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[Variations: Overview: What is a Variation?](#)

1991/48 Sections 28A – 28G; Schedule 4A and 4B of the Child Support Act 1991

2012/2677 Part 5 of the Child Support Maintenance Calculation Regulations 2012

1991/2628 Articles 28A - 28G, Schedule 4A and 4B of the Child Support (Northern Ireland) Order 1991

2012/427 Part V of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

Variations allow us to look at some circumstances which are not covered by the normal maintenance calculation rules. If agreed to, a variation can lead to an adjustment to the maintenance calculation.

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[Variations: Overview: Variation Categories](#)

Variations fall into two main categories:

Special Expenses

[1991/48](#) *Schedule 4B of the Child Support Act 1991*

[2012/2677](#) *Regulations 63 – 67 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Schedule 4B of the Child Support (Northern Ireland) Order 1991*

[2012/427](#) *Regulations 62 - 66 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

A non-resident parent can apply for a reduction in child maintenance if they incur certain additional costs relating to the parent with care, qualifying child or a relevant other child.

The grounds for a special expenses variation are:

- Contact costs
- Long term illness / disability of a relevant other child
- Prior debts
- Boarding school fees
- Payments in respect of certain mortgages, loans or insurance policies.

NOTE: Parents with care cannot apply for a special expenses variation Schedule 4B (2) Child Support Act 1991 /Schedule 4B (2) Child Support (Northern Ireland) Order 1991

Additional Income

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

[2012/2677](#) *Regulations 69 – 71 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Schedule 4B Para 4 of the Child Support (Northern Ireland) Order 1991*

[2012/427](#) *Regulations 68 - 70 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

A parent with care, non-resident parent or a child in Scotland (see the section on Who can Apply for further details) can apply for an increase in child maintenance if the non-resident parent has, or has control of, income that has not been taken into account in the maintenance calculation.

The grounds for an additional income variation are:

- Non-resident parent with unearned income (for example, from property or investments);
- Non-resident parent on a flat rate (because they are receiving prescribed benefits as listed under Regulation 44(1) of the Child Maintenance Calculation Regulations 2012) or the nil rate (because they are a child or prisoner) with gross weekly income (also referred to as earned income);
- Diversion of income.

A list of the benefits prescribed under Regulation 44(1) can be found in the chapter: [Maintenance Calculation / Rates and Rules](#)

Further guidance on the individual variation categories can be found as follows:

- [Boarding School Fees](#)
- [Changes to a special expenses variation](#)
- [Certain Payments](#)
- [Contact Costs](#)
- [Diversion of income](#)
- [Earned Income](#)
- [Long Term Illness / Disability of a ROC](#)
- [Prior Debts](#)
- [Unearned income](#)

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[Variations: Overview: Financial Thresholds](#)

There are financial thresholds for the different types of variation.

Special expenses thresholds

[1991/48](#) Schedule 4B of the Child Support Act 1991

[2012/2677](#) Regulation 68 of the Child Support Maintenance Calculation Regulations 2012

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

[2012/427](#) Regulation 67 of the Child Maintenance Calculation Regulations (Northern Ireland) 2012

£10 Limit per ground

With the exception of long term illness/ disability applications, an application for special expenses will only be agreed if the expenses are equal to or exceed the threshold amount of £10.00 per week.

The financial threshold avoids the administrative burden of handling applications that would have little / no effect on the maintenance calculation.

If the financial threshold is satisfied, the whole amount of the expenses claimed can be considered – you do not have to deduct an amount equivalent to the threshold.

REMEMBER: if the application is based on more than one ground, the threshold applies separately to each ground. For example: if a non-resident parent applies for contact costs and prior debts, both types of expenses must equal or exceed £10.00 per week individually.

If one ground meets the financial threshold, but the other(s) do not, you would only reject the ground that does not meet the threshold. The application on the other ground(s) can be taken forward.

Unreasonable Expenses

In addition, if – on the evidence available - you consider any expenses to be unreasonably high or to have been unreasonably incurred, you can apply any lower amount that you consider reasonable. This could include an amount below the financial threshold or a nil amount. Refer to the individual decision making guidance sections for specific advice on Reasonable Expenses for each of the Special Expenses grounds.

Example

The non-resident parent claims accommodation costs for an overnight stay in a 5 star hotel. There is a range of alternative accommodation available in the relevant location at a lower cost.

