

Applying for Child Disability Payment

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Introduction

1. This chapter describes the rules about applications for Child Disability Payment (CDP).

Circumstances when an application may be made

2. There are several circumstances when an individual can make an application for CDP. These include when an individual:

- is making their first application
- has previously unsuccessfully applied and has decided to apply again.

3. In relation to the above examples, a determination must be made where an individual submits a full application. A determination without application is a new determination of entitlement that replaces an earlier determination. [LINK TO DETERMINATIONS OF APPLICATIONS AND AWARDS CHAPTER]

4. There are some circumstances when an application is not required. This may be the case when an individual is waiting for a determination on an existing application and contacts us to update it.

How to make an application

5. There are two ways people can apply for CDP:

- by completing a full application in the online portal

- by starting an application by phone and by completing part 2 with a paper based application form.

The application method they use does not affect the consideration of their application.

Social Security Scotland's Local Delivery team are available to help individuals to make an application either:

- face-to-face in local delivery offices
- remotely by telephone.

6. Guidance for individuals on making an application for assistance is set out in detail:

- on the Social Security Scotland website
- in leaflets and on the application forms.

An individual can contact Social Security:

- using whatever channel they are most comfortable with
- to get help with their application

Who can make an application

7. Any adult who meets all of the following criteria:

- with parental rights and responsibilities for a child
- who is living with the child
- who is willing and practicably able to act on the child's behalf

can submit an application.

8. Alternatively an appointee may complete an application a child's behalf. [\[LINK TO APPOINTEES CHAPTER\]](#).

9. An individual cannot make a new application if they are 16 years or older when the entitlement is taken to have begun¹. Individuals aged 16 on the date their application is received by Social Security Scotland whose application is being processed under Special Rules for Terminal Illness (SRTI) are entitled to CDP if entitlement begins from a date before they turned 16.

1 CDP regs, reg. 4 (1)

10. New applications for disability assistance for an individual who is 16 years or older would be for Personal Independence Payment (PIP).

Beginning an application

11. An individual can begin an application either by phone or online. This is part one of the application process.

12. Once they have started the application, the individual has 6 weeks to complete part two of the application.

13. To complete part one of the application process, an individual must provide the minimum data required to link them to a unique record. This is called the required data.

The required data is the:

- full name of both the child or young person and individual applying on their behalf
- date of birth of the child or young person and individual applying on their behalf.

14. If the individual:

- completes part two of the application within 6 weeks of part 1
- is eligible for CDP
- meets the backwards and forwards test [LINK TO BACKWARDS AND FORWARDS TESTS CHAPTER]

the application will be considered made on the date that Part 1 of the application was received by Social Security Scotland¹.

1 CDP Regs, reg. 24(1)

15. If an individual:

- submits an application
- does not yet meet the criteria for the backwards test of 13 weeks the case manager can set the date of application as the date when the backwards test is satisfied¹.

1 CDP regs, reg.24 (1)(a)(b)

Example: Backwards test met

The parents of 14 year old John are applying for CDP on his behalf for the first time. John has met the eligibility criteria for more than 13 weeks. His mum contacts Social Security Scotland on 12 February and requests an application form.

The completed application form must be submitted by 24 March.

John's application is submitted by 22 March. The case manager determines that John is entitled to CDP from 12 February. This is because he has met the eligibility criteria for more than 13 weeks prior to 12 February.

Example: Backwards test not yet met

8 year old Ash's carer applies for CDP for the first time on the 12 March. Ash has met the eligibility criteria since 16 January when the needs related to her disability first arose. They will therefore meet the eligibility criteria for lowest rate of the care component and lower rate of the mobility component on 16 April as this is 13 weeks since Ash's needs arose.

The case manager determines that Ash is entitled to the lowest rate of the care component and the lower rate of the mobility component from 16 April.

