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Primary Users:
Directors of Social Work
Chief Social Work Officers

Copy to: Chief Executives of Scottish Local Authorities
Directors of Finance
Holders of the SWSG/SWSI Circulars and Guidance
Package (Circular only)

Dear Colleague

- I COMMUNITY CARE (RESIDENTIAL ACCOMMODATION) ACT 1998**
- II AMENDMENTS TO NATIONAL ASSISTANCE (ASSESSMENT OF RESOURCES) REGULATIONS 1992**
- III CAPITAL LIMITS AND ASSESSMENT OF NEED**
- IV VALUATION OF PROPERTY**
- V NATIONAL ASSISTANCE (SUMS FOR PERSONAL REQUIREMENTS) REGULATIONS 1999**
- VI NEW THERAPEUTIC EARNINGS LIMIT**

SUMMARY

This Circular is issued under Section 5(1) of the Social Work (Scotland) Act 1968 and:

- I. informs authorities formally about the Community Care (Residential Accommodation) Act 1998 which came into force on 11 August 1998. It also provides further advice on the provision of residential sector care.
- II. outlines amendments effective from 11 August to the National Assistance (Assessment of Resources) Regulations 1992 that local authorities apply to adults placed in residential care and nursing homes. It also covers amendments to the SWSG guidance on the charging regulations. Details are set out at the attached Annex.
- III. provides good practice guidance on (a) the capital limits that apply under the charging regulations and (b) the assessment of community care needs. The

issues addressed at I to III were subject to consultation with local authorities in October.

- IV. provides guidance about the valuation of property.
- V sets out the revised personal expenses allowance effective from 12 April for people provided with residential sector accommodation under the Social Work (Scotland) Act 1968 and Section 7 of the Mental Health (Scotland) Act 1984.
- VI provides details of the new Therapeutic Earnings Limit.

ACTION

1. Primary users should place the guidance and Regulations at F2 of the SWSG Guidance Pack.

I. THE COMMUNITY CARE (RESIDENTIAL ACCOMMODATION) ACT 1998

2. The 1998 Act amends Section 12 of the Social Work (Scotland) Act 1968. It clarifies the law concerning the amount of capital that a local authority must disregard when determining whether to provide a person with residential accommodation.

3. The 1998 Act requires local authorities to disregard a person's capital up to the limit prescribed in the charging regulations made under section 22 of the National Assistance Act 1948 when considering whether to make accommodation arrangements for a person under section 12 of the 1968 Act or section 7 of the Mental Health (Scotland) Act 1984. The prescribed limit is currently £16,000. The 1998 Act is also relevant to those who are self-funding in a residential care or nursing home (see paragraphs 8 to 13).

4. When assessing ability to pay for accommodation arranged under the 1968 Act or 1984 Act, the National Assistance (Assessment of Resources) Regulations 1992 require (a) that capital of £10,000 or less is fully disregarded and (b) that capital over £10,000 and up to £16,000 is taken into account in full for the purposes of calculating tariff income.

II. NATIONAL ASSISTANCE (ASSESSMENT OF RESOURCES) (AMENDMENT NO 2) REGULATIONS 1998

5. The National Assistance (Assessment of Resources) Regulations 1992 have been amended to align with the new provisions of the 1998 Act. A copy of the amendment regulations is enclosed with this Circular for primary users. The regulations have been amended so that the definition of "resident" includes a person for whom it is proposed to provide accommodation under Part III of the National Assistance Act 1948, as well as a person for whom accommodation is provided. (Section 87(3) of the Social Work (Scotland) Act 1968 requires that accommodation provided under the 1968 Act, and section 7 of the Mental Health (Scotland) Act 1984, shall be regarded as provided under Part III of the 1948 Act for charging purposes.) There are also consequential amendments to the current regulations.

6. The amendment regulations therefore enable authorities to apply the charging regulations in respect of a person who is a “prospective resident” so that, where an authority is determining whether to make accommodation arrangements, any capital or other resources belonging to a person can be taken into account before the placement is actually made.

III. CAPITAL LIMITS AND ASSESSMENT OF NEED

7. During the second reading of the Community Care (Residential Accommodation) Bill in the House of Lords, concerns were raised about a number of issues involving the provision of residential accommodation, the capital limits and assessment of need.

8. Local authorities have a legal duty under section 12A of the Social Work (Scotland) Act 1968 to assess the care needs of anyone who, in the authority’s view, may be in need of community care services. It is the Department’s view that the law does not allow authorities to refuse to undertake an assessment of care needs for anyone on the grounds of the person’s financial circumstances, for example, because they have capital in excess of the capital limit for residential accommodation. Even if someone may be able to pay the full cost of any services or make their own arrangements independently (but see paras 8 and 9), they should be informed about the type of care they require and about what services are available.

9. Where an authority has completed a financial assessment of a resident’s resources and the person’s capital (including the value of any property) is above £16,000, the resident has to pay the full charge. The person may be in a position to make his own residential or nursing home care arrangements. However, the social work department has a duty to offer to make arrangements for those people who are unable to make care arrangements for themselves and who have no-one to make arrangements for them.

10. Once an authority has established that a resident has capital above the upper limit, it should therefore satisfy itself that the individual is able to make their own care arrangements, or has others who are willing and able to make arrangements for them. Where there is a suitable advocate or representative (in most cases a close relative), local authorities should make available guidance and advice on the availability and appropriate level of services to meet the individual’s needs. Where there is no suitable advocate or representative to act on the individual’s behalf, it is the responsibility of the authority to make the arrangements and to contract for the person’s care.

11. Once an authority has carried out a care needs assessment and determined that an individual requires residential sector care, they should make the necessary arrangements without undue delay. Where it is foreseen that there will be a delay, the authority should ensure that suitable arrangements are in place to meet the needs of the individual and of his or her carer if appropriate. Similarly, where a self-funding resident has capital that has reduced to the £16,000 upper capital limit, as soon as reasonably practicable, the local authority should undertake a community care assessment and, if necessary, take over arrangements to ensure that the resident does not use capital below £16,000.

12. It is recognised that local authorities cannot be aware of the financial circumstances of every self-funding resident. However, information produced by local authorities on the charging arrangements should refer to the upper limit prescribed in the charging regulations

and the rights of self-funding residents to financial assistance from the authority when their capital falls to the upper limit of £16,000.

13. Concern was also expressed during the passage of the Bill about the position of people placed by local authorities but who subsequently became self-funding, for example, through the sale of property. If an authority is to end a contract and make the person 'self-funding', they should satisfy themselves that the person is able to manage his or her own affairs or, if not, has someone who can take over the arrangements. Where the person is unable to manage his own affairs and has no one to act for them, it would be for the authority to continue to manage the contract for the resident. The contract should remain a local authority placement. If the person is capable, or has someone to act for them, and the authority decides to terminate its involvement on financial grounds, it must inform the resident or his representative in writing to explain why.. A person placed in a residential home directly managed by a local authority cannot enter into a private contract with the care home manager as a self-funder, as in an independent sector home. They are liable to pay the full cost to the authority of providing the accommodation.

