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|  | ***“CS1”; “Old scheme”***  ***“1993 scheme”*** | ***“CS2”; “New scheme”; “2003 scheme”*** | ***CS3; “gross income scheme” “2008 scheme” “2012 scheme”*** |
| ***Start date:*** | Applications made after 5 April 1993 | Applications made (roughly) after 3/3/2003 | Gradual intake (depending on family composition): 10/12/12(4+children);29/7/13(2+children);25.11.2013(all). |
| ***Statute*** | Child Support Acts 1991 & 1995 | Child Support, Pensions and Social Security Act 2000 | Child Maintenance and Other Payments Act 2008 |
| ***Terminology of peops*** | Parent with care (“PWC”) and absent parent (later non-resident parent, “NRP”) | “PWC” & “NRP” | “Receiving Parent” (“RP”) & “Paying parent” (“PP”?) |
| ***What it does*** | Assessment | Calculation | Calculation decision |
| ***Variables in the formula*** | ‘Income shares model’: A wide range including net income from all sources and housing costs of NRP & PWC | ‘Income percentage model’ The main focus is on the NRP’s earned net income at the time of the application. | Similar to CS2 but the income data is now usually that provided by HMRC’s records of the previous year’s gross income, relieving the CMS of the responsibility for identifying income in most cases. |
| ***Administrative Bodies*** | The Child Support Agency | The Child Maintenance & Enforcement Commission (trading as the Child Support Agency) | The Child Maintenance Service (part of DWP)  With investigations carried out by HMRC |
| ***Formula*** | Complex: basic & additional elements & a range of “safety net” formulae, requiring up to 100 steps in the calculations | The familiar formula with its 15%, 20% and 25% levies on net income. | Levies on gross income targeting roughly the same out-turn (so requiring a lower % and a step to even lower percentages for income taxed at the higher rate). The levies tend to be higher than CS2 for higher earners. |
| ***Access*** | Government aimed to take on all child support arrangements – an idea abandoned by 1995 | Available to all.  Post Henshaw, encouragement to reach own agreements; launch CM Options service | Volte face from CS1 – now discouragement from using the state scheme with a gateway system and f\*ees. |
| ***Discretionary overlay*** | None until the ‘departures’ scheme went live in 1995 | A narrower range of gateways, renamed “variations” | Variation categories further reduced: significantly “underused assets” and “lifestyle inconsistent” eliminated. |
| ***Reviews (“supersessions”)*** | Annual reviews planned (and abandoned) | Reviews only upon request | Intended for ach anniversary  Mid-year changes discouraged by a 25% threshold. |
| ***Fees*** | £44 charged till abandoned in 1995 in the criticism raised about the Agency’s performance. | Never really in contention. | £20 to access  4% deduction for RPs; 20% handling fee for PPs  Additional charges for enforcement steps |

We can also set out, side by side, the main features of CS2 and the gross income formula:

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| --- | --- | --- | --- |
|  | Current scheme (“CS2”) | New scheme (“CS3”) | |
| **Income** | Net income as identified by the Agency | Gross previous year’s income as declared to HMRC (unless 25% threshold breached meaning a move to “current” income calculations) | |
| **Tax** | Taken fully into account | Ignored | |
| **Maximum** | £104,000 net income | £156,000 gross income | |
| **Levy for:**    **1 child**  **2 children**  **3 or more children** | 15%  20%  25% | *First £800 pw*  12%  16%  19% | *Above £800 (income taxed at higher rate)*  9%  12%  15% |
| **Deductions where NRP has child in his household**  **1 child**  **2 children**  **3 or more children** | 15%  20%  25% | *11%*  *14%*  *16%* | |
| **Variations scheme** | Potentially increases where:   * Assets over £65,000 “underused” * Dividends * Income being diverted * Lifestyle inconsistent with declared income   Potential reductions where   * Boarding school fees being paid * Contact costs * Illness * Debt or Mortgage from the relationship | The new variations scheme is similar save that crucially there is to be abolished the underused assets and lifestyle categories. Once again, millionaires with careful arrangements will enjoy minimal levels of child support (and also be out of reach of the court’s making a top-up award). | |
| **Change of circumstances review** | Available to reflect most changes, subject to the threshold that it made a difference of roughly £15 pw | Reassessments to be carried out each year on the previous year’s declared income.  Changes in the meantime where a 25%+ change of income | |
| **Duties to report changes of circumstance** | Minimal duties on PWC where child falls out of the scheme. | Now, additional duties on NRP to report change of address. | |