

Pension Age Disability Payment

Submission by Independent Age, April 2024

About Independent Age

Independent Age is the national charity for older people in poverty.

Our helpline and expert advisers offer free, practical support and expert advice to older people without enough money to live on. Through our grants programme, we support hundreds of local organisations across the UK.

We use knowledge and insight from our services and partnerships to highlight the issues experienced by older people in poverty and campaign for change.

We believe no one should face poverty in later life.

Independent Age recommends:

- **the qualifying period for PADP to 13 weeks from 26 weeks in Regulation 5 (6), bringing consistency across qualifying periods in disability payments administered by Social Security Scotland**
- **indefinite awards, without review, are available for older people with long term conditions or disabilities which will not change or improve and who are on the highest rate payable**
- **the Scottish Government update the 2026 take-up strategy to integrate Pension Age Disability Payment**
- **the Scottish Government ensure the application process, including form, are accessible and simple, with support and advocacy services promoted to older people**
- **the Scottish Government commit to undertaking a review of PADP within two years of rollout with a focus on introducing a mobility component and adequacy of the payment.**

Qualifying period – Regulation 5 (6)

Independent Age acknowledge the current proposed qualifying period – the length of time a person must have satisfied the eligibility criteria preceding the date their award would begin – has been set at 26 weeks (6 months) in line with the current Attendance Allowance system. For both Adult Disability Payment and Child Disability Payment the qualifying period is set at 13 weeks (3 months).

The Scottish Government has previously stated that the longer qualifying period is appropriate and in keeping with the policy intent for PADP, and “ensures that this form of assistance is targeted at those with longer-term conditions and disabilities”.¹

¹ [Scottish Government Position Paper: Disability Assistance Qualifying Periods \(www.gov.scot\)](http://www.gov.scot)

Independent Age believe that maintaining the 26 week qualifying period could hamper efforts to make sure this assistance reaches those with the long-term conditions and disabilities, and that consideration should be given to the financial hardship caused by having to wait six months.

When people are diagnosed with a serious long term condition or disability, their diagnosis can be determined early on in their journey and won't change. The removal of the qualifying period for those with terminal illness is welcome. However, it is important to note that for older people diagnosed with conditions -such as dementia or progressive MS that will not improve - a person will be required to wait until they have satisfied eligibility criteria for six months before being able to access what is often much needed financial assistance.

An older person living with a long-term condition, told Independent Age: *"I think it is ridiculous that you have a waiting period before you can apply for Attendance Allowance."*

Independent Age believe the qualifying period should be reduced in the Regulations. This could be done from the point of launch as the qualifying period rules will only apply to new applicants and not those transferring from Attendance Allowance.

Independent Age recommend that in line with the Social Security principles of continuous improvement and putting those needing assistance first, the qualifying period for PADP is reduced to 13 weeks from 26 weeks in Regulation 5 (6), bringing consistency across qualifying periods in disability payments administered by Social Security Scotland.

Indefinite awards - Regulation (29 (3) (a)

Independent Age welcome the intention to have on-going awards with light touch reviews, instead of the current 'renewal' process for Attendance Allowance where an older person must reapply and could see their payment stop if they do not reapply in time. We note that Regulation 29 (3) (a) provides for both 'fixed and indefinite awards as specified in the notice of determination'.

Independent Age note that for those older people receiving the highest rate of support with a condition or disability that will not improve - they should not require any review – as their condition will not improve and their disability payment cannot be increased beyond the top rate.

Independent Age recommend indefinite awards, without review, are available for older people with long term conditions or disabilities which will not change or improve and who are on the highest rate payable.

Past presence - Regulation 9 (1) (e)

Independent Age welcome the reduction in the past presence test, to 26 weeks out of the 52 weeks immediately preceding that day, compared with 104 weeks out of 156 weeks that is required for Attendance Allowance.

Older people living with disabilities are one of the groups most at risk of poverty in later life. It is vital that older people living in Scotland can access the financial

support they are entitled to for their disability or long-term conditions as soon as possible.

Terminal illness - Regulation 18

Independent Age welcome the change to rules around terminal illness. Terminal illness eligibility for PADP will be on the judgement of registered medical practitioners and registered nurses, removing the 12-month life expectancy rule currently used with Attendance Allowance.

It will be important to ensure speed of processing times for claims under the special rules for terminal illness. The Scottish Government should closely monitor these processing times to ensure they are adequate during the introduction of PADP.

Awareness and Take Up

The establishment of Pension Age Disability Payment (PADP) brings opportunity to improve take-up of PADP, and other social security payments, amongst older people.

Whilst there are no official or robust statistics available in relation to take up of Attendance Allowance, evidence from other social security payments shows that many older people often miss out on what they are entitled to. For example, for Pension Credit (the means tested top-up payment to the State Pension) take-up across Great Britain is at 63%.²

Of the 733 older people who took our survey and have a disability or long term condition, 17% said they received Attendance Allowance, whilst 28% received either DLA, PIP or ADP, and the just over half (52%) said they didn't receive anything. When we asked the older people who weren't receiving any social security for their disability 13% said they were not aware of Attendance Allowance. With one older person noting, *"I could have been receiving this years ago but knew nothing about it."*

Whilst the Scottish Government is required under the Social Security (Scotland) Act 2018 to promote the take-up of Scottish social security payments, and to lay before Parliament and publish regular strategies for doing so. The last strategy was published in October 2021 and the next is required by 2026. **Independent Age recommend the Scottish Government update the 2026 take-up strategy to integrate Pension Age Disability Payment.** More broadly, Independent Age is calling for the Scottish Government to develop a pensioner poverty strategy.