In these circumstances, you can consider allowing the variation for an amount lower than the actual costs claimed by the non-resident parent. If this decision is made, it will need to be explained carefully to the non-resident parent. You are not saying that they must use different accommodation, but that we can only allow a reasonable amount for accommodation costs. It is up to them to decide whether they want to incur costs above this.

Note

Any lower amount applied must not be so low that it would be impossible for contact between the non-resident parent and a qualifying child to be maintained at the frequency specified in any court order.

Additional income thresholds

[1991/48 Schedule 4B of the Child Support Act 1991](#)

[2012/2677 Regulations 69 – 71 of the Child Support Maintenance Calculation Regulations 2012](#)

[1991/2628 Schedule 4B of the Child Support \(Northern Ireland\) Order 1991](#)

[2012/427 Regulations 68 - 70 of the Child Support Maintenance Calculation Regulations \(Northern Ireland\) 2012](#)

The financial thresholds for additional income variations depend on the grounds that the application is based on. However, if the financial threshold is satisfied, the whole amount of the income can be considered. You do not have to deduct an amount equivalent to the financial threshold.

Unearned Income

An application for unearned income can only be agreed if the income amount is equal to or exceeds £2500 per year.

HMRC treat self-assessed clients and Pay as you Earn (PAYE) differently for income purposes. The £2500 threshold ensures all non-resident parents are treated equally for child support purposes.

Earned Income

An application for earned income can only be agreed if the income is equal to or exceeds £100 per week. This is because the non-resident parent would only be liable to pay maintenance at the Flat Rate if their income was below £100, even if they were not in receipt of prescribed benefits.

Diversion of Income

There is no financial threshold for an application based on diversion of income. The additional income to be taken into account would be the whole amount that you are satisfied has been diverted.

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[Variations: Overview: Variations Process](#)

Most variations are dealt with through the following process:

- Application;
- Preliminary consideration;

- Gathering information / evidence;
- Representation;
- Deciding whether to allow the variation

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[Variations: Overview: Application for a Variation:](#)

[1991/48](#) *Section 28A and Schedule 4A of the Child Support Act 1991*

[2012/2677](#) *Regulation 56 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Section 28A and Schedule 4A of the Child Support (Northern Ireland) Order 1991; and*

[2012/427](#) *Regulation 55 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

Who can apply for a variation

An application for a variation can be made by:

- the non-resident parent;
- the parent with care;
- the qualifying child, if they are a 'Child in Scotland'. This means they must permanently live in Scotland, be at least 12 years old and have applied for a Maintenance Calculation.

When can an application be made?

An application for a maintenance calculation must be in place for a variation to be considered. Applications for a variation can be made before or after a decision has been made on the maintenance calculation.

How does an application have to be made?

Applications can be made:

- In writing;
- By phone; or
- Via the self-service portal.

You can require an application to be made in writing, but this should only be done in exceptional circumstances. For example: if the applicant needs to provide detailed information / evidence that cannot easily be taken over the phone.

What are the requirements for an application to be considered?

- Applicants must state the ground(s) they want to apply on or provide enough information for an appropriate ground to be identified;
- If the applicant states a specific ground, the application can still be treated as made on another ground, if the facts provided by the applicant indicate this is more appropriate.

Example

Parent with care states they want to apply for a variation for diversion of income, to capture the non-resident parent's rental income. This type of income should be dealt with under an unearned income variation. You should explain this to the parent with care and treat the application as made on that ground.

You should refer to the Decision Making Guidance sections for specific advice on each individual ground.

Special Expenses Applications: Current / Future Expenditure

A variation cannot be considered for expenses based on an arrangement that is no longer in place at the time the application is made.

The costs the application is based on must be:

- In place at the time of the application; or
- Due to start at a known future date that is agreed by both parties. In these circumstances, a variation can be considered, with a future effective date, based on the estimated future expenses.

A variation can still be allowed if, by the time a decision is ready to be made, the expenses have ceased. In these circumstances, the variation should be considered for the period between the effective date of the variation and the date the expenses ceased.

