

Case Transfer

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Introduction

The purpose of this chapter is to set out our approach to Scottish Adult Disability Living Allowance (Scottish Adult DLA) cases transferred from Disability Living Allowance (DLA).

Disability Living Allowance is a disability benefit administered by the Department for Work and Pensions. Disability Living Allowance is being replaced by Scottish Adult Disability Living Allowance for adults in Scotland with an ongoing award of Disability Living Allowance. There are two separate groups of individuals with an award of Disability Living Allowance:

- Those born on or after 9 April 1948 – These individuals have been required to apply for Personal Independence Payment since 8 April 2013 if they report a change, their award is due for renewal, DWP select their case for transition, or they voluntarily apply for Personal Independence Payment. Since the introduction of Adult Disability Payment, until the introduction of Scottish Adult Disability Living Allowance, these individuals have instead had their award

transferred to Adult Disability Payment where they report a change, are due an award renewal, or they request a transfer.

- Those born on or before 8 April 1948 – These individuals have been unaffected by the introduction of Personal Independence Payment and have been able to remain on Disability Living Allowance for as long as they are eligible.

Scottish Adult Disability Living Allowance is administered by Social Security Scotland. Apart from a few exceptions, Disability Living Allowance is equivalent to Scottish Adult Disability Living Allowance in terms of eligibility rules and the amount individuals can receive.

The meaning of case transfer

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.

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.

It also means changing the benefit entitlement of Scottish residents from the UK benefit they currently receive to the equivalent Social Security Scotland benefit.

The "date of transfer" refers to the date the individual's Scottish Adult Disability Living Allowance entitlement begins and their Disability Living Allowance entitlement ends.

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

Individuals cannot ask for their benefits to be transferred. Disability Living Allowance cases are selected for transfer when the client has a Scottish postcode as part of their Disability Living Allowance record and:

- Their award is selected for transfer by the Department for Work and Pensions, based on a set of prioritisation criteria, known as "managed transfer".
- They report a relevant change of circumstances to Department for Work and Pensions after Scottish Adult Disability Living Allowance national launch, known as "natural transfer"; or
- They are due a renewal of their Disability Living Allowance award.

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

Once they receive the transfer information from the Department for Work and Pensions, Social Security Scotland will send a notification to the individual explaining all of the following¹:

- that their case has been selected for transfer from DLA to Scottish Adult DLA
- a determination to begin entitlement of Scottish Adult DLA and end DLA will be made within the period of specified time within the notification
- a determination will be made without the individual submitting an application

The individual will then be notified when the determination is made. This will include:

- information about their award and the start date of Scottish Adult DLA
- the individual's DLA award will cease immediately before the award of Scottish Adult DLA begins, so there is no break in entitlement
- what their rights are to request a re-determination or appeal².

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 6(2)*

² *Section 40 of the Social Security (Scotland) Act 2018*

The Scottish Adult Disability Living Allowance determination

Where their case has transferred, an individual's initial Scottish Adult Disability Living Allowance determination (called a "transfer determination") is based on¹:

- 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 which has not been taken into account for Disability Living Allowance, or reported a change to Social Security Scotland since they received their introduction letter.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(3)&(4)*

A case manager will not typically review the Disability Living Allowance information before the initial Scottish Adult Disability Living Allowance determination is made. This is an automatic process.

In most cases an individual will receive the same components at the same rates of Scottish Adult Disability Living Allowance as they received in their Disability Living Allowance immediately before transfer when their initial Scottish Adult Disability Living Allowance determination is made². For example, if they received the middle rate of the care component and the lower rate of the mobility component of Disability Living Allowance, they are entitled to the middle rate of the care component and the lower rate of the mobility component of Scottish Adult Disability Living Allowance. There are exceptions to this rule, however. See the chapters on Special Rules for Terminal Illness and Severe visual impairment in Scottish Adult DLA decisions

² *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(5)*

Example: Scottish Adult Disability Living Allowance entitlement equals Disability Living Allowance entitlement

Polly receives the highest rate of the care component and the lower rate of the mobility component of Disability Living Allowance. Her case is selected for transfer. When her Scottish Adult Disability Living Allowance transfer determination is made, she is entitled to the highest rate of the care component and the lower rate of the mobility component of Scottish Adult Disability Living Allowance.

