

Case Transfer

Index

This chapter covers the following topics:

- The meaning of case transfer
- The case transfer process from Disability Living Allowance for adults (DLA) to Adult Disability Payment
- The Adult Disability Payment determination
- Ending the client's Disability Living Allowance award
- Information received from the Department for Work and Pensions (DWP)
- Review against Adult Disability Payment rules
- Special Rules for Terminal Illness
- Payment cycles
- Reported relevant change of circumstances
- Appointees
- Residence
- Time in alternative accommodation
- Re-determinations and appeals
- When a Disability Living Allowance award that ended at the point of case transfer is retroactively changed

Introduction

1. The purpose of this chapter is to set out our approach to Adult Disability Payment cases transferred from Disability Living Allowance. This includes how you should treat these cases differently from new applications.

2. Disability Living Allowance is a disability benefit administered by the Department for Work and Pensions. In specific circumstances, outlined in paragraph 8, some adults who currently receive Disability Living Allowance will have their benefit replaced by Adult Disability Payment in Scotland. Adult Disability Payment is administered by Social Security Scotland. Disability Living Allowance is different from Adult Disability Payment in terms of eligibility rules and the amount individuals can receive.

The meaning of case transfer

3. Case transfer is the process of moving someone's existing benefit award from the United Kingdom social security system to the new Scottish social security system.
4. This means transferring responsibility for administering benefits that have been devolved to Scottish Ministers from the Department for Work and Pensions to Social Security Scotland.
5. It also means changing the benefit entitlement of Scottish residents from the UK benefit they currently receive to the equivalent Social Security Scotland benefit.
6. The "date of transfer" refers to the date the individual's Adult Disability Payment entitlement begins and their Disability Living Allowance entitlement ends.

The case transfer process from Disability Living Allowance to Adult Disability Payment

7. Disability Living Allowance cases are selected for transfer when the client has a Scottish postcode as part of their Disability Living Allowance record and either:

- the client reports a relevant change of circumstances to the Department for Work and Pensions that would require a face to face assessment after Adult Disability Payment national launch
- the client's award is due to end or be renewed after Adult Disability Payment national launch
- the client asks for their Disability Living Allowance for Adults award to be transferred.

This is called "natural transfer", because a specific circumstance triggers the case's selection for transfer.

8. Individuals do not need to make a new application for Adult Disability Payment for the transfer to take place. Instead, the Department for Work and Pensions passes the details of the individual's Disability Living Allowance award to Social Security Scotland. This information forms the basis for the individual's transfer determination of Adult Disability Payment.

9. Once Social Security Scotland receives the information from the Department for Work and Pensions, they will send a notification to the individual explaining all of the following:

- their case has been selected for transfer from Disability Living Allowance to Adult Disability Payment
- the transfer will complete within a specified period
- a determination of Adult Disability Payment will be made without the individual submitting an application
- the individual will be notified when the determination is made, including information about their award and start date of Adult Disability Payment
- the individual's Disability Living Allowance award will cease immediately before the award of Adult Disability Payment begins so there is no break in entitlement
- that there will be an Adult Disability Payment review determination within 12 months of date of transfer notice¹
- their rights to request a re-determination and appeal².

1 except where SRTI applies

2 ADP Transitional and Miscellaneous Amendment Regs, reg 3

The Adult Disability Payment determination

10. Where their case has transferred, an individual's initial Adult Disability Payment determination (called a "transfer determination") is based on:

- the information Social Security Scotland receives from Department for Work and Pensions regarding the individual's Disability Living Allowance award
- any other relevant information available to Social Security Scotland at the time of the determination, unless the individual has reported a change to Department for Work and Pensions or Social Security Scotland, which has not been taken into account for Disability Living Allowance.

11. A case manager will not typically review the Disability Living Allowance information or other information received before the initial Adult Disability Payment transfer determination is made. In general this is an automated process with no intervention required.