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[Variations: Overview: Preliminary consideration of a variation application](#)

1991/48 Section 28B and Schedule 4A of the Child Support Act 1991

2012/2677 Regulation 57 of the Child Support Maintenance Calculation Regulations 2012

1991/2628 Section 28B and Schedule 4A of the Child support (Northern Ireland) Order 1991

2012/427 Regulation 56 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

Once an application has been accepted, it must be given preliminary consideration.

Preliminary consideration is an initial sifting process, which allows applications with no prospect of success to be filtered out at the earliest opportunity. This is not intended to be a significant barrier to prevent applications.

If an application is made on multiple grounds, then preliminary consideration is applied to each ground individually. Only the ground(s) that fail preliminary consideration would be rejected on this basis. Any other ground(s) can be taken forward.

Fact based reasons for rejection

An application should be rejected immediately if any of the following apply:

Additional Income cases

- The non-resident parent's gross weekly income is the capped amount (£3000 per week)

Special expenses

- The amounts claimed do not meet the threshold;
- The amount of maintenance the non-resident parent is liable to pay is the flat rate or less;
- The non-resident parent's gross weekly income would still exceed the capped amount (£3000) after deducting the special expenses claimed;
- The non resident's gross weekly income has been determined on the basis of estimated gross weekly income due to insufficient information

All cases

- A request for information from the party who made the application has not been complied with and the CMG cannot determine the application without that information;
- A default maintenance decision (DMD) is in force;

- The non-resident parent is liable to pay the flat rate or nil rate because they or their partner are receiving a prescribed benefit

Discretionary reasons for rejection: All cases

Applications may also be rejected if you consider that the applicant has:

- not stated a ground or provided enough information for you to identify a ground;
- stated a ground, but has not provided any facts to support that ground or justify further enquiries;
- stated a ground and provided facts, but those facts do not fit that ground or any alternative ground

You should refer to the Decision Making Guidance sections for specific advice on each individual ground

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Variations: Overview: [Gathering information and evidence for a variation application](#)

If the application is not rejected at preliminary consideration, you need to obtain information and evidence from the applicant and / or other sources available to you. The information / evidence needed will depend on the type of application.

Special Expenses

Special expenses applications relate to the non-resident parent's own expenditure and so they can be expected to provide any information / evidence needed to support their application.

For special expenses applications, you must obtain details of the amount and type of expenses that the non-resident parent wants to claim for. This is basic factual information that a non-resident parent must provide for an application to be properly considered.

You will also need to obtain appropriate documentary evidence to confirm the expenses claimed. Non-resident parents should be encouraged to provide supporting evidence, as this will help you to make an accurate decision. If a non-resident parent is unable to provide documentary evidence, you can still proceed with an application. In this situation you will need to make your decision on the balance of probabilities, taking into account the factual information the non-resident parent has provided and any information / evidence provided by the other party / parties to the calculation.

[2012/2677 Regulation 58 of the Child Support Maintenance Calculation Regulations 2012](#)

[2012/427 Regulation 57 of the Child Support Maintenance Calculation Regulations \(Northern Ireland\) 2012](#)

Additional income

Additional income applications are based on the non-resident parent's income. A parent with care therefore cannot be expected to have all the evidence needed to support their application.

For these applications, Section 28D of the CSA 1991 (as amended by Section 18 of the Child Maintenance and Other Payments Act 2008) or Section 28D of the Child Support (Northern Ireland) Order 1991 (as amended by Section 10 of the Child Maintenance Act [Northern Ireland] 2008) places a duty on CMG to consider any further information or evidence that is available and to take steps to obtain this information, if it is satisfied that it might affect its decision on whether to agree to a variation.

In view of this, you will need to use the information sources available to you to try and obtain details needed for an additional income variation. Please refer to the Decision Making Guidance sections for specific advice on each Additional Income ground.

Requesting additional information from applicants

If you need more information / evidence from an applicant in order to proceed with the application, you can ask them to provide this and allow fourteen days for their response.

You may allow additional time if you are satisfied that it is reasonable in the circumstances of the case.

You should refer to the Decision Making Guidance sections for specific advice on each individual ground.

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[Variations: Overview: Representations](#)

[1991/48 Section 28E of the Child Support Act 1991](#)

[2012/2677 Regulation 59 of the Child Support Maintenance Calculation Regulations 2012](#)

[1991/2628 Section 28E of the Child Support \(Northern Ireland\) Order 1991](#)

2012/427 Regulation 58 of the Child Support Maintenance Calculation Regulations 2012

This part of the process gives the other party / parties notice of the application and the opportunity to comment on it. This step should be completed once any information / evidence to support the application has been obtained from the applicant / other available sources.