The Scottish Adult Disability Living Allowance 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 DWP
- notified the individual that the time frame has been extended and the reasons for doing so

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(6)(c)*

Example: Extension of the period set out in the notice

Lynsey'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 Lynsey before making the Scottish Adult Disability Living Allowance determination. Social Security Scotland:

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

There are some instances, however where someone in the same circumstances will receive a rate of Scottish Adult Disability Living Allowance award that is higher than the Disability Living Allowance they received. This is because the eligibility rules for Scottish Adult Disability Living Allowance differ slightly from Disability Living Allowance in some areas¹. See the chapter Special Rules for Terminal Illness.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 9(1)*

Ending the client's Disability Living Allowance award

1. When a case completes the transfer process, the client's entitlement to Disability Living Allowance will usually cease on the day that their entitlement to Scottish Adult Disability Living Allowance begins¹. However, where the client's Disability Living Allowance award is backdated because they meet the special rules

for terminal illness, the client's entitlement to Disability Living Allowance ceases on the day the client's Scottish Adult Disability Living Allowance would have begun had the award not been backdated². Additionally, if the client was paid it one week in advance and 3 weeks in arrears, their entitlement to Disability Living Allowance will end on the date one week after the date their entitlement to Scottish Adult Disability Living Allowance begins³.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 8(1)(a)*

² *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 8(1)(c)*

³ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para (8)(1)(b)*

Information received from Department for Work and Pensions

2. An assumption¹ can be made that the transferring individual's circumstances are at the point of transfer:

- accurate on the date the determination is made;
- the residence and presence conditions are satisfied for the individual.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(6)*

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

¹ *Scottish Adult DLA Regs, Reg 43(a)*

Payment Cycles

4. The first payment of the Scottish Adult Disability Living Allowance entitlement is to be made on the date as set out in the determination notice. Payment frequency of Scottish Adult Disability Living Allowance for individuals whose awards have transferred will generally remain at the same frequency as they received Disability Living Allowance. This means where:

- where a client received their Disability Living Allowance in 3 weeks in arrears and one week in advance (4 weekly), they will receive their Scottish Adult Disability Living Allowance 4 weekly in arrears;
- where a client received their Disability Living Allowance weekly in advance, they will continue to receive their Scottish Adult Disability Living Allowance weekly in advance.

5. However, where the case manager considers that it would be unjust not to do so, payment schedules for these individuals may be set at any frequency. This will be set out in the determination notice¹.

¹ *Scottish Adult DLA Regs, Reg 31*

Special Rules for Terminal Illness

6. An individual who meets the special rules for terminal illness immediately before the date of transfer is entitled to the highest rates of both the care and mobility components of Scottish Adult Disability Living Allowance¹.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 9(1)*

7. However, where such an individual has reached the relevant age, meaning:

- state pension age¹, or
- 65, if their state pension age was lower than 65

when they became terminally ill, they may only be entitled to the same rate of the mobility component they received in Disability Living Allowance, and cannot be awarded the mobility component for the first time. An award of the mobility component can only be made to someone over the relevant age if the entitlement arises from substantially the same condition or conditions in respect of which their mobility component on Disability Living Allowance was given.²

¹ within the meaning given by the rules in paragraph 1 of schedule 4 to the Pensions Act 1995

² *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 9(2)&(3)*

Example: mobility component due before date of transfer

Margaret, aged 70, became terminally ill at age 68 and had her award transferred from Disability Living Allowance to Scottish Adult Disability Living Allowance on 1 September 2025. Margaret reached state pension age when she was age 65. Margaret was receiving the middle rate of care component and lower rate mobility component of Disability Living Allowance on 31 August 2025. She is therefore due payment of the highest rate of care component and the lower rate mobility component of Scottish Adult Disability Living Allowance from 1 September 2025. There is no higher rate of mobility component available for Margaret as she was over the relevant age when she became terminally ill and her award was transferred.

