Child support: How to appeal
In this leaflet we use:

**Child maintenance** – maintenance worked out under child support legislation.

**Child** – someone:

- aged under 16; or
- aged 16 to 19 and in full-time non-advanced education.

**Non-resident parent** – a parent who is not the main provider of day-to-day care for a child. If the child stays with both parents, the non-resident parent is the one who provides fewer nights of care. If care is shared equally, the non-resident parent is the one who is not getting Child Benefit.

**Qualifying child** – for whom the non-resident parent has to pay child maintenance.

**Child in Scotland** – a child of 12 or over who lives in Scotland and is a qualifying child. Only in Scotland, a child can apply for child support maintenance in his or her own right.

**Parent with care** – a parent who is the main provider of day-to-day care of the qualifying child.
**Person with care** – includes parents with care and people other than parents who provide the main day-to-day care for a child. This could perhaps be the child’s grandparents. Most child support rules apply to both parents with care and persons with care. There are some circumstances that only apply to parents with care. These cases are spelt out in the leaflet.

**The Child Support Agency (CSA)** works out and collects child maintenance. The CSA is part of the Department for Work and Pensions.

**Decision maker** – makes decisions on applications for child maintenance.

**Parties to the appeal**

These are:

- the parent or person with care;
- the non-resident parent;
- a child in Scotland who has applied for maintenance; and
- the decision maker.

**Central Appeals Unit** – handles the processing of an appeal on behalf of the CSA before it goes to the Appeals Service.
Contents

About this leaflet .............................. 3
If you think a decision is wrong .............. 4
  Asking for the decision to be looked at again ... 5
Appealing against a decision .................. 5
How to appeal .................................. 6
What happens when my appeal is received? 8
  Late appeals ................................. 10
  Appeals which have no prospect of success . 11
The appeal submission ....................... 12
  What you need to do when you get the appeal submission .......................... 13
Questions and answers ....................... 14
  Will my address be kept confidential? ....... 14
  Are there any decisions I cannot appeal against? ........................................ 14
  Can I withdraw my appeal? .................. 15
  Do other parties to the appeal see the submission and have a say in the arrangements for the hearing? ......................... 16
Where can I get help and advice? ........... 16
Further information .......................... 18
Appeal Application Form .................... 19
About this leaflet

This leaflet tells you what you can do if you do not agree with a child support decision that has been made. This leaflet is intended to help you understand the main points and is only general guidance. It is not a complete statement of the law.

It explains what people affected by a child support decision need to do if they want to appeal. It sets out:

• the basic information you need;

• the time limits for appealing;

• the appeal process; and

• includes a form (at the back of this leaflet) for you to use if you want to appeal.

More information about your maintenance calculation can be found in leaflet CSL102 Child support: A guide to how child maintenance is worked out. You can get this leaflet by phoning the CSA National Enquiry Line on 08457 133 133.
If you appeal, it will be dealt with by the Appeals Service which is not part of the CSA. The Appeals Service is part of the Department for Work and Pensions. It handles the arrangements for an independent tribunal hearing.

**If you think a decision is wrong**

You should get in touch with the CSA at the address and phone number on the front page of the letter telling you about the decision. You should do this within one month of the date of the letter. **Please have the letter with you when you phone.** You, or if you prefer, someone else acting for you, can:

- ask for an explanation;
- ask the decision maker to look again at the decision. There may be some facts you think have been overlooked, or evidence that you think may affect the decision; and
- appeal against the decision. Your appeal must be in writing.
Asking for the decision to be looked at again

When you contact the office that sent you the decision, say why you think it is wrong and ask for it to be looked at again.

The CSA will be able to explain the reasons for the decision to you and change it if it is wrong. If the decision is changed you will be sent a new one. You, and the other parties, can dispute and also appeal against that decision.

While a decision is being looked at again or appealed against, it remains in force. The non-resident parent must still pay child maintenance until the issue is resolved.

* See leaflet CSL105 A guide to changing and appealing against child support decisions for more information.

Appealing against a decision

The letter that tells you about a decision will also tell you whether you have a right to appeal against it. An appeal means that a tribunal will look again at the decision. The tribunal is independent of the CSA. It will change a wrong decision.
There are some decisions that you cannot appeal against. For example, administrative decisions about the collection and enforcement of child maintenance.

If you want to appeal against a decision you must do so within one month of the date shown at the top of the letter telling you about it.

If you have asked for the decision to be looked at again, and it has not been changed you must appeal within one month of the date that you are told that the decision will not be changed.

It is important for you to know that if a tribunal makes a new decision, it may either increase or reduce the amount of child maintenance due. This increase or reduction in child maintenance may go back to the date of the decision which was appealed.

