

Dispute Resolution



For disputes against decisions made BEFORE October 28th 2013 follow this procedures completely. This includes any revisions of these decisions even if the revision was completed after this date. For disputes against decisions made on or after October 28th 2013, refer to [Mandatory Reconsideration](#).

If a client isn't satisfied with a decision made on their case, they can raise a dispute. A dispute can be received at any point within the child maintenance process and can refer to any component of the maintenance decision or include areas outside our legislation. They are important for identifying and correcting incorrect decisions. Disputes should not be confused with enquiries received from clients who are seeking clarification of a decision. This process will be dealt with by the case owner at the time the dispute is received.

Disputes can be raised against the following decisions;

- A new maintenance calculation/assessment
- A supersession or revision of a decision
- A closure decision

A dispute cannot be considered against any of the following;

- Delays by the Child Maintenance Group (CMG)
- Arrears amount
- Enforcement action
- The imposition or amount of a DEO
- Access to the Qualifying Child/ren (QC/s)
- A parentage decision

A dispute may lead to;

- Revision of the original decision,
- Refusal to revise the original decision
- Supersession
- Refusal to supersede
- Case being re-opened
- Case closure
- An appeal


For a dispute to be valid it must be received within the time period allowed. The time limit for a dispute is within 30 days plus two days posting from the date of notification of the disputed decision.

A time limit does not apply when the revision is required because of:

- An official error or
- Misrepresentation or failure to disclose relevant information by a party of the maintenance calculation and that person benefited from the misrepresentation or failure to disclose the information required of them.

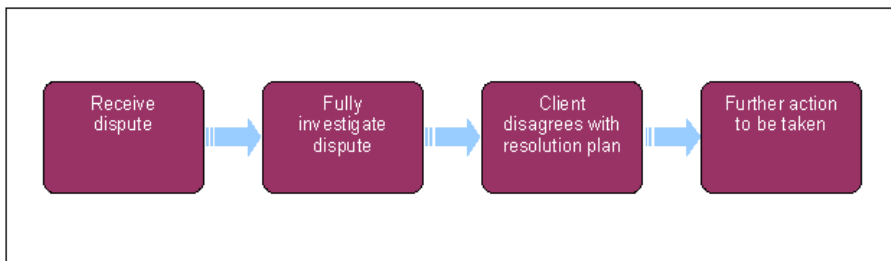
If a dispute is received outside of 30 days plus two days posting of notification the dispute will only be accepted if special circumstances for delay can be established.

- The client may have been away when the decision was notified
- The client has been in hospital during this period

- Postal strike
- Residence abroad
- Regulation 15 of the Child Support Maintenance Calculation Regulations 2012 

The client can disagree to dispute actions and this would lead to an appeal.

For more information refer to the Policy, Law and Decision Making Guidance 





When speaking to clients always use the new terminology. For more information refer to [Terminology Changes](#).


Receive dispute


For disputes against decisions made **BEFORE October 28th 2013** follow this procedure completely. For disputes against decisions made **ON OR AFTER October 28th 2013**, refer to [Mandatory Reconsideration](#). For non-customer led challenges ie an error is identified internally, please follow the relevant revision procedure.

BAU

- When a dispute request is received requesting dispute action raise an SR using;
 - **Process – Escalated Enquiry**
 - **Area – Dispute**
 - **Sub Area – Dispute**
- Update the SR source, link the SR to the case and the client, update the **Status** to **In Progress** and update the **Decision Disputed, Stage, Details** and **Notes** fields within the **More Info Escalated Enquiries** tab. In the related SR view, link to the SR that has the decision being disputed.
-   If you are not already on the phone to the client, call them to discuss the dispute and explain the process.
 - If the client is only enquiring about an issue, deal with the enquiry and create an **Enquiry** SR. In the **Dispute** SR update the **Notes**, update the **Resolution Code** with the relevant option, update the **Status** to **Closed** and **Sub Status** to **Complete**.
 - If the client is making a complaint/is dissatisfied, you need to follow the dissatisfaction process. For more information refer to [Complaint/Dissatisfaction - Log](#).
 - When phone contact is not successful issue CMSL5810 and set a Wait status for 14 days. If no contact is received within the 14 days issue CMSL5971 and CMSB011. Close the dispute by changing the **Resolution Code** to **Refuse To Revise – Dissatisfied** the SR **Sub Status** to **Rejected** and the **Status** to **Closed**.
- Look at the case to see if further action can be taken to resolve the dispute. If you decide that no further action can be taken go to **step 5**. If there are further actions that can be taken to resolve the dispute go to **step 9**.