Special Rules for Terminal Illness backdating

8. In cases where the individual's Scottish Adult Disability Living Allowance award is higher due to Special Rules for Terminal Illness, their Scottish Adult Disability Living Allowance entitlement will be backdated to whichever is the later of¹:

- the point the Scottish Adult Disability Living Allowance regulations took effect, 21 March 2025;
- when they met the SRTI conditions (i.e. the date of the clinical judgment set out in the BASRiS / DS1500); or
- the day one year before their transfer determination.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 9(4)(b)*

9. The amount of Scottish Adult Disability Living Allowance they receive for this period should be reduced by the value of the Disability Living Allowance the client was paid for that same period¹.

¹ *Scottish Adult DLA Regs, Reg 40(4)*

Severe Visual Impairment Test

10. Where someone reports they had a Severe Visual Impairment immediately before case transfer to Scottish Adult DLA completed and they were not getting the higher rate of the mobility component of DLA, their Scottish Adult DLA transfer determination will initially be made for the same components and the same rates as the DLA award they were receiving immediately before case transfer¹.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(5)*

11. Once the Scottish Adult DLA award has begun, a case manager will consider supporting information provided by the individual about their visual impairment and make a review determination of their entitlement to Scottish Adult DLA, based on the Scottish Adult DLA Severe Visual Impairment test ².

² *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 10(1)(a)(ii)*

Severe Visual Impairment Test – Over the Relevant Age

12. Where someone is over the relevant age, they typically cannot have the mobility component of their award increased or awarded for the first time . However, where someone met the Scottish Adult DLA Severe Visual Impairment test before they reached the relevant age, even if they are now over the relevant age, they can have the mobility component of their award increased or awarded for the first time³. This will only apply if they have supporting information that demonstrates they met the eligibility criteria for the higher rate of the mobility component of Scottish Adult DLA before they reached the relevant age.

³ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 10(10)*

Severe Visual Impairment Test Backdating

13. In cases where the individual's Scottish Adult DLA award is higher due to the Severe Visual Impairment test, their Scottish Adult Disability Living Allowance entitlement will be backdated to whichever is the later of¹:

- the point the Scottish Adult Disability Living Allowance regulations took effect, 21 March 2025;
- when they first satisfied the eligibility conditions for the increased award; or
- the day one year before the review determination is made.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 10(4)(b), (c)*

Example: Increased award due to the Severe Visual Impairment test

Andres receives the middle rate of the care component and the lower rate of the mobility component of DLA. His award is selected for transfer to Scottish Adult DLA and he receives a notice of intention to transfer on 12 June 2025. This letter tells Andres that there are some different rules in Scottish Adult DLA compared to DLA, and that if he has a severe visual disability and is not getting the higher rate mobility component, he should contact Social Security Scotland. Andres contacts Social Security Scotland to report that he has a severe visual disability and provides supporting information from his ophthalmologist about his condition. Andres' case

transfer completes and his Scottish Adult DLA transfer determination is made on 7 August 2025, on a like for like basis as his DLA award – the middle rate of the care component and the lower rate of the mobility component.

A case manager then begins to review Andres' Scottish Adult DLA award, considering the supporting information he provided about his severe visual impairment. The case manager makes a review determination on 5 September 2025 that Andres is entitled to the middle rate of the care component and the higher rate of the mobility component of Scottish Adult DLA. The supporting information Andres provided from his ophthalmologist shows that Andres met the conditions for the higher rate of the mobility component on 14 January 2025. Andres' increased award is backdated to 21 March 2025, the date the Scottish Adult DLA regulations came into force.

