

## **Supporting Information**

This chapter describes the role of supporting information in supporting Scottish Adult Disability Living Allowance (Scottish Adult DLA):

- scheduled and unscheduled reviews

It also sets out the general principles case managers must follow when

- determining whether (more) supporting information is required
- gathering supporting information, if needed.

This guidance is for case managers working for Social Security Scotland. In this chapter, the case manager will be referred to as “you”. Social Security Scotland will be referred to as “us” or “we”.

In this chapter, the term ‘individual’ can refer to both the individual who is the recipient of the benefit and the individual who is assisting with, or legally managing, another person’s Scottish Adult DLA award (e.g., their third party representative or appointee). Where the guidance refers to contacting the individual, this could be their third party representative or appointee. You should use the information provided on the review form to decide who would be the appropriate contact on a case by case basis.

This guidance uses the updated terms for the two types of supporting information. These are:

- confirmation from a professional (previously known as the one piece of supporting information from a professional)
- additional supporting information (previously known as supporting information from the client’s wider support network and additional supporting information from a professional)

These terms are explored in more detail in this chapter. When this guidance uses the term ‘supporting information’, it is referring to both the confirmation from a professional and additional supporting information. Where you see the term ‘supporting information’ you should assume the guidance is referring to both types of supporting information unless otherwise stated.

## **In this chapter**

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## **Our approach to information about an individual's needs**

The approach you take when

- understanding
- interpreting
- and gathering, where necessary

information about an individual's needs to establish their entitlement must align with the principles of dignity, fairness and respect.

These principles are outlined in our [Social Security Charter](#). You must apply our decision-making principles when making a decision on an individual's entitlement, based on the information you have available. These are set out in the Principles of Decision-Making chapter.

You must approach information with understanding and consideration of the following concepts:

- trust-based approach
- balance of probabilities.

These are set out in the Principles of Decision-Making chapter

### **Related reading**

- [our charter](#)
- the role of supporting information in the decision-making process
- supporting information operational guidance
- Equal consideration

## **Can I make a robust decision with the information available?**

A number of Scottish Adult DLA reviews will be submitted without confirmation from a professional. In those cases, it will not always be necessary for you to either

- request confirmation from a professional from the individual
- gather confirmation from a professional on behalf of the individual

You should refer to the Relevant considerations when making a determination as part of an award review (determination without application) guidance to determine whether you need supporting information, including a confirmation from a professional, to make a determination.

In cases where you determine supporting information is required, you may be able to establish good cause and make a robust entitlement determination without confirmation from a professional. You can read more about the meaning of good cause in this chapter's section on Good Cause.

This is because confirmation from a professional is less likely to be available to people whose awards have transferred to Scottish Adult DLA, for example, because they have had their condition for a long time without any input from professionals.

## **What is supporting information?**

Supporting information is information from:

- professionals
- the individual's wider support network

It's added to the information provided by the individual in their review form.

The review form should always be the main source of information that you use to determine entitlement to disability assistance.

There are two types of supporting information:

- confirmation from a professional
- additional supporting information

A confirmation from a professional can only come from a professional. The key role of this type of supporting information is to broadly confirm the individual's conditions, disabilities or needs. It is likely that confirmation from a professional will provide little to no detail on how the individual is impacted by their condition or disability in their life and what their needs are.

Additional supporting information can come from the client's wider support network or a professional. Its purpose is to help you establish the individual's level of need and entitlement. It adds detail to the review form by describing the individual's needs on a day-to-day basis.

Additional supporting information is just one decision-making tool available to you to help understand a case and make a determination. If you do need more information to make a decision, you should consider which tool would best provide this information. Additional supporting information will not always be the best tool to establish an individual's entitlement.

For example, a follow-up call to the individual or a case discussion may be the easiest way to get further clarification rather than asking another professional or their wider support network.

For example, supporting information may provide details on:

- a diagnosis
- a treatment being received, such as medication or physiotherapy
- how an individual's condition or disability impacts their life
- steps taken to find out about the individual's condition and make a diagnosis
- aids and equipment that an individual uses to manage daily life
- support that the individual needs at work, in a club they attend, carrying out their interests/hobbies, or when attending social events, although this information is more likely to be found in additional supporting information.

### **The role of supporting information in the decision-making process**

Supporting information, where available, should be used to support an individual's application or review. It should not be used to "evidence" or "prove" every detail of what the individual has described.

Where an individual has not provided supporting information with their review, we will not automatically request it. Here, it is your responsibility to decide whether supporting information is needed for that particular determination.

However, where an individual provides supporting information with their review, it should always be considered in your decision-making process.

You are legally obligated to consider all relevant information in your decision-making process.

This applies to both the supporting information used as the confirmation from a professional or additional supporting information.

If supporting information has been provided, you will have to consider it. This is also the case if you already have enough detail to establish the individual's needs, for example from their review form.

