



HM Revenue
& Customs

What happens if we've paid you too much tax credits

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We've a range of services for disabled people. These include guidance in Braille, audio and large print. Most of our forms are also available in large print. Contact our helplines for more information.

This leaflet explains why overpayments happen and how to pay them back. It also tells you when you don't have to pay them back and how to dispute an overpayment.

Mandatory reconsideration

Introduction

An overpayment means we've paid you more money than you're entitled to.


If you think the amount of tax credits is wrong, you can ask us to look at the decision again. This is called mandatory reconsideration and you must normally contact us within 30 days of the date shown on your decision notice. You can also ask us to look at any penalty we've imposed in connection with your tax credits claim or if we decided to charge interest on your overpayment.

When we've looked at the decision again we'll send you a Mandatory Reconsideration Notice explaining what we've done. This will include all the information you need to appeal to HM Courts and Tribunals Service in England, Scotland and Wales or The Appeals Service in Northern Ireland, if you're still unhappy with our decision.

Appeals to the Tribunals or Appeals Service must be made in writing and within one month (30 days in Northern Ireland) of the date of the Mandatory Reconsideration Notice.

We'll put any recovery action on hold while we carry out the reconsideration or while your appeal is being considered.

For more information see our factsheet WTC/AP, 'What to do if you think your Child Tax Credit or Working Tax Credit is wrong'.

 Go to [GOV.UK](https://www.gov.uk) and search for WTC/AP or phone the Tax Credit Helpline on 0345 300 3900 for a copy.

When you should dispute an overpayment

If you think our decision is right, but you don't agree that you should repay the overpayment, read pages 8 to 12 of this leaflet for more information about whether you should dispute our decision to recover the overpayment.

Contact us (read page 17) if you don't:

- agree that you've been overpaid
- know if you should ask us to look at the decision that generated the overpayment again under mandatory reconsideration
- know if you should ask us to dispute the decision to recover an overpayment

How we work out the amount of your tax credits

Tax credits depend on your income and your family circumstances. When your income or family circumstances change then your entitlement or the amount we pay you may change.

We pay you tax credits for a tax year - from 6 April one year to 5 April the next. When we first work out what to pay you, we look at your family's circumstances now and your income for the last tax year. If you think your income for the current tax year is going to be different than in the last year you can give us an estimate of what it will be. If we use this estimated figure it's important you tell us as straightaway if you think your income is going to be lower or higher than the estimate you provided. If you don't, we may not be paying you enough tax credits or you may be overpaid.

After 5 April each year, we send you a renewal pack asking you to:

- check the information we hold about you is up to date
- tell us how much income you had in the last tax year

If your tax credits award is renewed automatically and you're in PAYE employment, we may have used income figures given to us by your employer. It's important that you check these figures are correct for tax credits. Your renewal notes will help you do this. Contact us if you think they're not and tell us why.

You should fill in and return your renewal form straightaway. We'll then work out the actual amount due to you for the year that has just ended and also the amount for the year that started on 6 April.

If you claim Universal Credit, we may end your tax credits during the year rather than wait until the end of the year. We'll write to you to tell you what you need to do.

How an overpayment happens

An overpayment can happen if:

- you don't give us the right information either when you claim or when you renew your claim at the end of the year
- you're late telling us about a change in your circumstances
- your income in 2017 to 2018 is more than £2,500 higher than it was in 2016 to 2017
- you gave us an estimated current year income which turns out to be too low
- you give us wrong information when you tell us about a change in your circumstances or income
- we make a mistake when we record the information you give us
- we don't act on information you give us

Changes in your circumstances or income

You should keep us up to date with any changes in your income and your family circumstances. The law says that you must tell us about certain changes within one month of them happening.

Sometimes it might not be clear exactly when there has been a change so you must tell us within one month of the date when you realised a change has happened.

You should use the checklist TC602(SN) 'Check your tax credits award notice now' that we sent with your award notice to check what changes you need to tell us about. If you need to tell us about a change, you may find it helpful to keep a note of the date you contacted us, the name of the person you spoke to and details of the change.

