

## Housing Benefit and Council Tax Benefit overpayments guide

The Housing Benefit and Council Tax Benefit overpayments guide has been archived.

The new Housing Benefit overpayments guide is at:

<https://www.gov.uk/government/publications/housing-benefit-overpayments-guide>

*Good practices*

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# *Good practices*

## *Introduction*

10.00 This section contains various items that an LA may find useful when recovering overpayments of HB/CTB. There are various forms, leaflets and flow charts that you may wish to adapt for your own LA.

10.01 All the items in this chapter have been contributed by LAs and so therefore we are unable to give guidance on them. However, you may find them helpful in recovering overpayments of HB and CTB.

10.02-10.39

## *Examples of letters, forms and leaflets*

### *Example letters*

10.40 *Annex A: Letters 1 – 13* gives examples of letters to use to

- notify claimants and landlords of decisions
- request information from LAs
- give information to other LAs

10.41-10.49

### *Example forms*

10.50 It may be beneficial to have a supply of forms available at designated sites or on your website. Pro-formas can be easily identified and prioritised accordingly. Prioritising changes of circumstances or change of address that cause a decrease in benefit entitlement will reduce or even avoid the level of overpayments that occur.

10.51 *Annex B: Forms 1 – 9* gives examples of forms.

10.52-10.59

10.60-10.999

***Example leaflets***

- 10.60 It may be deemed good practice to have leaflets available at given sites detailing overpayments and how your LA will recover them.
- 10.61 Annex C: Leaflets 1 – 5 gives examples of such leaflets. This does not in any way suggest that true notifications should not be issued when an overpayment does occur but provide information to the general public who have an interest in such matters.

10.62-10.999

## ***1 – Notification of overpayment to claimant: Schedule 9 compliant***

### **Example A**

Dear .....

Overpaid Housing Benefit re -

I refer to my letter of ..... which notifies you that your claim for rent allowance has been reassessed with effect from ..... due to your change of circumstances (state reason)

Following the reassessment an overpayment has occurred.

The amount of overpayment is £ ..... for the period(s) ..... weeks at £ ..... per week.

In accordance with the Housing Benefit Regulations this overpayment is recoverable.

I enclose an invoice for the overpaid amount which I ask you to repay.

Should you wish to repay this amount by instalments please contact:

You have the right to make representations to ..... (include details of department/address claimants should contact) about this overpayment as previously notified to you in my letter of ..... To exercise your right of appeal you should write to the above address stating your reasons for appeal before the appeal rights period expires. Please mark any correspondence for the attention of ..... quoting the reference number.

Yours sincerely

Annex A: Letter 1 – Example B

**Example B**

Dear

Overpaid Housing Benefit re:

Further to my letter of \_\_\_\_\_ due to your change of circumstances (list reason) an overpayment of Housing Benefit has occurred. As stated on the benefit form which you signed, if you have any change of circumstances and this results in an overpayment of benefit, you may have to pay it back.

The amount of overpayment is £ \_\_\_\_\_ for the period(s) \_\_\_\_\_ to \_\_\_\_\_ weeks at £ \_\_\_\_\_ per week.

In accordance with the Housing Benefit Regulations this overpayment is recoverable.

I must therefore ask you to repay this overpayment (list how to pay)

(list appeal rights and procedures)

Yours sincerely

## *2 – Overpayment notification letter to landlord*

Dear Sir/Madam

Overpaid Housing Benefit

Re:

Your tenant's claim for Housing Benefit has been reassessed due to their (reason for overpayment).

Following the reassessment of Housing Benefit an overpayment has occurred.

The amount of the overpayment is £                      for the period                      to                      .

(                      weeks at £                      per week)

In accordance with the Housing Benefit Regulations this overpayment is recoverable.

Recovery of this overpayment has been considered and this notification is my request to ask you to repay the overpayment. (Details of how and where they should pay should be included)

You have the right to make representations to ..... (include details of department/address claimants should contact) about recovery of this overpayment by writing to the above address within one calendar month from the date of this letter, stating your reasons for appeal.

Yours faithfully

### ***3 – Overpayment of HB to be clawed-back from further HB by a weekly amount***

Dear Sir/Madam

Overpaid Housing Benefit

Re:

I note from my records that you have an overpayment of Housing Benefit outstanding for the period            to

Regulation 102 of the Housing Benefit Regulations 2006 gives me the authority to recover overpayments by deduction from your continuing Housing Benefit entitlement.

As you are in receipt of Housing Benefit, I have arranged to recover the overpayment of

£            , at a rate of £            per week from your current Housing Benefit entitlement.

If the amount of deduction causes you problems please contact me on the above telephone number.

You should note the shortfall in rent caused by this adjustment is payable by you whilst the overpayment is being recovered.

Yours faithfully

***4 – Appeal received by Overpayments Team  
regarding overpayment which needs to be  
reviewed by Adjudication Team***

Dear Sir/Madam

Overpaid Housing/Council Tax Benefit re:

I acknowledge receipt of your letter dated \_\_\_\_\_ in respect of the above overpayment. A hold has been placed on the overpayment until your query is answered and a copy of your appeal passed to the Housing Benefits Appeals Team. You will be notified of the outcome of the appeal in due course with details of what you should do next.

Yours faithfully

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***5 – Request to another LA to recover an overpayment that occurred in your area from ongoing HB within their area***

Dear Sir/Madam

Overpaid Housing Benefit re:

Period from:                      To:                      .

weeks at £                      per week

Total £

I am referring this overpayment to you to be recovered from further Housing Benefit entitlement in accordance with Regulation 102 of the Housing Benefit Regulations 2006.

The overpayment occurred due to (specify reason)

Despite a number of notifications/reminders being issued no repayment arrangement has been made. I therefore request that you recover the overpayment from his/her current entitlement.

Please complete and return the enclosed document as soon as possible to let me know whether you are able/unable to commence recovery. I also attach a letter to send to the claimant if you are able to action this request.

Thank you in anticipation.

Yours faithfully

continued

Annex A: Letter 5 (cont)

To: (Name and address of Local Authority)

Overpayment of Housing Benefit £

Re:

(Your reference number - if applicable)

- \*(a) The overpayment will be recovered from the current Housing Benefit entitlement at £                      per week with effect from                      I will inform you if recovery stops before completion of recovery of the debt.
- \*(b) I am unable to recover the above overpayment because (reason)

Signed .....

