

How to appeal

CHILD
SUPPORT
a g e n c y



Signature

Date

Please tick one box to let us know if you are the person appealing (the appellant) or their representative - see page 8

I am the appellant

I am the representative

Please indicate what type of hearing you would prefer

Paper

Oral

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. Then send this form to:

**N.I. Child Support Agency
Appeals Section
Level 5, Great Northern Tower
17 Great Victoria Street
Belfast BT2 7AD**

Please remember, this form must reach the address above within 1 month from the date at the top of the letter telling you about the decision.

Appeal Form - Continued

Why do you think that the decision is wrong? Please give exact reasons. If you need more space, please use a separate piece of paper.

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.

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About this leaflet

The Social Security (Northern Ireland) Order 1998 introduced changes to the way decisions are made in the Child Support Agency and what happens if you do not agree with a decision that has been made. For child support these changes took place from 1 June 1999.

This leaflet tells you what you can do if you do not agree with a decision that has been made.

It also tells you what you need to do if you decide you want to appeal. It sets out the basic information you need to make an appeal, including the time limits, and it helps you to understand the appeal process and what you need to know about the appeal hearing itself. There is a form at the back of this leaflet for you to fill in if you want to appeal.

More information about your assessment can be found in leaflet **CSA 2024 (NI) 'Your child maintenance assessment and help in meeting exceptional circumstances'** which was sent with your decision letter, and in leaflet **CSA 2006 (NI) 'A guide to child support decisions'**. You can get this leaflet by phoning the Child Support Agency's Client Help Line and asking for one to be sent to you. The phone number is on page 3.

Appeal 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

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

● your National Insurance number

Letters	Numbers	Letter
<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>

● your surname

● your forename(s)

● your address

- a phone number where we can contact you

daytime evening

- the date of the letter telling you about the decision

/ /

- which decision you are appealing against

is it a departure decision?

No

Yes

Tell us your departure application number

- is this appeal more than 1 month after the date on the letter telling you about the decision?

No

Yes

Tell us below why your appeal is late - see page 9

Signature

J. A. Smith

Date

18 / 2 / 98

Please tick one box to let us know if you are the person appealing (the appellant) or their representative - see page 8

I am the appellant

I am the representative

Please indicate what type of hearing you would prefer

Paper

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What to do now

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

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Appeal Form - Continued

Why do you think that the decision is wrong? Please give exact reasons. If you need more space, please use a separate piece of paper.

I disagree with the calculation of my maintenance assessment. The way my housing costs have been worked out is wrong because my mortgage protection policy has not been taken into account.

EXAMPLE

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.

I have attached a copy of my mortgage protection policy which shows that I pay a premium every month.

Where can I get help and advice?

When you have read this leaflet, if you still need any help, advice or more information, you can phone our Client Help Line on 0345 139 896. The lines are open from 8am to 8pm Mondays to Fridays, and 9am to 5pm Saturdays. Calls are charged at local rate if you use a BT or Mercury phone. Textphone users can dial 0345 139 704. We may record our phone calls to check our service and to train our staff.

The person taking your call will not have your personal information, but they can give you general advice on anything to do with child maintenance. But please remember, this advice will **not** be a decision on any matter you are asking about.

What about independent advice?

You may want to get help and advice from a solicitor. You may be able to get free advice from a solicitor under the Legal Advice and Assistance Scheme in Northern Ireland. The solicitor can tell you if you are entitled to this. If you are, it may be free or you may have to pay an amount towards the solicitor's costs. If you are not entitled, you may have to pay the solicitor's costs in full.

An advice centre such as the Citizens Advice Bureau or a local law centre can give you free advice and may be prepared to represent you at a tribunal hearing. You can find a list of their addresses:

- in the phone book;
- in the yellow pages;
- at the library; and
- at your local social security office.

It will help the advice centre if you take the letter and this leaflet to show them.

What should I do if I think a decision is wrong?

Check the letter telling you about the decision to find out:

- what the decision is about, for example, a child maintenance assessment, a departure direction or a Reduced Benefit Direction; and
- the date it was sent

Appeal Form

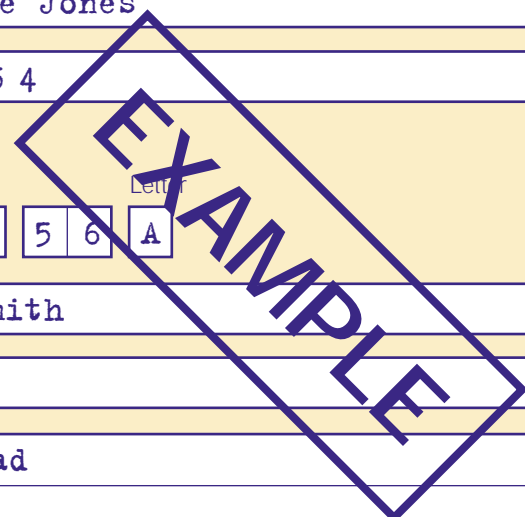
In the decision I am appealing against, I am the:

- non-resident parent parent or person with care other

Please tell us:

- the name of the other parent or the person with care
- your child support reference number
(this is on the letter telling you about the decision)
- your National Insurance number

Letters	Numbers	Letter
X	X	1
		2
		3
		4
		5
		6
		A
- your surname
- your forename(s)
- your address



- a phone number where we can contact you

daytime 0123 555 555 evening

- the date of the letter telling you about the decision

5 / 1 / 98

- which decision you are appealing against

m a i n t e n a n c e a s s e s s m e n t

is it a departure decision?

No

Yes

Tell us your departure application number

- is this appeal more than 1 month after the date on the letter telling you about the decision?

No

Yes

Tell us below why your appeal is late - see page 9

I have had an operation and have been in hospital for 6 weeks from 3 January to 14 February. I only received the letter telling me of the decision when I returned home.

Please turn over ►

You may find it helpful to talk to either the Child Support Agency Centre or the Departures Office who sent you the letter telling you about the decision. They will be able to explain the decision to you and can in some circumstances reconsider the decision, for example if an error has been made, and make a new decision.

The phone number and address of the office that dealt with your application are on the letter. Please have the letter with you when you phone. If the decision is changed we will send you a new decision.

Are there any decisions I cannot appeal against?

All child support decisions are made on behalf of the Department. Although you can appeal against decisions on how your child maintenance has been calculated, you cannot appeal against how the maintenance is to be paid, for example, a decision to collect child maintenance by Deductions from Earnings Order.

How do I appeal?

If you want to appeal you must do it within one month of the date of the decision against which you are appealing. This date will be shown at the top of the letter telling you about the decision.

Please fill in the appeal form at the back of this leaflet. On the form you need to tell us:

- your child support reference number or departure application number (these 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 exact reasons why you think the decision is wrong and explain your reasons.

To help you, we have included an example of a filled in form at the back of this leaflet.

It is very important that you fill in all the boxes and that you sign the form. This is because an appeal must be signed and contain all the information asked for on the form.

If your appeal form is not signed by you or your authorised representative, or does not have all the information needed, we cannot accept it as a valid appeal and it will be returned to you to complete.

The time limit to make an appeal is one month and it continues to run until we receive your signed application with all the necessary information. We can extend the time limit by 14 days in certain circumstances, for example, where you firstly asked for a statement of reasons or where we have asked you to give more information.

If you do not return your filled in and signed form we will forward a copy of your original application to The Appeals Service. They may decide not to accept it because it is not a proper appeal.

If you send the form back after the time limit has run out we will forward it to The Appeals Service. They may decide that they cannot accept the appeal because it is late. (see **What if I appeal after one month from the date of the decision**).

When you have filled in the form send it to:

**N. I. Child Support Agency
Appeals Section
Level 5
Great Northern Tower
17 Great Victoria Street
Belfast
BT2 7AD**

You should not send your appeal form to the office that issued the decision you are appealing against. If you do, it will be forwarded to the Appeals Section and may result in delays because it will take several extra days to reach them.

What if I appeal after one month from the date of the decision letter?

You must still fill in the form at the back of this leaflet and send it to us as explained on page 6. But you will also need to fill in the box on the form about late appeals and say why your application is late.

The Appeals Service (which is not part of the Child Support Agency) will look at the reasons you have given and will decide whether or not to accept your appeal. If The Appeals Service does not accept your reasons, your appeal will not go ahead. If you make your appeal more than 13 months after the date of the decision, your appeal will not go ahead.

What happens when my appeal is received?

The Child Support Agency (CSA) Appeals Section will enter all the details of the appeal on their computer. They will check if it has been 'duly made', that is if:

- it has been signed;
- you have told us the decision you are appealing against;
- you have given your reasons for appealing; and
- there is a right of appeal against the decision

They will also check:

- if you have contacted us for an explanation of the decision;
- if you have given all the information needed;
- if you have appealed within the time allowed; and
- who else is involved in the appeal (these are called **parties to the appeal** - see page 10).

If it is decided that your application for appeal will go ahead, an appeal submission will be prepared (please see page 11). This will then be sent to The Appeals Service. The Appeals Service is not part of the Child Support Agency. They will deal with your appeal and arrange a hearing by an independent appeal tribunal.

