

[Changes to A Special Expenses Variation: Contents](#)

Decision Makers Guidance Changes to a Special Expenses Variation

[2012/2677](#) Regulation 61 of the Child Support Maintenance Calculation Regulations 2012

If a Special Expenses Variation is already in place, there are three types of changes that can affect it:

- the expenses amount increases / decreases;
- the expenses cease or;
- the Special Expenses variation becomes dormant because this non-resident parent becomes liable to pay a rate of maintenance which means the variation is no longer allowed.

The following guidance provides advice on the action you should take if these types of changes are reported.

NOTE: If a parent reports within 30 days from the date of the decision that a variation decision is incorrect then this may be treated as an application for a Revision. Refer to the guidance on Revisions for further advice.

Special Expenses Amount Increases / Decreases

Notification of changes to Special Expenses amounts will normally be received from the non-resident parent, but may also be reported by the parent with care. The action you need to take will depend on who has reported the change.

Parent with care reports change

If a parent with care reports a change in the non-resident parent's Special Expenses, you should ask them to provide a valid reason for why they think the change has occurred, and whether they can provide any evidence to confirm this.

- If they cannot provide a valid reason then, you should refuse to accept the request for supersession and notify them of this outcome.
- If they can provide a valid reason then, you should contact the non-resident parent for confirmation.

Example of valid reason:

- Contact costs have reduced because contact is now taking place once a week instead of twice a week.

Example of invalid reason:

- I think the costs my ex-partner pays for his relevant other child have reduced because someone told me.

Use the drop downs below for further advice on the next appropriate action.

Non-resident parent agrees the reported change has occurred

- If the non-resident parent agrees to the change then you should ask them to provide evidence of their new expenses. Refer to the individual sections on Evidence of a Special Expenses Variation for advice on the types of evidence we can consider.
- When you have received this information / evidence, you should consider if the financial threshold is still met. Refer to the Guidance on Financial Threshold for further advice.
- If the new amount does not meet the threshold, you should complete the supersession to remove the variation. [2012/2677](#) Regulation 68 of the Child Support Maintenance Calculation Regulations 2012.
- If the threshold is met, you must notify the parent with care and invite their comments on the new special expenses amount. Refer to the Guidance on Representations for further advice. Parent with care should be allowed 14 days to comment.
- When you have received their comments or the time allowed has elapsed, you need to consider all the evidence, and decide whether the new effect on the liability is Just and Equitable. Refer to the guidance on Just and Equitable decisions for further advice.
- If you decide it is Just and Equitable, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change in expenses was reported. [2012/2677](#) Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012.
- If you decide it is not Just and Equitable, you may reject the supersession or allow the supersession but for a lesser variation amount. A notification confirming the refusal to supersede will be issued to all relevant parties.

Non-resident parent does not agree the reported change has occurred

- If the non-resident parent does not agree that a change has occurred, they must provide evidence to confirm that their Special Expenses remain the same. Refer to the individual sections on Evidence of a Special Expenses Variation for advice on the types of evidence we can consider.

- When you have received the non-resident parent's evidence, you need to decide whether a change has occurred.
- If not, you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If you decide there has been a change, you need to consider whether the financial threshold is still met.
- If the new amount does not meet the threshold, you should complete the supersession to remove the variation. [2012/2677](#) Regulation 68 of the Child Support Maintenance Calculation Regulations 2012
- If the new amount does meet the threshold, you must notify the parent with care and invite their comments on the new special expenses amount. Refer to the Guidance on Representations for further advice.
- Parent with care should be allowed 14 days to comment.
- When you have received their comments or the time allowed has elapsed, you need to consider all the evidence, and decide whether the new effect on the liability is Just and Equitable. Refer to the guidance on Just and Equitable decisions for further advice.
- If you decide it is Just and Equitable, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change in expenses was reported. [2012/2677](#) Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012
- If you decide it is not Just and Equitable, you may reject the supersession or allow the supersession but for a lesser variation amount. A notification confirming the refusal to supersede will be issued to all relevant parties.

Non-resident parent fails to respond

- If a non-resident parent fails to respond to a request for information then you should proceed with the supersession on the basis of the evidence available to you.
- If you are satisfied that the evidence provided by the parent with care enables you to make a decision then you should complete the supersession to update the Maintenance Calculation.
- If you are not satisfied that the evidence provided enables you to make a decision then you should reject the application for supersession.

NOTE: A referral to Investigating Officers should only be made where the parent with care is adversely affected by the non-resident parent's failure to respond.