12. In most cases an individual will receive the same components at the same rates of Adult Disability Payment as they received in their Disability Living Allowance immediately before transfer¹. For example, if they received the highest rate of the care component and the lower rate of the mobility component of Disability Living Allowance, they are entitled to the equivalent enhanced rate of the daily living component and the standard rate of the mobility component of Adult Disability Payment. There are exceptions to this rule, however. [See para 24]

1 ADP Transitional and Miscellaneous Amendment Regs, reg 5(2)

13. Because Disability Living Allowance does not consist of the same components as Adult Disability Payment, for this group of clients only a transitional rate daily living component (which is equivalent to the lowest rate of the Disability Living Allowance care component) will be awarded, to allow these individuals' awards to transfer over on a like for like basis. This will be paid until the case is reviewed against the eligibility rules for Adult Disability Payment¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 5(2)(a)

Example: transfer determination of Adult Disability Payment equals Disability Living Allowance entitlement

George receives the lowest rate care component and higher rate mobility component of Disability Living Allowance. His case is selected for transfer. When his transfer determination of Adult Disability Payment is made he will receive the transitional rate daily living component and enhanced rate of mobility component of Adult Disability Payment.

Robert receives the middle rate care component and lower rate mobility component of Disability Living Allowance. When his transfer determination of Adult Disability Payment is made he will receive the standard rate daily living component and standard rate mobility component of Adult Disability Payment.

14. There are some instances, i.e. SRTI cases, where someone in the same circumstances will receive an increased rate of Adult Disability Payment award than the Disability Living Allowance they received. This is because the eligibility rules for Adult Disability Payment differ slightly from Disability Living Allowance in some areas¹. (See paragraph 24)

1 ADP Transitional and Miscellaneous Amendment Regs, reg 9

15. The transfer determination must not be made later than the period set out in the notice. The only exception to this rule is where all of the following are met, with Social Security Scotland having¹:

- good reason for extending this time frame
- agreed the length of the extension with Secretary of State for Work and Pensions
- notified the individual that the time frame has been extended and the reasons for doing so.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 4(7)(b)

Example: Extension of the period set out in the notice

Daisy's Disability Living Allowance case is selected for transfer. The Department for Work and Pensions send the relevant Disability Living Allowance information to Social Security Scotland. There are, however, inconsistencies with the information Social Security Scotland receive. Therefore they need to clarify with Daisy before making the Adult Disability Payment determination. Social Security Scotland:

1. believes the questions will not be answered within the period set out in the notice.
2. agrees with Secretary of State for Work and Pensions an extended time period so the questions can be resolved.
3. writes to Daisy explaining the issue, that the notice period will be extended and letting her know when she can expect the process to finish¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 4(7)(b)(iii)

Ending the client's Disability Living Allowance award

16. When a case completes the transfer process, the client's entitlement to Disability Living Allowance will usually cease on the date their entitlement to Adult Disability Payment begins¹.

Example: Disability Living Allowance ends on completion of case transfer

OFFICIAL SENSITIVE

Mike's Adult Disability Payment started on 30 June when the transfer determination was made. This transfer determination ended his Disability Living Allowance award on the same date, meaning his last day of entitlement to Disability Living Allowance was on 29 June.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 7(1)(a)

17. There are two exceptions to this:

- when a client has received their payment on a "3+1" payment cycle (i.e. 3 weeks in arrears, 1 week in advance) the Disability Living Allowance entitlement will end a week after the date the Adult Disability Payment begins¹
- where the client's Adult Disability Payment award is backdated because they meet the special rules for terminal illness (see para 24), the client's entitlement to Disability Living Allowance ceases on the day the client's Adult Disability Payment would have begun, had the award not been backdated².

1 ADP Transitional and Miscellaneous Amendment Regs reg 7(1)(b)

2 ADP Transitional and Miscellaneous Amendment Regs, reg 7(1)(c)

Information received from Department for Work and Pensions

18. All information received from the DWP as part of the case transfer process should be assumed to be accurate on the date on which the determination of Adult Disability Payment entitlement is made¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 4(7)(a)

19. Where information used to make a relevant Adult Disability Payment determination was assumed to be correct and is later determined to be incorrect, the case manager should make a determination without application¹.

1 ADP regs, Reg 50

Two stage review process

20. Initially the award will be moved over and paid on a like for like basis based on the previous DLA award, as outlined in paragraph 12. This decision is referred to as the transfer determination¹.