### **Possible formats**

Supporting information can be:

- documentary

- written
- verbal
- photographic or video

### **Documentary**

Documentary supporting information is from professional sources. It consists of official documents that were not necessarily produced to support the individual's review.

For example, a:

- report from a specialist doctor based on their interaction with the individual and medical records
- prescription list of the individual's medications

### **Written**

Written supporting information is a statement written for the purpose of supporting the individual's Scottish Adult DLA review, rather than a pre-existing official document.

For example, a statement from a relative of the individual about the impact of their disability on their day-to-day life.

We can provide supporting information request forms to professionals and members of the individual's wider support network, should you conclude that (more) supporting information is needed to make a robust determination. These have questions to help them give us necessary information.

### **Verbal**

Verbal supporting information is taken directly from relevant sources.

For example, information provided over the phone by the individual's wider support network about the impact of the individual's condition.

### **Photographic or video**

Pictures that have been taken by a medical professional as part of treatment or diagnosis, such as X-ray pictures, can be accepted as supporting information.

Individuals might also submit photographs or videos of their conditions. For example, a photograph of themselves in a wheelchair.

However, individuals are encouraged not to submit images or videos in support of an application.

Likewise, you must not ask the individual or the person acting on behalf of the applicant to submit personal photographs or videos.

However, if submitted, personal photographs or videos should not be discounted as the individual has clearly felt it important to share.

For more information on how photos/videos should be considered in the decision-making process, see the understanding and interpreting chapter.

**Related reading**

- Confirmation from a professional
- Additional supporting information
- Decision-Making Tools
- Supporting information request forms
- how to contact the individual's wider support network by phone
- how to consider photographic supporting information
- Rates and Payment Chapter

## **Confirmation from a professional**

The confirmation from a professional should broadly confirm the individual's conditions, disabilities or needs. It can only come from professionals.

For example, the confirmation may provide details on:

- a diagnosis, where an individual has been diagnosed
- a treatment being received, such as medication or physiotherapy
- steps taken to find out about the individual's condition and make a diagnosis
- aids and equipment that an individual uses to manage daily life
- an individual's needs where they do not have a diagnosis

It is not required for every review and you should refer to the Relevant considerations when making a determination as part of an award review (determination without application) guidance to decide whether it is required.

You may determine that a confirmation from a professional is required but may be unable to gather it. You should consider whether you can establish good cause where this is the case.

Refer to the Good cause section to read about what qualifies as good cause in the context of Scottish Adult DLA.

## **The role of a confirmation from a professional**

The confirmation from a professional only needs to broadly confirm the individual's conditions, disabilities or needs.

It is not necessary for this piece of supporting information to confirm:

- every detail the individual has outlined in their form
- every condition or disability they might have
- the severity of the disability or condition, or the level of needs the individual's formal diagnosis

The confirmation might also provide additional details on the impact the condition or disability has on the individual's day-to-day life. You should not expect this. This level of detail would be expected from additional supporting information.

If the confirmation from a professional that is available contains additional details, you must not disregard these but should consider them separately when establishing the individual's entitlement and needs.



## **Lack of confirmation from a professional**

If confirmation from a professional has not been provided with the review, you must decide whether either

- confirmation from a professional should be requested
- good cause can be established

Refer to the Relevant considerations when making a determination as part of an award review (determination without application) guidance to guide your next steps.

There are many reasons an individual may not be able to provide confirmation from a professional.

### **Good cause**

Good cause is the term for a reasonable explanation as to why a confirmation from a professional is not available or is delayed on a review, where you have determined that it is required.

Establishing 'good cause' allows you to make a positive determination despite not having confirmation from a professional (where required). It refers to there being a reasonable explanation as to why the individual has not provided this supporting information.

Where there is a lack of a confirmation from a professional, you should always consider if there is good cause before requesting or gathering a confirmation from a professional.

### **Good cause for not having a confirmation from a professional when requested**

Reasonable explanations might relate to:

- lack of access to or contact with professionals
- their health or disabilities
- a hospital stay
- being placed in local authority care or legal detention
- lack of support needed from an advocate or support worker, including in relation to filling out the application or review form
- dealing with an unexpected life event, like a death in the family
- having difficult lives due to their disabilities or conditions
- how their condition/s are managed i.e. when older people are in receipt of services, they may be more likely to receive input from multiple care providers

and there can be a lack of any one professional who has the oversight necessary to provide the confirmation from a professional

- the level of input by professionals i.e., their condition is managed by their family and wider support network with minimal professional input. This has historically been the case with learning difficulties and disabilities, and mental health conditions.
- Unresponsiveness to, or lack of engagement with, supporting information requests.

This list is not exhaustive.

