

# An individual's right to stop receiving assistance

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## Introduction

1. This chapter describes what case managers should do if an individual requests that their award of Adult Disability Payment (ADP) is cancelled.

## Requesting that an award of Adult Disability Payment be cancelled

2. Individuals who are entitled to ADP have the right to request that ADP stop being paid. This involves cancelling the individual's entitlement to assistance<sup>1</sup>.

*1 SS(S) Act 2018 s.26(1)*

3. The cancellation of the determination must take place at any of the following points in time:

- immediately<sup>1</sup>
- at a later date, specified in the request<sup>2</sup>.

*1 SS(S) Act 2018 s.26(2)(a)*

*2 SS(S) Act 2018 s.26(2)(b)*

4. The case manager should explain<sup>1</sup> to the individual that they cannot be given assistance after ADP is cancelled.

*1 SS(S) Act 2018 s.26(3)*

5. The case manager should also confirm that cancellation is the correct step to take, rather than making a determination without application due to a change of circumstances. If the individual has made a valid request for cancellation, the case manager must comply with it.

## Example: an individual requests that ADP is cancelled

Elizabeth is 38 and has significantly reduced vision in both eyes. She is entitled to the standard rate of the daily living and mobility components of ADP. Elizabeth requests that ADP is cancelled on 27 August. She reports that her eyesight improved after an operation she had recently. Her eyesight is better, and she is less anxious now. Also, she is more confident walking at nighttime because she can see better.

The case manager explains to Elizabeth that:

- the change is a change of circumstances

- her case could therefore be subject to a review rather than cancelling entitlement

The case manager also explains the impact of stopping payment of ADP with Elizabeth to make sure she fully understands this decision. They discuss all options that are available to her. Elizabeth decides that she would like her case to be reviewed on the basis of a change in circumstances.

The case manager gathers supporting information and carries out a review. Elizabeth is still entitled to the standard rate of the daily living and mobility components of ADP, and the descriptor scoring needs to be reviewed because her eyesight has improved. It is determined that Elizabeth's entitlement to ADP should continue at the rates that she currently is entitled to and confirmed with Elizabeth that she wishes to continue to receive ADP.

### **Example: an individual entitled to ADP requests that it stop being paid**

Jamie is 47 and has cerebral palsy. He is entitled to the enhanced rate of the daily living and mobility components of ADP. On 3 April, Jamie phones Social Security Scotland to request that ADP stop being paid. Jamie has recently received a large donation from his uncle and does not wish to receive financial support in the form of ADP.

A client adviser discusses the impact of cancelling ADP with Jamie. The client adviser discusses all the options with Jamie before confirming that he wants to cancel the award. Before proceeding to the final cancellation process, the client adviser does a final check that Jamie is sure about this decision. Then, the client adviser explains how to make a cancellation request. Once the request has been received, it is processed and Jamie's entitlement to ADP is withdrawn.

#### **5.1.1 [End of chapter]**