

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 Child Disability Payment (CDP) is cancelled.

Requesting that an award of Child Disability Payment be cancelled

2. Individuals who are entitled to CDP have the right to request that CDP stop being paid. This involves cancelling the individual's entitlement to assistance¹.

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:

- immediately¹
- at a later date specified in the request².

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

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

4. The case manager should explain to the individual the impact of the decision to cancel CDP. They should:

- Tell the client which other Social Security Scotland benefits the client might be eligible for, if any;
- Signpost the client to independent advice services, such as their local Citizens Advice Bureau, ahead of making a final decision.

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 CDP is cancelled

Liara is 17 and has dyslexia and dyspraxia. She is entitled to the lowest rate of the care component of CDP. Liara requests that CDP stop being paid on 10 October. She insists that she no longer requires attention for a significant portion of the day and does not want to continue to be paid CDP.

The case manager explains to Liara that

- the change in her needs are a change of circumstance

- her case would therefore be subject to a determination without application rather than cancelling entitlement.

The case manager also discusses the impact of stopping payment of CDP with Liara to make sure she is certain about the decision. They also ensure that Liara understands the impact stopping CDP will have, for example on any passported benefits.

Liara decides that the case manager should review her case on the basis of a change in circumstances. The case manager gathers supporting information and carries out a determination without application. They determine that Liara is no longer entitled to the lower rate of the care component as she no longer requires attention for the significant portion of the day. The case manager stops entitlement to CDP for Liara from 10 October.

Example: the parents of a child entitled to CDP request that it stop being paid

Cole is 13 and has autism. He is entitled to the lowest rate of the care component of CDP. On 12 January, Cole's fathers request that CDP stop being paid. They have recently received a large inheritance and do not wish to receive financial support in the form of CDP for Cole any more.

The case manager discusses the impact of cancelling CDP with Cole's fathers.

Cole's fathers discuss their options before deciding that they want to cancel Cole's award.

The case manager explains how to make a cancellation request. Once the request has been received it is processed and the case manager stops Cole's entitlement to CDP.