RBG Charging Guidance: Appendix 1

Detail for the financial assessment calculation

1. Income

As a general principle, all income will be taken into account in a financial assessment unless otherwise stated. Any income is considered net of any tax or national insurance contributions.

1.1 Disregarded income

Any income from the following sources will be disregarded in the financial assessment:

- Armed Forces Independence Payments and Mobility Supplement
- Child Support Maintenance Payments and Child Benefit
- Child Tax Credit
- Housing benefit
- In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
- Working Tax Credit
- Mobility component of Disability Living Allowance and Personal Independence payment, and mobility supplement
- 50% of the higher or enhanced care component of Disability Living Allowance and Personal Independence Payment (lower and medium amounts are all included in the financial assessment.
- 50% of the higher rate of Attendance Allowance (lower and medium amounts are all included in the financial assessment)
- Christmas bonus
- Dependency increases paid with certain benefits

- Discretionary Trust
- Earnings derived from employment, including self-employment
- Gallantry Awards
- Guardian's Allowance
- Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
- Income frozen abroad
- Income in kind
- Pensioners Christmas payments
- Personal injury trust, including those administered by a Court
- Resettlement benefit
- Savings credit disregard (partial disregard)
- Social Fund payments (including winter fuel payments)
- The first £10 per week of War Widows and War Widowers pension, Survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law)
- War widows' and widowers' special payments
- Any payments received as a holder of the Victoria Cross, George Cross or equivalent
- Any payment received in respect of any expenses incurred as a volunteer where the adult is not paid or does not profit from the employment
- Any grants or loans paid for the purposes of education
- Payments made in relation to training for employment
- Any payment from the:

    Macfarlane Trust

Macfarlane (Special Payments) Trust
Macfarlane (Special Payment) (No 2) Trust
Caxton Foundation
The Fund (payments to non-haemophiliacs infected with HIV)
Eileen Trust
MFET Limited
Independent Living Fund (2006)
Skipton Fund
London Bombings Relief Charitable Fund
Any income disregard required by relevant legislation or regulations not detailed in this policy.

- If the adult is a temporary resident-
  any attendance allowance;
  the care component of any disability living allowance; or
  the daily living component of any personal independence payment.

- Any concessionary payment made to compensate for the non-payment of:
  The mobility component of any disability living allowance or the mobility component of personal independence payment.
  Attendance allowance
  the care component of any disability living allowance; or

  the daily living component of any personal independence payment.

- Regular payments from a trust whose funds are derived from a payment made in consequence of any personal injury to the adult, regular payments under an annuity purchased pursuant to any agreement or court order to make payments to the adult; or from funds derived from a payment made, in consequence of any personal injury to the adult; or other regular payments made in consequence of personal injury to the adult

where the adult— (a) is not residing with their spouse or civil partner; and (b) at least 50% of any occupational pension of the adult, or of any income from a personal pension scheme of the adult, is being paid to, or in respect of, their spouse for that spouse's maintenance or their civil partner for that civil partner's maintenance, an amount equal to 50% of the pension, pensions or income concerned.

- War disablement pension
- Certain income under an annuity
- Payments made to the individual by a person who normally resides with them, where the payment is a contribution towards that person's living and accommodation costs, except where the paying person has a contractual liability to pay, in which case the disregard applies only to (i) if the sum paid is under £20 per week, the sum paid is disregarded and, (ii) if the sum paid is more than £20 per week, £20 is disregarded.
- Any income which is payable in a country outside the United Kingdom for such period during which there is prohibition against the transfer to the United Kingdom of that income.
- Any payment made to the adult in respect of a child or young person who is a member of the adult's family, (a) pursuant to regulations made under section 2(6)(b) or 3 of

the Adoption and Children Act 2002; (b) in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes); (c) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where a child is living with a person as a result of a child arrangements order), and any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the adult pursuant to regulations made under section 2(6)(b) of the Adoption and Children Act 2002.

- Certain payments made to the person in respect of the welfare of children placed with them, or in their care.
- Any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan to acquire or retain an interest in a dwelling occupied by the adult as their main or only home, or for repairs and improvements to that home, and used to meet such repayments
- payment made to a temporary resident in lieu of concessionary coal pursuant to s. 19(1) (b) or (c) of the Coal Industry Act 1994.

1.2 Benefits

The following benefits will be included in the financial assessment calculation and treated as income:

- Lower rate Attendance Allowance and 50% of the higher rate of Attendance Allowance.

- Bereavement Allowance;
- Carers Allowance;
- Lower and middle care/daily living component of Disability Living Allowance or Personal Independence Payment and 50% of the higher/ enhanced rate;
- Universal Credit
- Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit;
- Income Support;
- Industrial Injuries Disablement Benefit or equivalent benefits;
- Jobseeker's Allowance;
- Maternity Allowance;
- Pension Credit;
- State Pension;
- Universal Credit
- Where any Welfare Benefit payment has been reduced, for example because of an earlier overpayment the amount taken into account will be the gross amount of the benefit before reduction. This does not apply where there has been a reduction because of voluntary unemployment.

1.3 Annuity and pension income

An annuity is a type of pension product that provides a regular income for a number of years in return for an investment. The capital invested in an annuity is disregarded in the financial assessment.

The income from an annuity is included fully in the financial assessment, except where it is: a. purchased with a loan secured on the person's main or only home; or purchased with a gallantry award such as the Victoria Cross Annuity or George Cross Annuity.

When a person is in a care home and is paying half of the value of their occupational pension, personal pension retirement annuity to their spouse or civil partner, 50% of the full value will be disregarded in the financial assessment. This disregard will only apply if one of the annuitants still occupies the property as their main or only home.

Where the disregard is applied, only the following aspects will be disregarded:
The net weekly interest on the loan where income tax is deductible from the interest; or the gross weekly interest on the loan in any other case. Before applying the disregard, the loan must have been made as part of a scheme that required that at least 90% of that loan be used to purchase the annuity;

- The annuity ends with the life of the person who obtained the loan, or where there are two or more annuitants (including the person who obtained the loan), with the life of the last surviving annuitant;

- The person who obtained the loan or one of the other annuitants is liable to pay the interest on the loan;
- The person who obtained the loan (or each of the annuitant where there are more than one) must have reached the age of 65 at the time the loan was made;

- The loan was secured on a property in Great Britain and the person who obtained the loan (or one of the other annuitants) owns an estate or interest in that property; and

- That the person to whom the loan was made, or one of the annuitants, occupies the accommodation on which it was secured as his home at the time the interest is paid

- Where the person is using part of the income to repay the loan, the amount paid as interest is disregarded. If the payments the person makes on the loan are interest only and the person qualifies for tax relief on the interest they pay, the net interest will be disregarded. Otherwise, the gross interest will be disregarded.

The following rules detail how income from a pension fund is assessed for the purposes of charging:

- If a person has removed the funds from their pension and placed them in another product or savings account, they will be treated according to the rules for that product;

- If a person is only drawing a minimal income from their pension fund, then notional income will apply calculated according to the maximum income that could be drawn under an annuity product. If the maximum notional income is applied, the actual income will be disregarded to avoid double counting;

- If a person is drawing down an income that is higher than the maximum available under an annuity product, the actual income that is being drawn down is taken into account.

1.4 Mortgage protection insurance policies

Any income from an insurance policy will usually take into account in a financial assessment. If any income received by the person from Income Support and Pension Credit is adjusted to take into account any income from an insurance policy, the financial assessment will also be adjusted accordingly.

Income is disregarded in the financial assessment where the income is being used to meet repayments on the loan. The amount of income from a mortgage protection insurance policy that will be disregarded is the weekly sum of

- The amount which covers the interest on the loan; plus
- The amount of the repayment which reduced the capital outstanding; plus
- The amount of the premium due on the policy.

1.5 Charitable and voluntary payments

The Council will consider the individual circumstances for charitable and voluntary payments before making a decision about inclusion or otherwise within the financial assessment.

In general, a charitable or voluntary payment which is not made regularly is treated as capital; whilst charitable and voluntary payments that are made regularly are fully disregarded.

1.6 Capital treated as income

Where the Council is not clear whether a payment is capital or income, reference will be made to the relevant legislation, regulations and statutory guidance. However, in general, the following capital payments will be treated as income:

a. Any payment received under an annuity;

b. Capital paid by instalment as defined in Reg. 16 of the Care and Support (Charging and assessment of Resources) Regulations 2014.