No further action to be taken

-  When you have made a decision that no action can be taken and the decision will not be revised, call the client to advise of your decision then issue a refuse to revise letter and appeals leaflet - CMSL5971 and CMSB011.

6.  When no successful contact has been made by phone after attempting to call the client as many times as necessary, at all different times of the day, issue CMSL5971 and create a 7 day Wait activity.
7. After 7 days, if there has been no reply to the CMSL5971, update SR **Status** to **Closed**. If the client does respond to the letter within the 7 days, advise them of your decision, discuss the reasons and update the Resolution Code with the relevant option, update the Status to Closed and Sub Status to **Complete**. Record the outcome reason.

Fully investigate dispute

8. Complete the **Activity Plan**. You will need to look at the original decision that is being disputed, gather all evidence and decide if the decision is correct or not.
9. Create a Resolution Plan on the system by setting the SR **Sub Status** to **Draft Action Plan** and update the **Stage** to **Initial Response**, selecting the **Resolution Plan** tab, if this is not shown within your tab display; select the drop down option at the end of the tool bar to detail the tabs that are not displayed. Select the **Reasons/Resolution** tab, in the **Reasons** sub tab select **New** and add the Reasons/Grounds for the dispute, making sure the dispute is fully documented. Select **New** from the Resolutions sub tab and add the resolution action for the dispute. Select the Reason/Ground button to bring up a window to link the resolution to the reason. Each action needs a due date which is agreed with the client and updated in the **Due Date** column in the Resolutions applet.
10. Once the Resolution Plan has been formed call the client to inform them of the action plan and ask them if they agree to it. Each action needs a due date which is agreed with the client and updated in the Due Date column in the **Resolutions** applet. Issue CMSL5811 if you have not been able to contact the client by phone.
11. Where the client agrees with the Resolution Plan go to **step 16**. Where the client does not agree with the Resolution Plan go to **step 12**.





Client disagrees with Resolution Plan

12. In the Resolutions tab, select No in the Client Approved drop down and update the Activity Plan. Within the Escalated Enquiries tab, update the Stage to TL Authorisation, the SR Status to Pending Approval and Sub Status to Pending Approval – TL. To prevent the casegroup moving segments whilst you are awaiting TL authorisation, set the **Lock Assignment Flag**. For more information refer to [BOM - Segments Summary](#).


Team Leader Action






13. Open inbox work item and in the SR and update the **Amount**, **TL Approved** and **Comments** in the **Resolution** tab.

Caseworker action

14.   If the Resolution Plan is approved, update SR **Sub Status** to **Approved** and contact the client to advise that the plan will not be revised and will be actioned as it stands. Issue CMSL5813 then go to **step 17**.
15.   If the Resolution Plan is rejected, review the Resolution Plan and with help and guidance from your TL, if needed, resubmit for approval. Call the client to advise that a new plan will be made. Issue CMSL5814 if you have not been able to contact the client by phone. Go to **step 9**.

