

## Housing Benefit and Council Tax Benefit

# What happens when I have been paid too much?

**DARTFORD**  
BOROUGH COUNCIL

  
**Sevenoaks**  
DISTRICT COUNCIL

Dartford and Sevenoaks working together to deliver Revenues and Benefits Services



## **Equal Opportunities Statement**

Dartford Borough Council and Sevenoaks District Council are committed to ensuring that no service user or customer is discriminated against on the grounds of gender, race, colour, ethnic origin, disability, sexuality or religion.

### **Leaflets available:**



A Guide for Working Age People (Leaflet 1 WRK)



A Guide for Pensioners (Leaflet 2 PNS)



Can my claim be backdated? (Leaflet 3 BKD)



Changes you need to tell us about (Leaflet 4 C/C)



A Guide for the Self-Employed (Leaflet 5 S/E)



Extra help towards your Rent & Council Tax (Leaflet 6 DHP)



What do I do if I disagree with your decision? (Leaflet 7 APP)



What happens when I have been paid too much? (Leaflet 8 O/P)



A Guide for Landlords (Leaflet 9 L/L)



Attending an Interview Under Caution (Leaflet 10 IUC)



Can I ask someone to act on my behalf? (Leaflet 11 ACT)

**This leaflet is available in large print, please phone:  
01732 227414.**

**This leaflet can be explained in other languages please phone:  
01322 343705 or 01732 227000.**

Please note that whilst every effort has been made to ensure that the details given in this leaflet are correct, the information should not be treated as an authoritative statement of benefit regulations.

## **What is an overpayment?**

An overpayment is any amount of benefit that has been paid to you that you were not entitled to receive. Overpayments of benefit can happen both in Housing and Council Tax Benefit.

## **Why do overpayments happen?**

Overpayments happen for different reasons. For example:

- a change in your circumstances
- you may have given us incomplete information
- you may have given us wrong information
- we have made a mistake.

Because Council Tax Benefit is paid for a whole year at the start of the year a change in your circumstances can result in an overpayment, or underpayment, for the whole year.

In the case of Housing Benefit, even if you tell us straight away of a change and we deal with it quickly, it is often impossible to avoid some overpayment.

## **What happens when I have been overpaid?**

When an overpayment of benefit happens we will write and tell you:

- the cause of the overpayment
- the period of the overpayment
- the amount of the overpayment.

We will also tell you, usually in a separate letter, whether or not we will be asking for the money back and how we expect you to pay it back.

If we were making payments of Housing Benefit to your landlord when the overpayment occurred, we may also write to them.

## **Will I have to pay the money back?**

We usually expect you to pay the money back.

However:

- We will not ask you to pay back overpayments that were our fault, unless we decide that you should have known that you were being overpaid. For example, if you got a pay rise, you would expect your benefit to go down. If your benefit had not changed you should have realised that something was wrong.
- We will not ask you to repay if we think this is unreasonable and each overpayment will be considered on its own merits.

## **Overpayment paid to landlords**

If you are a tenant of a private landlord, or housing association and we have been paying your landlord direct we may ask them to pay the money back. However, if there is a good reason why we should ask you for the money instead then we will do this. For example, if you had started work without telling us. We look at the specific circumstances of each overpayment case before deciding who should pay the money back.

# **How will I pay the money back?**

## **From your Council Tax Account**

If you have been overpaid Council Tax Benefit we will send you a new Council Tax bill. This will give you details of the amount of overpayment and tell you what your new instalments are.

## **From your Housing Benefit**

If you are still receiving Housing Benefit we may reduce this each week by the amount shown on your letter. You will be responsible for making up any difference if we pay your Housing Benefit to your landlord.

## **Sending you a bill**

If you no longer receive Housing Benefit we will send you a bill for the amount you owe.

If no payment or agreement is made with you to clear the overpayment, then the following options may be used:

- recover the overpayment through deductions from any State Benefits you get
- add interest to the debt
- seek recovery through the County Court; this could result in a County Court Judgement and you will have to pay added costs
- refer your debt to the Council's debt collection agency.

