

Overpayments

Housing and Council Tax Benefit



Do you need help with this leaflet?

Maybe English is not your first language, you have difficulty reading it because the print is too small, or you are not sure what it means.

Please phone **01395 517446**.

What is overpayment of benefit?

An overpayment is any amount of Housing or Council Tax Benefit (or both) which we paid you or your landlord when you were not entitled to receive it.

The amount you have been overpaid is the difference between the amount of benefit you actually received and the amount you should have got.

For example

If we paid you £15 a week for two weeks (total £30) and as a result of a change in your circumstances we should only have paid you £10 a week (total £20), then your overpayment would be £10 (£30 - £20). So you would have to pay back £10.

Do I have to pay the money back?

If we have paid you too much benefit, we will usually ask you to pay back the amount we have overpaid. This is called a 'recoverable overpayment'.

We can recover all overpayments, except if they are caused by an 'official error' which we could not reasonably have expected you to know about when you were paid or told about your benefit.

What is an 'official error'?

This is a mistake the council, the Department for Work and Pensions (DWP) or the Jobcentre Plus may make.

It is **not** an official error if you, or a person acting for you, contributed to the mistake by not giving us information or by giving false or misleading information.

Why do overpayments happen?

They may happen for various reasons. Here are a few examples:

- You may have forgotten to tell us that your income has increased, for example, because of a pay rise, tax credit award or pension change.
- Somebody may have moved into, or out of, your home.
- You may have moved out of your home and not told us.
- You may have started work or changed jobs.
- If you have other adults living with you, their circumstances may have changed.
- Your Income Support (IS) or Jobseeker's Allowance (JSA) ended.

You must tell us about any changes and not rely on anyone else to do it for you.

Even if you have told the Department for Work and Pensions (DWP) about your change in circumstances, you must still let us know and not leave it to the DWP to tell us.

How will I know if I have an overpayment?

We will write to you giving the full details of the overpayment. The letter will tell you how the overpayment happened, the amount we overpaid you and the period of the overpayment.

It will also tell you how we will recover the overpayment and what to do if you disagree with the overpayment.

How does the Council recover the overpayment?

We can recover the overpayment in any of the following ways:

- If you are still getting Housing Benefit, we may reduce your benefit each week to recover the overpayment.

- If you pay us rent, and your rent account is in credit, we may use this credit to pay back the overpayment.
- If we are not now paying you Housing Benefit, we will send you a bill and you should make arrangements to pay us.
- If we paid your landlord your benefit, we may ask the landlord to repay the overpayment in certain circumstances.
- We can ask the DWP to take money out of your social security benefits. If you have moved out of the area, they can take money from any Housing Benefit paid to you by another council.
- If we overpaid your Council Tax Benefit, we will add the amount of the overpayment to your Council Tax bill and increase your monthly instalments.

We will not recover overpayments we have paid you for Housing Benefit from your Council Tax or overpayments for Council Tax from your Housing Benefit.

What if I disagree with the overpayment?

If you disagree with the overpayment after reading our explanation, you must write to us and ask for a more detailed explanation, or ask us to look at our decision again. You need to do this within **one month** of the date on the letter.

You **can** challenge:

- if we can recover the overpayment or not;
- who we can recover it from;
- how we have worked it out;
- if your savings and investments have reduced (only if we overpaid you because your savings and investments had increased);
- if you had an 'underlying entitlement'. See next section '*Can you reduce the overpayment?*'.

You **cannot** challenge:

- if we 'should' recover the overpayment or not; and
- how we choose to recover the overpayment.

Can the Council reduce the overpayment?

In certain circumstances we may reduce the amount we overpaid you if you tell us about your correct circumstances throughout the period of the overpayment.

If we gave you benefit for the period you were overpaid it is called 'underlying entitlement'. If you do have an underlying entitlement (which means that you were actually entitled to receive some of the benefit), we will use this to reduce the overpayment.

We may ask you to fill in a new form to explain your circumstances and give us documents as proof (such as details of your income and bank statements for the period) before we work out your underlying entitlement.

If we find that you are entitled to any benefit for this period we can only use this amount to reduce what we have overpaid you, it is not an award of Housing or Council Tax Benefit.

How do I appeal?

You must appeal in writing and sign it. You must make it clear which decision you're appealing against and your reasons for appealing.

Send your appeal to us (our address is at the end of this booklet). You must do this within **one month** of the decision you are appealing against. Your appeal will be heard by a tribunal run by the Tribunals Service, who are independent of us.

If you want more information about appeals, please ask us for our booklet about appeals. It contains a lot of information about the appeals process and has a form you can use to make your appeal.

It also contains some useful advice if you want help in deciding whether to make an appeal or not and how to do it.

What should I do if I can't afford to repay it

Housing benefit

If you want us to change the amount we take from your Housing Benefit, or your payments, contact us straight away.

Council tax benefit

If we have added a council tax benefit overpayment to your council tax bill and you are having difficulties paying your instalments, contact us straight away to make an arrangement.

If you don't pay, or contact us, we may get a court order to recover the amount. This may involve sending bailiffs to your house and we will add recovery costs to the amount you owe us.

What happens if I get a bill for the full overpayment?

If you cannot pay it all at once, we can arrange for you to pay in instalments. Before arranging this, you will need to give us details of your income and outgoings.

If you do not contact us to arrange to pay, we may register your debt with the county court and ask them to force you to pay it back. This is the same as having a court order against you and it will affect your credit rating. We will also add these costs to the amount you owe us.

What can I do to avoid getting an overpayment?

- Fill out your benefit claim form as fully as possible so that we can work out your entitlement accurately.
- If we ask you for more information, send what we ask for without delay. Send original documents, not photocopies.
- Read your award letter carefully. If we have made a mistake, or used the wrong information, please tell us straight away.
- Contact us immediately if there is a change in your circumstances.

Organisations that can help

Citizens' Advice Bureaux (CABs)

They give free, confidential and unbiased advice on debt. They can help you fill in forms, write letters and negotiate arrangements for repayment on your behalf. Local offices are:

Exmouth

Town Hall, Exmouth.

Open Monday to Friday from 10.00am to 12.30pm and 2.00pm to 4.00pm.

Tel. 01395 264645

Honiton

Honiton Library, New Street.

Open Monday, Tuesday, Thursday and Friday from 9.30am to 12.30pm.

Tel. 01404 44213

Sidmouth

The Community Partnership Building, Mill Street. Open on Mondays from 9.30am to 12.30pm.

Tel. 01404 44213

Axminster

Lea Combe House, Lyme Close.

Open on Fridays from 10am to 1pm.

Tel. 01404 44213

National Debtline

This is a free helpline for people with debt problems.

Phone **0808 808 4000** or visit

www.nationaldebtline.co.uk.

Contact us



Phone:

Our Benefits and Council Tax Helpline **01395 517446**.
Open Monday to Friday between 8.30am and 5.00pm.



Visit us at:

- **The Council Offices, Knowle, Sidmouth**
Open Monday to Friday from 8.30am to 5.00pm
- **Exmouth Town Hall** open Monday, Tuesday, Thursday and Friday from 9.00am to 1.00pm and 2.00pm to 4.30pm
- **One of our regular surgeries** in Axminster, Seaton or Honiton
(phone **01395 517446** for dates and times)



Write to us:

Housing Benefits
East Devon District Council
Knowle, Sidmouth EX10 8HL



Email us:

benefits@eastdevon.gov.uk

Visit our website:

www.eastdevon.gov.uk