

# Case Transfer

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## Introduction

1. The purpose of this chapter is to set out our approach to Pension Age Disability Payment (PADP) cases transferred from Attendance Allowance. This includes how you should treat these cases differently from new applications.
2. Attendance Allowance is a disability benefit administered by the DWP. Attendance Allowance is being replaced with PADP for people of State Pension age in Scotland. PADP is administered by Social Security Scotland. Attendance Allowance is mostly equivalent to PADP in terms of eligibility rules and the amount a person can receive.
3. The PADP regulations referred to throughout the guidance are the Disability Assistance for Older People (Scotland) Regulations 2024.

## The meaning of case transfer

4. Case transfer is the process of moving someone's existing benefit award from the United Kingdom social security system to the new Scottish social security system.
5. This means transferring responsibility for administering benefits that have been devolved to Scottish Ministers from the Department for Work and Pensions (DWP) to Social Security Scotland.

6. It also means changing the benefit entitlement of Scottish residents from the UK benefit they currently receive to the equivalent Social Security Scotland benefit.

7. The “point of case transfer” refers to the point the person’s PADP entitlement begins and their Attendance Allowance entitlement ends.

### **The case transfer process from Attendance Allowance to Pension Age Disability Payment (PADP)**

8. People cannot ask for their benefits to be transferred (there is one exception for exported cases, see People who live in certain countries (Exported Benefits) section). Attendance Allowance cases are selected for transfer based on the postcode in DWP's client record. The timing of the transfer is by random selection, apart from some specific terminal illness cases (see Special Rules for Terminal Illness section).

9. A person does not need to make a new application if their case has been selected for transfer. Instead, the DWP passes the information used to make the person’s Attendance Allowance award to Social Security Scotland. This information forms the basis for the person’s PADP determination.

10. Once Social Security Scotland receives this information from DWP, they send a notice of intention to transfer to the person explaining all of the following:<sup>1</sup>

- that their case has been selected for transfer
- that a determination establishing their entitlement to PADP will be made within the period of time specified in the notice
- that their entitlement to Attendance Allowance will end immediately before their PADP entitlement starts.

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 8*

11. If, before the determination of their PADP entitlement is made, it is discovered that the case has been selected in error or the person moves out of Scotland, Social Security Scotland will send a further letter explaining that the transfer is being stopped<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 8(3) and 8(4)*

12. A person whose award is transferring will then receive a notice of their PADP determination that sets out<sup>1</sup>:

- what their PADP entitlement is
- the reasons for the determination
- when their entitlement to PADP begins
- that their Attendance Allowance entitlement will end immediately before their PADP entitlement begins, so there is no break in entitlement
- when they should expect their first and subsequent payments
- their rights to request a re-determination or appeal

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 9; Social Security (Scotland) Act 2018, Sec 40.*

## The PADP determination

13. The PADP determination is based on<sup>1</sup>:

- the information Social Security Scotland receives from DWP regarding the person's Attendance Allowance award
- any other relevant information available to Social Security Scotland at the time of the determination.

<sup>1</sup>PADP regs, Sch 1, Part 3, para 9(3)

14. A case manager will not typically review the Attendance Allowance information before a determination is made. This is an automatic process.

15. In most cases, a person will receive the same rate of PADP as they received in their Attendance Allowance immediately before transfer<sup>1</sup>. There is an exception if an award is transferred because it appears that the person may meet the Scottish definition of Special Rules for Terminal Illness. (See Special Rules for Terminal Illness section).

<sup>1</sup>PADP regs, Sch 1, Part 3, Para 9(4)

### Example: PADP entitlement equals Attendance Allowance entitlement

Francis is 72 years old. He receives the lower rate of Attendance Allowance. His case is chosen for transfer. He is entitled to the lower rate of PADP.

16. The PADP determination must not be made later than the period set out in the notice<sup>1</sup>. The only exception to this rule is where all of the following are met. Social Security Scotland must have:

- good reason for extending the time frame
- agreed the length of the extension with DWP
- notified the person that this time frame has been extended and their reasons for doing so.

