



Department for

Communities

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Local Government Circular 23/2016

Consolidated Guidance on Councillors' Allowances for District Councils in Northern Ireland

**Department for Communities
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1. Introduction

This guidance is issued under Section 31(5) of the Local Government Finance Act (Northern Ireland) 2011. This is the first consolidated version of the guidance on councillors' allowances which is based on the February 2015 guidance and Local Government Circular 4/2015, incorporating all addenda.

This guidance supplements the consolidated circular on councillor allowances. At the time of issuing this guidance the current consolidated circular on councillor allowances is Local Government Circular 14/2016 which was issued on 6th July 2016. [Link to Local Government Circular 14/2016](#) or the circular can be found under local government circulars within www.communities-ni.gov.uk

In setting the maximum level of allowances and producing this guidance the recommendations of the independent Councillors' Remuneration Panel of 1 November 2013, which considered councillors allowances post the Reform of Local Government, have been taken into consideration.

2. Details of Allowances Payable to Councillors

Allowances are payable by councils to councillors and committee members under Part 3 of the Local Government Finance Act (Northern Ireland) 2011 and the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012. Throughout this guidance the Act will be referred to as the 2011 Act and the Regulations as the 2012 Regulations. The definitions provided in the legislation carry forward to this guidance.

The main allowances which may be payable to a councillor are:

- Basic Allowance;
- Special Responsibility Allowance (SRA);
- Chairperson/Vice Chairperson Allowance;
- Dependants' Carers' Allowance (standard/specialised care rates);
and
- Travel and Subsistence Allowance (also payable to committee members).

3. Scheme of Allowances

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulations 3 & 11 of the 2012 Regulations
<ul style="list-style-type: none">• Each council must have a scheme for the payment of all allowances it makes to councillors each year; travel & subsistence rates also apply to committee members
<ul style="list-style-type: none">• Scheme must be agreed and commenced prior to payment of any allowances
<ul style="list-style-type: none">• The Scheme must be published as soon as practicable on the council's website

- i. The 2012 Regulations provide that each council must have in place a scheme for the payment of any allowance it intends to make to its councillors or committee members in respect of each year.
- ii. Before a scheme becomes effective, a council must approve the contents and the commencement date. Payments to councillors should not be made in advance of the scheme approval and commencement date. A scheme can be amended or revoked at any time but there must be no intervening period of time between one scheme ending and a further scheme commencing.
- iii. The council should as soon as practicable publish the approved scheme on the council's website, and make any other arrangements for publishing the scheme it considers appropriate.
- iv. For councils ease a generic scheme template is attached at Annex A, although it is not compulsory to use this layout.

4. Basic Allowance

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulation 4 of the 2012 Regulations
<ul style="list-style-type: none">• Basic allowance should be the same for each councillor and is intended to cover incidental and consumable costs incurred by councillors

- i. The 2012 Regulations provide that a council must make provision in its scheme of allowances for a basic allowance, with the same rate applicable to each councillor. Where applicable this is payable on a pro-rata basis.
- ii. Each council must determine the amount of basic allowance it will pay, which must be within the maximum rate set by the Department.
- iii. No council may pay more than one basic allowance to a councillor.
- iv. Basic allowance is intended to recognise all the time commitment of councillors, including such inevitable calls on their time as meetings with council officers and constituents.
- v. The basic allowance includes an element for incidental and consumable costs incurred by councillors in their official capacity, such as the use of their homes, office consumables and the cost of landline and mobile phone calls. In 2015/16 the basic allowance was increased by £1,000 to cover these incidental/ consumable costs and each year this amount is uplifted in line with the increase applied to the basic allowance.

- vi. Aside from an IT connectivity package which includes telephone calls councils should not cover the cost of councillor telephone calls.
- vii. On request, councils have discretion to provide councillors with 1 black ink cartridge per year.
- viii. Where councils have provided portable IT readable devices they should not provide councillors with hard copies of electronic documents.
- ix. It is for the council to decide at what intervals payment of basic allowance should be made. The Department suggests payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.