IV VALUATION OF PROPERTY

The valuation of property and expenses of sale 10% disregard

14. Where the LA has placed a charge on a resident's property they should:
- (i) carry out, or arrange, a valuation of the property to establish its current market value;
 - (ii) calculate the resident's remaining interest in the property by deducting 10% for expenses of sale and the amount of any outstanding charge secured on the property from the current market value of the property;
 - (iii) once the property has been sold, the amount of capital that should be taken into account from the sale of the property is the actual amount of money from the sale minus the actual expenses involved in selling and any debts secured on the property such as a mortgage. The 10% rule is only for the purposes of calculating the value of a property and should not be applied once the property has been sold.

This guidance is contained at paragraph 6.010a and 6.0 14 of the SWSG guidance.

V NATIONAL ASSISTANCE (SUMS FOR PERSONAL REQUIREMENTS) REGULATIONS 1999

Legal basis

15. The amounts that local authorities allow in their charging assessments for personal expenses for people placed in residential accommodation are prescribed in regulations under section 22(4) and (4A) of the National Assistance Act 1948. These amounts are usually increased each April at the same time Social Security benefits are uprated. The amount

allowed for personal expenses in the local authority charging assessment is the same as the amount awarded in the Income Support assessment for residents in residential accommodation who have preserved rights.

16. The standard amount of personal expenses allowance (PEA) is specified each year in the National Assistance (Sums for Personal Requirements) Regulations and is the same for each resident whether they are placed in a local authority or independent sector home. A copy of the National Assistance (Sums for Personal Requirements) Regulations 1999 is enclosed with this circular.

New PEA Amount From 12 April 1999

17. The new PEA prescribed amount of £14.75 comes into force on 12 April 1999. It applies to everyone in residential care or nursing homes receiving help from local authorities to meet the costs.

18. People who entered residential care or nursing homes before 1 April 1993 and who therefore have preserved rights to the higher levels of Income Support (instead of receiving local authority support) will receive the same amount of personal expenses from the Benefits Agency.

VI NEW THERAPEUTIC EARNINGS LIMITS

19. Regulations have been made under the Social Security Act 1975 to increase to £58.00 per week from 12 April 1999 the amount of the net earnings from permitted work which can be received without loss of benefit by people in receipt of Incapacity Benefit or Severe Disablement Allowance. This applies where work is undertaken under medical supervision as part of the person's treatment while in hospital or elsewhere on the advice of a doctor.

CONTACT POINT

20. Enquiries about this circular should be addressed to Trevor Hall, Social Work Services Group, Room 44, James Craig Walk, Edinburgh EH1 3BA (Telephone 0131 244 5455).

NOTE

21. Copies of the enclosure to this circular are available to other interested parties by contacting Carol Ann Gray (Telephone 0131 244 5409) at the above address.

Yours faithfully

MRS E LEWIS

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SECTION 1- INTRODUCTION

About this guidance

Format

- 1.001 Where a paragraph in this guidance is directly linked to a section of the Act or a regulation, the relevant section or regulation is shown immediately following the text of the paragraph. **Section** refers to a section of the National Assistance Act 1948 except where otherwise stated. **Reg** refers to a regulation of the National Assistance (Assessment of Resources) Regulations 1992. **Schedule** refers to a schedule to the National Assistance (Assessment of Resources) Regulations 1992.

Gender

- 1.002 In all paragraphs the words “he” or “his” should be taken as also referring to “she” or “hers”. The male form has been used purely for ease of writing and reading.

General

Statutory basis

- 1.003 Section 87(3) of the Social Work (Scotland) Act 1968 provides that accommodation provided under the 1968 Act and Section 7 of the Mental Health (Scotland) Act 1984 shall, for charging purposes, be regarded as provided under Part III of the National Assistance Act 1948. The charging provisions of the 1948 Act apply, by virtue of Section 65(f) as amended by the NHS and Community Care Act 1990 to all residential accommodation provided under the 1968 Act, and not just under Part IV, as well as Section 7 of the Mental Health (Scotland) Act 1984.
- 1.004 Where a person is provided with accommodation under Part III of the National Assistance Act, Section 22 of that Act provides for him to be charged for the accommodation.
Section 22(1)
- 1.005 Section 22 requires the local authority to set a standard charge for the accommodation. If a resident is unable to pay the standard charge, the local authority must assess their ability to pay and decide what lower amount should be charged.
Section 22(3)

Standard rate

- 1.006 Section 22 requires local authorities to set the standard rate for local authority homes at an amount equivalent to the full cost to the authority of providing the accommodation.
Section 22(2)

1.007 The standard rate for accommodation in homes not managed by the local authority will be the gross cost to the local authority of providing or purchasing the accommodation under a contract with the independent sector home.

Section 26(2)

Arrangements for accommodation

1.007A Where a local authority are considering whether to make arrangements for residential accommodation under the Social Work (Scotland) Act 1968 or Section 7 of the Mental Health (Scotland) Act 1984, section 12(3A) of the 1968 Act requires the authority to disregard the person's capital up to the prescribed capital limit (see paragraph 6.003). Where a local authority need too calculate a person's capital for the purposes of section 12(3A) of the 1968 Act, his capital shall be calculated in the same way as if he were a person for whom accommodation is proposed to be provided.

Section 12(3A) and (13B) of the
Social Work (Scotland) Act 1968

Assessing ability to pay

Regulations

1.008 Where a resident (ie a person who is provided, or proposed to be provided, with accommodation under Part III) is unable to pay either the standard rate or the actual cost incurred by the local authority, the authority must assess his ability to pay using regulations made for that purpose. These are **The National Assistance (Assessment of Resources) Regulations 1992**.

Section 22(5)

Local authority managed home

1.009 In local authority managed homes, the authority must charge the full cost of providing the accommodation the "standard rate". Where the local authority is satisfied that a resident is unable to pay the standard rate, it must assess his or her ability to pay and, on the basis of that assessment, decide the lower amount which should be paid.

Section 22(3)

Independent homes

1.010 A contract made with an independent home must include arrangements for the local authority to pay the home for the accommodation, as well as specifying an amount to be paid. The local authority must then ask the resident to refund that amount to the authority. Where the resident satisfies the local authority that he is unable to make a full refund, the local authority must assess his ability to pay in the same way as a person in a local authority managed home, and decide the lower amount to be refunded. (See 1.015 and 1.016 for collection of charges).

Sections 26(2) and 26(3)

Housing associations registered with a local authority

- 1.011 In the case of a housing association establishment registered with a social work department, in determining their share of the costs local authorities should have regard to whether the home is in receipt of any Special Needs Allowance Package (SNAP) from Scottish Homes in respect of the resident's place. If so then the local authority's share of the cost should be net of any costs met by SNAP.

Residents with a dependent child

- 1.012 Local authorities should continue to apply Section 22(7) of the National Assistance Act in terms of Section 87(3) and (4) of the Social Work (Scotland) Act 1968 with regard to an adult accompanied by a child. This provision remains extant in Scotland alone following the coming into force in England and Wales of paragraph 11 of Schedule 13 to the Children Act 1989 which amended Section 21 of the 1948 Act and consequently repealed Section 22(7) of the 1948 Act in its application to England and Wales. Local authorities should therefore consider using the powers in Section 22(4) of the 1948 Act to vary the amount of personal expenses allowance needed by the resident to reflect the needs of the dependent child.

Information to be given to the resident

- 1.013 The LA must ensure that the resident is given a clear explanation, usually in writing, of how the assessment of his ability to pay has been carried out. This should explain the usual weekly assessed charge. They should also inform the resident of the reasons why the charge may fluctuate, particularly where a new resident's charge may vary in the first few weeks of admission because, for instance, of the effect of benefit paydays on Income Support or the withdrawal of Attendance Allowance or Disability Living Allowance (care component). The resident should, however, be informed of why the charge may fluctuate. There is also no requirement to specify the assessed charge in the contract with the home.

Residents unable to handle their own affairs

- 1.014 There will be occasions where a resident is unable to provide the local authority with the information needed to assess the charge because they are generally unable to handle their own affairs. In these cases the local authority should find out if anyone has a Power of Attorney or any other dealings with the resident's affairs (eg someone who has been given appointeeship by the Department of Social Security for the purpose of Benefit payments).

Collecting charges from residents in independent homes

Resident to pay the charges direct to the home

1.015 Normally, residents will pay their assessed charge direct to the local authority. However, Section 26(3A) of the National Assistance Act 1948 provides for an exception to this rule for residents placed by local authorities in independent sector homes: where the resident, the local authority, and the organisation or person managing the premises **all** agree, the resident may pay direct to the home the amount that he or she would otherwise pay to the local authority. This will leave the local authority responsible for paying the home the remainder of the cost. (Section 26(3A) was inserted into the 1948 Act by Section 42(4) of the National Health Service and Community Care Act 1990, which provision extends to Scotland).

Liability for payment to the home

1.016 This exception to the normal rule is an administrative easement which will be particularly useful where the resident and home provider wish to maintain a tenant-landlord relationship, for example where the premises are provided by a housing association. **However**, authorities should note that they remain responsible for the full amount should the resident fail to pay the home as agreed. In such a case **the authority** will recover the charge from the resident in the normal way.

Section 26(3A)(a)

Treatment of fractions in assessment

1.017 When any calculation in the assessment results in a fraction of a penny, round up if that would be in the resident's favour, otherwise round down.

Reg 4

Charges for Day Care Services

1.017A Residents should not be charged extra for daytime activities which have been negotiated as part of the residential care package, as the cost of these services would already be included in the standard charge agreed by the LA for that package. Where a separate package of services has been arranged by the LA for a resident then the LA can consider whether to charge the resident extra for these services (using the discretionary charging powers for non-residential services). As the resident may only have their PEA and any disregarded income available, the amount charged (if any) is likely to be minimal.

Social Security Benefits

Local authority managed homes

1.018 People in residential accommodation which is managed or provided by a local authority are entitled to Income Support at an amount equivalent to the basic State Retirement Pension. People in this accommodation who receive at least the basic pension are not entitled to Income Support.

1.019 People in residential accommodation which is managed or provided by a local authority but which does not include board are entitled to Income Support as if they were living in their own home and may claim Housing Benefit.

Independent homes

- 1.020 People in registered independent residential care and nursing homes are entitled to Income Support at the same rate as if they were living in their own homes, plus a residential allowance. They are not entitled to Housing Benefit.
- 1.021 People in unregistered residential accommodation are entitled to Income Support at the same rate as if they were living in their own homes. They are not entitled to residential allowance, but may claim Housing Benefit.

Attendance Allowance/Disability Living Allowance (Care Component)

- 1.021A See Annex D for details of entitlement to Attendance Allowance and Disability Living Allowance (DLA) (Care Component).

Admission to Hospital

- 1.022 When a resident is admitted to hospital, his Social Security benefits will be reduced after a period. See Annex E for details.

Preserved Rights

- 1.023 Local authorities have the power, through regulations under Section 86A of the Social Work (Scotland) Act 1968, to make residential accommodation arrangements for specified categories of people who have preserved rights to special levels of Income Support following the full implementation of the community care provisions in the NHSCC Act 1990 in April 1993. Where such arrangements are made the charging regulations and rules in this guidance will apply.

Liaison with Department of Social Security/Benefits Agency

- 1.024 It is important that LAs maintain good liaison arrangements with the Benefits Agency District Offices as in some aspects of the assessment the LA if they have not been able to obtain necessary information from the resident or another source, may need to contact the Benefits Agency's District Office. (see Circular SW8/93)

Complaints

- 1.025 Complaints about the level of charge levied by a Local Authority are subject to the usual LA complaints procedures outlined in the Social Work Services Group Circular SW15/1996, "Complaints Procedures", issued in March 1996 and in the practice Guidance, "A Right to Complain" issued in August 1991.

SECTION 2- LESS DEPENDENT RESIDENTS

Background

2.001 Before April 1993, local authorities in Scotland arranging accommodation for less dependent residents were required to assess their ability to pay under the terms of the 1948 Act and levy a charge for their accommodation. For those requiring public assistance to meet the minimum charge local authorities nevertheless had powers to vary the amount of personal expenses allowance in order to provide such people with sufficient money in order to encourage them to live as independently as possible.

2.002 Under the terms of the National Assistance (Assessment of Resources) Regulations 1992 while an assessment of ability to pay must still be carried out if a resident cannot pay the full charge local authorities will have discretion not to apply Parts II to V of the regulations relating to treatment of income, treatment of capital, liable relatives and students if appropriate. It will however, still be open to local authorities to vary the amount of personal expenses allowance if authorities prefer to augment a resident's personal income in that way.

Identifying "less dependent" residents

2.003 For the purposes of the charging rules a "less dependent" resident is a person who lives in:

- a) private or voluntary sector accommodation which is not registered as a residential care or nursing home, or
- b) local authority accommodation that does not provide board.
Reg 2(1)

Definition of "board"

2.004 In 2.003 above, "board" means at least some cooked or prepared meals, cooked or prepared by someone other than the resident (or a member of his family) and eaten in the accommodation, where the cost of the meals is included in the standard rate fixed for the accommodation.