<sup>1</sup>PADP regs, Sch 1, Part 3, Para 9(5)(c)

### Example: Extension of the period set out in the notice

Ina is 87 years old and her case is chosen for transfer. The DWP sends the relevant Attendance Allowance information to Social Security Scotland. However, there are inconsistencies with the information Social Security Scotland received that they need to clarify with Ina before making the PADP determination. Social Security Scotland:

- believes the questions will not be answered within the period specified.
- agrees with DWP an extended time period so the questions can be resolved
- writes to Ina explaining the issue, that the time frame will be extended, and letting them know when they can expect the process to finish.

## Information received from the Department for Work and Pensions (DWP)

17. All information received from the DWP as part of the case transfer process should be assumed to be accurate on the date on which the determination of PADP entitlement is made<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, para 9(5)(a)*

18. Where information used to make a relevant PADP determination was assumed to be correct and is later determined to be incorrect, the case manager should make a determination without application<sup>1</sup>. This determination without application will take effect from the date of the original determination.<sup>2</sup>

*<sup>1</sup>PADP regs, regs 41 and 42.*

*<sup>2</sup>PADP regs, reg 37(1)(c) and 38(1)(d)*

For more information about determinations based on error or made in ignorance of a material fact, please see [\[link to chapter\]](#).

### **The end of the Attendance Allowance award**

19. The person's entitlement to Attendance Allowance will usually stop on the date their entitlement to PADP begins. However, there are some exceptions to this.

- If the person is moving from a 3+1 payment cycle to a four-weekly payment cycle, there will be a week where the two benefits overlap, and the Attendance Allowance award will stop one week after the PADP entitlement begins.
- If the person's PADP entitlement has been backdated either because they have met the special rules for terminal illness (see Backdating – SRTI section), or because of a scheduled review occurring immediately after case transfer - see Backdating – Scheduled Review section, the end date for their Attendance Allowance award will be the date their PADP would have begun, if it hadn't been backdated<sup>1</sup>. .

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 10*

### **Example – moving from a 3+1 payment cycle to four-weekly**

Marion is 77 years old and has been receiving Attendance Allowance from DWP on a cycle that pays benefit three weeks in arrears and one week in advance. When her case transfers to Social Security Scotland, she will start to be paid Pension Age Disability Payment four-weekly in arrears. To avoid Marion having to wait 5 weeks between payment dates when her AA stops and PADP begins, her entitlement to PADP will begin one week before her AA award ends. For that one week, she will be entitled to receive both AA and PADP for the same period. Her first payment of PADP will be paid on the day she would normally expect to receive her benefit payment, and subsequent payments will be every four weeks after that.

20. The rules which usually prevent a person from being entitled to Attendance Allowance and PADP at the same time, do not apply in these circumstances<sup>1, 2</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 10 (2)*

*<sup>2</sup>PADP regs, Sch 1, Part 3, Para 11(4)*

### **Example: End of Attendance Allowance award - PADP is backdated**

Julius is 78 and his Attendance Allowance award is transferred to Pension Age Disability Payment. He receives a determination of entitlement to PADP on 17 June 2025. This is also the date his Attendance Allowance entitlement ends. Before the transfer completed we received information that Julius was terminally ill, but the DWP did not believe he fell under their rules. At the point of transfer, the case manager decides Julius has met our definition of SRTI, so the determination begins entitlement to PADP from the date of clinical judgement, 30 December 2024. Julius' end date for his Attendance Allowance award remains 17 June 2025. Julius' PADP from 30/12/24 to 17/06/25 will be reduced by the amount of Attendance Allowance he has already received for the same period.

## **Special Rules for Terminal Illness**

21. A person who meets the special rules for terminal illness at the point of case transfer is entitled to the higher rate of PADP<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 11(1)*

22. Special Rules in the rest of the UK have a more restrictive definition than in Scotland. Therefore, someone may meet the SRTI rules for PADP who has not met the special rules for Attendance Allowance.

### **Example: PADP entitlement higher than Attendance Allowance entitlement at point of transfer**

Maggie, who is 70 years old, receives the lower rate of Attendance Allowance. Maggie is diagnosed with a terminal illness. After Maggie's carer received her initial case transfer notification, she contacted DWP and sent the relevant supporting information.

