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[1991/48](#) *Schedule 1, Child Support Act 1991*

[2012/2677](#) *The Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Schedule 1, Child Support (Northern Ireland) Order 1991*

[2012/427](#) *The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

What is the statutory Child Maintenance calculation?

The statutory child maintenance calculation determines how much child maintenance a non-resident parent has to pay to help support their children. We refer to this amount as the non-resident parent's child maintenance liability.

The rate the non-resident parent's liability is based on will depend on their income or benefit status. However, a range of other factors affect the amount the non-resident parent has to pay.

The following sections provide guidance on the factors other than income / benefit status that can affect the non-resident parent's liability.

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When an application for a maintenance calculation is made, Siebel will automatically check the Customer Information System (CIS) to see whether the non-resident parent is receiving of a prescribed benefit.

Following this, Siebel will make an automatic request to HMRC to obtain the non-resident parents income information for the latest available tax year. The next action will depend on the non-resident parents circumstances:

- **Receiving benefit - HMRC provide provide historic income figure**

If the non-resident parent is receiving of a prescribed benefit, Siebel will automatically override any historic income information obtained from HMRC and will

produce a Flat Rate provisional calculation. This is issued to the non-resident parent only, along with a notice that an application for maintenance has been made.

Any historic income figures will automatically be saved on Siebel.

See below for further information on what a provisional calculation is.

See Decision Makers Guidance for further advice on the flat rate.

- **Not receiving benefit - HMRC provide positive historic income figure**

If the non-resident parent is not receiving of a prescribed benefit and HMRC provide a positive historic income figure then Siebel will produce a provisional calculation based on that historic income figure. This is issued to the non-resident parent only, along with a notice that an application for maintenance has been made,

See below for further information on what a provisional calculation is.

See Decision Makers Guidance for further advice on the child maintenance rates.

- **Not receiving benefit - HMRC provide nil income figure**

If the non-resident parent is not receiving a prescribed benefit and HMRC provide a nil income figure then Siebel will produce a provisional calculation based on the nil figure.

See below for further information on what a provisional calculation is.

See Decision Makers Guidance for further advice on current income.

- **Not receiving benefit - HMRC provide no income details**

If the non-resident parent is not receiving a prescribed benefit and HMRC provide no income details then Siebel will not produce a provisional calculation. The non-resident parent should still receive a notice that an application for maintenance has been made and this should be accompanied by a request for details of their current income.

See Decision Makers Guidance for further advice on Current Income.

HMRC information is requested but not provided until the second or third request after the non-resident parent has been asked to provide current income information

Pre- calculation

If income information becomes available from HMRC PRIOR to initial maintenance calculation being carried out, liability must be based on HMRC information provided unless 25% tolerance applies, the amount of historic income was nil or no historic income was available. This is the case whether or not current income information has been requested and/or received from the non-resident parent. This is because

regulations require that the calculation is based on historic information unless one of the above exceptions i.e. current income differs by 25% or HMRC link is unavailable is satisfied.

Post-calculation

Where maintenance calculation has been completed based on current income information because HMRC automated interface calls had initially proved unsuccessful but this information later becomes available post-calculation, liability cannot be amended to allow use of HMRC information. HMRC information can only be used as the basis of a new calculation if the grounds for a supersession or revision were satisfied, or at annual review.

Non-resident parent fails to respond to a request for current income

If a non-resident parent fails to respond to a request for current income then you will need to consider estimating the non-resident parent's income. Refer to the following guidance:

- Current income employed - if the non-resident parent is employed; or
- Current income self employed - if the non-resident parent is self-employed

If the parent with care does not know whether the non-resident parent is employed or self employed then you may need to impose a default maintenance decision (DMD) and consider a referral to an investigation officer.

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