

# Pension Age Disability Payment – Rates and Criteria

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## Introduction

1. This chapter looks at the criteria of entitlement to the rates of payment for Pension Age Disability Payment (PADP).
2. This chapter should be read together with the PADP Definitions chapter.
3. Individuals must be of State Pension age and older to be entitled to PADP<sup>1</sup>.

*1 PADP regs, reg 17(1)*

4. Individuals must also satisfy the backwards test to be entitled to PADP. This is because the backwards test helps to distinguish between a short-term and long-term need for assistance.
5. The backwards test looks at how long an individual has met, or is likely to have met, the criteria of the daytime and/or night-time conditions. The backwards test for PADP is 26 weeks.<sup>1</sup> PADP does not have a forwards test.

*1 PADP regs, reg 5(6)*

6. Individuals applying under Special Rules for Terminal Illness (SRTI) do not need to satisfy the backwards test.<sup>1</sup> They also do not need to meet the daytime or night-time conditions as set out in this chapter. For more information on SRTI applications, please see the SRTI chapter.

*1 PADP regs, reg 5(7)*

## Age criteria for Pension Age Disability Payment

7. Individuals must be of State Pension age and older to be entitled to PADP<sup>1</sup>. An individual's State Pension age varies depending on when they were born.

*1 PADP regs, reg 17(1)*

8. If a manual check is needed to confirm whether an individual has reached State Pension age, the UK Government's State Pension age calculator can be used: [Check your State Pension age - GOV.UK \(www.gov.uk\)](https://www.gov.uk/check-your-state-pension-age)

9. For more information on when an individual will reach State Pension age, reference should be made to the UK Government's State Pension age timetable: [State Pension age timetable - GOV.UK \(www.gov.uk\)](https://www.gov.uk/state-pension-age-timetable)

10. When calculating the age of an individual born on 29 February, their birthday is taken to fall on 28 February in a year which is not a leap year<sup>1</sup>.

*1 PADP regs, reg 17(2)*

## **Rates of Pension Age Disability Payment**

11. PADP has two rates: the lower rate and the higher rate.<sup>1</sup> An individual's needs determine what criteria they meet and the rate of PADP that they are entitled to. For more information on the rates, see the Payment of PADP chapter.

*1 PADP regs, reg 6(1)*

### **Lower rate**

12. Individuals are entitled to the lower rate of PADP if they satisfy either the daytime condition or the night-time condition.<sup>1</sup>

*1 PADP regs, reg 6(2)*

13. Individuals receiving particular types of renal dialysis may be entitled to PADP at the lower rate under the rules for renal dialysis.<sup>1</sup> For more information on the rules relating to renal dialysis, please see the Rules for Renal Dialysis chapter.

*1 PADP regs, reg 7*

### **Higher rate**

14. Individuals are entitled to the higher rate of PADP if they satisfy both the daytime condition and the night-time condition.<sup>1</sup>

*1 PADP regs, reg 6(3)*

15. Individuals applying under SRTI are also automatically entitled to the higher rate of PADP.<sup>1</sup> They do not need to meet any of the criteria described below. For more information, see the Special Rules for Terminal Illness chapter.

*1 PADP regs, reg 18(1)*

## **Criteria for the daytime and night-time conditions**

16. An individual is entitled to the lower rate of PADP if they satisfy either the daytime condition or the night-time condition. An individual is entitled to the higher rate if they satisfy both the daytime condition and the night-time condition.

17. The case manager must consider whether the individual is more likely than not to have needs that meet the criteria throughout the period in question.
18. There is no requirement for the individual's needs to be present for more than 50% of the time, or "most" of the time. Case managers should take a broad view and make an exercise of judgement by taking account of all of the information available to them.
19. To determine whether or not an individual meets the criteria for PADP, the case manager should refer to the daytime condition and night-time condition sections.
20. Case managers must consider what attention or supervision the individual reasonably requires.<sup>1</sup> For more information, see the "Reasonably required" section of the PADP Definitions chapter.

