

Applying for Adult Disability Payment for individuals with an award of Scottish Adult Disability Living Allowance

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Introduction

1. The purpose of this chapter is to set out how to treat applications for Adult Disability Payment from people with an award of Scottish Adult Disability Living Allowance.
2. Only individuals who were born on or after 9 April 1948 can successfully apply for Adult Disability Payment if they have an ongoing award of Scottish Adult Disability Living Allowance. Scottish Adult Disability Living Allowance and Adult Disability Payment have different eligibility criteria.
3. For guidance on how individuals can make an application for Adult Disability Payment, dates the application is treated as made, and what is an acceptable form of application, go to applying for Adult Disability Payment chapter.

How to process an Adult Disability Payment application from someone getting Scottish Adult Disability Living Allowance

4. Only individuals who were born on or after 9 April 1948 can successfully apply for Adult Disability Payment if they have an ongoing award of Scottish Adult Disability Living Allowance.¹

¹ADP Regulations, Schedule 2, Part 3A, Para 5A

People with Disability Living Allowance awards administered by the DWP cannot successfully apply directly to Adult Disability Payment. This means individuals must wait for their Disability Living Allowance award to transfer to Scottish Adult Disability Living Allowance before they can make an application for Adult Disability Payment.

5. Individuals with an award of Scottish Adult Disability Living Allowance need to complete both part 1 and part 2 of an Adult Disability Payment application before the process can begin.
6. Before processing an Adult Disability Payment application from someone receiving Scottish Adult Disability Living Allowance, attempts should be made to contact the individual to discuss their applications. This is because when the Adult Disability Payment award begins, their Scottish Adult Disability Living Allowance will end and they will not be able to reapply. [
7. Where someone with an award of Scottish Adult Disability Living Allowance completes an application for Adult Disability Payment, their Scottish Adult Disability Living Allowance award will be moved onto an interim Adult Disability Payment award. This will be based on:
 - the information Social Security Scotland holds in relation to the individual's Scottish Adult Disability Living Allowance award;
 - any other relevant information available to Social Security Scotland at the time of the determination², unless the individual has reported a change to Department for Work and Pensions or Social Security Scotland, which has not been taken into account for Disability Living Allowance.³

²ADP Regulations, Part 3A, schedule 2, reg 15A(3)

³ADP Regulations, Part 3A, schedule 2, reg 15A(5)

A case manager will not typically review the information contained in the Adult Disability Payment application prior to the first Adult Disability Payment determination. The interim Adult Disability Payment award will begin at the end of the next Scottish Adult Disability Living Allowance payment cycle.

8. In most cases an individual will receive the same components at the same rates of Adult Disability Payment as they received in their Scottish Adult Disability Living Allowance immediately before their interim Adult Disability Payment award was made⁴. For example, if they received the highest rate of the care component and the lower rate of the mobility component of Scottish Adult Disability Living Allowance, they are entitled to the equivalent enhanced rate of the daily living

component and the standard rate of the mobility component of Adult Disability Payment. There are exceptions to this rule, however. [See paragraph 15]

⁴ADP Regulations, Part 3A, schedule 2, reg 15B

9. Because Scottish Adult Disability Living Allowance does not consist of the same components as Adult Disability Payment, for this group of clients a transitional rate daily living component (which is equivalent to the lowest rate of the Scottish Adult Disability Living Allowance care component) will be awarded, to allow these individuals' awards to move over on a like for like basis. This will be paid until the case is reviewed against the eligibility rules for Adult Disability Payment⁵.

⁵ADP Regulations, Part 3A, schedule 2, reg 15B(2)(a)

10. Until 1 January 2028, where Social Security Scotland, before making the interim Adult Disability Payment award, become aware that the individual meets the Special Rules for Terminal Illness (SRTI), they will be eligible for the highest rate of Adult Disability Payment award than the Scottish Adult Disability Living Allowance they are receiving⁶.

⁶ADP Regulations, Part 3A, schedule 2, reg 15£

Example: interim Adult Disability Payment determination equals Scottish Adult Disability Living Allowance entitlement

Simon receives the lowest rate care component and higher rate mobility component of Scottish Adult Disability Living Allowance when he makes an application for Adult Disability Payment. When his interim award of Adult Disability Payment is made he will receive the transitional rate daily living component and enhanced rate of mobility component of Adult Disability Payment.