Date the application is made

16. An application is considered made on the date that Social Security Scotland receives a complete application¹.

1 CDP regs, reg. 24 (1)(a)

Late completion of application

17. An individual should complete part two of the application within six weeks of Part 1. Where they have not done so, the earliest date that entitlement can begin is the date on which Social Security Scotland receives part two of the application.

18. However, if the individual can show good reason for completing their application late, Social Security Scotland can treat the date of application as the later of either the date that the individual:

- completed Part 1 of the application
- met the eligibility criteria, including the backwards test

19. The individual must provide good reason within 52 weeks of the application being completed. If Social Security Scotland does not accept the reasons for the late completion, the individual has the right to request a re-determination in relation to the start date of assistance.

20. There is a wide range of circumstances that might be considered good reason for the late completion of an application:

- where the individual could not complete the application due to a disability or health condition resulting in them being hospitalised
- a personal event such as a bereavement or moving house
- where the individual or a third party representative has contacted Social Security Scotland to request more time. This could be to liaise with welfare rights support or accessibility support such as a translation service or interpreter.

This list is not exhaustive.

Example: entitlement starts from the date the backwards test is met

Seven year old Margaret's father contacts Social Security Scotland to request an application form on 20 November. Margaret's father is advised that he must complete Part 2 of the application by 1 January.

Margaret's father provides Part 2 of the application on 8 January. His reason for providing Part 2 late is that he forgot to complete the application form until the 8 January.

The case manager notes that the 13 week 'backwards test' would be fulfilled on 14 December. However, the case manager determines that Margaret's entitlement begins on 8 January, as good reason has not been provided.

Good reason due to an action by Social Security Scotland would relate to:

- the online portal preventing the individual from applying for assistance
- where no application form is received by the individual after they requested it
- where the actions of staff or the systems and processes prevent an individual from applying within the 6 week period.

In these scenarios both:

- good reason for lateness should be accepted
- the entitlement should begin on the date that the application was registered

Example: Application form not sent by Social Security Scotland

Atia's guardian phoned Social Security Scotland on the 4 July to request an application form. It is explained to Atia's guardian that an application form would be sent to her and that this should be returned by 14 August.

Atia's guardian contacts Social Security Scotland on the 1 August to say that the form had not arrived. It appears the form must have not have been delivered although records show that a form was sent out,. A further form is issued to Atia's guardian. When the case manager makes a determination on the application, they can treat the application as made on 4 July.

Good reasons due to impact of a disability

21. There are circumstances where an individual's disability or condition may prevent either:

- them
- the person applying on their behalf from completing an application.

22. This might happen if the individual or an individual's parent was an in-patient in hospital during the 6 week application period. Individuals should inform Social Security Scotland in these cases.

The case manager should ask when the individual or relevant individual was:

- admitted to hospital
- discharged from hospital.

23. When a good cause like this one is accepted, appropriate time should be added on to the 6 week period.

Example: 6 week period extended due to hospital stay

Fourteen year old Matthew's mother begins an application on 4 May. She has six weeks to complete the application. The application should be completed and submitted to Social Security Scotland by 15 June. Matthew is admitted to hospital on 23 May. The hospital is more than a 60 minute drive from home. Matthew's mother is unable to complete his application while he is in hospital due to extensive travel between home and the hospital.

Matthew spends 22 days in hospital before he is discharged on 14 June. His mother submits part 2 of the application on 18 June, three days late. She contacts Social

Security Scotland to explain that Matthew was admitted to hospital and the effect of frequent travel on her ability to complete an application. She provides the dates that Matthew was in hospital. Good reason is accepted in this case. The six week period is therefore extended by the 22 days that Matthew was in hospital. Because an application was submitted on 18 June, Matthew is entitled from 4 May.

Acceptable and unacceptable applications

24. The Social Security (Scotland) Act 2018 sets out that an application must be submitted both:

- in the form described by Social Security Scotland
- with the supporting information that is required¹.

