
Child Support – of Historical Interest Only The Basic Scheme – from 1995 to 2002

A revolution in the way child maintenance is calculated, paid and enforced in the UK was introduced by the Child Support Act 1991.

This revolution affected every separated family where one parent lived with and cared for the children whilst the other lived elsewhere in the UK. On 5th April 1993 the Courts largely were relieved of their responsibility for making child maintenance orders. In their place came the Child Support Agency (CSA) which calculated how much child maintenance should be paid and took steps to make sure that the parent responsible for this paid up.

Any parent who is responsible for the care of children the other parent of whom is absent and who does not have a written agreement or a Court Order for maintenance could apply to the CSA for the absent parent to be approached for child support payments. That was the theory but the size of the workload and the complexity of the system resulted in the passing of legislation permitting the Courts to make orders for child maintenance where there was a prior agreement between the parents. Those parents who already had a written agreement or a Court Order for maintenance for their children were able to continue to use the Court's system to make changes in those arrangements and that was still the case in 2000, whilst further changes to the system were introduced gradually.

From April 1993 the CSA concentrated on cases where the parent with care of the children was in receipt of Income Support, Family Credit or Disability Working Allowance. This was regardless of whether or not there was an existing written agreement or Court Order and the legislation provided specifically for this. The Agency also dealt with some cases where the parent with care of the children was not supported by the State, and where there was no existing Court Order or written agreement between the parents for the support of their children.

The CSA issues forms for completion by the parents and then processes the information provided by a specific computer programme. To many observers the calculation was extremely complicated and time consuming and it was quite difficult to predict the outcome of the agency's calculation. The amount that an absent parent must pay was based upon his or her assessable income when compared with the assessable income of the other parent and the statutory formula. The assessable income was not the net income but instead an average of all earnings over two months, for salaried workers, over five weeks for the weekly paid, and over a convenient period for the self-employed. Employees' tax and National Insurance contributions were deducted, together with half of any contributions to an

occupational or personal pension scheme. For the self-employed, 50% of pension contributions were deducted, along with only those expenses "necessarily incurred" in the running of the business. Once this had been calculated, each parent was allowed to keep a sum for their own needs, based on Income Support allowances for themselves and for their own children living with them and any relevant Income Support premiums which might apply to a family of that type. Certain adjustments were made if the parents shared the care of the children. The cost of rent or mortgage was also deducted, leaving an "assessable income".

The statutory formula then set up a bill known as the "maintenance requirement" which was the total that the parent with care of the family would receive were they on Income Support, less Child Benefit for the children of that family. This maintenance requirement was then shared between the parents in the proportions that their assessable incomes bore to their total assessable incomes when added together. If the absent parent was a high earner, he or she may well have had to top up the basic level of maintenance by an additional allowance based on the number of children, their ages, and the amount of money that was available to the absent parent once the second stage of the calculation had been reached, and after the basic maintenance requirement had been paid, subject to a ceiling. The courts retained residual power to make a so-called "top up" order for exceptionally high earning parents and to make orders for the payment of school fees.

Once an award was calculated by the CSA, payment notices were sent to the absent parent together with a request for the payment of any arrears, which had accrued since the parent with care first made their application. Ultimately, the CSA might enforce by a Deduction from Earnings Order or even by applying to the Magistrates Court for the defaulter to be sent to prison.

Several changes were made to child support following the introduction of the scheme. The principal alteration was the introduction of a system of departures from the standard formula and, in April 1997, a new scheme to give credit for maintenance received by those who were on Income Support or Job Seekers Allowance and a system of penalties for late payment. The changes were detailed, as were the routes to appeal any decision made by the CSA. The agency publishes a number of helpful guides about their work including how to appeal against a decision.

Further dramatic changes to the formula for calculation of child support were brought into effect in 2003.

These are the subject of a separate information sheet.

This information sheet has been prepared to highlight some key issues relating to child support. It is intended to be for general guidance only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at January 2006 and may be affected by subsequent changes in the law.

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