5. Special Responsibility Allowance (SRA)

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulation 5 of the 2012 Regulations
<ul style="list-style-type: none">• Subject to a total maximum rate determined by size of council population
<ul style="list-style-type: none">• Subject to maximum individual SRA councillor payment of $\frac{1}{5}$th of council maximum SRA amount
<ul style="list-style-type: none">• Restricted to 50% of councillors in council
<ul style="list-style-type: none">• Restricted to one SRA per councillor

- i. A council may make provision in its scheme for the payments of SRAs. A SRA is in addition to the basic allowance.
- ii. A councillor can only receive one SRA.
- iii. As elected representatives, councillors are expected to undertake responsibilities in the course of their duties which may include representation on a number of external bodies. SRA should only be paid to those councillors who have significant additional responsibilities, over and above the generally accepted duties of a councillor.
- iv. The amount a council may spend on SRA is subject to a maximum rate as determined by the Department, banded by the size of the council population. Each council's population figures are updated each year by the Northern Ireland Statistics and Research Agency and it is the duty of each council to operate within the total maximum rate appropriate to its population band.
- v. The population banded maximum rates for SRA are stated in the consolidated Local Government Circular on Councillor Allowances.

A web link to that circular is provided at the start of this guidance document.

- vi. Payment of SRA is limited to 50% of a council's councillors; based on the total number of seats on a council. Where this results in a fraction the figure may be rounded up to the next whole number.

Total Number of Seats in Council	Maximum Number of SRA Allowances Payable
40	20
41	21
60	30

- vii. In exceptional circumstances a council can apply to the Department for flexibility in this 50% restriction. This will not affect the maximum amount of SRA available to a council, only its distribution among the councillors of that council. In order for the Department to make a decision the council would need to submit all relevant information which should include:

- reasons for wishing to distribute SRA allocation to more than half the council;
- the period involved;
- details of the additional number of councillors to receive SRA; and
- the resulting percentage of councillors to receive SRA.

- viii. Payment of SRA to an individual councillor is limited to $\frac{1}{5}$ th of the SRA maximum rate applicable for that council.

- ix. It is a matter for each council to decide which significant additional responsibilities attract SRA. The special responsibility and associated SRA rate payable must be clearly stated in the scheme.
- x. Councils should consider, very carefully, the additional roles of councillors and the significance of those roles, both in terms of responsibility and time commitment, before deciding which will warrant the payment of an SRA.
- xi. To achieve consistency in SRA levels, where councillors from different councils will be part of a body for which a SRA is considered applicable, the councils involved may wish to discuss the appropriate remuneration level, e.g. involvement with individual local government organisations or joint committees. In certain circumstances the body concerned may wish to provide a steer.
- xii. It is for each council to decide the SRA payment intervals. The Department would suggest payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.
- xiii. A council may wish to retain a portion of its SRA allocation to allocate later in the year; as unpredicted responsibilities may arise during the year.
- xiv. Where applicable a SRA should be paid on a pro-rata basis.

6. Chairperson/Vice Chairperson Allowances

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Section 32 of the Finance Act<ul style="list-style-type: none">○ Chairperson/Vice Chairperson Allowances are completely separate from Special Responsibility Allowance (SRA) arrangements

- i. Section 32 of the Finance Act provides that a council may pay to the chairperson and vice chairperson of the council such allowances as it considers reasonable to meet the expenses of those offices.
- ii. Where the district of a council has been designated as a borough, the chairperson and the vice chairperson are known as the mayor and deputy mayor of the borough.
- iii. The Department advises that any Chairperson/Vice Chairperson Allowance should be considered totally separate from SRA arrangements. Further, these allowances should not be taken into account when considering SRA limits. This follows the policy intent of the primary legislation in Section 32.
- iv. The Department advises that any Travel & Subsistence expenses for these offices/roles should be viewed and treated as normal Section 31 expenses.
- v. The template of councillor allowances return, as issued by the Department at the end of each financial year for councils to complete and publish, records details of these allowances thus providing transparency of the amount councillors receive for carrying out these roles.

- vi. The councillor allowances return records the Chairperson/Vice Chairperson Allowance separate from SRA.
- vii. Section 6 and Part 3 of Schedule 1 of the Local Government (Northern Ireland) 2014 Act means that it will be unusual for a councillor receiving a Chairperson/Vice Chairperson Allowance to also be in receipt of a SRA. However this may occur if the Chairperson/Vice Chairperson is a member of a committee where all members of the committee attract a SRA rather than just the Chair of the committee.
- viii. Where applicable a Chairperson/Vice Chairperson Allowance should be paid on a pro-rata basis.

7. Dependants' Carers' Allowance

At a glance - Key information
• Legislation – Regulation 6 of the 2012 Regulations
• Open to all councillors who are the main carer of a dependant
• Subject to a maximum rate per hour of care
• Subject to a maximum amount payable per month
• Claims must be made within 3 months

- i. Each council may make provision in its scheme of allowances for the payment of a Dependants' Carers' Allowance ("DCA"). This is an allowance open to all councillors who are the main carers of a dependant where care is required to enable the councillor to perform an approved duty.
- ii. The allowance may only be paid for a dependant who requires full-time care and who resides with the councillor as part of that household.
- iii. A dependant is defined as:
 - a child under 16 years old;
 - a child 16 years old or more, where there is medical or social work evidence that full-time care is required;
 - an adult with a recognised physical or mental disability where there is medical or social work evidence that full-time care is required; or
 - an elderly relative requiring full-time care.
- iv. For the purposes of this allowance, a carer is defined as a responsible person over 16 years old who does not normally live with the councillor as part of that household; and is not a parent/guardian of the dependant child.

- v. A specialist carer is defined as a qualified person who is needed where it is essential to have professional assistance. In these circumstances a receipt must be attached to the claim.
- vi. The Department determines maximum hourly rates of DCA for both standard care and specialised care. The rate for standard care is based on the hourly national living wage for age 25 or over, and the rate for specialised care is double the rate for standard care. In addition the Department sets maximum monthly amounts for standard care and specialised care, capped at the equivalent of 52 hours per month.
- vii. It is not intended that DCA will reflect the actual costs that may be incurred by a councillor, but will provide a reasonable amount towards the care of dependants.
- viii. Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA rate is payable even if there are 2 or more children/ dependants being cared for.
- ix. Councils should ensure that they have a robust system in place for councillors to claim the relevant DCA applicable to their circumstances. Councillors wishing to claim DCA should be asked to complete a claim form and sign a declaration. Annex B provides suggested template forms for claiming DCA standard / specialised care.
- x. The process should include flexibility to allow for care for the period of essential travel time, councillors may claim for a period starting

up to a maximum of one hour before the approved duty starts and ending up to one hour after it finishes. In exceptional cases, with the prior approval of the council, a greater travel time may be considered.

- xi. Councillors must disclose any financial support provided under DCA when applying for other care services offered by another public body.
- xii. Councils are encouraged to provide councillors with information as to where they might access advice on caring facilities and services. Councils should also review whether their family-friendly policies and practices cater for the needs of councillors, as well as staff.
- xiii. Councils must ensure they have a robust system in place for DCA claims which must be submitted within three months. In exceptional circumstances a council has discretion to consider claims outside this period.

8. Travel And Subsistence Allowances; Expenses for Official and Courtesy Visits etc; Expenses Incurred in Attending Meetings and Conferences

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulation 7 the 2012 Regulations; Sections 31,33 & 34 of the Finance Act
<ul style="list-style-type: none">• Travel and subsistence rates are determined by the council
<ul style="list-style-type: none">• Claims must be made within 3 months

- i. Each council may make provision in its scheme of allowances for the payment of travel allowance and subsistence allowance; within the maximum rates as determined by the Department. These are open to all councillors and committee members who incur expenditure for travel and subsistence in relation to any approved duties.
- ii. The consolidated Local Government circular 14/2016 states the maximum rates of travel and subsistence. The subsistence rates were set in 2006 and there is flexibility for councils to increase those 2006 rates where necessary by applying a suitable price inflation measure.
- iii. The maximum rates of travel and subsistence are determined by the Department following consultation with the Northern Ireland Joint Council for Local Government Services.
- iv. The rate claimed for travel by public transport should be at economy/2nd class. It is at a council's discretion to reimburse for seat reservation where considered necessary.

- v. Where no public transport is available, or where the council deems it applicable, a councillor or committee member may be reimbursed the receipted cost of travel by taxi. Where a councillor or committee member travels by taxi in preference to public transport the amount reimbursed will be limited to what would have been the cost of the equivalent public transport.
- vi. Where the council deems a hired car is necessary a councillor or committee member may be reimbursed the receipted cost of the hired car along with the applicable mileage rate.
- vii. Where the council deems air travel is necessary the cost of the air travel inclusive of reasonable luggage allowance and seat allocation may be reimbursed.
- viii. Councils must ensure they have a robust receipted system in place for any travel or subsistence allowance claims other than mileage-based or overseas rate claims.
- ix. All claims for travel or subsistence should be submitted within three months. In exceptional circumstances a council has discretion to consider claims outside this period.
- x. The amount claimed for travel or subsistence must not exceed the actual amount paid. A claim for subsistence should not be made where a relevant meal has been provided free of charge.

- xi. The rates paid for travel by car must not exceed the amount that would result from using an alternative mode of transport; e.g. public transport or air fare, unless previously agreed by the council.
- xii. In addition to the mileage rate for car travel a councillor or committee member may claim the passenger rate for each passenger who is on council business.
- xiii. In submitting the claim the claimant is declaring that no other body will be covering, part or all, of the costs claimed.
- xiv. Where the mode of transport limits availability of meal options, such as via airplane or train, the reasonable cost of a meal taken, including VAT, may be reimbursed in full. This is in place of the relevant meal allowance.
- xv. It is at the discretion of the council to cover expenditure incurred by councillors in making or receiving official/ courtesy visits or attending conferences, on behalf of the council, which are outside of the standard travel and subsistence arrangements. This type of expenditure may arise due to hosting guests to the council, or representing the council at an event or attending a conference. However, where applicable the rates and rules for general travel and subsistence should be followed.
- xvi. For subsistence outside the British Isles, it is recommended that councils adopt the Overseas Subsistence Rates produced by Her Majesty's Revenue & Customs (HMRC). Where these rates are applied receipts are not necessary. However, all other restrictions outlined in this section still apply.

[Link to HMRC overseas travel rates](https://www.gov.uk/government/publications/scale-rate-expenses-payments-employee-travelling-outside-the-uk) which can be accessed via
<https://www.gov.uk/government/publications/scale-rate-expenses-payments-employee-travelling-outside-the-uk>

9. Councillors' Support Services

- i. The Basic Allowance was increased in April 2015, in part, to cover office consumables and incidental costs incurred by councillors in their official capacity.
- ii. It is for each council to decide if it should provide councillors with:
 - (a) any IT or mobile hardware, such as laptops or printers;
and/or
 - (b) broadband and mobile data, or cover all or part of the cost of these services;
as required to carry out council duties.
- iii. A decision to provide or cover any of these costs must be supported by a robust business case.
- iv. Whilst the Basic Allowance is intended to cover the cost of landline and mobile telephone calls, where telephone calls, required for council business, form an integral part of a council's broadband and mobile data communications package these can be provided by the council.
- v. It is for each council to decide on the level of support services that it provides such as general secretarial services, council business cards and headed paper. However, councils should not provide councillors with hard copies of electronic documents where the council has provided an IT portable readable device.

10. Renunciations

Councillors may, if they wish, renounce their entitlement to basic, chairperson, vice chairperson or special responsibility allowances. They can do this by writing to the Chief Executive. A councillor can subsequently withdraw the renunciation. They can also amend a renunciation (for example, to limit it to one kind of allowance only). The withdrawal or amendment cannot have retrospective effect.

