

CLAIMING CHILD DISABILITY PAYMENT



INFORMATION FOR PARENTS OF DISABLED CHILDREN IN SCOTLAND



contact

*“Child Disability
Payment means my
son gets the chance
to do the same things
other kids do.”*

Parent carer

CONTENTS

INTRODUCTION	5
WHO CAN CLAIM?	8
HOW MUCH IS CHILD DISABILITY PAYMENT	9
THE RULES FOR GETTING CHILD DISABILITY PAYMENT	12
HOW TO CLAIM	20
COMPLETING THE CHILD DISABILITY PAYMENT FORM	23
TOP TIPS FOR EACH QUESTION	27
GETTING A DECISION	47
ASKING FOR AN APPEAL	50
GETTING AN EXISTING CHILD DISABILITY PAYMENT AWARD CHANGED	55
PLANNED REVIEWS	56
STAYS AWAY FROM HOME	59
CHILD DISABILITY PAYMENT AND HOW IT AFFECTS OTHER BENEFITS	64
WHAT HAPPENS WHEN YOUR CHILD TURNS 16?	70
FURTHER SOURCES OF HELP	73

Written by Derek Sinclair



INTRODUCTION

Child Disability Payment is a new benefit that is replacing Disability Living Allowance (DLA) as the main benefit for disabled children in Scotland. It is intended to help meet any extra costs of being disabled. Any ill or disabled child may be able to qualify, even those who don't have a diagnosis.

Child Disability Payment can be claimed by children with learning difficulties, developmental delay, autistic spectrum disorders or mental health conditions, as well as by those with physical disabilities. It is not means tested so your financial situation will not be taken into account.

Child Disability Payment is also not taxable or treated as income for other benefits. Instead, Child Disability Payment can sometimes lead to an increase in other benefits, or help families qualify for them if they don't already get them. In short, Child Disability Payment can make a real difference to a family's overall income.

Your child must be under 16 to claim Child Disability Payment. However, so long as their award starts before they turn 16, it can continue until age 18.

MOVING FROM DISABILITY LIVING ALLOWANCE TO CHILD DISABILITY PAYMENT

Child Disability Payment has already replaced new claims by children in Scotland for Disability Living Allowance (DLA). If you have a disabled child under 16 who is not already getting DLA, it is no longer possible to make a new claim for DLA for them. You need to claim Child Disability Payment instead.

CHILDREN IN SCOTLAND WHO ARE ALREADY ON DLA

If your child already receives DLA they will automatically be transferred onto Child Disability Payment. This happens automatically without the need to make a claim and without any reassessment.

This process started in Winter 2021 and is due to be completed for all children in Scotland on DLA by Spring 2023.

Social Security Scotland and the Department for Work and Pensions work together during the transfer process. Once Social Security Scotland has been sent your details, they'll send you a letter to let you know that the transfer has begun. It should take about three months to complete. Social Security Scotland will then send you another letter letting you know that the transfer has ended and when your payments will begin.

WILL I GET THE SAME AMOUNT?

Most children who are transferred will receive the same amount of Child Disability Payment as they were getting from DLA. However, in a few cases children might be eligible for a higher amount under Child Disability Payment.

For instance, this might apply if:

- ***A child has a severe visual disability but does not get the higher mobility component of DLA.***
- ***A child is 16 or 17 and has problems preparing a cooked main meal for themselves, but only gets the mobility component and not the care component of DLA.***
- ***A child is 16 or 17 and requires supervision, attention or guidance, but prior to turning 16 this support wasn't seen as being substantially more than a non-disabled child of the same age required.***

If one of the above applies to your child and they have moved onto Child Disability Payment at the same rates as they received under DLA, you may want to consider asking Social Security Scotland to re-assess your child's needs. However, get advice before doing this as a re-assessment can lead to benefit going down as well as up.

WARNING!

If you think your child may be subject to immigration control, call our freephone helpline for more advice. You should not claim Child Disability Payment for a child who is subject to immigration control without first speaking to a specialist adviser as a claim could affect their right to stay in the UK.

WHO CAN CLAIM CHILD DISABILITY PAYMENT?

Any ill or disabled child may qualify and you don't have to wait for a diagnosis to make a claim. However, to make a successful claim for Child Disability Payment for a child aged under 16 you have to show that your child needs substantially more care, attention or supervision than other children of the same age who don't have a disability or health condition. Your child might meet this test if they need greater care than other children of the same age, or if they need types of care that would only normally be required by younger children.

HOW LONG MUST MY CHILD NEED THIS EXTRA HELP FOR?

Your child will also need to have had the extra care or mobility needs for at least 13 weeks and be expected to have them for at least 26 weeks more. This means the earliest Child Disability Payment can be paid from is 13 weeks. If your child has a terminal condition, there are special rules which mean the benefit can be paid from birth. Please see page 18 for more information about this.

Your child will also need to meet certain tests linked to their residence and presence in Scotland. If your child is out of Scotland now, or if they have been out of the UK for more than 26 weeks out of the last year, call our freephone helpline for further advice.

HOW MUCH IS CHILD DISABILITY PAYMENT?

Child Disability Payment has two main parts called ‘components’.

CARE COMPONENT

The care component is paid for children who need extra care and attention. It can be paid at one of three weekly rates, depending on how much extra help your child needs. It is paid at the following weekly rates:

Lowest care	£26.90 from April 23
Middle care	£68.10 from April 23
Highest care	£101.75 from April 23

MOBILITY COMPONENT

The mobility component can be paid for children who either have problems with walking or with getting around in unfamiliar areas. It is paid at one of the following two weekly rates:

Lower mobility	£26.90 from April 23
Higher mobility	£71.00 from April 23

A child can get one or both components at the same time.

Child Disability Payment is usually paid four-weekly in arrears unless your child is terminally ill (see page 18), in which case you are paid weekly in advance.

WORDS USED IN THE CHILD DISABILITY PAYMENT RULES

To assess what rate of Child Disability Payment should be paid, some of the words in the rules have a specific meaning. Some of these are defined in the legislation itself but others are based on case law that has been used in making DLA decisions. The information that follows assumes that Child Disability Payment decision makers will interpret these words in the same way as they are interpreted for DLA:

Bodily functions

Means the 'the normal action of any organ of the body, including the brain, or of a number of organs acting together'. It includes anything to do with how the body works, like breathing, eating, drinking, hearing, seeing, walking, sitting, dressing, undressing, washing, bathing, toileting and sleeping. If the help can be done in another room, away from the child, it is unlikely to count unless it is closely connected to something personal, for example changing bedding after a child has wet the bed.

Supervision

Means 'the precautionary or anticipatory presence of another person to monitor an individual's physical, mental or emotional health including monitoring for obstacles or dangerous places or situations', for example, someone being present to prevent any harm coming to your child or to others.

Substantial danger

There must be a realistic possibility that without supervision your child could seriously risk harming themselves or others. This situation may arise infrequently or be a one-off.

Night

Starts from when the adults in the household normally go to bed and ends when the adults in the household normally get up.

Prolonged

For DLA this has been found to mean 20 minutes or longer. However, the Child Disability Payment regulations add a requirement that prolonged care be required 'throughout the night'. It is not yet clear whether this additional phrase means that prolonged will have a different meaning for Child Disability Payment.

Guidance

This means direction or leading by physical means or verbal suggestion or persuasion.



THE RULES FOR GETTING CHILD DISABILITY PAYMENT

THE CARE COMPONENT

If your child needs a lot of extra looking after, or help with their personal care because of a physical or mental disability, they should qualify for the care component of Child Disability Payment.

The lowest rate care component

The lowest rate of the care component is paid if either:

- **your child needs help with personal care for a ‘significant portion of the day’.** This is usually taken to mean for at least an hour on most days – for example, help with washing and getting dressed in the morning. This help may be given all at once or be spread out through the day. Sometimes less than an hour’s care will be sufficient to meet this test – for example if the help is spread over a number of short periods or is particularly intensive in nature; or
- **your child is aged 16 or above and because of their disability they are unable to prepare a cooked main meal** for themselves if they have basic ingredients.

The middle rate care component

This is paid if your child has either ‘day-time needs’ or ‘night-time needs’. Day-time needs means they need either:

- **‘frequent’ help with personal care, in connection with their bodily functions.** This means several times throughout the day, or
- **continual supervision throughout the day to avoid substantial danger to themselves or others.** Continual supervision means frequent or regular supervision, rather than non-stop supervision.

Night-time needs means that during the night your child requires either:

- **‘prolonged’ help with their personal care**, or
- **‘repeated’ help with personal care during the night**. This means at least twice, or
- **to avoid danger to themselves, or others, another person needs to be awake and watching over them** for either a ‘prolonged’ period or at ‘frequent intervals’ (this means more than twice).

The highest rate care component

Paid if your child has day-time and night-time care needs, or if they qualify under the ‘special rules’ (see page 18).

