

Death of an Individual

Index

This chapters covers the following topics:

- Introduction
- Death of an individual
- Payment of Child Disability Payment after the death of an individual
- Overpayments of Child Disability Payment after the death of an individual

Introduction

- 1 This chapter looks at what a case manager should do if an individual entitled to Child Disability Payment (CDP) dies.
- 2 This chapter relates to the unscheduled reviews chapter which explains both:
 - when an unscheduled review should take place
 - what a determination without application is.

Death of an Individual

- 3 Case managers must carry out an unscheduled review and make a determination without application when they are notified that an individual entitled to CDP has died¹.

1 CDP regs, reg. 31(b)

Payment of Child Disability Payment after the death of an individual

- 4 The weekly rate of CDP paid to the individual is multiplied by 2 for each week up to the maximum period of 8 weeks ending with the death of the individual¹.

1 CDP regs, reg. 23(7)(a)

- 5 This is calculated by using the relevant weekly rate the individual was entitled to for each week up to the maximum period of 8 weeks ending with the death of the individual. This includes both the care and mobility components. For more information, see Operational Guidance and the Payment of CDP chapter of this guidance.
- 6 Where an individual has been entitled to CDP for less than 8 weeks before their death, the amount to be paid is a doubling of the period (weeks and days) they were entitled.
- 7 Where the individual is entitled to Child Disability Payment for a period shorter than a week payment should be calculated in days. The daily rate is one-seventh of the weekly rate¹.

1 CDP regs, reg. 23(3)

Example: An individual dies while in receipt of CDP for less than 8 weeks

Paul is 7 years old and has cancer. He is entitled to the highest rate of the care component and the higher rate of the mobility component of CDP.

Paul's entitlement to CDP started on 21st January. Paul dies on 7th February. Paul died after being in receipt of CDP for only 2 weeks and 3 days. The amount paid is a double payment of each component of CDP for the period of 2 weeks and 3 days that he was entitled.

- 8 Any circumstance which has reduced the rate an individual is paid to £0 has no effect on this.

1 CDP regs, reg. 23(7)(b)

Example: an individual dies while in receipt of CDP

Alisdair is 6 months old and has cerebral palsy. He is entitled to the middle rate of the care component of CDP. He dies on 1 October. Social Security Scotland is informed 2 days later.

The case manager makes a determination without application that Alisdair is no longer entitled to CDP. Alisdair should have been paid twice the rate he was receiving for the 8 weeks immediately prior to his death. This is classed as an 'underpayment' of CDP as it has not yet been paid to Alisdair.

Overpayments of CDP after the death of an individual

- 9 Social Security Scotland will not always be informed of the death of an individual immediately. This could potentially result in an overpayment.
- 10 An individual's estate is liable to Scottish Ministers for any sums paid after death because this assistance was given in error¹. The value of the overpayment is the difference between the assistance given² and the value that should have been given if the overpayment had not happened³.

1 SS Act 2018, s69(1)

2 SS Act 2018, s63(2)(a)

3 SS Act 2018, s63(2)(b)

Example: Social Security Scotland is notified of an individual's death 12 weeks later

Danielle is 15 years old and has cancer. She is entitled to the highest rate of the care component and higher rate of the mobility component of CDP through special rules for terminal illness. Danielle dies on 10 October.

Social Security Scotland is informed of Danielle's death 12 weeks later. The case manager makes a determination without application that Danielle is no longer entitled to CDP.

An overpayment of CDP has occurred. This is because payment of CDP was doubled for the period of 8 weeks ending on the date of Danielle's death. This means that Danielle was overpaid the highest rate of the care component and the higher rate of mobility component of CDP for 4 weeks.

Example: Social Security Scotland is notified of an individual's death 6 weeks later

Hugh is 5 and has congenital heart disease. He is entitled to the middle rate of the care component and lower rate of the mobility component of CDP. Hugh dies on 1 May due to complications resulting from his health condition.

Hugh's carer informs Social Security Scotland that Hugh has died 6 weeks later. The case manager makes a determination without application that Hugh is no longer entitled to CDP.

To calculate whether there has been an underpayment or an overpayment to Hugh's carer, the case manager must both:

- check and double the weekly amount paid to Hugh for each of the past 8 weeks leading up to his death
- deduct the amount that was already paid for the period from this to calculate how much is still due to be paid.