



Social Justice and Social Security Committee
Thursday 26 June 2025
20th Meeting, 2025 (Session 6)

Scottish Commission on Social Security

Introduction

The Committee will hear from:

- Ed Pybus, Chair, SCOSS
- Judith Paterson, Board Member, SCOSS

Background

Establishment and functions

SCOSS was established as an independent statutory body by the Social Security (Scotland) Act 2018 with the following functions:

- To scrutinise social security draft regulations, issuing a report to which the Scottish Government must respond prior to the regulations being laid in the Parliament
- To report to the Scottish Parliament and/or Scottish Ministers on any matter relevant to social security when requested to do so by them,
- To report to Ministers and the Scottish Parliament on the [Scottish Social Security Charter](#)

Board members

SCOSS is required to have between 2 and 4 board members in addition to the Chair. They are appointed by Scottish Ministers for a period of four years. The [board](#) currently has a chair and four members.

- Ed Pybus – Chair since August 2024.
- Dr Mark Simpson
- Judith Paterson
- Dr Marilyn Howard
- Adam Bennett

Budget and expenditure

The 2018 Act requires the Scottish Government to provide the Commission with the staff and resources it requires.

The [2025-26 Business Plan notes](#) that SCOSS is supported by a Secretariat of five staff provided by the Scottish Government.

The 2023/24 annual report stated that expenditure in 2024-25 was expected to exceed budget:

“SCoSS has been delegated a budget of £450K in 2024-25. Given the pay awards made in 2023-24 and 2024-25, staffing costs will increase in 2024-25. As of June 2024, forecast expenditure in 2024-25 is forecast to be £470K.”

Legislation scrutinised

Since it was established in 2019, SCOSS has reported on 36 sets of regulations – normally around 6 to 7 each year. Of these, eleven created new benefits (often on the model of pre-existing DWP benefits) and the remainder amended existing benefits.

Charter Report

SCOSS has issued one report under its function to consider the implementation of the Social Security Charter. The Charter report [‘People with communication needs and the Scottish social security system’](#) was published in April 2025.

Review

In 2023 an [independent review of SCOSS](#) made 15 recommendations, all of which the Scottish Government accepted. Those that required legislative change were included in the Social Security Amendment (Scotland) Act 2025. The Act increased the types of regulations that SCoSS can scrutinise, removed corporate body status and removed the requirement to prepare audited accounts.

Suggested themes for discussion

Theme 1: Independent review

The [independent review](#) was carried out by [Glen Shuraig Consulting](#), and considered governance and operational arrangements, including role, remit and resources. The review was very positive about the contribution SCOSS has made, saying:

“The work that SCOSS has done has been widely recognised as making a significant improvement to the social security system in Scotland.”

There were 15 recommendations which included:

- Expanding the types of Scottish Social Security regulations which SCOSS scrutinises (recommendation 1)
- SCOSS reports commissioned by Ministers or Parliament should focus on the statutory social security and human rights principles (recommendations 2, 3)
- Resource requirements should be reviewed regularly (recommendation 7)
- SCOSS should have an 18 month to 2 year programme of work (recommendation 8)
- SCOSS should consider reviewing its stakeholder engagement strategy (recommendation 10)
- Removing the requirement to produce audited accounts (recommendation 11)
- A new framework document should be developed with Scottish Ministers and reflect the separation of responsibilities so that sponsorship and reporting on the Chair are managed separately from the accountable officer role and leadership of the secretariat. (recommendations 13 to 15)

The review recommended further review in 2027-28 to consider, as a minimum:

“the role and remit, resourcing, operation and governance of SOCSS in light of further experience.”

Members may wish to discuss:

- 1. What progress has been made in implementing the review recommendations?**
- 2. The review recommended a further review in 2027-28. Has SCOSS identified any issues that should be considered in that next review?**

Theme 2: Workload and resources

The independent review in 2022-23 had referred to ‘challenges with the Secretariat and Board capacity’. It noted that the initial secretariat of three had been increased to six. The [2025-26 Business Plan refers](#) to a secretariat of five staff.

