

# Help with council tax bills

For families with disabled children



## Introduction

This guide is about the different schemes that exist for reducing your council tax bill. It is written for families who have a disabled child and the examples given apply mainly to those families, although other individuals may also qualify for help.

The three main schemes for reducing your council tax bill are outlined. It is possible to qualify for help from more than one of these schemes at the same time and it makes no difference whether you are a tenant or a homeowner.

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## What help is available

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The three main schemes that can help to reduce the amount of council tax you are expected to pay are:

- the disability reduction scheme
- council tax discounts
- local council tax reduction schemes.

Each scheme is outlined in more detail below.

## The disability reduction scheme

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The size of your council tax bill is determined by the council tax band that your property is valued as falling within. The higher the council tax band, the higher your bill will be. However, if someone in your household is 'substantially and permanently disabled' you may qualify for a reduction in the banding of your council tax bill.

### How much is the reduction?

If you qualify, the property is treated as if it were in the next council tax band below and your bill is reduced accordingly. For example, if your property is valued under band D, you will be billed as if it were in band C. If your property already falls within the lowest band (band A) your bill will be reduced by a set percentage instead.

### Who qualifies?

In order to receive a disability reduction there must be a disabled person (this can be a child) living in your property and one of the following must apply:

- they use a wheelchair indoors – there is no need for your property to have been specially constructed or adapted for wheelchair use, only that someone needs to use a wheelchair indoors and your property has sufficient space
- there is a second bathroom or kitchen in your property that is needed by the disabled person – you can still qualify even if your property was not specifically adapted, as your property may always have had a second bathroom/kitchen. However, you will need to show that your child's health problems mean that this extra facility is needed
- your child's disability is such that one of the rooms in your property (other than a bathroom, kitchen or toilet, and in addition to their own bedroom) is needed by and predominantly used by them. For example, this might apply where a room has been adapted specifically for your disabled child's use or where a room is used as a treatment room or to store specialist equipment. When deciding if a room is 'needed' by your child, the local authority must decide whether your child's disability is such that the use of the room in question is 'essential' or 'of major importance to his or her wellbeing'.

Once awarded you must re-apply for a disability reduction for each new financial year.

**If someone in your household is 'substantially and permanently disabled' you may qualify for a reduction in the banding of your council tax bill.**

## Council tax discounts

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Council tax bills are always based on the assumption that there are at least two adults in the household. If there is only one adult in a property, 25 per cent is deducted from the bill. This is often known as the single person's discount. When deciding how many people live in a property, certain occupants can be ignored. A local authority will sometimes describe these people as being 'invisible' for council tax purposes.

The list of people classed as 'invisible' includes:

- children under 18 years of age
- young people of 18/19 years of age for whom Child Benefit is payable
- young people aged under 20 who have left education. This only applies if they left on or after 1 May. They can then be counted as 'invisible' until 31 October of that year
- full time students, most apprentices and trainees aged under 25
- anyone who has a 'severe mental impairment', for example learning difficulties or an autistic spectrum disorder that severely affects intelligence and social functioning. The person in question must also get a disability benefit like Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
- some live-in care workers providing care on behalf of a local authority or charity.

It also includes some carers providing at least 35 hours of care a week to someone who claims:

- Attendance Allowance at either rate (only the high rate in Scotland)
- Disability Living Allowance care component at the middle or high rate (only the high rate in Scotland)
- Personal Independence Payment daily living component at either rate (only the enhanced rate in Scotland), or
- the Armed Forces Independence Payment.

But you cannot be invisible as a carer if you are caring for a partner or your child under 18 years of age. See below for more information on this rule. This list is not exhaustive. For full details call our freephone helpline.

### **Can I be 'invisible' as a carer if I'm looking after a child in my family?**

In order to be invisible as a carer the general rule is that you must provide at least 35 hours of care a week to someone who lives with you and meet the criteria above.

