

## **Relevant considerations when making a determination as part of an award review (determination without application)**

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### **Introduction**

This chapter sets out what information is necessary when carrying out reviews of existing Pension Age Disability Payment (PADP) awards. This applies to both scheduled and unscheduled reviews.

Case managers should read this chapter together with the following chapters:

- Principles of Decision-Making which explains the principles and legal context of decision-making in the Scottish social security system
- Scheduled Reviews
- Unscheduled Reviews
- Choosing an Appropriate Review Period
- Change of circumstances: change in care needs
- Operational guidance.

### **What are light-touch reviews**

All award reviews carried out by Social Security Scotland are light-touch. This means that you should:

- consider existing information where still relevant, and use previous decisions to avoid asking unnecessary questions
- use the principles of decision-making that underpin our disability benefits system and all decisions, such as taking a trust-based approach
- make use of appropriate decision-making tools, where needed, to further reduce the need for intrusive questions
- in reviews that do require supporting information, take our usual approach to supporting information, including establishing good cause, where appropriate. If you need to gather supporting information, this should be done in alignment with guidance in the Supporting Information chapter.

You must make your approach to carrying out reviews as light-touch as possible. How many steps a review will require depends on its complexity.

Award reviews might be more complex due to, for example:

- The individual reports something unexpected, such as an unexpected change in needs, or a lack of change where a change had been expected
- The reported change in condition is relatively recent and the individual is still adapting to new treatment or their new level of need.

This list is not exhaustive.

## **Carrying out award reviews**

### **Confirmation from a professional**

Confirmation from a professional used to be called the one piece of supporting information from a professional. Its role is to broadly confirm the individual's conditions, disability, or needs.

Most award reviews will not require new confirmation from a professional.

You must only request confirmation from a professional as part of a review if there are significant inconsistencies in the information (i.e. the newly reported needs or conditions, together with what we already know of the individual).

See the Supporting Information chapter for more detail on establishing whether you need confirmation from a professional. If you are unsure whether confirmation from a professional is required, you should request a case discussion.

In all other scenarios you should not request confirmation from a professional, and establish good cause instead.

If you have enough detail on the individual's new needs to make a determination on their new entitlement, you should aim to conclude the award review quickly.

If you decide that it is unlikely that the individual's conditions or needs will change in a way that might impact their entitlement, you should set a longer review period (between 5 and 10 years).

If you decide that it is highly unlikely that the individual's conditions or needs will change in a way that might impact their entitlement, you should consider giving an indefinite award.

### **Deciding whether more detail is needed to establish the new level of need**

When carrying out a review to establish an individual's new level of need, you will only have to establish the following:

- A) Have the individual's needs decreased so significantly that they do not satisfy the day-time and/or night-time condition anymore?

B) Has the individual developed either:

- a. Night-time needs in addition to their existing daytime needs?
- b. Daytime needs in addition to their existing night-time needs?

Whether or not the individual's needs, that their existing entitlement to the daytime or nighttime condition is based on, have either

- increased
- decreased slightly, but the individual continues to satisfy the daytime or night-time condition

is not relevant for determining their new entitlement.

There are special rules for when an individual receives PADP for renal dialysis and their needs change. Refer to the Rules for Renal Dialysis chapter to find out how their entitlement is impacted by changes to their needs.

The individual's entitlement might also end for other reasons reported as a change of circumstance, for example because they move away from Scotland or go into a care home. Refer to the Unscheduled Reviews chapter for more information.

Individuals might not be aware of their increased needs or might not feel that (some of) the changes they have experienced are relevant to their review. This can be because the changes might be attributed to frailty, rather than their existing conditions or disability.

Frailty is a medical condition. You should therefore consider any frailty-related needs when establishing the individual's new level of entitlement. You should remember that individuals do not require a formal diagnosis for their needs to be relevant for PADP.

Frailty can be used to describe the individual's overall resilience in terms of how they recover from health conditions and illness or manage their disability. Individuals with frailty may have long-term conditions or a disability of which frailty is a progression or consequence. Frailty can also be present as a new and unrelated health condition. The impact of frailty should be considered as to how this affects the individual's overall health and wellbeing and how this may increase the individual's care needs. Frailty is not an inevitable or sole consequence of age.

You should use decision-making tools, such as case discussion, if

- you think an individual might have underreported their needs.
- you are unsure how frailty might affect an individual's needs.

### **Needing more detail to establish the new level of need**

When carrying out a review and a change is reported, you might need more detail to establish the individual's new level of entitlement.

You should choose either of the options below:

- Contact the individual to ask follow-up questions. Here, you must ensure that this phone call does not become, or feel to the individual, like a consultation. There are no client consultations within PADP. For more details, see operational guidance on contacting individuals with follow-up questions. You should also consider that individuals in receipt of PADP may struggle to see that their level of need has increased. If you suspect that this might be the case, you should use appropriate decision-making tools (such as requesting supporting information from the client's wider support network). You should be contacting the individual's client representative for more information, where applicable.
- Choose the decision-making tool that is most appropriate and most likely to provide the information you need.

There are a number of decision-making tools for you to use:

- Guidance, such as the Decision-Making Guidance, Operational Guidance, Medical Guidance
- Case discussion
- Requesting supporting information.

For more detail on choosing the correct decision-making tool consult the Principles of Decision-Making chapter.

When establishing the individual's level of need, supporting information:

- is just one of several decision-making tools
- should not be the default step to take.

Rather, you should choose the action based on what's most appropriate in the review at hand. As part of that consideration, you should consider what's best for the individual. For example, a quick phone call to the individual to ask a follow-up question might be better than the individual having to:

- collect supporting information from their wider support network
- wait a number of weeks until the request for supporting information has been answered by the contact the individual has provided.

If you decide that gathering supporting information is the most appropriate decision-making tool, you need to decide which source would be best placed to provide the information you need. This can be a professional or a member of the individual's wider support network. Crucially, requesting supporting information should be done with the goal to more fully understand the individual's new level of needs. The aim here is not to "verify" what the individual has told us.

**[END OF CHAPTER]**