Alert on the Changes to Disability Benefits in Scotland and the related new Terminal Illness Definition.

This is to alert you to upcoming changes in the Scottish disability benefits system.

1. Three new benefits Child Disability Payment (CDP), Adult Disability Payment (ADP) and Pension Age Disability Payment (PADP) will be launched in a rolling programme. These will replace the Department for Work and Pension’s (DWP’s) DLA (Child), Personal Independence Payment (PIP) and Attendance Allowance (AA).
2. In addition, the Social Security (Scotland) Act 2018 included a new terminal illness definition, for the purposes of accessing disability assistance, which moves away from the 6 month time limited definition of expectation of death that the DWP currently uses. The new Scottish definition does not require an explicit time frame within which death is reasonably expected to occur.  The new definition, included in the Social Security (Scotland) Act 2018, and slightly amended by the Social Security Administration and Tribunal Membership Act 2020, states:

“An individual is to be regarded as having a terminal illness for the purpose of determining entitlement to disability assistance if, having had regard to the (Chief Medical Officer’s (CMO)) guidance, it is the clinical judgement of an appropriate healthcare professional that the individual has a progressive disease that can reasonably be expected to cause the individual’s death.”

The updated 2020 Act included that ‘appropriate healthcare professional’ must include Registered Medical Practitioner (RMP) and Registered Nurse (RN).

A new Benefits Assessment under Special Rules in Scotland (BASRiS) form confirming an individual is terminally ill will be required for the 3 new Scottish benefits when they are implemented, starting with the Child Disability Payment. The DS1500 form, which relates to the DWP’s 6 month rule, will continue to be required for the DWPs disability benefits until each of their Scottish replacements are launched in turn.

CMO guidance, supporting the new definition, has been developed with the help of clinicians and third sector organisations with an interest in this area. This is required in legislation to support the implementation of the new terminal illness definition in Scotland and RMPs and RNs must pay regard to this when making a clinical judgement. A ‘Frequently Asked Questions’ document has also been developed to ensure that clinicians are well-prepared to implement the required changes.

The CMO guidance, BASRiS form and FAQs have all been developed in conjunction with clinicians including representatives from the BMA and RCGP, the GMC and the NMC to ensure relevance to professional regulatory requirements. All the supporting documents will be in place for the early implementers of CDP in 3 “pilot” areas - Dundee, Perth and & Kinross and Western Isles – where CDP will commence for new applications on 26 July 2021.

As a further support for clinicians, Social Security Scotland will establish a ‘Clinical Helpline’ whereby a clinician intending to complete a BASRiS form can seek assistance regarding how they can access the form and send it back to Social Security Scotland, access the guidance, what the process of decision making is and how the guidance can best be navigated by that clinician.

Further detailed information outlining this change will be included in a letter from the CMO and Chief Nursing Officer. This will reach you shortly and will include links to all the relevant documents.

The first new Scottish benefit, Child Disability Payment, is being launched nationally on 22 November 2021. This will be preceded by the early implementers in 3 “pilot” areas – Dundee City, Perth and & Kinross and Western Isles – where Child Disability Payment will commence for new applications on 26 July 2021. The other two new benefits, Adult Disability Payment and Pension Age Disability Payment, will follow in due course.