



The Disregarded Discount

MoneySavingExpert.com report into the 'Severely Mentally Impaired' (SMI) council tax discount

September 2017

Written by Kirsty Good, Steve Nowotny, Megan French and Sabrina Dougall

Contents

1

Foreword

2

Success stories

3

Executive Summary

5

Introduction

8

Investigation part [1]

11

Investigation part [2]

20

Investigation part [3]

22

Conclusion

24

Recommendations

25

Appendix

Foreword

The law rightfully recognises that many vulnerable people who have a severe mental impairment such as dementia or Alzheimer's are entitled to a council tax reduction. Sadly, many councils do not. And the result is 10,000s of people who the state aims to help have been drastically overpaying on their council tax for years.

Council tax rules state that, like students, those diagnosed as 'Severely Mentally Impaired' (SMI) and eligible for certain benefits are disregarded for council tax purposes. This means if they live with one other person, usually their carer, the household is entitled to a 25% council tax discount. If they live alone, it's 100%. Yet the number of people actually receiving the discount is paltry.

This report shows the reason for this seems to lie primarily at the door of councils in England, Scotland and Wales, which are meant to administer it. Our Freedom of Information data and mystery shopper research shows many councils' frontline staff are unaware of this rule, deny it or misunderstand its meaning. So even if a potential claimant has heard of the discount, he/she can struggle to make an application. This has led to a postcode lottery – with people in some areas 77 times less likely to get it than elsewhere.

As councils don't actually lose money from this – the discount's funded by central Government – it's tough not to think the cause is just mass council ineptitude in administering it.

This needs to change. Better awareness and communication of the discount are fundamental – and there needs to be clarity over whether claims can be backdated or not. Councils themselves should urgently check their procedures and that should be ensured by an urgent Government review of how councils are applying the SMI discount – including a suggested standard procedure, with one form, to make it easy to claim, regardless of postcode.



Martin Lewis, MSE founder

“As councils don't actually lose money from this – the discount's funded by central Government – it's tough not to think the cause is just mass council ineptitude in administering it.”

Success stories

“ Thanks - with your guide, just helped my parents claim back £2,400 council tax as dad has Parkinson's. ”

Paul

“ Thanks to the weekly email about reclaiming council tax for people with a serious mental impairment I have just got my Mum's council tax cancelled, saving her £1200 a year, plus they refunded £750 for last year! Thanks Martin and MSE – I would never have known about this if it wasn't for you. ”

Sarah

“ My mum has dementia. I got my dad a £790 rebate for the previous 3 years' council tax, and a reduction of £30 per month on this year's council tax due to the item I read on MSE about people like my mum being entitled to a reduction. Thanks MSE. ”

Sandra

“ Nowhere have I seen the information that we may be due a reduction in council tax except on MSE's emails. When my husband was diagnosed with dementia, the only thing I was told to get was power of attorney. Once I knew about claiming it was very easy. It seems the information is somewhat hidden but thanks to you we have received £800, which is a great help. ”

Carol

Executive Summary

If you have been diagnosed as 'Severely Mentally Impaired' (SMI), you are disregarded for council tax purposes, in a similar way that students are. SMI is defined as someone living with a severe impairment of intelligence and social functioning, which appears to be permanent. Therefore, if someone with an SMI diagnosis is living with another adult, that counts as a one-person home and the 25% council tax discount should apply. If the person lives alone, often with the support of carers, they can be fully exempt from paying council tax.

MoneySavingExpert.com has been raising awareness of the SMI council tax discount since 2016. Leading charities such as Dementia UK, Carers UK and Alzheimer's Society have confirmed awareness of the discount among those living with an SMI condition is low. But even when someone does know about it, our research indicates potential claimants are at the mercy of a postcode lottery.

Through a combination of Freedom of Information (FOI) requests to all councils in England, Scotland and Wales, and a mystery shopper exercise of 100 councils, MoneySavingExpert has found:

- **A huge disparity in the proportion of people claiming the discount across the country.** For example, in Renfrewshire it's claimed by 1.47% of the population but in East Ayrshire, by just 0.019%. While some variation is to be expected due to demographic factors, these are extremely unlikely to account for the entire fact people in one area are 77 times less likely to get the discount than others living 40 miles away.
- **Many councils are getting the eligibility criteria completely wrong.** Our FOI requests and the 'mystery shop' of 100 councils highlighted many aren't giving potential claimants the correct information about who qualifies for the discount.
- **Claimants aren't being given all the correct information on how to submit a claim.** During the 'mystery shop' of 100 councils, 68% were unable to clearly explain to our 'applicant' the process for submitting a claim. Five council call-handlers we spoke to did not even know the discount existed.
- **There may be some link between councils' poor communication and low uptake.** We used a second mystery shopper exercise to see if there was any correlation between councils failing to provide clear information and people failing to successfully claim the discount.

The Department for Communities and Local Government (DCLG) says there are no official figures for how many potential claimants are failing to receive the discount.

While there are many conditions that could result in a diagnosis of SMI, we estimate up to 100,000¹ people are missing out on the SMI council tax discount. The discount itself is worth on average £400² a year. In some cases where people may be able to claim retrospectively – though this isn't universal – they could be missing out on £1,000s.

MoneySavingExpert is now calling for:

- Central and devolved Governments to conduct an urgent review of local authority procedures regarding the council tax SMI discount.
- A standardised application procedure to be introduced across all councils resulting in a clear and simple process for people to claim the SMI discount and rebates.
- Frontline council staff to be adequately trained with a full working knowledge of the discount and how to claim it.
- All councils to allow backdated claims and rebates, alongside implementing a clear policy.

“ People in one area are 77 times less likely to get the discount than others living 40 miles away ”

¹ See appendix for calculation.

² The average band D council tax in England for 2017/18 is £1,591, so 25% is £397.75.

INTRODUCTION



Introduction

According to the Local Government Finance Act 1992 (Schedule 1, Paragraph 2), a person is “disregarded for the purposes of discount” if they are “severely mentally impaired”. (It goes on to clarify: “A person is severely mentally impaired if he has a severe impairment of intelligence and social functioning (however caused) which appears to be permanent.”)

If a person diagnosed as SMI lives with one other adult, that household should be eligible for a 25% council tax discount. If the SMI person lives alone, the discount rises to 100%.

Crucially, to make a successful claim, the SMI person must have been certified as having a severe mental impairment by a doctor, and be eligible for – but not necessarily in receipt of – at least one of the following benefits¹.

(England, Wales and Scotland)

- Incapacity benefit
- Attendance allowance
- Severe disablement allowance
- Disability living allowance (higher or middle rate care component)
- Increase in disablement pension (due to constant attendance being needed)
- Unemployability supplement or allowance
- Constant attendance allowance
- Income support (which includes a disability premium)
- Personal independence payment (standard or enhanced daily living component)
- Armed forces independence payment

(England and Wales only)

- Disability working allowance (based on getting income support incl disability premium)
- Universal credit (incl an element for limited capability for work or limited capability for work and work-related activity)

(Scotland only)

- Tax credits (incl disability element)
- Employment and support allowance
- Universal credit

After our initial stories raising awareness of the discount, we saw successes, but also heard of many users failing to secure the discount.

“ My mother-in-law suffered with dementia. My brother-in-law (her carer) gave up his job to look after her full-time at home. He has a signed letter from a doctor saying she was suffering dementia and the date diagnosed. He wrote to the council who say he can't receive any council tax back. I find it sickening that some councils will honour repaying this tax and others won't. ”

Kathleen

“ My wife started receiving benefits for Parkinson's in 2001. My council originally told me that we didn't qualify as we had savings. However, it eventually admitted it had given us wrong information and we were given a 25% discount. ”

Philip

In the absence of official figures, MoneySavingExpert has tried to put a rough number to how many people could be missing out on the SMI council tax discount. Our back-of-the-envelope calculation estimates up to 100,000 people are missing out on the SMI council tax discount².

The purpose of this three-part investigation was to understand what the barriers are to people making a successful claim. Our investigation included:

- Sending Freedom of Information (FOI) requests to local authorities in England, Scotland and Wales to find out what proportion of households are claiming the SMI discount.
- A mystery shopper exercise of 100 councils to gauge the quality of communication and the existence of clear policies on this discount across councils.
- To determine whether there is any correlation between the accuracy of the information provided by councils and the uptake of the discount in that particular area, the mystery shopper exercise was repeated with 20 councils; the 10 councils identified by the FOI to have the highest uptake of the discount, and the 10 with the lowest uptake.

INVESTIGATION PART [1]



Uptake is very low and varies hugely by council

Source: Freedom of Information requests

MoneySavingExpert obtained reliable¹ data from 265 councils out of 380 across England, Scotland and Wales. That represents 70% of all councils – almost 20 million households.

Councils were asked to provide the following information:

- How many households paid council tax in the last recorded full year?
- How many households claimed a 25% council tax reduction in the last recorded full year due to one occupant being medically certified as 'severely mentally impaired'?

The responses highlight a staggering disparity in terms of the uptake of 25% SMI reductions. The following tables show the councils with the lowest and highest proportion of people claiming the SMI reduction. These tables have been compiled using the information provided by 265 councils through the FOI requests.

Bottom 10:

Council	Uptake compared with council-tax-paying households	Proportion claiming SMI reduction
East Ayrshire Council	11 out of 57,392	0.019%
Spelthorne Borough Council	10 out of 41,076	0.024%
City of Edinburgh Council	90 out of 240,794	0.037%
Great Yarmouth Borough Council	23 out of 47,117	0.049%
Tower Hamlets Council	75 out of 119,440	0.063%
Denbighshire County Council	29 out of 44,436	0.065%
Hackney Council	88 out of 111,224	0.079%
South Lanarkshire Council	119 out of 148,295	0.08%
Wandsworth Council	114 out of 140,864	0.08%
London Borough of Newham	126 out of 145,310	0.09%

Top 10:

Council	Uptake compared with council-tax-paying households	Proportion claiming SMI reduction
Renfrewshire Council	1,246 out of 84,604	1.47%
Craven District Council	265 out of 26,335	1.01%
East Dunbartonshire Council	447 out of 50,966	0.88%
Surrey Heath Borough Council	296 out of 35,456	0.83%
Ashford Borough Council	423 out of 51,362	0.82%
South Norfolk Council	452 out of 57,717	0.78%
Tandridge District Council	260 out of 35,740	0.73%
Doncaster Council	1,172 out of 165,971	0.71%
Dumfries and Galloway Council	518 out of 74,377	0.70%
North Lanarkshire Council	973 out of 152,848	0.64%

INVESTIGATION PART [2]

Two-thirds of councils provided incorrect information

Source: Mystery shopper exercise

A MoneySavingExpert researcher phoned 100 councils in England posing as a caller enquiring on behalf of someone they know with severe dementia, living with their husband. (For the full list of councils, see appendix.) Three questions were initially asked about the existence of the discount, how much it was worth and how to make a claim.

Here are the results:

- Overall we found that **69 out of 100 councils gave out some form of incorrect information** throughout the call. A quarter (26) provided advice that was completely correct. Five did not answer the phone.
- Call-handlers at five local authorities were unaware of the existence of the SMI discount, with some confusing it for a means-tested benefit.
- Council tax staff frequently told our researcher that the form to make a claim was not available online, even though it was. They also consistently told our researcher that the claimant needed to be in receipt of certain benefits rather than just be eligible – potentially deterring someone from making a claim in the first place.

A final question was then asked about backdated claims:

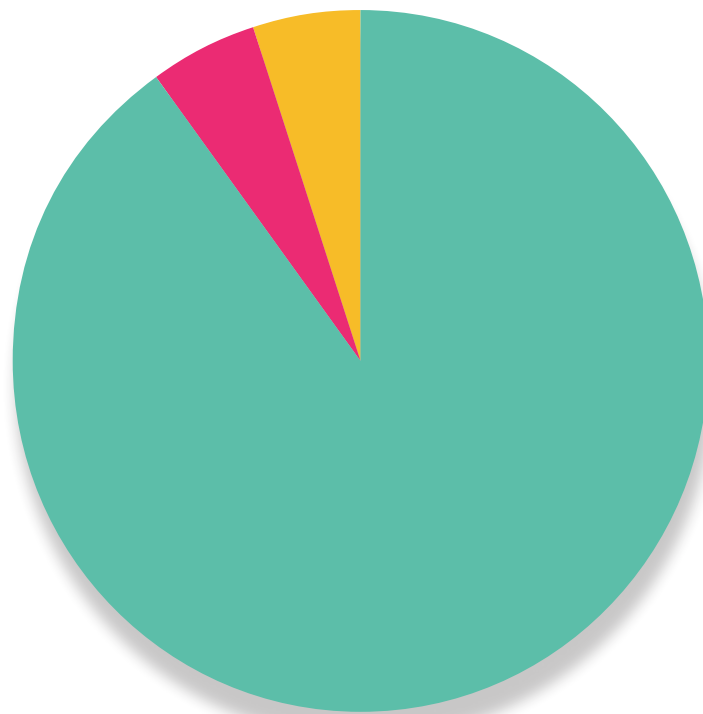
- Councils have the discretion to set their own policies regarding backdated payments. Our investigation found that councils have a wide variety of policies, but more importantly 41 call-handlers were not able to definitively state what their council's policy was. Nor could they clearly explain the procedure for making a backdated claim.

Question [1]

Question 1: Can someone I know get money off their council tax if they have dementia?

Correct answer: Yes, if a doctor can certify the patient is 'severely mentally impaired'.

- 90% of councils correctly stated there was a discount for someone living with dementia.
- Five councils (5%) said there was no such discount: City of York Council, Slough Borough Council, Bolsover District Council, Cheshire East Council and Derby City Council.
- 5% didn't answer the call.



Yes: 90%

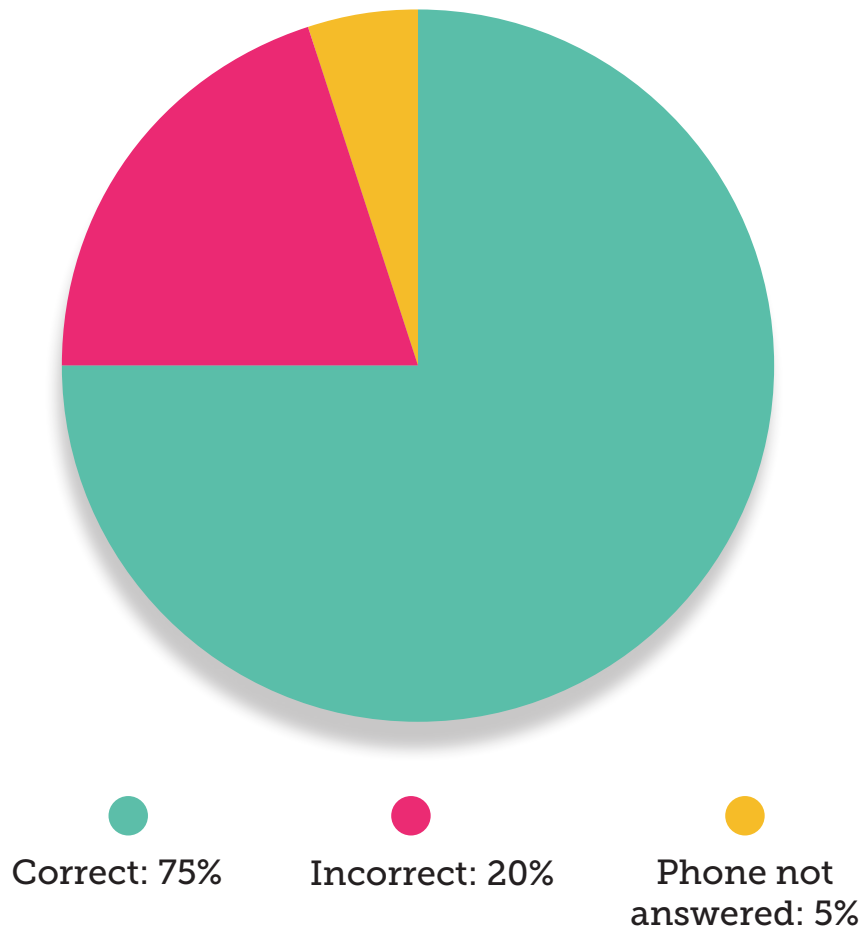
No: 5%

Phone not
answered: 5%

Question [2]

Question 2: If yes, how much is the discount?

Correct answer: 25% if the SMI person is living with another adult who counts for council tax purposes.



