

## **Moving from Scotland to another part of the United Kingdom and vice versa**

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### **Introduction**

1. This chapter is about when an individual in receipt of:
  - Personal Independence Payment (PIP) moves to Scotland
  - Adult Disability Payment (ADP) moves to another part of the UK.
2. The UK means Great Britain and Northern Ireland.
3. The chapter explains when Social Security Scotland is required to make a determination without application in these circumstances.

### **When an individual in receipt of PIP moves to Scotland**

4. Individuals in receipt of PIP must notify DWP when they move to Scotland from England and Wales, or the Department for Communities (DfC) if the individual is moving from Northern Ireland to Scotland. DWP or DfC will send this information to Social Security Scotland when they are notified by the individual. This prompts Social Security Scotland to make a determination without application for ADP<sup>1</sup>.

*1 ADP Regs, reg. 52(1)*

5. The data DWP or DfC sends to Social Security Scotland includes the supporting information used to determine the individual's PIP award. Case managers should use this information when making a determination without application.
6. For example, if an individual is in receipt of the standard rate of the daily living component of PIP at the time of the move, the case manager should accept that the individual satisfies the eligibility criteria of the standard rate of the daily living component of ADP. However, they must then consider if:
  - the individual is staying in alternative accommodation in Scotland,
  - any of the differences between the PIP eligibility criteria and ADP eligibility criteria are relevant to the individual.

These differences are discussed below.

### **Entitlement to ADP beginning while in 'alternative accommodation'**

7. An individual could be moving immediately into alternative accommodation on the day that they move to Scotland. The ADP rules refer to accommodation in a care home, hospital or similar institution or legal detention as alternative accommodation. The value of the daily living and/or the mobility component is reduced to £0 when an individual is resident in alternative accommodation on the day that entitlement to ADP begins.<sup>1</sup>

*1 ADP regs, reg. 32)*

8. An individual who moves to Scotland from somewhere else in the United Kingdom will not see their ADP entitlement begin until their PIP entitlement ends, which will be on a date fixed by the DWP. As a result, their ADP is unlikely to begin until they have been in alternative accommodation for a period.
9. Case managers will need to consider the alternative accommodation chapters in detail when deciding which £0 value rules and time periods apply to a person moving to alternative accommodation in Scotland. This will depend on when they move into the alternative accommodation in Scotland and when their entitlement to ADP commences.

### **Differences between ADP and PIP eligibility criteria**

#### **Special rules for terminal illness**

10. Another difference is the definition of 'terminal illness' under the special rules for terminal illness. For an individual to be entitled to PIP under the special rules for terminal illness, the individual must have a progressive disease where death as a consequence of that disease can reasonably be expected *within 6 months*.
11. For an individual to be entitled to ADP under the special rules for terminal illness, the individual must have a progressive disease that can reasonably be expected to cause the individual's death: there is no requirement that death must be

expected to occur within 6 months. This means that if an individual is receiving PIP under special rules for terminal illness, and they move to Scotland, they will always satisfy the special rules for terminal illness for ADP.

12. If an individual has been awarded PIP under special rules for terminal illness, they automatically receive the enhanced rate of the daily living component but must satisfy the conditions for the mobility component in the usual way.
13. In contrast, individuals who are awarded ADP under the special rules for terminal illness automatically receive the enhanced rate for both the mobility and daily living components. This means that if an individual is receiving PIP under 'Special Rules for Terminal Illness' and they move to Scotland, they will be entitled to a greater amount of assistance if they weren't already in receipt of the enhanced rate of the mobility component.
14. Under the special rules on entitlement to ADP for terminal illness, an appropriate healthcare professional both:
  - certifies that the individual has a terminal illness
  - notifies Social Security Scotland of the diagnosis

In some instances, an individual may inform Social Security Scotland that they have a terminal illness.

The chapter on Special Rules for Terminal Illness give more information.

### **When case managers are required to make a determination without application**

15. Social Security Scotland is required to make a determination without application when:
  - an individual is at least 16 years of age,
  - moves to become resident in Scotland,
  - was resident in another part of the UK before the move, and
  - was entitled to PIP immediately before becoming resident in Scotland

*1 ADP regs, reg. 52(1)*

16. Entitlement to ADP begins (following the determination without application) on the day after the day on which PIP ceases to be paid to the individual<sup>1</sup>.

*1 ADP regs, reg. 52(2)*

17. Case managers will know that an individual in receipt of PIP has moved to Scotland because the DWP or DfC sends this data to Social Security Scotland. The data will include the end date for PIP. The Operational Guidance contains further information on accessing this data for the purpose of making a determination without application.

