

Policy 39 - Treatment of Capital

Version: 6
Last Amended: 21 July 2025
Next Review: 31 March 2026

1. Background

To be eligible for ILF Scotland funding, recipients must not have capital exceeding £35,500. This is in line with the thresholds used by Health and Social Care Partnerships (HSCP) in Scotland for residential care charging.

For those first accessing awards from 1 April 2024 this policy does not apply.

2. Definition of Capital

The ILF Scotland definition of capital includes:

- savings
- one-off lump sum payments
- investments (not including annuity payments which are regarded as income)
- property / land (apart from the home a user / applicant lives in)

3. Policy

Recipients with capital above £35,500 will not be eligible for ILF Scotland funding.

4. Disregard of Capital

4.1 Benefits

ILF Scotland disregard the capital of people claiming the following benefits:

- Income Support
- Income based Jobseeker's Allowance
- Income based Employment and Support Allowance
- Pension Guarantee Credit

Department for Work and Pensions (DWP) conditions for receipt of these benefits is sufficient to confirm capital limit eligibility for an ILF Scotland Fund award.

4.2 Capital set aside for impending disability-related purchases

ILF Scotland can disregard the value of capital set aside specifically for impending disability related purchases, which could include, for example, equipment or home adaptations. In these circumstances, ILF Scotland will arrange for one of its Assessors to visit the recipient and will ask to see evidence of the planned expenditure.

4.3 Vaccine Damage Payments

Any capital a recipient or applicant receives as a result of being awarded a Vaccine Damage payment is disregarded in full, whether held in a trust fund or not.

5. Deprivation of Capital

ILF Scotland will consider a recipient as having capital where they have purposely deprived themselves of capital in order to receive or continue to receive money from ILF Scotland.

6. Capital Held in Trust

Recipients may:

- be a beneficiary under a trust fund
- have funds administered through the Public Guardian (Scotland) or the Office of Care and Protection (N Ireland)
- receive payments from the Thalidomide Trust

We refer to all of these as Trust Funds. The capital from a Trust Fund may affect someone's eligibility for ILF Scotland funding. If relevant capital held in a trust fund exceeds £35,500 there will be no eligibility for ILF Scotland funding.

ILF Scotland will consider the implications of trust funds on ILF Scotland funding on a discretionary and case by case basis.

ILF Scotland Assessors or Specialist Caseworkers can refer decisions, as required, to its Management Team.

7. History Review

Version 1: 1 July 2015

Version 2: 1 October 2018

Version 3: 1 June 2022

Version 4: 31 March 2024

Version 5: 7 June 2024

Version 6: 21 July 2025