

## Overpayments

Version 2 February 2007

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Housing  
BenefitCouncil  
TaxSecond Adult  
Rebate

Rent

Council Tax  
BenefitPension  
Credits

### Other information leaflets available

- 1 *Who can claim and how (People over 60)*
- 2 *Who can claim and how (People under 60)*
- 3 *Under 25's/Young People*
- 4 *Lone Parents*
- 5 *Students*
- 6 *People from abroad*
- 7 *Working and claiming*
- 8 *Changes in circumstance*
- 10 *Rents and charges*
- 11 *Pre Tenancy Determinations*
- 12 *Non-dependants*
- 13 *Absence from home*
- 14 *Claiming benefit on two homes*
- 15 *Backdating*
- 16 *Discretionary Housing Payments*
- 17 *Second Adult Rebate*
- 18 *Customer service and home visits*
- 19 *Child Care Costs*
- 20 *Self-Employed*
- 21 *Information for landlords*
- 22 *Disputes and appeals*
- 23 *Savings and investments*
- 24 *Counter Fraud*
- 25 *Verification of documents*
- 26 *Dealing with Bereavements*

If you would like to receive this information in another language or in another format such as large print, Braille or on audio tape, please contact Customer Services on 01793 463725 for further information.

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- Who it is recovered from
- How it has been worked out
- The calculation of underlying entitlement

You cannot challenge:

- Whether or not we should recover the overpayment
- How we choose to recover the overpayment

**For more information on making appeals please read leaflet 22 (Disputes and appeals)**

### Useful numbers

Age Concern (Swindon)	01793 692166
Citizens Advice Bureau	0845 0505155
Community Legal Service Direct	08453 454345
The Harbour Project	01793 490876
Jobcentre Plus	0845 6060234
Millen Advice Point	01793 480606
Parks Advice Point	01793 487934
The Pension Service	0845 6060265
Stratton Advice Point	01793 823472
Swindon Racial Equality Council	01793 528545
West Swindon Advice Point	01793 871303
Wiltshire Law Centre	01793 486926

### Fraud Hotline

“Do you know someone who is falsely claiming benefit”  
Don't let them get away with it.  
Ring the Fraud Hotline on  
**01793 464690**

## What is an overpayment

An overpayment is an amount of Housing Benefit or Council Tax Benefit that has been paid to someone who is not entitled to it. In most cases the overpayment is recoverable.

## What is a recoverable overpayment?

All overpayments are recoverable, except those that have occurred due to an 'official error' that you or your landlord didn't cause or contribute to or that you couldn't reasonably have known about when either you were paid or told about your benefit.

## What is meant by an 'official error'?

An official error is a mistake made, or something done or not done, by the Benefits Section or someone acting for us, for example Jobcentre Plus.

## How will we tell you about an overpayment?

We will write to you once we have identified that you have been overpaid. We will tell you how the overpayment happened, the amount you have been overpaid and the period over which you have received too much benefit. We will also tell you how we are going to recover the overpayment.

## How can your overpayment be reduced?

In certain circumstances we may be able to reduce the overpayment if you tell us about your circumstances for the period of the overpayment. This is called 'underlying entitlement'. We will reduce the overpayment by the amount you would have been entitled to had we known about your correct circumstances at the time. We will ask you to complete a form explaining your circumstances for the period of the overpayment. You must also provide documentary evidence of your circumstances before we can work out how much underlying entitlement you have. **For more information of documentary evidence please read leaflet 25 (Verification of documents)**

## Who is responsible for paying the overpayment?

In most cases we will recover the overpayment from the person we have been paying. In certain circumstances however we may recover from the person who made the claim or from the person who caused the overpayment. In some cases we may even consider recovering the overpayment from the partner of the person claiming.

## How do we recover the overpayment?

If you or the person who received the benefit doesn't repay the overpayment in full we may recover it by:

- Taking the amount from any money we owe you
- Reducing your current entitlement to Housing Benefit
- Reclaiming money from your Income Support, Jobseekers Allowance or some other DWP benefits
- Sending you an invoice
- Adjusting your rent account (Council Tenants only)
- Adjusting your Council Tax bill (Council Tax Benefit only)

We will decide how to recover the overpayment.

## What happens if you don't pay back the overpayment?

We can consider recovering the overpayment by referring the debt to a debt collection agency or by taking legal action in a County Court. This will only happen if you or the person who received the benefit doesn't repay the overpayment. We will always tell you beforehand if we are going to take this action.

## What you can do if you don't agree with our decision

You can ask for an explanation or appeal against some of the decisions about overpayments if you think they are wrong.

The things you can challenge are:

- Whether the overpayment is recoverable or not