

Backwards test for Pension Age Disability Payment

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Introduction

1. This chapter explains the backwards test for Pension Age Disability Payment (PADP). The backwards test is also commonly referred to as the 'required period'¹ or the 'qualifying period'.

1 PADP regs, reg. 5(6)

2. The backwards test is the amount of time an individual must have met the conditions of entitlement¹ for a particular rate of PADP. The conditions of entitlement for both the lower and higher rate of PADP is set out in the PADP rates and criteria chapter.

1 PADP regs, reg. 5(6)

3. There is no backwards test for individuals with a terminal illness¹. For more information, reference should be made to the Special Rules for Terminal Illness chapter.

1 PADP regs, reg. 5(7)

4. This chapter also sets out how to apply the backwards test when an individual has applied for PADP after an interval.

5. The backwards test can be satisfied either from:

- The date an application is submitted by an individual, if they have told Social Security Scotland that their needs started more than 26 weeks ago

or

- from the earliest date when a case manager can look back and determine that an individual has satisfied the conditions of entitlement for the previous 26 weeks.

6. The rules of the backwards test are applied differently when someone has a change in their rate of PADP during an award review. Reference should be made to

the 'changes in the individual's level of need and receiving Pension Age Disability Payment' section of this chapter.

7. The rules of the backwards test are also applied differently when an individual applies for PADP after an interval, depending on the difference between the previous and new rate of PADP being awarded.¹ Reference should be made to the 'Applying for PADP after an interval' section of this chapter.

1 PADP regs, reg. 8

The backwards test

8. An individual must have met or be deemed likely to meet the criteria of entitlement for PADP, for 26 weeks (the 'required period') immediately preceding the date of entitlement for the rate of PADP that they are being awarded. This is the backwards test.¹

1 PADP regs, reg. 5(6)

9. PADP does not have a forwards test. This is different from other disability benefits, such as Child Disability Payment or Adult Disability Payment.

Applying for PADP after an interval

10. Where an individual makes an application for PADP and both:

- had a previous award of Attendance Allowance or PADP within the last two years
- is being awarded either the same rate, or a lower rate, of PADP when compared to the previous award of Attendance Allowance or PADP

the backwards test does not apply¹.

1 PADP regs, reg. 8

11. However, if an individual has made an application for PADP and both:

- had a previous award of Attendance Allowance or PADP within the last two years
- is being awarded a higher rate of PADP when compared to the previous award of Attendance Allowance or PADP

the backwards test does apply².

1 PADP regs, reg. 8

Example: an individual had a previous award of PADP within the last two years, and is entitled to the same rate of PADP under their new application

John is 72 years old and previously had an award of PADP at the lower rate. John's entitlement to PADP ended on 5 January 2025 following an unscheduled review after he notified Social Security Scotland of a change of circumstances. On 17 August 2025, John made a new application for PADP.

The case manager recognises that John had a previous award of PADP which was within the last two years.

The case manager decides that John meets the criteria for the lower rate of PADP. This is the same rate of PADP as he had from his previous award that ended within the last two years.

As John is entitled to the same rate of PADP when compared to his previous award within the last two years, the case manager does not need to apply the backwards test. Therefore, John is entitled to PADP from 17 August 2025.

Example: an individual had a previous award of PADP within the last two years, and is entitled to a higher rate of PADP under their new application

Alison is 75 years old and previously had an award of PADP at the lower rate. Alison's entitlement to PADP ended on 5 January 2025 following an unscheduled review after she notified Social Security Scotland of a change of circumstances. On 17 August 2025, Alison made a new application for PADP.

The case manager recognises that Alison had a previous award of PADP which was within the last two years.

The case manager decides that Alison meets the criteria for the higher rate of PADP. This is a higher rate of PADP than she had from her previous award that ended within the last two years, as Alison previously received the lower rate of PADP.

As Alison is entitled to a higher rate of PADP when compared to her previous award within the last two years, the case manager does need to apply the backwards test.

Based on the application form and communication with Alison, the case manager determines that Alison's current level of need started on 1 May 2025. As Alison will need to satisfy the backwards test of 26 weeks, her entitlement to PADP starts from 30 October 2025.

Relationship with the date of application

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

1 PADP Regs, reg. 27(1)(a)

13. Individuals do not need to wait until the backwards test is complete before making an application for PADP. If the individual considers that it is likely they will

meet the backwards test within 26 weeks, they can submit an application. This is called a pre-emptive application.

14. If the individual applies before they meet the backwards test, but likely will do within 26 weeks of making the application, the date the application is treated as being made is the date on which the individual meets the conditions of entitlement¹.

1 PADP Regs, reg. 27(1)(b) and (2)

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

Archie is 70 years old and has heart failure which causes him to be short of breath, even at rest. He applies for PADP on 1 September. He notes on the application that his care needs, due to being breathless, began on 23 June. However, the backwards test will not be met until 22 December. Although Archie submitted his application on 1 September, Social Security Scotland will treat his application as being made on 22 December, the date that he satisfied the backwards test.

Relationship with the date of entitlement

15. The backwards test must be met before the entitlement to PADP can begin.

16. The date an individual satisfies the backwards test is in relation to their overall needs, as set out in their application form.

17. The case manager may need further information to determine that the backwards test has been met. This information should confirm that the individual is likely to meet the conditions of entitlement during the relevant period.

18. For more information on the date of entitlement, reference should be made to the Applying for PADP chapter.

19. Case managers use weeks to calculate the backwards test.

20. Some individuals might only be able to supply Social Security Scotland with 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.

21. Sometimes, individuals can only supply Social Security Scotland with 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.

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

Eleanor is 68 years old. When she applied for PADP, she stated her condition began impacting her ability to carry out everyday activities in the first week of

December 2024. The first week of December starts on Monday 25 November 2024. The case manager records this date as the first day of the backwards test.

22. 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 individual's level of need began on the first day of the final week of the month.

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

Martin is 70 years old. When he applied for PADP, he stated his condition began impacting his ability to carry out everyday activities in December 2024. As Martin has only indicated a specific month, the case manager phones Martin to discuss the backwards test. Martin then explains that his condition started to impact him as set out in his application in the last week of December. The last week of December starts on Monday 30 December 2024. 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 Pension Age Disability Payment

23. Case managers may become aware of a change of circumstances that could possibly result in a change to the rate of PADP that the individual is entitled to and is already in receipt of. In these cases, they must make a determination without application about the individual's entitlement to PADP¹.

1 PADP Regs, reg. 40(a)

24. The case manager must apply the backwards test in making their determination without application.

25. Case managers should refer to the 'Change of circumstances – change in care needs' chapter for guidance on how to appropriately apply the backwards test when an individual has had a change in their level of need.

[END OF CHAPTER]