After you tell us about a change we'll work out the new amount of tax credits payments you're due and send you a new award notice.

Where a change of circumstances means you have already received more than we estimate for your full year award, tax credits payments will normally stop. If this leaves you without enough to live on, tell us and we may consider making further payments. Each case is assessed on an individual basis. Where the change of circumstances means you haven't received more than we estimated for your full year award, your tax credits payments will continue at a reduced rate (read page 15, 'Financial hardship')

If you start living with a partner, you separate from your partner or your partner dies

You must let us know **within one month** if:

- you marry or enter into a civil partnership or start living with someone as though you're married or in a civil partnership
- you're married, or in a civil partnership, and you separate legally or in circumstances likely to be permanent
- you stop living with someone as though you're married or in a civil partnership
- your partner dies

Your claim will legally end in these circumstances. If you can still claim tax credits, you'll need to make a new claim. If you do make a new claim, it may be backdated up to one month.

The longer you delay telling us about this type of change, the bigger any overpayment may be. If you've started a new claim we may consider reducing the amount that you have to pay back. We'll work out how much you would have been paid in your new claim if you'd told us about the change on time and take that amount off your overpayment.

Our responsibilities and yours

To help get your award right and to help avoid building up an overpayment, it's important that we meet our responsibilities and you meet yours.

Our responsibilities

When you contact us we should:

- give you correct advice based on the information you give us when you contact us for information
- accurately record and use the information you give us when you make or renew your claim, to work out your tax credits and pay you the correct amount
- include information you've given us about your family and your income when we send you an award notice - if you tell us that there's a mistake or something missing on your award notice, we should put it right and send you a corrected award notice
- accurately record what you've told us and send you a new award notice within 30 days when you tell us about a change of circumstance - the 30 days doesn't start until we get all of the information we need from you to make the change so it's important you give us all of the information about a change

Your responsibilities

You should:

- give us accurate, complete and up-to-date information
- tell us about any changes of circumstance throughout the year so we've accurate and up-to-date information, the law says you must tell us about certain changes within one month of them happening (you should use the checklist TC602(SN) we sent with your award notice to check what these changes are) - to reduce the chance of building up an overpayment, we recommend that you tell us about any changes in income as soon as possible
- use the checklist TC602(SN) we send with each award notice to check all the items listed and tell us straightaway if anything is wrong, missing or incomplete

You must tell us about some changes **within one month** of them happening - these are listed on the back of the checklist.

The main details we expect you to check are:

- if it's a joint award (for you and your partner) or a single award (based on your individual circumstances)
- the hours you work
- if you get Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Pension Credit
- that a disability element is shown if you, or anyone in the household, is entitled to it
- the number and age of any children in your household
- any childcare costs
- your total household income for the period shown on the award notice

We'll send you a corrected award notice if you tell us anything is wrong, missing or incomplete. If you don't get an award notice within 30 days of telling us about a change in circumstance, let us know as soon as possible.

You should check that the payments you get match what we said they should be on your award notice. Tell us if you get any payments that don't match what is shown on your award notice.

If we fail to meet our responsibilities

If anything is wrong, missing or incomplete you must tell us straight away. Make a note of when you got your award notice and when you told us about the mistake. We may ask you for this information to show that you acted within 30 days.

If you had difficult personal circumstances that meant you couldn't check your award notice or bank payments, for example, a member of your family has been seriously ill, let us know as soon as possible.

If you don't understand your award notice, phone our helpline (read page 17).

If we fail to meet our responsibilities, but you meet all of yours, we won't ask you to pay back all of an overpayment caused by our failure.

However - you must tell us about any mistakes on your award notice within 30 days of the date on your award notice. If you do, then you won't be responsible for an overpayment caused by our mistake. If you tell us about a mistake more than 30 days after the date on your award notice we may ask you to pay back an overpayment up to the date you contacted us.

Example 1

On 1 September you tell us about a change in your circumstances but we don't change your award until 16 October. We won't collect back any overpayment that arises after 30 September.

Example 2

On 12 August you tell us about a change in your income. We send you a new award notice which you get on 19 August, but we haven't correctly recorded the information you gave us. If you spot this and tell us about the mistake by 18 September (30 days from 19 August) we won't collect any overpayment caused by our mistake.

