

# **Scottish Government Position Paper Disability Assistance: Adult Disability Payment**

**March 2022**

# Scottish Government Position Paper

## Disability Assistance: Adult Disability Payment

### **Background**

Adult Disability Payment will replace Personal Independence Payment in Scotland. It will launch for new applications in pilot areas in March and be rolled out further over this summer, with nationwide coverage beginning at the end of August. This will be a new payment for adults under pension age who do not already get disability benefits from the UK Government's Department for Work and Pensions.

People who currently receive adult disability benefits through the Department for Work and Pensions will have their awards transferred to Social Security Scotland from August, without any interruptions to their award. They will not have to apply for Adult Disability payment.

### **What will be different?**

Treating people with dignity, fairness and respect will be at the heart of delivering Adult Disability Payment. It has been designed in partnership with people who will use it. Their input has been crucial in designing an improved service.

### Applications

We want to support all those who are entitled to Adult Disability Payment to access it. That's why Social Security Scotland will promote Adult Disability Payment in communities across Scotland, as part of our Benefit Take-up Strategy. The Scottish Government is also funding a new independent advocacy service, to support disabled people to access social security services.

More information about our new advocacy service can be found here: [Get extra support applying for benefits in Scotland - mygov.scot](#).

We know that complex application processes can put people off, so we are ensuring that accessing Adult Disability Payment is as easy as possible.

There will be a variety of ways to apply - online, by post, over the phone or face-to-face. The application form will include comprehensive guidance and make use of images and examples to help people understand what information is needed. The online application form will use a person's responses to filter out questions they don't need to answer and they will be able to save their progress and complete the online form in the order and at the pace that is right for them.

### Decision making

The way entitlement decisions will be made for Adult Disability Payment will be very different from Personal Independence Payment. Our intention is to get decisions right first time by trusting what people tell us and the information available.

Social Security Scotland will only need to collect one piece of formal supporting information when making a decision on an application, and the onus will be on Social Security Scotland to collect that on people's behalf.

Furthermore, we know the importance of insights provided by family, friends, unpaid carers and anyone who may be part of an informal support network. Therefore we will place equal consideration on all sources of information available.

We will apply the eligibility criteria consistently and fairly, taking full account of people's needs and of fluctuating conditions.

### Removal of routine face-to-face assessments

There will be no routine face-to-face assessments for Adult Disability Payment. People with experience of applying for disability benefits have told us that assessments carried out on behalf of the Department for Work and Pensions can be stressful and anxiety inducing.

Where we cannot make a decision on the available information, people may be invited to a consultation, which can be held virtually or in person. This will be a person-centred conversation with a health and social care practitioner employed by Social Security Scotland. Clients will be informed of everything that has been noted during the consultation and they will have a chance to review and respond to this. The consultation will also be audio recorded to ensure transparency and openness.

We will always start from a position of trust and we will never use private sector or third parties. Consultations for Adult Disability Payment will not involve functional examinations such as grip strength tests or the Mental Health Examination. Such physical and mental examinations cause a great deal of stress when applying for Personal Independence Payment, do not produce an accurate picture of an individual's needs, and are not in line with our principles of dignity, fairness and respect.

### Indefinite awards

We know that, for many people in the DWP system, a review of their entitlement to a disability benefit can be extremely stressful. We have therefore committed to improving people's experiences around award reviews. In order to avoid unnecessary reviews we are introducing indefinite awards for some people.

Indefinite awards will not be reviewed, unless people tell us that something has changed. This type of award will be available for disabled people with needs which are highly unlikely to change and who receive the maximum level of award (enhanced rate of both the daily living and the mobility components).

Indefinite awards will avoid the stress and anxiety associated with reviews while providing long-term financial security to those eligible to this type of award. Introducing indefinite awards will enable us to support people on indefinite awards to lead their lives more independently and fully.

## Challenging decisions

We intend to reduce the need for people to go through a re-determination or appeal process, by getting decisions on entitlement to Adult Disability Payment right first time. However, support will be available to those who want to challenge decisions. The Scottish Government is funding an independent advocacy service which will support people with re-determinations and appeals.

We are also making changes to the review process. People who already get disability assistance rely on this financial support. That's why, if through a planned review the amount of financial assistance changes, and they feel this is not the right decision, we don't want to leave people worse off while we look again at their entitlement, as currently happens in the UK system.

Therefore, people challenging an Adult Disability Payment decision will be able to access Short Term Assistance. While they are challenging the decision of Social Security Scotland, Short Term Assistance will provide people with the same amount of money they were getting before a decision was made to lower or stop their payment. To ensure people are not put off seeking an appeal or re-determination, Short Term Assistance does not need to be repaid, regardless of the outcome of the appeal or re-determination.

## **What's staying the same?**

In order to ensure that people who are already getting Personal Independence Payment or Disability Living Allowance payments will not need to apply for Adult Disability Payment, we have prioritised the safe and secure delivery of Adult Disability Payment and transfer of awards from the Department for Work and Pensions. This means that the rate of payment and the majority of eligibility rules for Adult Disability Payment will be the same as Personal Independence Payment when it launches.