DWP could not award higher rate Attendance Allowance as Maggie's situation did not meet the special rules in the rest of the UK. DWP carried out an expedited transfer of Maggie's case to Social Security Scotland so that a determination could be made about whether Maggie's situation meets the special rules in Scotland. As Maggie *does* meet the special rules in Scotland, her PADP award is paid at the higher rate. For information on when entitlement to the higher rate should start, see backdating section below.

## **Backdating - SRTI**

23. In cases where the person's PADP award is higher than their Attendance Allowance award due to the SRTI rules (see section above), their PADP entitlement can be backdated to whichever date is the latest of<sup>1</sup>:

- the date the regulations came into force (21 October 2024)
- the date that the clinical judgement was made
- the date the person reached State Pension age (see the 'Date of Award' section of the SRTI chapter)
- one year before the date that the PADP determination was made.

24. When PADP entitlement is backdated in this way for SRTI, the PADP award will be reduced by the value of Attendance Allowance the person was entitled to for any time periods that overlap<sup>1</sup>.

<sup>1</sup>PADP regs, Sch 1, Part 3, para 12(b)

### **Example: Backdating PADP entitlement for transfer cases under SRTI**

Grace is 85 years old. She has been receiving higher rate Attendance Allowance under special rules since January 2025, having previously received lower rate Attendance Allowance. She receives notice on 12 March 2025 that her case is going to transfer in about three months' time. Her appointee gets in touch with Social Security Scotland two months before Grace's PADP determination to explain that Grace has met the definition for SRTI in Scotland since a clinical judgement was made in 2022.

The case manager:

- looks at the information Grace's appointee provides
- determines that she meets the Scottish definition for SRTI, and has actually done so since 2022
- When they make the initial PADP determination, backdates Grace's PADP entitlement to 21/10/2024 (the date the regulations came into force). Grace's PADP award for this time period is reduced by the amount of Attendance Allowance she was entitled to during the same time period. The case manager should look to the information provided by DWP to decide what this amount should be.

### **Backdating – Scheduled Review after Transfer**

25. Some transferred cases will be subject to scheduled review shortly after transfer because their cases were selected for transfer to avoid overlap with the DWP review process.

In this context only, if the person's care needs have increased so as to entitle them to the higher rate of PADP, this can be backdated. *"In this circumstance, the effective date of any increase will be **whichever is later** of:*

- a) The date 20 weeks before the fixed-term Attendance Allowance award was due to end. This is the date DWP would have started the renewal process.*
- b) The date the person first met the 26 week backwards test for the higher rate"*

26. Note this is different from the usual effective date rule for scheduled reviews (**link to effective date rules for scheduled reviews**). This is because we typically honour DWP review dates, but we may have had to delay the review starting to complete the transfer process. It would therefore be unjust to increase the person's award from a later date.<sup>1</sup>

<sup>1</sup>PADP regs, reg 37(2)

27. The amount of backdated benefit should be reduced to take account of any Attendance Allowance or PADP already received for the same period.<sup>1</sup>

<sup>1</sup>*PADP Regs Sch1, Part 3, Para 12(f)*

28. **Note that all subsequent reviews and initial reviews that do not fall into this specific context should follow the normal PADP effective date rules.**

### **Examples – Backdating an increase in entitlement after scheduled review**

Trevor is 80 and has been in receipt of Attendance Allowance at the lower rate, on a fixed-term award from DWP.

His Attendance Allowance award is due for renewal with an end of award date of 16 September 2025, and his case has been selected for transfer on 3 March 2025. The case transfer takes 10 weeks, so his PADP entitlement begins on 12 May 2025. Although the renewal of his Attendance Allowance would have started on 29 April (16 September minus 20 weeks), Trevor's PADP review date must be set to a date after the transfer completes.

At the scheduled review, the case manager determines that Trevor's care needs have increased so as to entitle him to higher rate PADP, and that this increase in care needs began on 1 November 2024. Applying the backwards test, Trevor is entitled to higher rate from 2 May 2025 (1 November + 26 weeks). Therefore, the increase in entitlement should be backdated to 2 May 2025.

