# Claiming Adult Disability Payment as a child or young person in receipt of Child Disability Payment (Scotland)

## Introduction

If you have sight loss, or provide care for someone who does, there are various welfare benefits you may be entitled to. Some of these benefits could help provide you with an income if you are unable to work, while others can help towards the extra costs that often make life more expensive if you have a disability.

We have produced factsheets to help you learn more about the benefits that you are most likely to be entitled to if your life is affected by sight loss.

In this factsheet we tell you about the process of claiming Adult Disability Payment (ADP), for a child or young person in receipt of Child Disability Payment (CDP). ADP is the adult equivalent of CDP and is for people living in Scotland who are of working age and have a long-term health condition or disability. ADP is the Scotland equivalent of Personal Independence Payment (PIP) and has been introduced as a result of devolution. Because it’s not means tested it doesn’t matter if you are working or how much you earn.

It's important to note that ADP is not assessed against the same criteria as CDP and that there is no automatic entitlement unless the CDP claimant has been awarded based on the special rules criteria for terminal illness (see below for more information).

In this factsheet we will explain:

* the age-related requirements of CDP
* what happens when a young person turns 16 years of age
* the importance of the appointee process in Scotland
* when a claim can be made for Adult Disability Payment and the importance of completing the claim before the young person turns 18 years of age
* the exceptions to the standard process, for some people who have been transferred to CDP from Disability Living Allowance (DLA) and those who are claiming CDP under the special rules for terminal illness.

## The age-related requirements of CDP

Most CDP claimants can complete a claim for ADP at any point from 15 years and 9 months of age up until they turn 18 and remain on CDP until a decision is made on their ADP claim (if the decision is made before the young person turns 19). Under current legislation, CDP can’t be paid after the claimant reaches 19 years, unless they’re receiving CDP under the special rules for terminal illness.

For those claiming CDP under the standard rules, the claim will end on the young person’s 18th birthday if they **haven’t** completed their ADP claim (this means both part 1 and 2 of the claim) **before** they turn 18.

There are two exceptions to this rule:

1. CDP claimants who were moved from DLA to CDP and turn 18 before 31 Dec 23 and have not yet applied for ADP **[late transfer cases]**. They’re being treated differently as they can claim ADP up until they turn 19. For this group, CDP will remain in payment, if they don’t claim ADP, until their 19th birthday. You should already have been advised in writing if this applies to your claim.
2. CDP claimants who have been awarded CDP under the special rules for terminal illness. You will be advised in writing if this applies to your claim.

## What happens when a young person, in receipt of Child Disability Payment, turns 16 years of age?

As a CDP claimant approaches age 16, their parent or guardian will receive a letter from Social Security Scotland telling them two very important things:

1. That 16 is the legal age in Scotland for them to take ownership of their benefits. An identification verification process will be needed for the 16 year-old as part of this process. This is important in Scotland and means that either the 16-year-old has to manage their own benefits, or an appointee has to be made by Social Security Scotland in consultation with the claimant and other appropriate individuals. An appointee would only be made if the 16-year-old isn’t able to manage their own benefits (by way of a health condition or disability) and not because they’d rather someone else or their parents do it. There is no automatic transfer of the parent/guardian/previous appointee.
2. That they can make a claim for ADP from the age of 15 years and 9 months.

They will then receive two further prompts via letter, telling them that they can claim ADP. One at 17 years of age and one at 17 years and six months. It’s possible, in future, that a further prompt as either a letter/email or SMS before they turn 18 years of age will be sent.

## Why is it important to complete the claim for ADP before turning 18 years of age?

There is a very good reason why Social Security Scotland are working hard to get CDP claimants to claim and complete the claim process for ADP before turning 18. The reason for this follows:

1. CDP can remain in payment up until the age of 19, if the claim for ADP itself is completed before the claimant turns 18 (and is therefore waiting to be decided).
2. 19 years is the absolute legal time limit for a CDP claim to remain in payment but, for the vast majority, the CDP claim will end at 18 years if they haven’t completed the ADP claim process. The only exception is for a small cohort who were moved from DLA to CDP and turn 18 before 31 Dec 23 (late transfer). This group of claimants can make and complete their claim until their 19th birthday and the CDP payment will remain until the date of decision or the date of the 19th birthday, whichever is earliest.
3. If the CDP claim stops (because the claimant has reached the relevant age and hasn’t completed an ADP claim), then an ADP claim can still be made but the effective date of the ADP decision will be later than the date the CDP claim stopped, meaning a gap in benefit income.

The exception to these rules is for people claiming CDP under special rules for terminal illness. These claimants can do one of two things:

1. remain on CDP for the rest of their lives (on the highest rate which is automatic when claiming under special rules); or
2. be moved over to ADP (without application) and be on the highest rate of ADP. This could be beneficial for some claimants because of passporting benefit rules, as they differ from ADP to CDP.