If you have moved to another local authority and get Housing Benefit, we may ask your new council to recover our overpayment from your new benefit entitlement.

## **What can I do if I disagree with the overpayment?**

Read your overpayment letter carefully. If you still disagree with the overpayment you can:

- telephone, write or visit our offices and ask a Benefit Officer to explain our overpayment decision
- ask us to look at the overpayment decision again or
- appeal against the overpayment decision.

You need to ask us to look again at our decision or appeal within one calendar month of the date of the overpayment letter.

If you want us to look at the decision again or you want to appeal your request must be in writing.

Our leaflet **What do I do if I disagree with your decision** (leaflet 7 APP) gives you more detailed information. This is available from our offices.

## **What if I can't afford to repay the overpayment?**

If you feel that the amount we are reducing your Housing Benefit by is causing you hardship you can ask us to change it.

If you are unable to pay the debt in full we may be able to arrange for you to pay by instalments.

In both cases please contact our Overpayments Team.

## **How can I avoid further overpayments?**

Tell us about changes straight away; for example:

- if you start work or
- if you have any change to your household (eg new baby, marriage, someone moves into the property).

For more information see our leaflet **Changes you need to tell us about** (leaflet 4 C/C). Alternatively, contact Benefit Services for advice.

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

You can always phone us for help and advice. For details visit our website [www.dartford.gov.uk](http://www.dartford.gov.uk) or [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) or see the back of this leaflet.

You could also contact or visit the following:

### **Dartford Citizens Advice Bureau**

Trinity Resource Centre, High Street, Dartford DA1 1DE

**Call: 01322 224686**

### **Edenbridge & Westerham Citizens Advice Bureau**

68 High Street, Edenbridge TN8 5AR

**Call: 01732 865131**

Email: [Edenbridge@cabnet.org.uk](mailto:Edenbridge@cabnet.org.uk)

### **Sevenoaks & Swanley Citizens Advice Bureau**

Buckhurst Lane, Sevenoaks TN13 1HW

**Call 01732 456100**

Email: [info@sevenoaksdistrictcab.org.uk](mailto:info@sevenoaksdistrictcab.org.uk)

16 High Street, Swanley BR8 8BG

**Call: 01732 456100**

Email: [info@sevenoaksdistrictcab.org.uk](mailto:info@sevenoaksdistrictcab.org.uk)

### **Shelter Kent Housing Aid**

Bull Yard

High Street

Ashford

TN24 8SN

**Call: 0344 515 1444**

Email: [ashford@shelter.org.uk](mailto:ashford@shelter.org.uk)

## If you have any questions about your Housing Benefit or Council Tax Benefit



**Phone us on: 01322 343705** (Dartford)

**01732 227000** (Sevenoaks)

A service is available for minicom users on: 01732 227496  
(for textphone users only)



**Write to us at:**

Benefit Services, Dartford Borough Council  
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Benefit Services, Sevenoaks District Council  
PO Box 102, Argyle Road, Sevenoaks, Kent TN13 1GT



**E-mail us at: [benefits@dartford.gov.uk](mailto:benefits@dartford.gov.uk)  
[benefits@sevenoaks.gov.uk](mailto:benefits@sevenoaks.gov.uk)**

**Visit our main offices at the following times:**



**Dartford**

Monday - Thursday 8:45am to 5:15pm

Friday - 8:45am to 4:45pm

**Sevenoaks**

Monday - Wednesday 8.45am to 5.00pm

Thursday 9.30am to 5.00pm

Friday 8.45am to 4.45pm

**For appointments at our Edenbridge, Swanley & Hartley surgeries  
please call 01732 227000**

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

Please get in touch with us. We would like to know what you think.  
Information on how we deal with comments about our services is  
available on our websites: [www.dartford.gov.uk](http://www.dartford.gov.uk) or [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)