1 ADP Transitional and Miscellaneous Amendment Regs, regs 4(1) and 5(2)

21. The case will then be reviewed against the eligibility rules for Adult Disability Payment; this is called the “review determination”¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 12(1)

22. Note that the usual rules on limiting the mobility component for those who are over pension age do not apply to people whose awards transfer from Disability Living Allowance to Adult Disability Payment. Those over pension age can access all rates of the mobility component for both the transfer and review determinations. For subsequent determinations, the usual rules on limiting the mobility component apply.

23. There is an exception to this two stage process for those which meet the eligibility criteria for Special Rules for Terminal Illness (see paras 24 and 25). They will be awarded the enhanced rate of both the daily living and mobility components as part of their determination at the point of transfer without needing to be reviewed.

24. During the review process Social Security Scotland will ask the client if they wish the information contained in the forms and evidence held by the Department for Work and Pensions about their DLA award to be used in deciding their eligibility of Adult Disability Payment. If the client does not wish the existing DLA forms and evidence to be used, Social Security Scotland will make a determination about entitlement to Adult Disability Payment based on the information provided within the review form and any other available supporting information.

Example: Two stage review process during case transfer

Bill receives the lowest care component and lower rate mobility component of Disability Living Allowance. His condition worsens and he reports a change of condition to the DWP. Bill’s case is selected for transfer. Once the case transfer is complete a transfer determination is made and he is awarded the transitional daily living component and standard mobility component.

As soon as reasonably practical a review of Bill’s case takes place and his award is assessed against the Adult Disability Payment rules. A review determination is made and Bill is awarded the enhanced daily living component and enhanced mobility component. Because Bill’s award has increased, his entitlement will be backdated to the date of the transfer determination and arrears paid to him.

Special Rules for Terminal Illness

25. An individual who meets the special rules for terminal illness immediately before the date of transfer is entitled to the enhanced rate of both the daily living component and the mobility component of Adult Disability Payment¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 9.

26. Note that, as above in paragraph 22, the usual rules on limiting the mobility component for those who are over pension age do not apply to people whose awards transfer from Disability Living Allowance to Adult Disability Payment. Individuals who meet the special rules for terminal illness at the point of transfer can access the enhanced rate of the mobility component.

Special Rules for Terminal Illness backdating

27. In cases where the individual's Adult Disability Payment award is higher due to Special Rules for Terminal Illness, as described in paragraph 24., their Adult Disability Payment entitlement will be backdated to whichever is the later¹ of:

- the point the Adult Disability Payment regulations took effect i.e. 21 March 2022
- when they met the SRTI conditions (i.e. the date the BASRiS or the DWP equivalent DS1500 is signed)
- one year before their transfer Adult Disability Payment determination.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 9(2)

Payment cycles

28. Payment frequency of Adult Disability Payment for transferring clients will remain at the same frequency as they received their Disability Living Allowance, except where the individual meets the special rules for terminal illness for the first time^{1,2}:

- where a client received their Disability Living Allowance every 4 weeks, they will continue to receive their Adult Disability Payment every 4 weeks
- where a client received their Disability Living Allowance weekly in advance, they will continue to receive their Adult Disability Payment weekly in advance
- a client who has newly reported, and meets the conditions for, the special rules for terminal illness (SRTI) will move from their previous payment frequency for Disability Living Allowance and be paid Adult Disability Payment weekly in advance.

1 ADP Transitional and Miscellaneous Amendment Regs, Reg 6(2)

2 ADP regs, Reg 26(b)(ii)

Reported relevant change of circumstance

29. Where a Scottish resident in receipt of Disability Living Allowance reports a relevant change of circumstances to the Department for Work and Pensions, their case will be selected for transfer and an initial determination without application (the “transfer determination”) of Adult Disability Payment will be made. This transfer determination will not take the reported change into account¹, and the resulting Adult Disability Payment award will be for the same components at the same rates as the Disability Living Allowance award before the change was reported, as set out in para 12².