As this date is before Trevor's award completed transfer, the amount he receives for the backdated award will be reduced by the amount of Attendance Allowance he received between 2 May and 12 May, and the amount of PADP received between 12 May and the date of the determination.

Kaavya's Attendance Allowance has an end of award date of 19 March 2026. DWP would have started the renewal process on 30 October 2025, but Kaavya's case is selected for managed transfer on 1 September 2025.

Case transfer takes 12 weeks which means Pension Age Disability Payment comes into payment on 24 November. The scheduled review is carried out on 21 January 2026. The review finds that Kaavya's care needs have increased sufficiently to entitle her to higher rate PADP, and that this has been the case since April 2025.

Kaavya's new entitlement to higher rate PADP can be backdated to 20 weeks before her fixed term Attendance Allowance award was due to end, provided she has satisfied the qualifying period. Therefore Kaavya's new rate of PADP is payable from 30 October 2025.

The amount she receives for the backdated award will be reduced by any Attendance Allowance she received between 30 October and 24 November, and the amount of PADP received between 24 November and the date of the determination.

For more information please see the chapters 'Relevant considerations...' and 'Change of Circumstances']

### **Payment cycles**

29. Payment frequency of PADP for individuals transferring will remain at the same frequency as they received their Attendance Allowance, except where the individual meets the special rules for terminal illness for the first time:

- where an individual received their Attendance Allowance every 4 weeks, they will continue to receive their Pension Age Disability Payment every 4 weeks
- where an individual received their Attendance Allowance weekly in advance, they will continue to receive their Pension Age Disability Payment weekly in advance
- an individual who has newly reported, and meets the conditions for, the special rules for terminal illness (SRTI) will move from their previous payment frequency for Attendance Allowance and be paid PADP weekly in advance.

30. People whose Attendance Allowance award was paid on a '3+1' payment cycle (3 weeks in arrears and 1 in advance) will receive a 4 week payment cycle in PADP. Their PADP award will start one week before their Attendance Allowance ends so that their first payment of PADP is made at the time they would usually expect their next Attendance Allowance payment.<sup>1</sup> This means that for one week, they receive PADP and Attendance Allowance for the same period. The PADP they receive for this period is **not** reduced by the amount of Attendance Allowance they received for the same period.

<sup>1</sup>PADP Regs, Sch 1, Part 3, para 10(1)(b) and (2)

## **When payments of PADP should be made temporarily from the point of case transfer**

### **Alternative Accommodation**

#### *Care Homes and Hospitals*

31. When the person is in a publicly-funded care home or hospital at the point of transfer, the person's PADP should be put into payment:

- from the date their PADP entitlement begins
- for a period of 28 days minus the period spent in the accommodation immediately prior to PADP entitlement, where Attendance Allowance was in payment<sup>1</sup>.

32. Where a person was in a publicly-funded care home or hospital for more than 28 days immediately before the point of transfer, their PADP should be paid at a rate of £0 until they leave that accommodation.

<sup>1</sup>PADP regs, Sch 1, Part 3, para 12(c)(ii)

### **Example: Case transferred less than 28 days after the person has entered a care home.**

Jim is 76 years old. He went into a care home during the transfer process. Jim had only been in the care home for fourteen days before the point of case transfer (not counting the day he went into the care home), so his Attendance Allowance was still in payment. On the date his PADP entitlement begins, his PADP must be put into payment for a further 14 days. If, after that time, he is still in the care home, he will be entitled to, but not paid, PADP until he leaves the care home.



**Example: Case transferred where the person has been in a care home for more than 28 days at the point of transfer.**

Elizabeth is 89 and has been in a care home for six months. At the point of transfer, her Attendance Allowance award has already been set to £0 because she has been in the accommodation for more than 28 days. After transfer, Elizabeth will retain an underlying entitlement to PADP, but her payment will continue to be £0 from the point of transfer, until she leaves the care home.

For more information, reference should be made to the 'Effect of time spent in care homes and hospitals' chapter.

*Legal Detention*

33. Where a person is in legal detention at the point of transfer, payment of PADP should be made for the first 28 days<sup>1</sup> from the point of transfer. Thereafter they will retain entitlement to PADP, but not receive any payments if they remain in legal detention. Payment can begin again if they leave legal detention. Time spent in legal detention before their Attendance Allowance award was transferred to PADP does not count.