Example: Severe Visual Impairment test – over the relevant age

Kathryn is 67 and receives the highest rate of the care component and the lower rate of the mobility component of DLA. Her award is selected for transfer to Scottish Adult DLA on 1 September 2025 and completes case transfer on 27 October 2025. Kathryn reads about the different eligibility rules in Scottish Adult DLA and contacts Social Security Scotland to report that she has a severe visual impairment and is not receiving the higher rate of the mobility component. She provides supporting information about her severe visual impairment from her ophthalmologist, which shows her condition has been the same since January 2020, when Kathryn was 62.

A case manager reviews the supporting information Kathryn has submitted and finds that she meets the eligibility criteria for the higher rate of the mobility component of Scottish Adult DLA, and has done so since January 2020. As Kathryn is over the relevant age, she would not normally be able to have the mobility component of her award increased. The case manager determines that Kathryn met the eligibility criteria before she reached the relevant age. On 4 December 2025, the case manager makes a determination without application that Kathryn is therefore eligible for the higher mobility component of Scottish Adult DLA. The effective date of this higher award is the point the Scottish Adult Disability Living Allowance regulations took effect, 21 March 2025.

Reported relevant change of circumstance

14. Where a Scottish resident in receipt of Disability Living Allowance reports a relevant change of circumstances to the Department for Work and Pensions, and they were born on or after 9 April 1948, their case will be selected for transfer and an initial determination without application (the "transfer determination") of Scottish Adult Disability Living Allowance will be made. This transfer determination will not take the reported change into account, and the resulting Scottish Adult Disability Living Allowance award will be for the same components at the same rates as the Disability Living Allowance award before the change was reported¹.

¹Scottish Adult DLA Regs, Schedule 1, Part 2, Reg 6, Para 7(4)

15. As soon as reasonably practicable after the transfer determination is made, a subsequent "review determination" must be made².

² *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 10(2)*

16. This review determination must take into account the change that was reported to the Department of Work and Pensions or to Social Security Scotland after the transfer notice was sent.³

³ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 10(3)(b)*

Reported relevant change of circumstances after reaching the relevant age

17. Where an individual notified a change of circumstances that occurred after they reached the relevant age, meaning:

- state pension age¹, or
- 65, if their state pension age was lower than 65

they may only be entitled to the same rate of the mobility component they received in Disability Living Allowance. This only applies if the entitlement arises from substantially the same condition or conditions in respect of which their mobility component was given.² Any changes to the care component after someone reaches the relevant age are subject to a 26 weeks backwards qualifying period, compared to 13 weeks for individuals under the relevant age.

¹ within the meaning given by the rules in paragraph 1 of schedule 4 to the Pensions Act 1995

² *Scottish Adult DLA Regs, Reg 19(3)*

Reported relevant change of circumstances backdating

18. When the review determination made because of a reported relevant change of circumstances leads to an increased Scottish Adult Disability Living Allowance award, this should be backdated to¹:

- Where the change is reported within one month of the change occurring, the date the client first satisfies the requirements for an increased rate of the care or mobility component; or
- Where the change is reported more than one month after the change occurred, but within 13 months of it occurring, and where Social Security Scotland considers that the client has good reason for reporting the change late, the date the client first satisfies the requirements for an increased rate of the care or mobility component; or
- where neither of the above apply, the date of notification of the change.

If the backdated date would be a date before the regulations came into force on 21 March 2025, the award should be backdated to 21 March 2025.

¹ *Scottish Adult DLA Regs, Reg 40(1)(a)&(c)*

19. Note that satisfying the requirements for the increased rate of either component includes meeting the required period test including the 13 week “backwards test” where someone is under the relevant age. For individuals over the relevant age, the backwards test for the care component is 26 weeks. For the mobility component, the backwards test is 13 weeks, with the added condition that

an individual should have been in receipt of that rate since before they reached the relevant age.

