

Social Justice and Social Security Committee  
Thursday 22 January 2026  
3<sup>rd</sup> Meeting, 2026 (Session 6)

## Social Security Scotland

### Note by the Clerk

#### Introduction

1. At its meeting on 19<sup>th</sup> June 2025, the Committee agreed to schedule an evidence session with Social Security Scotland as part of its annual scrutiny of the agency's work.

#### Witnesses

2. The Committee will take evidence from the following panel:
  - David Wallace, Chief Executive
  - Karyn Dunning, interim Chief Operating Officer
  - Gerry O'Donnell, interim Deputy Director for Finance and Corporate Services

#### Written evidence

3. On 5<sup>th</sup> November 2025, the Committee wrote to Citizens Advice Scotland, Rights Advice Scotland and CPAG in Scotland to seek their current views on client experience of the redetermination and appeals process. This was an issue which these organisations had raised previously with the Committee. Written submissions were received from CPAG in Scotland and Citizens Advice Scotland. These can be accessed at **Annex A**.

Clerks to the Committee  
January 2026

**Annex A**

**Scottish Parliament Social Justice and Social Security Committee**

**Re-Determination and Appeals Process**

**Written submission by CPAG in Scotland, December 2025**

Dear Deputy Convener

**Client experience of Social Security Scotland's redetermination and appeals process.**

Thank you for your letter of 5<sup>th</sup> November 2025, and apologies for the delay in replying. You asked if issues raised in the evidence session on 7<sup>th</sup> March 2024 had been addressed.

**Choice of appeal hearing**

I can confirm that the Scottish Courts and Tribunal Service are now routinely offering appellants a choice of how they wish their appeal to be heard.

**Short-term assistance**

Further to the evidence session on 7<sup>th</sup> March, Jon Shaw sent a [follow up letter](#) to the committee expressing CPAG's concerns about potential unforeseen impacts of claiming short-term assistance on entitlement to carer support payment. Since then, we have been told by Scottish government officials that claiming short-term assistance should not preclude carers from later getting carer support payment for the same period if the disability benefit challenge ultimately results in an award that is a 'qualifying benefit'. We remain concerned that this seems to be at odds with the drafting of the relevant regulations (this was not addressed in correspondence we received). In the absence of clear information for claimants or published decision-making guidance for carer support payment, it will be difficult for individuals to understand the impact that claiming short term assistance may have on benefits received by their carer.

We hope this update addresses your query. Should you require any further clarification or assistance, please do not hesitate to contact us.

Yours sincerely,

John Dickie  
Director of CPAG in Scotland

**Scottish Parliament Social Justice and Social Security Committee**

## Re-Determination and Appeals Process

Written submission by Citizens Advice Scotland, November 2025

Dear Mr Bob Doris MSP,

### ***Social Security Scotland's Redetermination and Appeals Process***

Thank you for your letter dated 5 November 2025, seeking an update on the practical barriers people face to challenging Scottish Social Security (SSS) decisions. The Citizens Advice Scotland network is the largest independent provider of Adult Disability Payment (ADP) advice outside of SSS. In the last quarter alone, the network gave almost 20,000 pieces of advice about the Daily Living Component of ADP to 8,435 people. That advice facilitated the right decisions to be made the first time; an award was granted at initial application in more than half of the cases (53%) where our advice supported receipt of the Daily Living Component.

We provided views on the Redetermination and Appeals Process when it was explored by the Committee in 2024, and we welcome the opportunity to further contribute.

#### [Demand for advice about challenging ADP decision making](#)

After two years of substantial growth in ADP advice need concerning challenging decisions at the redetermination stage, we are beginning to see demand steady. However, demand for advice about raising an appeal has continued to grow; it is currently 21% higher as a proportion of all ADP advice compared to this time last year.

This pattern of demand for advice about appeals could reflect a decline in the percentage of redetermination requests concerning new ADP applicants that are being granted, [down from 54% during 2023-24 to 41% during 2025-26 to date](#). Additionally, the proportion of ADP appeals concerning new applicants that have resulted in the overturning of an SSS decision has increased from [50% during 2024-25, to 58% during 2025-26 to date](#). This could be an indicator of issues with getting decisions right the first time. Combined, the data demonstrate the essential function of the challenge process.

