

[Case Closure on 1993 /2003 Schemes and Reactive Transition to 2012 Scheme](#)

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Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2013

Child Maintenance (2008 Act) (Commencement No.9) Order (NI) 2012

NOTE: Proactive and Reactive Case Closure is only relevant at Phase 2 (from 2014) This overview has been provided as background information about the intentions at Phase 2, it is subject to change but helps to provide the context for 'Reactive Transition' which will apply from the December 2012 launch. Further guidance on Case Closure is being developed in time for Phase 2.

During phase 2, all clients who have a case on either the 1993 or 2003 statutory schemes of maintenance will have to exercise a choice about their future maintenance arrangements as we will begin the process of closing all existing Child Support Agency cases - 'Proactive Case Closure'.

Clients will need to consider options outside the statutory scheme that may better match their individual circumstances (including Family Based Arrangements). There will not be an option to remain on the existing schemes and clients who find that the statutory scheme is the best option in their circumstances will need to make an application to the 2012 scheme and pay charges to do this.

The intention is that at the end of this process, all statutory scheme cases will be managed on a single set of calculation rules on one computer system.

Charging

Child Support Fees Regulations 2013 (currently in draft)

As charging will be introduced in the 2012 scheme, clients must be given the opportunity to exercise a choice about whether they want to have a case in the statutory scheme and pay charges to do so, or to make alternative arrangements.

Charges will include:

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- an application fee for the person making the application to access the scheme;
- an on-going fee to both parties for collecting and administering maintenance;
- fees for certain enforcement measures

Closing existing cases

Proactive Case Closure

The closure of all existing Child Support Agency cases will happen in defined 'tranches' phased over a period of approximately three years. This proactive process will not start until the new statutory scheme has been launched and has been working well for several months. The anticipated date for this is in 2014.

All existing Child Support Agency clients will be given six months (this is exactly 182 days in every case) notice that their child maintenance liability will end on their existing case. They will also be provided with information about the options available to them to support them in making a decision about the future of their child maintenance arrangements (including the opportunity to make a Family Based Arrangement or to make an application to the 2012 scheme). If, after considering their options, they want to apply to the 2012 scheme they will have to make an application via the Gateway. All 1993 and 2003 scheme cases will need to go through this process, the only exception to this is cases where the youngest or only qualifying child will exceed the maximum age of a qualifying child at some point during the proactive case closure process. These cases will be excluded so that existing maintenance arrangements are not disrupted and so that charges do not have to be paid to have a 2012 scheme case when there will only be a short time for those cases left to run.

What is the gateway?

The Gateway is a function managed by the Child Maintenance Service that administers the access test to the statutory scheme; all applicants must go through the Gateway process before they can make an application to the statutory maintenance scheme.

NOTE: As the proactive case closure process is not due to start until 2014 there is a significant period, until all existing cases are closed, where cases will be managed on three different statutory schemes (1993, 2003 and 2012).

Reactive Case Closure

During the process of proactive case closure, if a new application is made to the 2012 scheme naming a non-resident parent who is already a non-resident parent in at least one 1993/2003 scheme case, this new application will initiate the non-

resident parent's existing case(s) to close 'reactively' within a set period of time - this process is called 'Reactive Case Closure'. The new application to the 2012 scheme must involve a new Parent/Person With Care and the non-resident parent named must be in the non-resident parent role in both the 2012 scheme application and in the existing case(s).

Clients will be given one month (30 days in every case) notice that their case will close and will be provided with information about the options available to them to support them in making a decision about the future of their child maintenance arrangements (including the opportunity to make a Family Based Arrangement, or to make an application to the 2012 scheme). As in the proactive journey, if after considering their options, they want to apply to the 2012 scheme they will have to make an application via the Gateway and pay charges to do so.

Both proactive case closure and reactive case closure will only happen in Phase 2. This information has been provided for context and is subject to amendment when full guidance is produced for Phase 2.

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[Reactive Transition: Overview](#)

*Article 3(3) of the Child Maintenance and Other Payments Act 2008
(Commencement No. 10 and Transitional Provisions) Order 2012*

Article 3(3) of the Child Maintenance (2008 Act) (Commencement No 10 and Transitional Provisions) Order (Northern Ireland) 2012

What is Reactive Transition?

In phase 1, when a new application to the 2012 scheme is made and the non-resident parent named in that application has an existing case (on either the 1993 or 2003 scheme) where they are also in the role of non-resident parent with a different parent with care, the non-resident parent's 1993/2003 scheme case(s) will need to move to the 2012 scheme; this is so that all the cases in a non-resident parent's case-group can be managed together under one set of calculation rules.

The only other type of cases that will follow the reactive transition journey are those where the non-resident parent who is now on the 2012 scheme has a partner who is a non-resident parent in at least one 1993 or 2003 scheme case and either of the non-resident parents are in receipt of a prescribed benefit. The partner non-resident parent's cases will also move to the 2012 scheme.

The process of ending liability in a non-resident parent's 1993/2003 scheme cases fulfilling the above criteria, and starting liability for the non-resident parent's whole case-group on the 2012 scheme is called 'Reactive Transition'.

Cases will follow the 'Reactive Transition' journey from the launch of the 2012 scheme in December 2012 until Phase 2 and the start of the Proactive Case Closure process in 2014. After that there will be no automatic "transition" of cases, and Reactive Transition will be replaced by the 'Reactive Case Closure' process.

How is Reactive Case Closure different from Reactive Transition?

The key differences between Reactive Case Closure and Reactive Transition are:

- - Reactive Case Closure happens only in Phase 2 and Reactive Transition happens only in Phase 1
 - Clients must make a choice about future maintenance arrangements in Reactive Case Closure and pay charges if they want a 2012 scheme case, in Reactive Transition liability ends in existing cases and starts on the 2012 scheme automatically and there are no charges
 - The Reactive Case Closure journey is 30 days to allow clients to consider their options for future maintenance, the Reactive Transition journey is 9 days (liability ends on existing schemes on day 8 and starts on 2012 scheme on day 9) and happens automatically - clients do not need to make a choice

More guidance will be provided about Reactive Case Closure before Phase 2 commences.

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[Reactive Transition: Process Overview](#)

*Article 3(3) of the Child Maintenance and Other Payments Act 2008
(Commencement No. 10 and Transitional Provisions) Order 2012*

Article 3(3) of the Child Maintenance (2008 Act) (Commencement No 10 and Transitional Provisions) Order (Northern Ireland) 2012

Before the proactive Case Closure process starts, some cases will need to move to the 2012 scheme. These will be cases where a new application to the 2012 scheme is made and the non-resident parent named in that application has an existing case (on either the 1993 or 2003 scheme) where they are also in the role of non-resident parent with a different parent with care. In these circumstances, the non-resident parent's liability on 1993/2003 scheme case(s) will need to be ended so that it can start on the 2012 scheme for the whole case-group; this is so that all the cases in a

non-resident parent's case group can be managed together under one set of calculation rules.

The only other type of cases that will follow the reactive transition journey are those where the non-resident parent who is now on the 2012 scheme has a partner who is a non-resident parent in at least one 1993 or 2003 scheme case and either of the non-resident parents is in receipt of a prescribed benefit. The partner non-resident parent's cases will also move to the 2012 scheme.

The process of ending liability in a non-resident parent's 1993/2003 scheme cases fulfilling the above criteria, and starting liability for the non-resident parent's whole case-group on the 2012 scheme is called 'Reactive Transition'

Liability in the new 2012 scheme case cannot begin until liability has ended on the non-resident parent's existing 1993/2003 scheme case(s) because their liability can only be calculated under one set of calculation rules.

When a case follows the reactive transition process (which will only happen in Phase 1) clients will not need to make a choice about their future maintenance arrangements and will not pay application charges to have a case on the 2012 scheme.