This enables the Scottish Government to transfer people's Personal Independence Payment awards to the Scottish social security system automatically, beginning in August. We will ensure this is done safely and securely so that everyone continues to get paid the same amount as they do now, with no break in entitlement.

Keeping the eligibility criteria for Adult Disability Payment mostly the same as Personal Independence Payment will make sure that we don't create a two-tiered system while we simultaneously undertake case transfer from the Department for Work and Pensions and get our new benefit up and running.

## **Independent review**

We recognise that some people would like to see further changes made to the eligibility criteria for Adult Disability Payment. Getting this new service up and running and undertaking case transfer will take time to complete but it isn't the limit of our aspirations for improving disability assistance in Scotland.

Therefore, the Scottish Government will commence a two stage independent review of Adult Disability Payment later this year, to consider what further changes and

improvements could and should be made in the future. The first stage of the review will focus on the mobility component in recognition of extensive feedback we have received.

### **Next steps**

Disabled people's organisations and disabled people themselves have contributed significantly to the development of Adult Disability Payment. This engagement will continue to be central to monitoring Adult Disability Payment and designing improvements where necessary.

Adult Disability Payment will provide a person-centred social security system in Scotland based on the principles of dignity, fairness and respect.

## Summary of differences

<b>UK System</b>	<b>Adult Disability Payment</b>
Limited advice is available on disability benefits. There is no take-up strategy.	<p>We will have telephone and online services to advise on what payments are available, and explain clearly how people can go about applying for these.</p> <p>We have a benefit take-up strategy to encourage people to take up the payments that they are entitled to.</p>
No way of applying for disability benefits online.	There will be a multi-channel approach for applications including digital, face-to-face, telephone and paper.
Clients do not receive updates on how their case is progressing.	We will keep clients updated on the progress of their case.
The lack of supporting information can significantly affect the outcome of an application.	We will seek one source of supporting information from a professional. Case managers can make an award in the absence of supporting information.
Outcome letters provide limited information about the decision that has been made.	With every notice of determination we will provide detailed reasons to the client about how we reached our decision.
No financial support when challenging a decision.	Short Term Assistance will be available to those challenging a determination or re-determination to reduce, or stop, an ongoing payment.
People applying for Personal Independence Payment are routinely required to attend a private sector face-to-face assessment.	<p>There will be no DWP style assessments.</p> <p>For people applying for Adult Disability Payment, consultations will only take place where it is the only practicable way to gather accurate information about a client's needs.</p> <p>Consultations will be carried out by a suitably qualified Social Security Scotland practitioners and will always start from a position of trust.</p>
Assessments don't take place at a time and location that suits the individual.	Consultations will take place through a range of channels.

	<p>Individuals will be able to request an in-person consultation if they wish. This will take place at a partner location or in the client's home.</p> <p>We will give clients the choice of an appointment date and time that suits them and clients will have the option to reschedule consultations online or by phone.</p>
<p>Assessors regularly make informal observations about clients without informing them.</p>	<p>Observations made by a practitioner during a consultation must be evidence based and transparent. A client will have the opportunity to respond to any observations made.</p> <p>Consultations will be audio recorded unless a client chooses to opt out.</p>
<p>Re-assessments for Personal Independence Payment can be laborious and unnecessarily intrusive.</p>	<p>We will take a light-touch and person-centred approach to reviewing awards – only gathering any additional information needed to make an informed decision. Our aim is to minimise stress and anxiety.</p> <p>We are introducing indefinite awards for people on the highest level of Adult Disability Payment whose needs are highly unlikely to change. Indefinite awards will not be reviewed, unless people reach out to us to report a change.</p>

## **What we're doing differently**

1. We are ensuring that accessing Adult Disability Payment is as straightforward as possible and we will always start from a position of trust.
2. People will be able to choose how to apply, using a channel that meet their needs.
3. The application form will be straightforward and easy to use.
4. We are funding an independent advocacy service which will support people to access support.
5. There will be no DWP style assessments and there won't be any functional examinations, such as asking a client to 'touch their toes'.
6. Social Security Scotland will only need to collect one piece of formal supporting information from a professional when making a decision.
7. Social Security Scotland can collect information on people's behalf if they do not have the information required to hand.
8. We will place equal consideration on all sources of information, including clients' family, carers and friends.
9. We will fast track applications from people with a terminal illness.
10. Clinicians will use their judgement to determine whether a person is terminally ill, rather than using fixed periods of life expectancy.
11. We will apply the eligibility criteria fairly and consistently to get more decisions right first time.
12. We will take full account of people's needs and of fluctuating conditions.
13. People will be able to access Short-term Assistance while they are challenging a decision after a review. This will provide people with the same amount of money they were getting before a decision was made to lower or stop their payment. For clarity, Short-term Assistance will not need to be repaid.
14. We are introducing indefinite awards for severely disabled people with needs which are highly unlikely to change. This will help to avoid the stress and anxiety associated with reviews while providing long-term financial security to people. Indefinite awards will support people to lead their lives more independently and fully.



A list of Frequently Asked Questions about Adult Disability Payment can be found here:

[Disability Assistance in Scotland: Adult Disability Payment Policy Q&A \(www.gov.scot\)](http://www.gov.scot/Disability-Assistance-in-Scotland:Adult-Disability-Payment-Policy-Q&A)



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