Reg 2

Assessing "less dependent" residents

2.005 It is up to the local authority how much it chooses to disregard of the resources of a person who is "less dependent". Factors to be taken into account include:

- the resident's commitments, ie to what extent is he incurring costs directly for necessities such as food, fuel and clothing
- the degree of the resident's independence, ie to what extent should he be encouraged to take on expenditure commitments

- whether he needs a greater incentive to become more independent. eg he may be encouraged to take on paid employment if most or all of his earnings are disregarded.

Reg 5

2.006 Where a resident is in local authority accommodation which does not provide board, or in independent sector accommodation which is not required to register the capital limits for Income Support and Housing Benefit will be £10,000 and £16,000.

SECTION 3- TEMPORARY RESIDENTS

Who is a temporary resident?

3.001 The definition of temporary resident allows the local authority to regard a person's stay as temporary if it is likely to last for any period not exceeding 52 weeks, or, in exceptional circumstances, is unlikely to substantially exceed 52 weeks.

Reg 2(1)

3.002 In deciding whether to treat a resident as temporary, it will be helpful to find out whether:

a) he receives Income Support which includes an amount in respect of home commitments; and/or

b) Housing Benefit continues to be paid in respect of his home address.

Local authorities should note, however, that Income Support Housing Costs and Housing Benefit may only be payable for 13 weeks in some circumstances (see Circular SW 13 paragraphs 8 to 11).

3.003 Where a temporary resident has a partner their resources cannot be jointly assessed (see Section 4).

3.004 It must be recognised that a stay, which was initially expected to be permanent, may turn out to be temporary (eg the resident's condition improves dramatically when it was not expected to do so). In such cases, it would be unreasonable to continue to apply to that resident any rules which would have affected him as a permanent resident (eg treatment of the former dwelling, in particular the placing of a charge on the resident's interest in the property).

3.004A It must also be recognised that a stay, which was initially expected to be temporary, may turn out to be permanent. In such cases, it would be unreasonable to assess the resident's charge as if he was a permanent resident from the outset (eg take into account AA/DLA) as these resources may no longer be available to the resident. Assessment as a permanent resident should, therefore, begin from the date it is agreed that the stay is to become permanent.

Charging for temporary stay

Up to 8 weeks

3.005 An assessment of ability to pay is not required for the first 8 weeks of a temporary stay. It will be for the local authority to 'decide in each case whether to make an assessment. Where the local authority decides it is appropriate to make an assessment, follow the guidance in Sections 4 to 13. Where no assessment is made, the charge is the amount it appears reasonable to the local authority for the resident to pay.

After 8 weeks

3.006 After 8 weeks, the local authority must charge the resident at the standard rate for the accommodation and carry out an assessment of his ability to pay.

Income Support for temporary residents

3.006A Where a resident enters residential accommodation for a temporary period Income Support is not payable if his capital exceeds £8,000. This may mean that, where the resident has capital of above £8,000 but not more than £16,000, the resident's contribution towards the cost of his or her accommodation will not include any Income Support.

Assessing ability to pay

3.007 If the local authority decide to make an assessment straight away, or from the eighth week, his ability to pay should be assessed in accordance with the following paragraphs.

Capital

3.008 Disregard the dwelling normally occupied as the resident's home where:

- a. the resident intends to return to occupy that dwelling and that the dwelling is still available to him; **or**
- b. he is taking reasonable steps to dispose of the property in order to acquire another more suitable home for him to return to.

Schedule 4 para 1

For all other capital assets, follow the guidance in Section 6.

Income

3.009 If Income Support is in payment, check, from the resident's notice of award of Income Support, whether the benefit includes an amount in respect of housing costs. If it does, disregard the amount allowed. Income Support may be paid for home commitments for up to 52 weeks on admission to residential accommodation.

Schedule 3, para 26

3.010 If Housing Benefit is in payment in respect of the home address, disregard the amount of Housing Benefit in full.

Schedule 3, para 3

3.011 Income Support and Housing Benefit may not meet the full cost of continuing home commitments. Where there are extra costs, disregard such additional amount as appears reasonable. Extra costs might be:

- a fixed heating charge;
- water rates;
- mortgage payment or rent not met by IS/HB;
- insurance premiums;
- service charges not met by IS/HB

Schedule 3, para 27

3.0 12 Where neither Income Support nor Housing Benefit are in payment in respect of the home address, assess the resident's income in accordance with Sections 8 and 9, and then disregard from the total such amount as appears reasonable to allow in respect of home commitments. Such expenses might be:

- interest charges on:
 - hire purchase agreement to buy the dwelling occupied as the home (eg a caravan)
 - loans for repairs or improvements to the dwelling
- mortgage payments
- ground rent or other rental relating to a long tenancy
- service charges (eg regular charge payable to the management company of a block of flats)
- any insurance premiums
- standard charges for fuel
- water rates
- payments under:
 - co-ownership scheme
 - tenancy agreement or licence of a Crown tenant Schedule 3 para 27

A disregard on income to meet these expenses should also be allowed if the resident is taking reasonable steps to dispose of the property in order to acquire another more suitable home to which he will return.

Schedule 3 para 27

Couples

3.013 Where one or both members of a couple are temporarily in residential accommodation see Section 4 for their assessment.

Attendance Allowance (AA)/Disability Living Allowance (DLA) Care Component

3.0 14 Where the resident is a temporary resident, AA or DLA Care Component should be completely ignored but remember that either benefit will be withdrawn after 4 weeks if the resident is relying on public support. These rules also cover Constant Attendance Allowance and Exceptionally Severe Disability Allowance payable with Industrial Injuries Disablement Benefit or War Disablement Pension.

Schedule 3 para 6

SECTION 4- COUPLES

Local authority treatment of couples

- 4.001 Under the National Assistance Act 1948, the local authority has no power to assess a couple according to their joint resources. Each person entering residential care should be assessed according to their individual means, although the liability of a married person to maintain their spouse (see Section 11) should be considered in each case.
- 4.002 Similarly, the local authority has no powers to use the assessment regulations as a basis for assessing how much a liable spouse should be able to contribute towards the cost of the residential accommodation.
- 4.003 'Where a resident is the main recipient of the couple's income, the local authority charge could result in a substantial reduction in income remaining for the spouse at home. In such cases it may be appropriate for the local authority to consider increasing the resident's personal expenses allowance, as described in Section 5, in order to leave enough for them to continue to support their partner at home. The use of this discretion should be considered and negotiated in the light of the individual circumstances of each case, but it would be reasonable for the local authority to take into account factors such as the usual standard of living of the spouse at home, and if the spouse has higher than average outgoings for whatever reason. However, the weight to be attached to these considerations will be for the authorities themselves to determine.