Representations do not need to be invited if:

- it is clear from information provided by the applicant / other available sources that the variation will not be successful. This will also apply where the applicant has not provided sufficient information for you to make a decision. Regulation 59(2)(a) of the Child Support Maintenance Calculation Regulations 2012 / regulation 58(2)(a) of the Child Support Maintenance Calculation Regulations. (Refer to the individual decision making guidance sections for further advice on when this may apply); or
- you are reinstating a previously agreed variation (e.g. because the client has stopped receiving a prescribed benefit). Regulation 59(2)(c) of the Child Support Maintenance Calculation Regulations 2012 / regulation 58(2)(c) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 ; or
- you are dealing with an Additional Income case and the situation outlined below applies Regulation 59(2)(b) of the Child Support Maintenance Calculation Regulations 2012 / regulation 58(2)(b) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012.

Additional income cases

HMRC have provided:

- a nil income figure;
- a figure below the financial threshold; or
- 'no income details held'; and

you are not satisfied that it is appropriate to take the application forward on the basis of establishing current income. Regulation 59(2)(b) of the Child Support Maintenance Calculation Regulations 2012 / regulation 58(2)(b) of the Child Support Maintenance Calculation Regulations 2012.

Representation process

When you invite the other party / parties to make representations, they must be:

- Notified that an application has been made; and
- Informed of the grounds that the application has been made on, including any relevant information / evidence that has been provided by the applicant or obtained from other sources, unless it falls within the excluded information category; and
- Asked to submit any relevant information / evidence that is required for a decision to be made.

The other party should be allowed fourteen days to respond. You may allow additional time if you are satisfied it is reasonable in the circumstances of the case. If the other party fails to respond in the time allowed, you should decide whether to proceed with the application on the basis of the information held. Schedule 4A(4) of CSA 1991 and Reg 59(4) MC Regs 2012

Notifying the applicant about representations

It is not always necessary to notify the applicant about representations from the other party. The following sections outline when this will be required. If the applicant is given the opportunity to comment, they must be allowed fourteen days to respond. You should not proceed with the application until you have their response, or until the fourteen days has elapsed, whichever is earliest.

Special expenses cases

If the other party / parties agree with the facts provided by the non-resident parent, and do not wish to make any further comments, you can proceed with the application and decide whether to allow the variation. It is not necessary to invite further comments from the non-resident parent in these circumstances.

If the other party / parties disagree with the facts provided and submit additional information / evidence that conflicts with the details provided by the non-resident parent, you may need to go back to the non-resident parent for their comments. However, this will only be necessary if you are unable to make a decision on the basis of the information / evidence already submitted.

See example under [Just and Equitable](#) section

Additional income cases

The process for representations in additional income cases is being checked with procedures and design – this section may be amended.

If a parent with care has applied for an Additional Income Variation, you must always notify them about any Representations made by the non-resident parent.

This is because if the non-resident parent provides information / evidence that might affect the income figure used in the Variation, the parent with care should have the opportunity to comment on it.

If they agree with the facts provided and do not want to make further comments, you can proceed with the application and decide whether to allow the variation.

If they disagree with the facts provided you must make your decision on the basis of all the available evidence.

Excluded information

[2012/2677](#) Regulation 59(5) of the Child Support Maintenance Calculation Regulations 2012

[2012/427](#) Regulation 58(5) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

1. Medical evidence / advice that has not been disclosed to the applicant or the other party and that you consider could be harmful to the health of the applicant or the other party if disclosed
2. The address of the other party or qualifying child and any other information that could lead to that person / child being located
3. Special Expenses Long Term Illness cases: details of the nature of the long term illness / disability of the relevant other child, if the applicant asks for these details not to be disclosed, and you are satisfied disclosure is not necessary for the application to be decided.