1 SS(Scotland) Act 2018 s.38 (1)

25. It may be that an individual:

- fills in an application for CDP on an Adult Disability Payment form
- provides enough supporting information to make a determination.

In this situation, the case manager can accept the application. [LINK TO UNSCHEDULED REVIEWS CHAPTER]

26. Similarly, if an individual fills in an application for CDP on a Disability Living Allowance for Children form, it may be treated as though it was an application to CDP where there is enough information to make a determination. Disability Living Allowance for Children is the benefit that CDP replaces in Scotland.

27. An application may be rejected if the individual has either or both:

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

Examples of when a case manager might reject an application are provided under [LINK TO] Rejecting an Application.

Rejecting an application

- Rejecting an application is not the same as a determination that an individual is not entitled to assistance. This is because there is not enough information to make a determination about entitlement.
- Applications must be accompanied by the required forms and supporting information that the Scottish Ministers require¹. For example, an individual might not provide part two of the application within the required 6 week period even after a case manager has attempted to contact the individual and has offered support to complete the application. [LINK TO OPERATIONAL GUIDANCE] Where this is the case, the application should be rejected. [LINK TO OPERATIONAL GUIDANCE].

1 SS Act 2018 s.38(1)

28. If an application is rejected, the 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

29. A case manager does not make a determination when rejecting an application. For this reason, it is not possible for the individual to request a re-determination. Instead, if an application has been rejected, they have 31 days to appeal the decision to the First-Tier Tribunal for Scotland from the date they were informed of the decision¹.

1 SS Act 2018 s.61(1)(a)

Date of entitlement

30. The date of entitlement is the first date from which CDP is paid. This can be:

- Backwards test met date: the day after the first day the backwards test is met or is likely to be met
- Application received date¹: the date the application is received
- Individual details submitted date¹: the date on which the full name and date of birth of the individual is submitted to Social Security Scotland. This is part one of the application process.

1 CDP regs 20 (3) (4) (5)

31. In most cases the application received and the individual details submitted dates will be the same.

32. However if the application received date comes within 6 weeks after the individual details submitted date, then the date of entitlement will be the individual's details submitted date unless the backwards test / forwards test has not been met.

33. If both:

- the application is received more than 6 weeks after the individual's details submitted date
- there is no good reason why the application was not received within the 6 weeks

then the date of entitlement will be the application received date¹, unless the backwards test / forwards test has not been met.

1 CDP regs, s.20(1),(2),(3),(4),(5) and (6)

Making an application before qualifying age

34. In order to be entitled to CDP, a child must be aged between at least 13 weeks and 16 years old¹.

1 CDP regs, reg. 4 (1)

35. A child should be at least 13 weeks old to be entitled because the backwards test is 13 weeks. [LINK TO BACKWARDS AND FORWARDS TEST]. If a child is terminally ill, different rules apply. Under Special Rules for Terminal Illness (SRI), a child is eligible from birth. [LINK TO SRTI CHAPTER].

36. An application may be made in advance of a child meeting either the:

- age criteria
- the backwards test.

37. If the individual meets the other eligibility criteria in these cases, including the backwards test, entitlement should begin on the date that the age criteria is met. It should not be determined that the individual is not entitled to CDP because of not meeting the age criteria on the date the application is made.

The case manager should consider an application as having been made on the day that the age criteria is satisfied¹.

1 CDP regs, reg. 24 (2)(a)(b)

38. An application can be submitted for the mobility component for children in the 13 weeks before:

- their 3rd birthday for the higher rate¹
- their 5th birthday for the lower rate².

*1 CDP regs, reg. 13 (1)
2 CDP regs, reg. 12 (1)*

This is called an advanced application.

