015.</p>