### **Good cause due to unsuccessful supporting information requests**

Good cause for supporting information being unavailable does not just apply to the individual's personal circumstances. It also applies where you do not receive a response from a professional to your, or the individual's, supporting information request, or where this response does not contain any information of value (for example, they do not answer the questions in the form),

Where a professional:

- is unresponsive to a supporting information request
- responds declining to answer your questions
- provides a response that is of low value
- does not provide information relevant to the individual or the application (e.g. sending a leaflet on a condition, rather than confirming that the individual has the condition or how they are impacted by the condition).

you can establish good cause for why you did not receive the confirmation from a professional you requested.

### **Lack of confirmation from a professional when it is requested and no good cause**

This is scenario is where you:

- determined that a confirmation from a professional was needed to make a robust determination
- were unsuccessful in gathering the confirmation from a professional
- could not establish a reasonable explanation, such as a professional being unresponsive, as to why a confirmation from a professional was not available.

Where this is likely the case, before you establish whether or not there is good cause, you should ensure that the individual understands

- what confirmation from a professional is
- how to find and submit it
- that we can gather it on their behalf.

If confirmation from a professional still doesn't become available after this engagement, you should go on to make a negative determination.

### **After you have established good cause**

If you have established good cause, you should move on to establishing the individual's level of need and their entitlement. You should use the information you have available to you to do so, such as the information provided by the individual in their review form.

### **Related reading**

- case discussions
- client-led route
- Agency led route
- follow-up calls with the client
- Good cause
- local delivery

## **Requirements of the professional**

The following information applies to both:

- professionals providing the confirmation from a professional and
- professionals who provide additional supporting information.

To provide supporting information, the professional or organisation providing the confirmation from a professional should fall into one of the following categories:

- have been involved in the individual's care, treatment, or everyday life for a period that would allow them to be familiar with their needs
- have carried out an assessment of the individual's condition, disability or needs
- have the professional knowledge and access to records to provide an informed opinion on the individual's condition, disability or needs

Professionals from the same organisation can provide supporting information, even if they have not been directly involved in that individual's treatment or care.

They must have both:

- access to records on the individual
- the professional knowledge needed to understand these records

You do not need to obtain additional permission from the individual where the named contact at an organisation is not who will respond to the supporting information request.

For example, the GP who normally sees the individual and has been named on their application or review form might not be available. In this case it's acceptable for a different GP from the same surgery to fill in the supporting information request form. This is because they have access to the individual's medical record. It would not be acceptable for a member of staff who does not have medical training, such as a receptionist, to fill in the form.

## **Examples of who could provide this**

This could include:

- social workers
- psychologists
- health professionals, such as nurses, GPs or consultants
- allied health professionals, such as physiotherapists, speech and language therapists, or occupational therapists
- local authority staff, an assessment of need, or an individual's care plan (such as homecare staff)
- health boards, such as Fife Health Board or Lothian Health Board

- paid support workers who can confirm the level of care an individual receives
- third sector, private and other organisations or individuals who provide professional support to the individual

This list is applicable to professionals who work in both the public and private sector. For example, a private physio or a health care professional working for the NHS. As long as they are familiar with the individual, their condition, disability or needs in a professional capacity, professionals from the private sector can provide supporting information.

The same rules apply to professionals from the private sector as they do for professionals in the public sector in relation to who from that organisation can provide the supporting information. I.e. Another professional from the same organisation can provide supporting information provided they have the expertise to understand the individual's condition and records. For example, another doctor at the same practice but not the receptionist.

Practitioners are not considered a professional for supporting information purposes. They cannot provide either the confirmation from a professional or additional supporting information from a professional.

### **Examples of supporting information from a professional**

This could include:

- occupational health report
- treatment plans
- diagnosis
- appointment or referral letter
- social work report
- a list of medications prescribed to the individual
- care assessments or a care plan
- medical specialist report
- information documenting the physical supports put in place by a local authority, such as a stair lift, ramp or accessible shower
- supporting information request form
- guardianship reports (not letters confirming guardianship). You should consider a case discussion if you are unfamiliar with the guardianship process or do not understand relevant sections of the report.

### **Deciding whether a source is from a professional**

The following guidance in this section is only applicable to the confirmation from a professional.

Deciding whether a source is a professional is important when deciding whether a document can be counted as a confirmation from a professional.

To help make a decision on this, you should use the information presented in this section as well as the pages on:

- Confirmation from a professional
- Additional supporting information

If the definitions already provided are not enough to make a decision, you should consider if the provider of the source:

- is being paid to provide a service to the individual
- is qualified or trained to provide their role to the individual
- has a personal relationship with the individual beyond their organisational role
- is acting within a formal capacity
- has specific skills or training to be able to provide support the individual
- has provided clear professional documentation, for example is it on letter-headed paper
- can be found by their details or credentials on official registers or systems, such as the Scottish Social Services Council, the General Medical Council, the Nursing and Midwifery Council or another professional regulatory body
- is still working in their field, for example they're currently practising, not retired

This list is not exhaustive.

