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Date: 13 February 2014

Martin Williams
Sent via email

Dear Mr Williams

Freedom of Information Act - Request for Information
Our Reference: FOI 0236

Thank you for your Freedom of Information request received on 16 January 2014. You asked:

- 1. The current guidance on the exercise of the discretion to recover other DWP administered benefits (eg the DWP policy on waiver).*
- 2. Any other guidance on the processes or principles governing recovery of overpayments (eg most up to date version of the "Overpayment Recovery Guide" plus, to the extent that they are not incorporated in that guide any of the Process and Procedure Circulars which amend it). (Note – at one point I was told this guide would be replaced by something called the "Benefit Overpayment Recovery Guide"- if that is now the current guidance please send that).*
- 3. Copies of any internal Departmental correspondence about whether to publish online the Overpayment Recovery Guide or the waiver documents subsequent to the B v SSWP judgment referred to above.*

1. Please see the attached current waiver guidance document. Although it is based on "Managing Public Money" which is available on GOV.UK, we are aware that this specific Debt Management guidance is not available in the public forum. The response to point 3 below gives more information but the attached link provides an admirable summary of Debt Management's waiver guidance although, in the intervening period, the small overpayment amount has increased to £65. Other guidance on the Secretary of State's discretion not to recover overpaid benefit is to be found in Appendix 7 of the ORG.

<http://www.cpag.org.uk/content/overpayments-and-recovery-secretary-state-waiver>

2. Please see the attached copy of the ORG and the Procedures and Process bulletins.

3. No internal correspondence relating to the publication or not of the ORG or waiver documents has been found but some background to this response may be useful. The Department's policy on overpaid benefit is to recover all such overpayments as quickly and efficiently as possible without causing undue hardship. The Overpayment Recovery Guide (ORG) is not a policy document; rather it is an internal technical document which was designed to provide guidance for Debt Management staff. There was never any

intention to publish the ORG for this reason but it has always been made available upon request.

The Benefit Overpayment Recovery Guide (BORG) was produced because it was recognised that there was a need for a less technical document which explained the recovery policy and process whilst also giving some general guidance on such matters as insolvency and waiver. The original intention was to make the BORG widely available, but this was overtaken by the introduction of the Welfare Reform Act and the changes that brought about. It is currently therefore under review.

Debt Management is working with GOV.UK to find the best way to present information about the recovery of overpaid benefit, but, like the ORG, the BORG is always available upon request.

If you have any queries about this letter please contact us quoting the reference number above.

Yours sincerely

Official Correspondence Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central FoI Team, Caxton House, 6-12 Tothill Street, London. SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk