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W [www.dwp.gov.uk](http://www.dwp.gov.uk)

Date: 27 February 2013

Wayne Pearsall

<request-147741-

XXXXXXXXX@XXXXXXXXXXXXXXXXX.XXX>

**Re: Internal Review of VTR 4882**

I have completed an internal review and I am in a position to inform you of the outcome. I can confirm that I was not connected with the consideration of your original request.

You rightly pointed out that our response did not meet the 20 day Freedom of Information deadline. Your email was received in the Child Support Agency (CSA) on 16 November 2012. Therefore, you should have received a response by 14 December. Unfortunately, your correspondence was not forwarded promptly to the Central Fol Team to process. Please accept my sincere apologies for the delay in responding to you. In order to ensure this type of incident does not happen in the future, we have reminded the business area that received your request of the steps they should have taken and should take in the future.

Address: Department for Work and Pensions  
Central FOL Team  
Caxton House  
6-12 Tothill Street  
London  
SW1H 9NA

Email: [xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxx.xxx.gov.uk](mailto:xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxx.xxx.gov.uk)

Further information on the Departments policies and procedures on Freedom of Information is available on the following link: <http://www.dwp.gov.uk/freedom-of-information/>.

The FOIA 2000 gives anyone the right to access information held by public authorities. It is important to remember that FOI does not extend to the provision of personal information. Therefore, we are not able to advise you on any case specific issues. If you require case specific assistance please contact the team who deals with your case.

You asked if you could have a copy of all the legislation for CSA cases, to include those on CS1 or CS2 and which include the new gross income scheme. For clarity, I have interpreted CS1 as the 1993 scheme, CS2 as the 2003 scheme and the new gross income scheme as the 2012 scheme.

Section 21 of the FOIA 2000 allows us to direct you to information which is already reasonably accessible to you. In our response to you dated 20 December, we sign posted you to where legislation on the 1993 and 2003 schemes (delivered by the Child Support Agency) could be sourced. However, we should have provided you with the web link. Therefore please see the information below:

- The legislation which details what income may and may not be used by the Child Support Agency in completing an assessment for the 1993 scheme can be found at Regulation 7-18 of the Maintenance Assessments and Special Case Regulations 1992 available on the following link:  
<http://www.legislation.gov.uk/uksi/1992/1815/regulation/7/made>
- Legislation which details what income should be used for calculation of maintenance in the 2003 scheme is available at Schedule 1 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000, available on the following link: <http://www.legislation.gov.uk/uksi/2001/155/contents/made>
- Legislation around the new 2012 scheme (delivered by the Child Maintenance Service). The Child Support Maintenance Calculation Regulations 2012 were made on 20 October, setting out the rules for the new child maintenance scheme. On 7 December a Commencement Order was laid in Parliament enabling the legislation that underpins the 2012 Child Maintenance Scheme to come into effect from 10 December for cases with four qualifying children or more as a Pathfinder approach. This information is available on the following link:  
<http://www.legislation.gov.uk/uksi/2012/2677/contents/made>

Additional to the information above, I have also set out below links to the main primary legislation that cover the overarching framework of child support legislation.

Child Support Act 1991 1991 c. 48 301

<http://www.legislation.gov.uk/ukpga/1991/48/contents/enacted>

Social Security Contributions and Benefits Act 1992 ss. 2(1) and 112 only 1992 c. 4 501

<http://www.legislation.gov.uk/ukpga/1992/4/section/2/enacted>

<http://www.legislation.gov.uk/ukpga/1992/4/section/112/enacted>

Child Support Act 1995 1995 c. 34 521

<http://www.legislation.gov.uk/ukpga/1995/34/contents>

Social Security Act 1998 1998 c. 14 701

<http://www.legislation.gov.uk/ukpga/1998/14/contents/enacted>

Child Support, Pensions and Social Security Act 2000 2000 c. 19 1001

<http://www.legislation.gov.uk/ukpga/2000/19/contents>

Child Maintenance and Other Payments Act 2008 2008 c. 6 1201

<http://www.legislation.gov.uk/ukpga/2008/6/contents>

There is a great deal of Child Support legislation. I have sent you the links that seem most relevant. However, if you need links to more of the regulations, please let us know. It would be beneficial if this is the case, that you specify what you need to know. We can then begin to source the relevant information for you, rather than send you volumes of irrelevant data.

I hope you find this response helpful.

Yours sincerely

**Duncan Gilchrist**  
**Head of Policy**  
**Department for Work and Pensions – Child Maintenance**

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**Your right to complain under the Freedom of Information Act**

If you are not content with the outcome of the internal review you may apply to the Information Commissioner's Office for a decision. Generally, the Commissioner prefers you to try and resolve your complaint with the Department using our own complaints procedures before referring the matter to his office. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk).