



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 do not 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 interest we decided to charge 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.

You must appeal to the Tribunals or Appeals Service 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 read our factsheet WTC/AP, 'What to do if you think your Child Tax Credit or Working Tax Credit is wrong'.

 Go to 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 do not agree that you should repay the overpayment, read pages 4 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 do not agree that you've been overpaid
- you're unsure about disputing the decision to recover an overpayment
- you're unsure whether to ask for a mandatory reconsideration against the decision that caused the overpayment

How we work out 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 straightaway if you think your income is going to be lower or higher than the estimate you provided. If you do not, 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'll 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 do not 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 2018 to 2019 is more than £2,500 higher than it was in 2017 to 2018
- you give 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 do not act on information you give us

Managing your tax credits

To understand how to manage your tax credits to get the money you're entitled to, watch our short YouTube video.

 Go to www.gov.uk/tax-credits-webinars-videos

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 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.

If a change of circumstances means you've already received more than we estimate for your full year award, your 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. If a change of circumstances means you have not 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.

The longer you delay telling us about this type of change, the bigger any overpayment may be.

Tax credits are being replaced for most people.

Go to www.gov.uk/claim-tax-credits for information on who can still claim.

You may be able to claim Universal Credit if you're of working age, or Pension Credit if you're of pension credit age.

For more information on claiming:

- Universal Credit, go to www.gov.uk/universal-credit
- Pension Credit, go to www.gov.uk/pension-credit

If you've made a new tax credits 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 does not 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 do not 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 match with what we said they should be on your award notice. Tell us if you get any payments that do not match what is shown on your award notice. If anything is wrong, missing or incomplete you must tell us straightaway. 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 have difficult personal circumstances that mean you cannot check your award notice or bank payments, for example, a member of your family has been seriously ill, let us know if anything is wrong, missing or incomplete as soon as possible. Also tell us the reason why you're reporting this late.

If you do not understand your award notice, phone our helpline (read page 17).

To understand how to manage your tax credits to get the money you're entitled to, watch our short YouTube video.

 Go to www.gov.uk/tax-credits-webinars-videos

Managing your tax credits

If we fail to meet our responsibilities

If we fail to meet our responsibilities, but you meet all of yours, we'll not 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'll not 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 do not change your award until 16 October. We'll not collect back any overpayment relating to this change.

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've not 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'll correct your award and not 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've not correctly recorded the information you gave us. If you spot this and do not 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'll not collect an overpayment that may build up if we do not 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 did not 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 do not tell us within 30 days, we'll ask you to pay back an overpayment up to the date you told us. We'll not 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 could not 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 do not 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 do not have access to the internet

If you're not able to manage your own tax affairs, handle money or understand or complete forms, you can get another person to act on your behalf. We call these people appointees.

Appointees

Appointees can sometimes be appointed by:

- a court or government department, for example the Department for Work and Pensions
- you, if you need help in dealing with your tax 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 do not 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 do not 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 should not 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'll not 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 2013 to 2014 and 2014 to 2015 tax years. They're paying the overpayments back from their tax credits award in 2017 to 2018. They were late reporting a change of circumstances in 2017 to 2018 and there's a new overpayment shown on their final 2017 to 2018 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 2017 to 2018 decision notice to dispute the new overpayment only. But they'll not be able to dispute the overpayments from 2013 to 2014 and 2014 to 2015 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. You cannot 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 did not 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 were able to reclaim tax credits and received 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 2018 which requires you to confirm family circumstances and income for the previous 12 months ending 5 April 2018. You check your household details and decide you've no changes to report. We then send out a final decision notice on 15 August 2018. This shows you have been overpaid tax credits because your eldest child left school in September 2017 though your award was only changed in January 2018.

You do not notice the information about the overpayment until December 2018 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 should not have to pay it back because you told HMRC about your daughter leaving school in September 2017 and we did not change your award until January 2018. You had 3 months to dispute the overpayment from 15 August 2018, when we sent the final decision notice. This means that you needed to dispute the overpayment by 15 November 2018.

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

If we get a decision wrong

In some cases we may revise the decision which caused the overpayment. We can only do this if the decision is incorrect, as a result of an error by us and we find that you did not materially contribute to the error. We call this type of error an 'official error'. However, we'll not 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 would not be in your favour.

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

Example 7

You've 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 was not 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 could not tell us about a change of circumstance or about our mistake within 30 days

After we've checked that we've met our responsibilities and you've met yours, we'll decide if you must pay back:

- an overpayment
- all or only part of an overpayment

We'll normally give you our decision, along with our reasons, in writing. However, we'll not 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 could not 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 should not 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 do not 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'll not 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 for 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

We'll ask you to make a direct payment to us, if:

- you're no longer entitled to tax credits
- your tax credits award ends - this can 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've 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've paid back the overpayment from your ongoing tax credits payments.

If you've 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.

If 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 cannot pay for your essential living expenses

Phone the Payment Helpline on 0345 302 1429 if you cannot 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

We'll ask you about your circumstances in more detail to determine if we can adjust your payments. You'll be asked for more information regarding your income and living costs. Once we have this information we aim to make a decision within 2 working days.

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.

If you and your partner separate

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 we recover each month. However, this means it'll take you longer to pay off the overpayment.

If you cannot 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 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 any 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 both 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 do not want to contact them or you do not 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'll not be asked to pay back more than half of the overpayment.

You must tell us within one month if you and your partner separate. Your joint tax credits claim will end. To find out if you can make a new tax credits claim, go to www.gov.uk/claim-tax-credits

If you're able to make a new claim after a separation, we cannot 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 are able to claim again, we may 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 Credit 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 cannot get through on the helpline, phone +44 2890 538 192

In writing

Tax Credit Office

HM Revenue and Customs

BX9 1ER

Help and support

To understand how to manage your tax credits to get the money you're entitled to, watch our short YouTube video.

 Go to www.gov.uk/tax-credits-webinars-videos

Customer service

For information about our complaints procedure,

 go to www.gov.uk/complain-about-hmrc

'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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UI 7002761 HMRC 01/19