#### [The experience of appealing a decision about ADP](#)

It is the view of our network that SSS must be empowered to complete a further re-determination following an appeal having been lodged ("appeal lapsing"). While this has been addressed by section 8 of the [Social Security \(Amendment\) \(Scotland\) Act 2025](#), the provision is not yet in force. It remains the case that SSS appeals currently cannot "lapse", meaning that once an appeal has been lodged,

it must be heard by the Tribunal unless withdrawn. This is the case even if SSS has concluded that it should reverse their previous decision in favour of the appellant. As

demonstrated in Chloe's experience, this causes distress for individuals, augments pressure on advice services and increases the administrative burden for all parties.

**Chloe's experience:** Chloe went to her local CAB having been refused an award of ADP; she was awarded 0 points for both components at the redetermination stage. Chloe has been diagnosed with Functional Neurology Disorder which causes her to experience up to fifteen seizures per day; while she has access to a wheelchair, she cannot propel it by herself due to right side paralysis. An adviser supported Chloe to submit an appeal, leading SSS to concede that Chloe should have been awarded 12 points for both Daily Living and Mobility. Chloe has been left confused, and she must still await the decision of the Tribunal, who may not agree with SSS.

Furthermore, our CAB network is reporting instances of bundles arriving late, making it more difficult to prepare for hearings effectively. In other instances, bundles are arriving incomplete and not in chronological order with disordered page numbering. Incomplete or disordered bundles can delay the identification of gaps in submissions which can result in additional information being produced late.

Additionally, disordered page numbering can make the bundle difficult to reference in written submissions and at hearings. These issues are demonstrated in Scott's experience below:

**Scott's experience:** Scott instructed his local CAB to represent him in respect of an appeal of a decision about his ADP application. The day prior to the hearing, Scott's CAB representative received a copy of the original determination notice and some additional submissions, including key evidence from a Social Security Scotland healthcare professional. The CAB representative discussed the possibility of a hearing adjournment with Scott, but he chose to proceed to avoid further delays. The convener of the hearing acknowledged the late submissions and arranged for a short break to enable the CAB representative and Scott to review them. The experience placed considerable psychological strain on Scott and pressure on his CAB representative.

Our welfare rights representatives also report experiencing delays. At the point an appeal is heard, not infrequently nine to eighteen months from submission, it can be difficult for appellants to recall the details of their circumstances at the time of submission.

### **Facilitating access to justice**

Considering the issues raised above, it remains our network's position that an internal re-determination process should only be carried out when an appeal against an original decision is lodged with SSS. This would mean that a person wishing to challenge an SSS decision would not be required to request a redetermination. That person would be advised of the outcome of the internal redetermination process and provided the option to accept that outcome or continue with their appeal. Narrowing the use of redeterminations in this way would streamline the process of challenging decisions, while ensuring that redeterminations are still carried out and appeals are lapsed when appropriate.

**A better future – implementing the recommendations of the Independent Review of ADP**

It is our network's position that implementation of the recommendations detailed in the final report of the Independent Review of Adult Disability Payment would facilitate effective decision making, reducing recourse to the redetermination and appeal process. Implementing the Review's recommendations, broadly, entails modernising and reorientating the existing assessment process.

Implementing the recommendations would help to deliver an assessment better able to capture a person's whole circumstances, such as the impact of a person's living environment and social connections. Implementing the recommendations would also enable the assessment to better explore the ways in which health conditions and their impacts interact with each other, and the positive outcomes envisaged if support is provided.

Improving the process for challenging SSS decisions is essential to advancing a social security system that is accountable, able to dynamically learn and improve, and that fosters trust, empowerment and inclusivity. Building confidence in the challenge process will help ensure that sick and disabled people feel heard and improve the ability of ADP to deliver good outcomes.

Additional information about our insights into ADP can be found via our [website here](#). Please do not hesitate to contact us for further information.

Sincerely,

Emma Jackson: Head of Social Justice