

Scottish Tribunals Annual Report

2023 – 2024



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Foreword from the President of Scottish Tribunals

It gives me great pleasure to introduce the Tribunals Annual Report of 2023-2024, the first since I was appointed in May 2023. I hope that you find it informative. My predecessor Lord Woolman led the Scottish devolved tribunals with his customary unflappable calm. I am grateful to him for his considerable efforts.

My overriding sentiment from my first year in office is of being hugely impressed by the commitment and industry of all those who work in Scottish Tribunals. I have been privileged to gain an insight into the workings of each Chamber at the three main Tribunal Centres where I enjoyed meeting so many staff; each took care to explain to me the parts of their processes that they identified as important. Without exception I found their energy and dedication to be exemplary.



*The Rt Hon. Lady Wise
President of the Scottish Tribunals*

The work of the devolved Tribunals affects a large number of people in Scotland, with caseloads increasing across the board in 2022-2023. This critical contribution to the justice system is possible only as a result of the immense contribution made by all those involved. Some of those who sit have moved on to other roles, particularly in the courts' judiciary and we wish them well. We hope to commence another recruitment exercise later this year to replenish the already stretched capacity of all six Chambers.

I wish to express particular gratitude to all of the Chamber Presidents within the devolved system. Both their leadership of their respective chambers and their support of me as President of Scottish Tribunals have been invaluable and much appreciated; I have enjoyed our regular dialogue enormously. It has assisted greatly my understanding of the common themes pertinent to all Chambers as well as their distinctive attributes. A further real pleasure for me has been my involvement in some of the excellent training for new and experienced members. Those who have attended such training may have heard me speak on the importance of all involved understanding that those sitting on tribunals are judicial office holders and as such form an integral part of the judicial family. They are bound by the same principles of ethics as the courts' judiciary and perform duties vital to the administration of justice. I remain determined to advocate on their behalf in seeking the recognition they deserve.

Performance & People

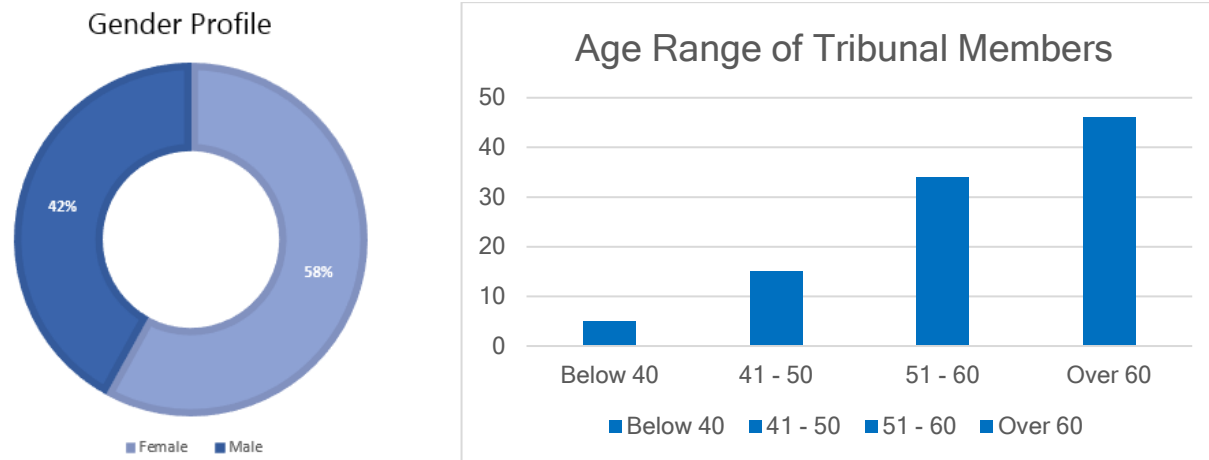
Efficient Disposal of Business

The efficient disposal of business in the Scottish tribunals continues to be successfully carried out by the chambers, through the leadership of the respective Chamber Presidents. Full details of each chamber's successes can be found in the 'Chamber Updates' section of this report.

Tribunal Membership

It is essential to maintain a balance between assignment and recruitment. Whilst assignment may make it possible for the required member numbers to be fulfilled, appointment of new members is also key to update particular expertise, maintain a varied age profile and to enhance diversity.

The diagrams below display the profile of tribunal members as of 31 March 2024.



Following a successful recruitment exercise this year, we saw an increase of 128 members to the Social Security Chamber. The Judicial Office for Scotland continues to work alongside the Chamber Presidents and the Judicial Appointments Board for Scotland to increase our membership numbers in the upcoming year.

Tribunal Member Welfare

The Welfare & Support Committee of the Judicial Council for Scotland continues to implement their 5 year Health & Wellbeing Strategy. Judicial Wellbeing is at the forefront with the introduction of assistance providers furnishing all judicial office holders with a broad range of support for issues including physical and mental health. Now in its third year, the Wellbeing Calendar articles continue to highlight a wide variety of wellbeing events tying into relevant support services available to all judicial office holders.

Devolution of the Reserved Tribunals

Transfers to the First-tier Tribunal

In the reporting period of 2023-2024, the Scottish Tribunals has seen the expansion of the General Regulatory Chamber with the inclusion of the Low Emission Zone appeals. The chamber is set to expand further with the transfer of the Police Appeals in the summer of 2025.

All areas within the First-tier Tribunal have saw an increase in business and many are expanding. As such, the priority remains ensuring the existing chambers have adequate resources and training.

Scottish Tribunals Forum/ Reserved Tribunals Group

The Scottish Tribunals Forum/ Reserved Tribunals Group continue to meet on a biannual basis to map out further devolution of the reserved tribunals and work collectively with our colleagues in the Scottish Courts and Tribunals Service, the Judicial Office for Scotland and Scottish Government to ensure the most effective way forward.

Tribunal Member Conduct

Complaints about the conduct of tribunal members are considered by the Judicial Office for Scotland in accordance with the Complaints against Members of the Scottish Tribunals Rules 2018.

From 1 April 2023 – 31 March 2024 the following number of complaints were considered.

