



Department
for Work &
Pensions

Debt Management

Debt Management (C)

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Our Ref: [REDACTED]

27 February 2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

Ref: Request to waive recovery of Universal Credit Overpayments

We have been asked to look at your case and decide whether the money should be paid back.

Firstly, it may be helpful to explain that the Secretary of State has a duty to protect public funds and it is expected that all overpayments should be recovered to protect the taxpayer and public funds. However, the Secretary of State also has the power to waive the right to recover all or part of the monies owed to the Department where there are very special circumstances. A waiver is only applied where the particular facts of the case warrant it.

Each case is decided individually, with particular attention being paid to overpayments where recovery is detrimental to the health and/or welfare of the customer.

Whilst each case is looked at on an individual basis, waiver has to be applied in a fair and consistent way to be sure all our customers are treated equally.

Where hardship is claimed on health grounds, of either the customer or their family, it is expected that sufficient supporting medical evidence will be provided to explain how or why the actual recovery of the overpayment is detrimental to the health or welfare of the customer or their family.

Where hardship is claimed on financial grounds, the problems would need to be over a long period of time. Full details of the income and expenditure of the customer,

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their family, and any other members of the household would be needed. An application under financial difficulties usually results in a reduced rate of recovery, which is reviewed regularly.

An officer acting on behalf of the Secretary of State has carefully considered this case and has decided that based on the evidence provided these overpayments cannot be waived.

When someone is seeking a waiver on ill health grounds, then evidence must be shown, not of the ill health itself, but that the recovery is the main or only cause of the ill health, or the reason for the escalation of the ill health. This evidence must be very specific as to the effect the recovery is having on the claimant's health and must be the opinion of the professional writing the letter. The medical evidence provided fails to explain how or why the actual recovery of the overpayment is having a clearly defined actual detrimental effect on your health. We are unable under HM Treasury rules to consider any evidence that is over 6 months before the date of the waiver request.

There is no right of appeal against a waiver decision.

If circumstances change, or further evidence becomes available, a waiver can be requested again at any time.

If you would like further information, please call us on 0800 916 0647.

Yours sincerely




Operations Manager