To qualify for the care component of Child Disability Payment, your child’s care needs must ultimately stem from a disability. If they are aged under 16 they must need **substantially more** help than a child of the same age without a disability. This additional test of needing substantially more care or supervision than other children does not apply if your son or daughter is aged 16 or above. It also doesn’t apply to children aged under 16 if they are either terminally ill or who qualify due to renal dialysis.

THE MOBILITY COMPONENT

If your child needs help getting around they may qualify for the mobility component.

The lower rate mobility component

For children who can walk but who need someone to supervise or guide them. It is paid from five years of age. Your child may still qualify even if they can get around places they know well, because the test is whether they need guidance or supervision in places they don’t know well. It is often claimed for children with visual or hearing impairments, or learning disabilities, but others can qualify.

If your child is under 16, the help they need with supervision and guidance must be greater than that for a child of the same age without a disability. This comparison with other children of the same age does not apply if your child is 16 or over or if they are terminally ill.

The higher rate mobility component

Is paid for children who are unable to walk or who are ‘virtually unable to walk’ as a result of their physical condition. This can be paid from the age of three years.

In deciding whether your child is virtually unable to walk Social Security Scotland should take into account the speed, length of time and manner of walking, as well as the distance your child can cover before they start to experience severe discomfort (for example, breathlessness or pain).

In DLA claims the DWP are often reluctant to accept that a child is virtually unable to walk if they can walk more than 50 metres without severe discomfort. It is not yet clear whether Social Security Scotland will take a similar approach in assessing Child Disability Payment.

The higher rate mobility is also for children:

- **who are both deaf and blind, and are ‘unable, without the assistance of another person, to walk to any intended or required destination while out of doors’** or
- **whose health would deteriorate with the exertion of walking,** or
- **who have severe mental impairments (see below),** or
- **who have no legs or feet,** or
- **who have a severe visual impairment.** Your child will qualify if they meet the Visual Impairment Network for Children and Young People (VINCYP) definition of ‘severe visual impairment’. See box below.
- **who qualify under the special rules for the terminally ill** (see page 18).

The higher rate mobility component and children with severe mental impairments

The higher rate mobility component can also be paid to some children with severe mental impairments. To qualify your child must be entitled to the highest rate of the care component and have a severe impairment of intelligence and social functioning.

You must also show that this is caused by either a deficiency in the functionality of the brain resulting from of its incomplete physical development or by a state of arrested development resulting from a failure of the brain to grow in the way normally expected. You are likely to need evidence from a professional showing this is the case.

DEFINITION OF 'SEVERE VISUAL IMPAIRMENT

The definition of severe visual impairment used for Child Disability Payment is that used by Visual Impairment Network for Children and Young People (VINCYP). In practice this means that a child is likely to qualify if in the opinion of a medical professional they have the visual function that is equivalent to an adult with a severe visual disability. This means a vision equivalent to one of the following:

- *less than 3 / 60 with a full visual field*
- *between 3 / 60 and 6 / 60 with a severe reduction of field of vision, such as tunnel vision*
- *6 / 60 or above but with a very reduced field of vision, especially if a lot of sight is missing in the lower part of the field.*

You also need to show that your child exhibits disruptive behaviour which:

- **is extreme** and
- **regularly requires another person to intervene in order to prevent or reduce the likelihood of physical injury to the individual or another person.** The intervention must be linked to the provision of care, support of, or treatment provided to the child; and
- **is so unpredictable, they need another person to be awake and there watching over them while the child is awake.**

OTHER WAYS TO QUALIFY

Some children with learning difficulties who don't qualify on the above rules may be able to qualify on the alternative grounds that they are 'virtually unable to walk' as a result of their physical condition. This may apply to children who have a condition on the autistic spectrum, or a learning disability like Down syndrome, whose response to their symptoms out of doors is to refuse to walk.

Qualifying if a condition has a physical origin

If these behaviours which lead them to refuse to walk are caused by a condition which has a physical origin, for example, a genetic condition, a chromosome condition or autism (which is a disorder of the physical development of the brain) then arguably it is part of their physical condition and should therefore be taken into account by Social Security Scotland in deciding whether they are virtually unable to walk as a result of their physical condition.

This has been accepted for DLA and it is arguable that it should also apply to Child Disability Payment. If you think this applies to your child, call our free helpline for advice.



SPECIAL RULES

IF YOUR CHILD HAS A TERMINAL ILLNESS

If your child has a terminal illness, you should be able to claim under a quicker process known as the 'special rules'. Child Disability Payment can be paid straight away (there is no 13 week qualifying period), and your child should automatically qualify for the highest rate of the care component. If they are aged at least three years old they should also automatically qualify for the higher rate of the mobility component.

To apply under the special rules you complete a shorter claim form available from Social Security Scotland. You will also need to provide a Benefits Assistance under Special Rules in Scotland (BASRiS) form, completed by a registered medical practitioner or a registered nurse.

This form confirms that in the opinion of that doctor or nurse involved in your child's care, your child has a progressive disease that can reasonably be expected to cause their death. Factors the health professional is supposed to take into account are whether the illness is advanced and progressive, whether it is amenable to curative treatment and whether the condition is leading to an increased need for additional care and support.

If you claim under the special rules you should receive a decision within a few days.

CHILDREN UNDERGOING RENAL DIALYSIS

There are specific rules for some kidney patients who have renal dialysis to help them qualify for the care component. To qualify, your child must have this treatment regularly for two or more sessions a week. You also need to show that there is a need for another person to be there to watch other them or attend to them while they are dialysing, either because of the type of dialysis or because of the child's particular needs (for example, their age).

If this is the case then they will receive the highest rate care if dialysis takes place by both day and night, or the middle rate if they have dialysis during either the day or the night but not both. To qualify under these rules your child must have been already getting dialysis for at least 13 weeks and be expected to continue receiving it for a further 26 weeks. It doesn't matter whether the dialysis takes place in hospital or at home.



HOW TO CLAIM

CHILDREN ALREADY ON DLA

If your child already gets DLA you won't have to make a claim for Child Disability Payment. Instead they'll be transferred onto Child Disability Payment automatically. This will normally be paid at the same rate as the DLA they previously got although in a small number of cases Child Disability Payments may be paid at a higher rate. Children already getting DLA do not need to make a claim for Child Disability Payment under this process and as long as they have no changes in their condition they will not need to be reassessed either.

CHILDREN NOT ON DLA

If your child is aged under 16 and does not already get DLA, you will need to make a claim for Child Disability Payment. There are a number of different ways in which you can complete a claim form:

- **Online** by completing a form at mygov.scot.
- **By telephone** by calling by Social Security Scotland's free helpline on 0800 182 2222, Monday to Friday, 8am to 6pm.
- **On a paper form.** To do this you first need to call Social Security Scotland on the number above. Social Security Scotland will complete Part 1 of the claim pack with you over the telephone before sending you Part 2 of the claim pack to complete and return to them.
- **By completing a claim form face-to-face** with an someone from Social Security Scotland's local delivery service.

CLAIMS, DEADLINES AND BACKDATING

There are two parts to the main Child Disability Payment application form. You start the application by completing Part 1. The date you do this is the earliest date that Child Disability Payment can be paid from. You will then have 42 days to complete Part 2 of the form. If you complete Part 2 within 42 days, any award you get will be backdated to the date that you completed Part 1.

If you have difficulty completing the form

If you're going to have difficulty completing Part 2 within 42 days, you should tell Social Security Scotland. They may agree to extend the deadline if they feel that you have good reason for not meeting this deadline. If you miss the deadline (or any agreed extension) the earliest you will be paid Child Disability Payment is the date that Social Security Scotland received your completed Part 2 form.

Who should make a claim?

If your child is under 16, you make the claim on their behalf as their parent or as someone who has authority to act on their behalf (for example, if you are a grandparent or another kinship carer). Once a child turns 16 they are normally expected to start managing their claim themselves unless they lack mental capacity to do this. For more information see pages 70-71.

CLAIMING FOR BABIES

Thirteen weeks is usually the earliest you can get the Child Disability Payment care component (unless your child has a terminal condition).

All very young children need a lot of care and attention, so the younger your child, the harder it can be to show they need more help than other babies of the same age. But you can still get Child Disability Payment if

you show that your baby needs a different type of care than other babies, or if that care has to be provided more frequently, or over a longer period.

For example, all babies need help feeding but if your baby takes longer to feed, has feeding problems or needs feeding by a tube or drip then they are likely to qualify for the care component. Other common situations where a baby is likely to qualify include:

- **babies with severe visual or hearing impairments**
- **those who have seizures**
- **those with renal failure**
- **babies with severe multiple disabilities, and**
- **babies who are born very prematurely.**

Babies who need suctioning, oxygen treatment, or who have had a surgical procedure, such as a tracheotomy or colostomy, are also likely to qualify.

This list is not exhaustive, other babies may qualify. Because of the difficulties getting Child Disability Payment for babies, get specialist help to fill in the form.