Iain receives the middle rate care component and lower rate mobility component of Scottish Adult Disability Living Allowance when he makes an application for Adult Disability Payment. When his interim award of Adult Disability Payment is made he will receive the standard rate daily living component and standard rate mobility component of Adult Disability Payment.

Example: Adult Disability Payment determination is increased due to Special Rules for Terminal Illness

Shobana receives the lowest rate care component and the lower rate mobility component of Scottish Adult Disability Living Allowance when she applies for Adult Disability Payment. In her application, Shobana states that she has a terminal illness, and she has not previously reported this to Social Security Scotland. Shobana is awarded the enhanced rate of the daily living component and the enhanced rate of the mobility component of Adult Disability Payment, from the date of her application. Social Security Scotland do not need to make a review determination on Shobana's award, as this determination has been made under Special Rules for Terminal Illness.

Ending the client's Scottish Adult Disability Living Allowance award

11. The client's entitlement to Scottish Adult Disability Living Allowance will cease on the date their entitlement to Adult Disability Payment begins¹. i.e. when their interim Adult Disability Payment award is made.

¹ADP Regulations, Part 3A, schedule 2, reg 15D(a)

Example: Scottish Adult Disability Living Allowance is ended by an interim Adult Disability Payment determination

Claire's Adult Disability Payment started on 30 June when the interim Adult Disability Payment determination was made. This interim Adult Disability Payment determination ended her Scottish Adult Disability Living Allowance award on the same date, meaning her last day of entitlement to Scottish Adult Disability Living Allowance was on 29 June.

12. There is one exception to this:

- where the client's Adult Disability Payment award is backdated because they meet the special rules for terminal illness (see para 15), the client's entitlement to Scottish Adult Disability Living Allowance ceases on the day the client's Adult Disability Payment would have begun, had the award not been backdated².

²ADP Regulations, Part 3A, schedule 2, reg 15D(b)

Two stage process

13. Where someone with an award of Scottish Adult Disability Living Allowance completes an application for Adult Disability Payment, their Scottish Adult Disability Living Allowance award will be moved onto an interim Adult Disability Payment award that is made on a like for like basis as the previous Scottish Adult Disability Living Allowance award. This decision is referred to as the interim Adult Disability Payment determination¹ and does not take into account the information provided in the Adult Disability Payment application.

¹ADP Regulations, Schedule 2, Part 3A, Para 15A(2)

14. As soon as reasonably practicable after the interim determination, the case will be reviewed against the eligibility rules for Adult Disability Payment. The case manager must use the information supplied in the Adult Disability Payment application, and any other supporting information they feel is required to support the determination. This is called the “review determination”².

²ADP Regulations, Schedule 2, Part 3A, Para 15F

15. Note that the usual rules on limiting the mobility component for those who are over pension age do not apply to people who apply for Adult Disability Payment who have an award of Scottish Adult Disability Living Allowance. Those over pension age, who were born on or after 8 April 1948, can access all rates of the mobility component for both the interim and review determinations. This will only apply to applications made up until 31 December 2027. For applications made from 1 January 2028, the usual rules on limiting the mobility component will apply to interim and review determinations from this point³. For any subsequent Adult Disability Payment determinations after the review determination, the usual rules on limiting the mobility component apply.

³ADP Regulations, Schedule 2, Part 3A, Para 15F(5) and (6)

16. There is an exception to this two-stage process for those who meet the eligibility criteria for Special Rules for Terminal Illness (see para 15). They will be awarded the enhanced rate of both the daily living and mobility components as part of their interim determination without needing to be reviewed⁴.

⁴ADP Regulations, Schedule 2, Part 3A, Para 15E

Example: Two stage review process for Adult Disability Payment applications for individuals with an award of Scottish Adult Disability Living Allowance

Ivan receives the lowest care component and lower rate mobility component of Scottish Adult Disability Living Allowance. He seeks independent advice and decides to make an application for Adult Disability Payment. After a client advisor speaks to Ivan to confirm he is aware the Adult Disability Payment determination will end his Scottish Adult Disability Living Allowance award, Ivan is awarded the transitional daily living component and standard mobility component of Adult Disability Payment.