1.7 Savings disregard

Details about the rules and qualification for a savings disregard are specified within the Care Act Statutory Guidance and determined by the Department for Work & Pensions annually. The Council will apply savings disregards in any financial assessment in accordance with the rules detailed in Annex C to the Care Act Statutory Guidance.

1.8 Notional Income

In some circumstances the Council may treat a person as having income they do not have. This is known as notional income. This might include:

- income that would be available on application, but which has not been applied for;
- income that is due but has not been received;
- income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care;
- where a person who has reached retirement age and has a personal pension plan but has not purchased an annuity or arranged to draw down the equivalent maximum annuity income that would be available.

The Council will only include notional income in a financial assessment when it is satisfied that the income would or should have been available to the person. The Council will seek estimates of any notional income related to a personal pension plan from the respective pension provider or from estimates provided by the Government Actuary's Department.

Notional income will be included in the financial assessment from the date it could be expected to be acquired and is treated in the same way as actual income. Any income that would usually be disregarded will continue to be so.

The following sources of income are not treated as notional income:

- Income payable under a discretionary trust
- Income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for
- Income from capital resulting from an award of damages for personal injury that is administered by a court
- Working Tax Credit
- Occupational pension which is not being paid because the trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or the trustees or managers of the scheme have insufficient resources available to them to meet the scheme's liabilities.

2. Capital

2.1 Types of Capital:

Capital is considered to be an asset owned by a person that can generate a financial return or financial resources available for use. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.

- Buildings
- Land
- National Savings Certificates and Ulster Savings Certificates
- Premium Bonds
- Stocks and shares
- Capital held by the Court of Protection or a Court appointed Deputy
- Any savings held in Trust funds

- Any savings held in Building society accounts, Bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank.
- SAYE schemes.
- Unit Trusts.
- Co-operatives share accounts.
- Cash.

When determining the classification and/or treatment of an asset in the financial assessment, the Council will consider each individual asset on its merits, referencing relevant legislation, regulations and statutory guidance where appropriate.

2.2 Ownership of capital

A capital asset is normally defined as belonging to the person in whose name it is held, i.e. the legal owner. Where there is dispute over ownership of capital, the Council will seek written evidence to prove where ownership lies.

Where a person has joint beneficial ownership of capital, the total value will be divided equally between the joint owners, except where there is evidence to the contrary where the capital will be divided according to the proportion of legal ownership. For example, where a person owns a 50% share of a capital asset, 50% of the total value of that asset will be considered within the scope of their financial assessment.

Where a person has legal ownership of a property but is not the beneficial owner of a property (i.e. they have no rights to the proceeds of any sale), the property will not be taken into account in the financial assessment.

2.3 Calculating the value of capital

The Council will seek to determine the value of any capital owned in order to take account of it in the financial assessment.

The value of National Savings Certificates (and Ulster Savings Certificates/ Premium Bonds) will be obtained by contacting the NS&I helpline or using the NS&I online calculator. To do this, the person must provide the Council with the certificate issue number(s), the purchase price and date of purchase.

The valuation of all other capital will be determined according to the higher of the current market value or surrender value, minus any outstanding debts secured on the asset (e.g. a mortgage), and minus 10% of the value if there would be an expense involved in the selling of the asset. This must be expenses connected with the actual sale and not simply the realisation of the asset. For example, legal fees to sell a property would be considered an expense of sale, but the costs to withdraw funds from a bank account would not.

If the Council and the person agree that the total value of their capital is either more than the upper capital limit or less than the lower capital limit, then the Council will not seek to obtain a precise valuation of any qualifying assets.

If there are any disputes about the value of an asset, a precise valuation will be obtained by a professional valuer. The Council will aim to seek a professional value within 12 weeks of the financial assessment start date.

2.4 Assets held abroad

The Council will normally include the value of assets held abroad in the financial assessment. If capital is held abroad and can be transferred to the UK, its value in the other country will be obtained and taken into account in the financial assessment in the normal way, including any deductions from the value for the disposal of the asset where applicable.

Where the capital cannot be wholly transferred to the UK due to the rules of that country, the Council will require evidence confirming the nature or terms of the restriction and the potential for any future changes in those terms. Depending on the individual circumstances, examples of acceptable evidence could include documentation from a bank, Government official or solicitor in either this country or the country where the capital is held.