Capital limits for couples

- 4.003A Where a resident is one of a couple (irrespective of whether the resident's stay is permanent or temporary, or whether the other member of the couple is also a resident or remains in the former home) the resident must have in excess of £16,000 capital in his own right, or his share of jointly owned capital must be in excess of £16,000 before he is excluded from support on the grounds of capital.

Temporary residents

- 4.004 Where a member, or both members, of a married couple are admitted to residential accommodation on a temporary basis their ability to contribute towards the charge should be assessed individually according to Section 3. In every case, the local authority must assess each resident separately. Disregard any Income Support awarded in respect of home commitments. Income Support and Housing Benefit may not meet the full cost of continuing home commitments. Where there are extra costs, disregard such additional amount as appears reasonable. Extra costs might include:
- a fixed heating charge;
 - water rates;

- mortgage payments, rent or service charges not met by IS/HB
- insurance premiums

Permanent residents

- 4.005 Where one, or both, member of a couple are admitted permanently to residential accommodation the local authority must assess their ability to contribute towards the charge according to their individual resources following the rules laid down in Sections 5 to 13.
- 4.006 It will be useful to know how Income Support will be calculated in these cases, as this may give a guideline as to how much the spouse remaining at home is likely to be able to contribute towards the charge. Where Income Support is being paid **for a couple** who are married, and so liable to maintain each other under Section 42(1) of the National Assistance Act 1948, it would be reasonable to expect the partner receiving the Income Support to contribute towards the charge for accommodation for the other partner a sum equivalent to the Income Support payable for that partner. If Income Support is paid to the partner in residential accommodation, the full amount will have to be taken into account but the local authority could consider varying the personal expenses allowance as described in Section 5 in order to leave enough for the partner at home to meet their expenses.

The following paragraphs outline the ways in which Income Support may be assessed.

THE FOLLOWING PARAGRAPHS ARE FOR INFORMATION ONLY AND DETAIL THE TREATMENT OF COUPLES IN LOCAL AUTHORITY HOMES FOR INCOME SUPPORT

- 4.007 While local authorities do not have powers to assess a couple according to their joint resources, this is not the case for Income Support. The treatment of a couple for Income Support will depend on a number of factors and it may be useful to know how their benefit is assessed. This may give an indication of how much the spouse who remains at home is likely to be able to contribute towards the cost of accommodation.*

Temporary Residents

- 4.008 Where the couple are temporarily separated as a result of one being admitted to residential accommodation they will still be treated as a couple for Income Support purposes, and the whole amount of Income Support will normally be paid to one partner (generally the partner remaining at home). However, the total amount of Income Support payable to the couple may be calculated by adding together the amounts each partner would receive if they were assessed as single people. This ensures that the total Income Support meets the couple's separate needs.*

One member of a married couple temporarily in residential accommodation

4.009 *Where only one member of a married couple is temporarily in a local authority managed home the Income Support applicable amount for the couple will be the amount laid down in paragraph JOB(1) of Schedule 7 to the Income Support regulations (the “Part III rate” .see Annex A)for the resident, and Income Support calculated as ifhe were a single person for the partner at home.*

4.010 *Where one partner is temporarily in an independent home, and the couple are entitled to In come Support, the Income Support applicable amount will be the greater of:*

- *the normal applicable amount for the couple as if they were both still at home **or***
- *the normal applicable amount for the partner remaining at home plus the applicable amount for the partner in the residential accommodation as if they were a single person.*

Both partners temnporarily in residential accommodation

4.011 *Where both partners are temporarily in local authority managed homes, their Income Support entitlement will be twice the amount laid down in paragraph JOB(3) of Schedule 7 to the Income Support regulations (the “Part III rate” .see Annex A), plus an amount in respect of home commitments.*

4.012 *Where both partners are in residential care and one is in a local authority managed home and the other in an independent home, the Income Support entitlement will be the appropriate amount for each partner as if he were a single person, ie the Part III rate for the partner in a local authority managed home, and normal Income Support including Residential Allowance for the partner in an independent home, plus an amount for continuing home commitments where appropriate.*

4.013 *Where both partners are in different independent homes or the same independent home IS including Residential Allowance will be paid in respect of each partner, plus an amount for home commitments where appropriate.*

One partner in residential accommodation or both partners in separate residential accommodation

4.014 *Where one partner moves permanently to residential accommodation Income Support will be paid as if he were a single person. No account will be taken, in the Income Support assessment, of the resources of the partner remaining at home although the Benefit Agency may look to the partner at home to make a contribution as a liable relative.*

INCOME SUPPORT TREATMENT OF COUPLES

Both partners in the same residential accommodation

- 4.015 *Where both partners are admitted to the same residential care or nursing home, the Benefits Agency Adjudication Officer will have decided whether to assess them as couple or separately.*
- 4.016 *A married or unmarried couple who live in the same household are treated as one unit for Income Support assessment purposes, and their resources are "aggregated". This means that all the capital and income resources of the couple, whether jointly owned by one partner or the other, are taken into account in one assessment for the couple.*
- 4.017 *An important factor in deciding whether to treat two residents as a couple for Income Support purposes is whether they live in the same household. A married couple living in separate homes would not be aggregated because they do not share one household.*
- 4.018 *Normally, if both partners are living in the same residential care or nursing home they would be considered to be living in the same household. However, there may be exceptions, eg where one partner lives in a nursing wing and the other in a residential wing, they might be said to live in separate households.*
- 4.019 *If the Benefits Agency Adjudications Officer has decided to aggregate the couple's resources Income Support will be paid to one member of the couple taking into account the needs of both partners.*

SECTION 5- PERSONAL EXPENSES ALLOWANCE

Purpose of the personal expenses allowance

5.001 The personal allowance is intended to enable residents to have money to spend as they wish, for example on stationery, personal toiletries, small presents for friends and relatives and other minor items. The residents will normally supply their own clothes but in cases of special need or emergency (eg all clothes are lost in a fire) the local authority may provide replacement clothing.

Amount of personal expenses allowance

5.002 In assessing a resident's ability to pay for his accommodation, the local authority is required to ensure that he retains an amount for personal expenses.

Section 22(4)

5.003 The amount allowed in the assessment for personal expenses is laid down each year in the National Assistance (Sums for Personal Expenses) Regulations (see Annex A) and is the same for each resident whether they are in a local authority run home or an independent sector home.