BACKDATING A CLAIM

Child Disability Payment can't normally be backdated. The earliest it can normally be paid is the date that you completed Part 1 of the form and provided your child's full name and date of birth.

However, different rules apply where a claim is made under the special rules for a terminally ill child. In these circumstances the claim can be backdated to the date that the health professional first judged your child as terminally ill – as long as this was not more than 26 weeks ago. If it was more than 26 weeks ago, backdating is limited to 26 weeks. See page 18 for more information about claims under the special rules for the terminally ill.

COMPLETING THE CHILD DISABILITY PAYMENT FORM

The information in the following section relates to the paper version of the Child Disability Claim Form. There may be some differences in the order of questions when the form is completed electronically. The paper form has more than 64 pages. Not surprisingly this can be off-putting for a lot of parents. You may also feel that certain parts of the form are not relevant to your child. But it is important to read all the questions carefully just in case. Not saying that your child needs help at night, even if it is for just 20 minutes, could make a big difference to the decision that is made on their claim.

The following section is a brief explanation of some of the more difficult parts of the Child Disability Payment form, with comments about the kind of information to include. When you fill in the form:

- **Try to use examples and anecdotes to describe your child's needs wherever possible.** Don't just rely on the tick boxes.
- **If you feel the pages don't have enough space to capture the complexity of your child's needs** you can also attach extra pages of information if you feel this is necessary.

Please remember that a decision on your child's claim will be made by someone who has never seen your child and who may have little or no knowledge about your child's condition. It is important that you make clear all the extra care and support that your child needs – don't assume that the decision maker will already have this understanding.



Get help to complete the form. We can give you details of local organisations who can help: **0808 808 3555** helpline@contact.org.uk

TOP TIPS FOR FILLING IN THE FORM

- **Take your time and don't try to finish it in one go.** The form is long and needs lots of information.
- **It may be possible to get specialist advice from a welfare benefits adviser or someone else who is familiar with completing the form.** This will increase the likelihood of your child being awarded the right level of Child Disability Payment. Call our free helpline if you would like details of local organisations that can help. If you are unable to access independent help in completing the form, you can instead get help from Social Security Scotland's Local Delivery Service.
- **Keep a diary for a week before tackling the form.** Include details of the amounts and types of care your child needs during the day and night. This will be useful when you fill in the form and can be used as evidence. It will also be a useful aid in helping you think about all the extra help your child needs.
- **Give as much information as possible.** You can write outside of the boxes and attach extra sheets if you run out of space. Don't just rely on ticking the boxes that apply, try to provide more details about the help your child needs.
- **If your child has a fluctuating condition use the terms 'bad days' and 'better days' to describe the changes in their condition.** Using terms like 'good days' or 'normal days' can imply your child needs no extra help on these days.
- **Don't play down your child's condition.** It's important that you provide as much detail as you can about your child's needs. Include details of your child's needs during bad days, as well as better days, so the decision maker has an insight into the full extent of your child's needs.
- **Say how often your child needs help, rather than how often they get help.**

- **Show how your child's needs are different to those of other children of the same age.** Is your child's level of competence age-appropriate for different tasks? If you have older children compare their needs at the same age or compare your child's needs with those of a friend or family member's child.
- **Ask yourself – have you included enough detail to convince someone who hasn't met your child?** The application will be assessed by someone who hasn't met your child and who may not be familiar with your child's condition. If they have a rare condition, you may have information about it you can include to help the decision maker understand more. Contact us for more information on rare conditions.
- **Include supporting evidence with the form if you have it.** This can be medical reports, speech and language assessments, psychological reports, or a school report – anything that supports what you've said in the form. But don't delay making a claim if you haven't got these reports yet, as Child Disability Payment can't be backdated and you could lose out. If you write on the form that you'll be sending further information the decision makers should accept it. Before submitting any reports you should also check that you agree that they are an accurate picture of your child's needs. If you feel that a report minimises the amount of support your child requires you may choose not to submit it.
- **Read through the form before you send it.** Have you included enough information? Have you answered all the relevant questions? Are your contact details correct? Have you missed anything? Is the professionals' evidence complete?
- **Keep a copy of the form and any supporting evidence for your records.** You might need it if you are unhappy with your award and wish to challenge the decision. It will also help you when the claim is due for renewal or if you want to apply for a different rate later on.
- **Reward yourself when the form is finished.** Filling in the Child Disability Payment form can be time consuming, and because you're concentrating on the things your child can't do, stressful and demoralising. But if you get Child Disability Payment it will be worth it in the end.



TOP TIPS FOR EACH SECTION OF THE FORM

PART 1 OF THE FORM: *General information about your child and yourself*

Part 1 of the form gathers general information about your child including details about their identity, nationality, and whether they have been outside the UK in the last 12 months. It also asks for details about your identity as the adult claiming the benefit on their behalf. You are also asked to provide details of the bank account which the benefit should be paid into if the claim is successful

PART 2: *Conditions and sensory issues*

Part 2 of the form asks for details about your child's conditions, the types of care and support they need and the difficulties that they have in getting around. It starts with a number of sections asking about your child's conditions and any sensory issues they have. This includes a box for you to list any conditions that your child has. You don't need to enter a lot of detail here but make sure you write the name of each condition your child has been diagnosed with, for example 'ADHD' or 'Down syndrome'.

If your child doesn't have a diagnosis, or if they have difficulties separate from a diagnosis you've already mentioned, put a general description of these too (for example 'eating and feeding problems' or 'behavioural problems'). This box can also be used to set out details of any tests or assessments they are waiting for to try and diagnosis their condition.

There then follows a number of pages gathering information about any specific difficulties that your child has with their sight, their hearing, their speech and communication skills as well as any other sensory issues they may have such as issues with touch, noise or bright lights.

SEEING

This section gathers information about the extent of any visual impairment your child has. However, as well as filling in this section, it's also important to make sure you also explain how your child's visual impairment impacts on any of the specific areas covered in the other parts of the form.

For example, a child with a visual impairment may need help with dressing, with washing, teeth brushing and looking after their appearance, help at mealtimes and help to get around safely both indoors and outside.

Young children with a visual impairment may also need more help in learning through play.

If a child can't see everyday objects, they are less likely to become spontaneously curious about things around them. As a result, you may need to spend much more time actively introducing objects through touch or verbal description. This should be taken into account as extra care and support.

School-age children may require help with reading, not only school-books and texts but also from boards and projectors. They may need help in describing graphs, pictures, charts or scientific experiments.

They may also need guidance and supervision, not only to get to and from school but also to get around the school and playground, and to take part in physical education (PE).

If your child has a certificate of visual impairment you should send a copy of this along with the form.

HEARING LOSS

These pages ask about out the extent of your child’s hearing impairment. However as well as completing these two pages, make sure that you also explain in the later sections of the form how your child’s hearing loss impacts on their need for care and support with day to day tasks or their need for extra watching over.

Perhaps it takes longer for your child to receive instructions about how to carry out certain activities. Other things to consider might be your child’s need for extra supervision when walking out of doors because they can’t hear danger approaching. They may become upset easily as they don’t get a warning of when things happen.

You might have to make more effort to get their attention so that you can speak to them face to face. They may need help with hearing aids – taking them off, putting them on and adjusting them.

Include any evidence from a specialist which shows the extent of your child’s hearing loss.

SPEAKING

This page asks you describe any difficulties that your child has with speaking. A child may have mechanical difficulties in speaking or alternatively they may be unwilling to communicate because they have a limited understanding of their environment, or only choose to talk about things they feel are relevant to them and are comfortable with. Some children may choose not to speak to others or only be willing to speak to friends and close family. Your child may become angry or frustrated trying to communicate.

NON-VERBAL COMMUNICATION

This section asks you to confirm whether your child uses any non-verbal types of communication such as sign language, lip reading, Makaton or PECS cards. Write down the different ways your child is helped with non-verbal communication, what would happen without this help and how the amount of help needed may vary depending whether your child is communicating with someone they know or someone they don't know.

OTHER SENSORY ISSUES

This page asks for a description of any other sensory issues that your child has. For example your child may have issues with touch or smell or with lights or loud noises. Try to explain not only what these sensory issues are but how they impact on the types of care and support that your child needs.

HELP WITH DAILY LIVING

Once you have completed this section on conditions and sensory issues, you are next asked a series of questions about the the help that your child needs with their daily living tasks. When you are filling these sections in think about not only any physical help or support they might need but also if they need encouragement, reminding, explaining or verbal prompting with tasks.

Try to think about how your child's needs differ from a child of the same age without any disabilities. Make clear if you have to do more to help your child or if things take longer to do.