Example 3

On 12 August you tell us about a change in your income. We send you a new award notice which you get on 19 August, but we haven't correctly recorded the information you gave us. If you spot this and don't tell us about the mistake until 27 September (39 days from 19 August) you may be responsible for the overpayment up to the date you contacted us.

Whenever you tell us about a mistake we won't collect an overpayment that may build up if we don't correct our mistake from this time.

If you fail to meet your responsibilities

If you fail to meet your responsibilities, but we meet all of ours, we'll normally ask you to pay back all of an overpayment. For example, if you tell us about a mistake on your award notice more than 30 days after the date on your award notice, then you may have to pay back an overpayment which has built up until the time you contacted us. But also read 'Exceptional circumstances' below.

If we both fail to meet our responsibilities

If we both fail to meet one or more of our responsibilities, we'll look at the circumstances of your case and may write off parts of an overpayment.

If we both meet our responsibilities

If we both meet our responsibilities, we'll usually ask you to pay back the overpayment.

Example 4

On 12 August you told us your income increased from 15 July. We updated your tax credit record on 11 September. We'll still ask you to pay back any overpayments made during the period 15 July to 11 September.

If it takes you some time to tell us we didn't meet our responsibilities

We ask you to tell us about any mistakes we've made within 30 days of the date on your award notice. If you don't tell us within 30 days, we'll ask you to pay back an overpayment up to the date you told us. We won't ask you to pay back an overpayment, which is caused by our mistake, after the date you told us.

Exceptional circumstances

We understand that exceptional circumstances may prevent you from meeting your responsibilities on time. For example, you or a close family member may have been seriously ill so you couldn't report a change, check your award notice or tell

us about our mistake within 30 days of the date on your award notice. Let us know, as soon as it becomes possible, if you think this applies to you, or if you're not sure whether we've made a mistake.

If you don't understand why there's an overpayment, contact us. We can give you an explanation over the phone or in writing. Our leaflet WTC8, 'Why overpayments happen' gives more information about things that can cause overpayments. You can get a copy:

- online, go to GOV.UK and search for WTC8
- by phoning our helpline (read page 17) if you don't have access to the internet

We know that some customers may not be able to manage their own affairs, handle money or understand or complete forms. In such circumstances another person may act on their behalf. These people are called appointees.

Appointees

Appointees can sometimes be appointed by:

- a court or government department, for example the Department for Work and Pensions
- an individual who decides that they need help in dealing with their affairs
- a carer, a voluntary sector organisation or a mental health or social care professional who would be able to act in all dealings with us

For more information, go to www.gov.uk/getting-help-with-your-tax-credits-claim/appointees

Challenging the recovery of an overpayment

How to dispute an overpayment

If you don't agree that we should ask you to pay back an overpayment you can ask us to look at this again. We call this disputing an overpayment. To do this, complete and return form TC846, 'Tax credits overpayment'. You can get a copy:

- online, go to GOV.UK and search for TC846
- by phoning our helpline (read page 17) if you don't have access to the internet

You can write to us instead, but you must make sure you give us full details including:

- in what tax year the overpayment being disputed happened
- if and when you contacted us

- why you think the overpayment happened
- why you think you shouldn't have to pay back the overpayment

Usually you have to dispute recovery of an overpayment within 3 months from the date of:

- your final decision notice
- the decision on your Annual Review notice (if your award is renewed automatically)
- your Statement of Account
- the decision on your Award Review notice (if your award is ended automatically due to a claim for Universal Credit)
- the letter which gives you our decision on your mandatory reconsideration
- the letter from the Tribunals or Appeals Service which gives you their decision on your appeal

You can only dispute recovery of an overpayment that happened in the tax year the notice or letter relates to. You won't normally be able to dispute overpayments from earlier tax years. We'll only accept a late dispute in exceptional circumstances, for example, if you were in hospital for that 3-month period. If you do send us a dispute, we'll continue to seek recovery of the overpayment while we're considering your dispute.