2.5 Capital not immediately realisable

Where capital is not immediately realisable due to notice periods, the Council will take the capital into account at face value at the time of financial assessment. On realising the capital, if the value is different, the value of the capital used in the financial assessment will be adjusted accordingly. If the person chooses not to release the capital, the value at the time of assessment will be used in the financial assessment and will be reassessed at intervals in the normal way.

2.6 Determining whether a resource is Capital or income

Resources will only be treated as income or capital in a financial assessment, but not both. For example, if a person has saved money from their income then those savings will normally be treated as capital. However, during the period when the money is received and treated as income, it will be disregarded as capital.

Where the Council is not clear whether a payment is capital or income, reference will be made to the relevant legislation, regulations and statutory guidance. However, in general a planned payment of capital (as opposed to income) is one which is not in respect of a specified period, and not intended to form part of a series of payments.

2.7 Income treated as capital

The Council will treat the following types of income as capital:

- Any refund of income tax charged on profits of a business or earnings of an employed earner;
- Any holiday pay payable by an employer, more than 4 weeks after the termination or interruption of employment;
- Income derived from a capital asset, for example, building society interest or dividends from shares. This should be treated as capital from the date it is normally due to be paid to the person. This does not apply to income from certain disregarded capital;
- Any advance of earnings or loan made to an employed earner by the employer if the person is still in work;
- Any bounty payment paid at intervals of at least one year from employment as:

  A part time fireman;
  An auxiliary coastguard;
  A part time lifeboat man;
  A member of the territorial or reserve forces.
- Charitable and voluntary payments which are neither made regularly nor due to be made regularly. There are exceptions (where such payments will be treated as income), e.g. payments from certain AIDS trusts.
- Payments made voluntarily by a third party to the person to support the person clearing charges for accommodation under the Care Act.

- Any payments of arrears of contributions by a local authority to a custodian towards the cost of accommodation and maintenance of a child.

2.8 Notional capital

In some circumstances the Council may consider a person to have notional capital. This is when a client is treated as possessing a capital asset even where they do not actually possess it. This may apply when capital would be available to the person if they applied for it, is paid to a third party in respect of the person, or the person has deprived themselves of in order to reduce the amount they have to pay for their care.

Where notional capital has been applied to a financial assessment, the Council will ensure the capital is reduced weekly by the difference between the weekly rate the person is paying for their care and the weekly rate they would have paid if notional capital did not apply.

2.9 Capital available on application

Where application to access capital is required, the Council will treat the capital as if it already belongs to the person, except in the following circumstances:

- Capital held in a discretionary trust;
- Capital held in a trust derived from a payment in consequence of a personal injury;
- Capital derived from an award of damages for personal injury which is administered by a court;
- Any loan which could be raised against a capital asset which is disregarded, for example the home.

The Council will treat capital not owned by the person, but will become theirs on application, (for example an unclaimed premium bond win), as notional capital. Where the Council treats capital available on application as notional capital, we will do so from the date at which it could be acquired by the person.

2.10 Investment bonds

The Council will normally seek legal advice in relation to the inclusion or otherwise of investment bonds within a financial assessment.

Where an investment bond includes one or more element of life insurance policies that contain cashing-in rights by way of options for total or partial surrender, then the value of those rights is disregarded as a capital asset in the financial assessment.

The following capital assets will be disregarded in the financial assessment:

- The surrender value of any Life insurance policy or Annuity
- Payments of training bonuses of up to £200;
- Payments in kind from a charity;
- Any personal possessions such as paintings or antiques, unless they were purchased with the intention of reducing capital in order to avoid care and support charges;
- Any capital which is to be treated as income or student loans;
- Any payment that may be derived from:

  The Macfarlane Trust;
  The Macfarlane (Special Payments) Trust;
  The Macfarlane (Special Payment) (No 2) Trust;
  The Caxton Foundation;
  The Fund (payments to non-haemophiliacs infected with HIV);
  The Eileen Trust;
  The MFET Trust;

The Independent Living Fund (2006);
The Skipton Fund;
The London Bombings Relief Charitable Fund.

- The value of funds held in trust or administered by a court which derive from a payment for personal injury to the person. For example, the vaccine damage and criminal injuries compensation funds
- The value of a right to receive funds e.g. income under an annuity, outstanding instalments under an agreement to repay a capital sum, or payment under a trust where funds derive from personal injury.
- Capital derived from an award of damages for personal injury which is administered by a court or which can only be disposed of by a court order or direction;
- Periodic payments in consequence of personal injury pursuant to a court order or agreement to the extent that they are not a payment of income and area treated as income (and disregarded in the calculation of income);
- Any Social Fund payment;
- Refund of tax on interest on a loan which was obtained to acquire an interest in a home or for repairs or improvements to the home;
- Any capital resources which the person has no rights to as yet, but which will come into their possession at a later date, for example on reaching a certain age;
- Payments from the Department of Work and Pensions to compensate for the loss of entitlement to Housing Benefit or Housing Benefit Supplement;
- The amount of any bank charges or commission paid to convert capital from foreign currency to sterling;
- Payments to jurors or witnesses for court attendance (but not compensation for loss of earnings or benefit);

- Community charge rebate/council tax rebate;
- Money deposited with a Housing Association as a condition of occupying a dwelling;
- Any Child Support Maintenance Payment;
- The value of any ex-gratia payments made on or after 1st February 2001 by the Secretary of State in consequence of a person's, or person's spouse or civil partner's imprisonment or internment by the Japanese during the Second World War;
- Any payment made by a local authority under the Adoption and Children Act 2002 (under section 2(b)(b) or 3 of this act);
- The value of any ex-gratia payments from the Skipton Fund made by the Secretary of State for Health to people infected with Hepatitis C as a result of NHS treatment with blood or blood products;
- Payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons suffering from variant Creutzfeldt-Jakob disease to the victim or their partner (at the time of death of the victim);
- Any payments under Section 2, 3 or 7 of the Age-Related Payments Act 2004 or Age-Related Payments Regulations 2005 (SI No 1983);
- Any payments made under section 63(6)(b) of the Health Services and Public Health Act 1968 to a person to meet childcare costs where he or she is undertaking instruction connected with the health service by virtue of arrangements made under that section;
- Any payment made in accordance with regulations under Section 14F of the Children Act 1989 to a resident who is a prospective special guardian or special guardian, whether income or capital.
  - payments made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's

pregnancy she had taken a preparation containing the drug known as Thalidomide

- An ex-gratia payment of £20,000 to a former child migrant from the scheme established by Her Majesty's Government for former British child migrants in response to the Investigation Report on Child Migration Programmes[2] by the Independent Inquiry into Child Sexual Abuse published on 1st March 2018,

- Any capital disregard required by relevant legislation or regulations not detailed in this policy.

3. Property

3.1 Property Disregards:

The Council will disregard the value of the person's main or only home in their financial assessment if any of the following circumstances apply:

- Where the person is receiving care in a setting that is not a care home (i.e. non-residential);
- If the person's stay in a care home is temporary and they intend to return to that property and that property is still available to them; or they are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to.
- Where the person no longer occupies the property, but it is occupied in part or whole as their main or only home by any of the people listed below, and that person has continuously occupied the property since before the first person went into a care home:

  The persons partner, former partner or civil partner, except where they are estranged; or a lone parent who is the person's estranged or divorced partner; or the person's relative (see below) who is:

Aged 60 or over, or
A child of the resident aged under 18, or
Incapacitated.

For the purposes of the disregard a “relative” is defined as including any of the following:

Parent (including an adoptive parent)
Parent-in-law

Son or daughter (including an adoptive son or daughter)
Son- or daughter-in-law
Step-parent
Step-son or step-daughter
Brother or sister
Grandparent or Grandchild
Uncle or Aunt
Nephew or Niece
The spouse, civil partner or unmarried partner of one of the above.

For the purposes of this disregard a “member of the person’s family” is defined as someone who is living with the qualifying relative as part of an unmarried couple, married to or in a civil partnership.