1 ADP Transitional and Miscellaneous Amendment Regs, reg 4(6)(a)

2 ADP Transitional and Miscellaneous Amendment Regs, reg 5(2)

30. As soon as reasonably practicable and certainly within 12 months of the date of the notice of intention to transfer, a subsequent “review determination” must be made¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 12(1)

31. This review determination must take into account the change that was reported to the Department of Work and Pensions¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg (14)(d)

Reported relevant change of circumstances backdating

32. When the review determination made because of a reported relevant change of circumstances leads to an increased Adult Disability Payment award, the Adult Disability Payment award should be backdated to the date of the transfer determination¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 15(1)

33. The higher amount of Adult Disability Payment they receive for this period should be reduced by the value of the Adult Disability Payment (i.e. the transfer determination) the client was entitled to for that same period¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 15(2)

34. When the review determination made because of a reported relevant change of circumstances leads to no change or a decreased Adult Disability Payment award, the Adult Disability Payment award should not be backdated. Any decrease should take effect from the date of the review determination¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 16

Example: Reported change of Circumstances to Department for Work and Pensions

John receives the lowest rate of the care component and the higher rate of the mobility component of Disability Living Allowance. John contacts the Department for Work and Pensions and reports that his condition has deteriorated and his care needs have increased as a result.

John's case is selected for transfer. The transfer determination is made and the Adult Disability Payment award John receives is for the transitional rate of the daily living component and the high rate of the mobility component, just as his Disability Living Allowance award was. The change he reported is not yet included in his award.

As soon as practicable after the transfer determination is made, a review determination is made. This determination does include the changes John reported, and as a result his Adult Disability Payment award is increased to the enhanced rate of the daily living component and the enhanced rate of the mobility component. This increase is backdated to the date of the transfer determination.

The amount of Adult Disability Payment he receives for this period is decreased by the value of the Adult Disability Payment he was entitled to for any overlapping period.

Example: Decreased rate of Adult Disability Payment following determination

Jo was in receipt of the higher rate of the mobility component of Disability Living Allowance and contacted the Department of Work and Pensions to report that her

condition and mobility had improved. Her case is selected for transfer. The transfer determination is made on a like-for-like basis meaning her initial Adult Disability Payment award is for the enhanced rate of the mobility component.

At the review determination Jo has had her mobility component award reduced to the standard rate of mobility, rather than the higher rate she was previously receiving. The review determination was made on 8 November 2022. Therefore, the date of her award change is 8 November 2022 meaning Jo has not incurred an overpayment of her Adult Disability Payment.

Appointees

35. Where an appointee has already been accepted by Department for Work and Pensions to receive Disability Living Allowance on behalf of the transferring individual who is regarded as incapable, the appointee is to be treated on or after the transfer date as though they had been appointed to act¹ on behalf of the individual claiming Adult Disability Payment².

1 under section 85B(7) of the 2018 Act

2 ADP Transitional and Miscellaneous Amendment Regs, reg 11(1)

36. When someone makes a new and successful application for Adult Disability Payment, the award cannot be paid to a person as an appointee until Social Security Scotland checks that the client could be regarded as an adult with incapacity and that the potential appointee is suitable, taking into account the views of the client and others with an interest in their welfare and financial affairs.

37. However, where an individual's initial Adult Disability Payment determination resulted from the case transfer process, the Department for Work and Pensions appointee can continue to act for the individual as though they were a Social Security Scotland appointee until these further checks are carried out.

38. These checks need to be completed as soon as reasonably practicable¹. However, until then the appointee can continue to act on the individual's behalf, including receiving their payments of Adult Disability Payment².

1 ADP Transitional and Miscellaneous Amendment Regs, reg 11(2)(a)

2 ADP Transitional and Miscellaneous Amendment Regs, reg 11(1)

39. When these checks have been completed, Social Security Scotland must decide if the appointment should continue or be terminated. If the appointment is terminated, a decision should be made as to whether it would be appropriate for someone else to act on the individual's behalf and the usual appointee process should be followed¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 11(2)(b) and (c)

Example: Appointees for transfer cases

Milly is cared for by her son Robbie. Robbie was appointed by the Department for Work and Pensions to manage Milly's Disability Living Allowance.

Milly's case is selected for transfer. Robbie received a phone call from Social Security Scotland asking him to discuss the appointment. Social Security Scotland decide they would like to conduct visits to speak with both Milly and Robbie. The Local Delivery visits then took place six weeks after Milly's case is transferred.

Robbie can continue to act and receive Adult Disability Payment payments on Milly's behalf until Social Security Scotland completes their visit and decides if the appointment is appropriate.

