

Scottish Adult Disability Living Allowance - DMG

Qualifying periods

Index

This chapter covers the following topics:

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- the relationship with the date of entitlement

Introduction

1. This chapter explains the qualifying periods (also known as the 'backwards and forwards tests' for Scottish Adult Disability Living Allowance (Scottish Adult DLA).

2. The backwards test is the amount of time the individual must have met the eligibility criteria for a particular component, or rate of a component of Scottish Adult DLA¹ before they are entitled to receive it.

1 Scottish Adult DLA regs, reg. 6(2)(a), 6(3), 7(4)(a), 8(9)(a)

3. The forwards test looks at the amount of time the individual is likely to meet the eligibility criteria for a particular component, or rate of a component of Scottish Adult DLA¹.

1 Scottish Adult DLA regs, reg. 6(2)(b), 7(4)(b), 8(9)(b)

4. There is no backwards test or forwards test for individuals with a terminal illness. For more information please consult the Special Rules for Terminal Illness chapter.

5. The backwards and forwards tests vary in duration depending on whether the client is under or over the 'relevant age'. The 'relevant age' for Scottish Adult DLA is:

- pensionable age
- or, if higher, 65.

6. For those over the 'relevant age', the backwards and forwards tests also differ between the care component and the mobility component. These differences are detailed below, as well as in the Annex at the end of this chapter.

The backwards and forwards tests – under the 'relevant age'

7. The individual must have met or be deemed likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 13 weeks immediately preceding the date of entitlement. This is the backwards test¹.

1 Scottish Adult DLA regs, reg. 6(2)(a), 7(4)(a), 8(9)(a)

8. The individual must be likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 26 weeks from the date of entitlement. This is the forwards test¹.

1 Scottish Adult DLA regs, reg. 6(2)(b), 7(4)(b), 8(9)(b)

The backwards and forwards tests – over the ‘relevant age’

9. The below tests apply where a change occurs **after** an individual reaches the relevant age. If the change occurs **before** the individual reaches the relevant age, the tests above should be applied, regardless of whether the individual has reached the relevant age when they report the change.

Mobility component

10. The individual must have met or be deemed likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 13 weeks immediately preceding the date of entitlement. This is the backwards test¹.

1 Scottish Adult DLA regs, reg. 7(4)(a), 8(9)(a)

11. The individual must be likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 26 weeks from the date of entitlement. This is the forwards test¹.

1 Scottish Adult DLA regs, reg. 7(4)(b), 8(9)(b)

12. There is an additional test for eligibility for the mobility component of Scottish Adult DLA for those over the ‘relevant age’¹. In addition to fulfilling the ‘backwards and forwards tests’, an individual must have continually been in receipt of the relevant rate of the mobility component that they qualify for prior to reaching the ‘relevant age’.

1 Scottish Adult DLA regs, reg. 7(4)(c), 8(9)(c)

13. This means that over the ‘relevant age’ an individual can only **maintain** the rate of the mobility component that they receive. They cannot move from the lower to the higher rate, the higher to the lower rate, nor from no award of the mobility component to the lower or higher rate. This is covered in more detail in the Mobility Component chapter.

Care component

14. The individual must have met or be deemed likely to meet one of the criteria of entitlement for a particular component, or rate of a component, for 26 weeks immediately preceding the date of entitlement. This is the backwards test¹.

1 Scottish Adult DLA regs, reg. 6(3)

15. There is no forwards test for the care component for individuals over the ‘relevant age’ on Scottish Adult DLA.

16. Further, individuals cannot newly qualify for the lowest rate of the care component if they are over the 'relevant age', even if they meet the backwards and forwards tests¹. Lowest rate awards of the care component can be **maintained** for those over the 'relevant age'. This is covered in more detail in the Care Component chapter.

1 Scottish Adult DLA regs, reg. 6(5)

Example – a determination without application due to a change in circumstances where the individual is over the relevant age and the original award included a mobility component at the enhanced rate

Rashid is over the relevant age and has muscular dystrophy. He is currently in receipt of a Scottish Adult DLA award which comprises of:

- the care component at the middle rate
- the mobility component at the higher rate.

The case manager receives notification that Rashid's circumstances have changed, and he may be entitled to further support. Increased muscle stiffness has led to further muscle restriction and as a result, Rashid has been diagnosed with depression, which has impacted his score when undertaking daily living activities.