20. The amount of Scottish Adult Disability Living Allowance they receive for this period should be reduced by the value of the Disability Living Allowance the client was paid for that same period².

²Scottish Adult DLA Regs, Reg 40(4)&(5)

21. When the review determination made because of a reported relevant change of circumstances leads to no change or a decreased Scottish Adult Disability Living Allowance award, the decreased Scottish Adult Disability Living Allowance award should not be backdated. Any decrease should take effect from the date of the review determination³.

³Scottish Adult DLA Regs, Reg 41(e)

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

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

Syed's case is selected for transfer. The transfer determination is made and the Scottish Adult Disability Living Allowance award he receives is for the middle rate of the care component and the higher rate of the mobility component, just as his Disability Living Allowance award was. The reported change of circumstance is not taken into consideration in the transfer determination.

As soon as is practicable after the transfer determination is made, a review determination is made. This determination does include the changes Syed reported, and as a result his Scottish Adult Disability Living Allowance award is increased to the highest rate of the care component and the higher rate of the mobility component.

Syed reported the change within two weeks of it occurring, therefore Scottish Adult Disability Living Allowance award is backdated to the day he first met the requirements of the highest care component – 13 weeks after the new needs arose.

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

Example: decreased rate of Adult Disability Payment following determination

Alison was in receipt of the enhanced rate of the mobility component of Personal Independence Payment 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 Alison has had her mobility component award reduced to the standard rate of mobility, rather than the enhanced rate she was previously receiving. The review determination was made on 8 August 2022. Therefore, the date of her award change is 8 August 2022 meaning Alison has not incurred an overpayment of her Adult Disability Payment.

Scheduled Review

22. Where a Scottish resident, in receipt of Disability Living Allowance is scheduled to have their award reviewed, their case will be selected for transfer so the review can be conducted by Social Security Scotland. Their Scottish Adult Disability Living Allowance award will be made on a like-for-like basis with their Disability Living Allowance award¹ at the point of transfer, and a review date set for Social Security Scotland to complete the review.

¹Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(5)

Backdating – Scheduled Review after Transfer

23. Some transferred cases will be subject to scheduled review shortly after transfer because their cases were selected for transfer to avoid overlap with the DWP review process.

24. In this context only, if the person's care needs have increased so as to entitle them to the higher rate of Scottish Adult DLA, this can be backdated. In this circumstance, the effective date of any increase will be whichever is later of:

- a) The date 20 weeks before the fixed-term DLA award was due to end. This is the date DWP would have started the renewal process.
- b) The date the person first met the 13 or 26 week backwards test for the higher rate,

25. Note this is different from the usual effective date rule for scheduled reviews. This is because we typically honour DWP review dates, but we may have had to delay the review starting to complete the transfer process. It would therefore be unjust to increase the person's award from a later date.¹

¹Scottish Adult DLA Regs, Reg 40(2)

26. The amount of backdated benefit should be reduced to take account of any Disability Living Allowance or Scottish Adult DLA already received for the same period.²

² Scottish Adult DLA Regs, Reg 40(4)

27. Note that all subsequent reviews and initial reviews that do not fall into this specific context should follow the normal Scottish Adult DLA effective date rules.

Examples – Backdating an increase in entitlement after scheduled review

Example 1

Trevor is 80 and has been in receipt of Disability Living Allowance care component at the lowest rate, on a fixed-term award from DWP.

His DLA award is due for renewal with an end of award date of 16 September 2025, and his case has been selected for transfer on 3 March 2025. The case transfer takes 10 weeks, so his Scottish Adult DLA entitlement begins on 12 May 2025. Although the renewal of his DLA would have started on 29 April (16 September minus 20 weeks), Trevor's DLA review date must be set to a date after the transfer completes.

At the scheduled review, the case manager determines that Trevor's care needs have increased so as to entitle him to middle rate care component of Scottish Adult DLA, and that this increase in care needs began on 1 November 2024. Trevor is over the 'relevant age' when the change happened, so he needs to meet the 26 week backwards test.

