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### Child Maintenance Rates and Rules: Overview

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

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

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

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

All child maintenance calculations are based on one of six specific rates. Which rate applies will depend on:

- the amount of gross weekly income the non-resident parent receives;
- whether the non-resident parent or their partner is receiving any prescribed benefits;
- whether the non-resident parent is in a particular category of person; and
- whether there is insufficient information / evidence to make a full calculation.

The six rates and the circumstances in which they apply are summarised below.

[Refer to the Decision Making Guidance for full details of percentages etc. and examples.](#)

#### **(1) Basic rate: gross weekly income between £200 - £800 (inclusive)**

[1991/48](#) *Para 2, Schedule 1 of the Child Support Act 1991*

The Basic Rate applies if the non-resident parent has gross weekly income of £200 or more. This rate applies up to £800 (inclusive). Any amount above this would be based on the Basic Rate Plus (see below). The Basic Rate liability is based on a percentage of the non-resident parent's total gross income (not just the amount between £200 - £800), depending on the number of qualifying children they are liable to maintain.

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

**(2) Basic rate: gross weekly income between £800.01 - £3000 (inclusive)**

[1991/48](#) Para 2, Schedule 1 of the Child Support Act 1991

Basic Rate Plus is not a legal term in its own right, but is a sub-set of the Basic Rate.

This rate applies if the non-resident parent's gross weekly income exceeds £800. The Basic Rate will still apply to the income up to £800, but separate percentages should be applied to any income exceeding that amount.

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

NOTE: the maximum amount of gross weekly income that can be taken into account is £3,000. Any income above this amount is ignored.

**(3) Reduced rate: gross weekly income between £100.01 - £199.99 (inclusive)**

[1991/48](#) Para 3, Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 43 of the Child Support Maintenance Calculation Regulations 2012

The Reduced Rate applies if the non-resident parent's gross weekly income is more than £100, but less than £200. The reduced rate consists of two parts:

- a flat rate of £7.00 for the first £100 of income; and
- a percentage of any gross weekly income above £100, depending on the number of qualifying children and relevant other children.

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

**(4) Flat rate: gross weekly income between £7 - £100 (inclusive) or prescribed benefits**

[1991/48](#) Para 4, Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 44 of the Child Support Maintenance Calculation Regulations 2012

The Flat Rate will normally apply if:

- the non-resident parent has gross weekly income of £7 or above, up to and including £100; or
- the non-resident parent receives a specified social security benefit, pension or allowance; or
- the non-resident parent's partner receives a specified social security benefit, pension or allowance (NOTE: There are differences between the benefits specified for non-resident parents and those specified for their partners. Refer to the benefits appendix for further details).

In these circumstances, the non-resident parent will be liable to pay the Flat Rate of £7.00 per week. This is a set rate, which is not affected by the number of qualifying children, relevant other children or children supported under private arrangements.

Exceptions: The Flat Rate of £7.00 will not apply in certain circumstances.

[Refer to the Decision Making Guidance for further details of these Exceptions](#)

**(5) Nil rate: gross weekly income between £0 - £6.99 (inclusive) or prescribed person**

[1991/48](#) Para 5, Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 45 of the Child Support Maintenance Calculation Regulations 2012

The Nil Rate applies if:

- the non-resident parent's gross weekly income is less than £7.00; or
- the non-resident parent is in a prescribed category of persons.

**NOTE**

2012 differs from 2003 as non-resident parents who are students are now also assessed according to their gross weekly income instead of automatically being placed on the nil rate.

However some circumstances might still classify them as a child so please check Who is a Child/Qualifying Young Person to ensure that the correct decision is made.

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

**(6) Default maintenance decision rate**

[1991/48](#) Section 12(1) of the Child Support Act 1991

[2012/2677](#) Regulation 49 of the Child Support Maintenance Calculation Regulations 2012

A Default Maintenance Decision may be imposed where:

- the non-resident parent is not in receipt of prescribed benefits
- HMRC have been unable to provide a historic income figure
- the non-resident parent has failed to provide sufficient evidence of their Current Income
- it is not possible for current income to be estimated

[Refer to the Decision Making Guidance for further advice on imposing a Default Maintenance Decision and the applicable rates.](#)

Cases with more than one parent with care (Apportionment)

[1991/48](#) Para 6, Schedule 1 of the Child Support Act 1991

If there is more than one parent with care, the maintenance liability is divided between the total number of qualifying children, and shared between the parents with care, according to the number of qualifying children each has.