Dated .....

Telephone No. ....

\* Delete as applicable

## ***6 – Request to another LA to recover HB from continuing HB***

Your name, address and tel. number

Reference number:

Date:

Dear .....

Overpaid Housing Benefit

Re: .....

NINO:.....

Total amount outstanding: £.....

Period : From:.....To:.....

Weeks at £.....

Amount already recovered: £.....

I am referring this overpayment to you to be recovered from the above persons further Housing Benefit entitlement in accordance with Regulation 102 of the Housing Benefit Regulations 2006.

The overpayment occurred due to

Despite issue of Invoice/Account Number ..... and subsequent reminders a balance remains outstanding. As Mr/Mrs/Miss/Ms ..... is in receipt of continuing Housing Benefit within your area I am requesting that you recover the outstanding overpayment from his/her current Housing Benefit entitlement.

Please complete and return the attached slip (annex 1) to let me know if you are able/unable to action this request.

(If you are able to action this request please send annex 2 to the claimant – this letter informs them of intended action and reasons/calculations for original overpayment.)

Thank you in anticipation.

Yours sincerely

***Annex 1***

**FROM: Name and Address  
of LA returning slip**

**TO: Your LA name  
and address**

Overpayment of Housing Benefit £.....

Re: .....

.....

Account Number/Reference: .....

\* The overpayment will be recovered from current Housing Benefit entitlement at £.....  
per week with effect from .....

\* I am unable to recover the overpayment because .....

.....

.....

.....

Any other information:

.....

.....

.....

Signed: .....

Dated: .....

Tel. No.: .....

\*Delete as applicable

***Annex 2***

This letter should give the claimant details of the overpayment (reasons, periods, amounts etc).

You may also wish to inform the claimant of the reasoning behind your request for deductions from HB at another authority.

The responding LA should issue details to the claimant of how/when deductions will be made, if applicable.

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***7 – Debtor made part payment relating to overpayment debt and balance outstanding***

Dear Sir/Madam

Overpaid Housing Benefit

Re:

Amount outstanding: £

Thank you for your recent payment of £                      on                      (date). However, there is still a balance of £                      remaining on your invoice.

I look forward to receiving the remaining balance within the next 7 days. If you would like to make an arrangement to continue paying this debt by instalments then please contact me on the above telephone number.

Should this debt not be repaid in full then further recovery action may taken against you. I look forward to hearing from you shortly.

Yours faithfully

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## ***8 – Debtor fails to keep to instalment arrangement***

Dear Sir/Madam

Overpaid Housing Benefit

Re:

Reference number (if applicable):

Amount: £

I note from my records that you have not kept to your instalment arrangement regarding the above overpayment.

Failure to pay your overdue instalments of £                      within the next seven days could lead to further action being taken against you. This may result in you incurring additional costs and fees.

If you are having difficulty in maintaining the arranged instalments, or wish to discuss this matter please contact me immediately.

Yours faithfully

***9 – Letter to debtor notifying overpayment still outstanding after considerable length of time (no HB in payment)***

Dear Sir/Madam

Overpaid Housing Benefit

Re:

Reference Number: (if applicable)

£

Period:

I note from my records that the above overpayment is still outstanding.

The notification of the overpayment and request for payment was sent to you on ..... and further reminders have been issued since that date.

However, no payment/contact has been received from you. I must, therefore ask you to send your payment for the overpayment by return post.

If you wish to make an arrangement to pay this debt by instalments please contact me on the above telephone number within the next 7 days.

Please quote the above reference number in any correspondence. If no payment/contact is received within the next 7 days further recovery action may be taken against you, which may make you liable to incur extra costs.

Yours faithfully

***10 – Letter to landlord – recovery of an overpayment via direct payment to landlord***

Dear Sir/Madam

Overpaid Housing Benefit

Re –

I note from my records that the above overpayment is still outstanding. You were notified of this overpayment on .

Section 75 of the Social Security Administration Act 1992 gives me the authority to recover the overpayment by deductions from your Direct Payment of Housing Benefit Schedule. I intend therefore, to recover the overpayment of £ from your next available payment schedule.

Under these regulations, where recovery is made from another tenants Housing Benefit, that tenant is protected by deeming him/her to have paid rent to the value of that recovery (i.e. as if no deduction has been made from the schedule). You must, therefore, credit the rent account of the tenants listed on the Direct Payment Schedule with the entitlement stated. I would advise you that if you subsequently seek to recover these sums from those tenants entitled to receive Housing Benefit on the schedule, you will be in breach of Section 75 (6) of the Social Security Administration Act 1992 and Regulation 107 of the Housing Benefit Regulations 2006.

If you require any further information in respect of this account please telephone the above number.

Yours faithfully

## ***11 – Debtor wants to pay overpayment by instalments***

Dear Sir/Madam

Overpaid Housing Benefit

Re:

Reference number: (if applicable)

Amount outstanding: £

Thank you for your recent enquiry regarding the above overpayment.

I can confirm the arrangement to pay is as follows:

The first payment of £ is due on or before followed by a further (number) instalments of £

(You may then wish to insert a line such as) "I have enclosed an instalment card which details the methods of payments available", or inform the debtor of how/where to pay.

Instalment payments must be maintained or further recovery action may commence and you could incur significant additional costs. Please contact me if you experience any difficulty in maintaining the arrangement.

I look forward to receiving your first payment and all subsequent payments thereafter.

Yours faithfully

***12 – Letter to landlord re: outstanding invoice when tenant granted further benefit entitlement with same landlord***

Dear Sir/Madam

Direct payment of Housing Benefit

Re:

Invoice number:

Period:

I refer to the above invoice for overpaid Housing Benefit dated                      previously sent to you.

As                      has now been reawarded Housing Benefit entitlement from                      I have cancelled the above invoice. The overpayment of £                      will be recovered from further benefit entitlement with effect from

If you require any further details please telephone me on the above telephone number.

Yours faithfully



***1 – Change of address form – claimant***

**Your name**

**Your address**

**Your reference**

**Date you are moving out of property**

**Your new address**

**Other details you wish to tell us about**

***2 – Form to report tenant’s change of circumstances  
(landlord)***

**Your name**

**Your address**

**Landlord Reference**

**Tenants name**

**Tenant address**

**Date tenant moved (if applicable)**

**New address (if known)**

**Other details**

### 3 – Form to report a change

#### *Housing Benefit/Council Tax Benefit*

Your name

Your address

Your reference number

Your daytime phone number (including mobile)

**What is the change that you need to report?**

Please state who it affects, for example whose income has changed, who has started work, who has moved.