<sup>1</sup>PADP Regs, Sch 1, Part 3, para 12(c)(i)

For more information, reference should be made to the 'Legal Detention' chapter.

**Temporary absence abroad**

34. Where a person is temporarily abroad at the point of transfer, the time limits set out below begin on the date the person went abroad, even if this date precedes the date of the point of transfer<sup>1</sup>.

<sup>1</sup>PADP Regs, Sch 1, Part 3, para 12(a)

35. If the person is temporarily abroad at the point of case transfer, their PADP should be put into payment for

- a) 13 weeks, minus the period prior to PADP entitlement where the person was abroad and Attendance Allowance was in payment, or
- b) 26 weeks, minus the period prior to PADP entitlement where the person was abroad and Attendance Allowance was in payment, where the temporary absence is in connection with receiving medical treatment.

**Example: Person is temporarily abroad at point of case transfer**

Vincent is 77 years old. He normally lives in Scotland but at the point of case transfer he has been in South Africa for 10 weeks for medical treatment connected to a long-standing illness. Vincent continues to be treated as present in the common travel area for purposes of PADP for a further 16 weeks beginning on the date his PADP entitlement begins. If, at the end of that time he has not returned, his award will end.

**Appointees**

36. Someone may be appointed to assist a person with their benefit application, and to receive the payments on that person's behalf, provided various conditions are met<sup>1</sup>.

*<sup>1</sup>Social Security (Scotland) Act 2018, s85B*

37. When someone makes a new and successful application for PADP, the award cannot be paid to an appointee until Social Security Scotland has carried out the formal appointee assessment process.

38. However, where a person's initial PADP determination resulted from the case transfer process, a DWP appointee can continue to act for the person in the Scottish system until these further checks are carried out<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, para 13(1)*

39. These checks need to be completed as soon as reasonably practicable. However, until then the appointee can continue to act on the person's behalf, including receiving their payments of PADP<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, para 13(2)*

40. When these checks have been completed, Social Security Scotland must decide if the appointment should continue or be terminated. If the appointment is terminated, a decision should be made as to whether it would be appropriate for someone else to act on the person's behalf and the usual appointee process should be followed<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, para 13(2)*

### **Example: Appointees for transfer cases**

Joan is 93 years old and her sister Julie helps look after her finances. Julie applied for Attendance Allowance on Joan's behalf and was appointed by the DWP to maintain her Attendance Allowance award. Joan's case is selected for transfer. Social Security Scotland arranges to conduct a visit to speak with both Julie and Joan at the first convenient time, which is six weeks after Joan's case is transferred. Julie can continue to act and receive PADP payments on Joan's behalf until Social Security Scotland:

- completes their visit
- decides if the appointment is appropriate.

For more information on appointees, please see [\[link to chapter\]](#)

### **Residence**

41. A PADP determination made as part of the case transfer process assumes that the residence and presence conditions are met<sup>1</sup>.

*<sup>1</sup>PADP regs, Sch 1, Part 3, Para 9(5)(b)*

42. If the case manager later determines that the assumption was incorrect, they must make a determination without application<sup>1</sup>. Where this finds that the person did not meet the residence and presence conditions in the initial PADP determination, it will replace that

initial PADP determination. This has the effect of undoing the transfer. See guidance on when a previous determination is based on an error [\[link to chapter\]](#)

<sup>1</sup>PADP regs, reg. 42

### **Example: Assumption of residence for transferred cases**

Gordon is 79 years old. The information received from DWP in relation to Gordon's Attendance Allowance award stated he normally lived at an address with a Scottish postcode. Assuming this information was correct, Gordon's case was selected for transfer and a determination was made that Gordon was entitled to PADP. His Attendance Allowance award ended as a result. Six months later, Gordon advises that he did not normally live in Scotland when the PADP determination was made; he lived in England but had not updated his address with DWP. The assumption that the residence conditions were met was incorrect. The case manager must therefore make a determination without application that finds Gordon was not entitled to PADP on the date of transfer.