RULE	OUTCOME	TOTAL
8	Dismissed by Judicial Office	8
11	Dismissed by the President of the Scottish Tribunals	1
18	Withdrawn	2
TOTAL		11

From 1 April 2023 – 31 March 2024 the following number of complaints were considered under the Mental Health Tribunal Scotland's (MHTS) Interim Complaints Procedure.

RULE	OUTCOME	TOTAL
N/A	Withdrawn	1
TOTAL		1

The Judicial Conduct Committee continue to work towards finalising the new Complaints against Members of the Scottish Tribunals Rules 2024.

The Judicial Office for Scotland are also introducing the Pension Appeals Tribunal Scotland (PATS) Interim Complaints Procedure in 2024.

Judicial Education for Tribunals

In 2021 the Judicial Education for Tribunals (JET) Working Group agreed the Guidelines for Specialist Tribunal Training and the Quality Assurance (QA) Framework as the basis for the approach to Tribunal training. These guidelines underpin the quality assurance framework for specialist Tribunal training run by Chambers in the First-tier Tribunal. In June 2024, JET will be submitting its third annual report to the Lord President, reporting on the specialist training run by Chambers and the generic Tribunal Craft course delivered by the Judicial Institute (JI).

In 2022/23 a partnership review process for tribunal training was further established. The JI has had the opportunity of observing a number of specialist Tribunal training courses, noting examples of good practice and providing recommendations for enhancements, where appropriate. The process is intended to be collegiate and supportive: designed as peer-review rather than formal monitoring. Being able to attend chamber-led training and see the range of different approaches and expertise applied in the design and delivery of training events has been very beneficial for the staff of the Institute and our own development as a training body. The exercise has enabled us to build stronger ties with participating chamber presidents and engage in very useful dialogue about training designs.

The JI is continuing to develop the Tribunal Hub section of the Judicial Hub so far as limited resources permit. It has developed new functionality that enables interactive learning and searchable databases. The JI is endeavouring to be more responsive to the needs of the Tribunals and are engaging with Tribunal staff to allow easier updating and maintenance of their pages. The JI Digital Team has successfully engaged with the Local Taxation Chamber over the last year, and has begun discussions with the Social Security Chamber about their needs.

Judicial Institute - Tribunal Craft Course - 2 November 2023 (in-person) and 1 February 2024 (remote)

This course was designed specifically for Tribunal members to develop tribunal craft skills applicable across the various specialist jurisdictions through discussion, reflection and learning from other members. A focus of this course was on how these skills can be used in a remote hearing context.

Aspects of tribunal craft were considered at pre-hearing, hearing and post-hearing stages. All sessions were tied together through a progressive case study and discussion points. Tribunal Chamber Presidents delivered presentations, followed

by small breakout groups to allow for group discussion and consideration of the case study.

This course was designed to assist participants with the following:

- communicating effectively with representatives and parties;
- assessing the credibility and reliability of evidence;
- using effective questioning techniques;
- providing sound and well-structured reasons for decisions; and
- understanding the relevance of judicial ethics and perception of bias.

The course has received very positive reviews:

"I will use the material discussed and the work on the group sessions to reflect on my own practice as a Tribunal member and hopefully improve how I discharge my judicial duties in my role."

"It was a good overview and practical examination of Tribunal craft and helpful to hear the experiences from other tribunals."



Year at a Glance

The Upper Tribunal for Scotland received 112 applications in the last reporting year. Three new members have been appointed to the Upper Tribunal in the same period.

During the past year, the Upper Tribunal for Scotland has experienced a number of changes including the transfer of a high volume Non-Domestic Rates appeals from the Land Tribunals (2,383 appeals transferred to the Upper Tribunal on 1st April 2024). Through collaborative working with the Scottish Assessors Association, Joint Valuation Boards, Agents and other parties, has resulted in a reduction of 67% of these appeals

The Upper Tribunal has experienced a steady increase in appeals from the Social Security Chamber, the Local Taxation Chamber and the expansion of the General Regulatory Chamber in relation to Low Emission Zone (LEZ) appeals. It has been a busy and challenging year.

Volumes are expected to increase further in the coming year with the LEZ appeals rolling out to Edinburgh, Aberdeen and Dundee in May/June 2024 and the transfer of the Bus Services Improvement Partnership (BSIP) appeals coming to the Upper Tribunal from 2nd December 2024.

Upper Tribunal Membership

Membership	Number
Legal Member	2
Surveyor Member	2
Sheriff	9
Court of Session Judge	6