Residence

OFFICIAL SENSITIVE

40. The transfer determination made as part of the case transfer process assumes the residence and presence conditions are met¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 4(2)(b)

41. If the case manager later determines that the assumption was incorrect, they must make a determination without application. Where this finds that the individual did not meet the residence and presence conditions in the transfer determination, it will replace that transfer payment determination¹.

1 ADP Regs, reg 50.

Example: Assumption of residence for transferred cases

The information received from Department for Work and Pensions in relation to Ryan's Disability Living Allowance award stated he normally lives at an address with a Scottish postcode. Assuming this information was correct, Ryan's case was selected for transfer and a determination was made that Ryan was entitled to Adult Disability Payment. His Disability Living Allowance award ended as a result.

Four months later, Ryan advises that he did not normally live in Scotland when the Adult Disability Payment award was made, rather he resided in Wales and did not update his address with Department for Work and Pensions.

The assumption that the residence conditions were met were incorrect. The case manager therefore makes a determination without application that finds Ryan was not entitled to Adult Disability Payment on the date of transfer

Temporary time abroad

42. Where an individual is temporarily abroad at the point of transfer, the time limits set out in temporary absence from the common travel area begin on the date of transfer¹.

1 ADP Regs, reg 16

43. We will not always be able to tell if someone is abroad at the point of case transfer. Therefore, we will contact the individuals and ask them to contact us if they are currently or are planning on going abroad in the near future.

Example: Individual is temporarily abroad at point of case transfer

Lori normally lives in Scotland but is in the USA at the point of case transfer for medical treatment connected to a lifelong disease. Lori continues to be treated as present in the common travel area for purposes of Adult Disability Payment for 26 weeks, beginning on the date her Adult Disability Payment entitlement begins. This means she should not be excluded from being entitled to Adult Disability Payment for 26 weeks from the point of case transfer.

Time in alternative accommodation

44. Where a client:

- is in alternative accommodation immediately before the date their case is transferred
- was entitled to the care and/or mobility component of Disability Living Allowance but payments were suspended as a result of being in alternative accommodation immediately before the date their case is transferred
- is still in alternative accommodation on the date their Adult Disability Payment entitlement begins

then the relevant components of Adult Disability Payment should be put into payment for a period of 28 days¹:

- from the date their Adult Disability Payment entitlement begins
- at the rate the component(s) in their Disability Living Allowance award would have been paid if it was/they were not suspended.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 10(c)

Re-determinations and appeals

45. The transfer determination is subject to the same rights to re-determination and appeal as any other Adult Disability Payment determination¹.

1 ADP Transitional and Miscellaneous Amendment Regs, reg 8

46. For Working Age Disability Living Allowance case transfers the client has the same timescales in which to request a re-determination (i.e. 42 days)¹. However, the timescale for Social Security Scotland to make a decision following a re-determination request of the transfer determination is extended to 182 days compared to other re-determinations of other benefits and case transfers. This is because of the difference in eligibility rules between Disability Living Allowance and Adult Disability Payment. If a client requests re-determination of the transfer determination:

- Social Security Scotland will request the forms and evidence from the Department of Work and Pensions if not already obtained.
- Social Security Scotland then has 182 days from the date of re-determination request to make a new determination before the client has the right to request an appeal to the first tier tribunal².

1 ADP Transitional and Miscellaneous Amendment Regs, reg 8(1)

2 ADP Transitional and Miscellaneous Amendment Regs, reg 8(2)

47. Where a re-determination of the transfer determination is requested, the individual's Adult Disability Payment award will need to be reviewed in line with the usual Adult Disability Payment eligibility rules, not simply compared to the rates of Disability Living Allowance they had before their award was transferred.

48. Any request for a re-determination of the review determination – or any other determination apart from the transfer determination – is subject to the usual rules and timescales for re-determinations and appeals.

Example: Re-determination for case transfer Adult Disability Payment determinations

Aimee has had her case transferred and her initial Adult Disability Payment determination made last week. Her Adult Disability Payment award is exactly the same as it was for Disability Living Allowance so she receives equivalent components at the same rates. However, she does not feel her Adult Disability Payment award accurately reflects her circumstances. She can request a re-determination of her transfer determination within the time limit.

