

What to do if you think your Child Tax Credit or Working Tax Credit is wrong

This factsheet tells you what to do if you think a Child Tax Credit or Working Tax Credit decision or penalty is wrong.

If you're not happy with a tax credits decision, you can ask us to look at it again. You'll normally have to do this within 30 days of the date of our decision.

Mandatory reconsideration

If you think that something on your award or penalty notice is wrong, contact us within 30 days of the date of our decision so that we can look at the original decision again. We call this 'mandatory reconsideration'. When we have looked at the decision again we will send you a Mandatory Reconsideration Notice explaining what we've done. This will include all the information you need to appeal to an independent tribunal if you're not happy with our decision. We will put any recovery action on hold while we carry out the reconsideration or while your appeal is being considered.

When you can ask us to reconsider

The decision letter we sent you will tell you if you can ask us to look at our decision again. You can do this when:

- you think a decision is wrong
- your award doesn't take into account a change of circumstances
- your award is reduced or has stopped
- you don't agree with a penalty notice
- you've been charged interest

When you can't ask us to reconsider

You can't ask us to reconsider a decision asking you to pay back an overpayment. But, you can ask us to look at our decision again if you think the amount of tax credits you were awarded in the first place was wrong.

Although you can't ask us to reconsider a decision asking you to pay back an overpayment, you can **dispute an overpayment** if you think that we gave you wrong advice.

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 letter which gives you our decision on your mandatory reconsideration
- the letter from the Tribunal 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 will not normally be able to dispute overpayments from earlier tax years.

We will 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 will continue to seek recovery of the overpayment while we are considering your dispute.

Help

If you would like more help:

- go to www.gov.uk/browse/benefits/tax-credits
- phone the Tax Credit Helpline on **0345 300 3900**
- textphone the Tax Credit Helpline (for people with hearing or speech difficulties) on **0345 300 3909**
- write to us at
Tax Credit Office
PRESTON
PR1 4AT

For our opening hours, go to www.gov.uk/hmrc/contact or phone us.

When you contact us, please tell us your:

- full name
- National Insurance number
- daytime phone number

Independent advice

You can get help and free independent advice from a number of different organisations.

Citizens Advice

For:

- England
- Wales
- Northern Ireland

go to www.citizensadvice.org.uk

For Scotland, go to www.cas.org.uk

Civil Legal Advice, a national advice line for England and Wales

For advice:

- go to www.gov.uk/civil-legal-advice
- phone **0345 345 4345**
- textphone the helpline on **0845 609 6677** (for people with hearing or speech difficulties)

Some of the organisations also have local offices which are listed:

- in the business section of 'The Phone Book'
- in 'Yellow Pages'
- at a public library

You can also get advice from:

- your trade union
- a solicitor, an accountant or a tax adviser – but you'll have to pay for this

You can dispute an overpayment by:

- filling in form TC846, 'Tax credits overpayment' - go to www.hmrc.gov.uk/forms/tc846.pdf or if you do not have access to the internet, phone our helpline
- writing to us at the address shown under 'Help' on page 1 of this factsheet

In some cases we can revise an incorrect award up to 5 years later, but only where we made a mistake, it would be in your favour and it was mostly our fault. We call this 'official error'.

If you are having difficulty paying back an overpayment, you can ask us to look again at the payments we've asked you to make. Our leaflet COP26, 'What happens if we've paid you too much tax credits' tells you more about this and how to dispute recovery of an overpayment including the time limits. Go to www.hmrc.gov.uk/leaflets/cop26.pdf or if you do not have access to the internet, phone our helpline.

Who can ask for a reconsideration

Usually the person who made the claim or who's been getting the tax credits can ask for a reconsideration. If you claim as a couple, only 1 of you needs to do so.

You can ask an independent adviser to help you. If you're an appointee and claim tax credits on behalf of someone else, you can ask for the reconsideration for them.

How to ask us to reconsider

Your request needs to be in writing.

You can:

- fill in and send the attached reconsideration form to us
- send us a letter
 - you must put your name, National Insurance number and write 'Reconsideration' at the top of your letter
 - tell us which decision you want us to look at again and what you think is wrong
 - tell us the date of the decision you want us to look at again

Remember, you must include all original copies of evidence that supports your mandatory reconsideration. Failure to do so may result in our decision remaining unchanged.

Please send your completed reconsideration form or letter to the address on the decision letter or the address shown under 'Help' on page 1 of this factsheet.

Deadline for asking us to reconsider

Normally, you have to ask for a reconsideration within 30 days of the date of our decision. In special cases we'll give you more time, but you will need to tell us why your request is late. We can't accept a request to reconsider which is dated 13 months or more after the date of our decision.

What happens next

We'll look at the decision again and explain it to you, including any changes we have made. We'll write to you to explain the law and the facts we used to make our decision on your reconsideration request. If you're happy with the explanation, you don't need to do anything else.

If you still don't agree with our decision, you will need to appeal directly to an independent tribunal; the Mandatory Reconsideration Notice explains how to do this.

The tribunal will be run by HM Courts & Tribunals Service in England, Scotland and Wales or the Appeals Service in Northern Ireland. For more information, go to www.justice.gov.uk

If your circumstances change

If anything changes that could affect your tax credits payments, you must tell us straightaway.

Yr laith Gymraeg

Ffoniwch **0300 200 1900** i dderbyn fersiynau Cymraeg o ffurflenni a chanllawiau.

Complaints

For information about our complaints procedure, go to www.gov.uk/complain-to-hm-revenue-and-customs

Your rights and obligations

'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

We have 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. Please contact our helplines for more information.

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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