A determination without application found that Rashid was entitled to the highest rate of the care component due to the change in his condition, and that he remained entitled to the higher rate for mobility.

Rashid remains entitled to the higher rate for mobility in this instance because both the following are true:

- he received the higher rate of mobility in his original award
- his entitlement was due to substantially the same condition (muscular dystrophy) on which the original award was made.

Example – a determination without application due to a change in circumstances where the individual is over the relevant age and the original award included a mobility component at the lower rate

Jakub is over the relevant age and received the middle rate of the care component and lower rate of the mobility component in his original award, due to arthritis. The case manager receives notification that Jakub's condition has changed and makes a determination without application.

The determination found that Jakub is entitled to the care component at the middle rate due to his arthritis. It also found that Jakub would have been entitled to the mobility component at the higher rate. However, Jakub is over the relevant age, and his original award was for the lower rate of mobility. As he still meets the criteria for the lower rate of the mobility component, and has a pre-existing award of this component, he continues to receive the lower rate.

Example – a determination without application due to a change in circumstances because of medical evidence received, after the individual reaches the relevant age

Paul is over the relevant age and received the care component at the lowest rate and the mobility component at the higher rate due to Multiple Sclerosis.

The case manager receives medical evidence from a healthcare professional to suggest that Paul's condition has worsened and makes a determination without application.

The determination found that he is entitled to the care component at the middle rate and mobility component at the higher rate due to Multiple Sclerosis.

Paul is entitled to continue receiving the higher rate of mobility because both these statements are true:

- he was entitled to the higher rate of mobility for Scottish Adult DLA in his original award
- the determination found the entitlement to be the result of substantially the same condition that his original award was based on.

Changes in the individual's level of need and receiving benefit

17. Case managers can become aware of a change of circumstances that could possibly result in a change to the rate of Scottish Adult DLA that the individual is entitled to receive. In these cases, they must make a determination without application about the individual's entitlement to Scottish Adult DLA¹.

1 Scottish Adult DLA regs, reg. 43

18. The case manager must apply the backwards test and forwards test in making their determination without application.

19. These rules determine if the individual is entitled to a different award and the date when the individual's new award should begin.

20. Guidance on how to apply the backwards test and forwards test following a change in the individual's mobility or care needs can be found in the Change of Circumstances chapter.

Relationship with the date of entitlement

21. The relevant backwards test must be met before the entitlement to a specific rate or component of Scottish Adult DLA can begin.

22. The date an individual satisfies the backwards test might differ for the care and the mobility component.

23. The case manager may need supporting information to determine that the backwards test has been met and the forwards test is likely to be met.

24. Different rules apply if the individual is staying in alternative accommodation. You can find more information on this in the Alternative Accommodation chapter.

25. Case managers use weeks to calculate the backwards test and forwards test.

26. Sometimes, individuals only give the month and year when the required level of needs began. In these cases, the date will be set as the first of the month as this is most favourable to the individual. In cases where more information is needed to determine whether or not the qualifying period has elapsed, the case manager should ask the individual to indicate a week in which the needs first arose. The case manager should then set the first day of the week as the day the needs began. The week runs from Monday to Sunday. This includes a part week.

27. Some individuals might only be able to give the week when the required level of needs began. In these cases, the case manager should assume that the needs began on the first day of the week in calculating the backwards test. The week runs from Monday to Sunday. This includes a part week.

Example: an individual gives the first week of the month as start date for their level of need

Seamus is 34 years old. When his Scottish Adult DLA review form is received, his support worker stated Seamus' level of needs increased in the first week of October 2024. The first week of October starts on Monday 30 September. The case manager records this date as the first day of the backwards test.

28. Sometimes, an individual gives the last week of the month for when the required level of needs began. In these cases, it is assumed that the level of needs began on the first day of the final week of the month.

Example: an individual gives the last week of the month as start date for their condition

Shameen is 45 years old and has been diagnosed with motor neurone disease, and her DLA award has transferred to Scottish Adult DLA. Shameen's mother contacts Social Security Scotland to inform them that her needs have increased, but explains that the change occurred from the last week of March 2025. The last week of March starts on Monday 31st March. The case manager uses this day as the first day when calculating the period of weeks for the backwards test.

Annex: Setting a Date of Entitlement for Scottish Adult DLA