Social Security Scotland will request the forms and evidence relating to Aimee's Disability Living Allowance case from the DWP if not already received and then look at her award based on Adult Disability Payment rules. For re-determinations of transfer determinations Social Security Scotland has an extended period of time of 182 days in which to complete the review.

OFFICIAL SENSITIVE

When a Disability Living Allowance award that ended at the point of case transfer is retroactively changed

49. There may be cases where the Disability Living Allowance award that was ended by the case transfer process is changed after the Adult Disability Payment determination is made due to a:

- revision made by the Department for Work and Pensions or the Department for Communities in Northern Ireland
- supersession made by the Department for Work and Pensions or the Department for Communities in Northern Ireland
- decision made by a tribunal or court on appeal.

These are the ways in which a Disability Living Allowance award can be changed in the UK system. Where the Disability Living Allowance award that was ended at the point of case transfer is changed sometime after the case transfer process has completed, the case manager must make a determination without application of the individual's Adult Disability Payment award¹.

1 ADP Regs 48(e)

50. This determination without application does not need to result in the Adult Disability Payment award mirroring the changes made to the Disability Living Allowance award. Case managers should consider the information and make a wholly new determination based on the information available. Like when making any determination, the case manager should ask for further supporting information to make an accurate determination, if they feel they need it.

51. Where a case manager makes a determination without application for this reason, the date the change takes effect should be the point of case transfer¹.

1 Adult Disability Payment regs, Reg 45(1)(a) and 46(1)(a)

Example: Disability Living Allowance award ended at point of transfer is retroactively changed

Mariam has had her case transferred six months ago and is currently in receipt of Adult Disability Payment. After receiving advice, she contacted the Department for Work and Pensions and requested a revision of her Disability Living Allowance award. This is on the specific ground that the Department for Work and Pensions decision maker failed to take into account relevant evidence they held when they made her most recent Disability Living Allowance decision.

The Department for Work and Pensions decides that Mariam's Disability Living Allowance award was incorrect and revised to an increased award. This takes effect from the day the Disability Living Allowance decision was originally made. The

Department for Work and Pensions will notify this change to Social Security Scotland.

A case manager must now look at Mariam's Adult Disability Payment award and make a determination without application. After reviewing the information received from Department for Work and Pensions the case manager decides that Mariam's Adult Disability Payment award should have been higher at the point of case transfer and should remain at that rate currently. Mariam's Adult Disability Payment award is therefore increased from the date of the transfer determination.

52. However, case managers should limit the time period such a change is in effect, if at some point after the point of case transfer the individual's circumstances changed or it would otherwise be inappropriate for the change to the Adult Disability Payment award to be in effect past a certain date¹. This is because while we can update the award to take into account the new information received from the Department for Work and Pensions for a past period, we must also ensure continued accuracy of the award by applying any changes that impacted the award in a later period.

1 Social Security (Scotland) Act 2018, section 27

Example: Disability Living Allowance ended at point of transfer is retroactively changed – Adult Disability Payment award changed for a fixed period

Ninian's Adult Disability Payment entitlement begins on 1 May 2023 as the result of a determination without application made via the case transfer process. His Adult Disability Payment award is the standard rate of the daily living component and the standard rate of the mobility component, to match what his Disability Living Allowance award was at the point of case transfer.

Ninian's health deteriorates and he promptly reports this change to Social Security Scotland. As a result, Ninian's Adult Disability Payment award is increased to the enhanced rate of daily living component and the enhanced rate of the mobility component from 1 September 2023.

On 1 November 2023, Ninian appeals the Disability Living Allowance award that was ended at the point of case transfer. The tribunal finds that Ninian's Disability Living Allowance award should have been for the highest rate of the care component and the lower rate of the mobility component.

Because Ninian's Disability Living Allowance award was changed, a case manager must conduct a determination without application of his Adult Disability Payment award. A case manager reviews the information and decides Ninian's Adult Disability Payment award should have been for the enhanced rate of the daily living component and the standard rate of the mobility component at the point of case transfer.

The case manager makes the determination without application setting out Ninian's entitlement to:

OFFICIAL SENSITIVE

- the enhanced daily living component and the standard rate of the mobility component for the period 1 May 2023 to 31 August 2023
- the enhanced rate of daily living component and the enhanced rate of mobility component from 1 September 2023 onwards.