How to appeal

If you want to appeal, you should fill in the form at the back of this leaflet. Or you can write a letter. The form, or letter, must contain the following information:

• your child support reference number (this will be at the top of the letter telling you about the decision);

• the decision you are appealing against;
• the date on the letter telling you about the decision; and

• the reasons why you think the decision is wrong.

You must also sign the appeal form or letter. If you have asked someone to represent you, they can sign the form or letter but you must have told the CSA in writing about your representative.

When you have filled in the form please send it to:

Child Support Agency
Central Appeals Unit
R Block
Government Buildings
Lytham St. Annes
FY1 1GJ

If your appeal does not have all the information needed (see above) or is not signed by you, or the person you have asked to represent you, it cannot be accepted. The CSA will return it to you to complete or will ask you to provide further information within 14 days. If you send back everything that is needed within 14 days, your appeal will be treated as if it was made in time. If you think you cannot meet this 14 day deadline, please tell the CSA straight away. It may be able to give you more time.
If you do not send back the information requested in the time allowed, the CSA will send what you have provided to the Appeals Service. The Appeals Service may decide not to accept it because the appeal has not been made properly (we call this ‘duly made’).

What happens when my appeal is received?

The CSA’s Central Appeals Unit will check if your appeal has been ‘duly made’, that is if:

- you have signed your appeal;
- you have said which decision you are appealing against;
- you have given your reasons for appealing; and
- there is a right of appeal against the decision.

The CSA Central Appeals Unit will also check who else is involved in the appeal (these are called parties to the appeal).
Then the CSA Central Appeals Unit will look at the decision very carefully and may also come back to you to try to sort out the point that led you to appeal. If this means the decision is revised in your favour, the appeal will not go ahead.

If the decision is not changed in your favour, an appeal submission will be prepared – see page 12. The Central Appeals Unit will ask whether any parties to the appeal want their address removed from the appeal papers. The submission will then be sent to the Appeals Service. At the same time, you, and the other parties to the appeal, will be sent the submission and all the papers. You will also be sent a form which asks you for information so the Appeals Service can arrange a hearing. This form also asks you if you want to withdraw your appeal. If you do not, the Appeals Service will arrange a hearing by an independent appeal tribunal.

If the Central Appeals Unit cannot decide if your appeal is ‘duly made’ it will be sent to the Appeals Service who will let you know if your appeal can be accepted.
Late appeals

If you appeal after the time limit has run out, you should say why your appeal is late (there is a box on the appeal form for this purpose). The CSA Central Appeals Unit will forward your appeal to the Appeals Service. The Appeals Service can only accept a late appeal as valid if they are satisfied that:

• it has a reasonable chance of succeeding;

• special circumstances exist; and

• it is no more than a year after the time limit for appealing ran out.

The special circumstances are:

• you have been seriously ill;

• a close relative (your partner or someone dependent on you, like a child) has been seriously ill or has died;

• you live outside the United Kingdom;

• there was a disruption of the postal services; or

• there was some other exceptional reason which meant that you could not appeal within the time limit.
The Appeals Service will look at the reasons you have given and decide whether or not to process your appeal. If the Appeals Service does not accept your reasons, your appeal will not go ahead.

**Appeals which have no prospect of success**

The CSA’s Central Appeals Unit may decide your appeal has no reasonable prospect of success, because it is against something that is fixed in law. For example, an appeal about the percentage rate applied for one child could not succeed because this figure is set in law. This is known as a ‘misconceived appeal’.

In these cases the CSA’s Central Appeals Unit will prepare a short appeal submission which will be sent to the Appeals Service, and copied to you.

The tribunal may decide that the appeal is misconceived and strike it out. Or, the tribunal may decide that there is some prospect that the appeal might succeed. If so, the Central Appeals Unit will write a full submission for the appeal tribunal.
The appeal submission

The Appeals Service will need a lot of information about the decision you are appealing against. The CSA has all this information and will explain the decision. This is called an appeal submission. The CSA Central Appeals Unit will prepare it. It will comment on the points of the appeal, as well as explaining the legal issues involved. It will also include copies of letters that you or the other parties to the appeal have written, if they help explain the decision.

The appeal submission, and anything else that has been sent in about your case, for example wage slips or bank statements, may be copied to all parties to the appeal. This is because the Appeals Service, as well as other parties to the appeal, need to have all the information that the decision maker had when the decision was made. But, if you have asked to keep your address confidential, it will be removed to prevent anyone finding out where you live.
What you need to do when you get the appeal submission

You should check the appeal submission and all the papers with it carefully. Then fill in and return the enquiry form which will have been sent with it to the Appeals Service in the envelope provided within 14 days. Your appeal may not go ahead if it is not received within this time.

