

# Overpayments of Housing Benefit



This leaflet deals with the main features of Housing Benefit overpayments. It does not cover every detail and should not be regarded as a comprehensive statement of the law.

## ***What is an overpayment of Housing or Council Tax Benefit?***

It is an amount of benefit which has been paid but to which there is no entitlement, which may be recoverable.

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

A notification letter will be sent telling you that benefit has been overpaid and the amount the Council will be recovering. The notification also explains how you could appeal against the details of the notification. If you do not appeal against the decision or an appeal is refused then the Council is allowed to recover the money.

## ***Who can the Council recover the overpayment from?***

The Council can recover the overpayment from:

- the claimant (and in some circumstances their partner).
- someone acting on behalf of the claimant.
- the person to who it was paid to (including a landlord or their agent)

Consideration will be given to who has misrepresented or failed to disclose information and who could have reasonably been expected to realise they were being overpaid.

## ***How will the Council recover the overpayment?***

The Council can use several methods to recover the overpayment and these are:-

- By deduction from a claimant's ongoing Housing Benefit by a set amount each week.
- Reducing amounts paid to a landlord or agent.
- Deductions from Housing Benefit paid to a claimant for a past period.
- By deductions from certain Social Security Benefits.
- Issuing an invoice.
- Recovery from a deceased person's estate.

***What should I do if the deductions from Housing Benefit or payment are higher than I can afford?***

If you want the amount that is being deducted from your Housing Benefit or payments to be altered then contact the Council immediately.

***What should I do if the Council send an invoice and I can't afford to pay it back all at once?***

If you cannot afford to pay an invoice in a single payment contact the Council immediately to see if you can pay the amount by instalments. Before arranging the instalments the Council might need to know what your income and expenditure is.

***What will happen if the Council send an invoice and it is not paid?***

If the Council send an invoice followed by reminders for non-payment, and do not receive an appeal, correspondence or payments then the Council may seek to recover the amount through the courts. This will increase the debt because of the added court costs.

***REMEMBER***

Although the Council have a duty to recover overpayments you should contact them immediately if you are having difficulty repaying the debt. We will help in any way we can

***How do I find out more?***

If you need further information you should contact the Benefits Section, Corporate Services, Council Offices, Kirkwall, KW15 1NY.

Tel: (01856) 873535 Ext 2116

Direct Dial: (01856) 886312

email: [benefits@orkney.gov.uk](mailto:benefits@orkney.gov.uk)

website: [www.orkney.gov.uk](http://www.orkney.gov.uk)

Opening hours - Monday to Friday - 9am to 5pm

**Independent advice**

**Citizens Advice Bureau**

Anchor Buildings, 6 Bridge Street, Kirkwall, KW15 1HR

Tel: 01856 875266