### Example

Non-resident parent supports one child with PWC1 and two children with PWC2. The weekly liability is £30.

The total liability will be divided between the number of qualifying children:  $£30 / 3 = £10$  liability per qualifying child.

PWC1 will therefore receive 1/3 (£10) of the liability and PWC will received 2/3 (£20).

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[1991/48](#) Paragraph 2 of Schedule 1 of the Child Support Act 1991

### **Basic rate: gross weekly income between £200 - £800 (inclusive)**

The Basic Rate applies if the non-resident parent has gross weekly income between £200 and £800 (inclusive). Basic rate liability is based on a percentage of the non-resident parent's full gross weekly income (not just the amount between £200 - £800), depending on the number of qualifying children they are liable to maintain.

### **Basic rate percentages**

- 12% of the non-resident parent's gross weekly income if there is one qualifying child;
- 16% if there are two qualifying children;
- 19% if there are three or more qualifying children.

#### Example

A non-resident parent has gross weekly income of £350. He has two qualifying children. The non-resident parent's liability will be:

£350 (gross weekly income) x 16% (basic rate for two qualifying children) = £56.00

**REMEMBER:** A range of other factors can affect the non-resident parent's liability. Refer to the guidance on Other Factors for further advice.

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#### [Basic Rate Plus: Decision Making Guidance](#)

[1991/48](#) Paragraph 2, Schedule 1 of the Child Support Act 1991

#### **Basic rate plus: gross weekly income between £800.01 - £3000 (inclusive)**

Basic Rate Plus applies if the non-resident parent's gross weekly income exceeds £800. The Basic Rate will still apply to the income up to £800, but separate percentages should be applied to any income exceeding that amount.

#### **Basic rate plus percentages**

- 9% of the income exceeding £800 if there is one qualifying child
- 12% if there are two qualifying children
- 15% if there are three or more qualifying children

NOTE: Basic Rate plus percentages are lower than the percentages at the basic rate to reflect the greater differences between net and gross income amounts, when a non-resident parent is receiving income at these levels, due to higher taxation rates.

#### **Basic rate plus example**

Non Resident Parent is liable to support 1 qualifying child. His gross weekly income = £1,200

1. calculate liability on the 1st £800 of income = £800 x 12% = £96
2. calculate liability on the remaining income = £400 x 9% = £36

Basic rate plus liability = (1)+ (2) = £96 + £36 = £132

## IMPORTANT NOTE

### Maximum amount of gross weekly income

There is a maximum amount of gross weekly income that can be taken into account for the purposes of a child maintenance calculation. This amount is currently set at £3000. Any income above this level must be ignored in the maintenance calculation.

Parents with care can apply to the courts for 'top up' maintenance in respect of income above this amount, but we cannot take it into account in the main calculation.

**REMEMBER:** A range of other factors can affect the non-resident parent's liability. Refer to the guidance on Other Factors for further advice.

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### [Reduced Rate: Decision Making Guidance](#)

[1991/48](#) Paragraph 3, Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 43 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Paragraph 3 of Schedule 1 to the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulation 42 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

### Reduced rate: gross weekly income between £100.01 - £199.99 (inclusive)

The Reduced Rate applies if the non-resident parent's gross weekly income is more than £100, but less than £200. The reduced rate consists of two parts:

- a flat rate of £7.00 for the first £100 of income; and
- a percentage of any gross weekly income above £100, depending on the number of qualifying children and relevant other children.

