

## 12-21: Disability assistance for children and young people - consequential amendments to Social Security Regulations

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### INTRODUCTION

1. This memo gives guidance on The Social Security (Scotland) Act (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021[SS(S)A(DACYP)(Con Mod) Order 2021] SI 2021 No 786. The changes come into effect from 26.7.21<sup>1</sup>.

1 [SS\(S\)A\(DACYP\)\(Con Mod\) Order 2021](#)

### BACKGROUND

2. These regulations<sup>1</sup> introduce arrangements for the payment of disability assistance for children and young people in the form of a “child disability payment (CDP)”. The CDP replaces disability living allowance for children in Scotland.

## UNIVERSAL CREDIT

### Additional amount for a disabled child

3. For the purposes of whether an additional amount is payable in respect of a child who is disabled, CDP is added to the list of benefits that a child must be entitled to<sup>1</sup>. See ADM [F1120](#) et seq.

1 UC Regs, reg 24(2)

### Entitlement to a housing cost element

4. A claimant is to be treated as occupying as their home the accommodation they normally occupy and any entitlement to a HCE is for that accommodation only. However, in certain circumstances a HCE can be paid in respect of two homes for a period of time.

5. CDP is added to the list of qualifying benefits paid to a child for whom

1. the claimant is responsible **and**
2. adaptations are being made to a new home to meet their needs<sup>1</sup>.

1 UC Regs, Sch 3, para 5(3)(b)

**NOTE:** The list is found at ADM [F2183](#)

6. When calculating the amount of the HCE for a renter a determination has to be made as to the size of the home it is reasonable for the renter to occupy. CDP is added to the list of qualifying benefits when considering whether the claimant is entitled to an additional room<sup>1</sup>.

1 UC Regs, Sch 4, para 12(3)

7. When considering whether a renter is exempt from a HCC deduction, CDP is added to the list of benefits the renter is in receipt of<sup>1</sup>.

1 UC Regs, Sch 4, para 15(2)

8. When considering those claimants exempted from the SAR, CDP is added to the list of qualifying benefits<sup>1</sup>. See ADM [F3235](#).

1 UC Regs, Sch 4, para 29(5)

## JSA

9. For the purpose of hours included in the calculation of remunerative work, CDP is added to the list of qualifying benefits where the JSA claimant is a carer<sup>1</sup>. See [Chapter R2](#) (JSA conditions of entitlement) for

further details.

1 JSA Regs 13, reg 42(3)(c) & (4)

## ESA

10. For the purpose of whether a claimant is not disqualified for misconduct<sup>1</sup> because they are a person in hardship<sup>2</sup>, CDP is added the list of qualifying benefits.

1 ESA Regs 13, reg 93; 2 reg 93(3)(b) & 94(3)(b) & (c)

11. The definition of “care component” is amended to:

1. a) the care component of DLA at the highest or middle rate prescribed under section 72(3) of the SS CB Act 92; or
2. b) the care component of CDP at the highest or middle rate provided for in reg. 11(5) of the SS(SA)(DACYP)(con mod) Order 21.<sup>1</sup>

1 ESA Regs 13, reg 94(7)

## REVISING DECISIONS ON LINKED BENEFITS

12. Where there is

1. entitlement to benefit **and**
2. the claimant (or in the case of UC a member of their family) is awarded
  - 2.1 another relevant benefit **or**
  - 2.2 CDP, **or**
  - 2.3 an increase in another benefit

for a period which includes the date on which the award of the first benefit took effect, the first decision can be revised<sup>1</sup>.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 12(b)

### Example

Sarah has been in receipt of JSA since 17.8.21. On 14.8.21 Sarah's daughter makes a claim to CDP and is awarded CDP from 17.8.21. Sarah's JSA award is revised from 17.8.21 to take into account the CDP award.

# SUPERSESION OF DECISIONS AND EFFECTIVE DATE FOR LINKED BENEFITS

## UC

13. For UC

1. where the claimant or a member of their family becomes entitled to another relevant benefit **or**
2. CDP,
3. ceases to be entitled to another relevant benefit or CDP, **or**
4. the rate of another such benefit or CDP alters

then the superseding decision takes effect from the first day of the assessment period in which entitlement to the other benefit or an alteration in its rate arises or entitlement ends<sup>1</sup>.

1 UC, PIP, JSA & ESA (D&A) Regs 13, Sch 1 part 4 para 31(1) & 31(2)(a)

## Example

Emily is in receipt of UC, from 8.8.21, her AP is 8.8.21 – 7.9.21. On 12.9.21 she becomes entitled to a child disability payment in respect of her son Connor. Her award of UC is superseded from 8.9.21 (the first day of the assessment period in which entitlement to the other benefit or an alteration in its rate arises or entitlement ends).

## ANNOTATIONS

Please annotate the number of this memo (ADM Memo 12/21) against the following ADM paragraphs: [A3122](#), [A4218](#), [A4220](#), [F1121](#), [F1122 \(heading\)](#), [F2183](#), [F3132](#), [F3135](#), [F3136](#), [F3150](#), [F3235](#), [R2252](#), [U6038](#)

## CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: August 2021

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