

26 June 2019  
Our ref: 5320628

Thank you for your request received on 8 May 2019, for the following information:

**My request is concerning housing benefit over payment. Between 2013-2019:**

- 1. How many cases of housing benefit over payment have been discovered by the council?**
- 2. How many of these were discovered whilst claims were still being made?**
- 3. How many cases were discovered after claims had stopped?**
- 4. what are the reasons for over payment?**
- 5. In how many of these instances in the council at fault? In how many is the claimant at fault?**
- 6. What is the highest amount of over payment made?**
- 7. How many claimants who were over paid are paying back? if there are any not paying back what are the reasons?**
- 8. Do all claimants who have been over paid get prosecuted? If not, what are the reasons they are not prosecuted.**
- 9. What other actions does the council take to get back overpaid amounts?**
- 10. Can a person still be prosecuted if they are paying amounts back?**

We have processed this request under the Freedom of Information Act 2000.

## **Response**

### ***1. How many cases of housing benefit over payment have been discovered by the council?***

Information is not held in the format requested. Our reporting system cannot report on the numbers of overpayments, but for a subset of the information requested and this is accessible from our subsidy report.

We can only supply figures linked to our subsidy report and these will only give the value of those overpayments which are eligible for subsidy and not the number of cases discovered in total. It would give a net value of overpayment subsidy by type of overpayment and the number of claims associated with that value.

See Refusal Notice below

### ***2. How many of these were discovered whilst claims were still being made?***

Information is not held in the format requested. Our reporting system cannot report on the numbers of overpayments, and we would have to look through each individual case to see when the overpayment was made.

See Refusal Notice below

**3. *How many cases were discovered after claims had stopped?***

Information is not held in the format requested. Our reporting system cannot report on the numbers of overpayments, and we would have to look through each individual case to see when the overpayment was made.

See Refusal Notice below.

**4. *What are the reasons for over payment?***

Information is not held in the format requested. Our reporting system cannot report on the reasons for overpayment, however reasons are held for a subset of the information requested and this is accessible from our subsidy report.

We can only supply figures linked to our subsidy report and these will only give the value of those overpayments which are eligible for subsidy so will not give the exact totals. Please can you confirm whether this information would be of use to you as it is not exactly what you have requested.

See Refusal Notice below.

**5. *In how many of these instances in the council at fault? In how many is the claimant at fault?***

Information is not held in the format requested. Our reporting system cannot report on the numbers of overpayments. Overpayments are held for a subset of the information requested from our subsidy report broken down by Local Authority error figure and Claimant Overpayment error figure.

We can only supply figures linked to our subsidy report and these will only give the value of those overpayments which are eligible for subsidy so will not give the exact totals. Please can you confirm whether this information would be of use to you as it is not exactly what you have requested.

See Refusal Notice below.

**6. *What is the highest amount of overpayment made?***

£189,370.79

**7. *How many claimants who were over paid are paying back? if there are any not paying back what are the reasons?***

Information is not held in the format requested. Our reporting system cannot report on reasons for not paying back overpayments.

**8. *Do all claimants who have been over paid get prosecuted? If not, what are the reasons they are not prosecuted.***

The Council recognises that with recovery of Housing Benefit overpayments they are dealing with potentially some of the poorest members of the community and while an overpayment might be recoverable under the law, there is always the separate decision as to whether or not recovery should be sought. This means that some debts will have to be written off because, for example, the debtor has no means to repay; it is not in the Council's interests to request repayment; the debtor has died,

become bankrupt or absconded; or if recovery action is not cost effective or the debt is time barred. See attached policy.

**9. *What other actions does the council take to get back overpaid amounts?***

There are a few ways in which overpayments are recovered. These are as follows:

Repayment in full

Deductions from on-going Housing Benefit

Direct Earnings Attachment

Special arrangements – instalment plan

PDP's – Recovery from other Benefits – This is not used at the moment as we are finalising system procedures but hope to be able to in the not too distant future

**10. *Can a person still be prosecuted if they are paying amounts back?***

Yes

**Refusal Notice**

I can confirm that London Borough of Barnet holds the information you requested. However, we are withholding some of that information since we consider that the following exemptions apply to it.

We are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulations rather than actual salary paid to any officers handling requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester.

We have calculated that it will take approx 10,400 hours to comply with your request. Our calculation is as follows:

We currently have a Housing Benefit caseload of over 25,000 live cases which does not take into account overpayments linked to cases which are not in payment. In addition, each case may have multiple overpayments and so we calculate that checking all these cases would take at least 25 minutes each, resulting in the approximate figure above based on the caseload figure quoted.

**Advice and Assistance**

For Q1, Q4 and Q5 we can only supply figures linked to our subsidy report and these will only give the value of those overpayments which are eligible for subsidy and not the number of cases discovered in total. It would give a net value of overpayment subsidy by type of overpayment and the number of claims associated with that value. If you would like to receive a copy of this information please resubmit your clarification as a fresh request.

## **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

## **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

## **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) The London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.