

Effective Dates

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Effective Dates: What is an effective date? - Overview

When you make a decision which affects the maintenance calculation, you will need to know what date the new / changed calculation is effective from. This date is referred to as the **effective date** of the decision.

Decisions that need an effective date are any decisions that will start, change or end the child maintenance liability.

The law on effective dates is contained in a number of regulations. The appropriate regulation depends on the type of decision involved. The following links provide guidance on each type of decision.

Revisions

[2012/2677](#) *Regulation 16 of the Child Support Maintenance Calculation Regulations 2012*

[2012/427](#) *Regulation 15 of the Child support Maintenance Calculation Regulations (Northern Ireland) 2012*

The effective date for a Revision will be the date of the original decision, unless the date the original decision took effect from is incorrect.

Refer to the [Decision Making Guidance](#) for further advice

Changes to relevant benefit status

[2012/2677](#) *Regulation 18(3)(d) of the Child Support Maintenance Calculation Regulations 2012*

[2012/427](#) *Regulation 17(3)(d) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

If a non-resident parent starts / stops receiving a relevant benefit, the effective date of the decision changing their maintenance liability is the date the change occurred.

Refer to the [Decision Making Guidance](#) for further advice

Changes ending liability

[2012/2677](#) *Regulation 18(3) of the Child Support Maintenance Calculation Regulations 2012*

[2012/427](#) *Regulation 17(3) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

If a change occurs that ends the maintenance liability, either:

- on the entire case: For example: Non-resident resident parent ceases to be habitually resident; or
- for a particular qualifying child: For example: one child reaches the age of twenty. Liability ends for that child, but continues for any others.

The effective date of the decision is the date the change occurred.

Refer to the [Decision Making Guidance](#) for further advice

Changes in income that the non-resident parent must report

2012/2677 Regulation 18(4) of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17(4) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

- Non-resident parents on a current income maintenance calculation are required to inform the CMG if their gross weekly income increases by 25% or more; and
- Non-resident parents whose liability is based on nil current income are required to inform the CMG if they start receiving gross weekly income of £7 or more per week.

In these circumstances, the effective date of the decision will be the date the increase in income occurred or the date the new income started being received.

These types of changes may also be initiated by the CMG or by a Third Party. In these circumstances the effective date will still be the date the increase in income occurred.

This ensures the non-resident parent:

- does not benefit from withholding the information, and;
- the parent with care and qualifying children are not disadvantaged.

Refer to the [Decision Making Guidance](#) for further advice

CMG initiated changes

2012/2677 Regulation 18 of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of a CMG initiated change depends on the reason the change was initiated.

Refer to the [Decision Making Guidance](#) for further advice

Other changes reported by a client that affect liability

2012/2677 Regulation 18 of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

There are a number of other changes that affect liability. These include:

- Non-resident parents income increases / decreases (NRP not legally required to report);
- Parents with care reporting additional qualifying children;
- Changes affecting Relevant other Children, Children Supported under Family Based Arrangements and Children Abroad; and
- Changes to Shared Care.

Refer to the [Decision Making Guidance](#) for further advice on each of these scenarios.

Future Changes

[2012/2677](#) Regulation 18(2) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If it is known that a change affecting the maintenance liability will occur on a specific date, the decision takes effect from the date that the change is expected to occur.

Refer to the [Decision Making Guidance](#) for further advice

Variations

The effective date for a Variation decision will depend on when the application for a Variation is made, and whether the Maintenance Calculation has already been completed.

Refer to the [Decision Making Guidance](#) for further advice.

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Effective Dates: Revisions - Decision Making Guidance

Revisions

- A Revision is a decision that **replaces** an earlier decision. The effective date will therefore be the date of the original decision; unless
- The date the original decision took effect from is found to be incorrect. In these circumstances, the revised decision will take effect from the date that the original decision **should** have taken effect from.

Effective Dates: Changes to relevant benefit status - Decision Making Guidance

The effective date of a change in benefit status is the date the change occurred.

Non- resident parent has stopped receiving a relevant benefit

- the date the change occurred is treated as the date the entitlement to benefit ceased;
- where the non-resident parent is on universal credit, the above will also apply. Refer to guidance on **Universal Credit** for further information.

Example

The CMG is notified on 14 April 2013 that the non-resident parent is no longer entitled to JSA(IB). You confirm that benefit entitlement ceases on this date i.e. the non-resident parent was paid benefit up to but not including this date.

