



Housing Benefit and Council Tax Benefit

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.

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.

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.

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.

Ways we may recover an overpayment;

- 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
- 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.

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.

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 Jobcentre Plus, The Pension Service or your landlord to tell us about any changes.

Independent Advice

Stockton & District Advice & Information Service

Bath Lane
Stockton-on-Tees
TS18 2DS

Telephone (01642) 676691

Here to help

Our staff are always happy to explain anything you do not understand or to help with any query about your benefit. You can either;

- call our helpline on (01642) **393829** or Minicom textphone (01642) 605569 (for people with hearing difficulties). Our helpline is open Monday to Thursday 8am to 6pm, Friday 8am to 5.30pm, and Saturday 9.30am to 12.30pm.
- call into; Thornaby Customer Service Centre, Pavilion (Library), Thornaby Town Centre, or Stockton Customer Service Centre, Church Road (Library), Stockton. We are open for callers Monday to Thursday 8.30am to 5pm, Friday 8.30am to 4.30pm, and Saturday 9.30am to 12.30pm.
- e-mail **benefits.section@stockton.gov.uk**

For further information go to www.stockton.gov.uk/hsgben