But even where this applies, a parent who is looking after their child cannot be treated as 'invisible' if that child is under 18 years of age. This restriction on dependent children applies to someone who is the parent of a child, but not to other people caring for a child who lives with them, for example grandparents. A step-parent or someone who co-habits with a parent should also be able to argue that this restriction should not apply to them, so long as they have no parental rights in respect of the disabled child.

If you are the parent of a disabled child who is turning 18 and they live with you, make sure you get advice about whether this will mean you qualify for a discount in your council tax bill.

## How do I work out if I should get a discount?

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To work out whether you can get a discount you should first write down all of the people aged 18 years or over in your property. Cross out the name of anyone who falls under one of the groups that can be classed as 'invisible'.

If you are left with two or more names then no discount is possible. If you are left with one name you will get a 25 per cent discount. If all of the names are crossed out you will get a 50 per cent discount. Here are some examples:

### **Fatima and her two children**

Fatima is a single parent with two young children, one of whom is disabled. No one else lives in the property. Because there is only one adult in the property a 25 per cent discount applies.

### **Susan and her three children**

Susan is a single parent with three children. Her youngest son Tony (age 7) is severely disabled and qualifies for the middle rate DLA care component. Susan lives with her mum who helps her care for her disabled child.

Because Susan's mum spends at least 35 hours per week helping to care for her grandson she is 'invisible' as a carer. This leaves Susan as the only visible adult, so a 25 per cent discount should apply.

### **Liam, Marie and Sean**

Liam and Marie are living together as a couple. Sean (age 14), who is Marie's child from an earlier relationship, also stays with them. Sean qualifies for the highest rate DLA care component.

Since Liam is not Sean's parent he will be 'invisible' as a carer if he provides at least 35 hours care a week. With Marie as the only visible adult a 25 per cent discount will apply.

### **Sanjeev and Anil**

Sanjeev is a full-time carer for his son Anil who has just turned 18 years of age. Anil has a severe learning disability and gets the highest rate DLA care component. No-one else lives in the household and up to now Sanjeev has been getting a 25 per cent discount on his council tax bill as he was the only 'visible' adult in the house.

Anil is 'invisible' for council tax purposes because he has a severe learning disability. However, now that his son has turned 18 years of age, Sanjeev should also be 'invisible' as a carer. As everyone in the household is classed as 'invisible' a 50 per cent discount applies in this case.



*Call our freephone helpline for advice about this or any aspect of caring for your disabled child*

**0808 808 3555**

**helpline@contact.org.uk**

**www.contact.org.uk**

## Local council tax reduction schemes for people on a low income

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In April 2013 the government scrapped the national system of Council Tax Benefit. Instead, local authorities (and the Scottish Parliament and Welsh Assemblies) are now responsible for their own local means tested schemes to provide help with council tax bills. Help from a local scheme is known as a council tax reduction – this should not be confused with the separate disability reduction scheme mentioned earlier in this guide.

In Scotland there is a national council tax reduction scheme which replicates (or uses) the previous Council Tax Benefit rules. However, in England and Wales, each council has its own local scheme. This means that the amount of help a low income family receives towards council tax varies from area to area.

In England there are big differences between local schemes. Because of cuts in funding for council tax, the majority of local schemes in England are less generous than the council tax benefit they replaced. Under the previous council tax benefit rules, families on the lowest incomes did not have to pay any council tax. However, many English councils now have local schemes where no-one (except pensioners) receives a full rebate. This means that in those areas even the poorest families will pay some council tax.

The Welsh Assembly has provided extra funding with council tax that has allowed Welsh councils to follow the old council tax benefit rules more closely. Although there can still be some differences between schemes in Wales, these differences tend to be small.

Each year local authorities in England must review the local council tax reduction scheme in their area – this means that the rules that apply in your area can change over time. Check with your local authority for detailed information on the scheme in your area.

