

## Payment of Child Disability Payment

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### Introduction

1. This chapter relates to payment to a person who is entitled to Child Disability Payment (CDP). It sets out the process by which CDP is paid.

### Components of CDP

2. CDP has two components: care and mobility. Each component is payable at different rates. The rate and components an individual is entitled to is based on what entitlement criteria they meet as set out in the regulations for CDP. The components and rates of CDP are:
  - the care component at the lowest, middle, and highest rate<sup>1</sup>
  - the mobility component at the lower and higher rate<sup>2,3</sup>.

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

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

*3 CDP regs, reg. 13(1)*

3. For more information on the care component, see the Care Component – Rates and Criteria and the Care Component - Definitions chapters. For more information on the mobility component, please see the CDP Mobility Component - Lower Rate chapter and the CDP Mobility Component - Higher Rate chapter.
4. The individual can apply for short-term assistance (STA) when:
  - a new determination of entitlement results in an award being stopped or reduced
  - they ask for a re-determination or appeal<sup>1</sup>.

*1 CDP regs, Sch. 1, para 1(a)*

5. The amount of STA payable is the difference between the total amount paid under the
  - earlier determination
  - new determination<sup>1</sup>.

*1 CDP regs, Sch. 1, para 2*

6. The payment method of STA should be the same as it was for the earlier determination of CDP.

### **Rates and form of payment**

7. CDP is usually paid via bank transfer to a nominated bank account.
8. An individual may not have access to a bank account. If this is the case, Social Security Scotland will contact them to establish a suitable payment method.
9. The rate at which the care component of CDP is paid is either:
- the highest-rate which is **£358.40 every** four-weeks. This is the equivalent to £89.60 weekly or £12.80 daily
  - the middle-rate which is **£240.00 every** four-weeks. This is the equivalent to £60.00 weekly or £8.57 daily
  - the lowest-rate which is **£94.80 every** four-weeks. This is the equivalent to £23.70<sup>1</sup> weekly or £3.39 daily.

*1 CDP regs, reg. 23(1)*

10. The rate at which the mobility component of CDP is paid is either:
- the higher-rate which is **£250.20 every** four-weeks. This is the equivalent to £62.55 weekly or £8.94 daily
  - the lower-rate which is **£94.80 every** four-weeks. This is the equivalent to £23.70 weekly<sup>1</sup> or £3.39 daily.

*1 CDP regs, reg. 23(2)*

11. The rates listed above will be subject to increase with annual uprating each April.

12. Where an individual is paid both:
- the care component of CDP
  - Constant Attendance Allowance

at the same time, the amount of CDP should be reduced by the amount of Constant Attendance Allowance paid. Where the amount of CDP paid is equal to that of Constant Attendance Allowance, CDP payment is calculated at £0<sup>1</sup>.

*1 CDP regs, reg. 23(5)*

13. Constant Attendance Allowance supports individuals who become ill or disabled because of an accident or disease in the course of employment. Constant Attendance Allowance can be paid to individuals who are 16 years old or above.

### **Example: an individual who is entitled to Constant Attendance Allowance and CDP**

Seventeen year old Thomas receives the middle-rate care component and the lower-rate mobility component of CDP. Thomas also receives the full day rate of Constant Attendance Allowance following a severe injury sustained while at work. The amount

of Constant Attendance Allowance Thomas receives is £72.80 per week or £291.20 every four weeks.

This means that £291.20 is deducted from the care component of Thomas's four-weekly payment of CDP.

Because Thomas receives less than £291.20 from the care component of CDP every four weeks, his award is calculated at £0. Thomas continues to receive the lower-rate mobility component of CDP.

14. It is possible for CDP to be paid by an alternative payment method if the recipient agrees<sup>1</sup>. This may be the case where the individual both:

- receives the higher rate of the mobility component
- chooses to hire or hire-purchase vehicles directly from accredited providers of vehicles to disabled people.

Social Security Scotland will arrange to pay part or all of the mobility component to the provider until the lease has ended.

*1 CDP regs, reg. 38*

### **Who a payment can be made to**

15. Where entitlement is in relation to an individual under 16 years old, CDP should be paid to the person specified in the application<sup>1</sup> who will be:

- someone with parental rights and responsibilities, who lives with and has care of the child, provided that they are willing and practicably able to act an appointee.