If, after providing more information, the Appeals Section are unable to decide if your appeal can be accepted, it will be sent to The Appeals Service for consideration. They will let you know if your appeal can be accepted.

Where your appeal has been looked at by the Appeals Section they may think that your appeal has no reasonable prospect of success because it is against something that is fixed in law. This is known as a 'misconceived appeal'.

The Appeals Section will prepare a shortened form of the appeal submission. A copy will be sent to The Appeals Service, who will send a copy to you with an enquiry form. You can ask for a paper or an oral hearing (see page 14) if your appeal is 'misconceived', this initial hearing is only to consider the 'misconceived' aspect. You should fill in and return the form 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.

Will my address be kept confidential?

The CSA Appeals Section will write to you to ask if you want information included in the appeal submission, which could lead to your whereabouts being known. If you do **not** want this information to be disclosed, you **must** return the form to the CSA Appeals Section (see page 7 for address) within 14 days of the date on the form. **If you do not reply**, the information will remain in the appeal submission.

Who are the parties to the appeal?

These are:

- the parent with care or the person with care (the parent or person who lives with the children that maintenance has been applied for);
- the non-resident parent, also referred to as the absent parent (the parent who does not usually live with the children that maintenance has been applied for); and
- the decision-maker.

What is the appeal submission?

For The Appeals Service to decide your appeal, they will need a lot of information about the decision you are appealing against. The Child Support Agency has all this information and will explain the decision. This is called an appeal submission. It will include copies of letters that you or the other parties to the appeal have written, if they help explain the decision. Please see page 10 about information leading to your whereabouts being known. (see **Will my address be kept confidential?**)

A successful appeal may increase or reduce the amount of child maintenance that must be paid. So the appeal submission is sent to all parties to the appeal because everyone must know all of the circumstances leading to the appeal.

It is important for you to know that the submission and anything else that has been sent in about your case may be copied to all parties to the appeal. For example, wage slips or bank statements. 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 they made the decision you are appealing against.

The CSA Appeals Section will prepare an appeal submission. The copies will be sent to The Appeals Service, a copy will be sent to you with an enquiry form. You should check the submission carefully (see below) and fill in and return the enquiry form 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.

What should I do when I get a copy of the appeal submission?

You should read the appeal submission and all of the papers attached to it carefully and check what they say.

If you are not sure about child support law or any part of the appeal submission, you may want to show the appeal submission to someone for independent advice (see page 3). This might help you decide whether or not you agree with what is said in the appeal submission.

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 or extra information or evidence to The Appeals Service Office dealing with your appeal, as soon as you can before the appeal tribunal hearing. The address of your Appeals Service Office is given in the pre-hearing enquiry form.

This is to make sure that the comments, extra information or evidence can be sent to the tribunal and to all parties to the appeal before the tribunal hearing. It will also allow these to be fully considered at the tribunal hearing.

Withdrawing your appeal

If you decide that you do not want to carry on with your appeal at this stage, you must fill in section 1 of the enquiry form that you received with your appeal submission and send it to The Appeals Service in the envelope provided. If you do not wish to carry on with your appeal at any other stage you should write directly to The Appeals Service. The Appeals Service will write to you and confirm that your appeal has been withdrawn as soon as they receive either the enquiry form or your letter.

What sort of hearing can my appeal have?

On the enquiry form sent by the Appeals Section to all parties of the appeal, it will ask if you want a paper hearing or an oral hearing.

What is a paper hearing?

A paper hearing is where the appeal tribunal sit in private and consider the appeal using only the paper evidence presented.

What is an oral hearing?

An oral hearing is one you can go to and have the chance to speak. You can take someone with you to an oral hearing, perhaps to make you feel more at ease or to act for you. This can be anybody you think will best put forward your views. They do not have to be legally qualified. You can also bring a witness to the oral hearing if you think it will help. If you do not want to go to the oral hearing yourself, you can send someone to act for you.

Please note that people who attend the hearing of their appeal usually do better than those who do not.

You will have 14 days to let The Appeals Service know, on the enquiry form, whether you would like a paper or an oral hearing. **It is important that you send back the enquiry form.** If The Appeals Service does not receive a request for either a paper or an oral hearing from you, they may strike out your appeal. This means that **your appeal will not go ahead.** If The Appeals Service strikes out your appeal and you do not agree with their decision, you can ask for your appeal to be re-instated. The Appeals Service will inform you how to do this.

If you or one of the other parties to the appeal asks for an oral hearing, it will be arranged.