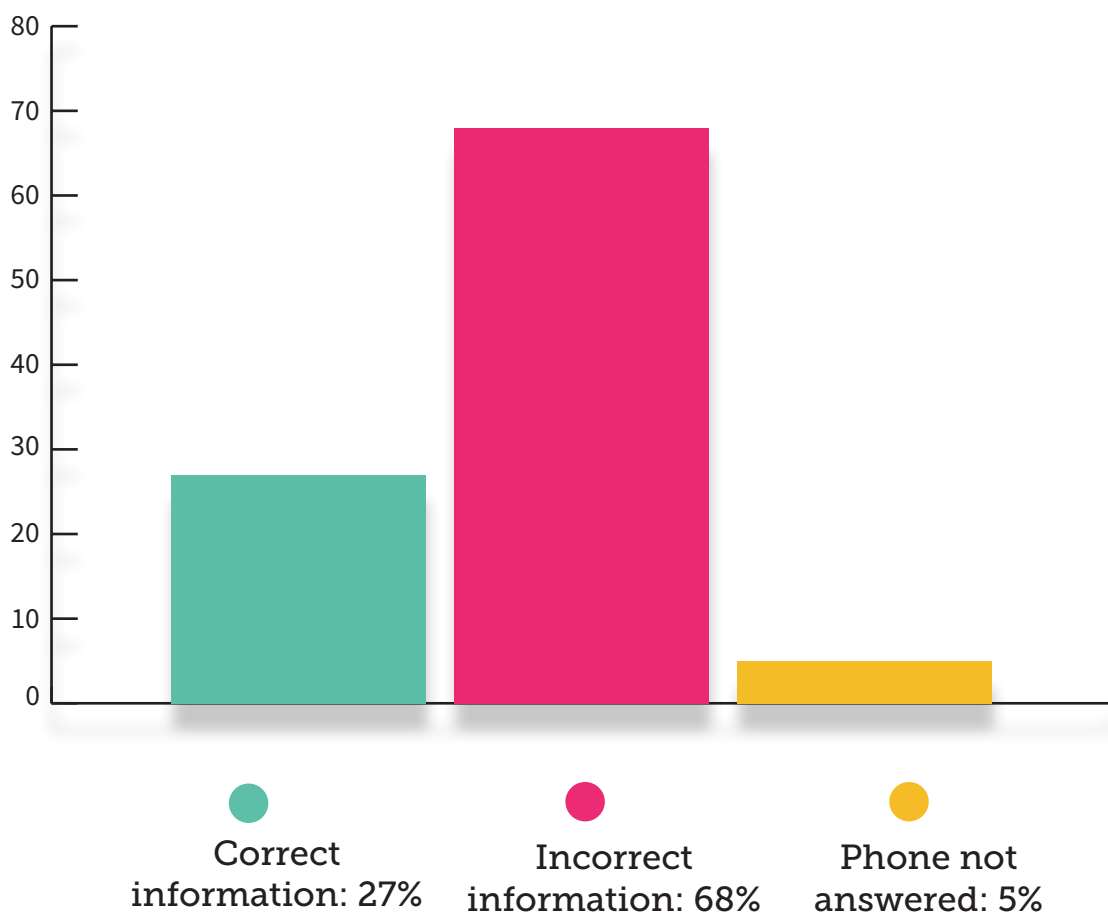
A sample of incorrect responses:

- "There isn't a set rate" – Uttlesford District Council
- "It varies. It's different for everybody" – Cotswold District Council
- "It's not a straightforward answer" – Crawley Borough Council
- "I wouldn't be able to answer that" – Maldon District Council
- "It's a 10% discount, I think" – South Cambridgeshire District Council
- "I don't know myself, can be completely exempt" – Redcar & Cleveland Borough Council

Question [3]

Question 3: How does someone make a claim?

*Correct answer: While the exact procedure for making a claim varies by local authority, each claimant must obtain a diagnosis from a registered medical practitioner for a condition causing severe mental impairment and provide evidence that he/she is **eligible for** (but not necessarily **in receipt of**) certain qualifying benefits. It is reasonable to expect each local authority to be able to advise accurately and clearly on its own procedure for making a claim.*



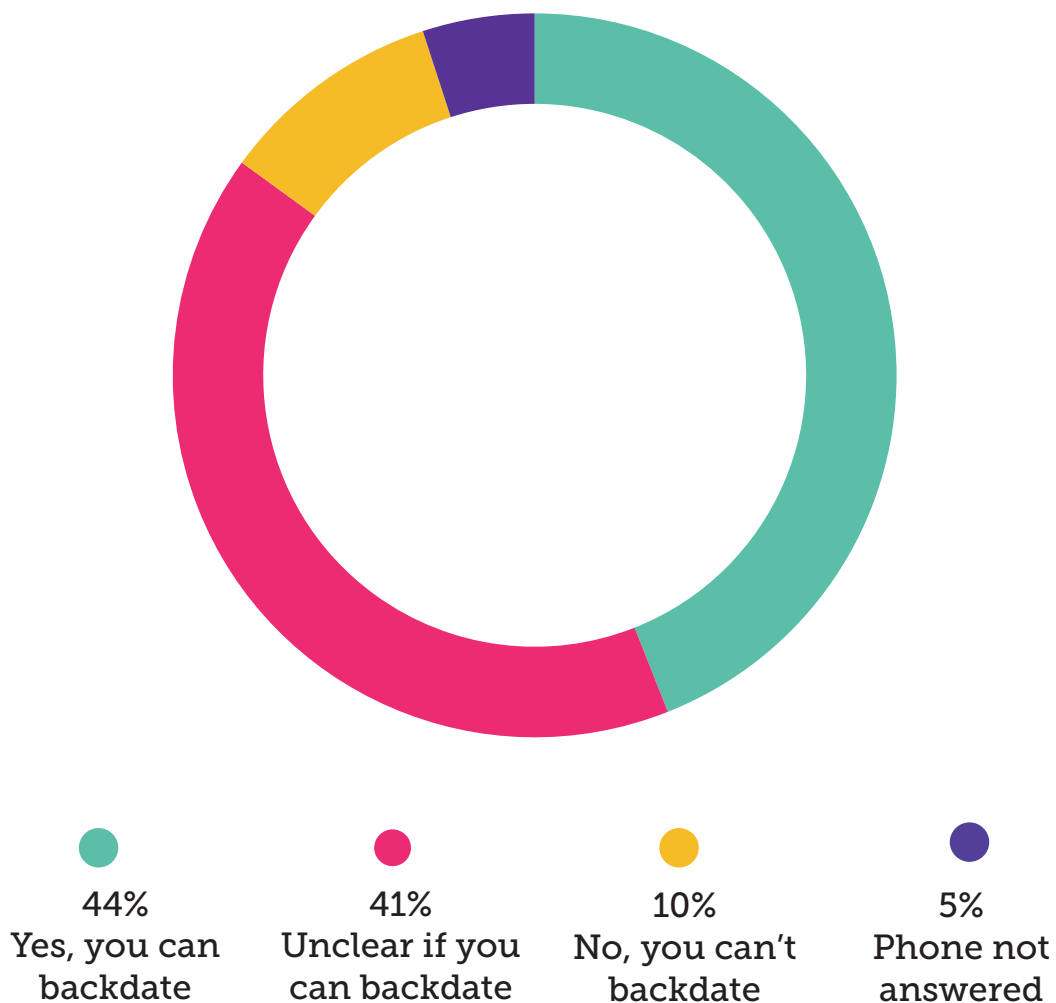
Typical incorrect information provided by council tax advisers:

- The applicant should apply for a benefit (when caller is asking about **discount/exemption**).
- No mention of qualifying benefit eligibility and/or medical certification.
- It is not possible to apply online (when in reality it is).
- Claimant needs to prove he/she is **in receipt** of qualifying benefits.

Question [4]

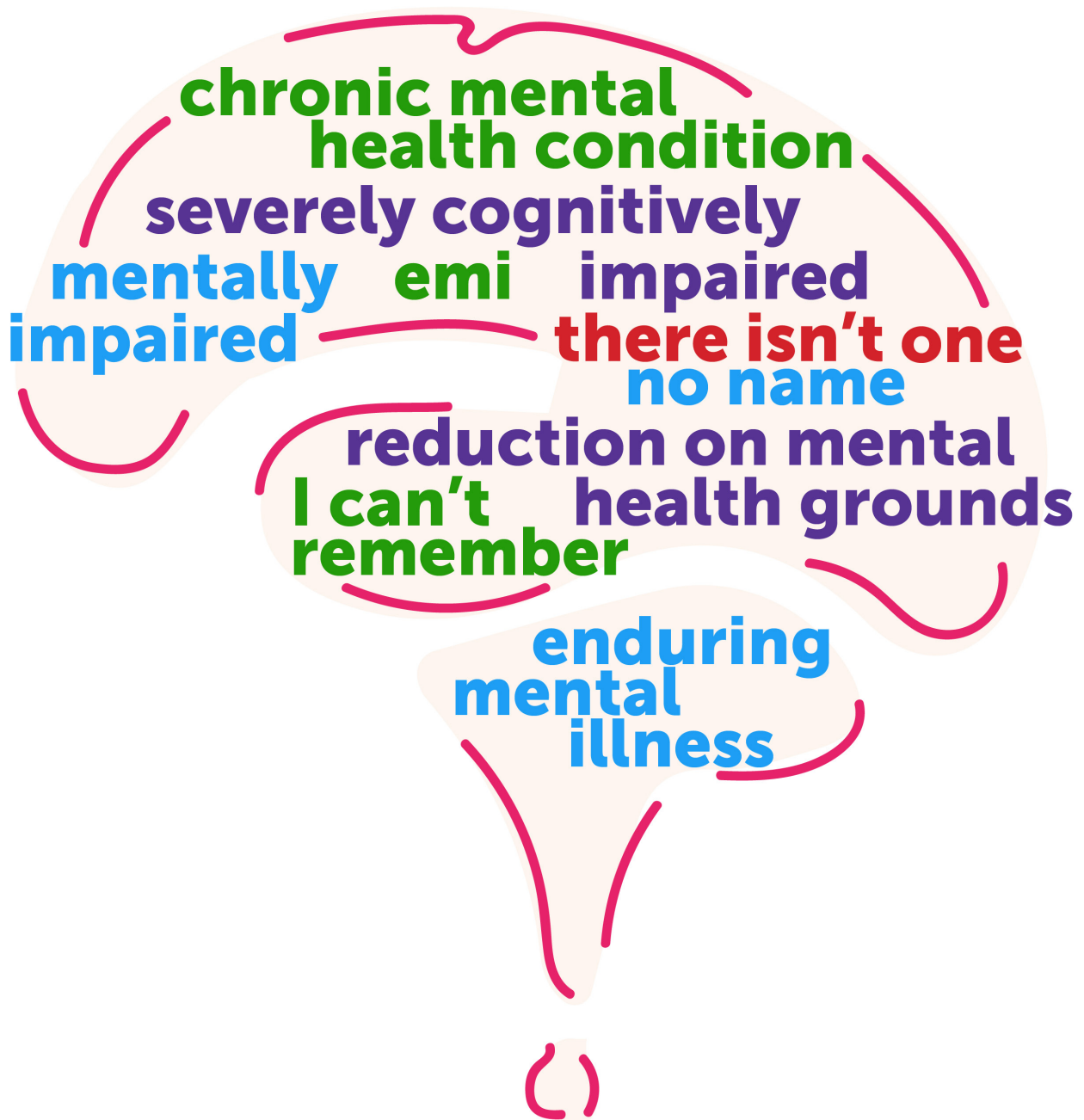
Question 4: If the person has been poorly for a while, can she claim back council tax already paid?

Correct answer: The Department for Communities and Local Government has told MoneySavingExpert that it is "for the local authority to decide" whether it will backdate a claim or not. However, each local authority should know and be able to advise on its own backdating policy when asked about it.



What's in a name?

