



Disability Assistance under Special Rules for Terminal Illness

There is a new definition of terminal illness for disability benefits that are delivered by Social Security Scotland. This means we are changing the way we handle applications for people who are terminally ill.

What is the new definition of terminal illness in Scotland?

Under the Social Security (Scotland) Act 2018, a person is said to be terminally ill if they have 'a progressive disease that can reasonably be expected to cause the individual's death'.

To meet this definition, they should have an illness that meets all of the following criteria.

The illness should:

- be advanced and progressive, or with a risk of sudden death and
- not be amenable to curative treatment, or treatment is being refused or declined by the patient for any reason and
- be leading to an increased need for additional care and support.

How does the Scottish definition of terminal illness differ from the Department for Work and Pensions?

The new terminal illness definition moves away from the 6 month time limited definition of expectation of death that the Department for Work and Pensions currently uses.

- It's based on clinical judgement which uses a range of largely clinical indicators rather than consideration of length of life
- there is no need to make a prognostic judgement about how long somebody will live
- there is no need to assess individual care needs
- it includes all diseases that are judged to be terminal, including combinations of conditions, irrespective of age.

Guidance has been developed by the Chief Medical Officer to support how the new definition of terminal illness is to be applied for Social Security Scotland benefits and is available through our website at socialsecurity.gov.scot/terminal-illness. It is essential that registered medical practitioners and registered nurses follow this guidance when considering if a person meets the new definition of terminal illness.

What does it mean for patients?

Applications

If a person applies for disability assistance in Scotland and is terminally ill, their application will be dealt with by specially trained client advisors and case managers, and will be fast-tracked to be processed as quickly as possible.

Eligibility

Once a person has applied for disability assistance in Scotland, and we know that they are terminally ill:

- they'll be eligible for disability assistance regardless of how long they've been terminally ill
- they will not need to undergo any further assessment
- their award will be calculated from the date we receive their application or the date they were diagnosed as being terminally ill, whichever is earliest.

Awards

Once a person's application is successfully completed:

- they'll automatically receive the highest award for care or daily living component
- they'll automatically receive the highest rate for the mobility component where there is one
- we will not set a review date for the benefit they are receiving.

What is the Benefits Assessment under Special Rules in Scotland form?

The Benefits Assessment under Special Rules in Scotland form (sometimes known as the BASRiS form) replaces the DS1500 form for some disability benefits in Scotland.

Who can complete a BASRiS form?

Registered medical practitioners and registered nurses who are involved in the diagnosis.

They must meet all of the following criteria:

- must have appropriate skills, knowledge and experience to undertake the role and;
- must be involved with the diagnosis and/or care of the patient and;
- must be acting in their professional capacity and;
- must work in accordance with a clinical governance framework and the requirements of your employers and/or contractual arrangements and;
- must hold current registration with the General Medical Council or the Nursing and Midwifery Council.

If you do not think someone is terminally ill

If you do not feel that a person meets the definition of terminal illness as set out in the Chief Medical Officers' Guidance, and therefore decline to complete the BASRiS form, the person can still apply for disability assistance using the standard benefits application route.

Further information

If you have any questions about the new definition of terminal illness for disability assistance, please contact us by free phone: **0800 182 2222**.

Further information and guidance is available on the Social Security Scotland website: socialsecurity.gov.scot/terminal-illness.

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