TOILETING NEEDS DURING THE DAY

This page asks you to explain any help or support that your child needs with toileting during the day. You will need to explain any difficulties during the night later in the form. As well as writing about what help you give your child to stay clean and manage their continence (washing, bathing, applying creams, changing pads, checking clothing or changing bedding), you also need to give information about any other difficulties. These can include:

- ***more frequent bowel movements or episodes of wetting***
- ***any resulting pain or distress***
- ***constipation***
- ***problems with transfer to and off the toilet***
- ***not wiping themselves***
- ***playing with faeces or missing the toilet***
- ***problems with undoing zips or buttons***
- ***taking underwear or clothing on and off***
- ***prompting and reminding your child to use the toilet and to wash their hands afterwards***
- ***help with any equipment***
- ***refusing to use the toilet.***

HELP WITH WASHING DURING THE DAY

This section asks you to explain any difficulties your child has with washing and drying their body or hair or dealing with any other personal hygiene issues. Your child may need extra help bathing, washing, or showering and they might take longer than other children of the same age. For example:

- ***they may need help to stand to wash or shower***
- ***if they're sensitive to touch, then brushing teeth or hair may be painful so could take longer***

- *you might have to supervise them while they bathe or wash, if for example, they can't tell the difference between hot and cold, and risk being burnt or because they are at risk of falls, seizures or blackouts*
- *your child may refuse to get in or out of the bath or may be too tired*
- *they may need to wash more often than other children, or you may need to remind and encourage them to wash*
- *washing and bathing may be difficult because of dressings, or a line into a vein that needs to be kept dry or sterile*
- *or you might need to take off other equipment which makes it more difficult for you to communicate with your child*
- *they may need help with shaving, grooming their hair or applying cosmetics.*

GETTING DRESSED OR UNDRESSED DURING THE DAY

Include things like:

- *help your child needs with fastenings like buttons, zips, buckles and laces which may be painful or problematic for them*
- *help they need if reaching to pull items of clothing on or off is difficult*
- *if they are uncomfortable with dressing or undressing in front of others because of a physical difference*
- *if they are visually impaired or have a learning difficulty, they may need help to choose clothes that are appropriate for the weather, that match, and help to put them on in the right order*
- *if your child needs to follow a rigid routine which can make dressing or undressing take longer*
- *if your child has a behavioural difficulty and becomes easily distracted and needs lots of persuasion and encouragement to come back to the task, or if they will undress at inappropriate places.*

HELP WITH EATING AND DRINKING (INCLUDING BREASTFEEDING) DURING THE DAY

Think about any problems your child has with sucking, chewing and swallowing, and any equipment like a feeding tube to help overcome those difficulties. For example:

- *does your child have a special diet which needs special and careful preparation?*
- *do they have to eat regularly at specific times of the day?*
- *does eating cause pain or nausea which discourages them from eating?*
- *children with visual impairments may need help to locate and eat food*
- *children with learning difficulties, visual impairments or food allergies may need supervising to make sure they don't eat anything harmful*
- *do they need help with cutting up food on their plate?*
- *are they receiving parenteral nutrition or tube feeding.*

GETTING INTO AND OUT OF BED

Explain any discomfort your child experiences because of pain or stiffness when waking up.

- *They may be physically unable to get out of bed without help. Or they might not have the motivation to get up because of their condition and need lots of reassurance and persuasion to get out of bed. Medication may also affect your child's sleep and waking up. Some children may need to follow very rigid and time consuming routines when going to bed.*
- *Explain if you have to get up straight away in case they do something dangerous or are disruptive.*
- *Think about similar difficulties when going to bed. Your child may still be wide awake when put to bed or refuse to settle.*
- *Explain what help you give them to overcome this, like comfort and reassurance techniques, or medication, or treatments. You should also say how long this takes.*

HELP WITH ACTIVITIES AND HOBBIES

Set out details of any help your child needs when they go out during the day or evening for social and leisure activities, and any support needed with hobbies or interests.

This includes visits to the park, clubs, sport activities, going to the cinema, swimming, visiting relatives, drawing, playing on the computer, and watching television. These are just some examples and you should include any interests that your child has and what help they need.

If there are other activities your child doesn't currently do but would like to if only they had extra help, then list the additional support that would be needed to allow them to do this.

HELP AT SCHOOL

This section gathers information about any extra support, care or supervision your child needs at school or nursery.

This can include any extra support to help them learn, for example if they have dyslexia, but also any extra help they need to manage behaviour, get around the school or nursery safely or to mix with other children in the playground. You should also think about whether they need help at school with things like using the toilet, taking medication or having their lunch.

HELP AND SUPPORT AT NIGHT

Complete this section if you have to get up in the night to help with your child's care needs.

Night-time is the time between when you go to bed until you get up. If you stay up later than you want to because your child does not settle in bed, or if you get up very early, these times also count as night-time. These are just some examples of night-time needs:

- ***some children require physical help to get back into bed after falling out, or to turn over during the night***
- ***re-arranging bedclothes if they become tangled or fall off***
- ***your child may have problems with continence or night sweats and you need to change the bedding and to deal with any wetting or soiling***
- ***your child may need help with medication or equipment at night, such as a feeding tube or inhaler or nebuliser. They may become extremely breathless and this could leave them distressed.***
- ***some children may be in pain during the night and benefit from being massaged.***

Use this section to say if you need to get up at night to give comfort to your child because they wake up upset and agitated, if they have a disturbed sleep pattern and can't settle or if they get up and wander.

SUPERVISION TO KEEP SAFE DURING THE DAY

This section looks at whether your child needs someone to watch over them during the day to make sure that they are safe and to ensure that they are not a risk to themselves or to others. It also asks for details of any help and support they need to deal with changes in their routine.

All young children, whether disabled or not, routinely require supervision. So the younger your child is, the more important it is for you to say how the supervision they need is greater, or different, to another child of their age. Think about what could happen to your child without regular supervision. For example:

- ***children with hearing or sight difficulties may not be able to hear or see dangers***
- ***a child may have seizures, asthma attacks or breathing problems, particularly if they over-exert themselves or become excitable and no-one's there to stop and calm them***
- ***eating the wrong food or drinking the wrong amount of liquid may have serious consequences***
- ***your child may be prone to dribbling, or there are other bodily fluids you need to check to make sure they are constantly dry to avoid sores and other complications***
- ***a child with behavioural problems may harm themselves or another person***
- ***a child may have no awareness of common dangers and place themselves at risk, for example by climbing on high furniture, putting objects in their mouth or poking fingers into electrical sockets***

HELP WITH YOUR CHILD'S DEVELOPMENT

This section includes help that your child needs to interact with and make sense of the world around them. For example, your child may find it difficult to interact or play with others. This may be due to problems with understanding or communication.

They may need to spend time on their own because their behaviour becomes aggressive or inappropriate. This may affect your child's development through play. They may need help to play with other children and in how they should behave.

Any physical difficulties can also make it harder for children to play because of difficulties with coordination or manipulation. A visually-impaired child may need more attention than others.

Specially adapted toys or tactile toys don't necessarily mean difficulties with play are resolved, because your child might need help finding or manipulating the toy, otherwise they'll become frustrated. They might need help maintaining their interest which means you need to give them extra attention. Or you may need to supervise to prevent harm to your child or other children.

MOVING AROUND INDOORS

Include here a description of the help your child needs getting around inside, for example not only at home but at school, nursery or places they go while pursuing leisure opportunities. For example, your child may have mobility difficulties that mean they:

- ***need extra help moving from room to room, or***
- ***getting on and off chairs and other furniture, or***
- ***getting up and down internal stairs, or***
- ***need help transferring in and out of a wheelchair they use indoors, or***
- ***if they have a visual impairment they might need help to get around safely***

if your child does not have physical mobility problems indoors they might need prompting to move around, or reminded which room to go to, or they might need you to go with them or supervision if place themselves at risk by running around indoors.

PROBLEMS WITH FALLS

Use these pages to explain any problems that your child has with falls either indoors or outdoors. Explain not only why they tend to fall e.g. balance problems, visual impairments or due to lower limb weakness but also the impact that this has. For example does your child become very upset when this happens and do they need help to get back up to their feet. Provide details of any injuries they have experienced as a result of falls.

FITS, SEIZURES OR BLACKOUTS

This applies if your child has symptoms like fits, convulsions, fainting, dizziness, loss of consciousness, or asthma attacks. Explain when these attacks happen, how often, and if there are any warning signs beforehand. What happens during and after an attack? For example:

- ***is your child incontinent?***
- ***do they injure themselves?***
- ***do you need to clean up after them, change bedding, clothing, and attend to injuries? How long does this take?***
- ***are they left feeling dizzy, exhausted, or aggressive and take a long time to fully recover? How long do they need to rest or need reassurance?***

Remember – if your child has attacks and needs someone to keep an eye on them all the time, write this here.

MOVING ABOUT OUTDOORS

Remember, help with mobility applies to children whose problems getting around are caused by learning or behavioural conditions, as well as children with a physical disability. A child can only be considered for the mobility component if they are aged 3 or more. However, since decision can be made up to 3 months in advance, you should complete this section if your child is aged 2 years and 9 months or above.

If your child is completely unable to walk outdoors you are asked to tick a box confirming this and can then skip the rest of the mobility questions. If your child has absolutely no problems in getting around outside you are asked to do the same. However, if your child is able to walk outside (even if this is extremely limited) and needs help to get around, regardless of whether caused by physical, mental or sensory issues you should tick the box to say this and complete the rest of the questions about their mobility needs.

