

Petitioner submission of 3 May 2022

PE1976/E – Backdate council tax discounts for dementia to the date of GP certification.

With reference to PE1976/D: Scottish Government submission of 20 April 2023 I would make the following comments:-

PE1976 requests that Council Tax SMI disregards, both discounts and exemptions be backdated to the date of GP certification once both criteria i.e. eligibility has been met.

The Scottish Government submission PE1976/D instructs officials to work with COSLA to try to encourage all 32 Scottish local authorities to adopt a common approach to administering this disregard.

The Freedom of Information request I undertook in January 2020 indicated that 10 Scottish councils backdated SMI disregards to the date of GP certification.

My High Court appeal in December 2020 established that the present laws allow councils to wait until both, GP certification and the Qualifying Benefit are received.

I repeated the Freedom of Information request in January 2023 which indicates that only one Scottish council (South Ayrshire Council) presently backdate SMI disregards to the date of GP certification.

Thus over the past 2 years, 31 out of the 32 Scottish local authorities have already adopted a common approach to administering SMI disregard.

I appeal to the Scottish Ministers through the Joint Working Group to consider meaningful changes both in the short term and long term, to change the law in Scotland such that once the state benefit and thus eligibility has been met then Council Tax disregards for the people of Scotland with Severe Mental Impairment have their disregards started from the date of GP certification.