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Joe FitzPatrick MSP
Convener
Equalities, Human Rights and Civil Justice
Committee
The Scottish Parliament
EH99 1SP

9 February 2023

Dear Convener

The First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023

I write further to the EHRCJ Committee's consideration of the First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023 on 31 January 2023, and in particular the question raised by Maggie Chapman MSP.

Ms Chapman's question, as set out in the Official Report, was,

"If [the members of the Chamber] identify a potential issue, will there be the opportunity for them to signpost people to further support and advice from Social Security Scotland? From the information that they have, they might identify opportunities for the individuals to apply for benefits that they are not claiming, even though they are eligible for them. How do we close the circle by linking what is, as you said, a taxation system with the social security system, which should provide support?"

My officials have confirmed with the Senior Convener of the Council Tax Reduction Review Panel ("CTRRP") that at present, it does not advise appellants on other benefits to which they may be entitled as they have no basis on which to do so. The interaction between benefits and Council Tax Reduction often arises in applications to the CTRRP as benefits are a form of income which falls to be either taken into account for a Council Tax Reduction calculation or, if relevant, be disregarded. Applicants to the CTRRP are often not represented and the CTRRP advise applicants as to where they can seek help, such as the welfare rights office of the local council or a Citizens Advice Bureau. Such organisations can advise on the CTRRP application but are also well placed to advise on most other benefits and allowances.

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My officials have also raised Ms Chapman's query with the Chamber President of the Local Taxation Chamber in the First-tier Tribunal for Scotland, Jacqui Taylor. The Chamber President, in conjunction with the Judicial Office for Scotland, is responsible for training of members of the Local Taxation Chamber. Ms Taylor has responded that the Tribunal is an independent and impartial body. They are not able to provide legal advice to parties. Tribunal members are trained in Council Tax Reduction and are not trained in other benefits. However, the Chamber President has confirmed that there will be no difficulty in signposting Council Tax Reduction appellants to further advice from the Citizens Advice Bureaux or Law Centres, if appropriate.

Ms Chapman's question has also been brought to the attention of the Judicial Office for Scotland and the Scottish Courts and Tribunals Service for awareness.

I should be grateful if you could update the Committee with the response to Ms Chapman's question.



ELENA WHITHAM

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