

## Backwards and forwards tests

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### Introduction

1. This chapter explains the backwards test and forwards tests for Child Disability Payment (CDP).
2. The backwards test is the amount of time the individual must have met the criteria of entitlement for a particular component, or rate of a component of CDP<sup>1</sup>.

*1 CDP regs, reg. 11(3)(a), 12(6)(a) and 13(10)(a)*

3. The forwards test looks at the amount of time the individual is likely to meet the criteria of entitlement for a particular component, or rate of a component of CDP<sup>1</sup>.

*1 CDP regs, reg. 11(3)(b), 12(6)(b) and 13(10)(b)*

4. 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 [LINK - SRTI CHAPTER].

### The backwards and forwards tests

5. The individual must have met or be deemed likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 13 weeks immediately preceding the date of entitlement. This is the backwards test<sup>1</sup>.

*1 CDP regs, reg. 11(3)(a), 12(6)(a) and 13(10)(a)*

6. The individual must be likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 26 weeks from the date of entitlement. This is the forwards test<sup>1</sup>.

*1 CDP regs, reg. 11(3)(b), 12(6)(b) and 13(10)(b)*

### Relationship with the date of application

7. The date of application is usually the date on which the application is received by Social Security Scotland<sup>1</sup>.

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

8. Individuals do not need to wait until the backwards test is complete before making an application for CDP.

9. If the individual applies before they meet the backwards test, but likely will do in the future, the date of application is the date on which the individual will meet the criteria of entitlement. These include the backwards and forward tests<sup>1</sup>.

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

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

Daniel is 7 years old and has developed diabetes. His father applies for CDP on 2 October 2022. He notes on the application that due to his diabetes, Daniel's stated level of support needs began on 10 August 2022. However, the backwards test will not be met until 8 November. The application is treated as being made on 8 November 2022.

**Relationship with the date of entitlement**

10. The backwards test must be met before the entitlement to CDP can begin.

11. The date an individual satisfies the backwards test might differ for the care and the mobility component.

12. The case manager may need supporting information to determine that the backwards test has been met and the forwards test is likely to be met. This information should confirm that the individual is likely to meet the criteria of entitlement during both of the relevant period.

13. For more information on the date of entitlement please refer to the Applying for CDP chapter [ [LINK - APPLYING FOR CDP CHAPTER](#)].

14. Different rules apply if the individual is staying in alternative accommodation. You can find more information on this in the Effect of Time Spent in Care Homes and Residential Educational Establishments and the Legal Detention chapters [ [LINKS](#)].

15. Case managers use weeks to calculate the backwards test and forwards test.

16. 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.

17. 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**

Seamus is 4 years old. When his father applied for CDP, he stated Seamus' level of needs began in the first week of October 2022. The first week of October starts on Monday 26 September. The case manager records this date as the first day of the backwards test.

18. 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**

Shameen is 5 years old and has been diagnosed with an autistic spectrum disorder. Her mother applies for CDP in December 2022 but explains that Shameen has had this level of needs from the last week of October 2022. The last week of October starts on Monday 31<sup>st</sup> October. 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**

19. Case managers can become aware of a change of circumstances that could possibly result in a change to the rate of CDP that the individual is entitled to receive. In these cases, they must make a determination without application about the individual's entitlement to CDP<sup>1</sup>.

*1 CDP regs, reg. 31*

20. The case manager must apply the backwards test and forwards test in making their determination without application.

21. These rules determine if the individual is entitled to a different award and the date when the individual's new award should begin.

22. 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

[LINK - CHANGE TO IMPACT OF CONDITIONS OR LEVEL OF NEEDS CHAPTER].