Making an application before residence and presence requirements met

39. An application can be submitted for an individual who does not meet the residence and presence requirements on the date that the application is submitted. An individual may be taken to have met these requirements if they meet them within 13 weeks of the application being received¹. [LINK TO RESIDENCY AND PRESENCE CHAPTER]

1 CDP regs, reg.7 (1)(a)

40. In this circumstance, a case manager may determine that the individual is entitled to CDP from the date when they meet the residence and presence requirement. This is provided that the other eligibility criterion have been met.

Change of circumstances after an application is submitted and before a decision is made

41. Once a full application is submitted, an individual may be asked to provide supporting information. They have four weeks to provide this to Social Security Scotland. A case manager can make a determination before this four weeks elapses

where they have enough information to award the higher rate of both the care and mobility components.

42. An individual may experience a change of circumstances:

- after an application has been submitted
- before a determination has been made.

A case manager should take any new information into account once they are made aware of it.

43. A further application is not necessary after a report of a change of circumstances. In this scenario, a case manager may make one determination with two award rates applied. This is if the change reported or new information provided affects the original award. One award should take into account the care and/or mobility needs of the individual based on the original information provided in the application. Another award could be based on the care and/or mobility needs of the individual based on the new information.

44. This could result in two different rates of award. The award based on the new information provided should come into effect once the backwards test has been met for the new information [LINK TO QUALIFYING PERIODS CHAPTER]. The determination of entitlement sent to the individual should clearly explain this.

Example: A change of circumstance is reported in advance of a determination

Twelve year old Mandy has epilepsy and needs continual supervision during the day. Mandy's mother submits an application for CDP on her behalf on 1 March. Mandy's mum contacts Social Security Scotland to let them know that Mandy:

- has been in a car accident on 28 April
- is severely injured
- is virtually unable to walk any distance without experiencing severe discomfort.

The supporting information indicates that her recovery will take at least 8 to 10 months.

The case manager determines that from 1 March Mandy is entitled to the:

- middle rate of the care component
- lower rate of the mobility component.

This award is based on Mandy's needs as a result of epilepsy.

The case manager then makes another award:

- based on the information they have received about Mandy's needs resulting from her walking restriction
- that now meets the criteria for higher rate of the mobility component.

They determine that she will be entitled to:

- the highest rate of the care component
- the higher rate of the mobility component

once she meets the backwards test of 13 weeks from the date of the accident. Mandy will therefore be eligible for this rate from 28 July. The determination of entitlement sets out both of these awards.

Example: A change of circumstance is reported in advance of a determination

Nine year old Josh has Attention Deficit Hyperactivity Disorder. His mother applies for CDP on 10 June 2020. The application suggests that because of his needs Josh is likely to be entitled to the:

- lower rate of the mobility component
- lowest rate of the care component.

They are that he requires supervision when moving around outside and needs prompting with personal care tasks like washing and dressing.

Before the case manager makes the determination, they receive information that Josh has been diagnosed with Type 1 diabetes on 5 August 2020. This means he now needs:

- assistance with administering insulin on a daily basis
- careful monitoring of his blood glucose levels

Josh cannot do this himself because of his ADHD, and his mum must do this for him.

The case manager takes into account the new diagnosis and the sudden onset of a new condition to make two awards. One covers the period from 10 June 2020 to 3 November and the second from 13 November 2020 onwards. The case manager determines that Josh is entitled to the lower rate of the mobility component and middle rate of the care component from 3 November. This is 13 weeks after the onset of Josh's increased needs due to Type 1 diabetes.

Determination of entitlement

45. An individual will be notified when their application has been received by Social Security Scotland if they have opted to receive notifications.

46. An individual will receive a reminder from Social Security Scotland two weeks before the end of the 6 week period. This is when part one of an application has been made and a full application has not yet been submitted.

47. An individual will receive a determination of entitlement on their application.

Withdrawal of application

48. Individuals have the right to withdraw their applications at any time before a determination is made on the application. Case managers are not to make a determination on applications which have been withdrawn¹.

1 SS Act 2018, s.39

End of chapter