

Child Maintenance Service (CMS)

Complaints and Appeals Process

Complaint Route (Bad Service)

Use this for:

- delays
- false arrears caused by admin errors
- case not closed
- poor communication
- lost documents
- rude treatment
- enforcement mistakes
- no annual review
- hardship ignored

Step 1 — Complain to CMS

[CMS Complaints and Appeals](#)

Include:

- CMS reference number
- dates and letters
- evidence and screenshots
- financial loss caused
- what outcome you want

Phone: **0800 171 2345**

Step 2 — Complaints Resolution Team

If unresolved, ask for escalation to the Complaints Resolution Team.

Step 3 — Final Response Letter

Keep this letter.

You need it for ICE.

Step 4 — Independent Case Examiner (ICE)

[Independent Case Examiner](#)

Must usually be within 6 months of final CMS response.

ICE reviews:

- poor service
- maladministration
- delay
- compensation requests

Step 5 — Parliamentary and Health Service Ombudsman

Parliamentary and Health Service Ombudsman

Usually requires MP referral.

Decision Challenge Route (Wrong Decision)

Use this for:

- wrong maintenance calculation
- wrong shared care decision
- wrong income used
- wrong arrears
- wrong parent identified

Step 1 — Mandatory Reconsideration

Request within 30 days.

State clearly:

“I request Mandatory Reconsideration”

Step 2 — Mandatory Reconsideration Notice

CMS sends formal outcome.

If still wrong:

GO TO TRIBUNAL

Tribunals

Social Security and Child Support Tribunal

First-tier Tribunal

Used after CMS Mandatory Reconsideration.

[HMCTS Tribunal Information](#)

Usually appeal within:

1 month

Using:

SSCS forms

Upper Tribunal

Use when:

- tribunal applied law wrongly
- legal error happened
- unfair legal interpretation

You must first request:

Permission to Appeal

from the First-tier Tribunal.

Courts

High Court

Usually through:

Judicial Review

Used when:

- unlawful decisions
- abuse of power
- procedural unfairness
- irrational decisions
- public body acting outside the law

This is specialist legal work.

Often solicitor or barrister needed.

Court Orders and Shared Care

Family court orders can affect CMS decisions.

Clear wording matters.

Especially:

“No Primary Carer”

Shared Care Orders

50/50 Residency Orders

Complaints About Judges

Judicial Conduct Investigations Office (JCIO)

JCIO Complaints Portal

Use for:

- misconduct
- bullying
- inappropriate behaviour
- rudeness
- abuse of position
- serious bias in conduct

NOT for Legal Decisions

If the judge got the law wrong:

You must APPEAL

not complain to JCIO.

JCIO handles conduct, not decisions.

Complaints to Local Councils

Full Guide to Challenging Council Failures

Local councils make decisions that affect housing, children, adults, benefits, safeguarding, education, and daily life. When they get it wrong, the impact can be severe.

This guide explains how to complain properly and escalate if needed.

What You Can Complain About

You can complain about:

- housing and homelessness decisions
- council tax mistakes
- housing benefit / local welfare support
- social services failures
- children's services
- adult social care
- safeguarding concerns
- school admissions / education issues
- SEND delays and failures
- planning and environmental issues
- repairs and disrepair
- anti-social behaviour handling
- licensing failures
- complaint handling itself
- contractor failures working for the council

You usually complain about:

bad service

delay

maladministration

failure to follow law or policy

What You Usually Cannot Complain About

Some decisions have separate appeal routes, for example:

- housing benefit appeals
- council tax valuation disputes

- school admission appeals
- SEND Tribunal cases
- court decisions

These often go to tribunal first, not Ombudsman first.

Step 1 — Formal Complaint to the Council

Always start with:

Stage 1 Formal Complaint

Most councils have their own complaints page.

You should write:

“This is a Formal Complaint — Stage 1”

This matters.

Do not let it be treated as a casual enquiry.

What to Include

Always include:

- full name
- address
- council reference number
- dates of events
- names of staff involved
- letters and emails
- evidence
- financial loss caused
- distress caused
- what outcome you want

Ask clearly for:

- correction
- explanation
- apology
- reimbursement
- compensation
- urgent safeguarding action
- case closure if appropriate

Example Outcomes to Ask For

You can request:

- false debt removed
- overpayment corrected
- council tax corrected
- homelessness decision reviewed

- safeguarding reviewed
- housing repairs completed
- service failure acknowledged
- compensation for delay or harm
- contractor conduct investigated

Step 2 — Stage 2 Complaint Review

If Stage 1 fails:

ask for:

Stage 2 Complaint Review

Usually this is:

- senior manager review
or
- formal investigation

This is important before Ombudsman.

Children's Services Complaints

Special rules often apply for:

- child protection
- looked-after children
- children in need
- safeguarding decisions

Often there are:

3 statutory stages

instead of normal 2 stages.

These can involve:

- independent investigator
- independent person
- formal review panel

Adult Social Care Complaints

Can involve:

- care packages
- assessments
- safeguarding
- charging disputes
- neglect concerns

Still usually starts with council complaints first.

Housing and Homelessness

If homeless or threatened with homelessness:

URGENT legal advice may be needed.

Some housing decisions have:

review rights

and

court challenge rights

not just complaint routes.

Do not rely only on complaints if homelessness is involved.