You should consider the answer to these questions and make a decision on a case-by-case basis. You should also consider the examples below.

If you conclude that it is more likely than not that a piece of supporting information is not from a professional, you should consider both:

- if you need to collect an alternative source as the confirmation from a professional, including how you work with the individual to source this information if needed.
- if the information can be used as additional supporting information

You may conclude that a source is not from a professional but does contain information regarding the individual's disability, condition or needs relevant to the application.

You should still consider this information as part of your decision-making. The information would count as additional supporting information. It would still count as this type of supporting information regardless of it was from a professional or the client's wider support network.

If you want advice on how to classify a source of the confirmation from a professional, you can:

- speak to your line manager
- request a case discussion

**Example: A volunteer who regularly supports the individual but is not considered a professional**

A volunteer who runs a social club in the local church on Sunday afternoons and regularly supports an individual belongs to the individual's wider support network. Information they provide would be considered additional supporting information

**Example: A volunteer who regularly supports the individual and is a retired professional, but is not considered a professional for the confirmation from a professional purposes**

A volunteer runs a social club in their local community centre and is a retired social worker. They recognise the individual's difficulties in most social interactions and have practised strategies with them that help the individual to avoid becoming overwhelmed easily.

However, this volunteer would not be considered a professional.

This is because the capacity in which they would be considered a professional would be through their status as a retired social worker. However, as they are retired, they no longer have the credentials to act in this capacity and are not active in their field.

Their testimony is still an important source of additional supporting information from the individual's wider support network, but case managers should seek an alternative document as confirmation from a professional, if it is needed to make a robust determination.

**Related reading:**

- Additional supporting information
- collaborative information gathering
- if no supporting information from a professional is available
- Lack of confirmation from a professional
- understanding and interpreting supporting information
- Principles of decision-making
- how to use supporting information from a professional which contains harmful information

## **Confirmation from a professional that has gaps and inconsistencies**

In their confirmation, professionals may provide information that is (partially) inconsistent with what the individual has told us on their review form. These inconsistencies can relate to:

- the broad confirmation of the conditions, disability or needs
- the severity of the needs the individual has told us about.

## **Inconsistencies relating to the confirmation of conditions, disability or needs**

The confirmation from a professional might, for example:

- not mention one or multiple conditions the individual has told us about.
- Explicitly state that the individual does not have the condition they have told us about

## **The confirmation does not mention all conditions, disabilities or needs**

Confirmation from a professional, where needed:

- does not have to confirm all conditions, disabilities and needs the individual has told us about. However, sometimes this can be an inconsistency that is relevant and needs exploring.
- should confirm a condition that is related to the individual's needs and these must be relevant to the Scottish Adult DLA eligibility criteria.

Relevant considerations when a confirmation does not mention all conditions, disabilities or needs might be as follows:

- Whether it is reasonable to assume that, on the balance of probabilities, it is more likely than not that the professional should have known about all the individual's conditions
- You should consider whether the confirmation from a professional is a pre-existing document, such as a referral letter. Here, it would be reasonable to expect that it will not mention all of the client's conditions. In order to find out whether an additional confirmation from a professional might still be required, read the next section.

In some cases, however, it would be reasonable to expect that the confirmation from a professional mention all conditions the individual has detailed in their application form. For example, if one of the individual's conditions is a known condition which is highly likely to coexist with the other condition the individual has told us about and the professional treating the individual only confirms one of the conditions, this would be a relevant inconsistency. This inconsistency would need to be explored, irrespective of whether the document confirms a significant portion of the needs mentioned in the review form. You should consider consulting medical guidance or



utilising a case discussion to help you establish known conditions that are likely to coexist.

This list is not exhaustive.

If you decide that an inconsistency is relevant and needs to be explored, you should follow the existing guidance on gaps and inconsistencies, including potentially needing further supporting information.

### **When an additional confirmation from a professional may be required**

The following guidance applies only where you have determined that a confirmation from a professional is required. In this scenario, an additional confirmation refers to where, at review stage, you have:

- Determined a confirmation from a professional is required
- Requested and received a confirmation from a professional
- Concerns that this confirmation from a professional may not be relevant to the review and that you will need an alternative confirmation to the one already requested at review stage.

Where both

- The needs the individual has as a result of the condition that is confirmed by a professional do not impact the individual's entitlement (i.e. they have not reported a change in these needs or this confirmed condition)
- the needs the individual has as a result of the unconfirmed condition/s would impact their entitlement for Scottish Adult DLA

it would generally be reasonable for you to expect the individual to provide confirmation of the condition that would change their entitlement to Scottish Adult DLA.

You should refer to the Relevant considerations when making a determination as part of an award review (determination without application) guidance for more information on when a confirmation from a professional should be requested.