### **People who live in certain countries (exported benefits)**

43. A person who lives in the EEA, Gibraltar or Switzerland may be able to receive payment of either Attendance Allowance or PADP<sup>1</sup>. A person in this situation who can show a 'genuine and sufficient link' to Scotland may request that their Attendance Allowance award is transferred to a PADP award. Their award will not have been automatically selected for transfer because they will not have a Scottish postcode, so they will need to contact the DWP to ask for their case to be transferred.

<sup>1</sup>PADP Regs, reg 14

### **Re-determinations and appeals**

44. The PADP determination made at the point of case transfer is subject to the same rights to re-determination and appeal as any other PADP determination.

### **Example: Re-determination for case transfer PADP determinations**

Maryam is 71 years old. Her case has been transferred and her initial PADP determination was made last week. Her PADP award is at exactly the same rate as for Attendance Allowance. However, she does not feel her PADP award accurately reflects her circumstances. She can request a re-determination of her PADP determination within the time limit.

### **When an Attendance Allowance award that ended at the point of case transfer is retroactively changed**

45. There may be cases where the Attendance Allowance award that was ended by the case transfer process is changed after the PADP determination is made due to following:

- Revision made by the DWP
- Supersession made by the DWP
- Decision made by a tribunal or court on appeal.

These are the ways in which an Attendance Allowance award can be changed in the UK system. Where the Attendance Allowance award that was ended at the point of case transfer is changed sometime after the case transfer process has completed, the case manager must make a determination without application of the person's PADP award<sup>1</sup>.

<sup>1</sup>PADP regs, reg. 40(c)

46. This determination without application does not need to result in the PADP award mirroring the changes made to the Attendance Allowance award. Case managers should consider the information and make a wholly new determination based on the information available. Just as when making any determination, the case manager should ask for further supporting information to make an accurate determination, if they feel they need it.

47. Where a case manager makes a determination without application for this reason, the date the change takes effect should be the point of case transfer<sup>1</sup>.

<sup>1</sup>PADP regs, reg. 37(1)(a) and 38(1)(a)

### **Example: Attendance Allowance award ended at point of transfer is retroactively changed**

Min is 82 years old. Her case transferred six months ago and she is currently in receipt of PADP. However, after receiving advice, she contacted the DWP and requested a revision of her Attendance Allowance award. This is on the specific ground that the DWP decision maker failed to take into account relevant evidence they held when they made her most recent Attendance Allowance decision. The DWP decides that Min's Attendance Allowance award was incorrect and revises the award to increase it. This takes effect from the day the Attendance Allowance decision was originally made.

The DWP will notify this change to Social Security Scotland. A case manager must now look at Min's PADP award and make a determination without application. After reviewing the information received from the DWP, the case manager decides that Min's PADP award should have been higher at the point of case transfer and should remain at that rate currently. Min's PADP award is therefore increased from the date of the initial PADP determination.

48. However, case managers should limit the time period that such a change is in effect if one of the following applies:

- at some point after the point of case transfer the person's circumstances changed
- it would otherwise be inappropriate for the change to the PADP award to be in effect past a certain date<sup>1</sup>.

<sup>1</sup>Social Security (Scotland) Act 2018, section 27

### **Example: Attendance Allowance award ended at point of transfer is retroactively changed – PADP award changed for a fixed period**

Bill is 68 years old. His PADP entitlement began on 1 June 2025 as the result of determination without application made via the case transfer process. His PADP award was the lower rate just as his Attendance Allowance award was at the point of case transfer.

On 1 September 2025, Bill appeals the Attendance Allowance award that was ended at the point of case transfer. The tribunal finds that Bill's Attendance Allowance award should have been the higher rate. Because Bill's Attendance Allowance award was changed, a case manager must conduct a determination without application of his PADP award. A case manager reviews the information and decides Bill's PADP award should have been the higher rate at the point of case transfer.

However, since Bill underwent medical treatment during 2025, his health has improved, his care needs have decreased and as of 24 October 2025 he no longer satisfies the night-time condition. The case manager makes the determination without application setting Bill's PADP entitlement to the higher rate for the period of 1 June 2025 to 23 October 2025.