If we later change our decision and you receive another decision notice for the same year, you have 3 months from the date of that notice to dispute recovery of an overpayment.

Example 5

Mary and Alan have overpayments from 2012 to 2013 and 2013 to 2014 tax years. They're paying the overpayments back from their tax credits award in 2016 to 2017. They were late reporting a change of circumstances in 2016 to 2017 and there's a new overpayment shown on their final 2016 to 2017 award notice. Their final award notice also shows the overpayments from the earlier tax years.

Mary and Alan have 3 months from the date of their 2016 to 2017 decision notice to dispute the new overpayment only. But they'll not be able to dispute the overpayments from 2012 to 2013 and 2013 to 2014 tax years.

Historic debt

If you no longer get tax credits, you'll have been informed on past notices that, if you want to dispute an overpayment, you should do so as quickly as possible. If you didn't do this, you can't dispute overpayments from previous awards where it's been more than 3 months since you received your final decision notice. However, if you can show there are exceptional circumstances why you didn't previously dispute the overpayment, such as being in hospital, we'll consider the dispute.

If you no longer get tax credits, but have received a final decision notice from us in the last 3 months you'll only be able to dispute the overpayment occurring in the tax year the notice relates to.

If you reclaim tax credits and receive payments, we'll tell you if we're recovering historic debts from your ongoing award. You'll only be able to dispute the overpayment in the 3 months after you received the final decision notice relating to your previous award. Read page 13 'Paying back an overpayment'.

Example 6

You receive your tax credits renewal pack on 21 May 2017 which requires you to confirm family circumstances and income for the previous 12 months ending 5 April 2017. You check your household details and decide you've no changes to report. We then send out a final decision notice on 15 August 2017. This shows you have been overpaid tax credits because your eldest child left school in September 2016 though your award was only changed in January 2017.

You don't notice the information about the overpayment until December 2017 when you realise your monthly tax credits payments are being reduced to pay it back. You agree there's been an overpayment but believe you shouldn't have to pay it back because you told HMRC about your daughter leaving school in September 2016 and we didn't change your award until January 2017. You had 3 months to dispute the overpayment from 15 August 2017, when we sent the final decision notice. This means that you needed to dispute the overpayment by 15 November 2017.

As you're now out of time you can't dispute the overpayment unless you can show there are exceptional circumstances for missing the deadline, such as being in hospital.

Where we got a decision wrong

In some cases we may revise the decision which caused the overpayment. We can only do this where the decision is incorrect as a result of an error by us and we find that you didn't materially contribute to the error. We call this type of error an 'official error'. However, we won't revise a decision which is incorrect due to official error if more than 5 years have passed from the date of the decision, or if the revised decision wouldn't be in your favour.

Where a dispute is found in your favour, we'll refund the amount already recovered.

Example 7

You have received Working Tax Credit since 2012. You became entitled to Disability Living Allowance in 2013 and asked us whether you were entitled to the disability element of Working Tax Credit.

We incorrectly advised you and said you were not entitled to the disability element. In 2015 you visited Citizens Advice with a query about your tax credits award. The adviser noticed that you qualified for the disability element but it wasn't included on your award. You contacted us and asked about our original advice. Since our decision was wrong, solely because of our error, your awards would be revised all the way back to 2013.

How we decide if you should pay back some or all of an overpayment

When we're deciding if you should pay back an overpayment we'll check:

- that we accurately recorded and acted on any information you gave us within 30 days of you telling us about a change of circumstance
- that we accurately worked out and paid you your correct entitlement
- that the information we included on your award notice was accurate at the date of the notice
- what you told us if you contacted us, and whether the advice we gave you based on that information was correct
- whether you contacted us to discuss any queries on your award notice, and whether we answered them correctly
- that you gave us accurate and up-to-date information when you claimed tax credits
- that you told us about any changes of circumstance at the right time

- that you checked your award notice within 30 days of the date on your award notice and if and when you told us about any mistakes
- that you checked the payments you got matched the amounts on your award notice and if not, that you told us within 30 days of the date on your award notice
- if you told us of any exceptional circumstances that meant you couldn't tell us about a change of circumstance or about our mistake within 30 days

Once we've checked whether we've met our responsibilities and you've met yours, we'll decide if:

- an overpayment should be paid back
- you must pay back all or only part of an overpayment

We'll normally give you our decision, along with our reasons, in writing. However, we won't stop collecting an overpayment while we do this.