Step 3 — Ombudsman

After council complaints finish:

go to Ombudsman.

England

Local Government and Social Care Ombudsman

LGSCO Official Site

Handles:

- councils
- social care
- housing
- homelessness
- education
- safeguarding
- complaint failures

Wales

Public Services Ombudsman for Wales

PSOW Official Site

Scotland

Scottish Public Services Ombudsman

SPSO Official Site

Northern Ireland

Northern Ireland Public Services Ombudsman

NIPSO Official Site

Ombudsman Can Look At

- maladministration
- delay

- poor complaint handling
- unfair treatment
- failure to follow law
- unreasonable decisions
- avoidable distress
- compensation recommendations

They can recommend:

- apology
- compensation
- review
- policy change
- service improvements

They Usually Cannot

- overturn court decisions
- replace tribunal appeals
- force criminal prosecution

Safeguarding Complaints

If immediate risk exists:

do not wait for complaint stages.

Also contact:

- police if urgent risk
- safeguarding team
- emergency services if danger exists

Complaints do not replace urgent protection.

Complaints About Councillors

Use:

Monitoring Officer

Every council has one.

This is for:

- misconduct
- standards breaches
- conflicts of interest
- behaviour concerns

This is separate from service complaints.

Complaints About Contractors

If contractor works for council:

complain to BOTH:

- contractor
and
- council commissioning them

because public money still creates public accountability.

Golden Rules

Never

- ignore letters
- accept verbal promises only
- miss deadlines
- assume someone else fixed it

Always

- get everything in writing
- keep evidence
- request policies relied on
- ask for legal basis
- ask who made the decision
- escalate calmly

Right First Time UK Rule

No false debt.

No silent failures.

No public money without accountability.

Family Courts

Full Process for Family Court Cases, Complaints and Appeals

Family court decisions can affect:

- child arrangements
- shared care / 50-50 care
- residence and contact
- parental responsibility
- prohibited steps orders
- specific issue orders
- child maintenance linked evidence
- safeguarding concerns
- domestic abuse allegations
- school and medical decisions

The family court does **not** usually decide CMS payments directly, but court orders can strongly affect CMS decisions.

Step 1 — Before Court

Try Non-Court Resolution First

Usually you must consider:

MIAM

Mediation Information and Assessment Meeting

Family Mediation Council

This is often required before applying to family court unless exemptions apply (for example domestic abuse, urgency, safeguarding).

Step 2 — Application to Family Court

Usually using:

Form C100

Used for:

- child arrangements
- who child lives with
- when child spends time with each parent
- shared care
- school decisions
- holidays
- parental disputes

[Apply for a Child Arrangements Order \(C100\)](#)

Step 3 — Safeguarding Checks

CAFCASS

Children and Family Court Advisory and Support Service

CAFCASS Official Site

CAFCASS may:

- contact both parents
- speak to police/social services
- review safeguarding concerns
- prepare safeguarding letters/reports

This can strongly influence court decisions.

Step 4 — First Hearing

FHDRA

First Hearing Dispute Resolution Appointment

The judge or magistrates consider:

- safeguarding concerns
- temporary arrangements
- whether agreement is possible
- whether further evidence is needed

Sometimes cases resolve here.

Sometimes they continue.

Step 5 — Further Hearings

Possible hearings include:

DRA

Dispute Resolution Appointment

and

Final Hearing

where the judge makes final decisions.

Evidence may include:

- witness statements
- school records
- police reports
- CAFCASS reports
- medical evidence
- communication records
- existing court orders

Step 6 — Final Order

The court may issue:

Child Arrangements Order

This should clearly state:

- where child lives
- shared care schedule
- collection and return arrangements
- holidays
- school arrangements
- no “primary carer” wording if relevant

Clear wording matters greatly for CMS cases.

Especially for:

50/50 Shared Care

If You Believe the Court Got It Wrong

There are 2 routes:

A — Appeal

Use if:

- judge applied law wrongly
- serious procedural unfairness
- important evidence ignored
- decision irrational or plainly wrong

Appeals are about legal decisions.

They are NOT complaints.

You usually need:

Permission to Appeal

and strict time limits apply.

Often:

21 days

depending on the order.

Legal advice is strongly recommended.

B — Complaint About Conduct

Use if:

- rudeness
- bullying
- inappropriate comments
- misconduct

- abuse of position
- bias in behaviour (not legal decision)

Then use:

JCIO

Judicial Conduct Investigations Office

JCIO Complaint Portal

JCIO handles conduct.

NOT legal decisions.

Complaints About CAFCASS

If issue is with CAFCASS:

use:

CAFCASS Complaints Process

CAFCASS Complaints

Then if unresolved:

Parliamentary and Health Service Ombudsman

PHSO Official Site

Usually via MP referral.

Complaints About Solicitors

Use:

Legal Ombudsman

Legal Ombudsman

For:

- poor legal service
- delay
- poor communication
- excessive fees
- negligence concerns

Golden Rules for Family Court

Never

- rely only on verbal agreements
- assume CMS understands court wording
- ignore deadlines

- go emotional in hearings

Always

- get orders in writing
- check wording carefully
- keep evidence
- stay calm
- ask for precise shared care wording
- protect the child first

Right First Time UK Position

Children should not be turned into financial tools.

Shared care must mean shared recognition.

Family courts must be transparent, fair, and accountable.