**What date did this change happen?**

continued

Annex B: Form 3 (cont)

**What proof are you sending with this form?**

For example, a letter showing the new amount of a benefit or a pension, a letter from your landlord about the rent, wage slips. If you don't have proof to send now, don't delay, send this form now.

**If you have not told us about the change as soon as it happened, please say why.**

**Your signature**

**Date**

**Send this form to:**

**Your Council's Name**

**Your Council's Address**

**4 – Form to report change – non-dependants**

***Housing Benefit/Council Tax Benefit***

**Your name**

**Your address**

**Your reference number**

**Your daytime telephone number (including mobile)**

**If a non-dependant has moved out**

Please give their name, the date they moved out and their new address.

**If a non-dependant has come to stay**

Please give their name, date of birth and relationship to you or your partner. Give the date they moved in.

Also give their gross weekly income (wages before stoppages, all income from benefits, pensions, etc. and any interest from savings). Please send proof of their income if you can.

continued

Annex B: Form 4 (cont)

**If a non-dependant's income has changed**

Please tell us about the change (for example they have started work, become a student, gone on to income-based Jobseekers Allowance). Tell us the date of the change. Give their new gross weekly income and send proof of their new income if you can.

**What proof are you sending with this form?**

For example, payslips, a letter from the Department for Work and Pensions showing the amount of DWP benefit.

**If you don't have proof to send now, don't delay, send this form now.**

**If you have not told us about the change as soon as it happened, please say why.**

**Your signature**

**Date**

**Send this form to:**

**Your Council's Name**

**Your Council's Address**

## 5 – Request to look again at claim to benefit



**Stockton-on-Tees**

BOROUGH COUNCIL

www.stockton.gov.uk

### Request to Look Again At My Claim for Benefit

Benefits, 16 Church Road, Stockton-on-Tees, TS18 1TX  
Helpline (01642) 393829 • Minicom (01642) 526653

#### Housing and Council Tax Benefit

Please fill in using **black ink**

Claim Number

Name

Address

Date of the letter we sent you which you disagree with

If it is over **1 month** since the date of this letter, tell us the reasons why you delayed contacting us.

Use this space to tell us **why** you want us to look again at your benefit claim, explaining in detail **what** you do not agree with and the **reasons** for this.

If you need more space, use another sheet of paper. Remember to put your Claim Number, name and address on any extra sheets of paper.

Signature

Date

## 6 – Income and Expenditure form

Overpayments Section, 7 Whittaker Street, Radcliffe, M26 2DT

# INCOME AND EXPENDITURE SHEET



|                 |  |                     |  |
|-----------------|--|---------------------|--|
| NAME            |  | HB NUMBER           |  |
| CURRENT ADDRESS |  | OVERPAYMENT ADDRESS |  |
|                 |  |                     |  |
|                 |  |                     |  |
| TEL NO          |  |                     |  |

|                                  |  |
|----------------------------------|--|
| Your Employer's Name and Address | Your Partner's Employer's Name and Address |
|                                  |  |
|                                  |  |
|                                  |  |
| Pay No:                          | Pay No:                                    |

**A. HOUSEHOLD INCOME**

|  | AMOUNT  |         | <i>(Delete As Applicable)</i> |
|--|---------|---------|-------------------------------|
|  | Self    | Partner |                               |
| Net Wage                               | £ _____ | £ _____ | per week/month                |
| Income Support/Jobseekers Allowance    | £ _____ | £ _____ | per week/month                |
| Child Benefit                          | £ _____ | £ _____ | per week/month                |
| Working Families Tax Credit            | £ _____ | £ _____ | per week/month                |
| Disability Living Allowance            | £ _____ | £ _____ | per week/month                |
| Attendance Allowance                   | £ _____ | £ _____ | per week/month                |
| Incapacity Benefit/Industrial Injuries | £ _____ | £ _____ | per week/month                |
| Maintenance                            | £ _____ | £ _____ | per week/month                |
| Retirement Pension                     | £ _____ | £ _____ | per week/month                |
| Private Pension                        | £ _____ | £ _____ | per week/month                |
| Savings/Capital                        | £ _____ | £ _____ | per week/month                |
| Any Other Income                       | £ _____ | £ _____ | per week/month                |
| _____                                  | £ _____ | £ _____ | per week/month                |
| <b>A – Total Income:</b>               | £ _____ | £ _____ | <b>per week/month</b>         |

(Your final amount at A and B should be for the same period to help you work out the amount of income you have available).

**Calculate your Outgoings overleaf →**

Std/11bsn/Bury income expenditure sheet.doc

**Good practices**

Annex B: Form 6 (cont)

**B. REGULAR EXPENSES**

**AMOUNT**

*(Delete As Applicable)*

|   |                 |                       |
|---|-----------------|-----------------------|
| Rent/Mortgage (Actually paid)                 | £ _____         | per week/month        |
| Council Tax (Actually paid)                   | £ _____         | per week/month        |
| Water Rates                                   | £ _____         | per week/month        |
| Gas/Gas (Arrears)                             | £ _____ / _____ | per week/month        |
| Electric/Electric (Arrears)                   | £ _____ / _____ | per week/month        |
| Loan:-  | £ _____         | per week/month        |
| End Date/Paid To                              | _____           |                       |
| Catalogue                                     | £ _____         | per week/month        |
| Fines:-                                       | £ _____         | per week/month        |
| End Date/Paid To                              | _____           |                       |
| Court Orders                                  | £ _____         | per week/month        |
| House Insurance                               | £ _____         | per week/month        |
| Food/Toiletries & Household Expenses          | £ _____         | per week/month        |
| School Dinners                                | £ _____         | per week/month        |
| Child Care                                    | £ _____         | per week/month        |
| Telephone                                     | £ _____         | per week/month        |
| Mobile Phone                                  | £ _____         | per week/month        |
| Car Expenses <i>(give breakdown of costs)</i> | £ _____         | per week/month        |
|   | _____           |                       |
|   | _____           |                       |
|   | _____           |                       |
| TV Licence                                    | £ _____         | per week/month        |
| TV Rental                                     | £ _____         | per week/month        |
| Other Details                                 | £ _____         | per week/month        |
|   | _____           |                       |
|   | _____           |                       |
| <b>B – Total Expenditure:</b>                 | <b>£ _____</b>  | <b>per week/month</b> |

**CALCULATION OF REPAYMENT AMOUNTS**

I realise that I must make an arrangement to pay this overpayment.

