



Mr Charles Ellinson

By email to: request-1138146-ed9c4f79@whatdotheyknow.com

20 June 2024

Dear Mr Ellinson,

Freedom of Information Request Reference FOI-1515417

Thank you for your request dated 10 June to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC does not hold the information you have requested.

Your request has been answered in two parts.

Income and requirements calculations:

DHSC does not hold information you have requested on the calculations used in the NHS Low Income Scheme (LIS) application.

We have additional information which we are providing to you on a discretionary basis. This is outside the scope of the FOIA and not subject to internal review.

The NHS Business Services Authority (BSA) administers the NHS LIS and is legally required to assess applications for entitlement to help with health costs in accordance with the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 ('the 2003 Regulations') as amended. These regulations state that when assessing the resources or requirements of a claimant for the purposes of entitlement to help with health costs, the calculations must be done in accordance with the Income Support (General) Regulations 1987 as modified by the 2003 Regulations. These modifications are set out in Schedule 1 to the 2003 Regulations. These Regulations are available on legislation.gov.uk. Please see the links below.

[The National Health Service \(Travel Expenses and Remission of Charges\) Regulations 2003 \(legislation.gov.uk\)](http://legislation.gov.uk/uk/2003/11/1/1)

[The Income Support \(General\) Regulations 1987 \(legislation.gov.uk\)](http://legislation.gov.uk/uk/1987/11/1/1)

Plans for amendments to be made to the regulations:

DHSC does not hold any information on plans to amend the 2003 Regulations that provide for the NHS LIS. DHSC will review any priorities for progressing work in the area of

prescription charges and exemptions after the outcome of the general election in July 2024.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

Dear Department of Health and Social Care,

Following the rollout of Universal Credit, some of the rules surrounding the assessment of claims to the NHS Low Income Scheme (for those not automatically entitled via their UC claim) would seem to require amending.

In particular, the entire UC award is taken into account as 'income' (including the child element and childcare element of UC), whereas the 'requirements' calculation does not include any corresponding amounts.

By comparison, under the tax credits system, Child Tax Credit, and the childcare element of Working Tax Credit were excluded from the 'income' calculation. It was therefore logical for such costs to also be excluded from the 'requirements' calculation.

It would therefore seem equitable for the rules to be amended to EITHER reduce the amount of the UC award taken into account as 'income' OR to include amounts for children and childcare in the 'requirements' calculation.

While many UC claimants will be 'passported' to full help with their health costs due to the level of their income, this does not cover everyone. In particular, those with high housing costs will often miss out.

Please can you release any documents/information held by the Department regarding this issue, and whether there are any plans for amendments to be made to the regulations.

(Please note: this request was originally made to NHSBSA, who advised to ask the DHSC.)