Applying the backwards test, Trevor is entitled to the increased rate of benefit from 2 May 2025 (1 November + 26 weeks). Therefore, the increase in entitlement should be backdated to 2 May 2025.

As this date is before Trevor's award completed transfer, the amount he receives for the backdated award will be reduced by the amount of DLA he received between 2 May and 12 May, and the amount of Scottish Adult DLA received between 12 May and the date of the determination.

Example 2

Kaavya is 63. Her Disability Living Allowance has an end of award date of 19 March 2026. DWP would have started the renewal process on 30 October 2025, but Kaavya's case is selected for managed transfer on 1 September 2025.

Case transfer takes 12 weeks which means Scottish Adult DLA comes into payment on 24 November. The scheduled review is carried out on 21 January 2026. The review finds that Kaavya's care needs have increased sufficiently to entitle her to highest rate of care component of Scottish Adult DLA, and that this has been the case since April 2025.

Kaavya's new entitlement to highest rate care component of Scottish Adult DLA can be backdated to 20 weeks before her fixed term DLA award was due to end, provided she has satisfied the qualifying period. (Because Kaavya was under the relevant age when the change happened, she must meet the 13 week backwards test).

Therefore Kaavya's new rate of Scottish Adult DLA is payable from 30 October 2025.

The amount she receives for the backdated award will be reduced by any DLA she received between 30 October and 24 November, and the amount of Scottish Adult DLA received between 24 November and the date of the determination.

For more information please see the chapters Relevant considerations and Change of Circumstances

28. The Scottish Adult Disability Living Allowance should not be backdated where all of the following are met:

- The client's Scottish Adult Disability Living Allowance was selected for transfer because it was scheduled for DWP review¹
- The initial review of the Scottish Adult Disability Living Allowance award leads to a decrease in that Scottish Adult Disability Living Allowance award

In this scenario any decrease should take effect from the date the of the determination without application resulting from that review. This is because the transfer process may have contributed to delaying the review and it would be therefore unjust to reduce the award before this date².

¹ meaning the date the case was selected for transfer is the date that the Department for Work and Pensions would have sent out the AR1 review form
² *Scottish Adult DLA Regs, Reg 41(1)(e)*

29. Note that any subsequent scheduled reviews will be subject to the usual effective date rules¹.

¹ *Scottish Adult DLA Regs, Regs 41 and 42*

Appointees

30. Where a person has been appointed by Department for Work and Pensions to receive Disability Living Allowance on behalf of the transferring individual, the appointee can continue to act on behalf of that individual after transfer and can continue to receive their payments of Scottish Adult Disability Living Allowance. The appointee will then be checked by Social Security Scotland as soon as reasonably practicable after transfer¹.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 11(2)*

31. 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 *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 11(2)*

Example: Appointees for transfer cases

Laura is cared for by her uncle Cameron. Cameron was appointed by the Department for Work and Pensions to maintain Laura's Disability Living Allowance.

Laura's case is selected for transfer. Cameron received a letter from Social Security Scotland asking him to get in touch to discuss the appointment. Social Security Scotland decide they would like to conduct a visit to speak with both Laura and Cameron. The first time the three can meet at the same time is six weeks after Laura's case is transferred.

Cameron can continue to act and receive Scottish Adult Disability Living Allowance payments on Laura's behalf until Social Security Scotland completes their visit and decides if the appointment is appropriate.

Residence

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

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 7(6)(b)*

33. If the case manager later determines that the assumption was incorrect, they must make a determination without application¹. Where this finds that the individual did not meet the residence and presence conditions at the point of transfer, it will replace the transfer determination.

¹ *Scottish Adult DLA Regs, Reg 43*

Example: Assumption of residence for transferred cases

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

Four months later, Craig advises that he did not normally live in Scotland when the Scottish Adult Disability Living Allowance 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 was incorrect. The case manager therefore makes a determination without application that finds Craig was not entitled to Scottish Adult Disability Living Allowance on the date of transfer.