The form asks you to indicate using tick boxes what type of difficulties your child has in getting around safely outdoors – are there physical issues, sensory issues, emotional issues, learning difficulties, mental health issues or a combination of these issues. You are next asked to describe how your child walks out of doors. There are a number of suggested descriptions for you to tick but there is also a box for you to give a detailed description. When you complete this section ask yourself:

- ***does your child walk more slowly than other children of the same age?***
- ***does their manner of walking make it difficult to get along?***
- ***do they get uncomfortable or tired after a short distance?***
- ***do they fall or stumble a lot?***
- ***does the effort of walking seriously affect their health?***

When describing how far your child can walk, remember that any distance covered after they've started to feel severe discomfort is not counted.

Guidance or supervision outdoors

You are next asked if your child needs guidance or supervision out of doors and how frequently this is required. You are also asked to explain the guidance or supervision that is required. Think about why your child needs more guidance or supervision outdoors than children the same age and what form this takes. For instance do you need to:

- ***monitor their condition for signs that they are in pain or distress***
- ***offer them reassurance if they are experiencing fear or anxiety***
- ***watch over them because they are at risk of seizures, blackouts, trips or falls***
- ***supervise them because they have a learning or communication difficulty which means they could get lost or are more vulnerable to danger***
- ***watch over them because they have a visual impairment and need extra help with following directions and avoiding obstacles?***
- ***need extra support because they have a hearing impairment that means they can't hear dangers coming from behind?***

- ***need restraint to keep safe because they can suddenly run away without any attention to common dangers like traffic and/or show other behaviours that puts themselves or others at risk of danger. This could be aggressive behaviour, self-harming behaviour or very impulsive behaviours that are risky. If your child is so unpredictable that they need someone to be with them the whole time, make sure you make this clear on the form.***

Other issues when outdoors

You are also asked to describe how what issues your child has out of doors. These issues will often be linked to the description you have provided of the need for more guidance or supervision. So for example, there may be difficulties in getting around safely either due to physical problems such as falls or seizures or due to other issues such as learning difficulties. A child may have little or no sense of common dangers or undertake impulsive behaviours that place them at risk. They may have difficulties in finding their way around areas that are known to them and have problems interacting with members of the public. There may be particular issues around safely crossing roads or getting around where there are busy roads.

Your child's common reactions when outdoors

You are also asked how your child will commonly react when they are out of doors. For example, do any of the following apply to your child:

- ***do they get distressed and likely to hit out at you or other people, or harm themselves in some way?***
- ***do they exhibit behaviours that are alarming to others or behaviours that are inappropriate e.g. trying to touch passers by or undressing in public?***

- ***do they have frequent episodes where they will refuse to walk – perhaps lying on the ground and having ‘a meltdown’. If these episodes are long lasting and very difficult to overcome make this clear in your description. For example pleading, encouraging or bribing them with treats may have little impact.***
- ***Can they become confused or disorientated?***
- ***does your child have a mental health problem where they may become upset or agitated out of doors, for example do they experience panic attacks.***

Does your child have:

- ***To go through rigid regimes before they can get anywhere?***
- ***Is your child highly unpredictable and need to be watched over the whole time?***
- ***Panic attacks or other episodes where they need to be monitored out of doors?***

Even if your child is of an age where no child would be allowed out of doors by themselves, they may still need more guidance or supervision than other children of the same age.

Impact on your child’s health of getting around outdoors

List the effects walking has on their condition. This may include not only any pain or discomfort that they experience when walking but also fatigue, breathlessness or nausea. If walking makes their condition worse make sure that you mention this – particularly if there would be a serious deterioration in your child’s condition

TREATMENTS AND THERAPIES

Include details of any physiotherapy, speech therapy, hydrotherapy, play therapy, counselling and behavioural therapy. Include any exercises you have to do with them at home.

Therapy also means help with any medical equipment. This includes nebulisers, monitoring equipment, meters, needles for injections or blood tests, thermometers, tube feeding, catheters and breathing equipment.

List any difficulties with using equipment, help you give to your child and the length of time it takes. Include time spent on preparing and cleaning equipment.

If your child has a condition like diabetes they may not only need help with administering injections but also with monitoring blood glucose levels, adjusting insulin levels and adjusting diet and exercise.

EQUIPMENT AND ADAPTATIONS

Use this section to outline any specialist equipment that your child uses or to describe any aids that you use or adaptations that have been carried out to your property in order to meet your child's needs.

MEDICATION

This section asks for details of any medications that your child has and how often these need to be taken. Medication includes not only pills or tablets but other things like creams, injections, inhalers, patches, dressings or any other remedies. As well as giving details about these medicines you are also asked to explain what support your child needs in taking their medication. Include any difficulties your child has receiving them or taking them by themselves (forgetfulness, discomfort, distress, side effects). Describe how you help overcome this (encouragement and

reassurance, even after medication has been given). You may also have to monitor your child's condition and make adjustments to the dosage and timings of medication they require.

PEOPLE SOCIAL SECURITY SCOTLAND CAN CONTACT AND SUPPORTING INFORMATION

These sections of the form ask you if you want Social Security Scotland to contact professionals for further information or whether you want to provide supporting information yourself. If you want Social Security Scotland to contact professionals for more information you are asked for details of your child's GP as well as any other professionals that you think may know your child best. If you do provide someone's details this will be taken to mean you consent to Social Security Scotland contacting that person for more information.

You are not obliged to provide details of professionals in this section if you don't want to and if you prefer you can send Social Security Scotland supporting information instead.

For example, a letter from the child's GP, school or other professionals such as nurse, paediatrician, speech and language therapist, occupational therapist or social worker might help Social Security Scotland to make a determination. You can provide this by post or on-line by uploading the documents at mygov.scot.

Any document, letter or statement can be sent with the claim but it is very important to check that any evidence you intend to send accurately describes your child's needs. If it doesn't and it underestimates their needs this may harm your claim.

You are expected to provide at least one piece of supporting evidence from a professional. If you cannot provide this evidence yourself, you can ask Social Security Scotland to gather this evidence on your behalf by

ticking the box saying you need their help on page 62 and then phoning them on 0800 182 2222.

If you're waiting for someone to provide you with supporting evidence and you are nearing the six week deadline, you should send the completed form off without waiting. Attach a letter saying you will send the supportive evidence at a later date and when Social Security Scotland can expect it.

MENTAL HEALTH

There are no specific questions in the form about your child's mental health. Children with disabilities, coping with their condition, can feel frustrated, isolated and upset at times. These can be described as mental health difficulties. This could apply if your child is withdrawn, anxious or depressed, behaves aggressively or gets angry and is uncooperative. They might act impulsively, have nightmares, or have difficulty coping with routine changes. You may have been able to fit this into your answers to some of the other questions but if not, then it is important to give more details at Question 89 'Extra Information', or as an attached sheet. Say what the difficulties are that your child experiences and also what help you give to overcome or minimise their effects. You might include:

- ***providing encouragement, motivation and reassurance. Where this is substantially more than other children need it will count as extra attention with tasks in the same way as physical care.***
- ***techniques to manage any difficult behaviour like taking 'time out'***
- ***monitoring your child's mood***
- ***helping them to plan their day and to help them to deal with their feelings***
- ***watching over your child because of the risk of self-harming behaviour.***



GETTING A DECISION

Once you've made an application for Child Disability Payment, you should receive updates from Social Security Scotland on the progress of your claim. You should normally receive a decision within 42 working days, unless you have applied under the special rules for the terminally ill when you should receive a decision within a few days.

Social Security Scotland call a decision 'a determination' and this will be sent to you via the post.

The determination letter will tell you whether your child has been awarded Child Disability Payment and if so at what rates. It will also tell you when your child's award will be reviewed.

If Social Security Scotland decide that you're not entitled to Child Disability Payment, the determination letter should explain why.

UNHAPPY WITH THE DECISION?

If your child is refused Child Disability Payment or awarded at a lower rate than expected, you can challenge the decision that has been made on their claim. There are two possible stages when challenging a decision:

- **first you can ask for the decision to be looked at again.** This is known as asking for a redetermination
- **then, you can lodge an appeal** if you are not happy with the outcome of the redetermination.

Please note that you cannot ask for an appeal until you have asked for had a redetermination.

ASKING FOR THE DECISION TO BE REDETERMINED

If you are not happy with a Child Disability Payment decision you can ask Social Security Scotland to make a new decision on your claim. This is known as a redetermination. You can request this over the telephone or in writing, and you need to do this within 42 days of the date of the decision letter.

It will be assumed that you received your determination 48 hours after Social Security Scotland sent it, unless you can prove that there was a delay in you getting the decision.

If you ask for a redetermination the whole decision is looked at again. This means that if you were awarded some Child Disability Payment but hoped to get more, a redetermination could potentially result in you losing benefit rather than gaining it.

