

Withdrawn

This publication is withdrawn.

This publication is no longer current.



What happens if you are overpaid Universal Credit, Jobseeker's Allowance or Employment and Support Allowance?

This booklet tells you about

- our responsibilities and your responsibilities
- how an overpayment might happen
- what to do if you disagree with the overpayment decision
- who we can recover overpayments from
- paying back an overpayment
- when we may decide not to recover an overpayment
- how to contact us
- where you can find out more information.

This booklet explains how overpayments of benefit might happen and how to pay them back. We ask for all overpayments to be repaid. But, if you don't agree that you have been overpaid or with the amount of the overpayment you can ask us to look at the decision again.

An overpayment may happen when we have paid you more benefit than you are entitled to. If you have been overpaid Universal Credit, Jobseeker's Allowance or Employment and Support Allowance, we will tell you:

- that you have been overpaid.
- the details of the overpayment including the amount overpaid, and
- the period over which the overpayment happened.

We will also tell you:

- how you can pay back the overpayment
- how we will recover the overpayment, and
- what to do if you disagree with the decision.

If you want to find out more about a decision please get in touch with us by phone or in writing **within one month** of the date on the notification. Our address and phone number will be on the notification.

Our responsibilities and your responsibilities

To help get your award right, and to help avoid an overpayment happening, it is important that we both meet our responsibilities.

In delivering our services we will:

- give you the correct advice based on the information you give us
- treat people fairly and with respect
- treat what you tell us as confidential
- do our best to help you, listen to you and make you feel comfortable dealing with us.

You can help us by:

- giving us full, accurate and up to date information
- telling us straightaway if and when your personal or family circumstances change
- checking any award notices that you receive from us and telling us if anything is wrong, missing or incomplete.
- treating our staff with courtesy.

How an overpayment might happen

Overpayments might happen for various reasons but usually occur if:

you don't give us the right information when you claim

we make a mistake when we calculate your benefit

you fail to tell us about a change in your circumstances or tell us too late to stop a payment

we make a mistake when we record the information you give us

you give us wrong information when you tell us about a change in your circumstances

we don't act promptly on information you give us.

You (or someone who has been appointed to act for you) should tell us as soon as possible about any changes in your income and family circumstances. Do not rely on anyone else to do it for you.

You should also tell us if you think the amount we are paying you is wrong. It is your responsibility to check that the information we hold about your income, capital and family circumstances is correct.

Telling us quickly about changes, or telling us if you think we do not have the right information about your circumstances, reduces the chance of an overpayment happening or increasing.

What to do if you disagree with the overpayment decision

If you disagree with the overpayment decision you can ask us to look at it again. We can only look at:

- whether an overpayment has happened
- the amount of the overpayment, or
- the period of the overpayment.

You need to do this **within one month** of the date on the notification telling you about the overpayment.

If we look at the decision again and change it, we will send you a new decision. If we cannot change the decision, we will send you a notification telling you why. If you still disagree with the decision you have one month from the date on that notification to appeal.

Who we can recover overpayments from

In most cases we will recover overpayments from the person who claimed the benefit. Where a benefit is claimed jointly by a couple, we can recover the overpayment from either member of the couple.

Sometimes it would not be appropriate to seek recovery from one member of a couple. This could be because one member of the couple commits fraud and abandons the household, leaving the other member of the couple to cope with the outstanding debts.

We can recover an overpayment from any person who has benefited from it, for example a landlord.

Paying back an overpayment

If you can repay the overpayment in full, then you can do this by making a single lump sum repayment. If you cannot afford to repay in full straight away we can agree a repayment plan with you.

If you are still getting benefit we can recover the overpayment by deductions directly from your benefit payments.

The law limits how much money we can deduct from your benefit to recover an overpayment. This is to ensure the recovery process does not cause you significant hardship. If the money that we are deducting from your benefit to repay an overpayment means you cannot meet essential expenditure, you should contact us to discuss an alternative repayment rate. If we agree a reduced rate of recovery, we will review that decision regularly.

If you no longer get a benefit we can recover the overpayment by direct debit or another regular payment method. If you fail to come to an agreement to repay the overpayment we may seek recovery by:

- deductions from your earnings
- passing your debt to a debt collection agency who will recover the debt on behalf of the Department, or
- through the courts.

If the rate at which we are recovering the overpayment is causing you significant hardship, then you should contact us. You will be asked to provide information and evidence of your financial circumstances.

When we may decide not to recover an overpayment

In exceptional circumstances, we may decide not to recover an overpayment, or part of it. This could be where recovery is likely to cause you or your immediate family significant hardship and be a threat to you or your family's health or welfare.

If you feel that repaying the overpayment will cause you significant hardship, you should contact us. We may ask for evidence of the hardship.

How to contact us

If you want to discuss your overpayment please get in touch with us by phone or in writing. Our contact details are on the notification we sent you.

When you contact us please tell us:

- your full name
- your National Insurance Number
- a daytime telephone number.

Where you can find out more

Advice Centres

Your local council and advice centres such as the Citizens Advice Bureau can give you help and support.