Almost all of SCOSS expenditure is staffing. The 2023-24 annual report stated that the 2024-25 budget was £450,000 and estimated expenditure was £470,000. The Social Security (Amendment) (Scotland) Act 2025 removed the requirement to prepare audited accounts, which will reduce expenditure. This [provision came into force in May 2025](#).

Legislation allows for a Board of up to five people, and after several years of running below this, the current Board is five, including the Chair.

To date SCOSS's workload has been dominated by the legislation creating Social Security Scotland benefits in line with the programme of 'safe and secure' transfer of disability and carer benefits and the creation of unique Scottish benefits such as the Scottish Child Payment.

The only benefit left in that original programme is Employment Injury Assistance, which is currently in the early stages of policy development.

However, benefits continue to be amended and new benefits created – such as the plan to mitigate the two child limit.

SCOSS also has functions for proactive work on the Charter (see Theme 3) and the Scottish Government and Parliament can commission reports from SCOSS.

Members may wish to discuss:

- 3. In the 2023-24 annual report, it appeared that SCOSS expenditure would exceed its budget in 2024-25. (2024-25 budget of £450,000 compared to projected spend of £470,000). Is this now resolved and is the budget for 2025-26 in line with projected spend?**
- 4. How has the increase to the Secretariat changed the way SCOSS works?**
- 5. How does SCOSS expect its workload to change now that the initial programme of social security devolution is nearing completion?**

Theme 3: Charter report

[SCOSS has published its first report on the implementation of the Scottish Social Security Charter.](#) This focused on people with communication needs and comprised focus groups with those with communication needs. Discussions were also held with Social Security Scotland staff, Voiceability, welfare rights advisers and other third sector staff supporting those with communication needs. The overall findings were positive:

“Overall, participants in the research said their experiences of Social Security Scotland were better than with the Department for Work and Pensions. Staff were friendly, there were clearer and less intrusive questions, and no face-to-face assessments. However there were specific concerns about how Social Security Scotland works with people with communication needs.”

Issues raised by some participants included: staff not responding to their particular access or communication needs, lack of flexibility, problems for welfare rights advisers demonstrating consent to act on a clients' behalf and delays in getting communication supports in place. There was also low awareness of the Voiceability advocacy service.

The report made seven recommendations, set out below.

Recommendation 1: To ensure people don't need to repeatedly tell Social Security Scotland about their individual communication needs, Social Security Scotland should ensure an accurate record of people's communications and access requirements is kept, maintained and used by staff.

Recommendation 2: To enable individuals to receive appropriate communications, support Social Security Scotland should monitor and regularly review the types of support its client base may require.

Recommendation 3: To enable people with communication needs to express consent for a third party to act on their behalf, Social Security Scotland should consider if there are ways to improve the way it obtains consent.

Recommendation 4: To ensure no claimant is unable to access information due to their communication needs, Social Security Scotland should review its inclusive communication practices with a view to ensuring they are not a barrier to people with communication needs interacting with the Scottish social security system.

Recommendation 5: To understand and address any barriers to the take-up of benefits by people with communications needs, Social Security Scotland and the Scottish Government should undertake further research

Recommendation 6: To ensure people with communications needs can access support from external organisations as quickly as possible, Social Security Scotland should work with stakeholders and partners to identify the causes of any delays and address them.

Recommendation 7: To gather evidence on people's understanding and availability of advocacy support, Social Security Scotland should include awareness of and use of advocacy in its client survey and other research.

Members may wish to discuss:

- 6. Did the findings from the Charter report raise significant concerns about the way Social Security Scotland is supporting those with communication needs?**
- 7. What discussions have you had with Scottish Government and Social Security Scotland about addressing the issues raised in the report?**
- 8. This was the first report under the Charter reporting function. What lessons were learned about fulfilling this aspect of your remit? What aspects of the Charter will you report on next?**

Theme 4: Past scrutiny work

In its first six years, SCOSS has considered over 30 sets of regulations which have established the benefits administered by Social Security Scotland. Most recommendations have been accepted by the Scottish Government.

