

Backwards and forwards tests

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Introduction

1. This chapter explains the backwards test and forwards tests for Adult Disability Payment (ADP).

2. An individual must satisfy the required period condition¹ for whichever rate of the component they are being considered for. The backwards and forwards tests together make up this required period.

1 ADP regs, reg. 5(1)(b) and 6(1)(b)

3. The backwards test is the amount of time the individual must have met the conditions of entitlement for a particular rate of a component of ADP¹.

1 ADP regs, reg. 10(3), 11 and 12

4. The forwards test looks at the amount of time the individual is likely to meet the conditions of entitlement for a particular rate of a component of ADP¹.

1 ADP regs, reg 10(3), 11 and 12

5. There is no backwards test or forwards test for individuals with a terminal illness. For more information please consult the Special Rules for Terminal Illness chapter.

6. The relevant date for a new application means:

- from the date of the application submitted by an individual
Or if later
- from the earliest date when a case manager can look back and determine an individuals' entitlement for the previous 13 weeks¹

In cases where the individual already has an award of either/both components, the relevant date can be any day of that award.²

1 ADP regs, reg. 13(a)

2 ADP regs, reg. 13(b)

7. The relevant date for a new application after an interval is the date on which the previous award ended.¹

1 ADP regs, reg. 14(3) 23(3)

The backwards and forwards tests

8. The individual must have met, or it is likely that they would be determined to meet, the conditions of entitlement for the relevant rate of the component for all of the days in the 13 weeks ending on the relevant date. This is the backwards test¹.

1 ADP regs, reg. 10(3), 11 and 12

9. For those applying after an interval the relevant date is the last day of their previous award. This means for these applicants the 13 weeks before the last day of their previous award is the backwards test.¹

1 ADP regs, reg. 10(3)(a)(i)

10. For new applications it must be likely that the individual would be determined to meet the conditions of entitlement for the relevant rate of the component for all of the days in the 39 weeks from the date after the relevant date. This means they will have to be entitled to that rate in terms of the eligibility criteria for the full period for each component they are to be awarded. This is the forwards test¹.

1 ADP regs, reg 10 (3), 11 and 12

11. For new applications where an individual is applying after an interval the forwards test runs from the date the new application is made.¹

1 ADP regs, reg 10 (3)(a)(i)

12. For an individual in receipt of Adult Disability Payment the forwards test runs from the day after each day of the award.¹

1 ADP regs, reg 10 (3)(b)(ii)

Relationship with the date of application

13. The date of application is usually the date on which the application is received by Social Security Scotland¹.

1 ADP Regs, reg. 35(1)(a)

14. Individuals do not need to wait until the backwards test is complete before making an application for ADP. If they consider they likely will meet the backwards test within 13 weeks they can submit an application.

[Link to chapter on Applying for Adult Disability Payment]

15. If the individual applies before they meet the backwards test, but likely will do within 13 weeks of making the application, the date the application is treated as being made is the date on which the individual will meet the conditions of entitlement. This includes the backwards and forward tests¹.

1 ADP Regs, reg. 35(1)(b) and (2)

Example: an individual applies for ADP before the backwards test is met

Archie's mobility has recently been impacted by the development of arthritis. He applies for ADP on 1 September. He notes on the application that his mobility issues, due to his condition began on 23 June. However the backward test will not be met until 21 September. Archie's application is treated as being made on 21 September.

Relationship with the date of entitlement

16. The backwards test must be met before the entitlement to ADP can begin.
17. The date an individual satisfies the backwards test might differ for the daily living component and the mobility component
18. The case manager may need further information to determine that the backwards test has been met and the forwards test is to be met. This information should confirm that the individual is likely to meet the conditions of entitlement during both of the relevant periods.
19. For more information on the date of entitlement please refer to the Applying for ADP chapter.
20. Case managers use weeks to calculate the backwards test and forwards test.
21. Sometimes, individuals can only give the month and year when the required level of needs began. In these cases, The case manager should ask the individual to indicate a week in which the needs first arose. The case manager should then set the first day of the week as the day the needs began. The week runs from Monday to Sunday. This includes a part week.
22. Some individuals might only be able to give the week when the required level of needs began. In these cases, the case manager should assume that the needs began on the first day of the week in calculating the backwards test. The week runs from Monday to Sunday. This includes a part week.

Example: an individual gives the first week of the month as start date for their level of need

Eleanor is 55 years old. When she applied for ADP, she stated her condition began impacting her ability to carry out every day activities in the first week of December. The first week of December starts on Monday 28 November. The case manager records this date as the first day of the backwards test.

23. Sometimes, an individual gives the last week of the month for when the required level of needs began. In these cases, it is assumed that the level of needs began on the first day of the final week of the month.

Example: an individual gives the last week of the month as start date for their condition

Martin is 61 years old. When he applied for ADP he stated his condition began impacting his ability to carry out every day activities from the last week of December. The last week of December starts on Monday 26 December. The case manager uses this day as the first day when calculating the period of weeks for the backwards test.

Changes in the individual's level of need and receiving benefit

24. Case managers can become aware of a change of circumstances that could possibly result in a change to the rate of ADP that the individual is entitled to receive. In these cases, they must make a determination without application about the individual's entitlement to ADP¹.

1 ADP Regs, reg. 48(a)

25. The case manager must apply the backwards test and forwards test in making their determination without application. This will determine the date when the individual's new level of award should begin.

26. Guidance on how to apply the backwards test and forwards test following a change in the individual's mobility or care needs can be found in the Change to Impact of Conditions or Level of Needs Chapter

[End of chapter]