Late requests

It is very important that you ask for a decision to be redetermined within the 42 day time scale as a late request will only be accepted if Social Security Scotland believe that you have good reasons.

Providing more information about your child's needs

As part of a redetermination you can volunteer, or you may be asked to give, further information. Or Social Security Scotland may ask for a short factual report (usually from a doctor) on any aspects of your claim that weren't clear. Another decision maker will then make a new decision on your case.

When a redetermination is made

Once it has received your request for a redetermination, Social Security Scotland has 56 days to make a redetermination decision.

If Social Security Scotland fails to make a redetermination within the 56 day timescale they must write to you to let you know. You will have the option of either waiting longer for them to make a new decision or if you prefer you can choose to appeal against the original decision.

If you are told that you can appeal because your redetermination request has not been dealt with in time, Social Security Scotland can still redetermine your entitlement at a later date. Even if Social Security Scotland tell you that you can wait for a redetermination before appealing, you should appeal within 31-days of when you are first told you have a right of appeal. This is because the time limit for appealing runs from the date that you are first told that you have the right of appeal.



For help with asking for a redetermination or appeal contact our helpline:
0808 808 3555 helpline@contact.org.uk



ASKING FOR AN APPEAL

If Social Security Scotland decide not to change the outcome of their determination, or change it but don't give you what you were looking for, you have the right to ask for an appeal. But remember you can't ask for an appeal unless you have asked for a redetermination first. You can also appeal if you have requested a redetermination but Social Security Scotland have failed to do this within 56 days.

HOW DO I APPEAL?

You can appeal in writing by completing an appeal form.

If Social Security Scotland don't send you an appeal form you can download one at mygov.scot.

Alternatively, you can phone Social Security Scotland and have one of their staff complete the appeal form with you over the telephone. You have 31 days from receiving a decision letter to make an appeal. It will be assumed that you received your re-determination decision 48 hours after Social Security Scotland sent it, unless you can prove that there was a delay in you getting the decision.

Deadline for appealing

The deadline for appealing is 31 days. If you miss this 31 day deadline seek advice about making a late appeal. A late appeal can be made within one year of the redetermination decision (or longer if due to Coronavirus) but it will only be heard if the Tribunal agrees that you have good reasons for missing the 31 day deadline.

Your appeal will be passed on by Social Security Scotland to the First-tier Tribunal. The Tribunal is independent from Social Security Scotland.

PREPARING FOR THE APPEAL HEARING

If you can, get specialist advice to help you prepare your case, as tribunals make decisions based on legislation and case law, as well as information about your child's needs. A specialist adviser will be familiar with the law, may write to medical professionals for supporting evidence, and help you to concentrate on giving a clear picture of your child's needs. They may also be able to come along to the tribunal and put your case with you.

At the appeal hearing, it is important that you give as much information as possible about why and how you think the decision is wrong – make sure you don't contradict what you've already said on the claim form!

AN ORAL HEARING

You will be asked whether you want the appeal decision to be made based purely on the paper evidence or whether you would like a hearing to discuss the appeal. It is always best to ask for an oral hearing. Statistically, oral hearings are more successful than paper hearings. An oral hearing may be heard face to face or it may be done remotely, for example by telephone conference or video link. At the time of writing most oral hearings are done via telephone.



To find a specialist adviser who can help you appeal call our free helpline
0808 808 3555 helpline@contact.org.uk

TAKE SOMEONE WITH YOU

If you don't have a welfare rights representative to come with you, take a friend or relative to help you feel more relaxed.

WHO IS ON THE TRIBUNAL PANEL?

The tribunal usually consists of a legally qualified tribunal convenor, a doctor and a person with experience of the needs of disabled people.

An officer from Social Security Scotland might also be present. This is usually a decision maker but they are not likely to be the one who made the decision on your claim. A tribunal clerk may also be there to deal with paperwork and expenses.

AN INFORMAL HEARING

The hearing is meant to be fairly informal and you will have the opportunity to explain your child's situation. You may find it useful to make notes before you go to the hearing, with the points you want to make and the supporting evidence you want to provide. Take your time when you're asked to speak – the convenor will usually try to make you feel at ease.

You might be asked questions while you're giving your evidence, but you can ask for any questions to be left until you've finished if you're worried they'll interrupt your train of thought.

GETTING A DECISION ON YOUR APPEAL

You should get a decision on the day of the hearing, or soon after. If you are unhappy with the decision you may be able to ask for a review or appeal to the Upper Tribunal. You should ask for a full statement of the Tribunal's reasons as part of this process. Talk to your representative about this or call our helpline, as the Upper Tribunal can only deal with cases where the tribunal decision includes an error of law.

SHORT-TERM ASSISTANCE TO HELP YOU FINANCIALLY

If you're challenging a decision to either reduce or stop a pre-existing award of Child Disability Payment, you can apply for Short-term Assistance. This is a payment from Social Security Scotland to help you while you challenge a decision.

Short-term Assistance will make up the difference between what you were receiving before and how much Child Disability Payment you now get (including if this is now nil).

When can't I get Short-term Assistance?

You cannot get Short-term Assistance if this is your first claim for Child Disability Payment, you must have been getting some Child Disability Payment prior to the decision you are now challenging.

You cannot get Short-term Assistance if you are challenging a decision to suspend payment of Child Disability Payment because your child is in residential care.

How to apply for Short-term Assistance

You can apply for the payment by ticking the box on the re-determination or appeal form or asking Social Security Scotland over the phone.

You won't have to pay the Short-term Assistance back, even if your redetermination or appeal is unsuccessful. However, if your challenge is successful any Short-term Assistance you have received, will be deducted from any arrears of Child Disability Payment that Social Security Scotland pay you.

When will I receive Short-term Assistance?

Short-term Assistance can be paid from the day that Social Security Scotland receives your request for a re-determination or your request for an appeal.

If you apply for Short-term Assistance after you asked for a re-determination or an appeal, you'll be awarded Short-term Assistance from the date Social Security Scotland received your request for a redetermination or appeal, not the date that you applied for Short-term Assistance.

When will my Short-term Assistance stop?

Any Short-term Assistance you get stops on the day Social Security Scotland makes their re-determination decision or the First-tier Tribunal makes a decision on your appeal, or (refuses to give you permission to make a late appeal).

So for example if you get Short-term Assistance while a re-determination is being decided, it will stop when the re-determination is made. However if you don't agree with the re-determination, you can appeal. If you appeal, you can then apply again for Short-term Assistance while your appeal is being dealt with.

GETTING AN EXISTING CHILD DISABILITY PAYMENT AWARD CHANGED

When you are awarded Child Disability Payment, Social Security Scotland will tell you what sort of changes you need to tell them about. This includes any changes in your child's needs that might affect the amount of benefit that they receive. If your child's needs change and you do not report this you may miss out if the change means they are entitled to more benefit, or be overpaid if the change means they are entitled to less.

If you report a change that could affect the rate of benefit paid, Social Security Scotland must review your child's award and carry out a new determination. This might be to keep your child's benefit at the same rate, or to increase it or to decrease it.

If you are not happy with the outcome of a new determination you have the right to ask for a redetermination and an appeal against that new decision in the usual way. Please see page 47 onwards.

PLANNED REVIEWS OF YOUR CHILD DISABILITY PAYMENT

Awards of Child Disability Payment are not time-limited. Instead your child will have an open-ended award. This means that if things don't change the award could continue until they reach 18.

However, Social Security Scotland will want to review their award at some point to make sure that your child's needs have not changed and that they remain entitled to Child Disability Payment at the same rates. When your child is awarded Child Disability Payment, the determination letter will tell you when you can expect your child's award to be reviewed by them.

Sometimes Social Security Scotland will review an award earlier than they had originally planned. This may happen if there is a change in the Child Disability Payment rules or if there is a change in your child's circumstances.

WHAT HAPPENS WHILE A REVIEW TAKES PLACE?

While your child's award is being reviewed by Social Security Scotland they will continue to receive Child Disability Payment at the existing rate. If the review results in their award being changed, that change will take effect from the date that the review completes.

IF YOU MOVE

MOVING FROM SCOTLAND TO ANOTHER PART OF THE UK

If your child is no longer living in Scotland they will no longer be entitled to Child Disability Payment. How long the payments continue will depend on when you notify Social Security Scotland.

Your child remains entitled to payments for the first 13 weeks after they move if you tell Social Security Scotland either before they move, or if you don't tell them until 13 weeks or more have passed.

However, if you tell them after your child has moved but do this before 13 weeks have passed, entitlement continues for 13 weeks after the date you first tell Social Security Scotland about the move. To continue getting disability benefits you will need to make a claim for Disability Living Allowance, or for Personal Independence Payment if they are aged 16 or above.

Different rules apply if your child moves to go into hospital, residential care or prison in another part of the UK. Seek further advice if this applies to you.