The Appeals Service will tell you at least 14 days before the hearing when and where it will be. During either a paper or an oral hearing, the tribunal will look at all the evidence given in the appeal submission (see page 11). Any evidence provided after the hearing date has been set will be copied out to all parties before the hearing and will be taken into account at the hearing.

If you have requested an oral hearing but fail to attend on the day, the tribunal may decide the appeal in your absence. Alternatively they may adjourn and this will delay your appeal.

Tell me more about the appeal tribunal

An appeal is decided by an independent appeal tribunal. An appeal tribunal can be made up of:

- a legally qualified member sitting alone; or
- a legally qualified member sitting with a member who has financial expertise if The Appeals Service feels that your appeal needs it.

The appeal hearing is your chance to tell the tribunal why you think the decision you are appealing against is wrong. The tribunal is there to find out the facts of your case and then to make sure the law has been applied correctly. The tribunal cannot change the law and will only look at the decision you are appealing against.

Who can attend an oral hearing?

Appeal tribunal hearings are held in public unless a private hearing is requested. If you want a private hearing you can ask on the day of the hearing. The tribunal chairman (or legally qualified panel member sitting alone) can decide that a hearing should be in private depending upon the nature of the evidence or if there is a matter of security involved.

As well as you, your representative, any officer representing the Department, the other parties, with any of their representatives, and the tribunal clerk, there are a number of other people who are allowed to stay in a private hearing and may be present at your hearing but who cannot take an active part. These people are:

- the President of the Appeals Service;
- a person undergoing training as a chairman, panel member of an appeal tribunal or as a tribunal clerk;
- a person acting on behalf of the President, or the Department if they are training a tribunal clerk or monitoring standards of decision making by the Department;
- a member of the Council of Tribunals;

if the hearing is not to be held in private, members of the public could also be present.

What about expenses?

You can claim travel expenses from The Appeals Service for the money you have to spend on your travel to and from an oral hearing. If travel is from mainland United Kingdom you should contact The Appeals Service who normally make the necessary travel arrangements. You can also claim expenses if you need an interpreter.

How does the tribunal give their decision?

The tribunal may give you a notice of their decision on the day of the hearing. Otherwise, the tribunal will send you a letter telling you their decision as soon as possible after the hearing. The other parties to the appeal will also receive a copy of the decision.

You will also be given or sent information about:

- your right to ask for a statement of the tribunal's findings and the reasons for the decision (this is called a statement of reasons); and
- what to do if you disagree with the tribunal's decision.

If the tribunal changes the original decision appealed against, the case will be returned to the Child Support Agency with the tribunal's decision which includes directions (or instructions) on how to carry out any change(s).

The tribunal's decision may include directing the Child Support Agency to ask for more information from you or the other parties to the appeal. If you are asked to give more information, you must do it within the time you are allowed. The amount of time will be as agreed between you and an Appeals Section member of staff.

When the Appeals Section get the tribunal's decision and any more information they have asked for, a fresh decision will be made using the tribunal's findings. We will tell you about the new decision as soon as we can. **It is important for you to know that the new decision may either increase or reduce the amount of child maintenance that must be paid.** If the tribunal decide that the original decision was correct then we will not make a fresh decision.

If you have any questions or queries about the fresh decision made following your appeal, you should contact the decision maker using the phone number on the letter telling you about the decision (see **What should I do if I think a decision is wrong?**) They will talk to you about the fresh decision.

I disagree with the tribunal's decision, what can I do now?

You have the right of appeal to a Social Security Commissioner on a point of law. This means that you can only appeal to a Social Security Commissioner if you think the tribunal's decision is wrong in law. The letter from the tribunal telling you their decision will also tell you how to apply for permission to appeal to a Social Security Commissioner and how much time you have to do this. If the Social Security Commissioner decides the tribunal's decision is wrong, the Commissioner will usually do one of the following things:

- give the final decision the Commissioner thinks should have been made by the tribunal; or
- refer the case to a different tribunal and tell them how to deal with it.

The appeal application form

If you want to appeal, please fill in the form at the back of this leaflet. **Please remember** it is not enough just to say that you disagree with a decision, you **must** tell us **why** you disagree with it (see page 5). However, if you have not already done so, you should contact the office that sent the letter telling you about the decision. They will be able to talk to you about the decision and tell you if it can be changed. (Please see page 4 **What should I do if I think a decision is wrong?**)

To help you, we have included an example of a filled in form also at the back of this leaflet. (The name and details used on the form are not real and any likeness to any person living or dead is purely coincidental.)

The information in this leaflet is for guidance only. It is not a full statement of the law.

CSA 2006(A) (NI)