

## **SEVERELY MENTALLY IMPAIRED GUIDANCE**

### **FOR USE BY A REGISTERED MEDICAL PRACTITIONER**

**(Please ensure that these notes are passed to your doctor with your application).**

### **LOCAL GOVERNMENT FINANCE ACT 1992: COUNCIL TAX DISCOUNT FOR PEOPLE WITH SEVERE MENTAL IMPAIRMENT**

#### **SUMMARY**

- This letter provides information and guidance for doctors in dealing with requests from people seeking a discount of the council tax on grounds of severe mental impairment. Such people may receive special treatment in determining both the size of the council tax bill and the identity of the person who is liable to pay it.
- The definition of severe mental impairment and requirement for free certification has not changed from that under community charge arrangements.

#### **DEFINITION OF SEVERE MENTAL IMPAIRMENT AND CONDITIONS FOR DISCOUNT**

- For the purposes of the Act a person is severely mentally impaired “if he has a severe impairment of intelligence and social functioning (however caused) which appears to be permanent”. This definition applies only for the purposes of the Local Government Finance Act 1992. The definition is not the same as the definition of “severe mental impairment” in the Mental Health Act 1983.
- A severely mentally impaired person will still satisfy the conditions for a discount from the council tax (and may be absolved of liability of the council tax) where:
  - I. he is severely mentally impaired as defined above: and
  - II. he satisfies at least one of a number of benefit conditions and
  - III. he is stated to be severely mentally impaired in a certificate provided by a registered medical practitioner
- In making a judgment on whether someone is severely mentally impaired it may be helpful for doctors to know the reason for discount from the council tax. The aim of the council tax is to give taxpayers a direct stake in the spending decisions of local authorities. Clearly this kind of accountability is much less successful in the case of a person who is severely mentally impaired to such an extent that he or she does not have an understanding of local issues.
- Doctors may wish to be aware that being classified as severely mentally impaired for the purpose of the Local Government Finance Act 1992 does not affect the right to vote or to be included in the electoral register which has different qualifying criteria.

## PROCEDURE FOR CLAIMING COUNCIL TAX DISCOUNT

- When a local authority has been notified of a possible claim on behalf of a person with severe mental impairment (referred to as the applicant) the local authority will give or send an application to the applicant or person acting on his behalf together with the local authority's certificate for completion. The applicant or person acting on his behalf should complete the form and pass it on to the applicant's medical practitioner. The application form requests:
  - a. evidence of the applicants entitlement to one of the qualifying benefits (or evidence that he was receiving a benefit which ceased to be paid by reason of his reaching pensionable age);
  - b. the name of the applicant's general practitioner or other registered medical practitioner with knowledge of the applicant:

Where a doctor is satisfied that an applicant is severely mentally impaired, he should complete the certificate and send it to the local authority direct, together with the completed application form and any documents relating to the applicants entitlement to benefits that are presented to him by the person acting on behalf of the applicant. The doctor may retain a copy of the certificate.

Discount from the council tax is expected to be a lifetime discount. The severely mentally impaired person or his representative may be required to present a copy of the certificate to the local authority in a different area should he move at a later date.

## MEDICAL CERTIFICATE

- Doctors should note that the decision as to whether a person is severely mentally impaired is not consequent on any specific diagnosis. A person is severely mentally impaired if he has a severe impairment of intelligence and social functioning however caused which appears to be permanent. A decision about the presence of severe mental impairment will, in all cases, depend on the doctor's clinical judgment as to whether the applicant meets these criteria.
- If a doctor is uncertain whether an applicant's intelligence and social functioning are such as to constitute severe mental impairment he may wish to seek information and advice from the appropriate medical colleagues or from colleagues in other professions, or from carers, who may be able to help with information based on their knowledge of the applicant.
- If, after such consultation, a doctor is still uncertain as to whether the applicant is severely mentally impaired he or she should not sign the certificate.

## PROCEDURE WHERE NO CERTIFICATE IS ISSUED

- Where a doctor is unable to issue a certificate, it is important that he should return it, together with the application for discount and any documents relating to the applicant's entitlement to benefits to the local authority. In that event the local authority will return the document to the applicant or his representative who may choose to nominate another doctor who may have knowledge of the patient.

## CHARGING FOR THE CERTIFICATE

- The General Medical Services Committee of the BMA has agreed that for the purpose of the Act medical certificates should be issued without charge to the applicant or his representative see Schedule 9 of the NHS (General Medical Services) Regulations 1992 with effect from 1 April 1993.

## APPEALS

- The person liable for the council tax has a right of appeal against the calculation of his or her bill. This includes appeals about non-application of discounts. The first step is the making of representations to the local authority: there is no time limit on making of such representations. In considering the representations, the authority may seek further information from the doctor. If the authority does not reverse its decision, or the person is dissatisfied with steps taken by the authority, or the authority does not notify the person of its decision within two months, there is a further right of appeal to an independent Valuation Tribunal.

## HOSPITAL DOCTORS

- It is expected that most applications for discount will name the applicant's general medical practitioner as the doctor to be requested to complete the medical certificate if he has sufficient knowledge of the applicant to enable him to do so. Some applications may, however, give the name of a hospital doctor and in these circumstances it will be for a hospital doctor to complete the medical certificate as appropriate and send it, along with the application and any evidence of qualifying benefits to the local authority concerned.