### Reduced rate percentages

The percentage rate applied to the gross weekly income above £100 will depend on:

- the number of qualifying children; and
- the number of any relevant other children

Use the following table to identify the appropriate percentage:

		Number of Qualifying Children of the NRP		
		1	2	3
Number of Relevant Other Children of the NRP	0	17%	25%	31%
	1	14.1%	21.2%	26.4%
	2	13.2%	19.9%	24.9%
	3+	12.4%	18.9%	23.8%

### Reduced rate example

A non-resident parent has gross weekly income of £180. He has two qualifying children and 1 relevant other child. The non-resident parent's liability will be:

1. Reduced Rate Element for first £100: £7.00 +
2. Reduced Rate Element for gross weekly income exceeding £100 = £80 (gross weekly income exceeding £100) x 21.2% (reduced rate percentage for 2 qualifying children and 1 relevant other child = £16.96

Total Reduced Rate liability = £7 + Gross weekly income rate £16.96 = £23.96

### ROUNDING RULE :

#### When you are calculating amounts:

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

- Amounts that are 0.5 of a penny or more are rounded up;
- Amounts that are less than 0.5 of a penny are rounded down.

Example:

£1.126 will be £1.13

£1.124 will be £1.12

**NOTE: If a reduced rate calculation results in an amount below £7.00, the non-resident parent's liability will be set at £7.00**

**REMEMBER:** A range of other factors can affect the non-resident parent's liability. Refer to the guidance on Other Factors for further advice.

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## [Flat Rate: Decision Making Guidance](#)

[1991/48](#) Paragraph 4, Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 44 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Paragraph 4, Schedule 1 of the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulation 43 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

### **Flat Rate: gross weekly income between £7 - £100 (inclusive) or prescribed benefits**

The Flat Rate will normally apply if:

- the non-resident parent has gross weekly income between £7 - £100; or
- the non-resident parent receives a specified social security benefit, pension or allowance; or
- the non-resident parent's partner receives a specified social security benefit, pension or allowance.

In these circumstances, the non-resident parent will be liable to pay the Flat Rate of £7.00 per week, subject to certain exceptions (see below). This is a set rate, which is not affected by the number of qualifying children, relevant other children or children supported under private arrangements.

### **Appendix 1**

[2012/2677](#) Regulation 44 of the Child Support Maintenance Calculation Regulations 2012

In most circumstances where a non-resident parent is in receipt of a prescribed benefit information should be available in CIS. If non-resident parent states s/he is on benefits and information confirming this is not electronically available to us, the non-resident parent should be asked to provide evidence of this.

### **Prescribed Benefits**

The following benefits, pensions or allowances are prescribed for the purposes of paragraph 4(1)(b) of Schedule 1 to the 1991 Act(1) (that is the benefits, pensions or allowances that qualify the non-resident parent for the flat rate)—

(Under the Social Security Contributions and Benefits Act 1992(2)):

- (i) bereavement allowance under section 39B(3),
- (ii) category A retirement pension under section 44(4),
- (iii) category B retirement pension under section 48C(5),
- (iv) category C and category D retirement pension under section 78(6),
- (v) incapacity benefit under section 30A(7),
- (vi) carer's allowance under section 70(8),
- (vii) maternity allowance under section 35(9),
- (viii) severe disablement allowance under section 68(10),
- (ix) industrial injuries benefit under section 94,
- (x) widowed mother's allowance under section 37(11),
- (xi) widowed parent's allowance under section 39A(12), and
- (xii) widow's pension under section 38(13);
- (b) contribution-based jobseeker's allowance under the Jobseekers Act 1995(14);
- (c) a social security benefit paid by a country other than the United Kingdom;
- (d) a training allowance (other than work-based training for young people or, in Scotland, Skillseekers training);
- (e) a war disablement pension within the meaning of section 150(2) of the Social Security Contributions and Benefits Act 1992(15) or a pension which is analogous to such a pension paid by the government of a country outside Great Britain;
- (f) a war widow's pension, war widower's pension or surviving civil partner's war pension within the meaning of that section(16);
- (g) a payment under a scheme mentioned in section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004(17) (compensation schemes for armed and reserve forces); and
- (h) contributory employment and support allowance.