If you conclude that the what the provided confirmation from a professional confirms is

- not relevant to changes reported by the individual

you should follow the guidance the lack of a confirmation from a professional section of this chapter. Although you have concluded that another confirmation from a professional is needed to confirm the change in needs, the guidance regarding good cause still applies. You can determine that another confirmation from a professional is needed and still establish good cause.

Establishing when

- an existing confirmation from a professional is not relevant and
- another confirmation from a professional is needed

will differ from case to case. You should use your judgment to make this decision. If you struggle to understand whether an existing confirmation from a professional is acceptable, request a case discussion.

To establish whether you'll need additional confirmation from a professional, you should:

- consider whether out with the confirmation they have already provided, they would have a reasonable explanation for not providing another confirmation and you can establish good cause.
- use the balance of probabilities when considering whether what condition/s or need/s have been confirmed can reasonably be expected to cause any needs relevant to the review
- consider involving a health and social care practitioner to understand the needs associated with a given disability or condition

### **The confirmation explicitly denies what the individual has told us about their conditions, disability or needs**

In some instances, the professional you reached out to for confirmation of the individual's conditions, disability or needs might directly deny that the individual has a certain condition, disability or need. This is different from instances where the confirmation from a professional simply does not mention one or multiple conditions or needs the individual told us about.

Taking a trust based approach, you should establish whether this inconsistency needs to be explored or whether there is a reasonable explanation for it. For example, the professional might wrongly assume that the individual does not have a condition, because they have not seen the individual since that new condition developed.

Additionally, where individuals are reporting new conditions that have not been diagnosed, the professional may give an accurate response stating the individual does not have the reported condition despite being aware of their needs. In this case, even though the professional has denied the existence of the condition, this does not necessarily constitute a denial of these needs or symptoms. You should remember that an individual does not always need a diagnosis in order to be eligible for our benefits, it is their level of needs that is being considered.

You should not automatically assume that the individual is dishonest and does not have that stated condition or need – it might be reasonable to assume that the professional was unaware of all of the individual's conditions and/or needs.

If you establish that the inconsistency needs exploring, you should proceed to do so as you would with any other piece of supporting information, including applying equal consideration to the confirmation and the review form and requesting a case discussion, if needed.

If you can resolve the inconsistency (i.e. there is a reasonable explanation for why the confirmation does not broadly confirm what the individual told us in their review form), you should move on to establishing the individual's needs and entitlement.

You may be unable to resolve the inconsistency (i.e. there is not a reasonable explanation for why the confirmation does not broadly confirm what the individual told us in their review form).

You should discuss the case with your line manager. If they agree with your assessment that the inconsistency cannot be resolved, you should not make changes to the individual's entitlement based on the inconsistent information.

### **Inconsistencies relating to the severity of needs**

The confirmation from a professional might state that the individual's needs are

- higher or lower than or
- of a different nature from

needs described elsewhere in the individual's review.

Consider whether this inconsistency is worth exploring. In order to determine this, you should, for example, consider whether the inconsistency would impact on the individual's level of entitlement. For example, if

- the individual has reported a severe level of care needs but
- a professional describes the needs to be much lighter than that, but still significant enough for the individual's award to increase

this inconsistency would not impact on their level of entitlement and would not need to be explored further.

If you establish that the inconsistency needs exploring, you should proceed to do so as you would with any other piece of supporting information.

## **Additional supporting information**

To supplement the other sources of information, including the review form and the confirmation from a professional, additional supporting information can be used. This supporting information can help you to establish the individual's level of need and their entitlement.

This can come from either a professional or from their wider support network but it is not a requirement in order for you to make a determination.

Additional supporting information from the client's wider support network should never be used as the confirmation from a professional (where you establish a confirmation is required).

The individual's wider support network might include:

- family members
- partners
- friends or neighbours
- unpaid carers
- volunteers leading groups or activities the individual attends

It can help to inform you of the impact the individual's condition, disability or needs has on their everyday life.

Individuals may provide this information with their review form. If this is the case, you should always consider this information in your decision-making process. This also applies if the individual themselves has provided enough detail on their needs for you to establish their entitlement.

If you need more information on the individual's needs and they have not provided any additional supporting information, you should consider all of the following:

- what decision-making tool would be most appropriate to gather the information you need
- if contacting the individual themselves or the person acting on their behalf would provide the information you need, and if this would be appropriate i.e. if you know the individual has a hearing impairment or dementia, this may be an appropriate decision making tool. You should always consider calling the individual first before requesting additional supporting information.
- if requesting additional supporting information is the best tool
- who would be the best source of additional supporting information, if you have established that additional supporting information is the most appropriate decision-making tool

Additional supporting information is just one decision-making tool that can be used to resolve gaps and inconsistencies. It should not be used as the default tool where you need more information on the individual's needs.

### **The role of additional supporting information**

Additional supporting information is just one of many decision-making tools you can use to determine an individual's entitlement. You should refer to the Principles of Decision-Making chapter to determine which tool is the most appropriate on a case-by-case basis.