*1 Social Security (Scotland Act) 2018, s85A*

16. Where an award relates to an individual who is 16 years old or above, payment should be made to either:

- the individual
- an appointee<sup>1</sup>
- someone that the individual has requested receive payment on their behalf.

*1 CDP regs, reg. 22(1)*

17. CDP can be paid to someone else at any point<sup>1</sup> if the individual requests it. This may follow a change of circumstances or the availability of new information. For more information please go to the individuals 16 or Older chapter.

*1 CDP regs, reg. 22(2)*

18. Deciding whether an appointee should receive CDP on behalf of an individual is a legal process. A decision relating to whether an appointment should be made or not can be made by an application for a review of the decision.

19. For more information on entitlement please go to the Determinations of Applications and Awards chapter.

**Example: payments are made to an individual after their 16<sup>th</sup> birthday**

Amy is aged 15 and has a CDP award which continues beyond her sixteenth birthday. Prior to her becoming 16 years old, Social Security Scotland wrote to Amy's father who is currently receiving the payments to ask for bank details for Amy. This is so that CDP could be made directly to Amy once she is 16 years old. Amy's bank details were supplied to Social Security Scotland and payments following her sixteenth birthday will be made directly to Amy.

**Example: payments are made to a parent of an individual aged 16**

Lawrie is aged 15 and lives with his mother who receives CDP on his behalf. When Lawrie turns 16, he starts receiving CDP directly into his own bank account. After three months, Lawrie's condition worsens. Lawrie's mother contacts Social Security Scotland to request that payments are made to her bank account as Lawrie is not able to manage his money independently. Social Security Scotland seek Lawrie's view before coming to a decision. There is no indication of incapacity so Social Security Scotland arrange for payment to be made to Lawrie's mother.

**Example: change in the person who receives payments on behalf of the child**

Charlie is aged 12 and lives with their mum and dad in Glasgow. Charlie's father receives CDP on their behalf. Charlie's mother and father then break up and, subsequently, Charlie's father moves to Inverness. Charlie's mother contacts Social Security Scotland requesting that she receives payments instead. Charlie's father no longer lives with them and no longer has care of Charlie. Therefore, it is determined that Charlie's mother should receive the CDP on their behalf.

**When a payment can be made**

20. CDP should be paid every four weeks, in arrears. Where Special Rules for Terminal Illness apply, CDP should be paid weekly, in advance<sup>1,2</sup>.

*1 CDP regs, reg. 25 (a)*

*2 CDP regs, reg. 25 (b)*

The first payment should be backdated to the date of application if the individual satisfies the backwards test. Once they has provided part one of an application, they have six weeks to complete the full application.

21. Payments will be backdated to the date they registered the application if they:

- complete the application within 6 weeks
- are eligible for the CDP.

22. If they complete the application after the 6 week period without a good reason, payment will start from the date that the completed application is received. If the individual can give a good reason then the start date of their award is the date

that they registered the date of application<sup>1</sup>. An explanation of what constitutes good reason can be found in the APPLYING FOR CDP CHAPTER.

*1 CDP regs, reg. 24 (5)*

23. A case manager should decide what constitutes a good reason<sup>1</sup>. For example, it may be that an individual does not submit a full application within the 6 week period because of:

- an action by social security Scotland
- an individual's disability prevented them from submitting an application.

24. For more information on what constitutes a good reason, please refer to the Applying for CDP chapter.

*1 CDP regs, reg. 24 (6)*

25. The case manager can set the date of application as the date when the backwards test is satisfied if:

- the individual submits the application in full
- the individual does not yet meet the criteria for the backwards test of 13 weeks.<sup>1</sup>

26. For more information on the backwards and forwards test and how to deal with applications that do not yet satisfy the backwards test, please refer to the Backwards and Forwards test and the Applying for CDP chapters.

*1 CDP regs, reg. 24(2)*

27. There are circumstances in which CDP can be paid at a daily rate. This may be applicable to individuals living for a prolonged period in a care home or a residential educational establishment.

28. If the individual has a period of absence from the institution, they may be paid at a daily rate. The daily rate is one-seventh of the weekly rate.

29. The daily rate should be calculated from the day the individual goes on leave and ends the day after the individual returns to living in a care home<sup>1</sup>. For more detail on this please refer to the Effect of time spent in care homes and residential educational establishments chapter.