MOVING TO SCOTLAND FROM ELSEWHERE IN THE UK

If your child moves to Scotland from elsewhere in the UK and gets DLA, you should let Social Security Scotland know. They will arrange for your child to be transferred from DLA to Child Disability Payment. This will be done without the need for a claim or any reassessment.



STAYS AWAY FROM HOME

Child Disability Payment can be affected by overnight stays away from home, in a residential school, or residential care.

WHEN YOUR CHILD IS IN A RESIDENTIAL SCHOOL OR CARE

If your child is in a residential school or residential care (including for short-term breaks) and this is paid for from 'public funds':

- ***the care component stops being paid after 28 days***
- ***the mobility component is not affected.***

If your child's stay in residential accommodation is being funded by your health board under NHS continuing care and their care is provided under the supervision of a nurse or doctor different rules may apply; contact our free helpline for further advice.

GETTING PAID FOR THE DAYS THEY COME HOME

If your child's Child Disability Payment stops because they are in a residential setting, they are still entitled to Child Disability Payment payments at a daily rate for the nights they spend at home.

For example, your child has been away at residential school for more than 28 days, so payments of the care component have stopped. If they come home from school on Friday and go back on Monday, the care component should be paid at a daily rate for Friday, Saturday, Sunday, and Monday (four days).

If they stay at home for more than 28 days, for instance during the long summer holiday, the care component should not be stopped again until after they've spent another 28 days in residential school.

COUNTING THE NUMBER OF DAYS FROM HOME

When counting the number of days away from home, the day your child enters residential accommodation and the day they leave are both treated as days at home. For example, if your child goes into a residential school on a Monday and comes back on a Friday, then only Tuesday, Wednesday and Thursday will count as days away from home. This is a total of three days.

IF YOUR CHILD HAS REGULAR SHORT BREAKS IN A RESIDENTIAL SETTING

When working out whether your child's Child Disability Payment will stop, it is important to know that any stays in residential accommodation that are separated by 28 days or fewer at home, will be added together. This is known as the 'linking rule'.

For example

If your child has regular short breaks in a residential setting, these separate breaks can be added together.

Once your child has spent a total of 28 'linked days' in a residential setting they will stop being paid the care component during any subsequent days in care – but they will still get payments as normal for days at home.

However, if your child has at least 29 days at home in-between these short breaks then the 'link' is broken. This will mean that if they go back into residential accommodation for short breaks they will be allowed another 28 days in care before their Child Disability Payment care component is once more suspended.

If your child has regular short breaks in a residential setting and you want to ensure that Child Disability Payment payments are never affected, you may need to ensure that your child occasionally has a gap where they spend at least 29 days at home in between these short breaks.



Our helpline can give you more details about the 'linking rules' for Child Disability Payment and stays away from home: **0808 808 3555** helpline@contact.org.uk

EXAMPLE

Daljit goes into a residential unit once every three weeks. He enters the residential unit on a Friday and returns home on a Monday. Since both the day he enters and the day he leaves care are treated as days at home, he is treated as spending two days in care each time he has a short break.

As his short breaks are separated by fewer than 29 days at home, they are 'linked' together. This means that once he has had 14 short breaks (14 x 2 days = 28 days), his Child Disability Payment care component payments will be suspended for any subsequent stays in care. However, if Daljit then has a period where he spends at least 29 days at home the 'link' will be broken and he can once more be paid the care component for a further 28 'linked days' of care.

WHEN YOUR CHILD IS IN HOSPITAL

Children aged under 18 in hospital

So long as a child is aged under 18 on the date that they first become an in-patient, their Child Disability Payment continues to be paid as normal while they in hospital. Also, if a child first claims Child Disability Payment while they are an in-patient, their payments can start despite the fact that they are in hospital – they do not need to wait until they are discharged home before payments can start.

Young people aged over 18 in hospital

The situation is different where someone remains on Child Disability Payment past their 18th birthday. If someone on Child Disability Payment becomes an in-patient after they turned 18, both components of Child Disability Payment will be suspended after they have spent 28 days in hospital.

BE CAREFUL!

This is a complex area of the benefits system which can sometimes result in families being overpaid Child Disability Payment. This usually happens when families unknowingly fail to tell Social Security Scotland about their child's stays in a residential setting. It is your responsibility to tell the Social Security Scotland each time your child is away from home in a residential setting where the costs are being met from public funds. Social Security Scotland need to have clear information about how many days your child has been in care in order to decide if payments of Child Disability Payment should be suspended.

NOTE: It's a good idea to keep a record of the dates your child goes in and out of residential accommodation so you can tell the Social Security Scotland.

EFFECT OF STAYS AWAY FROM HOME ON CARER'S ALLOWANCE (CA)

If your child is in residential accommodation

This can impact on any CA paid to their main carer. But even if your child is in a residential setting for a long period, you may still be able to carry on getting CA if they regularly spend at least two days at home. You must provide at least 35 hours care during the 'benefit week' they come home. A benefit week for Carer's Allowance runs from Saturday midnight to the following Saturday midnight. Time spent preparing your home for your child's visit or cleaning up afterwards count towards the 35 hours' care.

If your child is in hospital

Not only should Child Disability Payment payments continue but you should also continue to get CA so long as you are still providing at least 35 hours a week care to them. If you stop providing 35 hours a week care to your child while they are in hospital you can continue to receive CA for a temporary period of up to 12 weeks – although this may be restricted to a shorter period if you have already had other breaks from caring in the previous six months.

EFFECT ON OTHER BENEFITS

Families should also be aware that stays away from home may also have an effect on other entitlements, like tax credits, Universal Credit, or Income Support. If you receive Universal Credit payments for your child then these are likely to stop if they are away from home for six months or more – including where this is because they are in hospital.



These are very complex areas so seek specialist advice if your child is in residential accommodation or in hospital long-term. See our free factsheet, ***Benefits if your child is in a residential setting*** or contact our helpline on **0808 808 3555** helpline@contact.org.uk

CHILD DISABILITY PAYMENT & HOW IT AFFECTS OTHER BENEFITS

Getting Child Disability Payment can lead to an increase in other benefits or help you qualify for other entitlements. Even if you get Child Disability Payment for your child already, you may find that getting an increased rate will lead to something else.

The following is a checklist of benefits and entitlements which may become available following an award or increase of Child Disability Payment.

CARER'S ALLOWANCE (CA)

If your child gets the middle or the highest rate of the Child Disability Payment care component, you may be able to get Carer's Allowance (CA). You must be caring for your child for at least 35 hours of each week. To get CA, you must not be treated as a full-time student and not earning more than a set amount, after certain deductions. This is £139 per week from April 2023.

CA can be backdated in line with the Child Disability Payment award, as long as you apply within three months of getting the Child Disability Payment decision. If you apply later, CA can only be backdated for three months.

CA can affect entitlements like Income Support and tax credits. In most cases you will still be better off claiming it. If you get contributory Employment and Support Allowance, it could also be in your interest to apply for CA, even though it can't be paid on top of these benefits. Call our freephone helpline for advice.



You can claim online at www.gov.uk, or ask for application form DS700 from the CA Unit on **0800 731 0297**. In Northern Ireland see www.nidirect.gov.uk or call **0800 587 0912**.

CHILD TAX CREDIT (CTC)

Child Tax Credit is assessed more generously when a child gets Child Disability Payment. Families will qualify for an extra disability element (and a severe disability element if your child is on the highest rate Child Disability Payment care component). The disability and severe disability elements can be backdated in line with the Child Disability Payment award if you tell the tax credit office within one month of a decision to award Child Disability Payment.

INCOME SUPPORT (IS)

For families still getting payments for their children in their IS, getting Child Disability Payment will lead to extra money being added to your IS, known as a disabled child premium (and an enhanced disability premium if your child is awarded the highest rate of the care component). You will need to let the office dealing with the IS claim know about the Child Disability Payment award.

HELP WITH RENT AND COUNCIL TAX

If you get Housing Benefit or support with council tax, then getting Child Disability Payment for your child may lead to extra benefit if you are not already getting your rent and council tax met in full.

If your disabled child cannot share a bedroom and because of this your Housing Benefit (or help with rent via Universal Credit) is reduced under the bedroom tax or local housing allowance rules, getting Child Disability Payment care component at the middle or highest rate for them may help you get more help with rent. Call our freephone helpline for further advice.

Both Housing Benefit and support with council tax are means-tested and any award will depend on your income and circumstances.

There are other ways of getting help with council tax which don't depend on income or savings but do depend on there being a disabled occupant within your household.



For advice call our helpline or see our guide *Help with Council Tax bills*:
www.contact.org.uk/council-tax

UNIVERSAL CREDIT

Universal Credit is a new benefit that is replacing tax credits and other means-tested benefits for people of working age. If you receive Universal Credit and a child who is included in your Universal Credit claim gets Child Disability Payment, you will qualify for an extra Universal Credit payment known as the disabled child addition. This is paid at a higher rate if your child is severely sight impaired or blind or if they qualify for the highest rate of the Child Disability Payment care component.

