

## Claiming Severely Mentally Impaired Council Tax Reductions

The law states to qualify, someone must be medically certified as being 'severely mentally impaired' – defined as having "a severe impairment of intelligence and social functioning (however caused) which appears to be permanent".

This is a medical diagnosis in itself, but the underlying cause could be a condition such as [dementia](#) (including Alzheimer's), severe learning difficulties, or something else. It's important to note that having an underlying condition does not automatically mean a person is 'severely mentally impaired' (SMI).

If someone is diagnosed as SMI, they can be 'disregarded for council tax purposes' in England.

If you or someone you live with is diagnosed as SMI, this means you can claim:

1. A 100% discount – if you're diagnosed as SMI and live alone, you shouldn't be paying any council tax at all.
2. A 25% discount – if you live with someone who's SMI and no other adults, or only adults who have also been disregarded for council tax purposes, in effect you get a single person's discount. But when claiming, specify you require a discount because you are living with someone who is severely mentally impaired.

No discount applies if you are diagnosed as SMI but you live with two or more adults who are eligible to pay council tax. As there are two or more full council-tax paying adults, they are not eligible for the single person's council tax discount.

To qualify for the reduction, not only does the person have to be medically certified as being SMI, but they also must be eligible for .North Tyneside Council won't award SMI discount without the customer being in receipt of the qualifying disability benefit

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

In England and Wales you can also be eligible for:

- Disability working allowance (based on getting income support including disability premium)

- Universal credit (including an element for limited capability for work or limited capability for work and work-related activity)

The process for making a claim varies by area [Age UK North Tyneside's](#) Information & Advice team can support you to do this. **Tel: 0191 2808484 Option 1 or e mail [enquiries@ageuknorthtyneside.org.uk](mailto:enquiries@ageuknorthtyneside.org.uk)**

Should you prefer to do this yourself you should first get a claim form from [North Tyneside Council](#).

Then, you'll need a doctor's diagnosis. A registered medical practitioner must have diagnosed you as severely mentally impaired. In some cases you'll need to attach a written diagnosis to your claim – in others you just give your doctor's details and they'll be contacted for confirmation. To note GPs are not allowed to charge you for this certification.

Then fill the form in and send it off to North Tyneside Council. You may be asked to attach some supporting evidence, such as the doctor's diagnosis or evidence of eligibility for relevant benefits. Again our I&A team would be happy to offer advice and support. North Tyneside Council will definitely ask for medical evidence and they also ask for the GP to complete a questionnaire

### **Claiming for overpayment**

North Tyneside Council will backdate the amount to when the person had the diagnosis and were in receipt of the qualifying disability benefit. Most Local Authorities will only backdate up to 6yrs

Not all councils allow you to apply for a backdated discount.

You'll need to write to North Tyneside Council explaining your circumstances. You'll need to do this separately, even if you're claiming for a reduction in future as well, though you can attach your rebate letter to the claim form.

You don't need to explain why you didn't apply for a reduction earlier. But you will need to prove the criteria for a discount applied at the relevant time in the past.

It's worth noting that different councils seem to have varying interpretations of the reclaim process, but the most common way of calculating when the reclaim should be backdated to seems to be based on when the person who is 'SMI' first started receiving a qualifying benefit.

If you lived with someone who's 'SMI' and who's since died, you may still be able to claim. You may be able to get a rebate on payments for the period when the person who was impaired lived with you. The process is the same, so you'll still need proof of the person's condition, such as a doctor's letter.

### **Appealing a decision**

If the council has rejected your application for the SMI discount, but you believe its decision was wrong and that you are eligible, then there is an appeals process.

Note any relevant timescales before you appeal, because if you leave it too late then you will probably have to start the entire SMI application process again.

If the council rejects your SMI application but you disagree with its decision, you should first appeal directly to the council itself. The council will have two months to issue its final response.

Should the council continue to disagree, you can then take your case to the Valuation Tribunal Service (this must be done within two months of the council's final response).

If the council doesn't respond to your initial appeal within two months, you can automatically take your case to the [Valuation Tribunal Service](#). However, this must be done within four months of sending the initial appeal.

If you or someone you care for is living with dementia Age UK North Tyneside's [Dementia Connections](#) team can provide practical and emotional support. **Tel: 0191 2877014**. This might include advice from our team of [Admiral Nurses](#) or activities and peer support groups all based in North Tyneside.