



Guidance on Overpayment of Adoption/Special Guardianship and Child Arrangements Order Allowances London Borough of Merton

Issue Date	Author	Date Of the Next Review	Lead officer
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In the normal course of events it is likely that underpayments and overpayments will sometimes occur as the result of the time delay between a change in circumstances of an adoptive parent/Special Guardian/Child Arrangements Carer and a review being completed.

Carers should check their remittance advice carefully and notify the Local Authority of any errors at the earliest opportunity.

Where an overpayment has occurred negotiations will take place with the Adoptive Parent/Special Guardian or Child Arrangements Carer to agree a means that allows for the recovery of the overpayment that does not cause hardship to the family. This is in line with The Adoption Support Services Regulation 2005 (Reg. 12, 3b).

- (a) Where the overpayment is largely as a result of the identification of mis-reported information by the family, the reduction of on-going payments to the newly assessed rate is effective immediately, with exceptional circumstances considered if it is determined that the family are not in receipt of all benefits for which they are eligible;
- (b) The authority's policy is to seek full recovery of the outstanding debt from previous weeks payments from the order carers;
- (c) Recovery of overpayment is achieved in normal circumstances in equal instalments over the period of the following 3 months by reducing future payments;
- (d) Where normal circumstances recovery is not possible, either due to the value of the overpayment compared to the value of the on-going monthly order payments, and/or due to the time remaining until cessation of payments, and/or due to new benefit claim considerations, that an individual agreement is reached between the authority and the carers. This would be subject to the approval of the Head of Service and take into account any necessary involvement of the Adoption Agency Decision Maker under adoption regulations. This agreement should seek to recover the debt in the shortest timescale possible and as necessary in reference to the Authority's standard debt collection procedures;
- (e) Any debt write-off would be highly exceptional and subject to authorisation by the Director Children's Social Care and Director Corporate Services.