Chamber Presidents of the First-tier Tribunal for Scotland



Aileen Devanny
Housing and Property
Chamber



Anne Scott
Tax Chamber



Alex Green
General Regulatory
Chamber



May Dunsmuir
Health and Education
Chamber



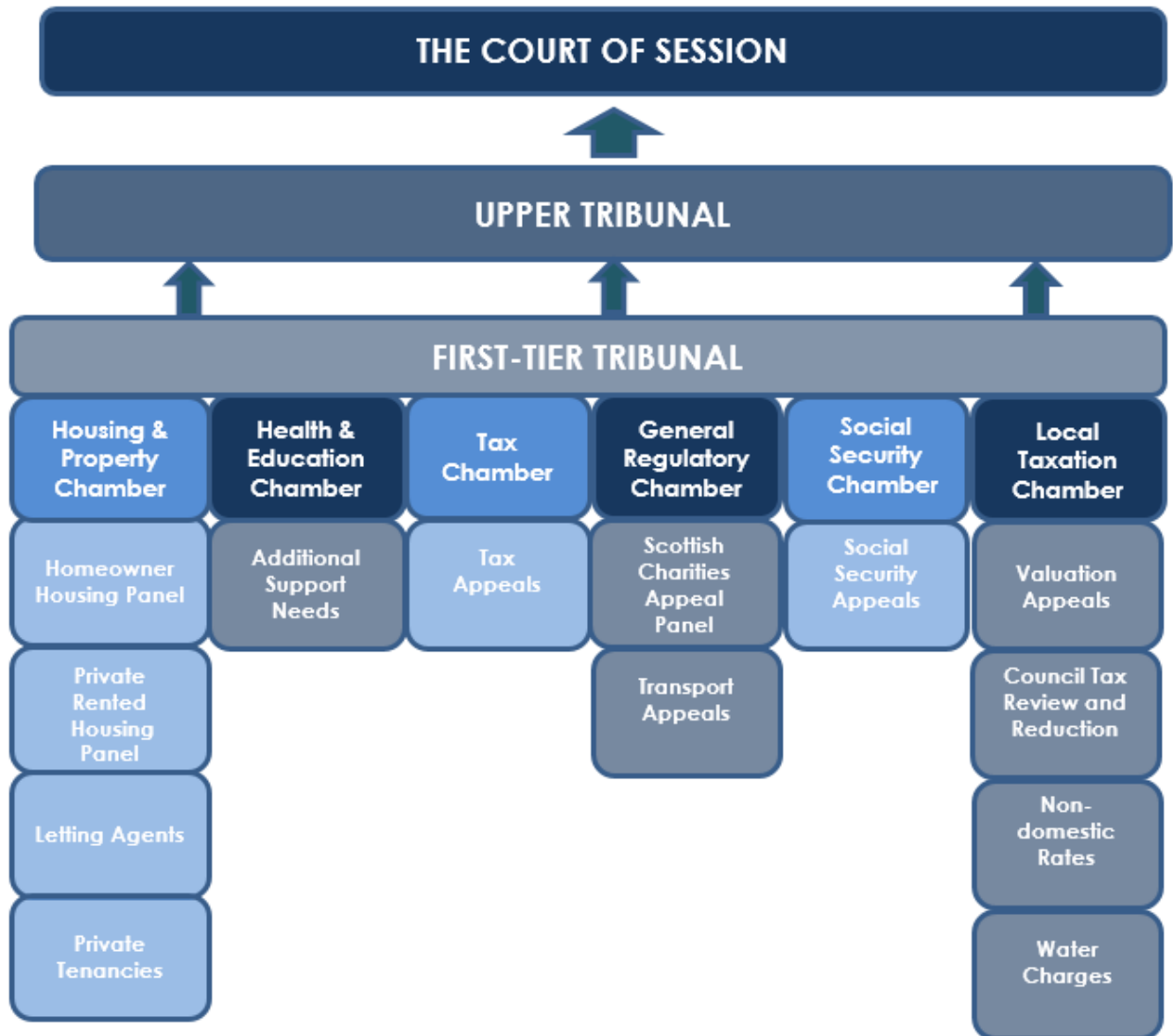
Jacqui Taylor
Local Taxation Chamber



Andrew Veitch
Social Security Chamber

Chamber Updates

Scottish Tribunal s Structure as of March 2024





Chamber President: Alex Green

Introduction

The General Regulatory Chamber has two jurisdictions: the Scottish Charity Appeals Panel and Transport Appeals.

The Scottish Charity Appeals Panel

The Scottish Charity Appeals Panel hears appeals against decisions made by the Office of the Scottish Charity Regulator; the body which regulates charitable activity in Scotland. It has 6 Legal Members (including the Chamber President) and 7 Non-Legal Members. There were no appeals in the period 2023-24.

Transport Appeals

Introduction

The Transport appeals panel has 9 Legal Members (including the Chamber President).

Transport Appeals currently consider appeals in these areas:

- Parking Penalty Charge Notices.
- Bus Lane Enforcement Charge Notices.
- Vehicle removals.
- Low Emission Zone Charge Notices.
- Workplace Licensing.

The respondents are several Scottish local authorities participating in Decriminalised Parking Enforcement. Historically, parking enforcement was a matter for the criminal law. However, Decriminalised Parking Enforcement is a regime which enables a local authority to administer its own parking penalties. In areas with Decriminalised Parking Enforcement, stationary traffic offences cease to be criminal offences enforced by the police and instead become civil penalties enforced by the local authority. There are currently 21 Scottish local authorities operating Decriminalised Parking Enforcement. Three Scottish local authorities

issue and enforce charges for bus lane contraventions. In the year 2023-2024 one local authority, Glasgow City, started to issue and enforce Low Emission Zone Charge Notices.

The Transport (Scotland) Act 2019, Part 7 enables the creation of workplace parking licensing schemes (“WPL”). This is a discretionary power for local authorities to implement WPL schemes.

If a WPL scheme is in place, liable employers must obtain a licence from the local authority for each workplace parking place provided for use by employees and certain visitors. The local authority may levy a charge for such a licence based on the number of parking spaces specified in the licence except where certain exemptions apply.

Reviews and appeals against licensing decisions may be made by summary application to a sheriff. Appeals against WPL scheme penalty charge notices are to the Transport Appeals panel

This year at a glance

A breakdown of the work of the Parking and Bus Lane Appeals over the financial year 2023-24 is set out below:

Received in financial year	LEZ applications	Appeals disposed	Allowed	Dismissed	Not contested	Withdrawn	Not registered
1302	191	1056	247	449	311	37	58

Training

On 30 June 2023, there was a training half day for the Legal Members of the Transport Appeals jurisdiction. The training was delivered remotely using Teams.

On 8 September 2023 there was a training day for Legal Members. The training included an introduction to Low Emission Zone Appeals and a presentation and workshop on Understanding and supporting neurodivergent adults.

On 13 September 2023 there was a training day for the Legal and Non-Legal Members of the Charity Panel. The training included an introduction and update on Charities (Regulation and Administration) (Scotland) Act 2023 and a presentation and workshop on Understanding and supporting neurodivergent adults.

On 21 November 2023 there was a training day for new Legal Members for stage 1 of their induction.

On 30 November 2023, the Chamber President attended the Traffic Penalty Tribunal ("TPT") annual conference in Cardiff. The TPT signs motorists' appeals against parking and traffic Penalty Charge Notices issued by local authorities and charging authorities in England (outside London) and Wales. The Chamber President met with Caroline Hamilton, the Chief Adjudicator.