Policy rationale - reactive transition

In a case selected for Reactive Transition the case will follow a 9-day journey to end liability in the 1993/2003 scheme case(s) (on day 8) and start liability in the 2012 scheme case-group on the 9th day. The length of the journey is to allow the new 2012 scheme case to be set-up and for the effective date to be set as quickly as possible so a liability can be established in the new case, in addition to ensuring continuity of liability for the clients in the 1993/2003 scheme cases that will join the 2012 scheme case-group.

Link to Maintenance Calculation Chapter – section RE calc in new cases that trigger an existing case for RT

Triage / Commencement Orders

The 2012 scheme will be launched in December 2012 using a "Pathfinder" approach. This means that rather than accepting all new applications onto the 2012 scheme at once, the applications will be managed in smaller quantities by only accepting applications that meet certain criteria. The different criteria for applications are prescribed in Commencement Orders.

Phase 1 - Commencement 1 (December 2012)

Child Maintenance and Other Payments Act 2008 (Commencement No 10) Order 2012

- - New (GB & NI) applications will be accepted on the 2012 scheme where there are 4 or more qualifying children shared between one non-resident parent and one new parent with care
 - Reactive Transition applies to:
 - cases with a linked non-resident parent who is named in the 2012 scheme application (fulfilling the above criteria) and is also a non-resident parent in at least one 1993/2003 scheme case
 - cases where a non-resident parent who is now on the 2012 scheme has a partner who is a non-resident parent in at least one 1993/2003 scheme case and either of the non-resident parents is in receipt of a prescribed benefit. The partner non-resident parent's cases will also follow a Reactive Transition journey to the 2012 scheme.

The dates for the 2nd and 3rd Commencement will be confirmed nearer the time, but they are intended to be as follows:

Phase 1 - Commencement 2 (approximately 4 months after 'Go Live')

- New (GB & NI) applications will be accepted on the 2012 scheme where there are 2 or more qualifying children shared between one non-resident parent and one new parent with care.
- Reactive Transition applies to:
 - - cases with a linked non-resident parent who is named in the 2012 scheme application (fulfilling the above criteria) and is also a non-resident parent in at least one 1993/2003 scheme case
 - cases where a non-resident parent who is now on the 2012 scheme has a partner who is a non-resident parent in at least one 1993/2003 scheme case and either of the non-resident parents is in receipt of a prescribed benefit. The partner non-resident parent's cases will also follow a Reactive Transition journey to the 2012 scheme.

Phase 1 - Commencement 3 (approximately 6 months after 'Go Live')

- All new applications will be accepted on the 2012 scheme
- Reactive Transition applies to:
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- cases with a linked non-resident parent who is named in the 2012 scheme application (fulfilling the above criteria) and is also a non-resident parent in at least one 1993/2003 scheme case
- cases where a non-resident parent who is now on the 2012 scheme has a partner who is a non-resident parent in at least one 1993/2003 scheme case and either of the non-resident parents is in receipt of a prescribed benefit. The partner non-resident parent's cases will also follow a Reactive Transition journey to the 2012 scheme

Arrears on Reactive Transition Cases

Cases that follow the Reactive Transition path journey may have arrears that have accrued on the 1993/2003 schemes. These arrears will remain on the 1993/2003 scheme and will be managed there until 'financial transition' begins in Commencement 2. From the start of Commencement 2, arrears will remain on 1993/2003 scheme systems for up to 3 months or longer in exceptional circumstances if, for some reason, financial transition needs to be delayed. It is important to remember that before financial transition happens, our clients could be making / receiving payments across two schemes and systems throughout this period. Further guidance is being developed for Commencement 2 about managing arrears when the amounts are transitioned to the 2012 scheme.

NOTE: If a Deduction from Earnings Order (DEO) is in place to collect arrears from the 1993/2003 scheme you will not be able to use this as a method of payment on the 2012 scheme.

Refer to the guidance on [Transition Cases: Deduction Orders](#) for further advice

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