Further action to be taken

16.  In the **Resolution** tab, select **Yes** in the **client approved** drop down and update the SR **Sub Status** to **Approved**, issue letter CMSL5812.
17. Update **Dispute Details Stage** to **Undertake Resolution Actions**, the SR **Status** to **In Progress** and the **Sub Status** to **Undertake Actions Prescribed**.
18. If the original decision is incorrect, you need to create a child SR to complete a revision. Refer to the appropriate procedure in the related items to correct the decision
 - Revise change to personal details
 - Revision to employment status
 - Revision of benefit status
 - Revision of contact address

- Revision of QC no longer in FTE
 - Revision of paying parent no longer carer of ROC/CIFBA
 - Revision of new QC in receiving parent household
 - Revision of change to income
 - Revision of change to Shared Care
 - Revision of ROC/CIFBA FTE status
 - Revision of new ROC/CIFBA in paying parent household
 - Revision of paying parent not the father
 - Reverse case closure
 - Revision of receiving parent no longer carer
19.  Call the client and advise of action taken and request agreement that dispute can now be closed
- If the client agrees go to **step 21**
 - If the client disagrees go to **step 22**
 - If you cannot contact the client by telephone go to **step 23**
20.  If the payment amount/date/frequency has changed, issue CMSL5818 to the other party/ies involved in the case to advise them that there has been a dispute and to inform them of the new payment amount/date/frequency.
21.  When the client agrees to dispute closure, update **Resolution Code** to **Revise – Satisfied**, issue CMSL5816 and update the **Status** to **Closed** and **Sub Status** to **Complete**.
22.  When the client disagrees with the dispute closure, update **Resolution Code** to **Refuse to Revise – Dissatisfied**, issue CMSL5817 and leaflet CMSB011, update the SR **Status** to **Closed** and **Sub Status** to **Complete**.
23.  When no successful phone contact has been made to call the client as many times as necessary, at all different times of the day, issue CMSL5815. Set SR **Sub Status** to **Wait** and check outcome in 14 days. Return to **step 22** or **23** depending on client contact.

Mandatory Reconsideration and Direct Lodgement came into force in respect of child maintenance decisions in Northern Ireland from 11 July 2016.

Therefore, for disputes against decisions made BEFORE 11th July 2016 follow these procedures completely. This includes any revisions of these decisions even if the revision was completed after this date. For disputes against decisions made on or after 11th July 2016, refer to [Mandatory Reconsideration](#).

Replace Child Maintenance Group (CMG) with the Northern Ireland Child Maintenance Service (NICMS).

Replace Her Majesty's Court and Tribunal Service (HMCTS) with The Appeals Service (TAS).

Replace decision date 28th October 2013 with 11 July 2016.

Replace Regulation 15 of the Child Support Maintenance Calculation Regulations 2012 with Regulation 14 of the Child Support Maintenance Calculation Regulations (NI) 2012.

[FT5900 Appeal Application](#)

(Appeal application form. This form will be sent to customers upon request or when they have indicated that they may wish to make an appeal against a decision.)

[CMSB011 What to do if you're unhappy with the Child Maintenance Service](#)

(Complaints and appeals leaflet. This leaflet will be sent to customers upon request or when they have indicated that they may wish to complain or appeal against a decision.)

CMSL5810 We need to talk with you about your dispute

(Outbound letter to disputee following x number of unsuccessful attempts to contact them on the phone to request explanation of issues and discuss options.

The letter should explain that we tried to get in touch by phone to discuss the dispute (of a decision). Client should contact the Child Maintenance Group (CMG) within x days to proceed with the dispute.)

There is one optional paragraph in this letter:

TM_04384_E - 'You need to continue to make your child maintenance payments we worked out for you.'

CMSL5811 We have considered your dispute and will take steps to resolve it

(This letter is sent to a customer to propose an action plan to resolve their dispute, when we haven't been able to get in touch with them to discuss the proposed plan over the phone.)

CMSL5812 We have changed our decision

(This letter is sent to a customer to confirm an action plan to resolve their dispute, after they have agreed to the plan over the phone.)

CMSL5813 We've reviewed your complaint

(This letter is sent by a team leader to a customer who has disagreed with the proposed dispute action plan and the team leader has agreed that the plan should not be changed)

There are two optional paragraphs in this letter:

TM_12235_E -'We recently spoke to you to let ou know that we have carefully considered the child maintenance decision you are disputing. We also agreed to take further action to resolve the dispute. You told us these steps wouldn't be enough to resolve your concerns.'

TM_12236_E -'We recently received your letter responding to the steps we proposed to take to resolve your dispute over a child maintenance decision we made. Your reply indicated that you feel these steps wouldn't be enough to resolve your concerns.'

