

07-22: The Adult Disability Payment - UC, ESA NS & JSA NS

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INTRODUCTION

1. This memo gives guidance on The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022. The Order comes into force from 21.3.22¹.

[1 SS \(DAWAP\) \(Con Amdts\) Order; SI 2022 No 177](#)

BACKGROUND

2. These regulations¹ introduce arrangements for payment of disability assistance for adults in the form of an Adult Disability Payment (ADP). The ADP will replace PIP in Scotland².

[1 SS \(DAWAP\) \(Con Amdts\) Order, 2 DAWAP\(S\) Regs](#)

UNIVERSAL CREDIT

Additional amount for a disabled child

3. For the purpose of whether an additional amount is payable in respect of a child who is disabled, ADP is added to the list of benefits that child must be entitled to¹.

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. ADP is added to the list of qualifying benefits paid to

1. a claimant **or**

2. QYP

for whom the claimant is responsible and for whom adaptations are being made to a new home to meet their needs¹.

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

6. When calculating the amount of the HCE for a renter

1. a determination has to be made as to the size of the home it is reasonable for the renter to occupy.

2. ADP is added to the list of qualifying benefits when considering whether the claimant is entitled to an additional room¹.

1 UC Regs, Sch 4, para 12(3)(6A)

7. When considering whether a renter is exempt from a HCC deduction, ADP is added to the list of relevant benefits the renter may be in receipt of.¹

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

8. ADP is added to the list of benefits when considering whether a HCC is payable in respect of certain non-dependants¹.

1 UC Regs, Sch 4, para 16(2)

9. When considering those claimants exempted from the SAR, ADP is added to the list of qualifying benefits¹.

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

ESA

10. For the purpose of considering whether a claimant is not disqualified for misconduct¹ because they are a person in hardship²

1. The daily living component of ADP at the standard or enhanced rate is added to the list of qualifying benefits a person has been awarded **and**
2. ADP is added to the list of qualifying benefits a person may claim³.

1 ESA Regs 13, reg 93; 2 reg 93(3)(b) & 94(3)(b) & (c)(ii); 3 DAWAP (Scot) Regs, reg 2 & 5

JSA

11. For the purpose of hours excluded in the calculation of remunerative work, where the JSA claimant is a carer¹

1. The daily living component of ADP at the standard or enhanced rate is added to the list of qualifying benefits a person has been awarded **and**
2. ADP is added to the list of qualifying benefits a person may claim.

Note: See Chapter R2 (JSA conditions of entitlement) for further details.

1 JSA Regs 13, reg 42(3)(c) & (4); DAWAP (Scot) Regs, reg 2 & 5

REVISING DECISIONS ON LINKED BENEFITS

12. For the purposes of revision, “Scottish Disability Benefit” (SDB) means

1. ADP¹**and**
2. CDP²

1 DAWAP(S)Regs, reg 2; 2 DACYP (S)Regs, reg 2

13. 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 SDB, **or**

2.3 an increase in another relevant benefit

for a period, which includes the date on which the award of the first benefit took effect, the first decision can be revised¹.

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

Example

Sarah has been in receipt of UC since 17.4.22, her AP is 17.4.22 - 16.5.22. On 14.5.22 Sarah's daughter is awarded CDP from 17.4.22. Sarah's UC award is revised from 17.4.22 (the first day of the assessment period in which entitlement to the other benefit arises), to take into account the CDP award.

SUPERSESSION OF DECISIONS AND EFFECTIVE DATE FOR LINKED BENEFITS

14. For the purposes of supersession, SDB means

1. ADP¹ **and**

2. CDP²

1 DAWAP(S) Regs, reg 2; 2 DACYP (S) Regs, reg 2

15. For UC where the

1. claimant or a member of their family becomes entitled to

1.1 another relevant benefit **or**

1.2 SDB **or**

2. claimant or a family member of their family ceases to be entitled to

2.1 another relevant benefit **or**

2.2 SDB **or**

3. the rate of another such benefit or SDB 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 ends¹.

1 UC, PIP, JSA & ESA (D&A) Regs 23, Sch 1 part 4 para 31(1) & 31(2)(a)

Example

Emily is in receipt of UC, from 8.4.22, her AP is 8.4.22 – 7.5.22. On 12.5.22 she becomes entitled to a child disability payment in respect of her son Connor. Her award of UC is superseded from 8.5.22 (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

A3122, A4218, A4220, F1121, F1122 (heading), F2183, F3132, F3136, F3150, F3151, 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: March 2022

The content of the examples in this document (including use of imagery) is for illustrative purposes only