

Department for Work and Pensions (DWP)
Central Freedom of Information Team

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: Fol IR 242

Date: 30 May 2017

Dear G. Harrison,

Thank you for your request of an internal review of your Freedom of Information request, reference VTR1849.

In our previous response we provided you with the relevant policy for clients who wish to apply for a special expenses variation for contact costs, you have asked:

“Please provide the legislative or regulatory basis for this part of your policy that states that you should use HMRC advisory fuel rates for company cars. For clarity I am looking for the legal or regulatory basis on why your policy uses the company fuel rates and not the personal car fuel rates provided by HMRC”

If a non-resident parent does not know the cost of the journey or if the average fuel cost is considered excessive the amount of the fuel allowance can be calculated by referencing the average rates that the non-resident parent travels.

The Child Maintenance Group use Her Majesties Revenue and Customs (HMRC) Advisory Fuel Rates to calculate petrol and diesel allowances and are updated regularly. The decision to use the Advisory Fuel Rates is a policy rather than legal or regulatory decision. This ensures constancy of approach that was introduced in the 1993 and 2003 Child Support Schemes. This decision was based on the detailed clarity that using the Advisory Fuel Rates provide. The figures are developed and reviewed using data from the Department for Business Energy and Industrial Strategy and data from organisations such as the Automobile Association. It was not deemed appropriate to use the simplified expense rates for self employed due to the restricted circumstances to which this rate applies.

The Child Support Maintenance Calculation Regulations 2012 Section 63 and Section 68 (3) & (4) provide legislation in relation to contact costs, how to deal with excessive contact costs and protection to ensure contact is maintained.

You have also noted that the link provided to you in your response was not working. I apologise for this. Published figures for Child Maintenance Service can be found at:

<https://www.gov.uk/government/collections/statistics-on-the-2012-statutory-child-maintenance-scheme>

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

Child Maintenance Group Freedom of Information Focal Point
Department for Work and Pensions

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to: DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF

www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745