*1 PADP regs, reg 5(2), 5(3), 5(4) and 5(5)*

21. References to 'day'<sup>1</sup> and 'night'<sup>2</sup> do not relate to specific times of the day. Instead, they are based on the ordinary domestic routine of the individual's household. For more information, see the PADP Definitions chapter.

*1 PADP regs, reg 5(8)*

*2 PADP regs, reg 2*

22. An individual may have reduced need for attention or supervision due to aids or appliances. However, this will not necessarily remove the need for attention or supervision. For more information, see the PADP Definitions chapter.

### **The daytime condition**

23. To satisfy the daytime condition, an individual must require either:

- frequent attention throughout the day in connection with their bodily functions<sup>1</sup>
- continual supervision throughout the day in order to avoid substantial danger to themselves or others.<sup>2</sup>

These needs must be required due to the individual's physical or mental disability. The PADP Definitions chapter includes a definition of 'so severely disabled physically or mentally' and 'reasonably requires' that need to be considered to determine whether an individual satisfies the PADP entitlement criteria.

*1 PADP regs, reg 5(2)(a)*

*2 PADP regs, reg 5(2)(b)*

24. Attention should take place in the physical presence of the individual<sup>1</sup>. For more information on attention, reference should be made to the 'Attention with bodily functions' section of the PADP Definitions chapter.

*1 PADP regs, reg 5(4)*

25. For definitions of 'continual supervision' and 'attention with bodily functions'<sup>1</sup>, reference should be made to the PADP definitions chapter.

*1 PADP regs, reg 5(2) and 5(5)*

26. For more information on how attention and supervision may overlap, see the PADP Definitions chapter.

27. Bodily functions refer to the normal actions of any part of the individual's body, including their brain, or any number of parts of the individual's body working together<sup>1</sup>.

*1 PADP regs, reg 5(8)*

28. If an individual has a disability that affects their bodily functions, it may mean that they require assistance with some or all of the following activities:

- bathing
- getting dressed
- eating
- communicating.

This list is not exhaustive. For more information, reference should be made to the PADP Definitions chapter.

**Example: an individual is entitled to the lower rate of PADP because they require frequent attention throughout the day in connection with their bodily functions**

Margaret is 76 years old and has dementia. She requires frequent attention during the day to help her communicate, as her condition has impacted her ability to tell others what she needs. When she speaks, Margaret is often confused and her son finds it difficult to understand her.

Margaret needs help to wash and bathe. She requires prompting to get dressed, with her clothes also being laid out for her. Margaret also requires a strict routine, because she can often become disorientated and confused. This can result in Margaret needing constant reassurance from her son during the day. Margaret requires prompting to eat, and needs her medication to be managed for her. Margaret's application states that she is currently sleeping through the night.

The case manager determines that Margaret's needs satisfy the daytime condition. This means that Margaret is entitled to the lower rate of PADP as she requires frequent attention throughout the day.

**Example: an individual is entitled to the lower rate of PADP because they require continual supervision and frequent attention throughout the day**

Gregory is 82 years old and has Parkinson's disease. Gregory previously managed his condition independently, but now struggles to manage his medications which need to be taken at specific times throughout the day. Gregory has regular periods of involuntary painful muscle movements (dyskinesia), resulting in him feeling dizzy and at a high risk of falling.

Gregory regularly needs the toilet due to his condition and struggles with safely reaching the bathroom due to his symptoms. When washing and showering, Gregory tends to feel dizzy. This has led to injuries in the past. Gregory's daughter needs to watch him closely because of this. Gregory occasionally requires help with toileting during the night. His night-time needs do not satisfy the night-time condition, as on average, he needs assistance once a fortnight during the night.

Gregory's application states that he is not using a walking aid. The case manager takes into consideration the effects of Gregory's dyskinesia and dizziness and concludes that the use of walking aids are not reasonable or practicable for Gregory to use, as it would not reduce the overall risk of falls or reduce the need for attention.