### **If entitlement to ADP is based on a PIP award that later changes**

18. This chapter has explained:

- that case managers must make a determination without application when an individual, aged 16 or over, who has been receiving PIP moves to Scotland
- that this determination will take account of the individual's PIP award, whether the individual is moving into alternative accommodation in Scotland and whether the differences between the PIP and ADP eligibility criteria may mean that the level of ADP award is different to the level of PIP award which the individual was receiving

19. Social Security Scotland must make a further determination without application if:

- the case manager has made a determination that the individual is entitled to ADP as a result of a move to Scotland from another part of the UK
- the PIP award that the case manager took account of changes immediately before the move to Scotland.
- this change occurs after the initial determination without application is made

Although this change in PIP award must occur after the move and after Social Security Scotland make the initial determination without application, the change in the PIP award will relate to a period immediately before the move when the individual was entitled to PIP.

20. The change in PIP award must be as a result of either:

- the DWP or DfC deciding to revise or supersede the PIP award
- the individual successfully appealing the PIP award to a Tribunal or a Social Security Commissioner
- the DWP or DfC deciding to reconsider the PIP award<sup>1</sup>

*1 ADP regs, reg. 48(d)*

21. Entitlement to ADP begins on the day after the day on which the individual's entitlement to PIP ended<sup>1</sup>.

*1 ADP regs, reg.52(2).*

### **When an individual in receipt of ADP moves to another part of the UK**

22. Individuals who move permanently away from Scotland to another part of the UK continue to be paid ADP for 13 weeks after the move. This period is called the run-on period.

23. The individual must have been ordinarily resident in Scotland immediately before the move and, as a result of the move, be ordinarily resident in another part of the UK and no longer ordinarily resident in Scotland. The individual should be treated as though they are ordinarily resident in Scotland for 13 weeks following the

move. The 13-week period commence on the date they cease to be resident in Scotland.

24. If an individual moves away from Scotland to another part of the UK while in legal detention, and the move is as a result of their legal detention, they would not receive the 13-week run on payment. This is because their ordinary residence has not changed due to the move not being a voluntary change of residence. In these cases, individuals remain subject to £0 rating.
25. When an individual moves from Scotland to somewhere else in the UK, the case manager should take into account whether that person is moving to alternative accommodation. If the person is moving to alternative accommodation in another part of the UK, case managers should consider whether the ADP award should be £0. This depends on the type of alternative accommodation and whether Regulation 53 applies to the individual. Case managers should therefore consider the chapters on alternative accommodation in these cases.

#### **When the individual notifies Social Security Scotland in advance of the move**

26. The run-on period begins on the day that the individual ceases to be ordinarily resident in Scotland, regardless of when an individual tells Social Security Scotland about the move. <sup>1</sup>.

*1 ADP regs, reg. 53(4)(a)*

The run-on period lasts for 13 weeks. This means the individual will continue to receive ADP for 13 weeks beginning on the day the individual ceases to be resident in Scotland.

27. The case manager must make a determination without application at the end of this 13-week run-on period, in order to terminate the individual's entitlement to assistance<sup>1</sup>.

*1 ADP regs, reg. 53(2)*

28. The case manager must make a determination without application at the end of the run-on period in order to terminate the individual's entitlement to assistance<sup>1</sup>.

*1 ADP regs, reg. 53(2)*

#### **An individual cancels the move after they have told Social Security Scotland that they are moving**

29. An individual might cancel their plan to move from Scotland to another part of the UK. If this happens, Social Security Scotland should treat the individual as if they had never told Social Security Scotland that they were moving. This means there is no requirement make a determination without application<sup>1</sup>.

*1 ADP regs, reg. 53(3)*

30. Individuals should only be treated as if they had never told Social Security Scotland about the move if

- they are going to continue to be ordinarily resident in Scotland
- they told Social Security Scotland about the cancelled move less than 13 weeks after they told Social Security Scotland about the move

**When an individual notifies Social Security Scotland more than 13 weeks after the move**

31. Any payment to the individual for a day after 13 weeks of the move is treated as an overpayment. This means that the case manager should apply the rules in the 'When a change in entitlement should begin if the individual was overpaid' section of the chapter 'When a previous determination is based on an error'. The Payment Errors chapter contains guidance on what to do if an individual has been overpaid.

*1 ADP regs, reg. 53(5)*

32. These rules require the case manager to make an unscheduled review. The change in entitlement following the determination without application begins on the date when the earlier determination of entitlement took effect. The unscheduled review should determine that the individual's entitlement to assistance stopped 13 weeks after the date when the individual became resident in another part of the UK.

**[End of chapter]**