I am able to pay £ \_\_\_\_\_ a week/month\* towards my Housing Benefit Overpayment (\* delete as applicable)

I would like to pay by:- Standing Order/Payment Card\* (\* delete as applicable)

I realise that the Council may want me to provide documentary proof of the figures that I have given.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

## 7 – Proposal for arrangement form

Council Logo

Usual Finance Heading for  
benefits as on Benefits letter  
headed paper.

**Name:**

**Claim:**

**Invoice No:**

### Proposal for Arrangement

If you wish to make an arrangement to pay the outstanding invoice by instalments, please complete the following:

I wish to pay £ ..... Every week/month. (please delete as appropriate)

First payment to be made on ..... (date)

Method of payment: Please tick

Cash or cheque

Standing order

Other (please specify)  .....

Signed: ..... Date: .....

**A letter will be sent informing you if your proposed arrangement is acceptable.**

**An arrangement to pay will only be considered if you complete the form overleaf.**

**The invoice remains payable as instructed if no arrangement is made. Further recovery action will be taken if payment is not made within 20 days. This could result in you having to pay further costs.**

**Arrangements are at our discretion and can be altered, by us, at any time.**

**Income & Expenditure Form**

Name: ..... National Ins No. ....

Address: .....

| 1.                       | Income<br>Weekly/monthly |
|--------------------------|--------------------------|
| Wages/salary             | .....                    |
| Wages/salary(partner)    | .....                    |
| Job Seekers Allowance    | .....                    |
| Income Support           | .....                    |
| Tax Credits              | .....                    |
| Retirement/Works Pension | .....                    |
| Child Benefit            | .....                    |
| Incapacity Benefit       | .....                    |
| Maintenance              | .....                    |
| Non-Dependants Payments  | .....                    |
| Other income             | .....                    |
| <b>Total Income (A)</b>  | <b>£.....</b>            |
| <b>Total Savings</b>     | <b>£.....</b>            |

|                         |               |
|-------------------------|---------------|
| <b>3.</b>               |               |
| Total Income (A)        | .....         |
| <b>LESS</b>             |               |
| Total Outgoings (B)     | .....         |
| <b>Income left over</b> | <b>£.....</b> |

| 2.                              | Outgoings<br>Weekly/Monthly |
|---------------------------------|-----------------------------|
| Mortgage                        | .....                       |
| Mortgage Endowment Policy       | .....                       |
| Rent inc. service charges       | .....                       |
| Council Tax                     | .....                       |
| Water Rates                     | .....                       |
| Building/contents insurance     | .....                       |
| Life Insurance/pension          | .....                       |
| Gas                             | .....                       |
| Electricity                     | .....                       |
| Other fuel                      | .....                       |
| Housekeeping                    | .....                       |
| TV rental/licence               | .....                       |
| Court Fines                     | .....                       |
| Maintenance Payments            | .....                       |
| Hire Purchase Vehicle           | .....                       |
| Travelling expenses             | .....                       |
| School meals/meals at work      | .....                       |
| Clothing                        | .....                       |
| Telephone                       | .....                       |
| Prescriptions/health care costs | .....                       |
| Childminding                    | .....                       |
| Other 1                         | .....                       |
| 2                               | .....                       |
| 3                               | .....                       |
| <b>Total Outgoings (B)</b>      | <b>£.....</b>               |

| 4.                                    | Priority Debts       |                    |
|---------------------------------------|----------------------|--------------------|
|                                       | Amount of<br>Arrears | Arrears<br>Payment |
| Mortgage                              | .....                | .....              |
| Rent Arrears                          | .....                | .....              |
| Council Tax                           | .....                | .....              |
| Gas                                   | .....                | .....              |
| Electricity                           | .....                | .....              |
| Court Fines                           | .....                | .....              |
| Maintenance                           | .....                | .....              |
| Hire Purchase                         | .....                | .....              |
| Other 1                               | .....                | .....              |
| 2                                     | .....                | .....              |
| <b>Total Priority Debt Repayments</b> | <b>£.....</b>        |                    |

| Other Debts<br>Loans/credit cards/ catalogues<br>etc. |                 |                    |
|---|-----------------|--------------------|
| Debt with.  | Balance<br>owed | Monthly<br>Payment |
| 1.....  | .....           | .....              |
| 2.....  | .....           | .....              |
| 3.....  | .....           | .....              |
| 4.....  | .....           | .....              |
| 5.....  | .....           | .....              |
| 6.....  | .....           | .....              |
| 7.....  | .....           | .....              |
| 8.....  | .....           | .....              |
| <b>Total Owed</b>                                     | <b>£.....</b>   |                    |
| <b>Monthly Repayment</b>                              |                 | <b>£.....</b>      |

I certify that this statement is an accurate record of my finances.

Signed: .....

Dated: .....



## 9 – Example of personal budget planner

Page 1

### Housing Benefit Section – Overpayments Team Personal Budget Form

|           |         |
|-----------|---------|
| NAME:     |         |
| ADDRESS:  |         |
|           |         |
| CLAIM No: | TEL No: |

**Please read these notes prior to completing this form.**

Please complete this Budget Form in full listing all the income you, and your partner if you have one, receive as well as all your expenses.

You should use this opportunity not only to list all your expenditure, but to review your outgoings and utilise your available income to arrange payments to **all of your** creditors at a reasonable and realistic rate that you can maintain.

You must provide the following proof in support of your income and expenditure

- wages / salary - state benefits - savings and investments
- mortgage / rent payments - loan repayments - credit / store card repayment

There are 3 sections you must complete before you return this form with your proposals for repayment.