Moving on to Universal Credit

You can only be asked to claim Universal Credit if you try to make a new claim for one of the benefits that Universal Credit is replacing. Most existing claimants can stay on their existing means-tested benefits for the time being. Eventually the government intends to move all existing means tested benefits and tax credits claimants onto Universal Credit. This process known as 'managed migration' has started in a small number of pilot areas. The government has said that it hopes to have migrated most legacy benefit claimants by 2025. However, at the time of writing it has not yet provided a detailed timetable of how this will happen.

EXEMPTION FROM ‘BENEFIT CAP’

If you have a dependent child who is in receipt of Child Disability Payment, you will be exempt from the ‘benefit cap’ which restricts the total amount of benefit payments that an out of work family can receive.

HELP WITH PARKING

If your child is awarded the higher rate of the Child Disability Payment mobility component, then you should qualify for a Blue Badge for help with parking. The Child Disability Payment award letter should include a Certificate of Entitlement and a personal ID for anyone who gets the higher rate of the mobility component. You can use this when you apply for a blue badge.

You should also qualify for a blue badge if your child is aged two and over and is registered blind or your child is aged under three and needs to be accompanied by bulky medical equipment, or kept near a vehicle for medical reasons. You can also qualify if you are assessed as having great difficulties in walking or have a diagnosed mental disorder and lack an awareness of the danger from traffic. Certain other groups can also qualify but whether they are awarded a badge will depend on an individual assessment. Contact your local authority to apply.



For more information see our website. Search for ‘disabled parking permits’ at [contact.org.uk](https://www.contact.org.uk)

HELP WITH ROAD TAX

If your child is awarded the highest rate of Child Disability Payment mobility component, you may be exempt from paying Vehicle Excise Duty. Claimants are usually told about this when they are notified about the award of higher rate Child Disability Payment mobility component. If you haven’t received any information and you think you qualify, contact Social Security Scotland on 0800 182 2222.

HELP WITH GETTING A CAR

If you're interested in getting a car and your child is awarded the higher rate of the mobility component of Child Disability Payment, you have the option of leasing a car through the Accessible Vehicle and Equipment (AVE) Scheme.

To access this scheme your child's award of the higher rate mobility component must have at least 12 months left to run. You use the scheme by arranging to lease a car from a dealer who has been accredited by the AVE scheme, and have some or all of your higher rate mobility payment diverted to that dealer to finance the car lease.

If you're unable to drive and need help with paying for lessons or require help in getting a deposit for a car through the scheme then you may qualify for a grant.



To find out more contact Motability on **0300 456 4566**, or visit www.motability.org.uk

HELP WITH BUS TRAVEL

If your child gets Child Disability Payment that includes the higher rate for mobility or the care component at the middle or highest rate they can get a disabled person's bus pass. If they get the care component at the middle or highest rate their card should include a companion travel logo which also allows a companion to travel for free when accompanying them. Contact your local council to apply.

CHILD WINTER HEATING ASSISTANCE

If your child is awarded the care component of Child Disability Payment at the **highest rate** and is aged under 19, you should qualify for an annual payment of £214.10 towards your winter heating bills. The payment is made automatically using Security Scotland records, so you do not need to apply. To be paid your child normally must have been on the higher component by the third week in September.

Payments are made in batches during the winter.



If you think you should qualify for a payment but have not received a letter about this contact Social Security Scotland on **0800 182 2222**.

WINTER HEATING PAYMENT

If you have a child on **any rate** of Child Disability Payment **and** you also receive one of certain means-tested benefits – Universal Credit, Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowance, State Pension Credit or support with mortgage interest – you should qualify for an annual payment of £50 towards your winter heating bill. You need to have been getting one of these means-tested benefits in the second week of November. Payments are made in February and should happen automatically.

WHAT HAPPENS WHEN YOUR CHILD TURNS 16?

IF YOUR CHILD DOES NOT ALREADY GET CHILD DISABILITY PAYMENT

Once your child turns 16 it is too late for them to make a new claim for Child Disability Payment. They will need to make a claim for Adult Disability Payment instead. Although 16 and 17 year olds in Scotland can be paid Child Disability Payment, this only applies to those whose award started before their 16th birthday.

IF YOUR CHILD ALREADY GETS CHILD DISABILITY PAYMENT

So long as your child is already getting Child Disability Payment by their 16th birthday, then this can continue until they are 18. Or if they prefer, a 16 or 17 year old who is on Child Disability Payment can opt to claim Adult Disability Payment early. The earliest they can do this is 13 weeks before their 16th birthday. However, any 16 or 17 year old considering this should first seek detailed advice from a benefits adviser as some disabled people end up worse off under the Adult Disability Payment system.

PAYMENTS WHEN YOUR CHILD TURNS 16

When your child reaches 16, there may also be changes in how benefit is paid. Before 16, a parent or other main carer is automatically authorised to act on their child's behalf, as an 'appointee'. This means you are responsible for filling in forms and making claims for your child.

When your child is nearing 16 years of age, you will be contacted by someone from Social Security Scotland, to decide if you will continue to be your child's appointee. This not only applies to young people who choose to move onto Adult Disability Payment but also to 16 year olds in Scotland staying on Child Disability Payment.

IF YOUR CHILD IS CONSIDERED CAPABLE OF HANDLING THEIR OWN AFFAIRS

The Child Disability Payment will start to be paid to them directly and your appointment to act for them will end. Otherwise, parents are usually asked to carry on managing the Child Disability Payment alongside any other benefits the young person chooses to claim after they have turned 16.

IF YOUR CHILD CAN MANAGE THEIR BENEFITS CLAIMS BUT CAN'T PHYSICALLY COLLECT THEIR BENEFIT PAYMENTS

They can nominate someone – known as an ‘agent’ – to do this for them. For more information about appointees and managing benefits please call our freephone helpline.



WHAT HAPPENS WHEN YOUR CHILD TURNS 18

Unless your child chooses to claim Adult Disability Payment early as a 16 or 17 year old, their Child Disability Payment award will continue until they turn 18 – assuming they continue to meet all the normal rules. They'll get a letter from Social Security Scotland shortly before their 18th birthday telling them about moving from Child Disability Payment to Adult Disability Payment.

Moving from Child Disability Payment to Adult Disability Payment does not happen automatically. Instead your child will need to complete an application for Adult Disability Payment.

WHEN SHOULD MY CHILD CLAIM ADULT DISABILITY PAYMENT?

It's up to you and your child to decide when they should claim Adult Disability Payment. However they should try and make sure that they do this before they turn 18 if they want to make sure that there is no gap in their disability benefit payments. So long as they lodge their claim before their 18th birthday, their Child Disability Payment award will continue until a decision has been made on their Adult Disability Payment claim.

You should leave enough time to complete and then submit your application before your child's 18th birthday. You must submit both Part 1 and Part 2 of the form before they are 18.

What if my child doesn't apply for Adult Disability Payment?

If your child doesn't apply for Adult Disability Payment before they turn 18 their Child Disability Payment will stop. They can still make an application for Adult Disability Payment at a later date but they won't

receive any Child Disability Payment while they are waiting for a decision – this is because that award will have already stopped.

Young adults who are terminally ill

If you have an 18-year-old on Child Disability Payment who is terminally ill different rules apply. They can either choose to stay on Child Disability Payment indefinitely or opt to automatically transfer onto Adult Disability Payment without needing to make a claim.

WILL MY CHILD GET THE SAME RATE OF PAYMENT WHEN THEY CLAIM ADULT DISABILITY PAYMENT?

Adult Disability Benefit has different qualifying rules to Child Disability Payment. For some claimants, it will be harder to qualify for Adult Disability Payment.


FURTHER SOURCES OF HELP

You may be able to get help with making a claim from a local organisation helping with benefits claims such as a Citizens Advice, or a local welfare rights service. Call our free helpline if you would like details of organisations in your area that can help.


If you can't access independent advice about completing the form, you can instead get help from Social Security Scotland's own Local Delivery Service. Phone Social Security Scotland on 0800 182 2222 or if you're a British Sign Language user, you can use the contactSCOTLAND app to contact Social Security Scotland by video relay.

GET IN CONTACT


Our helpline advisers can support you with any issue about raising your disabled child: help in the early years, diagnosis, benefits, education and local support.

 0808 808 3555

 info@contact.org.uk

 www.contact.org.uk

 twitter.com/contactfamilies

 facebook.com/contactfamilies

 youtube.com/contactfamilies

Contact Scotland
The Melting Pot
15 Calton Road
Edinburgh EH8 8DL



We are Contact, the charity for families with disabled children.

We support families with the best possible guidance and information.

We bring families together to support each other.

We help families to campaign, volunteer and fundraise to improve life for themselves and others.

Contact is a trading name of Contact. Charity registered in England and Wales (284912) and Scotland (SC039169). Company limited by guarantee registered in England and Wales (1633333). VAT registration GB 749 3846 82.

© Contact, March 2023 Order code i30

