

An individual's right to stop receiving assistance

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Introduction

1. This chapter describes what Social Security Scotland should do if an individual requests that their award of Pension Age Disability Payment (PADP) is stopped. It should be read alongside the operational guidance which tells client advisors how to cancel an individual's entitlement to PADP.

Requesting that an award of Pension Age Disability Payment be cancelled

2. Individuals who are entitled to PADP have the right to request that entitlement to PADP be cancelled and payments be stopped. This involves cancelling the individual's entitlement to assistance.¹

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

3. Client representatives can exercise this right on behalf of the individual who is entitled to assistance¹.

1 SS(S) Act 2018, s .85B(9)(a)

4. A client representative includes someone who:

- has been appointed by Social Security Scotland (under s.85B of the 2018 Act)
- has a Power of Attorney for the individual
- has a legal right to act on the individual's behalf

5. Client advisors must consider a request by a client representative, but should satisfy themselves by referring to [guidelines](#) that the client representative continues to be suitable to act on the individual's behalf. ¹ If however, the client advisor believes that the client representative may no longer be suitable, the client advisor should make this known to Local Delivery. This will help discussions and checks to ensure that cancelling entitlement is in the individual's interests.

1 SS(S) Act 2018, s85B(4)(iv)

6. Where there are doubts about whether an individual acting on behalf of the PADP client is still suitable to act on an individual's behalf, refer to the [guidance](#) on when to find a new client representative or arrange for the individual to act for themselves.
7. The cancellation of the individual's entitlement must take place at one of the following points in time:
 - immediately¹
 - at a later date, if specified in the request².

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

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

8. The client advisor must confirm with the individual that cancellation is the correct step to take, rather than:
 - treating the request as a potential change of circumstances
 - arranging for a new client representative to act on behalf of the individual or arranging for the individual to act for themselves

When to carry out an unscheduled review

9. An unscheduled review (legally known as a determination without application) may be more appropriate than cancelling entitlement if the reason for wanting to cancel entitlement is because the client's circumstances have changed.
10. For example, the individual may tell Social Security Scotland that they think they should no longer be getting PADP because their care needs have decreased. The individual may nevertheless still be eligible, so it is more appropriate to ask the individual if they would prefer we treat their request as a change of circumstances.
11. If the individual insists that they wish to have their entitlement to PADP cancelled, then the client advisor should take steps to cancel their entitlement.

When to find a new client representative or arrange for the individual to act for themselves

12. The client advisor must not accept a request to cancel entitlement from a client representative if Local Delivery have decided they are no longer a suitable person to act for the individual.
13. The client advisor must consider suspending payments until a new arrangement is in place. This is because the client representative with whom arrangements have been made to receive the payments is unable to continue to receive the payments. Suspension will not be necessary if the client advisor

can find someone suitable to make the payments to¹ during the short period while Social Security Scotland establishes either:

- a new client representative
- that the individual can act for themselves

1 PADP Regs, Reg 25 (1) and (2)

Cancelling entitlement

14. Before accepting a request to cancel entitlement, the client advisor should:

- explain the impact of deciding to cancel entitlement
- tell the individual which other Social Security Scotland benefits they might be eligible for, if any
- signpost the individual to independent advice services, such as such as the Independent Advocacy Service which is provided by VoiceAbility, ahead of making a final decision.

15. The impact of cancelling entitlement is that the individual will have to reapply if they want Social Security Scotland to consider their eligibility for PADP at a future date. Cancelling entitlement to PADP may also have an impact on the rates and premiums of passported benefits.

16. If the individual reapplies, Social Security Scotland will make a new determination of entitlement. If the outcome of the determination of entitlement is that the client is entitled to PADP, the rules on when entitlement begins will apply.

17. If the individual is certain that they want to cancel entitlement after hearing this information, then the client advisor must do this. This rule only applies if cancellation is the correct step rather than:

- making a determination without application due to a change of circumstances
- arranging for a new client representative to act on behalf of the client.

Example: an individual requests that PADP is cancelled

Elizabeth is 67 and has significantly reduced vision in both eyes. She requires continual supervision throughout the day and is entitled to the lower rate of PADP. Elizabeth requests that PADP 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.

The client advisor 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 client advisor also explains the impact of stopping payment of PADP 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 client advisor gathers supporting information and carries out a review. Elizabeth is still entitled to the lower rate of PADP as she still requires continual supervision throughout the day. It is determined that Elizabeth's entitlement to PADP should continue at the rate that she currently is entitled to and confirmed with Elizabeth that she wishes to continue to receive PADP.

Example: the person acting on behalf of the individual entitled to PADP requests that it stop being paid

Cole is 80 years old and has dementia. He is entitled to the lower rate of PADP. On 12 January, Cole requests that PADP stop being paid. Cole has recently received a large sum of money from the sale of a family property and does not wish to receive financial support in the form of PADP anymore.

The client advisor discusses the impact of cancelling PADP with Cole. Before proceeding to the final cancellation process, the client advisor does a final check that Cole is sure about this decision. Then, the client advisor explains how to make a cancellation request. Once the request has been received, it is processed and Cole's entitlement to PADP is ended.

[END OF CHAPTER]