*1 CDP regs, reg. 19(4)*

**Example: an individual is paid the care component while on leave from residential care**

Eloise is aged 14 and is in receipt of the lowest-rate of the care component and the lower-rate of the mobility component of CDP. She is admitted to residential care on 1<sup>st</sup> August. After 28 days, Eloise's award for the care component of CDP is calculated at £0. Her entitlement to payment of the mobility component of CDP remains the same. After six weeks in residential care, Eloise is able to spend five days at home to see extended family. Eloise leaves residential care on 11<sup>th</sup> September. On 16<sup>th</sup> September, Eloise returns to the care home. To cover this 5 day

period, Eloise’s award is recalculated at five-sevenths of the weekly rate of the care component.

- The weekly lowest-rate of the care component is: **£23.70**
- The Daily rate is one-seventh of the weekly lowest-rate is **£3.39**
- The calculation of Eloise’s award is therefore five-sevenths of the weekly rate, equivalent to five times the daily rate which is **£16.95**.

**Example: an individual who is legally detained in hospital continues to be paid the care component**

Sasha is aged 17 and entitled to the lowest rate of the care component and lower rate of the mobility component of CDP. Sasha has been transferred from legal detention to hospital which means she is still entitled to receive payments of the care component after 28 days and will continue to be entitled to it throughout her stay in hospital.

30. An individual who is terminally ill becomes entitled from whichever of these dates is earliest<sup>1</sup>:

- the date Social Security Scotland receives their application
- the date a Benefits Assistance under Special Rules in Scotland (BASRiS) form is signed (up to a maximum of 26 weeks prior to application being received).

31. This date can be no earlier than 26 July 2021.

*1 CDP regs, reg. 15(3)(4)*

**Over-payments and under-payments**

32. Individuals may be liable to repay Social Security Scotland if:

- they have received an higher payment than they are entitled to
  - they have received a payment they are not entitled to
- of CDP or short-term assistance.<sup>1</sup>

*1 CDP regs, reg. 33 (1)*

33. Individuals may be due more money than they have received if they:

- have not received all or a component of CDP to which they are entitled<sup>1</sup>
  - have received a lower rate of CDP than they are entitled to
- of CDP or Short-term Assistance<sup>2</sup>

*1 CDP regs, reg. 32(1)(b)(i)  
2 CDP regs, reg. 32(1)(b)(ii)*

34. For more information on how payment errors are to be handed please go to the Payment Error Chapter

### **Change in amount of payment due to changes in law**

35. Rates of CDP will increase every year in line with the Consumer Price Index (CPI). Individual's will be notified of the increase in advance of it taking effect.

### **When payment can be stopped**

36. Payments of CDP should stop after an individual's entitlement to CDP ends.

37. Individuals have a right to request payments to stop. In these cases, managers should make a determination without application. Individuals can request that payments stop either:

- with immediate effect
- on a specific date<sup>1</sup>.

*1 Social Security (Scotland Act) 2018 , s 26 (2)*

38. The case manager should ensure that the individual or their representative is clear about the impact that the decision to stop payment of CDP will have. For more information, see Operational Guidance and Requesting that CDP stop being paid chapter.

39. When a case manager is notified that an individual entitled to CDP has died, they must make a determination without application<sup>1</sup>. Please refer to the Death of an Individual chapter for more information.

*1 CDP regs. reg. 31(b)*

40. When an individual entitled to CDP dies, the rate that they are entitled to be paid is multiplied by 2 for a maximum period of eight weeks ending on the date the individual died. This is calculated with reference to the weekly rate the individual was entitled to in the relevant week. If the individual has been entitled to CDP for less than 8 weeks before their death, we can only double the payment for the weeks/days they were entitled.

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

41. 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 rate<sup>1</sup>

*1 CDP regs. reg. 23(3)*

42. An overpayment can occur when Social Security Scotland is not informed immediately of the death of an individual who is entitled to CDP. If this happens, an individual's estate is liable to Social Security Scotland for any sums paid after death. This is with the exception of the eight week additional amount. The value of the overpayment is the difference between:

- the amount of assistance paid
- the amount that should have been paid if the overpayment had not happened.

**END OF CHAPTER**