

Scottish Adult Disability Living Allowance – Decision-Making Guidance

Rates and Payment

Index

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Introduction

1. This chapter relates to payment to a person who is entitled to Scottish Adult Disability Living Allowance (Scottish Adult DLA). It sets out the process by which Scottish Adult DLA is paid.

Components of Scottish Adult DLA

2. Scottish Adult DLA has two components: care and mobility. Each component is payable at different rates. The rate and components an individual is entitled to is based on what entitlement criteria they meet as set out in the regulations for Scottish Adult DLA. The components and rates of Scottish Adult DLA are:
 - the care component at the lowest, middle, and highest rate¹
 - the mobility component at the lower and higher rate^{2,3}.

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

2 Scottish Adult DLA regs, reg. 7(1)

3 Scottish Adult DLA regs, reg. 8(1)

3. For more information on the specific eligibility for the different rates for the care and mobility components for Scottish Adult DLA, please see the Definitions and Eligibility Criteria chapter.
4. The individual can apply for short-term assistance (STA) when:
 - a new determination of entitlement results in a longstanding award being stopped or reduced; and
 - they ask for a re-determination or appeal⁴.

4Scottish Adult DLA regs, Schedule 1, Part 1, reg. 1(1)

5. The amount of STA payable is the difference between the total amount paid under the
 - longstanding determination
 - new determination⁵.

6. The payment method of STA should be the same as it was for the earlier longstanding determination of Scottish Adult DLA.

Rates and form of payment

7. Scottish Adult DLA is usually paid via bank transfer to a nominated bank account.
8. An individual may not have access to a bank account. If this is the case, Social Security Scotland will contact them to establish a suitable payment method.
9. The amount for each rate will be subject to increase with annual uprating each April.
10. Constant Attendance Allowance supports individuals who become ill or disabled because of an accident or disease in the course of employment, or through service in the armed forces, or as a civilian in the second world war. Constant Attendance Allowance can be paid to individuals who are 16 years old or above.

11. Where an individual is paid both:

- the care component of Scottish Adult DLA
- Constant Attendance Allowance

at the same time, the amount of Scottish Adult DLA should be reduced by the amount of Constant Attendance Allowance paid. Where the amount of Scottish Adult DLA paid is equal to or less than that of Constant Attendance Allowance, Scottish Adult DLA care component payment is calculated at £0¹.

1 Scottish Adult DLA regs, reg. 29(4)

12. 'Skilled Nursing Care' is a service pensions allowance for medical expenses paid to people in relevant accommodation. After the first 28 days in relevant accommodation, where an individual is paid both:

- The care component of Scottish Adult DLA
- Skilled Nursing Care payments

at the same time, the amount of Scottish Adult DLA should be reduced by the amount of Skilled Nursing Care paid. Where the amount of Scottish Adult DLA is equal or less than the amount of Skilled Nursing Care payment, Scottish Adult DLA care component payment is calculated at £0².

2 Scottish Adult DLA regs, reg. 30

13. The 28 days in accommodation may be calculated by adding together two or more shorter periods in accommodation, as long as there is no more than 28 days between them. Hospital and care home stays also count towards the 28 days, again as long as there is no more than 28 days between stays³.

3 Scottish Adult DLA regs, reg. 30(3)

Example: an individual who is entitled to Constant Attendance Allowance and Scottish Adult DLA

- **Please note the following rates are for illustrative purposes only and may not be accurate.**

37-year old Thomas receives the middle-rate care component and the lower-rate mobility component of Scottish Adult DLA. Thomas also receives the full day rate of Constant Attendance Allowance following a severe injury sustained while at work. The amount of Constant Attendance Allowance Thomas receives is £72.80 per week or £291.20 every four weeks.

This means that £291.20 is deducted from the care component of Thomas's four-weekly payment of Scottish Adult DLA.

Because Thomas receives less than £291.20 from the care component of Scottish Adult DLA every four weeks, his award is calculated at £0. Thomas continues to receive the lower-rate mobility component of Scottish Adult DLA.

Accessible Vehicles and Equipment Scheme

14. It is possible for Scottish Adult DLA to be paid by an alternative payment method if the recipient agrees¹. This may be the case where the individual both:

- receives the higher rate of the mobility component
- chooses to hire or hire-purchase vehicles directly from accredited providers of vehicles to disabled people.

Social Security Scotland will arrange to pay part or all of the mobility component to the provider until the lease has ended.

1 Scottish Adult DLA regs, reg. 50

Who a payment can be made to

15. Payment of Scottish Adult DLA should be made to either:

- the individual
- an appointee
- someone that the individual has requested receive payment on their behalf.¹

1 Scottish Adult DLA regs, reg. 28(1)

16. Scottish Adult DLA can be paid to someone else at any point if the individual requests it. This may follow a change of circumstances or the availability of new information.