The council tax discount applies to those who are 'severely mentally impaired' – this is the precise wording used within the statute and on the Gov.uk website. Council tax advisers referred to a range of names for the SMI application form, including:



EXAMPLES OF COUNCIL RESPONSES

Information provided by council call-handlers during
mystery shopping exercise

**"I don't think I can
access the website"**
- North East Derbyshire
District Council

**"I wouldn't be able
to advise on that"**
- Maldon District Council on
backdated claims

"It's a benefit"
- City of York Council

"No idea"
- Purbeck District Council
when asked how far a claim
can be backdated

**"I'm not sure...
we just tell people to
download forms"**
- Cotswold District Council



"When it gets to more complex [claims such as] SMI... we're not fully trained"

- Cheshire West and Chester Council

"I don't think so... let me just check... no"

- Slough Borough Council on existence of discount

"I'm just going on the website myself, it's obviously not something we go on very often"

- South Bucks District Council phone adviser

"That's it, there isn't anything... [no other staff] would tell you anything different"

- Bolsover District Council denying existence of discount

"Unfortunately not with dementia. No, there's no exemption for that"

- Cheshire East Council

"I don't think so, I'm not sure"

- Uttlesford District Council on medical evidence needed

"I have no idea... you'd have to try and search"

- Wealden District Council on location of form online

"It's all means-tested"

- Christchurch Borough Council on backdating

INVESTIGATION PART [3]

Correlation between low uptake and poor communication

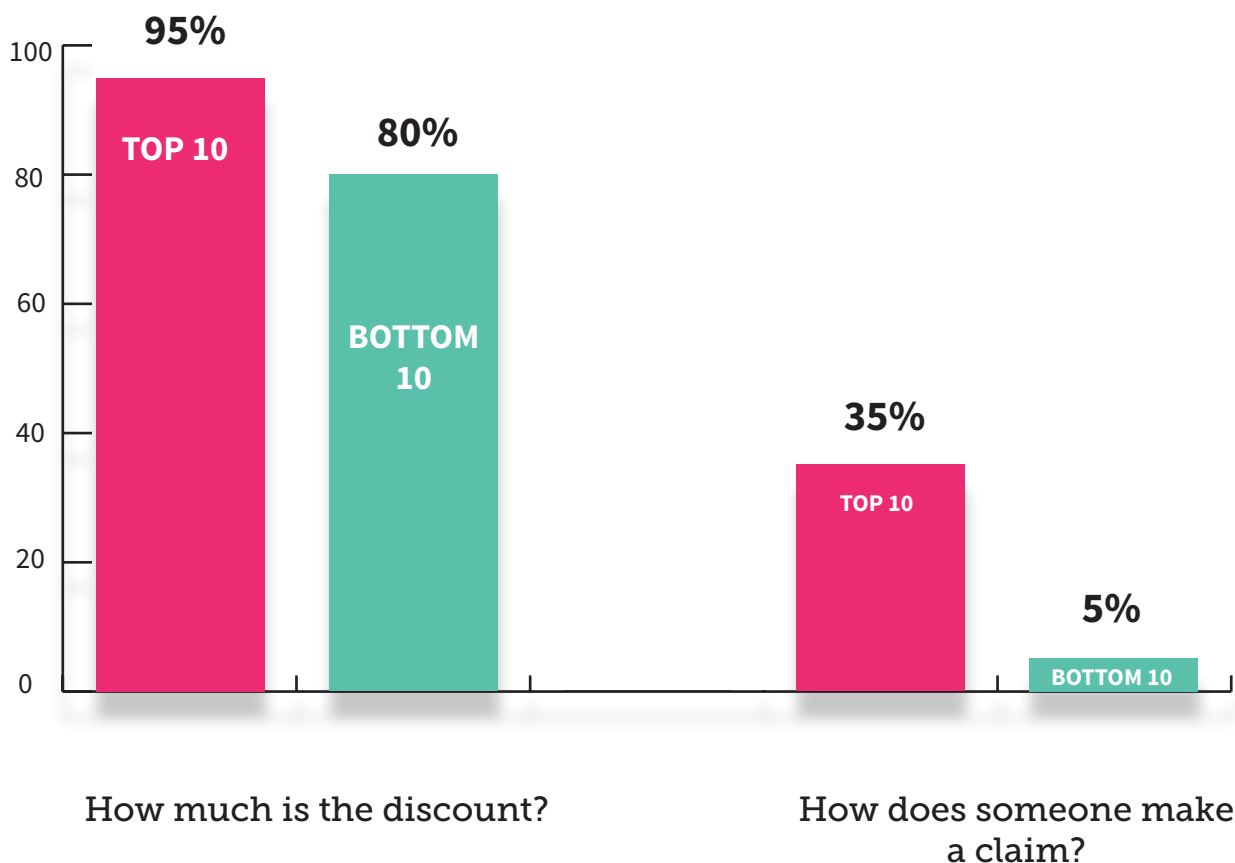
Source: Second mystery shop of the 'Top 10' and 'Bottom 10' councils

Having identified from the FOI responses that there is huge variation in uptake of the discount, and from the mystery shopper exercise that communication about the discount is patchy at best, we wanted to see if there was any correlation between the two.

We repeated the mystery shopper exercise, with our researcher calling the 10 councils shown by the FOI data to have the highest proportional uptake, and the 10 councils with the lowest proportional uptake. Each council was called twice using the same questions as part two of the investigation (except for the question on backdated claims).

The results show there may be some correlation between poor uptake of the discount and poor communication to the public. Encouragingly, all 20 councils were aware of the SMI discount. However, when asked about the size of the discount and the claims process, the results were extremely poor – with a noticeable difference between the 'top' and 'bottom' councils.

Correct information (%)



CONCLUSION



Conclusion

This investigation highlights two significant problems with the application and implementation of the SMI discount.