11. Councillors' Pensions And Tax Implications

It is for councils and councillors to satisfy themselves that their tax, pension and insurance arrangements are in order; where necessary consulting with advisers as required. When issuing this circular useful information on treatment of tax for councillors could be found at Her Majesty's Revenue and Customs website: [Link to HMRC website](#) or accessed via <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim65900>.

12. Publication of Allowances Paid to Councillors

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulation 11 the 2012 Regulations• Generic template for publishing details of allowances paid

- Legislation – Regulation 11 the 2012 Regulations

- Generic template for publishing details of allowances paid

- i. As soon as possible after the end of a financial year, and before 30 June, a council must arrange for the amounts of basic allowance, SRA, Chairperson/Vice Chairperson allowance and dependants' carers' allowance it has paid to each councillor, and the amounts of travel and subsistence allowances paid to each councillor and committee member, to be published on its website.

- ii. Each year the Department will provide councils with a template for completion to publish details of allowances paid to councillors. This must be adhered to. This generic approach aids transparency and allows for comparisons to be made between councils. A template for completion and instructions will be issued towards the end of each financial year and will be available on the Department for Communities website www.communities-ni.gov.uk.

13. Increases to Allowance Rates

- i. The amount of the maximum basic allowance (inclusive of the incidental/ consumables element), SRAs and Chairperson/Vice Chairperson allowances will be updated in line with pay increases for council officers.

- ii. The amount of Dependants' Carer's Allowance will be updated in line with the national living wage for those aged 25 year and over.

14. Administration

Councils should retain, for their own records, the bank detail instructions from each councillor and committee member on where their allowances are to be paid.

15. Amendments to Regulations

A revised set of Regulations, which will replace the 2012 Regulations, has recently been consulted on. It is anticipated these new Regulations will be made early in 2017. This guidance will be updated to reflect the new Regulations in due course.

[NAME OF COUNCIL]

[Council to complete/consider colour font]

SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS

This Scheme is made under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2016.

1. Definitions

In this scheme 'approved duty' and committee member are as defined in the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2016.

2. Commencement Date

This scheme of allowances shall be operational from 1 April 2016.

3. Basic Allowance

An annual basic allowance of (amount) shall be paid to each councillor. Where applicable this will be paid pro-rata.

4. Special Responsibility Allowance

- 4.1. A special responsibility allowance shall be paid to those councillors who hold the special responsibilities specified in Schedule 1.
- 4.2. The amount of allowance shall be the amount specified against that special responsibility in the Schedule. The allowance is only payable whilst the councillor is carrying out that duty.

4.3. At any time, only one special responsibility allowance will be paid to a councillor.

4.4. Where applicable any special responsibility allowances will be paid pro-rata.

5. Chairperson/Vice Chairperson Allowance

5.1. An allowance of (amount) will be payable to the Chairperson/Mayor of the council. Where applicable this allowance will be paid pro-rata.

5.2. An allowance of (amount) will be payable to the Vice Chairperson/Mayor of the council. Where applicable this allowance will be paid pro-rata.

6. Dependants' Carers' Allowance

6.1. Councillors are entitled to claim a dependants' carers' allowance towards reimbursement of actual reasonable costs necessarily incurred in providing care for an eligible dependant, while carrying out an approved duty.

6.2. A dependants' carers' allowance shall be payable based upon actual receipted costs or at the appropriate hourly rate, whichever is the lower; up to the monthly maximum.

6.3. The hourly rate of dependants' carers' allowance for standard care shall be (amount), and for specialised care (amount). The monthly maximum for standard care payable is (amount), and the monthly maximum for specialised care is (amount).

Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA rate is payable even if there are 2 or more children/ dependants being cared for.

7. Travel and Subsistence Allowances

7.1. A councillor or committee member shall be entitled to claim travel and subsistence allowances where expenditure on travelling or subsistence has been necessarily incurred. The amount claimed should not exceed expense incurred.

7.2. The rates of travel allowance for travel by private vehicle shall be as shown in the table below. [Where council rates are set below maximum, or maximum increased, these figures should be amended.]

