

Recovery - Housing Benefit Overpayments.

When an overpayment occurs due to either a reduction in entitlement or the cancellation of a claim, we will seek to recover the debt by the following methods;

1. From ongoing entitlement.
2. From any outstanding underpayments
3. By direct invoice.

Our invoices state that full repayment is required within 14 days, but if the debtor cannot make full repayment instalments can be arranged.

If payment is not made, and instalments have not been agreed. We will issue a reminder notice after 21 days. If this fails to secure payment, or a payment proposal, a Final Notice will be issued.

A County Court judgement can be obtained if payment is not received.

We have reciprocal agreements with other Local Authorities that they will recover our overpayments from the entitlement of claimants that have moved from our area to theirs, and vice-versa.

We are able to ask the DWP to make deductions from most Benefits.

We can attach earnings at source, without obtaining a Court Order.

We also have in place a system where the Council's Bailiff for Council Tax and Non Domestic Rates, will undertake to collect a debt on our behalf as our Agents.

Writing off Debts

If an overpayment has been caused by Local Authority error, we would write off the overpayment if the claimant cannot be deemed to have reasonably known they were being overpaid.

If the overpayment is otherwise recoverable, we would only write off the debt in the following circumstances:

- The claimant has died, and there is either no Next of Kin or Estate.
- The debt is over 6 years old.
- If the debt is treated as being a qualifying debt subject to a Bankruptcy Order, an Individual Voluntary Arrangement, or a Debt Relief Order.
- If the debtor has moved and cannot be traced.
- If Her Majesties Courts and Tribunals Service find against the council at appeal.