Firstly, 10,000s of people diagnosed as SMI, who should be getting the council tax discount, aren't. Secondly a disproportionate number of SMI people are losing out in some areas with our original fears of a postcode lottery being realised.

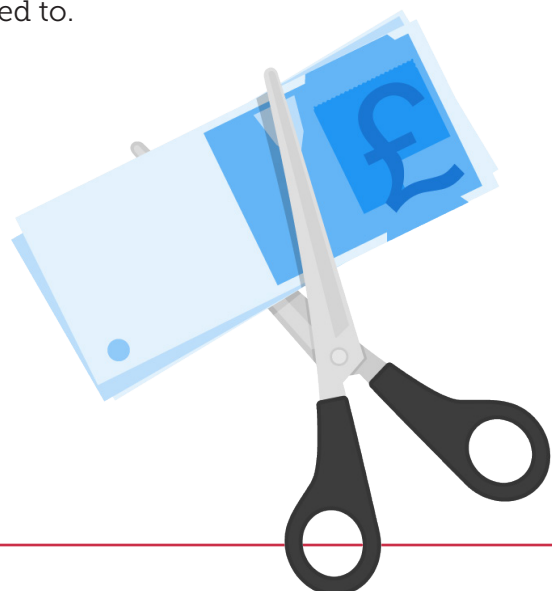
The FOI data shows a huge variation in and an extremely low uptake of the SMI discount. While regional and demographic differences may go some way to explaining this, our data strongly suggests significant under-claiming in many areas.

However, a shocking number of councils fail when they are required to explain the process of how to make a claim. More than two-thirds of council tax advisers could not provide the correct guidance for making a claim – some couldn't even find the application form on their own website. During the mystery shopper exercise, frontline staff consistently misinformed our researcher about the eligibility criteria and many struggled to state their own backdating policy.

For people living with a severe mental impairment, making that initial phone call to their council can be difficult enough, if not impossible. Once through to an adviser, it is imperative potential claimants are given simple, clear and accurate advice.

The level of performance provided by councils in their administration of the SMI discount is unacceptable. Urgent and coordinated action is needed to enable some of the most vulnerable council tax-payers to claim a reduction they are entitled to.

“Urgent and coordinated action is needed to enable some of the most vulnerable council tax-payers to claim a reduction they are entitled to”



Recommendations

Recommendations to central and devolved Governments

- Conduct an urgent review of local authority procedures regarding the council tax SMI discount. This should include analysis of the claim procedure, the quality of communications, and the disparity of policies regarding backdating.
- Carry out an assessment of how many people could be eligible to claim the SMI discount and how many are in receipt of it.
- Introduce a standardised application procedure which includes the introduction of a standardised application form available on www.gov.uk.
- Ensure all councils adopt the standardised procedure and issue best practice guidance.
- Engage with key stakeholders to ensure councils are equipped with the necessary resources and information to effectively administer the SMI discount.

Recommendations to local authorities

- Create and implement a policy that allows backdating and be able to communicate this clearly.
- Ensure frontline staff are fully trained and fully aware of:
 - the existence of the council tax discount for those who are severely mentally impaired;
 - the eligibility criteria for making a claim;
 - the procedure for making a claim, including where the claim form can be located;
 - the evidence and documentation required for a claim submission;
 - that particular council's policy on backdating, and how a rebate can be applied for.
- Adopt the standardised, simple and transparent procedure for claiming the council tax SMI discount.
- Introduce the standardised application form, making it easily accessible on the council website.

Appendix – Councils called in ‘mystery shop’

Adur District Council	Derbyshire Dales District Council	Stockton-on-Tees Borough Council
Allerdale Borough Council	Doncaster Metropolitan Borough Council	Teignbridge District Council
Amber Valley Borough Council	Durham County Council	Tendring District Council
Arun District Council	East Cambridgeshire District Council	Thurrock Council
Aylesbury Vale District Council	East Devon District Council	Torbay Council
Barking and Dagenham London Borough Council	East Dorset District Council	Torridge District Council
Barrow-in-Furness Borough Council	Eastbourne Borough Council	Uttlesford District Council
Basildon Borough Council	Eden District Council	Warrington Borough Council
Bath & North East Somerset Council	Epping Forest District Council	Wealden District Council
Bedford Borough Council	Erewash Borough Council	West Berkshire Council
Bolsover District Council	Exeter City Council	West Devon Borough Council
Bolton Council	Fenland District Council	West Dorset District Council
Borough of Poole	Halton Borough Council	Weymouth & Portland Borough Council
Bournemouth Borough Council	Harlow District Council	Windsor & Maidenhead Royal Borough
Bracknell Forest Borough Council	Hartlepool Borough Council	Wokingham Borough Council
Bradford Metropolitan District Council	Hastings Borough Council	Wycombe District Council
Braintree District Council	High Peak Borough Council	
Brentwood Borough Council	Huntingdonshire District Council	
Brighton & Hove City Council	Lewes District Council	
Bristol City Council	Luton Borough Council	
Broxbourne Borough Council	Maldon District Council	
Bury Metropolitan Borough Council	Mid Devon District Council	
Cambridge City Council	Middlesbrough Council	
Camden Council	Milton Keynes Council	
Carlisle City Council	North Devon Council	
Castle Point Borough Council	North Dorset District Council	
Central Bedfordshire Council	North East Derbyshire District Council	
Chelmsford City Council	North Somerset Council	
Cheltenham Borough Council	Peterborough City Council	
Cheshire East Council	Plymouth City Council	
Cheshire West and Chester Council	Purbeck District Council	
Chesterfield Borough Council	Reading Borough Council	
Chiltern District Council	Redcar & Cleveland Borough Council	
Christchurch Borough Council	Rochford District Council	
City of York Council	Slough Borough Council	
Colchester Borough Council	South Bucks District Council	
Copeland Borough Council	South Cambridgeshire District Council	
Cornwall Council	South Derbyshire District Council	
Cotswold District Council	South Gloucestershire Council	
Crawley Borough Council	South Hams District Council	
Darlington Borough Council	South Lakeland District Council	
Derby City Council	Southend-on-Sea Borough Council	

Calculating potential claimants

Unfortunately there does not appear to be any official estimate of how many people across the UK are eligible for the 25% SMI council tax discount – an oversight this report calls to be corrected.