Its purpose is to add detail to the review form by describing the individual's needs on a day-to-day basis. It should give insight into the impact the condition or disability has on the individual's life.

It should not be used as an alternative way to 'evidence' or 'prove' what the individual has told us in their application or review form.

Reasons for gathering additional supporting information that are not appropriate include:

- where you have concluded that you do not need a confirmation from a professional but you want someone other than the individual to give information about their disability or condition
- where you have a suitable confirmation from a professional but that confirmation does not confirm every detail in the application form.

The reason for gathering additional supporting information that is appropriate is where:

- the individual hasn't provided the level of detail needed in the application AND
- you think that gathering additional supporting information is the best decision-making tool to resolve questions, gaps or inconsistencies

If you establish that additional supporting information is the appropriate tool to gather this information, you need to consider who would be the best source for this information.

For example, health care professionals are less likely to be able to observe the individual's care needs. Some allied health professionals like physiotherapists and occupational therapists can offer observations on this, but not every individual will have contact with this type of professional.

Therefore, people closely connected with a disabled person can be useful sources of information about the impact a disability or condition has on an individual, such as

social care professionals and friends and family. This is why information from the individual's wider support network is particularly valuable.

If the source of this additional supporting information is a professional, it is possible that it can also act as a confirmation from a professional. Where the information can act as both types of supporting information, you should be careful not to use the additional detail as a tool to 'evidence' or confirm every need. This is in keeping with a trust based approach where you do not use, or gather, information for the purpose of 'proving' what an individual has told us.

Once you have established the confirmation, this additional detail should only be used to inform your understanding of their needs.

### **When a confirmation from a professional is also additional supporting information**

It is possible that one piece of information from a professional can act as both:

- confirmation from a professional
- additional supporting information at once.

You should not disregard this information just because:

- you have used the same document as the confirmation from a professional
- the application form provides enough detail for you to establish the individual's entitlement.

You should ensure that you are using any additional detail as additional supporting information.

However, you should be mindful that any additional detail provided in a confirmation from a professional is not used as a means to 'evidence' what the individual has told us in their application form. It should be used to inform your understanding of their needs.

For example, an individual may submit an outpatient's summary written by a consultant alongside their application. In this summary, the consultant broadly confirms the condition of the individual. This is the confirmation from a professional. The summary continues to detail the symptoms of the individual and what the next steps in treatment are. This information is additional supporting information as it can be used to understand the individual's level of needs and to establish their entitlement.

### **Related Reading**

- contacting the individual with follow up questions
- supporting information see: determining the best source
- requesting information through the client-led route
- requesting information from the wider support network

## **Gathering supporting information**

This guidance only applies where you have determined that gathering supporting information would be essential to your decision making. For example:

- it is the best tool to fill in any gaps and resolve inconsistencies
- you have determined that you do need a confirmation from a professional
- you do not have enough information to make a determination and gathering supporting information is the only way to get the information you need.

To gather supporting information, you can:

- use sources provided by the individual
- contact the individual to ask for additional or alternative sources

## **Collaborative information gathering**

The individual is responsible for providing both the confirmation from a professional and additional supporting information where this is needed to make a determination.<sup>1</sup>

However, individuals may require help to:

- gather supporting information
- identify if they have any relevant supporting information already – this could be a confirmation or documents that provide additional detail on their needs
- identify who an appropriate source of information would be

You must:

- make every effort to help an individual gather supporting information, including offering the service where they are unable to provide the necessary supporting information
- ensure that the supporting information gathering process treats everyone with dignity, fairness and respect
- give people every opportunity to provide supporting information if it is not supplied with their review form and it is needed
- consider each individual's ability to provide supporting information and the challenges they may face
- decide when a supporting information request is appropriate
- consider whether you're able to make a determination based on the balance of probabilities with the information available, taking into account good cause and our trust-based approach

This may involve local delivery teams, particularly where an individual is considered to be vulnerable.

## **How we help gather information**

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<sup>1</sup> Social Security (Scotland) Act 2018 s. 54

You can:

- offer advice on how to contact specific roles or professionals
- consider if there are other ways to get the information, like a follow-up call
- advise on other formats for supporting information
- decide if good cause exists for lack of a confirmation from a professional
- involve local delivery teams (especially if the individual is considered vulnerable)

If an individual is unclear about what information may be available, and you are unsure who would be an appropriate source of supporting information, a case discussion might be useful to identify a source you would expect to be able to provide relevant information.

### **The role of local delivery teams**

Local Delivery staff can offer support to individuals making an initial application who:

- need support to gather supporting information
- have no support networks

Before making a referral, you should consider if:

- a review form is not detailed enough
- local delivery have not been involved
- other decision-making tools have been used first

### **Agency-led route**

Individuals:

- can ask us to gather both the confirmation from the professional and additional supporting information
- must give their permission

We can gather supporting information directly from both:

- most types of professionals
- the client's wider support network

You may need supporting information but the individual has not asked you to gather it on their behalf. There are processes in place to gather information on behalf of an individual if they are both:

- unreachable
- identified as vulnerable.