### What happens when the claim for ADP is made?

Once an ADP claim is determined, the claimant will receive one letter telling them CDP is stopping, a separate letter to tell them ADP is starting and a third letter in some circumstances (see below) to advise them of their additional payment.

### When will payments from CDP stop and ADP start?

1. If a current CDP claimant claims ADP before they turn 18 and are refused ADP, then their CDP will remain in payment until they turn 18, but they won’t start to get any ADP payments. They can exercise their right to dispute the ADP decision through the redetermination process. The exception to this is the late transfer cases, who can continue to get CDP until turn 19 in the event they do not make a claim for ADP.
2. If a current CDP claimant claims ADP before they turn 18 and is awarded a lower or the same rate of ADP (in financial terms) than the rate of CDP, then the ADP will start to be paid four weeks after the last CDP payment is made (which is after the ADP decision).

**Example:** CDP is paid every four weeks. Alan is 18 years old and has already made a claim for ADP. He receives a payment of CDP on Tuesday 21November 2023. A decision on his ADP claim is made on Thursday 23November 2023. Alan will receive his usual and last CDP payment on Tuesday 19December 2023 and then his first ADP payment on Tuesday 16th January 2024.

1. If a current CDP claimant claims ADP before they turn 18 and is awarded a higher rate of ADP (in financial terms) than the rate of CDP, then a similar process starts but with one significant difference. The ADP will start to be paid four weeks after the last CDP payment is made (which is after the ADP decision), but a one-off additional payment will be made to cover the difference between the two benefit payments for the period in between the ADP claim being made and the CDP claim ending.

Please bear in mind that although CDP claimants can start their claim for ADP from the age of 15 years and 9 months, we assume a decision wouldn’t be made until after the individual turns 16. We assume this because there would be issues with paying a one-off payment, if the rate of ADP is higher than the rate of CDP, for a period prior to the claimant turning 16 years old.

In these examples we can see that claiming ADP before turning 18 allows the CDP to continue until a decision is made (provided that the decision is made before the claimant turns 19). This ensures there is no break in benefit payment and the same four weekly payment cycle is used. There are no recovery payments of CDP in this process if the ADP award is lower or zero.

## Making a claim for ADP

You can claim ADP by completing an online application by visiting **mygov.scot**  or by requesting a claim form by calling **0800 182 2222**

telephone. You can request a copy of the form in alternative formats such as large print if this will help you. For those with hearing loss, there is a text relay service which can be reached at **18001** **+0300 244 4000.** If English is not your first language and you would like an interpreter, call **0800 182 2222**. You can also contact one of Social Security Scotland’s client advisers on their web chat service at **mygov.scot/contact-social-security-scotland**.

### Getting help to apply

There are two forms of assistance available to claimants of any benefit administered by Social Security Scotland. The first, which is available to all claimants, is Social Security Scotland’s Local Delivery service. This can help you to apply for Adult Disability Payment by arranging a local delivery appointment. A local delivery appointment is a meeting with a client support adviser where you can:

* go through the full Adult Disability Payment application
* get guidance on the supporting information you need to provide
* ask questions about the application process.

Depending on availability, the client support adviser might be able to visit your home or meet you at a local public venue. If they can’t do this, or you don’t want to meet in person, you can book a video or telephone appointment. If you want to book an appointment or ask for help, contact Social Security Scotland.

The second type of assistance is Social Security Scotland’s new Advocacy Service, which is available to people with disabilities. This new, independent service is delivered by VoiceAbility and will offer advocacy support to disabled people looking to access Scottish social security benefits. People can access the service either by calling **0300 303 1660**, by visiting **voiceability.org** and by calling Social Security Scotland on **0800 182 2222** and asking to be referred to the independent advocacy service.

## Further Information

You can find out further information about this process by visiting **mygov.scot/moving-from-child-disability-payment-to-adult-disability-payment.**

### How we can help

If you would like any more information about Child or Adult Disability Payment, you can speak to our Sight Loss Advice service by calling our Helpline. Our advisors can also carry out a full benefit check with you and give advice about applying for other benefits you may be missing out on.

Our Welfare Benefit Sight Loss Advisers are available to offer you help if you would like to challenge a benefit decision or think you should be awarded more than you have been, our advisers can help you with the redetermination and First-Tier Tribunal (appeals) process.

RNIB’s Legal Rights service is available to offer you help with more complex benefit queries and appeals, such as those to the Upper Tribunal, once the initial appeals process to the First Tier Tribunal has been completed.

#### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

#### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with other sight loss organisations. **sightadvicefaq.org.uk**

#### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

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