

Scottish Adult Disability Living Allowance – Case Discussions

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Introduction

1. This chapter relates to how Social Security Scotland makes determinations of entitlement for Scottish Adult Disability Living Allowance (Scottish Adult DLA).
2. The guidance in the following paragraphs sets out the general principles which case managers should follow when requesting a case discussion.
3. A case discussion is the process by which a case manager requests a formal piece of advice from a specialist advisor to help them make a determination. A specialist advisor could be:
 - a practitioner within Social Security Scotlandor
 - an individual from the Decision Support Team
4. A case discussion may be required as part of an award review or as part of the re-determination process for Scottish Adult DLA.
5. A case discussion can be utilised at any point the case manager considers it necessary and not only as a last resort.
6. If the case manager is still unable to make a determination after a case discussion, they should refer to the 'After a case discussion' section of this chapter.

Requesting a case discussion

7. There are a number of circumstances in which a case manager may decide to make a formal request for a case discussion. Examples include:
 - a review or change of circumstances that contains conflicting information or relates to the combined impact of two or more disabilities or health conditions
 - a review or change of circumstances which relates to a particularly complex or rare condition, or a fluctuating condition

- where a case manager requires guidance interpreting regulations
- where there are any doubts about how to proceed with a suspension of payments or ending entitlement.

This list is not exhaustive. Case managers should consider discussing the case discussion request with their line manager.

8. Case managers should not request a case discussion by default because a Scottish Adult DLA review does not have supporting information. Instead, case managers should refer to the Supporting Information chapter.
9. When making a request for a case discussion, a case manager should:
 - define the specific questions they have
 - provide any supporting information that is relevant to the request
 - reference the relevant decision making guidance
 - note the preferred type of case discussion, such as an email case discussion, and provide reasoning for this decision
 - where appropriate, state whether it is a first request for a case discussion on a specific case, or a follow up request.
10. There is no hierarchy of supporting information. If a conflict arises between pieces of supporting information, case managers must provide clear reasoning for determinations based on one piece of supporting information over another. If they cannot provide clear reasoning for why they accept the facts of one piece of supporting information over another, they should consider requesting a case discussion.
11. A case manager should take a person-centred approach when deciding whether a case discussion is required in order to make a reasoned determination. For more information on a person-centred approach, see the 'Principles of Decision-making' chapter.
12. For guidance on approaching gaps, apparent inconsistencies or conflicting information, reference should be made to the 'Understanding and Interpreting Information' (including supporting information) chapter. For more information on how to approach a review without any supporting information, reference should be made to the 'Gathering Supporting Information' chapter.
13. Case discussion requests should highlight the specific gaps which prevent a determination from being made. This will allow the case discussion to focus on how these gaps may be filled and reduce the need for further case discussions on the same re-determination or review. A case discussion may not be necessary if a case manager receives the necessary information to allow them to make a determination in advance of the case discussion.

Types of case discussion

14. There are three types of case discussion. These are set out below. A case manager must consider the level and complexity of advice that is required to help them make a determination. They should then clearly set out the reasons for requesting this type of case discussion.
15. Email case discussions may be required where a case manager needs a specific piece of advice in order to make a determination. For an email case discussion:
 - The case manager will submit questions to the relevant specialist advisor on the case discussion referral template who will issue a response remotely. This will be a written response on the case discussion referral template.
 - A note of this exchange is then recorded by the case manager in the individual's records, along with the request for advice, as a record of information that contributed towards a determination.
 - A face-to-face discussion is not required for an email case discussion.
16. Discussion case discussions may be required where a written exchange is not sufficient and some kind of discussion is required:
 - This may be because the case manager has multiple questions relating to a case or anticipates the need for follow up questions.
 - A discussion case discussion may involve a face-to-face meeting between a case manager and a practitioner.
 - This type of case discussion can be carried out in-person, or remotely via telephone or video conference.
17. Complex case discussions may be required where a case manager requires advice from more than one discipline:
 - For example, in a complex case discussion, the case manager may seek input from a practitioner and the Decision Support Team at the same time.
 - Decision Support Team may also seek advice from the Social Security Policy Division in the Scottish Government, and/or the Scottish Government Legal Directorate.
 - A complex case discussion may be carried out in-person, or remotely via telephone or video conference.
18. There are no limits on the number of case discussions that can take place relating to an individual case.

During a case discussion

19. During a case discussion, a specialist advisor may be able to provide additional information to facilitate further questions that a case manager may have about a review to help them make a determination.
20. Practitioners will be able to support case managers explore the gaps and inconsistencies of a review. By sharing their expert knowledge, they can help case managers identify whether the information shared in the review is what would be expected for that individual given their condition and circumstances. This will also help case managers determine whether supporting information is needed for reviews that are submitted without supporting information.
21. Case managers should not automatically request a case discussion for reviews without supporting information. A case discussion with a practitioner should only be requested on the grounds of gaps and inconsistencies where the case manager has already identified these. A case discussion with a practitioner may identify more gaps and inconsistencies but it is not for the practitioner to make the initial decision that there is an apparent gap and inconsistency.
22. Where a case manager decides that supporting information is needed, practitioners will be able to suggest sources of information that are likely to exist which may support an individual's review. A case manager will be able to ask additional clarifying questions throughout a case discussion. Operational Guidance sets out how this is done.

After a case discussion

23. If the case manager has been unable to make a determination after a case discussion, they can:
 - Ask the specialist advisor follow up questions to assist with making a determination. Additional questions and advice should be captured on the individual's record in the same way as advice received through a case discussion.
 - take steps to clarify information from a Scottish Adult DLA review with the individual if required.
24. Where necessary, case managers can assist the individual to gather supporting information or gather it on their behalf.
25. Case managers should consider whether follow up questions with the individual might provide enough additional information to make a determination. This should be in line with the individual's communication preferences.

END OF CHAPTER