

Policy 14 - Qualifying Benefits for ILF Scotland Awards

Version: 5
Last Amended: 31 March 2024
Next Review: 31 March 2025

1. Background

This policy does not apply to recipients receiving ILF Scotland funding for the first time from 1 April 2024.

To remain eligible to receive ILF Scotland payments, a **Group 1** recipient should remain entitled to at least the rate of the care component of Disability Living Allowance (DLA), Attendance Allowance (AA), Pension Age Disability Payment (PADP) or Constant Attendance Allowance (CAA) that they were entitled to on the 1 October 2007. Alternatively, they should be receiving the daily living component of Personal Independence Payment (PIP), Adult Disability Payment (ADP) or Armed Forces Independence Payment (AFIP).

Where a recipient is transferred from DLA to PIP or ADP, they will remain eligible for ILF Scotland funding provided they are in receipt of

the daily living component of the payment, regardless of the rate at which this is awarded.

Where a recipient is transferred from DLA to AFIP, or from AA to PADP, they will remain eligible.

A **Group 2** recipient should be in receipt of the highest rate care component of DLA, the highest rate of AA or PADP, or at least the financially equivalent rate of CAA or be in receipt of the daily living component of PIP, ADP or AFIP.

Where a recipient is transferred from DLA to PIP or ADP, they will remain eligible for ILF Scotland funding provided they are in receipt of the daily living component of the payment, regardless of the rate at which this is awarded.

Where a recipient is transferred from DLA to AFIP, or from AA to PADP, they will remain eligible.

Contribution

ILF Scotland recipients are normally expected to contribute part of the care component of their DLA, AA, PADP or CAA, or part of the Daily living component of PIP or ADP towards the cost of their ILF Scotland funded support. The rate of AFIP taken into account will be similar.

Please see [Policy 4 - Recipient Contribution](#) for further information.

Loss or Reduction of Qualifying Benefits

Where one of the above benefits is reduced or stopped, a recipient can ask Department of Work and Pensions (DWP) / Social Security Scotland to review this decision. Should this not achieve a successful outcome,

they can ask for a reconsideration and if, following this, they can take make a first formal appeal. ILF Scotland payments can continue where a recipient is requesting a reconsideration or is in the process of a first appeal.

DLA / AA / PADP / CAA recipients are normally given one month in which to request a revision of decision or appeal to DWP / Social Security Scotland against the change in their benefit. Where a recipient is transferred to PIP and the recipient wishes to appeal against the outcome, they must request a reconsideration of the decision within one month. They subsequently have a further month to make an appeal. Where a recipient is transferred to ADP and the recipient wishes to appeal against the outcome, they must request a reconsideration of the decision within 42 days (6 weeks), including weekends and bank holidays. Visit [Access to public services in Scotland - mygov.scot](https://mygov.scot) website if you disagree with a benefit decision.

2. Policy

Review of Decision or First Formal Appeal

If an existing Group 1 or 2 recipient loses their qualifying rate of DLA / AA / PADP / CAA / PIP / AFIP, or the amount they get is reduced, and they request a review / appeal the decision, ILF Scotland will temporarily classify them as Group 4 and will pay a replacement award calculated to include the appropriate care component (or equivalent) of the actual rate of DLA / AA / PADP / CAA / PIP / ADP that they are receiving.

Where a revision of decision or a first appeal is successful, ILF Scotland will backdate the normal award to the date DLA / AA / PADP / CAA / PIP / ADP was reinstated at the agreed relevant rate. If this creates an

overpayment of the award (where the replacement award is more than the normal award), ILF Scotland will make arrangements to recover this.

Where the decision review / appeal is unsuccessful and the recipient will not receive the daily living component of PIP, ILF Scotland will suspend the award from the date DWP / Social Security Scotland made the decision.

Further Formal Appeals

If the recipient appeals further to the upper tribunal i.e. it is not the first appeal, ILF Scotland payments will remain suspended, until the appeal is successful and the original rate of their benefit is reinstated to the relevant level. Any overpayment or underpayment of award will be pursued or backdated according to normal ILF Scotland policies.

3. Cross References

[Policy 5 - Backdating Payments](#)

[Policy 24 - Statutory Input](#)