

## SPSO decision report

**Case:** 202404300, Social Security Scotland  
**Sector:** Scottish Government and Devolved Administration  
**Subject:** Handling of application  
**Decision:** upheld, recommendations

### Summary

C complained that Social Security Scotland (SSS) unreasonably delayed in changing responsibility for Child Disability Payment (CDP) when C reported that their child (A) was living with them. C and A's other parent (B) were living apart and A had previously been living with B. However, A moved out of Scotland to live with C.

C complained that when this change in circumstances was reported, payments of CDP had initially been suspended pending transfer to C, however, the suspension was subsequently removed and all outstanding payments due before the account was closed continued to be made to B. C complained that B did not make this income available resulting in C and A being negatively impacted financially.

SSS agreed that there had been delays in processing the transfer, pending new guidance and processes being put in place. SSS also stated that the transfer of payments to C should have been actioned before the process for ending CDP payments was completed. Nevertheless, SSS stated that their statutory duty was to make payments for A, which they fulfilled, and that any dispute over how the CDP payments were distributed between the two parents was a civil matter. Additionally, they considered that there was no evidence that A was not benefiting from the payments during this time.

We found that B had confirmed their agreement for the change in responsibility and that payments to B had initially been suspended only for the suspension to be subsequently removed with no reasoning recorded. We found that there were delays due to lack of formal SSS guidance being in place. Additionally, it was evident that conflicting information and communication received from C and B should have raised concerns about whether A was benefiting from the benefits income intended for them, and there were missed opportunities to give clear advice to both C and B. Additionally, SSS had acknowledged that they should have processed the change in responsibility before processing A's move out of Scotland.

Given these failings, we upheld C's complaint. We recommended, under SPSO's redress policy, that SSS should make a payment to C for the amount of CDP due from the point at which the account had initially been suspended until the account was closed.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings in relation to changing responsibility for Child Disability Payment when C reported that A was living with them. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsa.org.uk/meaningful-apologies](http://www.spsa.org.uk/meaningful-apologies).
- Provide an ex-gratia payment to C equivalent to the amount of Child Disability Payment that A was entitled to, from the point at which the account had initially been suspended until the account was closed.

What we said should change to put things right in future:

- SSS should ensure that appropriate consideration is given to whether evidence has been provided to suggest that payments of benefits are not being used for their intended purpose, and to whether financial abuse may be taking place. In cases where such information is received, consideration should be given to suspending payments, in line with the relevant guidance and legislation.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.