For the purposes of this disregard, the Council will consider that a relative is incapacitated if either of the following conditions apply:

- The relative is receiving one or more of the following benefits: Incapacity Benefit, Severe Disablement Allowance, Disability Living Allowance, Personal Independence Payments, Armed

Forces Independence Payments, Attendance allowance, or a similar benefit; or

- The relative does not receive any disability related benefit but their degree of incapacity is equivalent to that required to qualify for such a benefit. The Council may require medical or other evidence to be provided before a decision is reached.

For the purposes of this disregard, where the Council is unclear as to whether or not the property is occupied by a qualifying relative as their main or only home, the Council will undertake a factual inquiry weighing up all relevant factors in order to reach a decision. An emotional attachment to the property alone is not sufficient for the disregard to apply.

The Council will take account of the individual circumstances of each case. However, the following factors will usually be taken into account in reaching a decision:

- Does the relative currently occupy another property?
- If the relative has somewhere else to live do they own or rent the property (i.e. how secure/permanent is it?)
- If the relative is not physically present is there evidence of a firm intention to return to or live in the property
- Where does the relative pay council tax?
- Where is the relative registered to vote?
- Where is the relative registered with a doctor?
- Are the relative's belongings located in the property?
- Is there evidence that the relative has a physical connection with the property?

3.2 The 12-week property disregard

The Council will disregard the value of a person's main or only home for 12 weeks when the value of their other assets is below the upper capital limit and one of the following circumstances apply:

- when the client first enters a care home as a permanent resident;
- when a property disregard (other than the 12-week property disregard) unexpectedly ends because the qualifying relative has died or moved into a care home.

3.3The 26-week disregard

The Council will disregard the following capital assets in a financial assessment for at least 26 weeks:

- Assets of any business owned or part-owned by the person in which they were a self-employed worker and has stopped work due to some disease or disablement but intends to take up work again when they are fit to do so. Where the person is in a care home, this disregard will apply from the date they first took up residence.
- Money acquired specifically for repairs to or replacement of the person’s home or personal possessions provided it is used for that purpose. This disregard will apply from the date the funds were received.
- Premises which the person intends to occupy as their home where they have started legal proceedings to obtain possession. This disregard will apply from the date legal advice was first sought or proceedings first commenced.
- Premises which the person intends to occupy as their home where essential repairs or alterations are required. This disregard will apply from the date the person takes action to effect the repairs.
- Capital received from the sale of a former home where the capital is to be used by the person to buy another home. This disregard will apply from the date of completion of the sale.

- Money deposited with a Housing Association which is to be used by the person to purchase another home. This disregard will apply from the date on which the money was deposited.
- Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable. This disregard will apply from the date the grant is received.
- The Council reserves the right to exercise discretion to apply one of the disregards referenced for longer in exceptional circumstances.

3.3 The 52-week disregard

The Council will disregard the following payments of capital up to a maximum of 52 weeks from the date the payments are received.

The balance of any arrears of or compensation due to non-payment of: mobility supplement

Attendance Allowance

(iii) Constant Attendance Allowance

(iv) Disability Living Allowance / Personal Independence Payment

(v) Exceptionally Severe Disablement Allowance

(vi) Severe Disablement Occupational Allowance

(vii) Armed forces service pension based on need for attendance

(viii) Pension under the Personal Injuries (Civilians) Scheme 1983, based on the need for attendance

(ix) Income Support/Pension Credit

(x) Minimum Income Guarantee

(xi) Working Tax Credit

(xii) Child Tax Credit

(xiii) Housing Benefit

(xiv) Universal Credit

(xv) special payments to pre-1973 war widows

As the above payments are paid for specific periods, the amounts will be treated as income over the period for which they are payable. Any money left over after the period for which they are treated as income has elapsed will be treated as capital.

Payments or refunds for:

NHS glasses, dental treatment or patient's travelling expenses;

Case equivalent of free milk and vitamins

Expenses in connection with prison visits

Personal Injury Payments

3.4 The 2-year disregard

The Council will disregard payments made under a trust established out of funds by the Secretary of State for Health in respect of VCJD to:

- A member of the victim's family for 2 years from the date of death of the victim (or from the date of payment from the trust if later); or
- A dependent child or young person until they turn 18.

3.5 Other disregards

In other special circumstances, the Council may consider applying other disregards as circumstances deem appropriate. Where discretion is exercised by the Council, a recommendation will be made by the Head of Service for ratification by the Director responsible for Adult Social Care.