As soon as reasonably practical a review of Ivan’s Adult Disability Payment application takes place, and his application is assessed against the Adult Disability

Payment rules. A review determination is made and Ivan is awarded the enhanced daily living component and enhanced mobility component. Because Ivan's award has increased, his entitlement will be backdated to the date his application for Adult Disability Payment is treated as made⁵. Ivan is paid the difference between what he has already received and what he is now eligible for under his increased award.

⁵ADP Regulations, Schedule 2, Part 3A, Para 15H(1)

Backdating

17. Where the Adult Disability Payment review determination leads to an increased award, the Adult Disability Payment award will be backdated to when the Adult Disability Payment application is treated as made¹. Where an award is backdated, the individual will be paid the difference between the amount of Adult Disability Payment or Scottish Adult DLA they have already received for the backdated period and what they are now due for that period. Where the award is decreased or remains the same, this will take effect from the date the review determination was made².

¹ADP Regulations, Schedule 2, Part 3A, Para 15H

²ADP Regulations, Schedule 2, Part 3A, Para 15I

Example: Backdating an increased award of Adult Disability Payment made at the review determination

Max is receiving the middle rate care component and the higher rate mobility component of Scottish Adult Disability Living Allowance. He submits part 1 of an Adult Disability Payment application on 1 July 2025 and completes part 2 on 15 July 2025. Max is awarded an interim Adult Disability Payment award on a like for like basis as the previous Scottish Adult Disability Living Allowance award – the standard rate daily living component and the enhanced mobility component – on 28 July. On 18 September 2025, Social Security Scotland complete the review determination for Max's Adult Disability Payment award and he is awarded the enhanced rate of the daily living component and the enhanced rate of the mobility component. Max's increased award is backdated to the date he submitted part 1 of his Adult Disability Payment, as he submitted part 2 within 8 weeks of this date, and the case manager determines that Max met the conditions for the award throughout the 13 weeks before this date (the backwards test).

Special Rules for Terminal Illness

18. An individual who meets the special rules for terminal illness (SRTI) immediately before the interim Adult Disability Payment determination is entitled to the enhanced rate of both the daily living component and the mobility component of Adult Disability Payment¹.

¹ADP Regulations, Part 3A, schedule 2, reg 15E

19. Note that the usual rules on limiting the mobility component for those who are over pension age do not apply to people who apply for Adult Disability Payment when they have an award of Scottish Adult Disability Living Allowance, provided they submit an application on or before 31 December 2027.

20. Individuals who meet the special rules for terminal illness when they apply for Adult Disability Payment can access the enhanced rate of the mobility component regardless of their age where the application is made on or before 31 December 2027.

Special Rules for Terminal Illness backdating

21. In cases where the individual's Adult Disability Payment award is higher due to Special Rules for Terminal Illness, as described in paragraph 15, their Adult Disability Payment entitlement will be backdated to whichever is the later¹ of:

- the date the application for Adult Disability Payment was made, where the application included information about the individual's terminal illness
- the date Social Security Scotland become aware of the individual's terminal illness
- the date that the clinical judgement was made that they are terminally ill (i.e. the date the BASRiS or the DWP equivalent DS1500 is signed)

¹ADP Regulations, Schedule 2, Part 3A, Para 15E(3)

Payment cycles

The payment frequency for individuals who have applied for Adult Disability Payment when in receipt of Scottish Adult Disability Living Allowance are¹:

- where a client received their Scottish Adult Disability Living Allowance 4 weeks in arrears, they will continue to receive their Adult Disability Payment 4 weeks in arrears.
- where a client received their Scottish Adult Disability Living Allowance weekly in advance, they will continue to receive their Adult Disability Payment weekly in advance.
- a client who has newly reported, and meets the conditions for, the special rules for terminal illness (SRTI) will move from their previous payment frequency for Scottish Adult Disability Living Allowance and be paid Adult Disability Payment weekly in advance.