34. Where someone was sent a notice of intention to transfer because they were ordinarily resident in Scotland, but the individual subsequently moves elsewhere in the UK before the case transfer completes, we should stop the case transfer. This will mean the individual will continue to receive Disability Living Allowance from the Department for Work and Pensions¹.

¹ *Scottish Adult DLA Regs, Schedule 1, Part 2, Para 6(3)*

When payments of Scottish Adult DLA should be made temporarily from the point of case transfer

Alternative Accommodation

Care Homes and Hospitals

35. When the person is in a publicly-funded care home at the point of transfer, the care component of the person's Scottish Adult DLA should be put into payment:

- from the date their Scottish Adult DLA entitlement begins
- for a period of 28 days minus the period spent in the accommodation immediately prior to Scottish Adult DLA entitlement, where DLA was in payment¹.

36. Where a person was in a publicly-funded care home for more than 28 days immediately before the point of transfer, the care component of their Scottish Adult DLA will be paid at a rate of £0 until they leave that accommodation.

¹Scottish Adult DLA regs, reg. 22(2)

37. When the person is in a publicly-funded hospital at the point of transfer, the person's Scottish Adult DLA should be put into payment:

- from the date their Scottish Adult DLA entitlement begins
- for a period of 28 days minus the period spent in the accommodation immediately prior to Scottish Adult DLA entitlement, where DLA was in payment¹.

38. Where a person was in a publicly-funded hospital for more than 28 days immediately before the point of transfer, their Scottish Adult DLA be paid at a rate of £0 until they leave that accommodation.

¹Scottish Adult DLA regs, reg. 23(2)

Example: Case transferred less than 28 days after the person has entered hospital.

Stan is 69 years old. He went into hospital during the transfer process. Stan had only been in the hospital for fourteen days before the point of case transfer (not counting the day he went into hospital), so his DLA was still in payment. On the date his Scottish Adult DLA entitlement begins, his Scottish Adult DLA must be put into payment for a further 14 days. If, after that time, he is still in hospital, he will be entitled to, but not paid, Scottish Adult DLA until he leaves alternative accommodation.

Example: Case transferred where the person has been in a care home for more than 28 days at the point of transfer.

Morag is 77 and has been in a care home for six months. At the point of transfer, her DLA award has already been set to £nil because she has been in the accommodation for more than 28 days. After transfer, Morag will retain an

underlying entitlement to Scottish Adult DLA, but her payment of the care component will continue to be £nil from the point of transfer, until she leaves the care home. Any mobility component that Morag is entitled to will be unaffected by her care home stay.

For more information, reference should be made to the section 'Entitlement begins whilst residing in a care home or hospital' in the Alternative Accommodation chapter.

Legal Detention

39. If an individual is in legal detention when their case transfers from DLA to Scottish Adult DLA, their entitlement to Scottish Adult DLA can begin and they will be paid for the first 28 days¹. From day 29, their entitlement will be reduced to nil until they leave legal detention. If they return to legal detention within one year, their payment will be affected as described in the Linked periods in legal detention section in the chapter on Alternative Accommodation.

¹ Scottish Adult DLA regs, reg. 25(3)

For more information, reference should be made to the Alternative Accommodation chapter.

Temporary absence abroad

40. Where a person is temporarily abroad at the point of transfer, the time limits set out below begin on the date the person went abroad, even if this date precedes the date of the point of transfer¹.

¹ Scottish Adult DLA Regs, reg 11(3)

41. If the person is temporarily abroad at the point of case transfer, their Scottish Adult DLA should be put into payment for²:

- a) 13 weeks, minus the period prior to Scottish Adult DLA entitlement where the person was abroad and DLA was in payment, or
- b) 26 weeks, minus the period prior to Scottish Adult DLA entitlement where the person was abroad and DLA was in payment, where the temporary absence is in connection with receiving medical treatment.

