

CDP Clients aged 16 years and older

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Introduction

1. This guidance is for case managers. Read this guidance to find out more about Child Disability Payment (CDP) for individuals who are 16 years and older.
2. Case managers should understand why CDP can continue to an individual's 18th birthday. The key intention is to help families during what can be a challenging time transitioning from child to adult services.

Age Criteria

3. To get CDP, an individual must be under the age of 16 on the day their entitlement begins¹.

1 CDP regs, reg. 4(2)

4. This does not apply to individuals who:

- are ordinarily resident in Scotland and are entitled to Disability Living Allowance for children,
- have moved to Scotland from elsewhere in the United Kingdom whilst receiving Disability Living Allowance for young people.

5. Where an individual's entitlement to CDP begins before reaching age 16, they can continue to be entitled to CDP until they reach age 18¹. This is to provide continuity for young people during the transition from children's to adult's health and social care services.

1 CDP regs, reg. 4(1)

6. If an individual's entitlement would begin on or after they reach age 16, they are not entitled CDP. The individual should instead make a claim for Personal Independence Payment (PIP) with DWP.

7. The Scottish Government intends to replace PIP with Adult Disability Payment (ADP) from spring 2022.

Entitlement after age 18

8. An individual can remain entitled to CDP up to the age of 19 in the following circumstances:

- The individual is awaiting a determination of their entitlement to ADP
- The individual was in receipt of Disability Living Allowance in another part of the United Kingdom immediately before moving to Scotland
- The individual is transferring as part of the case transfer process.

1 CDP regs, reg. 4(1B(b))

9. An individual who is in receipt of CDP because they are terminally ill can continue to receive CDP with no age limit set.

1 CDP regs, reg. 4(1B(a))

[Link to SRTI chapter and Moving from CDP to ADP chapter]

Scheduled Reviews

10. There will be no scheduled reviews for individuals who are entitled to CDP between 16 and 18 years of age, in line with the Scottish Government's commitment to automatically extend an award of CDP to age 18 once the individual reaches age 16.

[Link to chapter on Scheduled Reviews]

Making payments to individuals aged 16 and over

11. Once a child reaches the age of 16, they are considered a young person. Young people are generally expected to manage their own entitlement to CDP.

12. Where an individual who is entitled to CDP is 16 years or older, payment can be made to:

- the individual
- another person to be used for the benefit of the individual (called 'an appointee')^{1, 2}

1 CDP regs, reg. 22(1)

2 Social Security (Scotland) Act 2018, s. 85B

[Link to Chapter on appointees]

13. When the individual reaches the age of 15 years and 8 months, Social Security Scotland will write to their parent, guardian or appointee. This letter will ask whether the individual can manage their own entitlement to CDP when they become 16. If the individual can manage their own entitlement, the parent, guardian or appointee will also be asked for the individual's payment details.

14. If the individual cannot manage their own entitlement after they become 16, Social Security Scotland must consider whether an appointee is required to receive CDP on behalf of the individual.

15. The process for deciding whether to appoint a person to act on behalf of a young person depends on whether or not the individual is legally deemed to lack capacity to manage their own affairs.

[Link to guidance on adults with incapacity.]

[Link to guidance on appointees for adults with capacity]

Example: changing payments from a parent to the young person when they reach age 16

Amy is 15 years and 8 months old and is entitled to CDP. Amy's father is currently receiving the payments to his bank account. Social Security Scotland wrote to Amy's father to ask for bank details for Amy. This is so that CDP payments can be made directly to Amy once she turns 16 years old. Social Security Scotland received Amy's bank details and payments will be made directly to her once she turns 16.

Example: payments are not made to the young person when they reach age 16

Sean is 15 years and 8 months old and is entitled to CDP. Sean's mother is currently receiving the payments to her bank account. Social Security Scotland wrote to Sean's mother to ask for bank details for Sean. This is so that CDP payments can be made directly to Sean when he turns 16 years old. Sean is not yet able to manage his money himself because of the severity of his disability. Sean's mother replied to Social Security Scotland to request that payments continue to be made to her bank account. Social Security Scotland makes enquiries about Sean's circumstances, including taking into account Sean's own views and decides to appoint Sean's mother to act on his behalf. Sean's payments would therefore continue to be made to Sean's mother as his appointee

16. If it is no longer appropriate for a particular person to receive payment, this can be stopped and the payment made instead to another person¹.

1 CDP regs, reg. 22(2)

Example: the person receiving payments needs to be changed

Gary is 16 and is receiving CDP. When he turned 16 years old, his Nanna became an appointee with his agreement. This means his payment is made to his Nanna's bank account. Unfortunately his Nanna has now become ill and cannot support him in the same way. A new appointee is agreed with Gary's consent, and all new payments are made to his new appointee's account.

[LINK TO OPERATIONAL GUIDANCE ON APPOINTEES]

Failure to provide payment details

17. If a young person has reached the age of 16 and Social Security Scotland have not been notified of their bank details or whether an appointee is required, Social Security Scotland should continue to make efforts to establish these details. Payments will continue to be made to the person who has been receiving CDP on the individuals' behalf.

[Link to ops guidance – obtaining new payment details in advance of the client becoming 16 years of age]

18. It is anticipated that from November 2021, Social Security Scotland will be able to suspend payment if these details are not provided. Further updates will be made to this guidance to reflect that change.

Care component criteria – Preparation of a cooked main meal

19. One of the CDP care component criteria specifically relates to an individual 16 years and older.

20. An individual may be eligible for the lowest rate of the care component if they are so severely disabled that they are unable to prepare a cooked main meal for themselves. This includes if they already have the ingredients¹.

1 CDP regs, reg. 11(1)(b)

[LINK to CDP Care Component – Rates and Criteria and LINK to CDP Care Component - Definitions chapter]

21. An individual under 16 may be entitled to the mobility component but not the care component of CDP. If this is the case, a review should be scheduled before their 16th birthday to determine whether they may now be eligible for the lowest rate of the care component.

[Link to chapter on Scheduled Reviews]