To gather information directly, we have agreements with:

- NHS Scotland
- GPs
- local authorities
- third sector organisations

The following individuals and organisations are required to give us information directly<sup>2</sup>:

- health Boards
- registered medical professionals, such as GPs and specialists
- local authorities

Other agencies and organisations may also be suitable sources of information, and may or may not be covered by similar information-sharing agreements.

No response may be received when you request supporting information on the individual's behalf during a review. You should not automatically suspend assistance. Every effort must be made to help the individual to gather supporting information or establish good cause.

### **Determining the best source**

You should consider who the best source to approach is where:

- the individual needs help to gather information
- you are using additional supporting information as a tool to gather additional detail needed to make a decision on their entitlement

To determine the best source, you should first establish:

- what information is needed and/or required
- using the balance of probabilities, who is more likely than not going to know the answer

You may also need to work with the individual to establish who is involved in their treatment or care. This could be professionals or their wider support network.

You should not use professionals as your default contact for additional supporting information. Whilst they may be a good source of information, they often do not see the individual as regularly as their wider support network.

For example, if you need to ask detailed questions to understand their daily routine and life at home, a GP is unlikely to know the answer.

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<sup>2</sup> The Social Security Information-sharing (Scotland) Regulations 2021, regs. 3 and 4

Someone from that individual's wider support network is more likely to have information about the individual's needs if they:

- live with them
- visit them frequently

You may decide a professional would be the best source for the additional supporting information you need to establish the individual's entitlement. In this instance, you should consider which professional would be best placed to know this information. For example, GPs may not be best placed to provide information on an individual's daily routine. The individual's paid carer, who sees them twice a week, would be better placed to provide additional supporting information in this case.

You should also try to approach someone who is likely to respond to a supporting information request quickly. This point should be carefully balanced against the value of information they're likely to provide. This could mean that you will have to wait longer for information deemed important to the decision-making process.

### **The role of case discussions**

You should consider going to case discussion if you are unsure:

- whether the needs described are consistent with what the individual has told us
- what sources of information may exist
- what source or type of supporting information would be most helpful

This list is not exhaustive.

### **Client-led route**

In certain situations, only the individual will be able to get information from a professional or someone in their wider support network involved in their treatment or care. This is called the client-led route. You should do your best to support the individual to get this information.

The individual must gather the supporting information themselves if they meet at least one of the following:

- they have not given us permission to gather information on their behalf
- their source works in the private sector

### **Related Reading**

- if no supporting information is available
- understanding the value of supporting information
- how to request supporting information
- vulnerable individuals

## **Requesting more supporting information**

In some cases, you may not have enough information to understand the individual's circumstances and entitlement based on:

- the review form
- available additional supporting information
- the balance of probabilities

This might be due to

- gaps
- inconsistencies

in the information you do have available.

Information provided by the individual or their source might not contain enough detail to make a determination if the information is:

- of low value i.e. generic information about a condition, rather than about a person's needs
- not up to date i.e. information from a time when their needs were significantly different
- not provide the level of detail needed to understand an individual's needs, particularly where the case is complex

You can ask for more information if:

- there's not enough information to make a determination on the balance of probabilities
- you've considered other decision-making tools, such as medical guidance and case discussions, and it is more likely than not that these tools will not help you move to making a determination.

You can contact an individual only where necessary to:

- clarify information already provided
- update or confirm details on a form
- ask for another source of information
- get more information to support what the individual told us

This means that you must not request more additional supporting information because you:

- would find it interesting to find out more about the case in question
- would find it helpful, but not strictly necessary, to learn more
- do not feel confident enough to make a determination as you are new to the role

- need more general information on the individual's condition when this information is also available in medical guidance or upon request through a case discussion with a practitioner
- need to have confirmation from a professional where you have concluded they do not need one. For example where an individual has good cause for not having this.

Individuals can request help to gather supporting information at any time.

When requesting supporting information, you should limit the number of questions asked. You should also keep the questions general enough for the provider to give information on the individual's condition and needs.

### **Who to ask for more additional supporting information**

Depending on the details you need to make a determination, you should decide whether you should request this supporting information from:

- a professional
- the individual's wider support network

Before asking for more information, you should consider whether information about a condition or disability can be gathered by using other decision-making tools, such as

- medical guidance
- a case discussion

As with all supporting information, anything additional should be:

- given equal consideration
- used to broadly support the information provided in an individual's application or review form

You must never ask an individual to 'prove' or 'disprove' anything they have told us about any aspect of their:

- conditions
- disabilities
- needs

### **If no additional supporting information is available**

Other decision-making tools may be necessary to establish the facts of a case in cases where all of the following apply:

- you do not need to gather a confirmation from a professional. It may have already been provided OR you have established good cause OR you have concluded that it is not needed

- the review form does not contain enough detail for you to conclude whether it is more likely than not what their current needs are
- there is no additional supporting information from any other source

One of those tools includes requesting more additional supporting information. You should ensure that this is the best tool for gathering the missing details before using this tool.