Expansion

The jurisdiction has expanded. We have been renamed and we are now called "Transport Appeals" to accommodate appeals relating to the enforcement of Low Emission Zone Schemes, Workplace Parking Licensing Schemes, Double Parking Prohibitions, Pavement Parking Prohibitions and Dropped Kerb Parking. The following local authorities operate Low Emission Zones:

- Aberdeen. Enforcement is due to start on 1 June 2024.
- Dundee. Enforcement is due to start on 31 May 2024.
- Edinburgh. Enforcement is due to start on 1 June 2024.
- Glasgow. Enforcement started on 1 June 2023.



Chamber President: Aileen Devanny

Successes during the year

The Chamber again saw a sizeable rise in application numbers, which reached their highest levels to date. There were significant increases in eviction, repairs and property factor application volumes. This was the first year when the number of applications to the Chamber exceeded 5000. Changes in housing legislation relating to evictions have impacted on the complexity of cases being determined by the Chamber. The Chamber's ability to absorb the additional and more complex workloads was in itself a major achievement during the reporting year.

Tribunal members again had to keep abreast of changes to housing legislation during the year when considering cases. Some of the changes introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022 were again extended until 31 March 2024. Enforcement of evictions continued to be delayed except in certain specified circumstances. Increased damages for unlawful eviction, up to a maximum of 36 times the monthly rent, continued to apply. In-tenancy rent increases remained capped at 3%. Landlords could, however, apply to a rent officer for an increase of up to 6% to help cover increases in certain "prescribed property costs", in defined and limited circumstances. If a landlord was unhappy with an order made by the rent officer, they could appeal to the Chamber. New processes were put in place in relation to these changes.

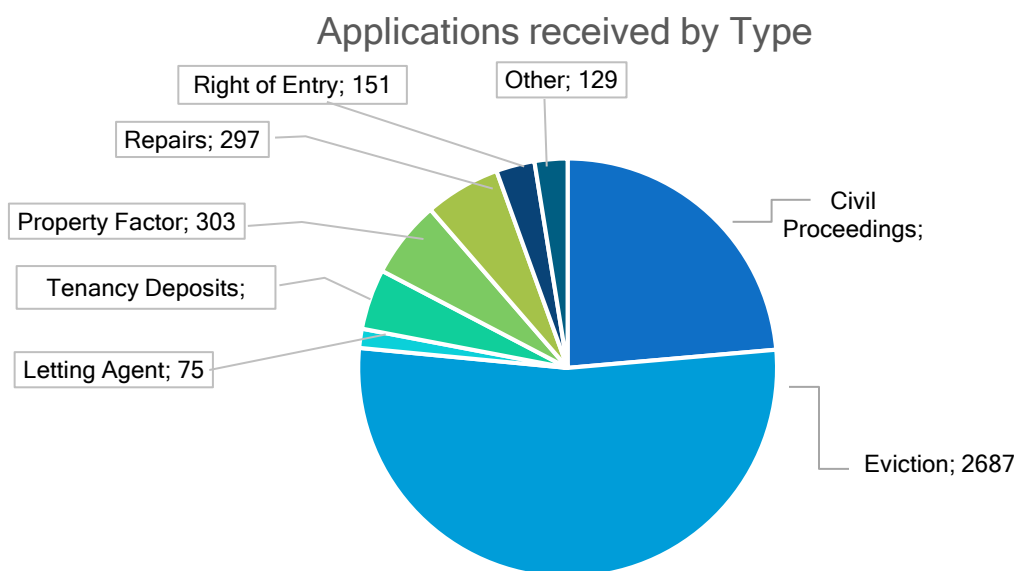
Various changes to the statutory repairing standard with which landlords are required to comply came into force on 1 March 2024. From that date, all private rented properties are required to have central heating, a kitchen with adequate space and facilities to prepare and store food, and common areas that are safe to use and properly maintained. Tenanted properties also need a circuit breaker device that reduces the risk of electrocution and fire. Training for members was held in February 2024 in advance of these changes. The training was evaluated very positively by an assessor from the Judicial Institute, who said "it was a pleasure to attend the event", observing that "It was a thoroughly planned and designed programme and it was obvious that training needs of the tribunal members were the main focus of the topics provided."

While case management discussions (CMDs) continued to be held by teleconference, there was a continued move towards in-person evidential hearings, mainly in relation to property factor, letting agent and repairing standard applications. These can be particularly complex and can involve considerable paperwork, group applications and/or multiple witnesses.

Case volumes and trends during the year

A total of 5078 applications were received during the reporting year. This was a 10% increase on the level of applications received in 2022-23, resulting in the highest annual volume of applications received to date. A breakdown of applications dealt with during the year is shown below. The brought forward/carried forward figures reflect the ongoing nature of cases.

Applications	Brought forward	Received	Closed	Carried forward
Totals	2352	5078	4417	3013



Total = 5078

The vast majority (83%) of applications received were once again within the private rented sector jurisdiction. As in previous years, most of these were eviction applications (2687), which for the first time accounted for the majority (53%) of all applications received¹. The level of eviction applications was 19% higher than in 2022-23.

Civil proceedings applications (1199) again accounted for the second highest proportion received, although these dropped slightly (by 4%) from the previous year. As in 2022-23, these figures indicate that most eviction applications were no longer accompanied by a civil proceedings application. This is again likely to be due to fewer eviction applications being brought on rent arrears grounds than in previous years. While figures are not collected on eviction grounds used, it is thought that there has been an increase in eviction applications on the grounds that the landlord intends to sell the property.

Property factor applications (303) were the third biggest category received, overtaking tenancy deposit applications for the first time. They accounted for 6% of all applications. As in 2022-23, numbers were up significantly on the previous year, representing a 19% increase.

Repairing standard cases followed very closely behind, with 297 applications. These were up by over a third (38%) on 2022-23 figures, accounting for 6% of applications overall.

Tenancy deposit applications for an order for payment of a sanction where the landlord has failed to comply with the duty to pay a tenancy deposit into an approved scheme accounted for 5% (237) of applications. As in 2022-3, these applications were down (by 9%) on the previous year.