The case manager determines that Gregory has satisfied the daytime condition and is entitled to the lower rate of PADP. Gregory requires both continual supervision throughout the day to avoid getting injured and frequent attention throughout the day in connection with his bodily functions.

Given Gregory's risk of falling, the case manager opts to process the determination under the continual supervision criteria.

The case manager considers that Gregory's needs may change in the future due to support during the night being noted in his application form. Therefore, a three year review period has been set for Gregory's award. This will allow for a review to take place to consider whether Gregory's night-time needs have changed.

**Example: an individual who is not entitled to PADP because they do not require frequent attention or continual supervision throughout the day**

Agnes is 69 years old and has chronic back pain. She has a repeat prescription for co-codamol to help with managing her pain. At times, Agnes needs support from her husband during the day, and has no night-time needs.

Agnes occasionally requires support with dressing, because her pain can at times prevent her from independently dressing her upper half. She notes on her application that this happens around once per week, and takes around 10 minutes to complete.

Agnes also notes that at times due to her symptoms, her husband will assist her with washing her hair, as the pain she experiences prevents her from doing this without attention from another person. Agnes notes in her application form that her husband helps with washing her hair around once each fortnight, which takes around 5 minutes to complete.

Although Agnes' husband does provide attention in relation to Agnes' bodily functions, the amount of attention that Agnes requires does not satisfy the daytime condition. Therefore, Agnes is not entitled to an award of PADP.

The case manager made this determination by referring to the 'frequent throughout the day' section of the PADP definitions chapter.

### **The night-time condition**

29. To satisfy the night-time condition, an individual must require at night either:

- prolonged or repeated attention in connection with their bodily functions<sup>1</sup>
- for another person to be awake for a prolonged period of time or at frequent intervals to watch over them to avoid substantial danger to themselves or others<sup>2</sup>

These needs must be required due to the individual's physical or mental disability. The PADP Definitions chapter includes a definition of 'so severely disabled physically or mentally' and 'reasonably requires' that need to be considered to determine whether an individual satisfies the PADP entitlement criteria.

*1 PADP regs, reg 5(3)(a)*

*2 PADP regs, reg 5(3)(b)*

30. Attention should take place in the physical presence of the individual<sup>1</sup>. For more information on attention, reference should be made to the 'Attention with bodily functions' section of the PADP Definitions chapter.

*1 PADP regs, reg 5(4)*

31. For definitions of "prolonged" and "watching over", please see the PADP Definitions chapter.

### **Example: an individual is entitled to the lower rate of PADP because at night they require another person to be awake at frequent intervals to avoid substantial danger to themselves or others**

Mary is 85 years old and has obstructive sleep apnoea. Over the past 8 months, Mary has also started to become forgetful and regularly distressed. Mary's obstructive sleep apnoea alongside her other symptoms have been confirmed by her medical professional through supporting information.

Mary uses a continuous positive airway machine (CPAP) overnight to improve her breathing. Mary lives with her daughter who has been trained to use the CPAP machine.

Since Mary started to become forgetful, she has been unable to use the CPAP machine independently. Mary's daughter assists her to put on the CPAP mask before bed and ensures that this is correctly and securely in place. She regularly wakes up during the night feeling distressed and will remove the CPAP mask. This has led to regular instances of Mary getting out of bed while feeling disorientated and upset, and has led to her injuring herself regularly.

Throughout the night, Mary's daughter checks in on her to monitor if she has removed the mask in her sleep and will wake her up to replace the mask securely. Mary tends to become disorientated when this occurs, and requires to be settled back into bed. Mary regularly calls out for support when she wakes up feeling distressed due to the CPAP mask, causing her daughter to wake up and tend to her.

Although Mary's application states that she has started to become forgetful and disorientated, she does not currently require help during the day. The case manager has determined that Mary is at risk of substantial danger, as she may become entangled in the tubes of the CPAP machine when she removes the mask while sleeping. The case manager considers that there is a likelihood of substantial danger as Mary is at risk of falling. This is clear due to her previous injuries when getting up during the night.