¹ADP Regulations, Schedule 2, Part 3A, Para 15C

Appointees

22. Some individuals will have an appointee accepted by the Department for Work and Pensions to receive Disability Living Allowance on their behalf, where they are regarded as incapable of managing their own affairs. When their award is transferred to Scottish Adult Disability Living Allowance, the appointee is to be treated on or after the transfer date as though they had been appointed to act¹ on behalf of the individual for their Scottish Adult Disability Living Allowance²

1 under section 85B(7) of the 2018 Act

2 Scottish Adult DLA regulations, Schedule 1, Part 2, Para 11(1)

23. Typically, when someone makes a new and successful application for Adult Disability Payment, the award cannot be paid to a person as an appointee until Social Security Scotland checks that this is appropriate. This process takes into account the views of the client and others with an interest in their welfare and financial affairs.
24. However, where an individual's Adult Disability Payment determination is an interim determination made on the basis of an award of Scottish Adult Disability Living Allowance, the Department for Work and Pensions appointee can continue to act for the individual as though they were a Social Security Scotland appointee until these further checks are carried out. These checks need to be completed as soon as reasonably practicable¹. However, until then the appointee can continue to act on the individual's behalf, including making an application for and receiving payments of Adult Disability Payment².
25. When these checks have been completed, Social Security Scotland must decide if the appointment should continue or be terminated. If the appointment is terminated, a decision should be made as to whether it would be appropriate for someone else to act on the individual's behalf and the usual appointee process should be followed¹.

1 Scottish Adult DLA reg's, Schedule 1, Part 2 Para 11(2)(a)

2 Scottish Adult DLA regulations, Schedule 1, Part 2, Para 11(1)

1 Scottish Adult DLA reg's, Schedule 1, Part 2 Para 11(2)(b) and (c)

Example: DWP Appointee who has not been checked before an Adult Disability Payment application is made

Paige is cared for by her son Robin. Robin was appointed by the Department for Work and Pensions to manage Paige's Disability Living Allowance.

Paige's case is selected for transfer. Robin received a phone call from Social Security Scotland asking him to discuss the appointment. Social Security Scotland arrange a visit to speak with both Paige and Robin to review the appointment. The Local Delivery visits then took place nine weeks after Paige's case is transferred.

Robin can continue to act and receive Scottish Adult Disability Living Allowance payments on Paige's behalf until Social Security Scotland completes their visit and decides if the appointment is appropriate. Robin can also make an application for

and receive payments of Adult Disability Payment on behalf of Paige until Social Security Scotland completes their visit.

Re-determinations and appeals

26. The interim Adult Disability Payment determination is subject to the same rights to re-determination and appeal as any other Adult Disability Payment determination¹. This means the client has 42 days to request a re-determination, Social Security Scotland has 56 days to make a decision following a re-determination².

¹ADP Regulations, reg 54(1)

²ADP Regulations, reg 54 (2)

27. Where a re-determination of the interim Adult Disability Payment award is requested, the individual's Adult Disability Payment award will be reviewed in line with the usual Adult Disability Payment eligibility rules, not simply compared to the rates of Scottish Adult Disability Living Allowance they had when they applied for Adult Disability Payment. This means that where the redetermination is made on the interim Adult Disability Payment award, the duty to complete a review determination no longer applies³.

³ADP Regulations, Schedule 2, Part 3A, Para 15F(2)(b)

Example: Re-determination for interim Adult Disability Payment awards

Anne had an award of the middle rate of the care component and the lower rate of the mobility component on Scottish Adult Disability Living Allowance, and made an application for Adult Disability Payment. She was given an interim Adult Disability Payment award of the standard rate of the daily living component and the standard rate of the mobility component of Adult Disability Payment. However, she does not feel her Adult Disability Payment award accurately reflects her circumstances and can request a re-determination of her interim Adult Disability Payment determination within the time limit.

Social Security Scotland will look at the information Anne provided in her Adult Disability Payment application, as well as any other supporting information they feel is relevant, and make a new determination of Anne's entitlement to Adult Disability Payment within 56 days of Anne requesting a re-determination. Anne is awarded the enhanced rate of the daily living component and the standard rate of the mobility component. As this is an increased award, it is backdated to when Anne submitted her Adult Disability Payment application. Because the re-determination assessed Anne's application based on the full Adult Disability Payment eligibility criteria, Social Security Scotland do not need to complete an Adult Disability Payment review determination.

Withdrawal of application

28. Individuals have the right to withdraw their Adult Disability Payment application at any time before the interim Adult Disability Payment determination is made following their application. Case managers are not to make a determination on applications which have been withdrawn, and the individual's entitlement to Scottish Adult Disability Living Allowance will continue for as long as they are eligible¹.

¹ Section 39, 2018 Social Security (Scotland) Act

Rejecting an application

29. An application may be rejected before a determination is made if the individual has either:

- not made an application in the form that is set out by Social Security Scotland, or
- not provided the appropriate supporting information

30. Rejecting an application is not the same as a determination that an individual is not entitled to assistance. An application is rejected before the eligibility criteria have been considered.

