

A guide to Civil Penalties

Introduction

Civil Penalties came into force on 1 October 2012 with the Department for Work & Pensions and from 1 April 2014 with Bracknell Forest Council.

They were introduced to help tackle the losses that result from errors made by customers in their benefit claims.

You are personally responsible for keeping your claim records correct and you must notify the council of any changes which might affect the amount of Housing Benefit you receive.

Civil penalties do not apply to cases of fraud, which are dealt with separately by the Investigations Team.

What does this mean?

From 1 April 2014, if you are notified that you have been overpaid Housing Benefit of £250 or more, (which must wholly have occurred after 1 October 2012), the council can impose a set Civil Penalty of £50 on:

- claimants who have negligently made an incorrect statement of representation or negligently given incorrect information or evidence in connection with your claim for benefit from the council, without taking reasonable steps to correct it
- claimants who have failed to provide, without reasonable excuse, information about a benefit claim or award, which is required by the council
- claimants who have failed, without reasonable excuse, to notify the council of a change in circumstances in relation to your claim to benefits received from the council

How will the Civil Penalty be recovered?

There are several ways that the Civil Penalty can be recovered :

- by reducing any ongoing entitlement to Housing Benefit
- deductions from ongoing benefits
- by the new Direct Earnings Attachment provisions also in the Welfare Reform Act 2012
- through the Courts

The Civil Penalty will be recovered before any existing or new overpayment.

A Civil Penalty can be considered again for repeated overpayments. For example, if an overpayment is generated in May and a Civil Penalty is imposed, a second Civil Penalty can be imposed if you cause another overpayment in October.

If you disagree with the decision to impose a Civil Penalty

If you disagree with the decision to impose a Civil Penalty on you, you can ask for an explanation of the decision, a reconsideration of the decision or appeal against the decision, which must be received within one calendar month from the date the Civil Penalty was imposed.

You must appeal to:

Benefits Service
Bracknell Forest Council
Time Square
Market Street
PO Box 3781
Bracknell
RG12 1HJ

or email: benefits@bracknell-forest.gov.uk

In asking for a reconsideration or appealing, you will need to state, and provide evidence where appropriate, why you feel the decision is wrong.

Please note: Ignorance of the Law is not a reasonable excuse for not complying with your claim responsibilities. Therefore, simply saying 'I didn't know' will not be considered as a reasonable excuse.

Disclaimer

This leaflet gives general guidance only and should not be regarded as a complete and authoritative statement of the law. If you do not understand or have any queries about any of the contents you may wish to speak with us about Civil Penalties, seek independent advice, or alternatively look at www.legislation.gov.uk for the definitive answer.