

**What happens when you  
have been paid too much  
Housing Benefit or  
Council Tax Benefit**

**CARLISLE  
CITY COUNCIL**



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

## Useful contacts

Get in touch with us by writing to:

Revenues & Benefits Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG.

Fax: **01228 817266**

E-mail: **hben@carlisle.gov.uk**

Or you can phone us on one of the following numbers.

- Benefit queries: **01228 817201**
- Council Tax queries: **01228 817200**

If you prefer you can call into the Civic Centre to speak to someone.

Our Customer Contact Centre on the ground floor of the Civic Centre is open from:

- 9am to 5pm, Monday to Thursday;
- 9am to 4pm on Fridays.

## **You can get independent advice on Housing Benefit and Council Tax Benefit from the following:**

Citizens Advice  
Old Post Office Court  
Devonshire Street  
Carlisle  
CA3 8LE  
Phone: **01228 633900**

Benefits Advice Centre  
Civic Centre  
Carlisle  
CA3 8QG  
E-mail: **bac@carlisle.gov.uk**

Please phone **01228 625250** between 1pm and 3pm on Mondays to arrange an appointment.

Please ring **01228 817400** between 2pm and 4pm on Thursdays for advice over the phone.

## **What is an overpayment?**

An overpayment is any amount of benefit, which has been paid to you but you were not entitled to receive.

If we pay you too much benefit, we can ask you to pay back what we've overpaid.

This leaflet explains:

- why overpayments happen;
- how we deal with them;
- how we ask for the money back; and
- what your rights are.

## **Why do overpayments happen?**

They happen for various reasons. Here are some examples:

- you may have given us wrong information;
- you may not have told us something that we needed to know about; or
- you may have been slow to tell us about a change.

We might have to work out the amount of your benefit again due to a change in your circumstances or because we've found that we've made a mistake.

If you then get less benefit and we've already paid you the higher amount, there will be an overpayment.

In the case of Council Tax Benefit, we pay benefit for a whole year at the start of the year. It's quite likely that something will change during the year and we will find that we've paid too much, or too little, for the rest of the year.

There may be a delay in the time it takes between a change happening, you telling us and us dealing with it.

Even if you tell us straightaway and we deal with it quickly, it is often impossible to avoid some overpayment.

## **Can you ask me for the money back?**

We can ask you for the money back if it:

- was your fault;
- was not our fault; or
- was our fault but you could have realised you were being overpaid.

For example, if you got a pay rise, you would expect your benefit to go down. In this case, if your benefit doesn't change you should realise something is wrong.

We can't ask for it back if it's our fault and you couldn't have realised you were getting too much.

## **Will you expect me to pay the money back?**

We will not ask you to pay back overpayments that were our fault, unless we decide you should have known you were being overpaid.

We won't ask you to repay it if we think this is unreasonable.

Otherwise, we usually expect you to pay us back.

## **How do you get the money back?**

We can get the money back in the following ways.

### **From your Council Tax account**

For Council Tax Benefit, we usually take the overpaid benefit back out of your account and you will get a new Council Tax bill with more to pay.

We may try to collect this money from you by increasing your monthly instalments.

## **From instalments of your Housing Benefit**

For Housing Benefit, if you're still on benefit we can take the money out of each week's benefit to recover the overpayments.

There are legal limits to how much we can take each week.

If the amount we take each week causes you a problem, please tell us. We might be able to change it and take a smaller amount.

## **By using other money we owe you**

If we owe you benefit for another period, we can take a deduction at the legal limit, for each week due to be paid.

## **By sending you a bill**

We may send you a bill or an overpayment notice letter and you should make arrangements to pay.

If you can't pay all at once, we can arrange instalments, so please get in touch.

## **From your landlord**

If we've been paying your benefit to a private landlord or housing association, we may ask them to repay the money.

Pick up our leaflet 'A guide to Housing Benefit and Council Tax Benefit for landlords' for more information.

## **Other ways we can get the money back**

We can ask the Department for Works and Pensions to take money out of your social security benefits.

We can ask another authority to take money out of any Housing Benefit they are paying you.

If we don't hear from you or you don't pay us back, we may refer the debt to a collection agency or register the debt with the County Court and ask them to enforce it. This is the same as having a Court Order against you, so it will affect your credit rating.

## **Will you tell me if I've been overpaid?**

Yes, we have to tell you about any overpayment and the action we will take.

We will write to tell you the new amount of benefit you're entitled to, or when your benefit entitlement stopped.

We will also tell you, how much you've been overpaid, the reason for the overpayment and how we're recovering the money.

You can ask us for more details if you don't think our decision is clear. You have a legal right to ask for the reasons for our decision.

Our notice letters will explain your rights relating to each decision and tell you about time limits. The date of our decision is the date on our letter.

There are more details in our leaflet 'What to do if you disagree with a Housing Benefit or Council Tax Benefit decision'.

## **What are my rights?**

- You have a right to ask for the reasons for our decision.