Type of Vehicle	Rate per Mile
A pedal cycle	20.0p
A solo motor cycle of cylinder capacity not exceeding 149cc	11.4p
A solo motor cycle of cylinder capacity exceeding 149cc but not exceeding 499cc	16.5p
A solo motor cycle of cylinder capacity exceeding 499cc or a motor cycle with side car	22.0p
A motor car of cylinder capacity not exceeding 450cc	22.0p
A motor car of cylinder capacity exceeding 450cc but not exceeding 999cc	46.9p *13.7p
A motor car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	52.2p *14.4p

A motor car of cylinder capacity exceeding 1,199cc	65.0p *16.4p
An electric car	45.0p **25.0p
Passenger rate	5.0p

*For mileage above 8,500 miles

**For mileage above 10,000 miles

7.3. The rates of subsistence shall be as shown in the table below.

[Where councils have increased the set rates due to insufficiency, or where the default set rates have increased, the council rates should be input]

PERIOD/MEAL	RATES	
	British Isles £	London £
Accommodation allowance - An absence involving an overnight stay, away from the normal place of residence. This rate does not include any meal allowance.	100.70	122.45
Breakfast allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period before 11 am)	11.50	
Lunch allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 12 noon and 2pm)	13.50	
Tea allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 3pm and 6pm)	4.70	

Evening meal allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period ending after 7pm)	20.95
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8. General

- 8.1. This scheme may be revoked or amended at any time.
- 8.2. The amounts stated in paragraphs 3-5 will be subject to any indexing increase during the year. [Where councils do not wish this to automatically be the case this wording should be amended/removed].
- 8.3. The amounts stated in paragraph 6 will be subject to any increase to the national living wage for age 25+. [Where councils do not wish this to automatically be the case this wording should be removed].

9. Claims and Payment

- 9.1. Payments regarding basic allowance and special responsibility allowance shall be made (insert frequency, for example monthly).
- 9.2. Claims for dependants' carers' allowance, travelling allowance or subsistence allowance should be made in writing within three months, and should be accompanied by receipts, where appropriate.

SCHEDULE 1 to the Scheme of Allowances

The following table provides details of the council's duties which attract a Special Responsibility Allowance and the associated allowance amount.

Special Responsibility	Special Responsibility Allowance Rate (£)
Insert the role and details of the significant additional responsibility that is over and above the generally accepted duties of a councillor	Insert amount attached to this special responsibility

DEPENDANTS' CARERS' ALLOWANCE
(SAMPLE) CLAIM FORM – STANDARD CARE

Date care provided:

Approved duty covered:

(expand as necessary)

.....

Time from Time to

Total travel time within above hours

Total hours:

Cost per hour: £..... Total amount paid: £.....

Total amount claimed £.....

(Claim amount is subject to agreed travel time, hourly and monthly rate limits)

Name of dependant(s):

Relationship(s) to councillor:

Name of carer:

National Insurance Number of Carer

Declaration:

I declare that the above named provided a childcare/carers service to me as detailed above, in order that I could perform the approved duty stated.

Name of claimant:

Signature of claimant:

Date of claim:

NB – A claim form should be completed and submitted for each relevant occurrence of approved duty -

DEPENDANTS' CARERS' ALLOWANCE
(SAMPLE) CLAIM FORM – SPECIALISED CARE

Date care provided:

Approved duty covered:

(expand as necessary)
.....

Time from Time to

Total travel time within above hours

Total hours:

Cost per hour: £..... Total amount paid: £.....

Total amount claimed £.....

(Claim amount is subject to agreed travel time, hourly and monthly rate limits)

Name of dependant(s):

Relationship(s) to councillor:

Name of carer:

National Insurance Number of carer:

Declaration:

I declare that the above named provided a childcare/carer service to me as detailed above, in order that I could perform the approved duty stated.

Name of claimant:

Signature of claimant:

Date of claim:

*NB – A claim form should be completed and submitted for each relevant occurrence of approved duty. – **an original invoice from the carer must be presented with this claim form***