Section 1 – Your Household

Section 2 – Your Household Income, savings and investments

Section 3 – Your Household Expenditure

**SECTION 1 - YOUR HOUSEHOLD**

|  |     |    |
|--|-----|----|
| Do you have a partner living with you.                         | YES | NO |
| How many other adults live with you                            |     |    |
| How many children live with you                                |     |    |
| What are their ages  |     |    |
| _____ / _____ / _____ / _____ /                                |     |    |
| Are you responsible for any other children                     | YES | NO |
| If yes, please give details of their names, ages and addresses |     |    |

|    |
|----|
| 1. |
|    |
| 2. |
|    |
| 3. |

**SECTION 2 – HOUSEHOLD INCOME, SAVINGS AND INVESTMENTS**

| <b>Income</b>                                   | <b>Weekly</b> | <b>Fortnightly</b> | <b>4 Weekly</b> | <b>Monthly</b> |
|---|---------------|--------------------|-----------------|----------------|
| Self- employed earnings                         |               |                    |                 |                |
| Your wages /salary                              |               |                    |                 |                |
| Your partners wages/salary                      |               |                    |                 |                |
| Bereavement Allowance                           |               |                    |                 |                |
| Carer's Allowance                               |               |                    |                 |                |
| Annuity income                                  |               |                    |                 |                |
| Cash in lieu of coal                            |               |                    |                 |                |
| Guardians Allowance                             |               |                    |                 |                |
| Charitable payments                             |               |                    |                 |                |
| Job Seekers Allowance                           |               |                    |                 |                |
| Income Support                                  |               |                    |                 |                |
| Pension Credit                                  |               |                    |                 |                |
| Working Families Tax Credit                     |               |                    |                 |                |
| Industrial Injuries Benefit                     |               |                    |                 |                |
| Child Tax Credit                                |               |                    |                 |                |
| Child Benefit                                   |               |                    |                 |                |
| State Retirement Pension                        |               |                    |                 |                |
| Private / works pension – for you               |               |                    |                 |                |
| Private / works pension - partner               |               |                    |                 |                |
| Incapacity Benefit                              |               |                    |                 |                |
| Disability Living Allowance -<br>Care Component |               |                    |                 |                |

|   |  |  |  |  |
|---|--|--|--|--|
| Disability Living Allowance –<br>Mobility Component |  |  |  |  |
| Attendance Allowance                                |  |  |  |  |
| Maintenance for you                                 |  |  |  |  |
| Maintenance for your children                       |  |  |  |  |
| Maternity Allowance                                 |  |  |  |  |
| New Deal  |  |  |  |  |
| Sick Pay  |  |  |  |  |
| Severe Disablement Allowance                        |  |  |  |  |
| Rent from lodger / tenant                           |  |  |  |  |
| Rental Income from other<br>properties              |  |  |  |  |
| Student Grant / Loan                                |  |  |  |  |
| Income from other adults                            |  |  |  |  |
| War Disablement Pension                             |  |  |  |  |
| War Widows Pension                                  |  |  |  |  |
| Widow's Allowance / Pension                         |  |  |  |  |
| Widowed Parents Allowance                           |  |  |  |  |
| Savings / Bank Accounts                             |  |  |  |  |
| Investments – please specify                        |  |  |  |  |
| Any Other Income(s) not listed<br>above             |  |  |  |  |
| <b>TOTAL</b>  |  |  |  |  |

**SECTION 3 – HOUSEHOLD EXPENSES**

| <b>Expenses</b>                      | <b>Weekly</b> | <b>Fortnightly</b> | <b>4 Weekly</b> | <b>Monthly</b> |
|--------------------------------------|---------------|--------------------|-----------------|----------------|
| Mortgage                             |               |                    |                 |                |
| Second mortgage                      |               |                    |                 |                |
| Rent                                 |               |                    |                 |                |
| Rent arrears / possession order      |               |                    |                 |                |
| Ground rent / service charge         |               |                    |                 |                |
| Council tax                          |               |                    |                 |                |
| Water rates                          |               |                    |                 |                |
| Electricity                          |               |                    |                 |                |
| Gas                                  |               |                    |                 |                |
| Coal / oil                           |               |                    |                 |                |
| Buildings insurance                  |               |                    |                 |                |
| Contents insurance                   |               |                    |                 |                |
| Life insurance                       |               |                    |                 |                |
| Private pension                      |               |                    |                 |                |
| Mortgage endowment policy            |               |                    |                 |                |
| Housekeeping (food, toiletries, etc) |               |                    |                 |                |
| School meals                         |               |                    |                 |                |
| Childminding                         |               |                    |                 |                |
| Clothing                             |               |                    |                 |                |
| Prescriptions                        |               |                    |                 |                |
| Maintenance payments                 |               |                    |                 |                |
| Travelling expenses (buses, taxis)   |               |                    |                 |                |
| Vehicle fuel                         |               |                    |                 |                |
| Vehicle insurance                    |               |                    |                 |                |
| Vehicle road tax                     |               |                    |                 |                |
| Telephone / mobile phone             |               |                    |                 |                |
| Cable / digital tv                   |               |                    |                 |                |
| Tv licence                           |               |                    |                 |                |
| Tv /video hire                       |               |                    |                 |                |
| Other hire / rental agreements       |               |                    |                 |                |

|                               |  |  |  |  |
|-------------------------------|--|--|--|--|
| Catalogue                     |  |  |  |  |
| Loans (state completion date) |  |  |  |  |
| Credit card / store cards     |  |  |  |  |
| Court fines                   |  |  |  |  |
| Other                         |  |  |  |  |
| <b><u>TOTAL</u></b>           |  |  |  |  |

I acknowledge that I owe The City & County of Swansea overpaid Housing Benefit of  
£\_\_\_\_\_ and would like you to consider my offer of repayment at  
£ \*a week / month starting from \_\_\_\_\_.

**DECLARATION**

The information I have provided is accurate and is a true reflection of my income and expenditure. I understand that proof may be required in support of this statement and authorise you to contact any of my creditors listed above for confirmation.

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Please return your completed form to: The Benefits Section, Finance Department,  
The Guildhall, Swansea, SA1 4NR**

# 1 – Overpayments of Housing Benefit and Council Tax Benefit

HOUSING BENEFIT OVERPAYMENTS EXPLAINED

# Paying it back

**What happens if you owe benefit money to the council**



Benefits Section  
PO Box 70  
Brigg, DN20 8EY  
01724 296131  
revenues.benefits@northlincs.gov.uk

www.northlincs.gov.uk

### For more information or advice

You can also visit one of our Local Link offices. Opening times vary.