Improving awareness of Pension Age Disability Payment would also provide opportunity to dispel misunderstandings around the payment. At Independent Age, we have heard from older people who have not claimed Attendance Allowance, despite likely being eligible, due to thinking that Attendance Allowance is means tested. One older person told us *"I earn over the limit for Pension Credit"* and believed because of this they would not be eligible for Attendance Allowance.

² [Income-related benefits: estimates of take-up: financial year ending 2022 - GOV.UK](https://www.gov.uk/government/statistics/income-related-benefits-estimates-of-take-up-financial-year-ending-2022) (www.gov.uk)

Application process

Both raising awareness of PADP and ensuring the application process is accessible, simple and supported (when needed) is vital to improving take up amongst older people.

Independent Age welcome the increased choice of application route, including face-to-face, paper, online and telephone applications with further assistance available through the national independent advocacy service and local delivery offices.

We note that simplification of the application form is required from the current almost 30 pages and 63 questions asked in an Attendance Allowance claim form.

Independent Age has found that 1 in 4 older people found the application process for Attendance Allowance difficult and 1 in 5 asked somebody else to fill out the application on their behalf.

Not all older people will have ready access to support to fill out the form, with 6% of older people living with a disability or long term condition telling us they have heard of Attendance Allowance but haven't claimed as they need help with the application. It is vital that the Scottish Government promote the payment, choices of application route and the application support and advocacy available to older people.

Independent Age recommend the Scottish Government ensure the application process, including forms, are accessible, simple and that support and advocacy services are promoted to older people.

Mobility component

Under the DWP social security system, Attendance Allowance is the only disability payment which does not contain a mobility component. This unfair element of the system is planned to be replicated by the Scottish Government in PADP (which does not contain a mobility component, whereas ADP and CDP do). Whilst Independent Age acknowledges the importance of the safe and secure transition and the difficulties that would be associated with introducing a mobility component at the point of initial rollout, we **recommend that the Scottish Government commit to undertaking a review of PADP within two years of rollout with a focus on introducing a mobility component and adequacy of the payment.** This would make a huge difference to older people in poverty living with long term health conditions and disabilities.

As noted by the Scottish Commission on Social Security (SCoSS) there are age differences in DWP disability benefits, especially between people over State Pension age and those below that age (e.g. between Personal Independence Payment [PIP] and AA). Under current plans, this distinction will be retained in Scotland as ADP and PADP are broadly similar benefits to PIP and AA respectively.³ These age-based

³ [The-Disability-Assistance-for-Older-People-Scotland-Regulations-2024-SCoSS-Scrutiny-Report.pdf \(socialsecuritycommission.scot\)](#)

differences, as SCoSS notes, risk not meeting the principle of continuous improvement, putting those needing assistance first and advancing equality and non-discrimination (principle (g) (i) and (ii)).

A key principle of the United Nations Principles for Older People is participation.⁴ That older people should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their wellbeing, and share their knowledge and skills with younger generations. People over pension age may need the income from PADP to enable them to take part in social activities in order to fulfil this requirement. The lack of a mobility component in the PADP, as is the case with AA, could impact the extent to which this human rights principle is met.

In our survey, 7 in 10 older people who have a disability or long-term health condition said it impacts how often they are able to get out of the house.

One older person told us their Attendance Allowance, ***“covers personal female shopping, extra laundry volume and petrol as I am afraid to travel on public transport because of balance issues. I also need to save for mobility aids as my condition is getting worse and will need a scooter or wheelchair. I was just too late to apply for mobility because of my age.”***

When we asked how much receiving a mobility component in future would help, one older person said: *“a great deal, as I would be able to build a ramp at my front door for easier access. I would also be able to buy/lease a more suitable car or mobility scooter.”*

One older person who was receiving the mobility component through being in receipt of PIP and having claimed whilst working age, told us *“without mobility allowance I would be a prisoner in my home.”*

Independent Age support calls made by organisations including Age Scotland, Citizens Advice Scotland, Inclusion Scotland and the Alliance in calling for the introduction of a mobility component in PADP.⁵

Independent Age recommend that the Scottish Government commit to undertaking a review of PADP within two years of rollout with a focus on introducing a mobility component and adequacy of the payment.

Independent Age survey (December 2023)

Respondents self-described financial situation, comparison between all respondents, respondents with a disability or long term condition not receiving disability social security and those with a disability or long term condition who are receiving payments.

⁴ [United Nations Principles for Older Persons | OHCHR](#)

⁵ [pension-age-disability-payment---the-case-for-a-mobility-component1_original.pdf \(agescotland.org.uk\)](#)

	All survey respondents (1,093)	Respondents who do not receive disability related payment (under £15k household income)	Respondents who receive a disability related payment (under £15k household income)
Living comfortably	6%	1%	0
Doing alright	35%	25%	38%
Just getting by	42%	47%	45%
Finding it quite difficult	13%	22%	16%
Finding it very difficult	3%	4%	2%
Prefer not to say	1%	0	0