Non-resident parent reports change

- If a non-resident parent reports a decrease in their Special Expenses, then evidence is not required and you do not need to invite the parent with care to make representations.
- You should check whether the new amount still meets the threshold.
- If the threshold is met, then you should complete the supersession to update the Maintenance Calculation.
- If the threshold is not met, then you should complete the supersession to remove the variation.
- If a non-resident parent reports an increase in their Special Expenses, you should ask them to provide sufficient information / evidence to confirm the new amount. Refer to the individual sections on evidence of a Special Expenses Variation for advice on the types of evidence we can accept.
- When you have received the non-resident parent's evidence, you need to decide whether a change has occurred.
- If not, you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If you decide there has been a change, you need to consider whether the threshold is still met.
- If the new amount does not meet the threshold, you should complete the supersession to remove the variation. [2012/2677 Regulation 68 of the Child Support Maintenance Calculation Regulations 2012](#)
- If the new amount does meet the threshold, then you need to consider whether representations from the parent with care are required.

NOTE: Representations are not required if you are satisfied that the new expenses amount is less advantageous to the non-resident parent, or representations from the parent with care would not be relevant. If you do invite representations then you must allow 14 days for comment. Refer to the Guidance on Representations for further advice. [2012/2677 Regulation 61\(2\) of the Child Support Maintenance Calculation Regulations 2012](#)

- When you have received comments or the time allowed has elapsed or you decide not to invite representations, then you need to consider all the evidence, and decide whether it is Just and Equitable for the Variation amount

to be changed. Refer to the guidance on Just and Equitable decisions for further advice.

- If you decide it is Just and Equitable, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change in expenses was reported. [2012/2677 Regulation 18\(6\)\(a\) of the Child Support Maintenance Calculation Regulations 2012](#)
- If you decide it is not Just and Equitable, you may reject the supersession or allow the supersession but for a lesser variation amount. A notification confirming the refusal to supersede will be issued to all relevant parties.

Special Expenses Cease

Notification that special expenses have ceased will normally be received from the non-resident parent, but may also be reported by the parent with care. The action you need to take will depend on who has reported the change.

Parent with care reports change

If a parent with care reports that special expenses have ceased, you should ask them to provide a valid reason for why they think the change has occurred, and whether they can provide any evidence to confirm this.

- If the parent with care cannot provide a valid reason for why they think there has been a change, you should refuse to accept their request for supersession and notify them of this outcome.
- If the parent with care does provide a valid reason for why they think there has been a change, you should contact the non-resident parent for confirmation.

Example of a valid reason:

- Boarding school fees have ceased because my child has left boarding school.

Example of an invalid reason:

- I think the costs my ex-partner pays for his relevant other child have ceased because someone told me.

Non-resident parent agrees the reported change has occurred

If the non-resident parent agrees to the change then you should proceed with the supersession to remove the variation and update the Maintenance Calculation.

Non-resident parent does not agree the reported change has occurred

- If the non-resident parent does not agree that their special expenses have ceased, then they must provide evidence to confirm that they remain in place. Refer to the individual sections on Evidence of a Special Expenses Variation for advice on the types of evidence we can consider.
- When you have received the non-resident parent's evidence, you need to decide whether the special expenses are still in place.
- If not, you should proceed with the supersession to remove the variation and update the Maintenance Calculation.
- If you decide they are still in place and the amounts have not changed then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If you decide they are still in place but the amounts have changed then you need to consider whether the threshold is still met.
- If the threshold is no longer met, you should complete the supersession to remove the variation. [2012/2677](#) Regulation 68 of the Child Support Maintenance Calculation Regulations 2012
- If the threshold is still met, you must notify the parent with care of the evidence supplied by the non-resident parent and invite their comments. Refer to the Guidance on Representations for further advice.
- Parent with Care should be allowed 14 days to comment.
- When you have received the comments or the time allowed has elapsed, you will need to consider all the relevant information / evidence and decide whether it is Just and Equitable for the Variation amount to be changed. Refer to the guidance on Just and Equitable decisions for further advice.
- If you decide it is Just and Equitable, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change in expenses was reported. [2012/2677](#) Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012

If you decide it is not Just and Equitable, you may reject the supersession or allow the supersession but for a lesser variation amount. A notification confirming the refusal to supersede will be issued to all relevant parties.

Non-resident parent fails to respond

- If a non-resident parent fails to respond to a request for information then you should proceed with the supersession on the basis of the evidence available to you

- If you are satisfied that the evidence provided by the parent with care enables you to make a decision then you should complete the supersession to remove the variation.
- If you are not satisfied that the evidence provided enables you to make a decision then you should reject the application for supersession.

NOTE: A referral to Investigating Officers should only be made where the parent with care is adversely affected by the non-resident parent's failure to respond.

Non-resident parent reports change

If a non-resident parent reports that their Special Expenses have ceased then you should proceed with the supersession to remove the variation and update the Maintenance Calculation. There is no need to contact the parent with care.
Special Expenses Variation Ceases

If a special expenses variation is in place and the non-resident parent subsequently becomes liable to pay maintenance at the nil rate or flat rate or they move to an estimate of income then the variation will no longer be allowed and should remain dormant during these circumstances. When the non-resident parent's circumstances change the special expenses variation will automatically be re-instated. The onus will be on the relevant parties to report a change in expenses or to report if the variation has ceased.

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