DEDUCTIONS FROM BENEFIT – UC, NEW STYLE JSA & NEW STYLE ESA

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INTRODUCTION

1 The flat rate of CSM is the amount that a NRP is liable to pay under prescribed circumstances, one of which is that they are in receipt of a specified benefit. As part of the staged introduction of the 2012 Scheme, Child Maintenance Group (CMG) is increasing the flat rate of CSM from £5 to £7. The Child Support and Claims and Payments (Miscellaneous Amendments and Changes to the Minimum Amount of Liability) Regulations 2013 (SI 2013 No. 1654) make the necessary amendments to the primary legislation to achieve this1.

1 CS Act 91, Sch 1, part 1, para 5A(2), CMOP Act 08, Sch 4, para 4 & Sch 7, para 1(28)

2 Following the commencement date of this increase, all requests for a deduction from a specified benefit, that result from an application where the maintenance liability has been assessed under the 2012 scheme, will be requested at the increased rate. Any deductions from benefit already in place under the 2012 scheme will also be increased from £5 to £7 from the commencement date. The increased rate of deduction from benefit will not be applied to cases assessed under the 1993 or 2003 schemes.

3 The increased rate of a deduction from benefit comes into force on 25.11.131.
DEDUCTIONS FROM BENEFIT

4 This memo gives guidance on the increased rate of deductions from UC, new style JSA and new style ESA.

Claimant or partner liable to pay standard or non-standard rate of maintenance

5 ADM D3035 provides guidance on the amount of deduction when either the claimant or their partner is liable to pay a standard or non-standard rate of maintenance. From 25.11.13, the amount of the standard rate deduction is £7 per week (£30.33 per month) and the non-standard rate deduction is any amount up to and including £6.99 per week (£30.29 per month).

6 ADM D3033 provides guidance on the amount of deduction when the claimant and their partner are both liable to pay a standard or non-standard rate of maintenance. From 25.11.13, the total sum of the deduction for each NRP must not exceed the flat rate of maintenance.

Note: Where UC is awarded and the claimant and partner are both liable to pay a standard rate of maintenance, one deduction of £30.33 per month will be taken from the award of UC. CMG will then apportion that deduction between the persons with care.

ANNOTATIONS

Please annotate the number of this memo (8/13) against the following ADM paragraphs: D3033, D3035.
CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 03/13 - Obtaining legal advice and guidance on the Law.

DMA Leeds: [November] 2013