Varying the amount of personal expenses allowance

5.005 Under the Section 22(4) of the National Assistance Act of 1948 local authorities have the power to allow a different amount from that prescribed for personal expenses in special circumstances, for example where:

- someone who does not qualify as a "less dependent" resident solely because he lives in registered private or voluntary sector accommodation or in local authority accommodation where board is provided and therefore cannot be assessed under the rules described in Section 2 but who, nonetheless, needs to retain more of his income in order to help him lead a more independent life.
- where a person in residential accommodation has a dependant child (see paragraph 1.0 12), the local authority should consider the needs of the child in setting the personal expenses allowance. This applies whether or not the child has accompanied the person into the accommodation, and will be particularly important where the resident has income which is taken fully into account (see Sections 8 and 9) in the charging assessment (eg Income Support, Child Benefit and Child Support Maintenance Payments where the child is accommodated with the resident under Part III of the National Assistance Act 1948).
- where a person temporarily in residential accommodation receives Income Support including an amount for a partner who remains at home (see 4.006) the local authority should consider the needs of the person at home in setting the personal allowance.

- local authorities are required to ignore half of a resident's occupational pension where the resident is paying half of that pension to a spouse (see 8024A). This disregard does not apply to unmarried couples. Where the person in residential accommodation is the main recipient of an unmarried couple's overall income (eg occupational pension), the LA can use their discretion to increase the resident's personal expenses allowance in special circumstances to enable the resident to pass some of that income to the partner remaining at home. In considering this the LA should bear in mind the effects it could have on benefits such as Income Support, Housing Benefit and Council Tax Benefit of increasing the partner's income, a increasing the partner's income in this way may lead to a reduction in benefits resulting in the partner being no better off.

6.005 Capital over £10,000 and up to £16,000 is taken into account in full for the purposes of calculating the resident's tariff income from capital unless regulations specify otherwise. (See 6.019 onwards).

Tariff income

6.006 Where a resident has £16,000 or less but more than £10,000, assess the resident's ability to in the normal way and take into account, as weekly income, £1 for every complete £250 or part of £250 over £10,000. This is called "tariff income".

Reg 28

A tariff income table is set out at Annex B

Examples

1. The resident has £10,630 capital. £10,000 is disregarded and tariff income of £3 is taken into account as income.

2. A resident has £10,050 capital. £10,000 is disregarded and tariff income of £1 is taken into account as income.

NB. Tariff income is meant to represent an amount that a resident with capital over a certain limit should be able to contribute towards his accommodation costs, not the interest earning capacity of that capital.

Beneficial Ownership of capital

Does the resident own the capital?

- 6.007 A capital asset normally belongs to the person in whose name it is held. The following paragraphs provide guidance on how to establish beneficial ownership where there is a dispute.

Ownership disputed

- 6.008 Where ownership is disputed, ask for written evidence to prove ownership. Where a resident is said to be holding capital for another person, obtain evidence of the arrangement and the origin of the capital, and evidence to show the intentions for its future use and for its return to the rightful owner.

Examples

1. A resident has £12,000 in a building society account in his own name. He says that £3,000 is set aside for his grandson's education. However, there is no deed of trust or other legal arrangement which would prevent the resident using the whole amount for his own purposes. The resident is treated as the beneficial owner of the whole amount.

2. A resident has £5,000 in a bank account in his own name, and shares valued at £6,500. He provides evidence to show that the shares were purchased on behalf of his son, who is abroad, and that they will be transferred to his son when he returns to Britain. Although the resident is the **legal** owner, he is holding the shares in trust for his son, who is the **beneficial** owner. The £5,000 is to be taken into account as the resident's capital.

Joint Beneficial Ownership of Capital

- 6.009 Where a resident has joint beneficial ownership of capital, unless it is an interest in land (see Section 7), with someone else, divide the total value equally between the joint owners, and treat the resident as owning an equal share. This method of treatment avoids administrative difficulties. Once the resident is in sole possession of his actual share, treat him as owning that actual amount.

Reg 27(1)

Example

1. A resident and her daughter have £21,000 in a joint building society account. The resident contributed £8,500 and the resident's daughter, £12,500. Treat the resident as owning £10,500.

The joint account is then closed and the resident and her daughter open separate accounts. The resident has £8,500 in her account. Treat her as owning £8,500.

Treatment of capital

Valuation

6.010 The value of a capital asset **other than** National Savings Certificates (see 6.0 17) is the current market or surrender value, whichever is higher, **less**:

a) 10% of that value if there would be any expenses involved in selling the asset; (this does not apply once the asset has been sold, when the capital has been sold, when the capital to be taken into account is the actual amount realised from the sale) **and**

Reg 23(1)(a)

b) any outstanding debts secured on the asset, eg a mortgage.

Reg 23(1)(b)

6.01 1 A capital asset may have a current market value (eg stocks and shares) or a surrender value (eg premium bonds). The current market value will be the price a willing buyer would pay a willing seller. The way the market value is obtained will depend on the type of asset held, eg the values of stocks and shares or unit trusts which are quoted in newspapers.

6.0 12 If the resident and the assessing officer both agree that, after deducting the amounts in paragraph 6.0 10 (a) and (b) (where appropriate), the total value of the resident's capital will be:

a) more than £16,000; or

b) £10,000 or less

it is not necessary to obtain a precise valuation. If there is any dispute, obtain a precise valuation.

6.0 13 In the case of land, buildings or a house, where it is necessary to obtain a precise valuation because of a dispute, a professional valuer should be asked to provide a current market valuation. (See Section 7 for the treatment of property).

Expenses of sale

6.014 For the purposes of valuation only, the expenses of sale (10%) should be allowed **only** where there will be actual expenses. The expenses must be connected with the actual sale, and not simply the realisation of an asset, eg the cost of fares to withdraw money from a bank are not expenses of sale.

ANNEX A

	April 1995	April 1996	April 1997	April 1998	April 1999
RATES OF PERSONAL ALLOWANCE					
Standard Personal Allowance for all Part III Residents	13.35	13.75	14.10	14.45	14.75
RATES OF BENEFIT					
Attendance Allowance					
Higher rate	46.70	48.50	49.50	51.30	52.95
Lower rate	31.20	32.40	33.10	34.30	35.40
Disability Living Allowance					
Care Component					
Highest	46.70	48.50	49.50	51.30	52.95
Middle	31.20	32.40	33.10	34.30	35.40
Lowest	12.40	12.90	13.15	13.60	14.05
Mobility Component					
Higher	32.65	33.90	34.60	35.85	37.00
Lower	12.40	12.90	13.15	13.60	14.05
Income Support and Jobseekers Allowance (From 7 October 1996)					
Personal Allowances					
single 18-24	36.80	37.90	38.90	39.85	40.70
single 25 or over	46.50	47.90	49.15	50.35	51.40
Premiums					
pensioner single	18.60	19.15	19.65	20.10	23.60
pensioner (enhanced) single	20.70	21.30	21.85	22.35	25.90
pensioner (higher) single	25.15	25.90	26.55	27.20	30.85
disability single	19.80	20.40	20.95	21.45	21.90
Residential Allowance					
Greater London	57.00	60.00	62.00	64.00	66.10
Elsewhere	51.00	54.00	56.00	57.50	59.40
"Part III" rate	58.85	61.15	62.45	64.70	66.75
Incapacity Benefit					
Long-term Incapacity Benefit	58.85	61.15	62.45	64.70	66.75
Short-term Incapacity Benefit (under pension age)					
lower rate	44.40	46.15	47.10	48.80	50.35
higher rate	52.50	54.55	55.70	57.70	59.55
(over pension age)					
lower and higher rate	56.45	58.65	59.90	62.05	64.05
Increase of long-term Incap. Ben for age					
higher rate	12.40	12.90	13.15	13.60	14.05