The number of right of entry applications (151) fell by 17% on the previous year, accounting for 3% of all applications. Letting agent applications again increased (by 12%), but the actual numbers (75) remained fairly low. Rent assessment applications remained low (13), at fewer than half of the previous year's figure (30).

A total of 4417 applications were closed during the year, 10% more than in 2022-23. Perhaps unsurprisingly, given the higher volume of applications received - but nonetheless a testament to the hard work and commitment of the tribunal members and SCTS administrative staff who process and determine the

¹ In 2022-23, eviction applications accounted for 48% of all applications received. Unfortunately there was an error in last year's report, which quoted this figure as 60%.

applications received - 28% more applications were carried forward into 2024-25 than in the previous year.

A total of 4070 hearings and CMDs were held during the year (an 11% increase on the previous year). Of these, 3025 were CMDs and 1045 were hearings. An application can be determined either at a CMD or a hearing.

Upcoming changes

It remains to be seen whether the expiry of the provisions in the Cost of Living (Tenant Protection) (Scotland) Act 2022 on 31 March 2024 results in a further increase in eviction applications next year. Following the expiry of the rent cap provisions, a temporary rent cap will take effect from 1 April 2024². The new provisions will temporarily amend the process of rent adjudication where most tenants can refer a proposed rent increase to a Rent Officer or the Chamber for consideration. A tapering approach will be introduced which aims to protect tenants from the sharp increases in rent that some could experience if rents moved back to market level in one step, whilst allowing rent increases that support landlords to continue to invest in their rental property.

The Housing (Scotland) Bill was introduced in the Scottish Parliament on 26 March 2024. The Bill includes provisions on rent controls; evictions and damages for unlawful evictions; residential tenants keeping pets and making changes to let property; unclaimed tenancy deposits; registration of letting agents; and the ending of joint tenancies. If the Bill is passed in its current form, it will have a significant impact on the work of the Chamber.

² [The Rent Adjudication \(Temporary Modifications\) \(Scotland\) Regulations 2024](#)



Chamber President: May Dunsmuir

We have continued to see a rise in applications for the Additional Support Needs jurisdiction, which remains the only jurisdiction in the Chamber. This year is the highest on record. Our cases are growing more complex, which is reflected in the number and type of witnesses (it is common for skilled witnesses to appear in our proceedings) and the volume of documentary evidence, with bundles increasing in size and complexity.

Our judiciary and staff

I am very grateful to our judiciary who continue to manage their cases with unflagging commitment. In order to meet Chamber demands, an assignation round was conducted in 2023, with new legal and specialist members joining us after their summer induction training.

I remain very grateful to our caseworkers and clerks who continue to work hard alongside us. Their support and commitment does not go unnoticed.

Hearing types – digital and in-person

We have now settled into a routine of hearing types, which in the main are hybrid (a mix of online and in-person). There is no doubt that digitalised options assist our parties.

United Nations Convention on the Rights of the Child

Our preparations for the commencement of the *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024* are well advanced. I will be preparing Guidance for our judiciary, which will be published on our website. I will also share this with the Judicial Institute.

As always, I will be assisted in all of this by children who have lived experiences and I am grateful to *Children in Scotland* and *Partners in Advocacy* who will assist us in growing our understanding here.

Other innovations include:

A visual decision letter has been developed for children of young people. Some of autism friendly colour imagery you see here comes from those that may be used in the letter.

A visual invitation letter is being developed for children and young people who will be witnesses or who will attend to give their views in hearings.

Our website animations have been expanded to include a *Makaton* signed version.

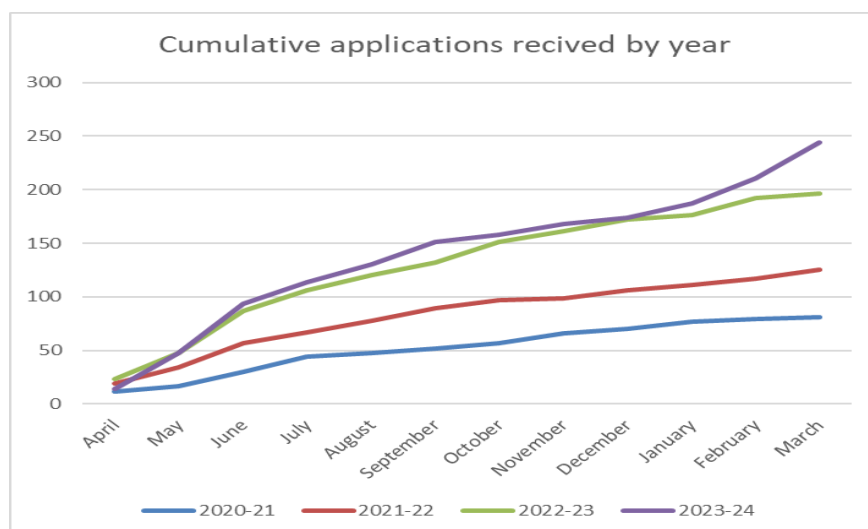
Annual Tribunal Forum (Additional Support Needs)

Our annual Tribunal Forum took place online in 2024 and was the most attended on record with an audience of over 100. The Forum provides a unique opportunity to share developments with stakeholders and is always very well received. I announced then that I will introduce a new Forum for legal and lay representatives to discuss legal process and procedures.

I predict that the rise in cases will continue through the next reporting year and that placing request references will continue to be the most common case type. With that in mind, I am reviewing ways to be able to discharge the business of the Chamber as efficiently as possible. I have the support of my In-house Legal Member, our Casework Team Leader and my Executive Assistant/Member Liaison Officer in examining this. I am grateful to each of them for their continuing support and endurance.

HEC Case Activity 2023-24

The Chamber has seen a further rise in applications with a total of 244 applications received. This is an increase of 21% against last year and the highest volume of receipts in any reporting year. Placing requests continue to remain the highest reference type and with a total of 204 applications received, this is an increase of 27.5% from the previous reporting year. The number of disability discrimination claims received has decreased slightly from the previous year with a total of 15 applications received, a drop of 11.8%



A total of 237 applications were submitted by a parent or guardian, with a further seven submitted by a child applicant. Eleven applications involved a child or young person who are 'looked after' by their local authority.

