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Date: 22 April 2021

Dear Ms Rogers,

I am writing about your Housing Benefit (HB) reporting accountant final tested claim dated 2019/20.

I am mindful that local authorities are required by law to administer Housing Benefit in accordance with the relevant legislation and case law. It is an expectation that an authority will act with reasonable diligence to properly discharge its functions in accordance with the law when administering Housing Benefit.

The following decisions were made after considering all the available information in relation to the criteria specified in Circular S1/2002 and the additional information you have presented. The decisions have been made under section 140(C) of the Social Security Administration Act 1992.

#### 2019/20 Final Tested Claim

##### *Reason for qualification – amount - recovery*

1. Rent Allowance Total Expenditure - £24,369 – Full recovery
2. Rent Allowance Eligible Overpayments - £6,845 – Full recovery
3. LA Error Overpayments - £41,288 – Full recovery

Acting on behalf of the Secretary of State, I have recovered £72,502 of overpaid Housing Benefit subsidy from your 2019/20 subsidy claim.

In making this decision I have noted, with regard to S1/2002, that the incorrect assessment of benefit, misclassification of overpayments and restatement of LA error overpayments has resulted in subsidy being claimed in excess of entitlement, at a cost to the public purse. Accordingly, acting on behalf of the

Secretary of State, I consider it appropriate, in all the relevant circumstances of your claim, to recover the total recoverable overpaid subsidy of £72,502.

#### Method of repayment

Acting on behalf of the Secretary of State, I propose to recover the overpaid subsidy of £72,502 from your interim subsidy for May 2021.

Please note that the final settlement will also take into account any adjustments to your certified final claim, that you have agreed with your reporting accountant and which sit outside the recovery decisions.

Your claim will now be settled on the above basis. This does not, however, prevent your claim from being re-opened should DWP become aware of new information relating to your claim. DWP will also consider re-opening your claim if you present further information that, in DWP's view, shows that the overpaid subsidy is less than the amount on which the DWP based the original recovery decision.

You should be aware that there is no right of appeal against a decision of made by DWP to recover overpaid subsidy under S140C(3) of the 1992 Act. The decision can only be challenged by judicial review.

Please do not hesitate to contact me should you have any queries on this matter.

Yours sincerely,

*John Darrell*