

## **Adult Support Payment**

### **Note by the Clerk**

1. On 19 February 2026, the Scottish Government published its [response](#) to the independent review of Adult Disability Payment (ADP).
2. The Committee agreed to schedule an evidence session on the Scottish Government's response to the recommendations in the [report](#) by the independent review of the Adult Support Payment.
3. The Committee invited members of the advisory board for the independent review to provide their views on the Scottish Government's response.

### **Witnesses**

4. The Committee will hear from:
  - Craig Smith, Public Affairs and Policy Manager, Scottish Action for Mental Health (SAMH)
  - Keith Park, Senior Policy, Public Affairs and Campaigns Manager (Scotland), MS Society
  - Erica Young, Senior Policy Officer (Social Justice), Citizens Advice Scotland
  - Frank McKillop, Director of Governance and Policy, Enable

### **Written evidence**

5. Written submissions were received from the MS Society and Edel Harris OBE, Chair of the Independent Review of Adult Disability Payment. The submissions can be found at Annex A.

## **Annex A**

### **MS Society Scotland Written Submission to Social Justice and Social Security Committee.**

#### **Scottish Government Response to Independent Review of Adult Disability Payment (ADP).**

The MS Society have taken time to consider the Scottish Government's response to the Independent review of ADP and acknowledge that there are a number of positive steps within it. The Government has accepted recommendations to improve processes, systems, and staff training, with a clear focus on client experience. Commitments to better decision-making guidance, greater choice over face-to-face assessments, and improved staff training has the potential to make a real difference for people living with MS and other disabled people applying for ADP.

But the response does not go far enough.

As Chair of the Review, Edel Harris, noted, while some improvements to processes, systems and training have been accepted, recommendations that challenge current policies have yet to receive a definite commitment.

This is deeply disappointing to the MS Society.

Throughout the Review, people with MS – and disabled people more generally – were clear: if social security is an investment in people, then the eligibility criteria must support that claim. We cannot continue to use the PIP eligibility criteria that was introduced to reduce the UK benefits budget.

Improving processes alone is not enough. It cannot replace action on eligibility criteria.

#### **Overview of MS Society ongoing engagement in development of ADP**

- As the voice of the MS community, we have been very involved in the development of Scottish Social Security policy. Through this process we have engaged regularly with people affected by MS so that our policy positions, consultation responses and discussions with policy makers and MSPs are fully reflective of the MS community.
- With this as our starting point we engaged throughout the process with the Scottish government policy teams, Ministers and Cabinet Secretaries and cross party MSPs to ensure that the voices of people with MS were contributing to the policy and legislative development. We have taken part in roundtable events, held focus groups, given evidence to the Social Security committee, completed consultation responses, met with Government ministers and policy teams, reviewed the draft ADP decision making guidance and recruited people living with MS to participate in research programmes which were part of the testing and designing the application processes.
- This engagement continued with the Scottish Government as ADP was rolled out nationally and we continued to represent the views of people living with MS within these forums.
- The general consensus from the MS community was that the process and decision-making changes that were introduced had improved the experience

of applying for ADP, when compared to PIP. However, these changes did not go far enough as they did not address the flawed eligibility criteria or how fluctuating conditions were considered as part of the decision-making process.

- Following further consultation with people living with MS we fully responded to both the Scottish Government's consultation on the mobility component of ADP and the Independent Review Call for Evidence.
- Our Policy, Public Affairs and Campaigns Manager was a member of the Advisory Group for the Independent Review of ADP.
- Our most recent activity relating to the independent review was writing an open letter to the Cabinet Secretary for Social Justice urging that all the recommendations were adopted. This open letter was signed by over 1000 people and 16 organisations.

### **A People's Service**

- We welcome the Scottish Government's positive response to the majority of recommendations relating to this theme.
- In relation to the decision, to not implement the recommendation, regarding a direct booking system for local delivery teams we understand the explanation that is given. However, we believe that this should be given further consideration. It may require Social Security Scotland and the Local Delivery network to improve their IT systems but if Social Security Scotland and the Scottish Government are serious about continuous improvement then this is something that should be explored for future implementation as it will improve the experience of people claiming ADP.

### **Processes that work**

- This is another theme where the Scottish Government's response is welcomed. Anything that can be implemented to reduce waiting times can only be a positive thing.
- Another positive development is that consideration will be given to giving the option for a client to have an in-person conversation as opposed to relying on the application form and telephone consultations alone. During consultations with people living with MS a vocal minority expressed their desire to have an in-person opportunity to explain the impact that their MS has on their day-to-day life.
- As we discussed the application process with people living with MS to inform our consultation response, they highlighted issues they experience with the application form. These include the length of the form, the time it takes to complete, and that it doesn't allow people to fully explain how their condition fluctuates or fully explain the impact that their symptoms have on their ability to complete a task. It is therefore a positive step that the Scottish Government agrees that this should be reviewed and that Social Security Scotland will consider how it can undertake this work.
- The commitment for continual improvement in guidance and training is a positive response, especially as its intended goal is to improve the holistic understanding that staff have of how health conditions and the symptoms people experience affect all aspects of a person's life.

- In their response the Scottish Government specifically uses the example of how fatigue can impact on an individual and the longer-term impact it can have even if they can complete a task at a specific time. Data from the UK MS Register tells us that 90% of people with MS experience fatigue so improved understanding of the impact it has is a positive development.
- However, without changes to the eligibility criteria these proposed process improvements will have minimal impact. People will still be assessed in relation to their ability to perform individual one-off tasks. The process changes may improve their experience but won't have a meaningful impact on how people are scored against the eligibility criteria as these will remain unchanged.

### **A Learning System**

- While it is disappointing that three of the recommendations in this section will not be implemented, we acknowledge the explanations for this and welcome the fact that they will remain under review.

### **A Better Future**

- It is important to acknowledge that the Scottish Government has highlighted complexity that the current fiscal and constitutional context has regarding the recommendations made in this section, particularly in relation to the eligibility criteria with adopting 4 recommendations costing an estimated £770 million. Using this reasoning for delaying any decision to changes to the eligibility criteria sits contrary to the Scottish Government's belief that social security is an investment in Society.
- In broad terms ADP utilises the same eligibility criteria as PIP. The UK government acknowledge that it introduced the PIP eligibility criteria for the mobility component to reduce benefit spend by £2.2 billion.
- These changes were not evidence based and do not accurately assess an individual's need for mobility support. The ability to walk an arbitrary distance on flat even ground is not a true reflection of the impact that mobility issues can have on an individual's day to day life.
- As a result of these changes, the introduction of the 20m rule, 1 in 3 people with MS had their level of support reduced and 10% had their award removed completely.
- Research by the MS Society undertaken during the roll out of PIP estimated that the introduction of the 20-metre rule would result in increased costs of £92.7 million, over a three-year spending review period, in increased health and social care spend alongside the costs of additional benefits. This figure is in relation to people with MS only which represented only 2% of all DLA applicants.<sup>1</sup> This would suggest that the estimate increased costs in ADP payments does not fully consider all associated costs.
- With the UK Government undertaking the Timms review of PIP it is unlikely that there will be a better opportunity will arise for the Scottish Government to set an example for the rest of the UK in delivering a meaningful and accessible disability assistance benefit.

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<sup>1</sup> The cost of the PIP 20 metre rule, MS Society, 2019.

- While it falls under a separate policy area the Scottish Government's Population Health Framework and Service Renewal Framework both set out the need to adopt primary and secondary prevention strategies to improve how we support people living with long term conditions (LTC). For this approach to be successful we need to invest in support that enables people to live as independently as possible. As a Disability Assistance Benefit ADP can support people to meet the additional costs incurred as a result of living with their LTC. A report conducted by Economist Impact, 'The value of action: mitigating the global impact of neurological disorders,' found that the annual burden in the UK of MS on the economy in 2019 was £2.78bn or 0.12% of GDP. That means there is a per-patient average direct and indirect costs over £35,000 per year because of MS. These costs can be reduced by proactive management of the condition, with rehabilitation and supported self-management key to maintaining independence.
- Adopting punitive eligibility criteria designed to reduce benefit spend will not achieve this.
- In a recent survey of people living with MS we found that people experiencing financial difficulties are more likely to have unmet care needs and are less likely to access specialist healthcare services.
- Individuals do not live their lives as a series of individual tasks. Alongside the guidance and training suggested in the Processes that work section we need to adopt a more holistic, person-centred approach to assessing support needs to ensure that people are more likely to receive the level of support they need from ADP.

**Written submission from Edel Harris OBE, Chair of the Independent Review of Adult Disability Payment**

**Scottish Government Response to Independent Review of Adult Disability Payment (ADP).**

Following the publication of a landmark independent review of Adult Disability Payment (ADP) which called for a simplified and more accessible application process, the Scottish Government has now formally responded to the recommendations contained within the report.

Some of the recommendations concerning improvements to processes, systems and training have been accepted and, in some cases, have already been actioned. There is an obvious commitment by the Scottish Government and Social Security Scotland to continuous improvement with a focus on client experience and this is welcomed by myself as Chair. However, some recommendations which fundamentally challenge current policies and processes, are yet to receive a definite commitment, which is disappointing.

I welcomed, in the response, when very specific recommendations were responded to in practical terms. For example, where Young Lives Versus Cancer highlighted the burden placed on people undergoing cancer treatment who require multiple short hospital admissions. I recommended revisiting this policy, which the Scottish Government has committed to do. There were other recommendations where general, more vague responses were given which makes it difficult to see what will change and when. For example, *...further enhancements will be made to the disability benefit review process. These enhancements will include improvements to the scheduled review form, which will strengthen the gathering of relevant information at award review, to further facilitate fair and robust decision-making.*

I was disappointed that there was no mention in the response of 'the 50% rule' and no direct reference to a decision-making process that better recognises people who live with fluctuating conditions. Alongside changes to the mobility criteria, the 50% rule and living with fluctuating conditions were the strongest recurring themes coming from the disabled people I engaged with during the course of the Review.

While I was conducting the Review I heard consistently from disabled people that if we are to realise social security as an investment in people, it is important to ensure that the eligibility criteria fulfil this goal. I appreciate that there are costs associated with a wholesale review of the eligibility criteria and although there is a commitment to undertake further analysis, there is nothing concrete in the Scottish Government's response in this regard. It is also worth noting that some disabled people are currently

being denied financial support by a system that doesn't adequately capture their needs.

In an ideal world, decisions about eligibility for ADP would always be made on a human rights basis, rather than being led by cost considerations. However, I recognise the financial limitations facing the Scottish Government, and that these have grown significantly in recent years.

There is little information on how the figures quoted in the report were reached and as the review of the eligibility criteria has not yet been completed, I would be interested to see how any conclusions about increased eligibility and associated additional costs were reached. It would be helpful to see the initial analysis of the potential costs of implementing some of the recommendations, especially those which are likely to lead to increased entitlement to ADP.

The Scottish Government has focused on the proposals to remove the 28-day hospital rule, introduce certain automatic entitlements, create a new entitlement category linked to substantial risk, and widen eligibility for the mobility component. They state that the recommendation to expand eligibility for the mobility component of ADP could lead to around two thirds of the estimated costs, particularly if more people received a higher mobility award. I struggle to see how a decision-making framework based on outcomes and a person's real-life experience, rather than the ability to walk a fixed distance, necessarily results in more people being eligible and more people receiving the higher mobility award. An outcome based, modernised method of determining eligibility does not necessarily result in more people being eligible for ADP.

In their response the Scottish Government does acknowledge that there are numerous ways in which the eligibility framework could be changed in order to deliver these recommendations, and the costs could vary significantly depending on how and when they are implemented. My preference would be that this work is done before pounds and pence are communicated in a formal response of this type. The potential £770 million figure rising to over £1 billion creates a challenging political headline.

There is no mention in the response of the economic value of the wellbeing impacts of disability benefits, which it is argued, significantly outweigh the financial costs associated with administering them.

I know that many of the Disabled People's Organisations and charities who engaged with the Review will be disappointed that the Government has not addressed the most substantive, system changing, recommendations from the Review. Many are urging all political parties to commit to implement the recommendations in full following the upcoming election and I would echo that.

**SJSS/S6/26/9/3**

The Scottish Government acknowledges that publishing this response is only the beginning. When we enter the new parliamentary term, it will be important to get a response from any new Government to the recommendations in the Review that have yet to be committed to or implemented.

I welcome the commitment shown by the Scottish Government but there is still more that can be done to deliver a truly human-rights based approach to the awarding of disability payments in Scotland.