### **Are any groups protected from cuts in help with council tax?**

Pensioner households are protected from any cuts to help with council tax under local schemes. The reduction they receive is calculated in the same way as the previous council tax benefit rules. Since local councils are free to set their own rules, it is possible for them to also protect other groups from cuts – for example a local authority could decide to protect parents with a disabled child. Check with your local authority for details of any protected groups in your area.

### **Can I get extra help if a cut to the support I get with council tax leaves me in hardship?**

Many local authorities have set up a hardship fund providing discretionary payments to families facing difficulties paying their council tax. Contact your local authority for details of the hardship fund in your area. Even if your council says they do not have a hardship fund, arguably they will still be under an obligation to consider a request for extra financial help. All councils have a power to make discretionary payments if they feel it is appropriate in an individual case, so a blanket policy of never making such payments would be open to a legal challenge.

## **If another adult is living in my house will this affect the amount of help I get under my local council tax reduction scheme?**

This will depend on the scheme in your area. Each local authority in England must decide whether they will apply charges for an adult (other than your partner) living in your home, such as an adult son or daughter or an elderly relative. These people are called non-dependants and any charges for them will reduce the amount of council tax reduction you receive. Your local authority may apply charges if a non-dependant is working depending on the level of their wage, or has other income. Alternatively it may decide not to apply any charges for non-dependants at all. Check with your local authority for the rules on non-dependant deductions in your area. In the schemes that apply in Scotland and Wales deductions are made for non-dependants.

## **Applying for help with council tax**

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All of the schemes mentioned above are administered by your local authority. Each local authority will have its own claim forms. Some local authorities may have separate forms for each of the types of help available, others will use one standard form. Contact your local council tax office for details of how to apply in your area.

### **Can I ask for backdating?**

If you would have qualified for help had you made a claim earlier, you may be able to get help with your council tax bill backdated.

Each local authority will be responsible for deciding whether, for how long and on what grounds backdating is allowed under the local council tax reduction in their area.

However the rules governing both the council tax discount and the disability reduction place no specific restriction on the number of years that an award can be backdated. If you can show that you met the criteria in the past then you should ask for a discount or disability reduction to be awarded for the whole of that previous period. However, seek further advice if you live in England or Wales and are looking for more than six years' backdating. In a case known as *Arca v Carlisle Council*, the Valuation Tribunal for England found that in practice, backdating of a disability reduction is limited to six years as a result of the Limitation Act 1980. A subsequent Valuation Tribunal followed the same reasoning in a different case when it limited backdating of a discount to six years.

### **What can I do if I am unhappy with the amount of help I get towards council tax?**

If you think the decision on the amount of council tax you are being asked to pay is wrong you can appeal in writing to your local authority.

If your appeal is about a discount or a disability reduction and you are not happy with the outcome, you can then appeal to the Valuation Tribunal in England or Wales. In Scotland you can make a further appeal to your local authority, which should then be passed on to the local valuation appeal committee.

If your appeal is about a means tested council tax reduction, then see the details of the scheme in your area for information on how to appeal your decision. There may be strict time-scales for doing this. If you are not satisfied with the outcome of an appeal to the council you can then appeal to the Valuation Tribunal in England or Wales or the Council Tax Reduction Review Panel in Scotland.

## Frequently asked questions

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*If I am awarded Disability Living Allowance (DLA) for my child, will I have to pay more towards my council tax?*

Each council sets its own rules about what is taken into account as income in calculating a council tax reduction. However, we have not heard of any local scheme that treats DLA as income. Any local scheme that did so could be subject to a legal challenge as DLA is paid to help meet the extra costs of a disability – not to pay towards council tax.

In fact, an award of DLA or an increase to an existing award is more likely to mean that you are entitled to more help. This is because you should qualify for extra allowances in your calculation under the reduction scheme in your area. In some areas you may even be protected from council tax cuts if you have a child on DLA so it is important that you inform your council tax office.