Autistic Spectrum Disorder remains the highest reported additional support need, reported in 75.4% of applications, a total of 184.

Five applications were made for permission to appeal, one of which was granted and one which was granted but subsequently withdrawn by the applicant at the Upper Tribunal. Three applications for a review of a decision were made, one of which was granted.

Judicial Training in the HEC

Member training featured prominently, as in previous years. This year, we welcomed new members (both legal and specialist) into the Chamber, which meant a return to Induction Training. This time, we delivered that training mostly in person, but with an online element too. Part of the in person element included a tour of the Chamber's special sensory hearing facilities at the Glasgow Tribunal Centre (GTC).

We also delivered specialist training, on Advanced Decision Writing (including an excellent session from The Hon. Lady Carmichael) as well as for our new Member Reviewer Team. Then there was our evening training for legal and specialist members, delivered online.

Our All Member Annual Conference in March 2024 was on the important topic of *Understanding Trauma*, with expert contributions, including a keynote presentation by the Rt Hon Lady Smith, drawing on her crucial work with the Scottish Child Abuse Inquiry.

The President and In-house Legal Member also gave presentations on the pre-hearing and hearing processes at the Judicial Institute's *Tribunal Craft* training event in November 2023.

In-house Legal Member, Prof. Derek Auchie

My sixth year in this role has undoubtedly been even busier than each of the last five, with a widening portfolio of work.

On sensory hearing facilities, I was delighted when the President asked me to chair a short life working group tasked with identifying possible venues across the country in which the sensory principles used in the GTC could be introduced. The five member group sourced numerous venues and conducted visits to assess their suitability. This has led to 7 venues (in addition to the two currently available – at the GTC and Inverness Justice Centre) being identified in the first tranche for future hearings, covering the country from the Islands to the Borders. Work is underway to get these venues ready for hearings. This work will provide enhanced accessibility for children and young people, (as well as other participants) with additional support needs and/or disabilities who want to attend hearings in person close to where they live.

It was fascinating to attend the Scottish Parliament and watch the HEC President give evidence to the *Education, Children and Young People Committee* on the work of the Chamber. The MSP questioning demonstrated a deep understanding of and interest in some of the key issues in the delivery of school education to pupils with additional support needs or disabilities.

The enactment of legislation to introduce the UNCRC into domestic Scots Law is a major development that will affect the work of the Chamber, and detailed discussions on the practicalities of this have taken place with the Scottish Government, and will continue. Intensive member training on this is planned for the Autumn of 2024.

In addition to all of this, I have continued my regular day to day in-house work including: offering peer support to members in their judicial roles, dealing with urgent casework decisions and preliminary matters, deciding permission to appeal and review applications, reviewing decisions for practice points prior to publication and chairing a monthly Judicial Case Management meeting with caseworkers resulting in regular reports on active cases to the President.

As I often say, 'never a dull moment'. That is something I have yet to experience in this role: long may that continue.

Temporary Chamber President: Andrew Veitch

Introduction

By way of introduction and as a context to the work of the SSC the following statistics provide an overview of the scale of benefit claims both in Scotland and in the United Kingdom. According to government statistics 2.8 million people in Scotland receive some form of benefit or tax credit and in the three months to January 2024 9.3 million Britons were economically inactive, being neither in work nor looking for a job.

In my last report I referred to the words of Lord Woolman in his address to the SSC conference when he spoke of "a modern tribunal system that places tribunal users at the centre of all it does." This is the ethos that the SSC has adopted. As an organisation we are aware of the potential number of benefit claimants that may bring appeals against Social Security Scotland decisions for a hearing. Our purpose remains to ensure that appellants consider that they have been, and are, treated with respect, dignity and fairness. Whether they are successful or not, it is important that any decision reached is fair, informed and just.

Since last year the SSC has seen a significant rise in the number of appeals, particularly in respect of Adult Disability Payment (ADP) and Child Disability Payment (CDP). Presently the SSC is receiving around 400 appeals a month, and rising, which equates to nearly 5000 appeals a year. The expectation is that as PIP and DLA are phased out and the claimants transferred to ADP and CDP the number of appeals will continue to increase. In addition there are a range of other benefits for which the SSC is the appeal chamber. Further on in this report are the statistics relating to all these benefits.

Appeal levels are still lower than forecast, however given the continuing increase in the number of appeals received, the SSC has taken steps to meet the increasing needs of benefits appellants in Scotland.

The number of members has increased to around 300 and the SSC will finish providing training to all members by the end of June 2024.

Nine duty conveners were appointed by me, after an expressions of interest exercise, during 2023. Their role is to assist me by standing in for me when I am

unavailable, to provide guidance as required to other tribunal members and to give advice to the administrative team on legal issues. Their assistance and support has been invaluable in maintaining the operation of the SSC. During the course of the next year it is expected that their roles will be further developed to provide additional advice and assistance to chamber members. Part of that increasing role will be the introduction of Tribunal User Group meetings which will involve all tribunal users including Social Security Scotland. As part of that process I have already met with welfare rights groups in Glasgow and will be addressing the CPAG conference in June.

A commitment to provide ongoing training for members is an essential part of the ethos of the Chamber and helps assist both the work of the Chamber and the spirit of collegiality. Chamber members had the opportunity to attend the Tribunal Craft course run by the judicial Institute for Scotland.

The Chamber continues to develop to meet the expected increase in the number of appellants. A digital transfer of information and documents between the SSC and Social Security Scotland has been developed and is operational as is the Members Portal. By the end of June 2024 all members should be able to access their papers using the portal. Appellants and representatives will also be able to access papers and view the arrangements in respect of their hearings.