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[Variations ceases or to be reinstated](#)

NOTE: Variations and rate Changes

[2012/2677](#) Regulation 75 of the Child Support Maintenance Calculation Regulations 2012

A variation will cease to have effect on the maintenance calculation if the non-resident parent becomes liable to pay the flat rate or nil rate because they or their partner is in receipt of a benefit listed (see below) in regulation 44(2) of the Child Support Maintenance Calculation Regulations 2012. When the prescribed benefit is no longer payable and the non-resident parent starts to pay a rate of maintenance which means the variation can be allowed, the variation will be automatically reinstated.

The responsibility will be on the parents to notify CMG if there has since been a change to that variation or if the variation has ceased.

If a parent reports within 30 days from the date of the decision that the variation no longer occurs or that something has changed then you should complete a supersession.

The benefits listed in regulation 44(2) are:

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;
- (d) state pension credit
- (e) universal credit under Part 1 of the Welfare Reform Act 2012, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.

Refer to the Effective Dates Guidance for advice on the correct effective date to use in these circumstances.

[Variations: Overview: Deciding whether to allow a variation](#)

[1991/48 Section 28F of the Child Support Act 1991](#)

[1991/2628 Article 28F of the Child Support \(Northern Ireland\) Order 1991](#)

At this stage you need to consider whether the grounds for the variation are satisfied, and what is the potential variation amount, taking into account:

- all the information / evidence provided by the applicant or obtained from other sources; and
- any representations made by any party to the maintenance calculation.

You should refer to the Decision Making Guidance sections for specific advice on each individual ground.

[Just and Equitable](#)

[1991/48 Section 28F \(2\) of the Child Support Act 1991](#)

[1991/2628 Article 6 of the Child Support \(Northern Ireland\) Order 1991](#)

If the grounds are satisfied, and you have identified the potential variation amount, you need to decide whether it is just and equitable to allow the variation. This is to ensure that any decision made is fair to all the parties.

NOTE: in cases where an application is made on multiple grounds, or in cases where more than one application has been made, you will need to consider the overall effect that allowing the application(s) will have.

Each case must be considered individually and on its own merits. There is no definitive list of factors to be taken into account, but you must consider whether the welfare of any child might be unfavourably affected by a decision to allow the variation.

See [Evidence and Decision Making](#) guidance

The main question that you must ask is: 'If I allow this variation it will increase / reduce the maintenance calculation by £XX. Taking all of the circumstances of the case into account, is it fair and reasonable for the maintenance calculation to be increased / reduced by this amount?'

REMEMBER: if you decide it is not just and equitable to allow the Variation:

- in full; or
- on some of the grounds applied for

you can consider allowing the Variation for a reduced amount or on just some of the grounds requested.

The following factors cannot be taken into account

2012/2677 Regulation 60 of the Child Support Maintenance Calculation Regulations 2012

Regulation 59 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

- The fact that conception of the qualifying child wasn't planned
- Whether the parent with care or non-resident parent were responsible for the break-up of the relationship
- The fact that the parent with care or non-resident parent are in a new relationship
- Whether arrangements for contact with the QC are being adhered to
- The income or assets of any person other than the non-resident parent

- The fact that the non-resident parent has failed to comply with making payments of child support
- Representations made by any person that are not directly involved in the case

Example

A parent with care applies for child maintenance in Jan 2013. HMRC's latest income information for the non-resident parent is for 2010/11 and the calculation is based on this. The parent with care discovers that the non-resident parent's current income differs from the historic income figure by 23%. The current income figure cannot be accepted because of the Tolerance rule. The non-resident parent applies for Special Expenses Contact Costs and the parent with care requests that we consider refusing the application for the Special Expenses as the non-resident parent's income has increased. In this scenario, if we felt that it was a valid claim, we would award the Special Expenses, as the income increase is not 25% or over. One of our main objectives is to encourage parents to maintain contact with their children so we would consider the effect on the child's welfare. The parent with care still maintains the right to appeal against the decision.

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[Variations: Overview: Effect of a variation](#)

The effect of a variation on a maintenance calculation will depend on the type of application, and on other relevant circumstances relating to the case.

Effect of a special expenses variation

2012/2677 Regulation 72 of the Child Support Maintenance Calculation Regulations 2012

Regulation 71 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If a variation is awarded for special expenses, the non-resident parent's gross weekly income is reduced by the weekly amount of those expenses allowed.

NOTE: this deduction is made before any adjustment for shared care / relevant other children in the non-resident parent's household.

