



T: 0300 244 4000
E: scottish.ministers@gov.scot

Ed Pybus
Chair, Scottish Commission on Social Security
c/o Secretariat
Victoria Quay

Edinburgh EH6 6QQ

By email to: info@socialsecuritycommission.scot

16 October 2026

Dear Ed

The Social Security (Information for Audit) (Scotland) Regulations 2027

I am writing to provide SCoSS with a draft of the Social Security (Information for Audit) (Scotland) Regulations 2027 made in exercise of the powers conferred by sections 51(2)(aa), 52, 79(1), 87B(4)(c), 87B(5) and 87C(1), (4) and (5) of the Social Security (Scotland) Act 2018.

I enclose a draft set of regulations, and request that the Commission prepare and submit a report to the Scottish Ministers in accordance with its functions under section 22(1)(a) and (b) and duty under 97(4) of the Social Security (Scotland) Act 2018. Along with the draft regulations, I am also providing a draft policy note which lays out the thinking underpinning these regulations and an illustrative list of administrative exemptions. The relevant impact assessments are still being drafted but we hope to share them in due course.

In successive annual reports, Audit Scotland has highlighted the need for Social Security Scotland to estimate and understand levels of fraud and error within its caseload, consistent with approaches adopted elsewhere in government. This activity is designed to support the Scottish Government's commitment to protect public resources, help identify any weaknesses in benefit processing, and improve systems and training. It will also help to identify and address the root causes of underpayments and overpayments, reducing administrative costs, ensuring better value for money and overall efficiency.

In response to this recommendation, Social Security Scotland reviewed the estimation methodologies of other government departments and developed options based on best practice. The one chosen involves a regular programme of sampling, review, and analysis of a selection of randomly chosen cases within the benefit caseload. This requires up to date information, relevant to entitlement and payment decisions, to be gathered from individuals.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



The information will be used to compile official statistics on the estimated monetary value of fraud and error within the social security system.

As the Social Security (Scotland) Act 2018 did not originally contain powers to request information directly from individuals for the sole purpose of audit, amendments were needed and Section 18 of the Social Security (Amendment) (Scotland) Act 2025 addresses this. Secondary legislation is now required to set out certain aspects relating to the circumstances and manner in which these powers may be exercised.

A statutory consultation on the proposed regulations took place between March and June of this year, and, while the full analysis of the responses is yet to be published, the consultation document and responses are available at [‘Estimating fraud and error within the Scottish social security system’](#). My officials will be happy to discuss how this feedback has influenced the draft regulations.

The draft regulations set out how aspects of the information for audit powers may be exercised in practice and the relevant safeguards that apply to their use. This includes the circumstances in which information responses may be requested to be put in writing, exemptions, response timescales for both individuals and Social Security Scotland, and consequential amendments to the principal benefit regulations relating to the suspension of entitlement.

The regulations apply to all forms of assistance given under and by virtue of the 2018 Act. However, some of the provisions in the regulations are relevant only to ongoing forms of assistance, where a failure to comply with a request for audit information may result in consideration being given to the suspension of payments until the information is provided and, ultimately, a review of entitlement in accordance with existing benefit legislation and processes.

I want to extend my thanks to the Commission for considering these regulations. I am also writing to the Social Justice, Housing and Local Government Committee to inform them that the draft regulations have been submitted for scrutiny.

I look forward to receiving your report in due course.

Yours sincerely



SHIRLEY-ANNE SOMERVILLE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