A further development that is in process of being implemented is that SSC members will be able to access a section of the Judicial Hub specific to their needs. They will be able to access legislation, upper tribunal decisions, training materials, chamber newsletters and styles to assist the writing up of decisions. To optimise understanding of the tribunal hearing process, during the course of 2023 the Chamber developed a role play training scenario of a typical SSC in-person hearing. This was acted out by members of the training team and filmed by a professional film crew. The resultant video has three components. The first addresses prehearing discussions between the members, the second the actual hearing and the third the decision-making discussions. Between each component there is an opportunity for discussion about what works well and what worked less well. As a training vehicle it has been very well received and this will be made available on the Judicial Institute website.

“Soup and Sandwiches with the President” continues on a regular basis and has proven helpful in the dissemination of information and the provision of guidance as well as a forum for discussion. The SSC newsletter provides information on changes in legislation, chamber developments and also members have taken the opportunity to submit articles.

Appeal Volumes

The Social Security Chamber hears appeals in relation to non-disability and disability claims including Best Start Grant, Pregnancy and Baby Payment, Early Learning Payment, School Age Payment, Funeral Support Payment, Carer Support Payment, Young Carer Grant, Winter Heating Assistance for Children and Young People, Scottish Child Payment, Child Disability Payment and Adult Disability Payment.

Receipts and Disposals per benefit type:

Assistance Type		Received	Closed
Carer's Assistance	Young Carer Grant	7	3
Disability Assistance	Adult Disability Payment	2242	588
	Child Disability Payment	188	64
Early Years Assistance	Best Start Grant	32	22
Funeral Expense Assistance	Funeral Support Payment	33	27
Scottish Child Payment	Scottish Child Payment	109	66
Winter Heating Assistance	Child Winter Heating Assistance	0	0
	Winter Heating Payment	4	1
Total		2615	771

Hearings – 1125

The majority of hearings continue to be by telephone however facilities exist for Video link hearings and in-person hearings. The SSC has venues throughout Scotland and where an appellant indicates that they would prefer an in-person hearing this will be facilitated wherever possible.

Training

Denise Smith after an expressions of interest exercise was appointed as director of training taking over from Bob Forrest who retired at the end of 2023. In October, November and December 148 SSC members were provided with a full day training course which dealt with good practice in telephone hearings and tribunal skills. In addition there were small-group scenarios in respect of both ADP and CDP and the training day concluded with the viewing and discussion of the training video of a mock tribunal hearing. This course was observed by two education and learning managers from the Judicial Institute and their review was extremely positive. Feedback from members was also very positive.

On 20 March 2024 there was a half day course delivered by Teams. The course considered decision writing, errors of law, corrections, reviews and appeals procedure. Training was delivered both by lecture and by small group sessions. Again member feedback was very good. There were 29 participants and as a result of that course further training on these topics is to be delivered later this year but over a full day.

The SSC has had two intakes of new members. The first tranche of those new members had training delivered at GTC in two separate groups in May. The second tranche will receive training in two separate groups on a similar basis in June.

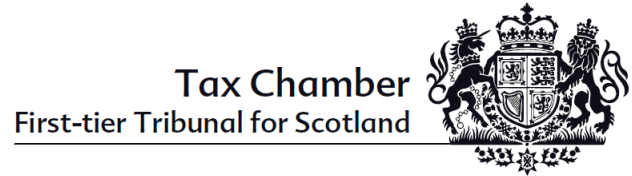
The outcome of these training events will form part of the annual report next year.

I would like to express my thanks to both Denise and Bob for their hard work and commitment over the past year. Without their input and that of the training team the chamber would not now be in the position that it is, and will be after the training in June, of having members who are trained and available to sit on hearings given the continuing and expected increase in numbers.

Looking Ahead

The number of appeals continues to increase bringing further demands on the staff team. The administrative team, which has been enlarged, have met those demands and SSC members have continued with their unfailing support and commitment to ensuring that hearings are conducted with respect, fairness and dignity. Without that support and commitment from both members and the administrative team, the SSC would not be in the position that it is now - namely able and ready to meet the increasing needs of benefits appellants in Scotland. The continuing aim of the Chamber is to ensure our processes are as user-friendly as possible, whether those

users are appellants, representatives or members; and further to assist all parties ensuring appellants have a hearing in which they feel supported, heard and able to express their arguments.



Chamber President: Anne Scott

In the course of the year, 22 new appeals were received by the Chamber. All involved Land and Buildings Transaction Tax. Ten of those appeals were subsequently withdrawn and eight are still ongoing with hearings anticipated later in 2024. Four appeals were dismissed.

There were three in-person hearings.

The decisions were issued during the year and all decisions are published on the Chamber website.

It is not expected that there will be any significant change in the number of appeals coming to the Chamber in the foreseeable future.



Temporary Chamber President: Jacqui Taylor

Introduction

The Local Taxation Chamber (LTC) became operational on 1st April 2023 when the functions of the Valuation Appeal Panels and Council Tax Reduction Review Panel were transferred to the Local Taxation Chamber. The LTC hears appeals in relation to non-domestic rates, council tax banding, council tax liability, water charges, council tax reduction and civil penalties.

Transferred Appeals

41,170 outstanding appeals were transferred to the LTC. These consisted of:

- 868 council tax banding appeals
- 316 council tax invalid appeals
- 23 council tax liability appeals
- 10 council tax reduction appeals
- 39,953 non-domestic rates appeals

The Chamber has been challenged by the high number of appeals that were transferred. The volume of appeals transferred was largely due to the COVID-19 pandemic, which meant that many Valuation Appeal Panels had not sat for a significant period prior to the commencement of the Chamber. In addition, Assessors had received large volumes of non-domestic rates appeals where there had been a material change of circumstances linked to COVID-19.

The First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022 at Rules 25(4) and 34(6) provided that the LTC could write to appellants of the transferred appeals and ask them to confirm if they intend to proceed with their appeal. The Chamber successfully issued 41,170 letters to all of the appellants of the transferred appeals in June 2023 and intends to dismiss the appeals by appellants who did not reply to the letters in terms of the Procedure Rules in August 2024.