**Prescribed benefits if received by non-resident's partner**

The following benefits are prescribed for the purposes of paragraph 4(1)(c) of Schedule 1 to the 1991 Act (that is the benefits that qualify the non-resident parent for the flat rate if received by the non-resident parent or their partner)—

- (a) Income support;
- (b) Income-based jobseeker's allowance;
- (c) Income-related employment and support allowance; and
- (d) State pension credit.

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### [Nil Rate: Decision Making Guidance](#)

[1991/48](#) Paragraph 5 of Schedule 1 of the Child Support Act 1991

[2012/2677](#) Regulation 45 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Paragraph 5 of Schedule 1 of the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulation 44 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

### **Nil rate: gross weekly income between £0 - £6.99 (inclusive) or prescribed person**

The Nil Rate applies if;

- the non-resident parent's gross weekly income is less than £7.00; or
- the non-resident parent is in a prescribed category of persons.

The Prescribed Categories for these purposes are listed below. Click on the individual links for guidance on checking whether the category applies.

### **Prescribed Categories of Persons**

#### **The non-resident parent is a child**

The Nil Rate will be payable if the non-resident parent is a child.

In cases where the non-resident parent is aged under sixteen, Siebel will automatically put the case on hold, and no further action will be taken until they are sixteen.

If the non-resident parent is aged between 16 – 19 (inclusive), you should check HMRC's Child Benefit system to confirm whether Child Benefit is in payment for the non-resident parent. If so, the non-resident parent can be treated as a child for these purposes.

However, if Child Benefit is not in payment, the non-resident parent may still be a child. Refer to the section on [Who is a Child](#) for further guidance.

### **The non-resident parent is in prison**

Non-resident parents or their representatives should be asked to provide documentary evidence confirming this. If they are unable to do so, you can contact the National Offenders Management Service (England and Wales) or the Scottish / Northern Ireland Prison Services.

### **Non-resident parent aged 16 or 17 and prescribed benefits in payment**

The nil rate will apply if the non-resident parent is 16 or 17 years old and is in receipt of, or included in their partner's claim for: Income Support; Jobseeker's Allowance (Income Based); or Employment Support Allowance (Income Related).

These benefits are all administered by DWP. You can therefore use CIS to check if they are in payment.

### **The non-resident parent is receiving a work based training allowance**

The Nil Rate will apply if a non resident parent living in England or Wales is in receipt of a work based training allowance for young people or, if they are in Scotland, Skill-Seekers Training.

The non-resident parent should be asked to provide documentary evidence from the training provider, confirming the training they are undertaking. Alternatively, they can provide evidence of any training allowances in payment, which may confirm that their training is acceptable for these purposes.

### **Non-resident parent in care home / hospital / receiving home care**

The Nil Rate will apply if the non-resident parent is:

- in a residential care home; or
- an independent hospital;
- is provided with a care home service or an independent health care service;

and either:

- is in receipt of a pension, benefit or allowance that would otherwise result in a flat rate liability; or
- has the whole or part of the cost of their accommodation met by a local authority.

The non-resident parent or their representative should be asked to provide documentary evidence confirming they are in the appropriate type of accommodation

or receiving the appropriate care service. Evidence from the non-resident parent's local authority would also be acceptable.

Note: in some situations non-resident parents who are on flat-rate and provide the required level of shared care may have their liability reduced to nil. Please refer to guidance on 'Shared Care reduction: flat rate liability' for more information

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### [Default Maintenance Decision: Decision Making Guidance](#)

[1991/48](#) *Section 12(1) of the Child Support Act 1991*

[2012/2677](#) *Regulation 49 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Article 14(1) of the Child Support (Northern Ireland) Order 1991*

[2012/427](#) *Regulation 48 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

Default Maintenance Decisions (DMD) are intended to act as short term decisions, that will prompt the non-resident parent to contact the CMG to establish a decision based upon actual income.

The Default Maintenance Decision weekly rates are set out in legislation and are:

- £39 for one child
- £51 for two children
- £64 for 3 or more children

If a Default Maintenance Decision is imposed then no adjustment is made for any factors such as shared care etc. In some circumstances, depending on the case, once a DMD has been imposed you may wish to consider a referral to an investigating officer or liaising with the criminal compliance team to discuss the next action when appropriate.

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