Therefore, as Mary reasonably requires her daughter to be awake at frequent intervals to watch over her to avoid substantial danger, the case manager has determined that Mary satisfies the night-time condition and is entitled to the lower rate of PADP.

The case manager considers that Mary's needs may change in the future due to her becoming regularly forgetfulness and distressed. Therefore, a three year review period has been set for Mary's award. This will allow for a review to take place to consider whether Mary's needs have changed.

**Example: an individual does not meet the night-time condition because they do not require attention at night because of their condition or disability**

George is 67 years old and has a hearing impairment. During the day, George requires frequent attention throughout the day in connection with the bodily function of hearing. The case manager determines that George meets the daytime condition after considering all the information available to them.

George goes to bed at 9pm and wakes up at 7am. His partner has started checking during the night as George has been sleepwalking. He sleepwalks between three and five times a month. George's partner goes to bed at 10pm and also gets up at 7am. They tend to check on George before going to bed, and would occasionally check on him during the night if they hear George getting up.

George has installed stair gates to prevent himself from walking into unsafe places at night, and has moved items of furniture in the hallway which he previously injured himself on while sleepwalking.

The case manager held a case discussion with a practitioner to discuss George's hearing impairment. The practitioner notes that George's sleepwalking is unlikely to be connected to his hearing impairment. The case manager also considers that the risk of substantial danger is too remote as George has installed stair gates to mitigate any such risks. The case manager determines that George meets the daytime condition, but not the night-time condition. This means he is entitled to the lower rate of PADP.

### **Satisfying both the daytime and night-time conditions**

32. When an individual satisfies both the daytime and night-time conditions, they are entitled to the higher rate of PADP. This rule is different where an individual is receiving renal dialysis. For more information, please see the Renal Dialysis and Pension Age Disability Payment section.

#### **Example: an individual is entitled to the higher rate of PADP because they satisfy both the daytime and night-time conditions**

Paddy is 80 years old and has dementia. Paddy has had dementia for a number of years and his daughter has recently applied for PADP on his behalf. Paddy's daughter supplied a short letter from his community nurse as supporting information, which confirmed his condition.

In the application form, Paddy's daughter explained that during the day, he becomes confused and emotional very regularly.

Paddy's daughter has to regularly check in on him to prepare meals. She prompts Paddy to ensure he is eating and drinking, and manages Paddy's medication as he is no longer able to do this independently. Paddy's daughter assists with bathing and sets out his clothes to make sure he is appropriately dressed. Over the past year, Paddy has not recognised when he has a full bladder or bowel, leading to accidents. Paddy needs help to clean up after having an accident.

Paddy needs reassurance to settle in bed, and due to his condition will regularly get up during the night. Each time Paddy gets up he tries to leave the house. He needs reassurance and comforting in order to get back to sleep. Paddy's support network tend to stay with him on rotation to ensure there is always someone present to help him settle again. Paddy has also tried to cook during the night without supervision, as he is unable to keep track of whether it is a mealtime or not.

The case manager uses all of the information available to them and determines that Paddy is entitled to the higher rate of PADP. This is because he satisfies both the daytime and night-time conditions.



Paddy requires frequent attention in relation to his bodily functions during the day. He also requires another person to be awake for a prolonged period of time to watch over him to avoid substantial danger to themselves during the night.

### **Renal dialysis and Pension Age Disability Payment**

33. Individuals receiving particular types of renal dialysis may be entitled to PADP at the lower rate under the rules for renal dialysis.
34. If the individual is entitled to PADP under the rules for renal dialysis, they do not need to meet the usual rules of the daytime or night-time conditions.<sup>1</sup> For more information on the rules relating to renal dialysis, please see the Rules for Renal Dialysis chapter.

*1 PADP regs, reg 7*

**[End of Chapter]**