**Ashby & District**  
Ashby High Street, Ashby  
tel: (01724) 296832

**Barton & District**  
The Old Magistrates' Court, High Street  
tel: (01724) 296800

**Brigg & District**  
Hewson House, Station Road  
tel: (01724) 296840

**Crosby Local Link**  
146 Frodingham Road, Scunthorpe  
tel: (01724) 296876

**Crowle & District**  
Community Resource Centre  
52 - 54 High St, tel: (01724) 296850

**Epworth & District**  
Chapel Street, Epworth  
tel: (01724) 296870

**Scunthorpe & District**  
Church Square House  
30 - 40 High Street, tel: (01724) 296820

**Winterton & District**  
West Street, Winterton  
tel: (01724) 296873

**Please note: this leaflet is for guidance only. Please contact us to talk about your individual circumstances and we will be able to give you more information.**

Working together to deliver a quality service

### Help us fight fraud

Benefit fraud is on the increase, which means there's less money for those who need it.

North Lincolnshire Council is committed to tackling benefit fraud.

If you have information on:

- anyone claiming benefit whilst working
- anyone claiming at an address where they do not live
- anyone claiming at more than one property
- any circumstances where you believe housing benefit fraud is being committed...

CALL (01724) 296137 or 296138

Your call will be treated in confidence.

**No English?**  
**For information please call:**  
 08000 193530 (Arabic)  
 08000 193531 (Bengali)  
 08000 193532 (Cantonese)  
 08000 193533 (Hindi)  
 08000 193537 (Kurdish Sorani)  
 08000 193538 (Portuguese)  
 08000 193541 (Urdu)  
**For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296**

Annex C: Leaflet 1 (cont)

**What is an overpayment?**

An overpayment of benefit happens when you are paid benefit to which you are not entitled.

**How will I know if I have been overpaid?**

We will write to you. In the letter, we will give full details of the overpayment. We will tell you:

- What caused the overpayment.
- The dates and the amount of the overpayment.
- How much the overpayment is.
- If we are going to ask you to pay back the money, we will write to you again to tell you how this will be done.

**What if I don't understand the overpayment?**

There are several reasons why you may have received an overpayment of benefit:

- You may have forgotten to let us know that your income has increased, for example Tax Credits, wages, state benefits, work pensions.
- Somebody may have moved into or out of your home. This would mean that we would need to work out your claim again.
- If you have other adults living with you, their circumstances may have changed.
- You may have moved out of your home and not told us.
- You may have started work, or changed jobs. Please do not rely on Job Centre Plus, the Pension Service or your landlord to tell us about any changes.

**What if I don't agree with the overpayment?**

Read your overpayment letter carefully. It will explain what the overpayment is for, and show the dates for which you

have been overpaid. If you disagree with the overpayment, you can:

- Phone or write to us, or visit any Local Link Office to ask for an explanation.
- Write to us within one calendar month of the date on the letter, to ask us to reconsider the decision. Alternatively, you can appeal in writing or by completing an appeal form. See our leaflet "Do you think the decision about your Housing or Council Tax Benefit is wrong?"

**Who can the council recover the overpayment from?**

- The benefit claimant (and in some cases their partner).
- Someone acting on behalf of the claimant.
- Whoever benefit has been paid to (including a landlord or their agent).
- The council will not recover Housing Benefit overpayments from your Council Tax or a Council Tax overpayment from your Housing Benefit.

**How is the overpayment recovered?**

- If you are still getting Housing Benefit, we will reduce this each week by the amount shown on your letter.
- If you feel that the amount we are reducing your Housing Benefit by is causing you hardship, you can write and ask us to lower it. Please note we may ask for more details and this may not always be possible.
- If you stop getting Housing Benefit, we will send you an invoice. (See the section headed 'What should I do if I cannot afford to pay back all the money at once?')
- We may request deductions from other state benefits that you may be receiving.
- If your landlord was paid your benefit, we will ask the landlord to repay us in certain circumstances.
- If you have been overpaid Council Tax Benefit, we will send you a new Council Tax bill, which will include any money you have been overpaid.

**What should I do if I can't afford to pay back all the money at once?**

Contact the council immediately: it may be possible to pay by instalments. Before arranging instalments, the council may need to know what your income and expenditure is. In some cases we can negotiate a realistic level of repayment over a longer period of time (say by small regular instalments). We will encourage you to seek independent advice if you have multiple debt problems. In setting repayment amounts, we will consider:

- Recommendations from a recognised advice agency.
  - Any information you give us on the total debts you owe.
- We will be sensitive to your individual circumstances. If you owe money to other creditors, we recognise you are likely to be under stress. We will collect debts courteously, respectfully and efficiently and treat any information you give us as confidential. To make a payment arrangement contact the overpayment team on 01724 296139.

If we have followed our procedures and you still owe us money, we may pursue the debt via a collection agency or through the courts. This may mean you incur additional debts for administration/court costs.

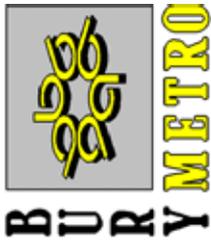
**How can I pay?**

If we invoice you, payment of the invoice can be made by cheque, cash, standing order, postal order, debit or credit card or giro bank. The back of the invoice gives full details of payment methods available.

**Where can I pay?**

Depending on the method of payment you choose, a number of places accept payments against our invoices. Again see the back of the invoice for further details.

## 2 – Overpayments leaflet



### Can I reduce My Instalment Repayments?

#### Why can't you just reduce the repayments?

We have a duty to protect the public purse and this includes efficiently recovering as much money owed to the authority as possible.

Unfortunately, not everyone who claims to be unable to afford the repayments is being sincere and we do encounter fictitious or exaggerated expenses on Income and Expenditure sheets.

The authority is committed to helping those that are genuinely suffering hardship, whilst collecting payments from those that are able to pay. It is therefore important that we identify the legitimate claims of hardship from those that are false.

#### Where to get help and advice

Overpayments Team  
Benefits Section  
7 Whittaker Street  
Radcliffe M26 2DT  
Tel: 0161 253 7434

Citizens Advice Bureau  
Bury  
Tel: 0845 1203757

Bury Housing Advice  
Tel: 0161 253 7557

A guide for people repaying  
overpayments of Housing  
Benefit or Administrative  
Penalties by instalments.

