

## **Leaflet 12 - Changes you haven't told the Fund about**

### **This leaflet contains information about:**

- What happens if there has been a change in your circumstances that affects your award from the Fund
- Overpayments
- Deliberate fraud against the Fund

## **Changes you haven't told the Fund about**

Sometimes, the Fund makes payments when they should not be made. This is usually when there has been a change in someone's circumstances that they have not told the Fund about. Someone going into hospital without telling the Fund is a common example of this.

**Leaflet 6 " Important changes to tell the Fund about"** lists many of the changes in your circumstances that you need to tell the Fund about. Not telling the Fund about these changes in circumstances can lead to an **overpayment** being made.

### **What is an overpayment?**

An overpayment is some money that we have paid to you when it should not have been paid. Overpayments usually happen when someone has forgotten to tell us about a change in their circumstances, or has told us after the payment has already been made.

### **What happens if the Fund makes an overpayment?**

If the Fund makes an overpayment to you, we will write to you as soon as possible to let you know about the overpayment. In the letter, we will explain why the overpayment has happened and how much the overpayment is.

### **We will then ask you to tell us what happened**

We will then ask you to tell us what has happened to the money that has been overpaid to you and about any other relevant information that you feel should be taken into account. If, for example, the overpayment has been made because you have been in hospital and you did not tell the Fund straightaway, we will ask you how you have spent the money. If you can show that you have used the money to

continue to pay your personal assistants, and this would fall within the Fund's rules about who can have a retainer payment (see leaflet 10 for more information about retainer payments), then you may not be asked to pay the money back.

### **We will look at your individual circumstances**

Each overpayment is treated on its own merits, according to how it happened and how the money was used. It is therefore not possible to describe exactly what might happen in all cases where an overpayment has been made. In some cases where an overpayment has been made, the Fund might be very clear that the money should be repaid. However, we can promise that, in making a decision, all relevant information will be taken into account, including your financial circumstances and ability to repay.

### **Going to court to get the money back**

In extreme cases, the Fund may go to court to get the money back. This is usually when it appears that somebody has deliberately withheld information from the Fund in order to get money or there is difficulty in finding out how the overpaid money has been used.

### **Try not to worry**

If an overpayment has been made to you, you should try not to worry. In the vast majority of cases, there is a reasonable explanation to why the overpayment has been made and what has happened to the money. In these cases, the Fund will not necessarily ask you to pay the money back.

## **We will need to ask you questions**

If an overpayment has been made to you, you need to be prepared for the Fund to ask you some questions about what has happened so that a fair decision can be made. The more information you are able to give the Fund, the better.

## **Call us if you think that you have been overpaid**

If you think that there has been a change in your circumstances that might mean that you have been overpaid, or you are worried about an overpayment that has already been made to you, please get in touch with the Fund and a member of staff will be happy to help.

## **Deliberate fraud against the Fund**

Sadly, there are sometimes occasions where people deliberately defraud the Fund. Deliberate fraud against the Fund is very rare. However, where it does happen, it is treated very seriously indeed.

Deliberate fraud against the Fund can mean:

- Deliberately telling the Fund information that is not true, in order to get money from the Fund
- Deliberately not telling the Fund some information that might affect a Fund user's payments

## **Fraud is taken very seriously**

The Fund takes any attempt to defraud it very seriously. Where there is information to show that someone has made a deliberate attempt to defraud the Fund, the matter will be looked into. Where there is evidence that a Fraud has been committed, the Fund will consider calling the Police and this could lead to a criminal prosecution taking place.

## **Overpayments caused by deliberate fraud**

Where an overpayment has been made because someone has deliberately defrauded the Fund, the Fund will make every attempt to get the money back, if necessary through the courts.

The Fund would use these measures particularly where the Fraud had been committed by someone other than the Fund user, for example a friend or relative who continued to get money from the Fund after the Fund user went to live in residential care.

## **There is a difference between a normal overpayment and deliberate fraud.**

Please do not think that we suspect that all overpayments are caused by deliberate fraud. Overpayments can be caused by mistake and, in these instances, we can usually sort out what has happened. The number of people who deliberately defraud the Fund is very low.

**The most important thing for you to remember is that if there is any change in your circumstances, however small, please contact the Fund immediately so that we can be sure that your payments from the Fund are not affected. If someone else helps you deal with your Fund payments, please make sure that they know about contacting the Fund if there are any changes in your circumstances.**