



## Welfare Rights Conference 2024

# First-tier Tribunal for Scotland Social Security Chamber – current processes and future changes

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Social Security Chamber  
First-tier Tribunal for Scotland

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# Introduction to the Social Security Chamber

Social Security Chamber President- Andrew Veitch  
Social Security Chamber Operations Manager- Kyle McGrath

**Social Security Chamber**  
First-tier Tribunal for Scotland

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- The Tribunals (Scotland) Act 2014
- Upper Tribunal for Scotland
- First Tier Tribunal for Scotland



## Upper Tribunal for Scotland

- The Upper Tribunal hears appeals on decisions of the chambers of the First-tier Tribunal
- Appellants must first seek permission to appeal from the First-tier Tribunal before coming to the UTS
- Cases are heard by Senators of the College of Justice, Sheriffs or other members
- Some UTS decisions available online at [scotcourts website](http://scotcourts.gov.uk)



## First Tier Tribunal Chambers

- General Regulatory Chamber
- Health and Education Chamber
- Housing and Property Chamber
- Tax Chamber
- Local Taxation Chamber
- Social Security Chamber



# Regulations

- The First-Tier for Scotland Social Security Chamber (Procedure) Regulations 2018
- The First Tier for Scotland Social Security Chamber (Rule of Procedure) Amendment Regulations 2018
- The Disability Assistance for Children and Young People (Scotland) Regulations 2021
- The Disability Assistance for Working Age People (Scotland) Regulations 2022



## Appeal Types

- Pregnancy and Baby Payment
- Early Learning Payment
- School Age Payment
- Funeral Support Payment
- Young Carer Grant
- Winter Heating Assistance for Children and Young People
- Scottish Child Payment



# Appeal Types

- Child Disability Payment
- Adult Disability Payment





# Composition of Tribunal

Determined by The Tribunals (Scotland) Act 2014

- Legally qualified member - Convenor
- Disability qualified member
- Medically qualified member



## Chamber activity 2023-24 – appeals received

Assistance Type		Received
Carer's Assistance	Young Carer Grant	7
Disability Assistance	Adult Disability Payment	2244
	Child Disability Payment	188
Early Years Assistance	Best Start Grant	32
Funeral Expense Assistance	Funeral Support Payment	33
Scottish Child Payment	Scottish Child Payment	109
Winter Heating Assistance	Child Winter Heating Assistance	0
	Winter Heating Payment	4
Total		2617

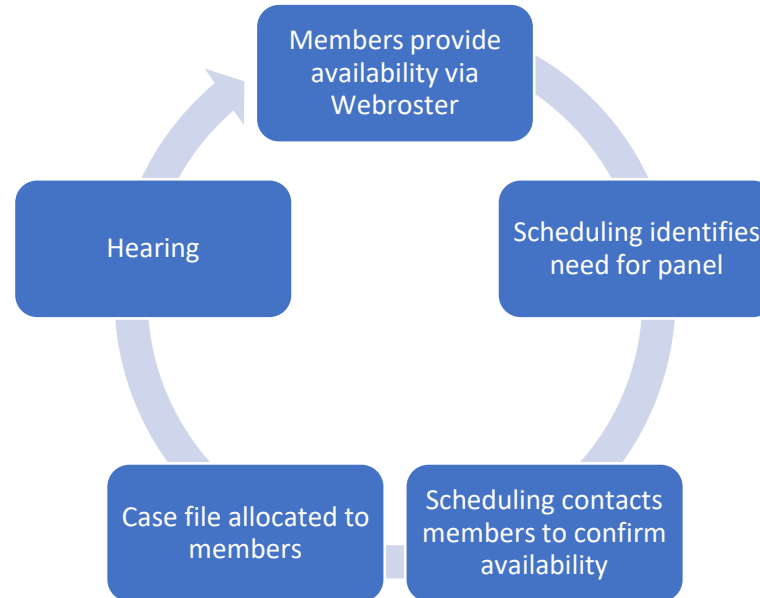


## Projected Chamber activity – 2024/25

Receipts	9700
Disposals	8754
Hearing Days	4293
Hearings	7298



# Allocations Process





## The Applicant Journey

- Individual makes an application to Social Security Scotland
- Social Security Scotland makes a determination
- Social Security Scotland makes a re-determination
- Appeal lodged - Social Security Scotland provide case file
- Social Security Chamber manage the appeal process

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## Social Security Scotland

- An executive agency of the Scottish Government
- Help the people of Scotland by delivering social security payments
- Rules on who is eligible for what, and payment amounts, are decided by Scottish Government Ministers
- Offices in Dundee and Glasgow plus locally based specialist advisors



## Support for Tribunal Members

- Training Events
- [Members Handbook](#)
- Duty Convenors
- Judicial Mentoring
- Observations
- Chamber Newsletter
- Soup & Sandwiches
- Judicial Institute Events
- Judicial Hub
- Appraisals

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Questions?



# Future changes in the Social Security (Amendment) (Scotland) Bill

- Changes described are **not yet law**
- The Bill is currently at Stage 2 (amendment) in the Scottish Parliament
- Changes will involve new internal processes and guidance
- CPAG publications and information will be updated when the law changes

# Lifting absolute time limits

- Currently a redetermination or appeal can only be requested more than a year after the determination if the delay is 'due to coronavirus'
- Instead **any** 'exceptional circumstances' will allow a request to be made over one year after the (re)determination
- Right to make a process appeal if exceptional circumstances not accepted by SSS at redetermination stage

# Withdrawing redetermination requests

- New power to withdraw a redetermination request if the claimant changes their mind
- No power to reinstate it later – must make a further (late?) redetermination request
- May be useful for claimants transferred from DLA/PIP where a redetermination may give someone less benefit than waiting for a ‘review determination’

# If SSS misses the redetermination time limit

- Current rule gives the claimant a right of appeal, but SSS **can** still do a late redetermination
- Possible confusion for claimants and loss of appeal rights
- Change will **require** a late redetermination to be carried out **unless** the claimant appeals
- If the appeal is later withdrawn, the duty to redetermine arises again

# New power to determine entitlement after an appeal is made

- Currently SSS cannot make a more generous determination in order to 'lapse' an appeal
- Proposal to require a further determination if:
  - A more favourable determination
  - The previous determination was due to an 'error'
  - The claimant consents to this
- If the claimant changes their mind, will need to request another redetermination

# Other changes

- ‘Clarification’ of possible outcomes of a process appeal
- New ‘decisions’ about overpayment liability, with a right to request a ‘review’ and appeal
- New compensation recovery powers also have rights to ‘reconsideration’ and then appeal
- New power to request ‘information for audit’ – currently **no** right to challenge a refusal to exempt someone from this by appeal

# Help for advisers in Scotland



**Advice by telephone:**  
**0141 552 0552**

Monday to Thursday, 10am - 4pm,  
Friday 10am - 12 noon

**Advice by email:**  
[advice@cpagscotland.org.uk](mailto:advice@cpagscotland.org.uk)

Free, independent, expert, up-to-date advice and information to frontline advisers and support staff on all aspects of the benefits and tax credits system.

More resources for advisers can be found at [cpag.org.uk/welfare-rights](https://cpag.org.uk/welfare-rights)



# Training courses

- Appeals to the Upper Tribunal
- Changing decisions - Scottish benefits
- Preparing an appeal submission - adult disability payment
- Looking up the law

[cpag.org.uk/training](https://cpag.org.uk/training)