The date the change occurred will be the date the non-resident parent's benefit entitlement ceases = 14 April 2013. This will be the effective date for the new child maintenance decision.

NOTE: If, before the non-resident parent or their partner started receiving a relevant benefit, a variation was in place then it will be automatically re-instated.

If a parent reports that the variation no longer occurs or that something has changed then a supersession should be completed using one of the following effective dates:

- the date the variation was re-instated - if the change was reported within 30 days from the date of the decision;
- the date the change was reported - if the change was reported outside 30 days and there is no valid reason for delay.

Non-resident parent has started receiving a relevant benefit

- The date the change occurred is treated as the date the benefit award starts.

Example

The CMG is notified on 14 April 2013 that the non-resident parent has been awarded JSA(IB). You confirm that benefit entitlement started on 10 April 2013 (The system provides a benefit start date as 10 April 2013 and this is the date that should be used.).

The date the change occurred will be the date the benefit award started = 10 April 2013. This will be the effective date for the new child maintenance decision

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[Effective Dates: Changes ending liability - Decision Making Guidance](#)

[2012/2677](#) Regulation 18 of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of a change which ends the maintenance liability is usually the date the change occurred.

A wide range of changes can lead to the maintenance liability ending, but these can be broadly classified as follows:

- the parent with care/non-resident parent cease to be a parent in relation to the qualifying child;
- the parent with care, non-resident parent or qualifying child cease to be Habitually Resident;
- a child ceases to be a qualifying child (Refer to the guidance on Who is a Child for additional information about when these type of decisions take effect. This guidance covers terminal dates etc.) This applies where the liability ends for a particular qualifying child, but does not end altogether. For example: the non-resident parent has 2 qualifying children. One reaches age 20. Liability will end for that child from the date the change occurred. Liability for the other child will continue.

Refer to the [definition of a child](#) guidance for further advice

CMG Initiated: Information provided by third party

[2012/2677](#) Regulation 18(6)(b) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulations 17(6)(b) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

NOTE: Providing the reason for the change does not fall within Regulations 18(2) to 18(5), the effective date of CMG initiated change as a result of information provided by a third party is the date the information is provided.

Example One

Non-resident parent's employer reports on 14 February that the non-resident parent stopped working for them on 31 January.

The effective date of the change is 14 February.

NOTE: Non-resident parents have a legal duty to notify the CMG of a change to employment. If it is later found that as a result of the change in employment, the non-resident parent's income increased by at least 25%, then the effective date will be the date the change occurred.

Example Two

Non-resident parent's employer reports on 14 February that the non-resident parent has permanently moved abroad.

Non-resident parent confirms that he permanently moved abroad on 01 February.

The effective date is the 01 February (date the change occurred). Reg 18(3) MC Regs 2012

NOTE:

Where it is HMRC that has notified the change, they may give a slightly different date from the actual date of the change. This is because Child Benefit only takes account of a change from the start of a relevant weekly pay period. In these cases, use the date supplied by HMRC as the effective date of the change.

NOTE:

Although a parent with care requesting case closure will end the maintenance liability, the effective date of the case closure will be the date the request is made. Regulation 18(6)(a) of the MC Regulations 2012.

Examples

Example 1

The CMG is notified by the non-resident parent that the last qualifying child in the calculation has left the parent with care's household. This change occurred on 23 May 2014.

The effective date will be the date the change ending liability occurred: 23 May 2014.

Example 2

The CMG is notified that the parent with care has recently died. The date of death was 15 July 2014.

The effective date will be the date the change ending liability occurred: 15 July 2014.

Example 3

On 1 April a non-resident parent reports that their 18 year old son (QC) has left school in the middle March to start work. The Child Benefit check shows it still to be in payment. When the parent with care is contacted, they confirm that their son started a full time job on 12 March.

Liability for the son ceases from 12 March and that is the actual date of change.

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[Effective Dates: Changes in income \(that a non-resident parent is required to report\) - Decision Making Guidance](#)

Non-resident parents on a current income calculation are required to notify the CMG within 14 days of the change occurring if their gross weekly income:

- increases by 25% or more; or
- Increases from nil to at least £7.

The effective date is the date the increase in income occurred.

The effective date rule for these cases ensures that the non-resident parent's liability increases from the date that any income changes should have been reported.