The 2023 review commented on the timescales that SCOSS was working to, noting that:

“It has not always turned out to be possible to provide planned draft regulations in a complete form and in good time”

While noting good communication between the secretariat and Scottish Government policy officials, the report stated that:

“going forward Scottish Government officials need to make every effort to meet statutory requirement to give the SCOSS Board sufficient time to carry out its formal scrutiny and prepare its report.”

The [2023-24 Annual Report](#) noted the following common themes in SCOSS recommendations:

“we have consistently called on the Scottish Government to effectively assess the impact of its social security policy changes to provide as much clarity as possible for those receiving or providing advice on benefits. We have also highlighted to Scottish Government officials that we will continue to look for consistency and simplicity across benefits, where possible, as this should help to make the system easier to navigate.”

Members may wish to discuss:

- 9. What common themes have emerged across the range of regulations you have scrutinised?**
- 10. SCOSS now has around six years’ experience of scrutinising legislation. What lessons have you learned that could inform the future development of Scottish social security legislation?**

Theme 5: Current scrutiny work

SCOSS has recently reported on three sets of regulations.

Pension Age Winter Heating

Regulations that would provide £100 payment to pension age households who do not qualify via Pension Credit for the £200/£300 payment were referred on 6 March. SCOSS reported on 3 April making seven recommendations and noting the compressed timescale for scrutiny and lack of stakeholder consultation. The report noted how the expanded entitlement could cause confusion and that clear communications were essential. On 5 June the Scottish Government responded and made a further referral to add the ability to ‘opt in’ and ‘opt out’ to the payment. Again, this was provided to a very short timescale in order that the provisions could be in place for winter 2025/26. SCOSS responded on 16 June noting they had no further comments to make.

The [draft regulations were laid in Parliament on 6 June](#). Since then the Cabinet Secretary has written to the Committee explaining that these will be withdrawn and

replaced with new regulations at a future date to reflect a change of policy to match the UK Government's eligibility for Winter Fuel Payment.

Carer benefits.

Regulations include; creating an additional payment to those caring for more than one person, (the 'carer additional person payment'), extending support for carers after the loss of the person they care for, replacing the bi-annual Carer's Allowance Supplement with a four weekly Scottish Carer Supplement to be paid at the same time as Carer Support Payment, and extending eligibility for the Young Carer Grant to 19 year olds.

The regulations were referred to SCOSS on 28 November 2024, SCOSS reported on 28 February 2025 making 15 recommendations. Again, this included recommendations on the need for clear communications in a complex benefit landscape. Further amendments were referred to SCOSS on 4 March 2025 to which SCOSS responded on 28 March.

The draft regulations have yet to be laid in the Parliament.

Cross Border Regulations.

From next year, people moving from the rest of the UK to Scotland who get DWP carer and disability benefits will need to make an application to Social Security Scotland in order to get Scottish carer and disability benefits. At the moment, they are transferred automatically, but this facility will end when bulk case transfer ends at the end of 2025.

The regulations were referred to SCOSS on 3 January 2025. The Scottish Government referred a further amendment on 7 February on a separate policy issue, which makes changes to the date on which entitlement to assistance can be ended when an individual has not provided information requested by Social Security Scotland.

SCOSS reported on 28 March making seven recommendations and two observations. These included noting the additional burden this places on disabled people by having to make an application rather than being transferred and recommending training and guidance for staff, given the complexity of some of the provisions on cross-border moves.

At time of writing (19 June) the draft regulations had not been laid in the Parliament.

Members may wish to discuss:

- 11. SCOSS has recently reported on three sets of regulations. These are regulations on winter heating, carers and on cross-border moves. Are there any issues concerning any of these regulations that SCOSS wishes to highlight to the Committee?**

**Camilla Kidner,
SPICe Research,**

Date: 19/06/2025

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