

Circular Reference:		G12/2010	
Subject:	Various Updates	Effective Date:	For Information
Debt Relief Orders (DROs) and Overpayments			
<p>Following a Judicial Review on 28th July 2010 a ruling was issued in regards to overpayment recovery from ongoing HB/CTB or DWP benefits. Where the overpayment is part of the DRO overpayment recovery must cease. An application for a stay of judgment has been filed to the Court of Appeal by the DWP. A list should be made of affected cases so that recovery can recommence or a refund be issued once the stay application is considered.</p> <p>If the overpayment is included in the DRO then recovery cannot take place during the DRO. Furthermore if the overpayment is not fraudulent it must be written off once the DRO is discharged. Conversely, if the overpayment is deemed as fraudulent then recovery can recommence upon discharge of the DRO.</p> <p>If the overpayment is not included in the DRO then recovery can take place as normal either during or after the DRO period.</p>			
Data Sharing			
<p>The DWP have provided new guidance on sharing social security data. <i>Guidance for local authorities on the use of social security data</i> has been added to the good practice guide on the DWP website.</p> <p>It can be found by following the link below along with supplementary guides (<i>Data Sharing to tackle worklessness</i> and <i>Good practice in data sharing</i>) on data sharing.</p> <p><u>Guidance for local authorities on the use of social security data</u></p> <p><u>Data sharing to tackle worklessness</u></p> <p><u>Good practice in data sharing</u></p>			
Incapacity Benefit to ESA			
<p>Problems have arisen with powers cited in the regulations regarding the transition of Incapacity Benefit to ESA. As a result the regulations have been revoked and remade (<i>The Employment and Support Allowance (Transitional Provisions Housing and Council Tax Benefit)(Existing Awards)(No.2) Regulations 2010 (SI 2010/1907)</i>). The content of summary A14/2010 is unaffected.</p>			
Local Authority Contacts			
<p>Local Authorities are requested to supply updated contact information for their Chief Executive, Finance Director and Benefit managers.</p> <p>Please email : <u>CaxtonHouse.Central-Services-Team@dpw.gsi.gov.uk</u></p>			

Suggested Action

Ensure overpayment staff are aware of DRO implications. All staff should be made aware of the data-sharing guidance.

Other References:**U4/2010, A14/2010, G11/2010**