**Are you having difficulty repaying your overpayments?**

If so, this leaflet will help explain how you can make a hardship claim and how Bury MBC will deal with your claim.

**How have my instalments been set?**

You may have made a repayment agreement, at the time you were notified of the overpayment.

However, if the repayments are being deducted from your ongoing entitlement to benefit, the levels are set by Central Government. These levels vary depending on whether you are on benefits or if you are working.

**How do I make a hardship claim?**

You need to complete an Income and Expenditure Sheet (I & E Sheet). You will need to provide details of all your income and your outgoings. We will use this to decide if we can reduce your repayments.

**How do I complete the I & E sheet?**

You must include all income that you receive and that of your partner.

This includes any earnings, benefits, interest payments or any money you receive from people who live with you – such as a family member or a lodger.

You must then detail all of your regular expenses on the back of the form.

Make sure that you convert all of your income and expenses into weekly or monthly amounts, so that they are all for the same time scale and they can be added up into a weekly or monthly total.

If any of your expenses are not permanent, you must state the date that they are due to end – things such as fines, loans or catalogue payments.

You need to state the amount that you are able to pay at the bottom of the sheet, sign the form and return it to: -

Overpayments Team  
Benefits Section  
7 Whittaker Street  
Radcliffe  
M26 2DT

**What happens next?**

We will consider your offer based on the income and expenditure details that you have provided.

We will normally arrange to visit you to verify the amounts that you have given on the sheet. We may need to see things such as:

- Wage details
- Proof of benefits
- Receipts for payments you make
- Utility bills – such as Gas, Water, Electricity etc.

We may suggest that you review your outgoings to make additional income available or to consider reducing non priority expenses.

Once we are satisfied that the income and expenses are accurate, we will advise you if the repayments can be reduced and the amount you should pay.

We may make a short term arrangement with you where we reduce the repayments for a set period of time and then review the arrangement in the future.



## Overpayments

This information is for guidance only. People have different circumstances so for more detailed individual advice please contact us.

### What is an overpayment?

An overpayment of benefit happens when you have been awarded benefit to which you are not entitled.

### What is a recoverable overpayment?

Most overpayments can be recovered by the council. The only exception may be when a mistake was made by us, the social security office, or the inland revenue, and you could not be expected to know that there had been an overpayment.

### How will I know if I have got an overpayment?

We will write to you. The letter we send you will tell you what caused the overpayment, the dates, and amount of the overpayment. If the overpayment is recoverable we will also tell you how we are going to recover the overpayment.

### Can the overpayment be reduced?

In some circumstances we may be able to reduce the overpayment. If we do not have details of your income and circumstances for the period of the overpayment we will request them. When you have provided the details we will work out if the overpayment can be reduced. This is referred to as 'underlying entitlement'.

### Who repays the overpayment?

We will normally recover the overpayment from the person who received the payment originally. However, if the person who made the claim, or someone acting for them, caused the overpayment, we can recover the overpayment from that person. In some circumstances we can even recover the overpayment from the partner

of the person claiming. We will always consider the 'whole picture'.

### How is the overpayment recovered?

We will decide which way to recover the overpayment. If your circumstances change during the recovery period we may change the method of recovery.

- We may take the amount from any money we owe you.
- If you are still getting Housing Benefit we may reduce this each week by the amount shown on your letter.
- If you stop getting Housing Benefit we may invoice you or your landlord.
- For Tristar Homes tenants we may in some cases debit the overpayment to your rent account.
- We may ask the Department for Work and Pensions to reclaim money from your Income Support, Jobseekers Allowance or other benefits.
- If you have been overpaid Council Tax Benefit, we will send you a new Council Tax bill which will take into account any money you have been overpaid.

### What should I do if the deductions from my Housing Benefit are higher than I can afford?

If you are having difficulty repaying the debt we may be able to reduce the amount of the deduction. You can contact us on Stockton 393829. We will send you a financial statement form to complete.

If you owe more than one debt to the council such as; rent, council tax, benefit, and you are struggling to meet all of the repayments we may be able to help you. We can arrange to combine all the money you owe to the council into one amount and set a realistic payment plan for you. Please see our leaflet 'Collecting What's Due'. This leaflet explains the councils debt policy.

### What if I do not agree with the overpayment?

When you receive your overpayment letter please read it carefully. If you do not understand something in the letter you can ask us for more information or for an explanation of the decision.

You can challenge some decisions about the overpayment if you think they are wrong, such as;

- whether the overpayment is recoverable or not;
  - how it has been worked out;
  - who it is recovered from.
- You cannot challenge;
- whether we **should** recover the overpayment, if it is a recoverable overpayment; and
  - how we choose to recover the overpayment

You must contact us within **one month** of the date of the letter we sent you telling you of the overpayment. If you disagree with our decision you must put this in writing. For more information please see our Appeals leaflet.

### What will happen if I do not pay back the overpayment?

We will consider recovering the overpayment through the county court. This will increase the debt due to added court costs. We will always tell you beforehand if we are going to take this action.

**If your circumstances change don't forget to let us know as soon as possible. If we know before there is less chance of an overpayment occurring.**

**Please do not rely on the Jobcentre Plus, the Pension Service or your landlord to tell us about any changes.**

*4 – Charter and Code of Practice*

# Chesterfield Borough Council

## Housing Benefit and Council Tax Benefit Overpayment Policy

## **Housing Benefit and Council Tax Benefit Overpayment Policy**

This document sets out Chesterfield Borough Council's policy with regard to overpaid Housing Benefit and Council Tax Benefit.

### **What is an overpayment?**

An overpayment is an amount of benefit which has been paid but to which there is no entitlement. Most overpayments are recoverable.

The administration of all overpayments is dictated by the Social Security Administration Act 1992. Section 75 deals with Housing Benefit overpayments and Section 76 with Council Tax 'Excess Benefit'.

Regulations prescribe how overpayments will be dealt with in detail. For Housing Benefit overpayments the relevant regulations are 98 to 105 of the Housing Benefit (General) Regulations 1987, as amended. For Council Tax Benefit overpayments refer to regulations 83 to 91 of the Council Tax Benefit (General) Regulations 1992. In addition, see Housing Benefit (Recovery of Overpayments) Regulations 1997, case law and Commissioner's decisions.