We may not ask you to pay back an overpayment if you contacted us to tell us that your exceptional personal circumstances meant you couldn't check your award notice or bank payments. For example, a member of your family may have been seriously ill. If this is the case let us know as soon as possible.

If you still think you shouldn't pay back an overpayment

If you're still unhappy that we've decided to continue collecting an overpayment you can ask us to look at the decision again if you give us new and relevant information. You can only ask us to review the decision once and you'll have to do this within 30 days of receiving your dispute decision letter. Your overpayment will continue to be collected while we do this. We'll only accept a late request for a review in exceptional circumstances, for example, if you were in hospital for that 30 day period.

If you don't have any new information to give us, but you're still unhappy with our decision, you can contact a professional adviser or organisation, for example, Citizens Advice. You can consider what options are open to you, including any through the courts.

If you're not happy with our service, read 'Customer service' on page 17.

Paying back an overpayment

We may collect back an overpayment from you in a number of ways including:

- reducing your payments from an ongoing tax credits award
- asking you to make direct payments to us
- adjusting your tax code

If you claim Universal Credit we may ask the Department for Work and Pensions or the Department for Communities (in Northern Ireland) to recover your tax credits overpayment.

In exceptional circumstances we may recover the overpayment directly from your bank account.

In some exceptional cases we may ask you to do more than one of the above.

From an ongoing tax credits award

If you're still getting tax credits payments we'll automatically reduce these payments to recover an overpayment from your ongoing tax credits. Overpayments we'll recover may be from awards you:

- or your partner have had as single people
- and your partner have had together either now or previously

We won't recover from your ongoing tax credits, any overpayments from awards you or your partner have had with other partners.

Recovery from an on-going tax credits award only takes place where an overpayment is established at the end of the year and that overpayment falls for cross year recovery.

If an overpayment still exists at the end of the year we'll recover from the award starting at 6 April of the following year.

How much we reduce your payments by will depend on how much you're getting. We reduce awards at different levels, read the table on page 14 to see the different rates used to recover overpayment.

If you want help understanding which recovery rate applies to you, contact us (read page 17).

Type of award	The most we'll take back from your award
If you're entitled to the maximum tax credits with no reduction due to income	10%
If you're getting Child Tax Credit or Working Tax Credit below the maximum and your total household income is £20,000 or less	25%
If your total household income exceeds £20,000	50%
If you're only getting the family element of Child Tax Credit	100%

By direct payment

If you're no longer entitled to tax credits, we'll ask you to make a direct payment to us. We'll also ask you to make a direct payment to us if your tax credits award has ended (this might happen if there's a change in your household, for example, you were in a couple and now you're single).

From an ongoing tax credits award and by direct payment

This may happen if you have an overpayment from an old award which ended and you also have an overpayment from a current award. For example, you and your partner separated and you then made another claim as a single person or in a new couple. We could ask you to pay back an overpayment from your current award as well as a direct payment from your previous award. If this happens to you, you can ask for the direct payment to be put on hold until you have paid back the overpayment from your ongoing tax credits payments.

If you do have an outstanding overpayment from an old claim, in some circumstances we may recover this from your ongoing award, instead of asking you to pay this overpayment back directly.

Asking for more time to pay back a direct payment

If we've asked you to pay back an overpayment from a previous award directly, but you need more time to pay it back, phone our Payment Helpline on 0345 302 1429 as soon as possible. We may be able to arrange for you to pay it back in equal instalments. If you'd like more details on different direct payment options, tell us when you phone.

By an adjustment to your tax code

If you're in PAYE employment or getting pension income and have a tax credits overpayment we may be able to adjust your tax code

to collect your overpayment. We'll write to you and let you know if we can collect your overpayment this way. If we do write to you and you would prefer not to have your tax code adjusted, you can contact us to pay in full or agree an instalment arrangement. The amount that is recovered depends on your income.