Other tools may be more appropriate, or produce results quicker, than gathering more additional supporting information. These include a follow-up call with the individual and case discussions.

Before requesting further additional supporting information, you should always attempt a follow-up call and/or a case discussion, if it is appropriate to do so.

Where you have utilised the available decision-making tools and you have still been unable to gather all the information you need, you should:

- continue to make a determination based on the facts you have been able to establish
- continue to use the balance of probabilities, as always, throughout this decision-making to establish what needs they are more likely than not to have
- recognise that this might lead to a lower award than the individual might have expected

## **Not making changes to the level of entitlement due to lack of supporting information**

We're required to make a determination on every review we receive. In instances where there is either

- no confirmation from a professional and no good cause when you have determined that a confirmation from a professional is required
- not enough information to determine the changes in an individual's needs after using the relevant decision-making tools,

you may conclude that the individual is not eligible for a change in entitlement.

A lack of confirmation from a professional can be a reason for this if all of the following are met:

- you have determined that in order to make a robust decision, the review does require a confirmation from a professional
- you try, unsuccessfully, to gather the confirmation from a professional
- there is no good cause for why there was no confirmation from a professional

A lack of confirmation from a professional or good cause is not the only basis for not making changes to an individual's entitlement.

Alternatively, the outcome of a review may result in an entitlement lower than the individual was expecting if you are unable to determine the individual's entitlement based on the information available. This happens only when all of the following are met:

- the confirmation from a professional is not the basis for not increasing entitlement i.e. they have a confirmation from a professional or you have established good cause or you have determined that they do not require a confirmation from a professional
- the information provided in their review form does not provide enough detail for you to increase their entitlement
- you have used other decision-making tools to resolve gaps or inconsistencies but you are still unable to establish an increased entitlement
- you tried to gather more additional supporting information and did not receive the detail you needed
- due to inconsistencies or lack of detail, you were unable to establish needs that would increase their entitlement based on the balance of probabilities

- you have made every effort to support the individual to provide more additional supporting information, including offering to gather it on their behalf

## **Disengagement**

You must use discretion and judgment where an individual:

- is uncooperative about providing supporting information
- has not responded to us

If the individual has disengaged, you should use discretion to make a person-centred decision based on the individual's situation, and consider:

- good cause
- the balance of probabilities
- a case discussion

Every effort must be made to:

- contact the individual to explain that a lack of information may cause delays and impact their determination
- understand or explain gaps or inconsistencies using decision-making tools

When carrying out a review, the individual might fail to supply requested supporting information. You must use judgement and discretion to consider whether their assistance should be suspended.

## **Deadlines**

You should set a deadline for the individual to respond to a request for information only if:

- you've made every effort to contact the individual by other means
- more additional supporting information is strictly necessary to determine an individual's entitlement to Scottish Adult DLA

## **Suspensions**

You may need to suspend an individual's entitlement to Scottish Adult DLA.

Suspensions can happen as part of any determination where:

- the individual has ongoing entitlement (the individual is a client and you are carrying out a review)
- a decision must be made without an application or review form (known as an 'unscheduled review')



- the individual has failed to provide requested information by the end of the period you set

Before suspending an individual's award, you should

- consult and follow the guidance on suspensions.

In suspending payment of Scottish Adult DLA , you should make a further request for the information. The request should note that, if the individual fails to supply the information by the new deadline, you may then determine that the individual is no longer entitled to Scottish Adult DLA.

Where an individual has an existing entitlement to Scottish Adult DLA , you may need to make a nil award as a result of the individual failing to supply the necessary supporting information.

### **Related Reading**

- local delivery
- principles of decision-making
- suspension of assistance
- how to send a supporting information request
- good cause
- balance of probabilities
- establish the value of a piece of supporting information
- helping the individual to gather supporting information
- equal consideration
- Gaps and inconsistencies

## **Supporting information and Special Rules for Terminal Illness**

Supporting information to confirm a terminal diagnosis (also known as the 'clinical judgement') is a Benefits Assessment under Special Rules in Scotland (BASRiS) form. Alternatively, the clinical judgement may be provided over the phone ('verbal BASRiS') or in a clinician's letter. Following a verbal BASRiS, the Registered Medical Practitioner or Registered Nurse providing the clinical judgement should subsequently submit a BASRiS form to Social Security Scotland within 28 days.

You can also accept the SR1 form or DS1500 form used by the Department for Work and Pensions (DWP) to confirm a terminal illness diagnosis.

For more information, read the chapter on applications under the Special Rules for Terminal Illness.