### **How do overpayments happen?**

Overpayments occur in the following circumstances: -

- The claimant, their appointee or their landlord fail to notify a change of circumstances that reduces benefit entitlement;
- The claimant, their appointee or their landlord notify a change of circumstances that reduces benefit entitlement after the effective date of the change;
- The claimant, their appointee or their landlord makes a mistake;
- We make a mistake;
- We action a change of circumstances that reduces benefit entitlement after the effective date of the change and the timely notification of the change;
- Another agency, which makes a contribution to the decision making process, makes a mistake;
- Another agency, which makes a contribution to the decision making process, delays notifying a change of circumstances that reduces benefit entitlement.

The calculation of an overpayment is often unavoidable, because benefits are awarded to meet an immediate need; i.e today's Council Tax liability, this week's rent. Even when changes are notified and actioned promptly overpayments may result.

## The policy

Most overpayments are recoverable. The Council is required to maximise debt recovery, as non-payment is a cost to taxpayers. This document formalises the principles that apply to the calculation, administration and recovery of Housing Benefit and Council Tax Benefit overpayments.

## Prevention

Overpayments are often difficult and time consuming to administer. They can cause difficulties for claimants and their families as they try to manage on limited incomes. They are to be avoided where possible.

This is achieved by:

- telling claimants how to avoid overpayments, with letters, in leaflets and during verbal communications;
- encouraging claimants to maintain contact with us;
- processing information quickly and accurately to minimise overpayments;
- offering a leaflet to explain all about overpayments;
- offsetting any new or underlying entitlement.

## Cause

The cause of the overpayment is significant for two reasons:

1. The responsibility for the overpayment determines the rate of government subsidy available. Overpayments resulting from claimant error, other error and claimant fraud attract government subsidy in addition to any amount which may be recovered. For this reason, it is important that the responsibility for overpayment is correctly recorded. Training and feedback from quality testing and audit checking inform staff about the requirements and considerations.
2. It feeds into the decisions on recoverability and recovery.

## Recovery – the decisions

The law requires that certain tests are applied to overpayments as part of their administration.

### Recoverable?

If an overpayment is caused by official error, we will only commence recovery if it is reasonable to expect the claimant, a person acting on their behalf, or a person receiving the payment, to have realised they were being overpaid.

In all cases, having decided that an overpayment is recoverable, we will consider the personal circumstances of the claimant in deciding whether or not to pursue recovery and at what rate we will recover.

### Annex C: Leaflet 4 (cont)

Working practises identify procedures to follow and forms to complete when considering whether or not to recover a recoverable overpayment. The following factors are taken into account: -

- the cause of the overpayment;
- the amount of the overpayment;
- the prevailing circumstances;
- the physical and mental health of the claimant and family, if appropriate;
- the financial position of the claimant and dependants;
- claim history;
- social considerations;
- advice the claimant may have received;
- error by any official agency.

Once a recoverable overpayment has been calculated and it is decided that recovery will be sought, we decide who to recover from.

#### **Excess Council Tax Benefit**

The amount of the overpayment will be added to Council Tax liability and recovery sought in accordance with Council Tax legislation.

#### **Housing Benefit overpayments**

Where possible, recovery will be by deduction from the claimant's ongoing housing benefit entitlement. The weekly amount will not exceed the maximum set by the Government in the uprating order each year. Amounts will vary according to the personal circumstances of the debtor. Recovery may be suspended temporarily to alleviate hardship.

Recovery will normally be sought from the person to whom the original payment was made.

Legislation will be followed and recovery sought from a fraudulent claimant where a landlord received the payment but is considered 'blameless'.

Where an overpayment is due to the death of the claimant recovery will be sought from the estate.

Rent rebate overpayments may be recovered via the rent account in the following circumstances: -

- the rent account is in credit by the same or a similar amount;
- at the claimants' request;
- on termination of tenancy where liability is removed;
- as agreed with rent recovery (see current working practise for 'dealing with overpayments').

### **Sundry Debtor Accounts**

These will be raised to recover Housing Benefit overpayments:

- from claimants, when there is no ongoing housing benefit in payment,
- from landlords, and
- from anyone else deemed to be responsible for the overpayment.

If a landlord fails to repay an overpayment, and Housing Benefit payments are still being made to him, recovery may be sought by deduction from those ongoing payments in accordance with the written working practise.

Where a debtor, is unable to settle the debt in full, reasonable payment by instalment will be considered.

Recovery will be sought from other prescribed Social Security benefits when appropriate. The Remote Access Terminal link to DWP systems will be used to trace debtors no longer resident in the Borough.

Unpaid debts, where no payment arrangement exists, will be referred for legal action in the County Court. Supporting evidence will be provided to support the application for a Court Order.

Debts will be written off in accordance with the write off policy.

### **Notification**

Recovery of any overpayment cannot be considered if 'affected persons' have not been properly informed about it. Regulations prescribe what must be included in decision notices. All overpayments must be notified to the claimant and the payee, where this is different.

Subsequent decisions regarding overpayments must also be communicated.

### **Rights**

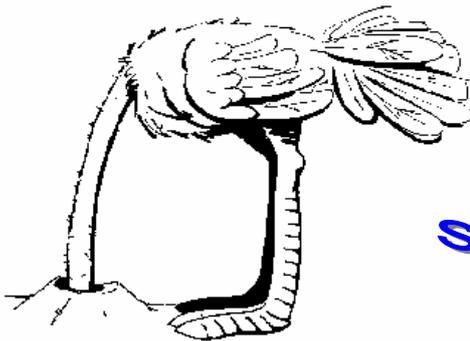
Any decisions regarding overpayments can be challenged by the claimant, and in the case of recovery being sought directly from the landlord, the landlord can challenge that decision. The rights are the same for overpayment decisions as for any others. Affected persons can request a statement of reasons, reconsideration of a decision or appeal to an independent tribunal, within the prescribed timescales.

***5 - Further information that could be displayed with regard to overpayments in designated offices/sites***

*(This could be made poster sized)*



**WORRYING ABOUT  
YOUR HOUSING BENEFIT  
OVERPAYMENT ?**



**Don't  
stick your head  
in the sand!**

Call the Overpayments Team at Lancaster Town Hall on telephone number (01524) 582965 (8-45am to 5-15pm Monday to Friday) to discuss the best way for you to pay.

**Weekly or monthly arrangements can be made to suit your circumstances.**

Your overpayment won't go away-ignoring it may cost you more!

**We're here to help !**



0207