Example

The CMG is notified on 21 May 2014 that the non-resident parent has received a promotion. The existing maintenance calculation is based on current income and the non-resident parent is therefore under a duty to report increases in their income.

You contact the non-resident parent for further information and they advise you that their promotion took effect from 1 May 2014. Evidence is provided confirming a 25% increase in the non-resident parent's income from that date.

The effective date of the new decision will be 1 May 2014: the date that the increase in income occurred.

Policy Note

In many cases, the non-resident parent may not actually receive an increase in their income until their next available pay day. However, in these circumstances, the non-resident parent will normally receive the increase backdated to the date that the change in their rate of pay started. We would therefore treat the date of the increase

in income as the date that the non-resident parent became entitled to income at the higher rate.

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Effective Dates: CMS initiated changes - Decision Making Guidance

There are three types of CMG initiated changes:

- where the CMG takes action due to information provided by a third party (for example: an employer); and
- where the CMG carries out a periodic review of the non-resident parent's Current Income; and
- where the CMG carries out an annual review of the non-resident parent's Historic Income.

Different rules apply to each of these scenarios.

CMG Initiated: Periodic Review of Current Income

2012/2677 Regulation 18(6)(c) of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17(6)(c) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of a Current Income review decision is the date the decision is made. Refer to the guidance on [Income Reviews](#) for further information about Current Income checks.

Example

The non-resident parent's liability is based on current income. A periodic current income check is due to take place on 1 June 2014 to ensure the non-resident parent's income remains at least 25% different to the latest HMRC figure. The CMG requests current income details on 1 May 2014. Evidence is provided on 10 May 2014.

The non-resident parent's current income is no longer at least 25% different to the latest HMRC figure and so they are placed back on HMRC data.

The decision is made on 10 May 2014, therefore the effective date = 10 May 2014

NOTE: the only exception is where the non-resident parent's new evidence shows that they were required to report an increase in income. In these circumstances, the effective date will be the date that the 25%+ increase in income occurred.

CMG Initiated: Annual Review of Historic Income

[2012/2677](#) Regulation 19(2) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 18(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of an Annual Review decision is the annual review date. This will always be the anniversary of the initial effective date. Refer to the guidance on [Income Reviews](#) for additional information about the Annual Review of Historic Income.

NOTE: if an application is made in a Leap Year and the initial effective date is the 29th February, the Annual Review Date will be set for 1 March of the following year.

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[Effective Dates: Other changes reported by a client that affect liability - Decision Making Guidance](#)

A wide range of other changes can lead to the maintenance liability being affected. These can be broadly classified as follows:

- non-resident parents income increases / decreases (NRP is not legally required to report);
- parent with care reports they have an additional qualifying child (to the same non-resident parent);
- the non-resident parent reports that they have a relevant other child, a child supported under a family-based arrangement or a child abroad;
- the non-resident party (or another party) reports that they no longer have a relevant other child, a child supported under a family-based arrangement or a child abroad;
- a client reports that the non-resident parent has started / stopped having Shared Care of the qualifying child(ren), or that there have been changes to the amount of shared care provided.

NRP has increase / decrease in income

[2012/2677](#) Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17(6))a) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If the maintenance calculation is based on Historic Income then the non-resident parent is not legally required to report a change in their income.

The effective date in these situations will be the date the change is reported.

Example

On 02 February 2014 the non-resident parent reports a 25% decrease in their income.

The effective date is the date the CMG is notified of the change = 02 February 2014.

The same effective date applies if the non-resident parent has a 25% increase in income.

Parent with care reports they have an additional Qualifying Child

[2012/2677](#) Regulation 18(5) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17(5) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If, on an existing case, the parent with care reports that they have an additional qualifying child with the same non-resident parent, the effective date rule is the same as for an initial maintenance decision. The effective date will be the date the non-resident parent is notified in writing that an application has been made in respect of that qualifying child.

Non-resident parent reports they have a Relevant Other Child etc.

[2012/2677](#) Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17(6)(a) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If the non-resident parent reports that they are responsible for:

- a Relevant Other Child;
- a Child Supported under a Family Based Arrangement; or
- a Child Abroad

The effective date will be the date the change is reported.

Non-resident parent reports they no longer have a Relevant Other Child etc.

[2012/2677](#) Regulation 18(3)(a) of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17(3)(a) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If the non-resident parent reports that they are no longer responsible for:

- a Relevant other Child; or
- a Child supported under a Family Based Arrangement; or
- a Child Abroad

The effective date will be the date the change occurred.