31. If an application is rejected, a case manager must:

- inform the individual of the decision to reject their application. This is different from a determination.
- explain why that decision was made
- state the individual's right to appeal the rejection decision to the First-Tier Tribunal²

² Section 38 (5), 2018 Social Security (Scotland) Act

When a Scottish Adult Disability Living Allowance award that was ended by an interim Adult Disability Payment determination is retroactively changed

32. There may be cases where an individual who was born on or after 8 April 1948 reports a change of circumstances to the Department for Work and Pensions relating to their Disability Living Allowance award, which triggers a transfer to Scottish Adult Disability Living Allowance on a like-for-like basis. A review of the Scottish Adult Disability Living Allowance award will then begin, taking the change into account, and a Scottish Adult Disability Living Allowance review determination will be made which could change the award.
33. In the time between the Scottish Adult Disability Living Allowance transfer determination and review determination, it is possible that someone could make an application for Adult Disability Payment. The interim Adult Disability Payment award in this situation would be based on the Scottish Adult Disability Living Allowance award at the point of case transfer. When the Scottish Adult Disability Living Allowance review determination is made, it could result in a Scottish Adult Disability Living Allowance award which retroactively differs from the award the interim Adult Disability Payment award was based on, as set out in the example below. Where the Scottish Adult Disability Living Allowance award is retroactively changed following the review determination, this will not change the interim Adult Disability Payment award the individual is receiving.

Example: Scottish Adult Disability Living Allowance award is retroactively changed after an award of interim Adult Disability Payment

Ryan receives Disability Living Allowance and has an award of the middle rate of the care component and the low rate of the mobility component. Ryan's condition has deteriorated since he received this award and he reports a change of circumstances to the Department for Work and Pensions on 1 June 2025, which triggers a transfer to Scottish Adult Disability Living Allowance. Ryan's Scottish Adult Disability Living Allowance award is made on a like-for-like basis, meaning his Scottish Adult Disability Living Allowance award at the point of case transfer is the middle rate of the care component and the low rate of the mobility component, just as his Disability Living Allowance award was. Social Security Scotland send Ryan a review form to get further information about his condition, which Ryan completes and returns.

After Ryan's Disability Living Allowance award has transferred to Scottish Adult Disability Living Allowance, he speaks to an independent advisor and decides to submit an Adult Disability Payment application on 1 October 2025. His Scottish Adult Disability Living Allowance award ends and he automatically receives an award of interim Adult Disability Payment that matches his Scottish Adult Disability Living Allowance award – the standard rate of the daily living component and the standard rate of the mobility component of Adult Disability Payment – and Social Security Scotland will consider the information contained in his Adult Disability Payment application. To align payment cycles, Ryan's Adult Disability Payment entitlement begins on 14 October 2025.

Social Security Scotland make a Scottish Adult Disability Living Allowance review determination on 25 October 2025, using the information Ryan shared about his condition in his review form. This increases Ryan's previous Scottish Adult Disability

Living Allowance award to the middle rate of the care component and the high rate of the mobility component. This increased award is made from 1 September, the first date Ryan would have qualified for an increased award (13 weeks after Ryan reported a change of circumstances to the Department for Work and Pensions), until 13 October 2025, the day before Ryan's Adult Disability Payment entitlement began. Ryan continues to receive an interim Adult Disability Payment award for the standard rate of the daily living component and the standard rate of the mobility component.

On 1 December 2025, having considered the information Ryan provided in his Adult Disability Payment application and assessed this against the Adult Disability Payment criteria, Social Security Scotland make a review determination on Ryan's entitlement to Adult Disability Payment. Ryan is awarded the enhanced rate of the daily living component and the enhanced rate of the mobility component. This increased award is backdated to 1 October 2025, the date Ryan's Adult Disability Payment application is treated as made.

Ryan was therefore awarded Scottish Adult Disability Living Allowance at the middle rate of the care component and the high rate of the mobility component from 1 September to 30 September, and the enhanced rate of the daily living component and the enhanced rate of the mobility component of Adult Disability Payment from 1 October. Ryan is paid the difference between what he has already been paid for this period and what he is now due as a result of the Adult Disability Payment review determination.