If you are not sure about child support law or any part of the appeal submission, you may want to get independent advice. This might help you decide whether or not you agree with what is said in the appeal submission. But do not delay sending in your enquiry form. If you think that you might want to send in further information, you can use the form to say so.

If you:

• do not agree with what has been said; or

• have any extra information or evidence that you think the appeal tribunal needs to know about;

you will need to send your comments, extra information or evidence to the Appeals Service Regional Office dealing with your appeal, as soon as you can. The address is on the enquiry form.
Any extra information or evidence will be copied to the other parties to the appeal.

All parties to the appeal may make submissions to the tribunal if they wish.

If you want information about what happens next see leaflet CSL107 Child support: What happens next to your appeal.

Questions and answers

Will my address be kept confidential?

Yes. You can ask us not to disclose your address and any other information which could lead to your whereabouts being known. You must tell the CSA’s Central Appeals Unit (see page 7 for address) within 14 days of the date on the form that you are sent about this. If you do not reply, the information will be in the appeal submission.

Are there any decisions I cannot appeal against?

Yes. For example administrative decisions about the collection and enforcement of maintenance. You might, however, be able to go to court to challenge such decisions by way of judicial review.
Can I withdraw my appeal?

Yes.

• If this is before you have received the submission, you should write to the Central Appeals Unit.

• If you have been sent the appeal submission, you must fill in section 1 of the enquiry form that you received with the submission and send it to the Appeals Service.

• If you have returned the enquiry form, you should write to the Appeals Service at the address indicated on the letter sent with it.

• You can withdraw your appeal at the hearing.

The Central Appeals Unit or the Appeals Service will write to you, and the other parties to the appeal, to confirm that the appeal has been withdrawn. If you withdraw your appeal, no further action will be taken on it, and the existing maintenance will continue.
Do other parties to the appeal see the submission and have a say in the arrangements for the hearing?

Yes. All parties will receive a copy of the submission and a form asking them when they are available, what sort of hearing they want, and whether they wish to provide any evidence.

Where can I get help and advice?

If you need further advice after reading this leaflet, please call the CSA National Enquiry Line on 08457 133 133. Lines are open between 8am to 8pm Monday to Friday and 8.30am to 5pm Saturday. Calls are charged at local rates. Textphone users can call 08457 138 924. Some calls may be recorded for the CSA to check its service or train staff.

Or you could contact an advice centre such as the Citizens Advice Bureau or a local law centre. These organisations can give you free advice and also may be prepared to represent you at a tribunal.
You can find a list of their addresses:

- in the phone book;
- in the Thomson local directory;
- in the Yellow Pages;
- at the library; and
- at your local Jobcentre Plus (benefits) office.

It will help the advice centre if you take the papers you have about your appeal and this leaflet with you.
Further information

If you need further information about what happens next to your appeal,

👀 see leaflet CSL107 Child support: What happens next to your appeal.

If you need further information about changing child support decisions,

👀 see leaflet CSL105 A guide to changing and appealing against child support decisions.

You can get these leaflets by phoning the CSA National Enquiry Line, on 08457 133 133.
Appeal Application Form

In the decision I am appealing against, I am the:

☐ non-resident parent    ☐ parent or person with care    ☐ other

Please tell us:
The name of the other parent or
the person with care
(this person will be sent copies of the appeal papers)

Your child support reference number
(this is on the letter telling you about the decision)

Your National Insurance number

Your surname

Your forename(s)

Your address

Postcode

A phone number where
we can contact you

Daytime

Evening

Have you arranged for someone to help you with your appeal?  ☐ No  ☐ Yes

Please tell us their name and address

Their full name

Their address

Postcode

Sign this box to authorise
this person to act for you
Appeal Application Form – continued

The date of the letter telling you about the decision

Which decision you are appealing about

Is this appeal more than one month after the date on the letter telling you about the decision?  □ No  □ Yes

Tell us in the box below why your appeal is late (see page 10)

Use the box below to explain why you think the decision is wrong. Please give exact reasons. If you need more space, use a separate piece of paper.
Appeal Application Form – continued

Use the space below to give us any other information you think the Appeals Service should know. If you need more space, please use a separate piece of paper.

Signature

Date

Please tick one box only to let us know if you are:
The person appealing [ ] The representative [ ]

What to do now

Check that you have answered all the questions on this form that apply to you.

Check the form has been signed and dated. If you are authorising a person to act for you, check that you have signed the appropriate box.

Then send this form to: Child Support Agency
Central Appeals Unit
R Block
Government Buildings
Lytham St Annes
FY1 1GJ

Please remember, this form must reach the address above within one month of the date at the top of the letter telling you about the decision.