lower rate	6.20	6.45	6.60	6.50	7.05
Invalidity Allowance (Transitional)					
higher rate	12.40	12.90	13.15	13.60	14.05
middle rate	7.80	8.10	8.30	8.60	8.90
lower rate	3.90	4.05	4.15	4.30	4.45
Retirement Pension					
Basic rate	58.85	61.15	62.45	64.70	66.75
Married Womens (based on husband's contributions)	35.25	36.60	37.35	38.70	39.95
Severe Disablement Allowance					
Basic Rate	35.55	36.95	37.75	39.10	40.35
Age related additions					
Higher	12.40	12.90	13.15	13.60	14.05
Middle	7.80	8.10	8.30	8.60	8.90
Lower	3.90	4.05	4.15	4.30	4.45
<i>DISREGARDS ON INCOME FROM SUB-TENANTS</i>					
furnished or unfurnished	4.00	4.00	4.0	4.00	4.00
where heating is included, an additional	9.20	9.25	9.25	9.25	9.25
<i>EARNINGS RULES</i>					
Therapeutic earnings limit		45.50	46.50	48.00	58.00

STATUTORY INSTRUMENT

1998 No. 1730

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources)

(Amendment No. 2) Regulations 1998

Made 16th July 1998

Laid before Parliament 20th July 1998

Coming into force 11th August 1998

In exercise of the powers conferred by section 22(5) of the National Assistance Act 1948(a), including that provision as applied by section 87(3) of the Social Work (Scotland) Act 1968(b), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) **These Regulations** may be cited as the National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1998 and shall come into force on 11th August 1998.

(2) In these Regulations “the principal Regulations” means the National Assistance (Assessment of Resources) Regulations 1992(c).

Amendment of regulation 2 of the principal Regulations

2__ (1) In regulation 2(1) of the principal Regulations (interpretation)—

(a) in the definition of “less dependent resident”— after the words “means a resident” there shall be inserted the words “who is in, or for whom accommodation is proposed to be provided in,”; at the beginning of sub-paragraphs (a) and (b) the word “in” shall be deleted;

(b) for the definition of “resident” there shall be substituted the following definitions—
““prospective resident”” means a person for whom accommodation is proposed to be provided under Part III of the Act(d);

“resident” means a person who is provided with accommodation under Part III of the Act or is a prospective resident: .

-
- (a) 1948 c.29; section 22(5) of the National Assistance Act 1948 was amended by section 39(1) of and paragraph 6 of schedule 6 to the Ministry of social security Act 1966 (c.20), by section 35(2) of and paragraph 3(b) of schedule 7 to the Supplementary Benefits Act 1976 (c.7 1), by section 20 of and paragraph 2 of schedule 4 to the social Security Act 1980 (c.30), and by section 86 of and paragraph 32 of schedule 10 to the social security Act 1986 (c.50).
- (b) 1968 c.49; section 87 was amended by paragraph 10(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19).
- (c) S.I. 1992/2977; relevant amending instrument is S.I. 1994/825.
- (d) 1948 c.29; *see* regulation 2(1) of S.I. 1992/2977 for definition of “the Act”. As respects Scotland, *see* section 65(f) of the Act, as amended by paragraph 5(9) of Schedule 9 to the National Health Service and Community Care Act 1990, and section 87(3) of the Social Work (Scotland) Act 1968.

(2) At the end of regulation 2 of the principal Regulations there shall be added the following paragraph—“(4) In these Regulations, unless the context otherwise requires, any reference to a resident’s accommodation, or to accommodation provided for a resident, shall be construed in the case of a resident who is a prospective resident as a reference to accommodation which is proposed to be provided for him under Part III of the Act.”.

Amendment of regulation 23 of the principal Regulations

3. In regulation 23(2)(a) of the principal Regulations (calculation of capital in the United Kingdom), there shall be added at the beginning the words— “except in the case of a prospective resident,”.

Amendment of regulation 29 of the principal Regulations

4. In regulation 29 of the principal Regulations (liable relatives—interpretation) in the definition of “periodical payment” there shall be inserted after the words “before the resident” the words “, if he is a prospective resident, is actually provided with his accommodation or, if he is not a prospective resident,”.

Amendment of Schedule 4 to the principal Regulations

5. In Schedule 4 to the principal Regulations (capital to be disregarded)—

(a) in paragraph 1—

(i) for the words from “The value of” to “temporary resident” there shall be substituted the words— “(1) In the case of a temporary resident who is not a prospective resident, the value of one dwelling (and not more than one dwelling)”;

(ii) there shall be added at the end the following sub-paragraph— “(2) In the case of a temporary resident who is a prospective resident, the value of one dwelling (and not more than one dwelling) in circumstances where he intends, on being provided in fact with accommodation under that Part of the Act—

(a) to take reasonable steps to dispose of the dwelling in order that he may acquire another dwelling which he intends to occupy as his home; or

(b) to return to occupy that dwelling as his home; and the dwelling to which he intends to return is available to him.”;

(b) in paragraph 5, for the words “the words “the accommodation was initially provided” there shall be substituted the following—“(a) in the case of a resident other than a prospective resident the words “the accommodation was initially provided”;

(b) in the case of a prospective resident. the words “the local authority began to assess his ability to pay for his accommodation under these Regulations . “ “.

Frank Dobson

One of Her Majesty’s Principal Secretaries of State
(Department of Health)

16th July 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the National Assistance (Assessment of Resources) Regulations 1992 (“the principal Regulations”). The principal Regulations concern the assessment of the ability of a person (“a resident”) to pay for accommodation arranged by local authorities under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984.

These Regulations amend the principal Regulations so that the definition of “resident” includes a person who it is proposed to provide with accommodation under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or the Mental Health (Scotland) Act 1984. They make consequential amendments and enable a local authority to calculate a person’s capital when determining, in accordance with the Community Care (Residential Accommodation) Act 1998, whether care and attention are otherwise available to the person.

