

Scheduled Reviews

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Introduction

1. This chapter covers the topic of scheduled reviews of existing Pension Age Disability Payment (PADP) awards.
2. Case managers should read this chapter together with the following chapters:
 - Principles of Decision-Making
 - Determinations and awards
 - PADP rates & criteria, which explains the rates of PADP
 - Relevant considerations when making a determination for an award review, which explains our approach to reviews, including what considerations and information are relevant when carrying out reviews
 - Choosing an Appropriate Review Period, which sets out which factors case managers should consider when setting a review period or making an indefinite award
 - Operational guidance, which provides information on the process of carrying out scheduled reviews.

What scheduled reviews are

3. 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.
4. In cases where the case manager determines that it is highly unlikely that the individual's needs will change in the future, they should consider giving an indefinite award. The individual will then not have any scheduled reviews in the future.
5. If the individual's needs are likely to change in the future, case managers set a period of time after which awards are reviewed to make a new determination of the individual's entitlement to PADP¹. This period is called review period. Read the Choosing an appropriate review periods chapter for more detail.

¹ PADP regs, reg. 39

6. The determination made as part of the scheduled review will take into consideration any changes in circumstances the individual has reported in relation to the period being reviewed, and decide their entitlement to PADP. This ensures that the individual continues to receive the assistance to which they are entitled.
7. 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 PADP
 - what rate of PADP the individual is entitled to.

1 SS(S) Act 2018, s. 54(1)

8. All scheduled reviews are light-touch. For more information on light-touch reviews see the Relevant considerations when making a determination for an award review chapter and Operational Guidance.
9. The decision whether an individual is still entitled to PADP, and if so, at what rate, is called a determination without application.

When a change comes into force

10. If the individual's award has just been transferred from Attendance Allowance because their Attendance Allowance award was due to be reviewed then follow guidance in the Pension Age Disability Payment Case Transfer chapter.
11. For all other scheduled reviews generally, the following rules apply.

If there has been an increase in level of entitlement

12. If the case manager determines that the individual's entitlement has increased, this will come into force on the date the case manager makes the determination without application¹.

1 PADP regs, reg. 37(1)(e)

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. For example, this is likely to be the case if both:
 - the award review has been delayed
 - the delay was at least partially caused by Social Security Scotland

1 PADP regs, reg. 37(2)

14. Examples of scenarios where Social Security Scotland is at least partially responsible for delays in reviewing a case include:

- forms or documents submitted by the individual as part of their review have been lost
- pre-review notifications or review packs were not sent out on time
- After completed review forms have been received, reviews are started significantly after their review date.

This list is not exhaustive.

15. If a case manager is uncertain about whether it would be unjust to not set an earlier date for a change of entitlement, they should seek advice from their decisions team manager.
16. It is also possible that an individual's needs have recently increased. This could be due to changes with an existing condition, or due to a new condition. Reference should be made to the 'Change of circumstances: change in care needs' chapter for guidance on applying the backwards test appropriately.

If there has been a decrease in level of entitlement

17. Generally, people are expected to report a change of circumstance that is likely to impact on their level of entitlement as soon as reasonably practicable after that change happened¹. This then triggers an unscheduled review. If that change leads to
 - a decrease in entitlement
 - a cessation of entitlement

the date this change will come into force depends on when the individual has reported the change in relation to when the change occurred.

1 PADP regs, reg. 37(1)(b)

18. The rules on when entitlement starts in these scenarios are set out in the Change of circumstances: change in care needs DMG chapter.
19. People might not proactively report a change of circumstance and might only tell us about that change in their next scheduled review.
20. If during a scheduled review a case manager determines that both:
 - there has been a change in the individual's level of need
 - this change leads to either a decrease or cessation of entitlement

the case manager should therefore use the timeframes set out in the Change of circumstances: change in care needs chapter to establish whether the individual could reasonably have been expected to report this change sooner.

21. This is to establish when the individual's change of entitlement begins.

Example: A decrease in needs happened less than a month before the scheduled review

An individual is in receipt of a higher rate award of PADP. During their scheduled review, they report a decrease in their night-time. The change occurred within one month of their scheduled review starting. This change means that they are now entitled to a lower rate award of PADP as they continue to satisfy the daytime condition. As this falls within the one month period set out in the Change of circumstances: change in care needs chapter, their new entitlement starts on the date the case manager makes a determination without application as part of their scheduled review.

22. If the individual knowingly fails to notify a change or they could reasonably have been expected to report this change sooner, their entitlement to the lower award starts, or their entitlement stops, on the date that they should have notified Social Security Scotland¹. Please refer to the Change of circumstances: change in care needs chapter to establish whether that is the case.

1 PADP regs, reg. 38(1)(b)(i)

23. If this is not the case, their entitlement to the lower award starts, or their entitlement stops, on the date the case manager makes the determination¹.

1 PADP regs, reg. 38(1)(b)(ii)

24. 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 PADP regs, reg. 38(2)

25. For more information on how to carry out scheduled reviews please refer to the Operational Guidance on scheduled reviews.

[END OF CHAPTER]