These changes may be because the non-resident parent is no longer responsible for the child, or because of a change in the child's status, which means they can no longer be treated as one of the above (NOTE: this includes cases where Child Benefit has ceased for a Relevant Other Child, as this is a specific qualifying condition – Refer to the guidance on Who is a [Relevant Other Child](#) for further advice).

Shared Care

2012/2677 Regulation 18(6) of the Child Support Maintenance Calculation Regulations 2012

If a client reports that the non-resident parent has:

- started / stopped having shared care; or
- that the amount of shared care provided has changed.

The effective date of the decision will be the date the change is reported.

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Effective Dates: Future changes - Decision Making Guidance

Changes that are expected to occur

2012/2677 Regulation 18(2) of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

NOTE: If a parent reports a change in advance of the date on which it is expected to occur, you should advise them to call again once the change has actually taken place.

The effective date of a supersession in these circumstances will be the date the change occurred.

Example

The non-resident parent reports on 21 January that from 28 January they will have shared care of two nights per week.

A record of the change and the date on which it is expected to occur is recorded in free text. The non-resident parent is advised to call again on 29 January to confirm that the change did in fact take place.

Non-resident parent calls on 29 January and confirms that shared care is now taking place, this is confirmed with the parent with care and a supersession is completed, using an effective date of 28 January.

Relevant other child: Child Benefit not in payment

If a non-resident parent reports that they have a new born relevant other child then action cannot be completed until Child Benefit is in payment.

If Child Benefit is in payment then the effective date of the change is the date the change is reported.

If Child Benefit is not yet in payment then this should be treated as a future change. You should advise the non-resident parent that the change cannot be completed until Child Benefit is actually in payment.

When this is confirmed the effective date of the change will be one of the following:

- If Child Benefit is awarded from a date which falls on or before the date the non-resident parent reported the relevant child - the effective date will be the date the change was reported;
- If Child Benefit is awarded from a date that falls after the date the non-resident parent reported the relevant child - the effective date will be the date Child Benefit was awarded from.

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[Effective Dates: Variations - Decision Making Guidance](#)

Application for Variation

2012/2677 Regulation 13 of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 12 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

NOTE: Where an application for a variation is made after the maintenance calculation has been completed, then providing it cannot be treated as a revision, the effective date will be:

- the date the ground is expected to occur, if this is in the future (Regulation 18(2) MC Regulations 2012); or
- the date the application is made (Regulation 18(6)(a) MC Regulations 2012).

Where an application for a Variation is made **before** a decision has been reached on the initial Maintenance Calculation, the effective date is:

- the initial effective date, if the ground the application is based on existed from the initial effective date of the Maintenance Calculation; or,
- the date the ground arose if this is **after** the initial effective date.

Example

Parent with care makes an application for a Maintenance Calculation on 16 Oct.

The non-resident parent is notified of the application which sets the initial effective date of 18 Oct.

On 22 October the non-resident parent confirms that he has regular contact with the qualifying child which costs him £20 per week. The Contact has been in place since August. The CMG advises the non-resident parent of the Variations scheme and they make an application for Contact Costs.

The parent with care agrees to Variation and confirms that the contact has been in place since August.

The effective date of the Maintenance Calculation which takes account of the Variation is 18 Oct.

Changes to a Variation

2012/2677 Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012

2012/427 Regulation 17(6)(a) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of a reported change to an existing Variation is the date the CMG is notified. The only exception to this is where there is an earned income variation in place and the non-resident parent has a duty to report increases in current income of 25% or more. In these circumstances, the effective date will be the date the change

occurred. Regulation 18(4) of the Child Support Maintenance Calculation Regulations 2012.

Example

The non-resident parent reports on 16 February that his Contact Costs have increased because the Qualifying Child has moved further away.

The effective date will be the 16 February.

Variations that are expected to occur

[2012/2677](#) Regulation 18(2) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 17(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

The effective date of an application for a Variation or a change to a Variation that is expected to occur from a known future date, is the date that change is expected to occur.

Example

The non-resident parent has an existing Variation in place for Prior Debts. He reports on 16 February that he has agreed with the parent with care to start having contact with the Qualifying Child once a week from 01 March. The non-resident parent will travel by train which will cost £20 for a return journey

The decision will be made with a future effective date of 01 March.

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