To try to gauge the approximate scale of the problem, we've done a back-of-the-envelope calculation based on our FOI figures and the best data we could find – and as a result we believe up to 100,000 are missing out.

There are many conditions that could lead to a diagnosis of SMI but focusing on dementia alone (in England), we estimate more than 70,000 potential claimants are not getting the discount.

According to NHS figures from August 2016, there were 443,285 over-65s diagnosed with dementia in England. Based on existing studies, we estimate about a third of dementia sufferers may be living with another adult¹. This would mean there are potentially almost 148,000 who are eligible for the 25% discount.

Extrapolating the data we obtained via our FOI investigation we believe around 74,000 people in England are already claiming the 25% SMI discount² – meaning a further 74,000 people with dementia could be missing out.

This is a rough calculation in an area which demands proper academic research. But given that dementia is just one of the illnesses that can result in an SMI diagnosis – and that the figures above relate only to England – it's likely that the true figure for those who could be claiming the discount across the UK is significantly higher.

¹ [This 2010 study](#) shows around a third of those with dementia are thought to live alone and this [Department of Health report](#) shows a third live in care homes. We've therefore assumed roughly a third of dementia sufferers may be living with another adult.

² Our FOI data showed that across English councils covering some 16.6 million households, 51,720 claimed the 25% SMI discount in the most recent year for which full figures were available. According to [Department for Communities and Local Government figures](#) there were some 23.7 million households in England as of September 2015, so scaling up our FOI findings suggest across England around 74,000 households are claiming.

Eligible benefits in England and Wales

Source: DCLG and Welsh Government

- (a) an incapacity benefit under section 30A of the Social Security (Contributions and Benefits) Act 1992
- (b) an attendance allowance under section 64 of that Act;
- (c) a severe disablement allowance under section 68 of that Act;
- (d) the care component of a disability living allowance under section 71 of that Act, payable at the highest rate under section 72(4)(a) or at the middle rate under section 72(4)(b) of that Act;
- (e) an increase in the rate of his disablement pension under section 104 of that Act (increase where constant attendance needed);
- (f) a disability working allowance under section 129 of that Act, where the qualifying benefit is—
 - (i) one falling within subsection (2)(a)(i) or (ii) of that section, or
 - (ii) income support, and the applicable amount formerly payable included a disability premium within the description in sub-paragraph (j) below,
 or is a corresponding Northern Ireland benefit;
- (g) an unemployability supplement under Part I of Schedule 7 to that Act;
- (h) a constant attendance allowance under—
 - (i) article 14 of the Personal Injuries (Civilians) Scheme 1983; or
 - (ii) article 14 of the Naval, Military and Air forces etc. (Disablement and Death) Service Pensions Order 1983
 (including that provision as applied, whether with or without modifications, by any other instrument);
- (i) an unemployability allowance under—
 - (i) article 18(1) of the Personal Injuries (Civilians) Scheme 1983, or
 - (ii) article 18(1) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (including that provision as applied, whether with or without modifications, by any other instrument)
- j) income support where the applicable amount includes a disability premium in respect of which the additional condition in paragraph 12(1)(b) of Schedule 2 to the Income Support (General) Regulations 1987 is satisfied
- k) incapacity benefit under sections 40 and 41 of the Social Security Contribution and Benefits Act 1992
- (l) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012
- m) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011
- (n) universal credit under Part 1 of the Welfare Reform Act the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013 in respect of the fact that the person in question has limited capability for work or limited capability for work and work-related activity or would include such an amount but for regulation 27(4) or 29(4) of those Regulations.

Eligible benefits in Scotland

Source: Scottish Government

- (a) short-term incapacity benefit under section 30A of the Social Security Contributions and Benefits Act 1992;
- (b) an attendance allowance under section 64 of that Act;
- (c) a severe disablement allowance under section 68 of that Act;
- (d) the care component of a disability living allowance under section 71 of that Act, payable at the highest rate under section 72(4)(a) or at the middle rate under section 72(4)(b) of that Act;
- (e) an increase in the rate of disablement pension under section 104 of that Act (increase where constant attendance needed);
- (f) a disabled person's tax credit under section 129 of that Act for which the qualifying benefit is one falling within subsection (2)(a)(i) or (ii) of that section, or is a corresponding Northern Ireland benefit;
- (g) an unemployability supplement under Part I of Schedule 7 to that Act;
- (ga) the daily living component of personal independence payment (as referred to in section 78 of the Welfare Reform Act 2012);
- (gb) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;
- (h) a constant attendance allowance under–
 - (i) article 14 of the Personal Injuries (Civilians) Scheme 1983₄; or
 - (ii) article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983₅ (including that provision as applied, whether with or without modifications, by any other instrument);
- (i) an unemployability allowance under–
 - (i) article 18(1) of the Personal Injuries (Civilians) Scheme 1983 ; or
 - (ii) article 18(1) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (including that provision as applied, whether with or without modifications, by any other instrument);
- (j) income support where the applicable amount includes a disability premium in respect of which the additional condition in paragraph 12(1)(b) of Schedule 2 to the Income Support (General) Regulations 1987 is satisfied;
- (k) long-term incapacity benefit under section 40 or 41 of the Social Security Contributions and Benefits Act 1992;
- (l) employment and support allowance payable under Part 1 of the Welfare Reform Act 2007; and
- (m) universal credit under Part 1 of the Welfare Reform Act 2012.

MoneySavingExpert.com