You have to ask in writing and sign the letter and send it to us. (Our contact details are on page 2 of this leaflet.)

- You have a right to ask us to change our decision, and have one month from the date of our decision letter to do this.

Write to us and make it clear which decision you don't agree with. Say why you think we've got it wrong.

We'll look at our decision again and write to you with the result.

- You have a right to appeal to an independent appeal tribunal on some overpayment decisions.

You can do this straightaway when you write to ask us to change our decision.

Or, you can ask us to change our decision first, then appeal if you're not satisfied with our response. Appeals are heard by tribunals run by the Appeals Service which are independent of local authorities.

Appeals must be in writing and signed by you. You must make it clear which decision you're appealing against and your reasons for appeal.

Send your appeal directly to us. (Our contact details are on page 2 of this leaflet.)

There are time limits – appeals must actually reach us within a month of the decision you're appealing against.

Pick up our leaflet 'What to do if you disagree with a Housing Benefit or Council Tax Benefit decision' for more information.

## **Can overpayments be reduced?**

Yes, overpayments can sometimes be reduced. Here we give two examples – 'Offsetting' and 'Underlying entitlement'.

## **Offsetting**

After we decide that you have been overpaid, we may get more information that makes us change our decision.

In this case, we will tell you our new decision about how much you're entitled to.

If this is more than before, the overpayment will be lower than before or you may not have been overpaid at all.

We call this 'offsetting'. We offset the extra money due to you against what we originally decided was overpaid.

If we have already recovered the overpayment from you, we will pay you the extra.

This can often happen when someone comes off benefit and starts work.

## **Underlying entitlement**

If your Housing Benefit or Council Tax Benefit claim is cancelled because we have just found out that you were not entitled to Income Support or Jobseeker's Allowance for a past period, you will have been overpaid benefit.

However, if you are able to provide evidence of all your income, savings and investments for the period of the overpayment, we can assess the amount of benefit that you would have been entitled to if we had known your correct circumstances at the time.

If we award benefit for the period of an overpayment, it is called 'underlying entitlement' and we will use it to reduce the total amount of the overpaid benefit.

If we are able to do this, we will tell you our new decision about how much you're now entitled to.

If this is more than before, the overpayment will be lower than before and you may not have been overpaid after all.

## **Do I need to tell you if I change my address?**

You need to tell us straightaway if you move.

You will probably want to claim Housing Benefit and Council Tax Benefits at your new address and you will want to get it sorted out as soon as possible.

If you change address we will stop benefit at your old address as soon as possible. But payment may have continued after the date you moved.

What we've already paid counts towards what you're entitled to at your new address.

This shouldn't be a problem if you've moved with the same landlord or if you get your own cheques.

If we've paid your landlord directly, your old landlord will have had the money and this could leave you short with your new landlord.

Your old landlord may be able to keep the money even though it was meant for your new rent.

For example, if:

- you were behind with your rent;
- you didn't give notice; or
- your notice hadn't run out before you moved.

If payments after you've moved have put you in credit with your old landlord, you should ask them to pay the amount in credit back to you.

If you think we've made a mistake, or it's our fault, you can ask us to look at our decision again, but you can't appeal to an appeals tribunal about this.

## **What if there's an overpayment but you've been paying my landlord?**

If you're the tenant of a private landlord, or a housing association, we may have been paying your rent allowance direct to them.

We may have paid too much and the overpayment may be one where we can ask for the money back.

In these cases we can ask you to pay us back, or we can ask your landlord because they've received the money.

We have to decide and tell you our decision.

If you're a landlord you have a right to appeal if you think we should ask the tenant.

In general, if we decide the tenant caused the overpayment and the landlord couldn't have known about it, we would expect the tenant to repay.

If you're a landlord, pick up our leaflet 'A guide to Housing Benefit and Council Tax Benefit for landlords', for more information.

## **Where can I get help?**

You can always phone us for help and advice. (See page 2 of this leaflet for details)

Or, you could contact Citizens Advice or the Benefits Advice Centre. (See page 2 of this leaflet for details.)

## **What if I want to comment on your service?**

We would like to know what you think about this leaflet or about the service we provide to you, If you have any comments, please contact us. (Our contact details are on page 2 of this leaflet.)

## **The following leaflets are available to give you information about Housing Benefit and Council Tax Benefit.**

- Discretionary Housing Payments – help you can get to top up your Housing Benefit and Council Tax Benefit
- Housing Benefit and Council Tax Benefit – can your claim be backdated?
- A guide to Housing Benefit and Council Tax Benefit for students
- A guide to Housing Benefit and Council Tax Benefit for landlords
- Changes you need to tell us about if you are claiming Housing Benefit or Council Tax Benefit
- How to claim Housing Benefit and Council Tax Benefit Council Tax Benefit
- Council Tax Benefit
- A guide to Housing Benefit
- Housing Benefit and Council Tax Benefit for people who work
- Housing Benefit and Council Tax Benefit for people who are away from home
- How other people in your home affect your Housing Benefit or Council Tax Benefit

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