Engagement with Stakeholders over the transferred appeals

The operational staff of the Chamber worked closely with the Assessors and Local Authorities to secure the prompt transfer of all appeals from the Valuation Appeal Panels. The Chamber has continued to engage with stakeholders on a range of matters throughout the year. This includes quarterly stakeholder meetings and the development of a short technical survey, which was developed to assist the Chamber schedule the transferred appeals and to understand the needs and preferences of users. The survey was issued to the Scottish Assessors Association, Scottish Rating Surveyors Forum and Scottish Ratepayers Forum. The Chamber implemented changes following responses received to the survey including advertising forthcoming hearings on the Chamber website, providing additional details in relation to forthcoming hearings, and implementing new search functionality that allowed users to filter forthcoming hearings and published decisions.

Determined Transferred Appeals

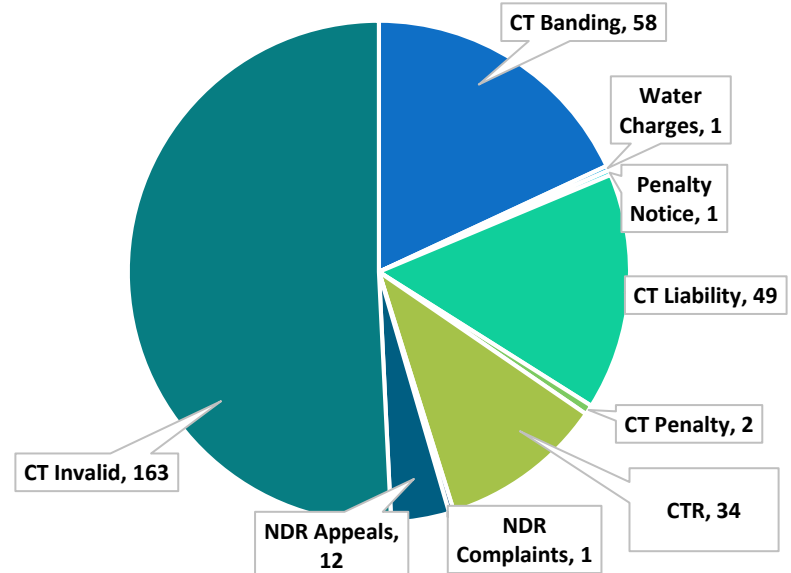
Of the 41,170 appeals transferred to the Chamber in April 2023, the Chamber has successfully closed 5108 appeals. These consisted of:

- 633 council tax banding appeals
- 313 council tax invalid appeals
- 21 council tax liability appeals
- 9 council tax reduction appeals
- 4132 non-domestic rates appeals

New Appeals

During the 2023/24 reporting year, the Chamber received 321 new appeals. These consisted of:

- 58 council tax banding appeals
- 163 council tax invalid appeals
- 49 council tax liability appeals
- 2 council tax penalty appeals
- 34 council tax reduction appeals
- 12 non-domestic rates appeals
- 1 non-domestic rates complaint
- 1 penalty notice appeal
- 1 water charges appeal



Of the 321 new appeals received, the Chamber successfully determined 159. These consisted of:

- 21 council tax banding appeals
- 77 council tax invalid appeals
- 27 council tax liability appeals
- 2 council tax penalty appeals
- 23 council tax reduction appeals
- 7 non-domestic rates appeals
- 1 penalty notice appeal
- 1 water charges appeal

Council tax invalid appeals are disposed of on the basis of written representations in terms of procedure Rule 9(2). The Chamber has no discretion to accept council tax banding appeals that are lodged out of time. This has been confirmed by a number of decisions by the Upper Tribunal throughout the year.

Decisions for all new and transferred appeals (other than council tax reduction) are published on the Chamber website.

Hearings

All hearings (other than council tax reduction hearings) are public hearings and details of these are published on the Chamber website. The majority of hearings are video conferencing hearings held via Cisco WebEx. Requests can be made to the Chamber for links to observe hearings. Parties can also request in-person or telephone hearings but these occur infrequently as the statistic below shows:

Application Type		In-Person	Telephone	Video	Total
Council Tax	Banding	1	0	132	133
	Liability	6	1	23	30
Council Tax Reduction	Review	2	1	7	10
Non-Domestic Rates	Appeal	2	0	27	29
Total		11	2	189	202

A large percentage of non-domestic rates and council tax appeals drop off before the hearing date. 68.5% of scheduled council tax appeals were withdrawn before the hearing and 92.4% of non-domestic rates appeals were dismissed due to the

failure of the appellant to timeously provide a written statement or they were withdrawn.

Training

The Chamber held a successful all members' training event in February 2024 that was positively evaluated by both the members and the Judicial Institute for Scotland. On each criteria for training delivery set by the Judicial Institute, the Chamber was assessed as having met or exceeded the standard set in the guidelines.

Upcoming changes

The Chamber is starting to see an upsurge in the number of transferred non-domestic rates appeals related to COVID 19 and a material change of circumstance being withdrawn.

The Non-Domestic Rates (Scotland) Act 2020 applies to new non-domestic rates appeals made to the Chamber. The Act created a two-stage appeal system whereby owners, tenants or occupiers must lodge a proposal under section 3ZA of the Local Government (Scotland) Act 1975 with the Assessor if they disagree with the valuation of their property as a precursor to lodging an appeal with the Chamber. This change occurred at the same time as the revaluation cycle was shortened from five years to three years. As a result, the Chamber expects to see an increase in the number of new non-domestic rates appeals made to the Chamber during 2024-25.

Chamber Websites



Upper Tribunal

www.scotcourts.gov.uk/the-courts/tribunal-locations/the-upper-tribunal-for-scotland

General Regulatory Chamber

www.generalregulatorychamber.scot/

Housing & Property Chamber

www.housingandpropertychamber.scot/home

Health and Education Chamber

www.healthandeducationchamber.scot/

Social Security Chamber

www.socialsecuritychamber.scot

Tax Chamber

www.taxtribunals.scot/

Local Taxation Chamber

www.localtaxationchamber.scot/



E: judicialofficeforscotland@scotcourts.gov.uk
W: Judiciary of Scotland

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Provided to the Scottish Ministers in pursuance of section 78 (4)(b) of the Tribunals (Scotland) Act 2014 on