17. Deciding whether an appointee should receive Scottish Adult DLA on behalf of an individual is a legal process. A decision relating to whether an appointment should be made or not can be made by an application for a review of the decision.

When a payment can be made

16. Scottish Adult DLA should typically be paid every four weeks, in arrears. Where Special Rules for Terminal Illness apply, or this was their payment cycle prior to transfer from DLA, Scottish Adult DLA should be paid weekly in advance¹.

1 Scottish Adult DLA regs, reg. 31 (b)

18. There are circumstances in which Scottish Adult DLA can be paid at a daily rate. This may be applicable to individuals living for a prolonged period in a care home or a residential educational establishment.

1 Scottish Adult DLA regs, reg. 31 (b)

19. If the individual has a period of absence from alternative accommodation, they may be paid at a daily rate. The daily rate is one-seventh of the weekly rate. The daily rate should be calculated from the day the individual goes on leave and ends the day after the individual returns to living in a care home¹. For more detail on this please refer to the Alternative Accommodation chapter.

1 Scottish Adult DLA regs, reg. 26(3)

Example: an individual is paid the care component while on leave from residential care

- **Please note the following rates are for illustrative purposes only and may not be accurate.**

Eloise is aged 74 and is in receipt of the middle rate of the care component and the lower rate of the mobility component of Scottish Adult DLA. She is admitted to residential care on 1st August. From day 29 spent in residential care, Eloise's award for the care component of Scottish Adult DLA is calculated at £0. Her entitlement to payment of the mobility component of Scottish Adult DLA remains the same. After six weeks in residential care, Eloise is able to spend five days at home to see extended family. Eloise leaves residential care on 11th September. On 16th September, Eloise returns to the care home. To cover this 5 day period, Eloise's award is recalculated at five-sevenths of the weekly rate of the care component.

- The weekly lowest-rate of the care component is: **£23.70**
- The Daily rate is one-seventh of the weekly lowest-rate is **£3.39**
- The calculation of Eloise's award is therefore five-sevenths of the weekly rate, equivalent to five times the daily rate which is **£16.95**.

20. An individual who is terminally ill may become entitled from an earlier date. The rules vary depending on whether the terminal illness has been notified before the transfer determination is made¹, or afterwards as a change of circumstances². In any case, this date can be no earlier than the date the Scottish Adult DLA Regulations come into force on 21 March 2025. For more information please see the chapter on Special Rules for Terminal Illness and the Case Transfer chapter.

1 Scottish Adult DLA regs, schedule 1, part 2, reg. 9(4)

2 Scottish Adult DLA regs, reg. 19(6)(7)

Over-payments and under-payments

21. Individuals may be liable to repay Social Security Scotland if:

- they have received a higher payment than they are entitled to
 - they have received a payment they are not entitled to
- of Scottish Adult DLA or short-term assistance.¹

1 Scottish Adult DLA regs, reg. 45(1)

22. Individuals may be due more money than they have received if they:

- have not received all or a component to which they are entitled
- have received a lower rate than they are entitled to

of Scottish Adult DLA or Short-term Assistance.¹

1 Scottish Adult DLA regs, reg. 44(1)

23. For more information on how payment errors are to be handled please go to the Payment Error Chapter.

Change in amount of payment due to changes in law

24. Rates of Scottish Adult DLA will increase every year.¹ Individuals will be notified of the increase in advance of it taking effect.

1 Social Security (Scotland) Act 2018, s.86B

When payment should be stopped

25. Payments of Scottish Adult DLA should stop after an individual's entitlement to Scottish Adult DLA ends.

26. Individuals have a right to request that their entitlement stops. In these cases, managers should make a determination without application. Individuals can request that their entitlement stops either:

- with immediate effect
- on a specific date¹.

1 Social Security (Scotland) Act 2018, s.26(2)

27. The case manager should ensure that the individual or their representative is clear about the impact that the decision to stop payment of Scottish Adult DLA will have. For more information, see Operational Guidance and Requesting that Scottish Adult DLA stop being paid chapter.

28. When a case manager is notified that an individual entitled to Scottish Adult DLA has died, they must make a determination without application¹. Please refer to the Death of an Individual chapter for more information.

1 Scottish Adult DLA regs. reg. 43(b)

29. Where the individual is entitled to Scottish Adult DLA for a period shorter than a week payment should be calculated in days. The daily rate is one-seventh of the weekly rate.

30. An overpayment can occur when Social Security Scotland is not informed immediately of the death of an individual who is entitled to Scottish Adult DLA. If this happens, an individual's estate is liable to Social Security Scotland for any overpaid sum.

END OF CHAPTER