² Scottish Adult DLA Regs, reg 11(1)

Example: Person is temporarily abroad at point of case transfer

Leonard is 77 years old. He normally lives in Scotland but at the point of case transfer he has been in Australia for 10 weeks for medical treatment connected to a long-standing illness. Leonard continues to be treated as present in the common travel area for purposes of Scottish Adult DLA for a further 16 weeks beginning on the date his Scottish Adult DLA entitlement begins. If, at the end of that time he has not returned, his award will end.

For more information on temporary absences and the Common Travel Area, please refer to the Residence and Presence chapter.

Re-determinations and appeals

42. The Scottish Adult Disability Living Allowance transfer determination made at the point of case transfer is subject to the same rights to re-determination and appeal as any other Scottish Adult Disability Living Allowance determination.

Example: Re-determination for case transfer determinations

Nikki has had her case transferred and her initial Scottish Adult Disability Living Allowance determination made last week. Her Scottish Adult Disability Living Allowance award is exactly the same as it was for Disability Living Allowance – she receives the same components at the same rates. However, she does not feel her Scottish Adult Disability Living Allowance award accurately reflects her circumstances. She can request a re-determination of her Scottish Adult Disability Living Allowance determination within the time limit of 42 days beginning with the date they were notified of the determination.

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

43. There may be cases where the Disability Living Allowance award that was ended by the case transfer process is changed after the Scottish Adult Disability Living Allowance is made due to following:

- 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, or
- Decision made by a tribunal or court on appeal.

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 Scottish Adult Disability Living Allowance award¹.

¹ *Scottish Adult DLA Regs, Reg 43(c)*

44. This determination without application does not need to result in the Scottish Adult Disability Living Allowance 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 all relevant information available relating to the case. 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.

45. 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 *Scottish Adult DLA Regs, Reg 40(1)(a) and 41(1)(a)*

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

Hettie has had her case transferred six months ago and is currently in receipt of Scottish Adult Disability Living Allowance. 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 Hettie'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 Hettie's Scottish Adult Disability Living Allowance award and make a determination without application. After reviewing the information received from the Department for Work and Pensions, the case manager decides that Hettie's Scottish Adult Disability Living Allowance award should have been higher at the point of case transfer and there has been no change since. Hettie's Scottish Adult Disability Living Allowance award is therefore increased from the date of the transfer determination.

46. However, case managers should limit the time period such a change is in effect if the individual's circumstances have changed since the point of case transfer or it would otherwise be inappropriate for the change to the Scottish Adult Disability Living Allowance award to be in effect after a certain date¹.

1 Social Security (Scotland) Act 2018, section 27

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

Greg's Scottish Adult Disability Living Allowance entitlement began on 1 September 2025 as the result of a determination without application made via the case transfer process. His Scottish Adult Disability Living Allowance award was the middle rate of the care component and the lower rate of the mobility component, just as his Disability Living Allowance award was at the point of case transfer.

Greg's health deteriorated and he promptly reported this change to Social Security Scotland. As a result, Greg's Scottish Adult Disability Living Allowance award was increased to the higher rate of care component and the higher rate of the mobility component from 1 November 2025.

Before Greg's award completed transfer to Scottish Adult Disability Living Allowance, he appealed a decision on his Disability Living Allowance award. The tribunal finds that Greg's Disability Living Allowance award should have been for the higher rate of the care component and the lower rate of the mobility component.

Because Greg's Disability Living Allowance award was changed, a case manager must conduct a determination without application of his Scottish Adult Disability Living Allowance award. A case manager reviews the information and decides Greg's Scottish Adult Disability Living Allowance award should have been for the higher rate of the care component and the lower rate of the mobility component at the point of case transfer.

The Case Manager makes the determination without application setting out Greg's entitlement to the higher care component and the lower rate of the mobility component for the period 1 September 2025 to 1 November 2025 and the higher rate of care component and the higher rate of mobility component from 1 November 2025 onwards.