If you claim Universal Credit

If you claim Universal Credit we may transfer your tax credits debt(s) to the Department for Work and Pensions or the Department for Communities (in Northern Ireland) for them to recover. This includes where we've previously agreed a payment plan with you. If this is going to happen we'll write to you with more details. For more information go to www.gov.uk/tax-credits-overpayments

If you no longer claim tax credits and have an outstanding debt

If you're no longer claiming tax credits and have an outstanding overpayment or penalty, we may transfer these to the Department for Work and Pensions or the Department for Communities (in Northern Ireland) for them to recover.

Financial hardship

If you need to discuss financial hardship with us, phone us to explain this.

When you phone we may ask you about any family circumstances that may lead to extra living costs. For example, if you're looking after someone who is chronically ill or disabled. In some exceptional circumstances, we may cancel an overpayment altogether.

If you can't pay for your essential living expenses

If you can't pay for your essential living expenses such as your rent, gas or electricity and:

- you're paying back an overpayment directly
- we've asked you to pay back an overpayment

phone the Payment Helpline on 0345 302 1429. We'll ask you about your circumstances in more detail.

If we've reduced your ongoing payments so you can pay back an overpayment you can find more information at www.gov.uk/tax-credits-overpayments or you can phone us on 0345 300 3900. You may be asked for more information regarding your income and living costs. Once we have this information we aim to make a decision within two working days.

Whether you're repaying your overpayment through a reduction in your tax credits payments or through a direct payment, we may offer you an option for extending the period of time over

which you pay back the overpayment. We can do this by reducing the amount being recovered each month. If we do reduce the monthly amount of your repayment, it'll take you longer to pay off the overpayment

If you can't pay for your essential living expenses and you're getting Universal Credit, you should contact the Department for Work and Pensions or the Department for Communities (in Northern Ireland).

If you and your partner separate

If you and your partner separate and your joint claim ends, we'll work out if you've been overpaid. If you have, we'll write to you both, usually at the end of the tax year to:

- tell you how much we've overpaid you by
- ask you to contact us to arrange to pay back the money

You and your ex-partner are both responsible for paying back an overpayment from your joint claim. The letter sent to each of you will show the total overpayment that you both owe.

You should try to agree with your ex-partner how much each of you should pay. The options are that:

- each of you pays half
- each of you pays a different amount
- one of you pays the full amount

When you've reached an agreement with your ex-partner, you should phone the Payment Helpline on 0345 302 1429 to arrange repaying the overpayment. You'll then get a letter confirming what you have to pay back.

You might not be able to talk it over with your ex-partner, either because you don't want to contact them or you don't know where they are. Even if you do speak to them, you might not be able to agree on what each of you should pay back. If this happens, you should speak to the Payment Helpline as quickly as possible. You'll then be asked to pay back half of the overpayment, with your partner being asked to pay back the rest. You won't be asked to pay back more than half of the overpayment.

If you and your partner separate, you may decide to make a new claim as a single person or with a new partner.

We can't reduce your payments from your new claim to collect back an overpayment that you had with your previous partner.

You must pay this overpayment back directly by ringing the Payment Helpline.

However, if you get back together with your ex-partner and claim again, we can reduce your payments to recover the overpayment.

Contact us

When you contact us tell us:

- your full name
- your National Insurance number
- a daytime phone number

By phone

Tax Credits Helpline	0345 300 3900
Payment Helpline	0345 302 1429
Textphone	0345 300 3909

If you prefer to speak in Welsh, phone 0300 200 1900

If you're abroad and can't get through on the helpline, phone +44 2890 538 192


In writing

You can write to the address shown on your award notice, or to the address below.

Tax Credits Office
HM Revenue and Customs
BX9 1ER

Customer service

For information about our complaints procedure,

 go to www.gov.uk/complain-to-hm-revenue-and-customs

'Your Charter' explains what you can expect from us and what we expect from you. For more information,

 go to www.gov.uk/hmrc/your-charter

These notes are for guidance only and reflect the position at the time of writing. They do not affect any right of appeal.

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