CMSL5814 We've improved our action plan

(This letter is sent from a senior member of the complaint resolution team to a customer who has disagreed with the proposed resolution plan and the team leader has agreed that the plan should be changed.)

There are six optional paragraphs in this letter:

TM_12241_E -'We recently spoke to you to let ou know that we have carefully considered the child maintenance decision you are disputing. We also agreed to take further action to resolve the dispute. You told us these steps wouldn't be enough to resolve your concerns.'

TM_12242_E -'We recently received your letter responding to the steps we proposed to take to resolve your dispute over a child maintenance decision we made. Your reply indicated that you feel these steps wouldn't be enough to resolve your concerns.'

TM_12244_E -'In our recent phonecall we agreed the new steps we'll take to resolve your dispute.'

TM_12245_E -'I haven't been able to reach you by phone to -discuss the new we'll take to resolve your dispute.'

TM_12249_E -'If you disagree with any of these steps we have listed or if you think we should do more please let us know right away...'

TM_12250_E -'If you have any questions, feel free to get in touch with us.'

CMSL5815 Keeping you informed about your dispute

(This letter is sent to a customer, to confirm completion of resolution actions and closure of dispute when we haven't been able to reach them over the phone.)

There are two optional paragraphs in this letter:

TM_02804_E -'We are sorry for any inconvenience caused in this matter and thank you for bringing it to our attention. We are committed to give you an excellent child maintenance service, and your feedback will help us improve our services.'

TM_13127_E 'Thank you for contacting us.'

[CMSL5816 Keeping you informed about your dispute](#)

(This letter is sent to a customer, to confirm completion of resolution actions and closure of a dispute - after they have agreed over the phone.)

There are two optional paragraphs in this letter:

TM_02122_E -'We are sorry for any inconvenience caused in this matter thank you for bringing it to our attention. We are committed to give you an excellent child maintenance service, and your feedback will help us improve our services.'

TM_02123_E -'Thank you for contacting us.'

[CMSL5817 Keeping you informed about your dispute](#)

(This letter is sent to a customer, to confirm completion of resolution actions and closure of dispute - after they have disagreed over the phone. Appeal form to be included.)

There are four optional paragraphs in this letter:

TM_13129_E -'We won't be taking any further action in this matter. You can still appeal against our decision.'

TM_13130_E -'We won't be taking any further action in this matter. You have a legal right to formally appeal our decision.'

TM_13131_E -'We have now closed the dispute but the appeal process will continue. Please fill in the enclosed appeals form and return it to continue with your appeal.'

TM_13132_E -'You do not need to do anything else unless you wish to appeal against our decision. Please see the enclosed leaflet and form for more information on this.'

[CMSL5971 Important information about our child maintenance decision](#)

(To client who has been through disputes process and has been told CMS decision stands.)

There is one optional paragraph in this letter:

TM_12216_E -'You need to continue to make the child maintenance payments we worked out for...'

Appeals

[Appeals - Tribunal Preparation](#)

[BOM - Segments Summary](#)

[Close Case - Reverse/Reverse](#)

[Complaint/Dissatisfaction - Log](#)

[Complaint - Resolution](#)

[Complaints Overview](#)

[Correction - Contact Address](#)

[Correction - Personal Details](#)

[Mandatory Reconsideration](#)

Revision/Correction – Carer Status - Paying Parent Not Primary Carer Of ROC/CIFBA

Revision/Correction – Carer Status - Receiving Parent Not Primary Carer Of QC

Revision/Correction - Change To Benefit Details/Status

Revision/Correction - Change To Employment Status

Revision/Correction - Change To Income

Revision/Correction - Change To Shared Care

Revision/Correction - FTE Status (QC)

Revision/Correction - FTE Status (ROC/CIFBA)

Revision/Correction - New QC

Revision/Correction - New ROC/CIFBA

Revision/Correction - Paying Parent Not The Father

Security Check

Terminology Changes

Is there a time limit for a dispute if an official error has been made?

No there is no time limit.