

Scheduled Reviews

Index

This chapter covers the following topics:

- Introduction
- What scheduled reviews are
- When a change comes into force

Introduction

1. This chapter covers the topic of scheduled reviews of existing Adult Disability Payment (ADP) awards.
2. Case managers should read this chapter together with the Principles of Decision-Making chapter which explains the:
 - principles
 - legal context

of decision making in the Scottish social security system.

3. Case managers should also read the Determinations and Awards chapter, which explains components and rates of ADP.
4. Operational guidance provides information on the process of carrying out scheduled reviews.

What scheduled reviews are

5. Social Security Scotland disability benefits are ongoing. This means that they don't have an end date after which the individual has to reapply in order to remain entitled to assistance.
6. Case managers set a period of time after which awards are reviewed to make a new determination of the individual's entitlement to ADP¹. This period is called review period.

1 ADP regs, reg. 49

7. The determination will decide the individual's entitlement to ADP and take into consideration any changes in circumstances. This ensures that the individual continues to receive the assistance to which they are entitled.
8. In order to make a determination, the case manager may ask an individual to provide information so they can make a decision on¹:
 - whether the individual is entitled to any of the ADP components
 - what rate of each component the individual is entitled to.

1 SS(S)A 2018, s. 54(1)
9. All scheduled reviews are light-touch. For more information on light-touch reviews see the Light-Touch Reviews chapter and Operational Guidance.
10. Individuals may be invited to a consultation as a last resort to help a case manager make a decision on entitlement to Adult Disability Payment.
11. The decision whether an individual is still entitled to ADP, and if so, at what rate, is called a determination without application.

When a change comes into force

12. Generally, either:
 - a change in entitlement
 - an ending of entitlement

will come into force on the date the case manager makes the determination without application^{1,2}.

1 ADP regs, reg. 45(1)(d)
2 ADP regs, reg. 46(1)(d)

13. However, the case manager can set an earlier date if the entitlement has increased as a result of the determination. This is only possible if the case manager decides that it would be unjust not to set an earlier date¹.

1 ADP regs, reg. 45(2)

14. It is possible that a review reveals a change in the individual's level of needs which they should have reported earlier. In that case, the case manager would set the date of either:
 - change
 - cessationof entitlement to the date the individual should have notified the change¹.

1 ADP regs, reg. 46(1)(b)

15. The case manager can set a later start date if the entitlement has decreased or ceased following the determination. This is only possible if it would be unjust not to do so¹.

1 ADP regs, reg. 46(2)

16. It is also possible that an individual's needs have recently increased due to a new health condition. If this new condition does not yet meet the backwards test, the individual's entitlement would change once the test is met. For more information on the backwards test please refer to the Backwards and Forwards Tests chapter.
17. For more information on how to carry out scheduled reviews please refer to the Operational Guidance on scheduled reviews.