Special Expenses: gross weekly income exceeds the capped amount

In these cases, the amount allowed for the variation must be deducted from the non-resident parent's actual gross weekly income. If this reduces the gross weekly income figure below the capped amount, then this adjusted figure should be used to calculate the new maintenance liability.

Example

The non-resident parent's gross weekly income is £3200. For the maintenance calculation, this figure has been capped at £3000. A special expenses variation is allowed for boarding school fees of £400 weekly. The £400 allowed for the variation is deducted from the actual gross weekly income of £3200, reducing the gross weekly income figure to £2800.

Effect of an additional income variation

If a variation is awarded for additional income, the non-resident parent's gross weekly income is normally increased by the weekly amount of the Additional Income.

Exceptions

(1) If the adjusted income figure would exceed the capped amount, it will be capped at £3000.

(2) If the non-resident parent's liability is based on the Flat Rate or an equivalent:

- you would identify the Additional Income amount; and
- calculate the non-resident parent's liability based on this income using the usual Rates and Rules; and
- add the Flat Rate amount to this liability.

Example

Non-resident parent is liable to pay the Flat Rate of £7 weekly.

Additional Income of £250 per week is identified.

The non-resident parent has one qualifying child,

Their liability based on their Additional Income will be $12\% \times £250 = £30$

This amount is added to the Flat Rate (£7) to give a total liability of £37

Effect of multiple variation applications

2012/2677 Regulation 74(1) of the Child Support Maintenance Calculation Regulations 2012

Regulation 73(1) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

We are checking the position re: this with legal and design – this section may be revised

If, at any time, more than one variation application is agreed to within the same period, the amounts relating to each application must be aggregated (combined) to create a single variation figure.

This applies in cases where both applications are made at the same time and in circumstances where a further variation application is made while a variation amount is already in place.

For example, a non-resident parent has a contact costs variation in place and six months later, the parent with care applies for an unearned income variation. The resulting Maintenance Calculation will reflect the aggregated outcome of both applications.

Effect of a variation in shared care cases

[2012/2677](#) Regulation 74(2), (3) and (4) of the Child Support Maintenance Calculation Regulations 2012

Regulation 73(2), (3) and (4) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

If a variation is agreed to and the non-resident parent also has shared care, then the shared care reduction should be applied to the varied maintenance liability i.e. the amount reached following the variation. The system will do this automatically.

The shared care rules applied in these circumstances are the general rules set out in

[1991/48](#) Schedule 1, paragraph 7 of the Child Support Act 1991

[2012/2677](#) Regulation 53 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Schedule 1, paragraph 7 of the Child Support (Northern Ireland) Order 1991

Regulation 52 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012.

[Variation ceases or to be reinstated.](#)

NOTE: Variations and rate Changes

[2012/2677](#) Regulation 75 of the Child Support Maintenance Calculation Regulations 2012

A variation will cease to have effect on the maintenance calculation if the non-resident parent becomes liable to pay the flat rate or nil rate because they or their partner is in receipt of a benefit listed (see below) in regulation 44(2) of the MC Regs 2012. When the prescribed benefit is no longer payable and the non-resident parent

starts to pay a rate of maintenance which means the variation can be allowed, the variation will be automatically reinstated.

The responsibility will be on the parents to notify CMG if there has since been a change to that variation or if the variation has ceased.

If a parent reports within 30 days from the date of the decision that the variation no longer occurs or that something has changed then you should complete a supersession.

The benefits listed in regulation 44(2) are:

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;
- (d) state pension credit
- (e) universal credit under Part 1 of the Welfare Reform Act 2012, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.

Refer to the [Initial Effective Dates](#) Guidance for advice on the correct effective date to use in these circumstances.

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[Variations: Overview: Changes to a Variation](#)

There are two types of situation where you may need to make changes to an existing Variation:

- Where there has been a change of circumstances affecting the Variation that means you need to make a new decision (supersession) For example: if special expenses have increased, reduced or stopped; and
- Where it is identified that the original decision needs to be replaced from the original effective date (revision) For example: if an error was made when the Special Expenses / Additional Income were calculated.

The following links provide advice on changes to the different types of Variation:

- [Changes to a Special Expenses Variation](#)
- [Changes to an Earned Income Variation](#)
- [Changes to an Unearned Income Variation](#)
- [Changes to a Diversion of Income Variation](#)

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