*I work full time but have low earnings. Can I get help from my local council tax reduction scheme or do you need to be on certain state benefits in order to apply?*

You should be able to apply regardless of whether you work or not. The amount of any rebate will depend partly on your family circumstances and partly on your income (including earnings). The amount you are likely to get will vary depending on the local scheme in your area. Check with your local authority for more details.

*We only have one bathroom in our property and it has been adapted for my daughter who is disabled and needs a walk-in shower. Can I get a disability reduction on my council tax bill?*

No. Adaptations to your only bathroom would not help you to qualify. Your property would need to have an additional bathroom for your daughter.

*We have a toilet downstairs for our son as he has difficulty managing the stairs. Should we be getting a disability reduction for this?*

No. An additional toilet would not be sufficient. You would need to have an additional bathroom in order to qualify.

*My son uses a wheelchair indoors and has done so for the last four years. We only recently found out about the possibility of applying for a disability reduction in our council tax. This has now been awarded but my local authority says that it can only be backdated for a maximum of six months. Is this true?*

No, your local authority is mistaken. Your disability reduction should be backdated for the full four years, so long as you can show that your property met the qualifying rules during the whole of that period. The situation is more complex if you are looking for more than six years' backdating – see page 6 for more details.

My son has an autistic spectrum disorder and we use a spare bedroom as a therapeutic space free from the usual distractions, where he gets one-to-one tuition. But no physical adaptations have been made to the room and we wondered if we can still apply for a disability reduction?

It is worth applying. There is no requirement that a room be physically adapted. In deciding whether a disability reduction should apply in your case, the local authority need to consider the nature and extent of your son's disability and decide whether the use of the room in this way is of 'essential or of major importance' to your son's well-being. Also the room needs to be 'predominantly used' to meet your son's needs in this way rather than being used by your family for other purposes. There is also an expectation that the room must be an additional room and not the child's bedroom.

My husband and I look after our grandson who lives with us and who receives high rate Disability Living Allowance care component. I claim Carer's Allowance but my husband works. I have been told that despite the fact that we both provide more than 35 hours care to our grandson, only I can be classed as a carer for the purposes of a discount. Is this true?

No. There is no rule restricting the number of people in a household who can be 'invisible' as carers, so each carer in your household who meets the criteria should qualify. You also don't have to be getting Carer's Allowance. So long as your husband is providing at least 35 hours care to your grandson he should be treated as 'invisible' in calculating your council tax discount.

## Other useful booklets from Contact

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This guide is one of a series of free booklets for parents. Other guides include:

- *Special Educational needs in England - a series of factsheets explaining the SEND reforms*
- *Money Matters - a checklist when your child has additional needs*
- *A guide to claiming Disability Living Allowance for children*
- *Personal Independence Payment and other benefits at 16*
- *Relationships and caring for a disabled child*
- *Fathers*
- *Siblings*
- *Grandparents*
- *Living without a diagnosis*
- *Growing up, sex and relationships*
- *Holidays, play and leisure*
- *A guide to dealing with bullying*
- *Understanding your child's behaviour*

**i** A full list is available on request or can be downloaded from our website. Contact's information is free for parents who call our helpline, or can be downloaded from:

[www.contact.org.uk](http://www.contact.org.uk)

0808 808 3555



## Support Contact

From cake sales, to running marathons, or signing up to be a regular giver – there are many ways you can help us continue to provide information, advice and support to ALL families with disabled children in the UK. Find out more:

[www.contact.org.uk/fundraising](http://www.contact.org.uk/fundraising)

020 7608 8786

[fundraising@contact.org.uk](mailto:fundraising@contact.org.uk)

## Or why not get involved in our campaign work across the UK?

[www.contact.org.uk/influencing](http://www.contact.org.uk/influencing)

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### Free helpline for parents and families

Access to over 200 languages

 **0808 808 3555**

Open Mon–Fri, 9.30am–5pm

 [helpline@contact.org.uk](mailto:helpline@contact.org.uk)



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Written by Marian Gell

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