1998 No. 1730

NATIONAL ASSISTANCE SERVICES

The National Assistance (Assessment of Resources)
(Amendment No. 2) Regulations 1998

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WO 3086 7/98 570/1 2844 343296 (1145731)

Value of National Savings Certificates

Issue Number	Unit Price	Year of Issue	Value of each unit (in £'s) at:			
			1.7.95	1.7.96	1.7.97	1.7.98
1st	15s.6d.	1916-1922	4.46	4.51	4.56	4.61
2nd	16s.	1922-1923	4.39	4.44	4.49	4.54
3rd	16s.	1923-1932	3.70	3.75	3.80	3.85
Conversion	16s.	1932	3.70	3.75	3.80	3.85
4th	16s	1932-1933	3.20	3.24	3.28	3.33
5th	16s.	1933-1935	3.09	3.13	3.17	3.21
6th	15s.	1935-1939	3.03	3.07	3.13	3.17
7th	15s.	1939-1947	4.99	5.16	5.35	5.54
£ issue	£1	1943-1947	4.99	5.16	5.35	5.54
8th	10s.	1947-1951	3.21	3.32	3.44	3.56
9th	15s.	1951-1956	4.18	4.32	4.47	4.63
10th	15s.	1956-1963	3.57	3.69	3.82	3.95
11th	£1	1963-1966	4.65	4.81	4.98	5.15
12th	£1	1966-1970	3.82	3.95	4.09	4.23
Decimal	£1	1970-1974	3.55	3.67	3.80	3.93
14th	£1	1974-1976	3.30	3.41	3.53	3.65
14th	£1	1977-1979	2.77	2.88	2.98	3.08
Index-linked retirement issue	£10	1975-1980	27.59	28.20	28.93	30.15
16th	£5	1976-1977	17.20	17.80	18.43	19.08
18th	£10	1979-1980	26.27	27.19	28.14	29.13
19th	£10	1980-1981	25.74	26.64	27.58	28.55
Second index-linked issue	£10	1980-1985	18.86	19.28	19.78	20.61
21st	£10	1981	23.32	24.14	24.98	25.86
23rd	£25	1981-1982	60.83	62.97	65.18	67.47
24th	£25	1982	53.88	55.77	57.73	59.75
25th	£25	1982-1983	48.35	50.04	51.80	53.62
26th	£25	1983-1984	48.79	50.51	52.28	54.12
27th	£25	1984	45.52	47.12	48.77	50.48
28th	£25	1984	49.28	51.02	52.80	54.66
29th	£25	1984-1985	45.98	47.59	49.27	50.99
3rd index-linked issue	£25	1985-1986	45.49	48.24	49.93	50.38
30th	£25	1985	46.61	46.82	48.19	51.69
31st	£25	1986	41.92	40.40	44.92	46.50
4th index-linked issue	£25	1966-1990	36.08	37.13	38.22	39.95
32nd	£25	1986-1987	43.13	44.64	46.20	47.83
33rd re-investment	£25	1987-1988	37.29	38.60	39.95	41.36
34th re-investment	£25	1988-1990	35.89	37.15	38.45	39.80

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Amendment

35th re investment		1990-1991	35.38	39.71	41.10	42.54
5th index- linked issue reinvestment	£25	1990-1992	27.06	26.34	30.64	36.14
36th issue re-investment	£25	1991-1992	30.41	33.39	37.59	38.91
37th issue re-invested	£25	1992	29.69	32.38	35.82	37.71
38th issue re-investment	£25	1992	29.69	32.38	35.82	37.71
38th issue	£25	1992	29.45	31.84	35.04	36.83
39th issue re-investment	£100	1992	113.81	122.16	132.72	141.06
39th issue re-investment	£100	1992	113.81	122.16	132.72	141.06
40th issue re-investment	£25	1992-1993	26.57	27.92	29.67	31.85
6th index- linked issue	£25	1992-1993	26.91	28.20	29.80	31.85
6th index- linked re-investment	£25	1992-1993	26.91	28.20	29.80	32.52
issue	£25	1992-1993	26.91	28.20	29.80	32.52
41st issue re-investment	£25	1993-1994	26.44	26.70	28.05	29.78
7th index- linked issue.	£25	1993-1994	26.21	27.16	28.45	30.52
42nd issue re-investment	£100	1994-date	103.00	101.00	105.20	110.28
8th index- linked issue	£100	1994-date	104.41	100.00	106.37	112.86
re-investment	£100	1994-date	102.39	102.39	106.37	112.86
43rd issue re-investment	£100	1996-date		100.94	100.94	104.83
9th index- linked issue	£100	1996-date		100.00	100.00	106.65
re-investment	£100	1997-date		100.00	101.48	106.65
44th issue re-investment	£100	1997-date			100.94	100.94
10th index- linked issue	£100	1997-date			100.00	100.00
re-investment	£100	1997-date			101.48	104.55
11th index- linked issue	£100	1997-date			100.00	£100.00
re-investment	£100	1998-date				£102.32
45th issue	£100	1998-date				£100.00
re-investment	£100	1998-date				£100.90
12th index- linked issue	£100	1998-date				£100.00
re-investment	£100	1998-date				£102.19

1999

Amendment C.222 : **SWSG2/99**

STATUTORY INSTRUMENTS

1999 No. 549

NATIONAL ASSISTANCE SERVICES

The National Assistance (Sums for Personal Requirements)

Regulations 1999

Made -- - - - *3rd March 1999*

Laid before Parliament *5th March 1999*

Coming into force *12th April 1999*

In exercise of the power conferred by section 22(4) of the National Assistance Act 1948(a) (including that provision as applied by section 87(3) and (4) of the Social Work (Scotland) Act 1968(b)) and as respects England and Wales now vested in me(c) and of all other powers

enabling me in that behalf, I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the National Assistance (Sums for Personal Requirements) Regulations 1999 and shall come into force on 12th April 1999.

Sum needed for personal requirements

2. The sum which under section 22(4) of the National Assistance Act 1948 a local authority shall assume that a person will need for his personal requirements shall be £14.75 per week.

Revocation

3. The National Assistance (Sums for Personal Requirements) Regulations 1998(d) are hereby revoked.

Frank Dobson

One of Her Majesty's Principal Secretaries of State,

3rd March 1999

Department of Health

(a) 1948 c.29; *see* sections 35(1) and 64(1) of the National Assistance Act 1948 for the definitions of "the Minister" and "prescribed" respectively.

(b) 1968 c. 49; section 87 was amended by paragraph I 0(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).

(c) *See* article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) which transferred all functions of the Minister of Health to the Secretary of state. *See also* the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843).

(d) S.I. 1998/498.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the weekly sum which local authorities are to assume, in the absence of special circumstances, that residents in accommodation arranged under Part III of the National Assistance Act 1948, the Social Work (Scotland) Act 1968 or section 7 of the Mental Health (Scotland) Act 1984 will need for their personal requirements.

From 12th April 1999, all residents will be assumed to need £14.75 per week for their personal requirements.

These Regulations supersede the National Assistance (Sums for Personal Requirements) Regulations 1998 (which provided for the sum residents were assumed to need from 6th April 1998) which are revoked.

£1.00

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