



Appointeeship in Scotland

Systemic Failures, Human Rights Concerns,
and the Critical Role of Independent
Advocacy

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Introduction

This briefing sets out concerns raised by Scottish Independent Advocacy Alliance (SIAA) member organisations, SIAA members are all independent advocacy organisations. The issues arise from the operation of appointeeship arrangements under both reserved Department for Work and Pensions (DWP) benefits and devolved Social Security Scotland benefits, as experienced by people supported by independent advocacy organisations. People who access independent advocacy are referred to throughout as 'advocacy partners'. It draws on independent advocacy work undertaken with advocacy partners and highlights the human rights implications, the systemic and communication failures at the root of the problem, and the essential role that independent advocacy is playing.

SIAA have gathered data from our member organisations working across around a third of local authority areas in Scotland about appointeeships. The responses reveal significant variation in how local authorities approach appointeeship, and highlight that where problems do arise, independent advocacy is essential in identifying and responding to them.

What is appointeeship?

An appointeeship is a legal arrangement under the Social Security (Scotland) Act 2018, administered by Social Security Scotland, whereby a person or organisation is appointed to manage another individual's devolved social security benefits on their behalf. An appointee is put in place when:

- An adult meets the definition of incapacity under the Adults with Incapacity (Scotland) Act 2000, and no other legal authority (such as a Power of Attorney or Guardianship Order) is in place; or
- A child is not living with a person who holds parental rights and responsibilities.

Appointees are granted significant powers, including receiving and managing benefit payments, making applications and declarations on behalf of the individual, exercising dispute rights, and reporting changes in circumstances. Critically, the appointee has a legal and ethical duty to act in the best interests of the individual at all times, including supporting that person to participate in decision-making to the fullest extent possible.¹ Appointeeship also exist for UK social security payments from the Department of Work and Pensions (DWP). The UK Government says the appointee is “responsible for making and maintaining any benefit claims.” And the benefit payment must be spent in the claimant’s best interests.²

An appointee 'can do anything the client could have done in relation to the client's entitlement to devolved benefits... This is an important position of trust.' ~ Social Security Scotland Client Representative Guidelines, Part 5

It is equally important to note that appointeeship is explicitly limited in scope: it confers authority only in relation to Social Security Scotland or DWP benefits. An appointee has no authority over other areas of the individual's life, welfare, or wider finances unless additional separate legal powers have been granted.

A further area of ambiguity that has not yet been adequately explored concerns the relationships between devolved and reserved appointeeship arrangements. In practice, it is often assumed that an appointeeship covers all of a person’s benefits, regardless of whether they are administered by Social Security Scotland or the DWP. However, the two systems are administered separately and operate under different legal frameworks. It is our understanding that an appointeeship for devolved benefits does not automatically confer the role of appointee for DWP benefits, and vice versa. Where someone is new to the benefits system, a separate application may be

¹ [Client representative guidelines Part 5: Introduction to Social Security Scotland appointees](#), Social Security Scotland

² [Appointees, Personal Acting Bodies and Corporate Acting Bodies: Guidance](#), UK Parliament

required for each. This distinction does not appear to be well understood, at least it is not something that is raised by advocacy partners or clarified with public bodies. Greater clarity on this point is needed to ensure that people's entitlements under both systems are properly protected and that those acting as appointees have a clear and accurate understanding of the scope of their role.

The Issue: What is going wrong?

Independent advocacy workers are encountering a growing pattern of serious problems in cases where local authority social work departments hold appointeeships for people with learning disabilities and/or autistic people. Two illustrative cases, drawn from direct independent advocacy practice, demonstrate the nature and scale of the concern.

Case Example 1: Denied Financial Independence and Loss of Quality of Life

An advocacy partner wished to move towards greater financial independence, a goal shared and agreed upon by all parties involved in their care. This required opening a personal bank account into which Social Security Scotland and DWP payments could be directed. The individual needed relevant financial information to do so. However:

- The bank required the appointee (a local authority social worker) to attend an appointment to support the account opening.
- The social worker stated this was not within their remit. Their role was only to manage the social security payments, not to facilitate wider financial inclusion.
- No party was willing to take responsibility for identifying or facilitating the next step.

The result was a complete impasse. The person's wish for greater autonomy over their own finances, a right, not a privilege, was blocked by a vacuum of accountability.

One independent advocate outlined the issue as follows: "There appears to be a lack of clarity and understanding between the people involved and what roles and responsibilities they hold.

There is a danger that it results in restrictive practices, with the least restrictive route not being taken or providing the opportunity for positive risk."

In a separate but related situation, the same individual had the opportunity to go on a group holiday organised by their care provider. They asked their appointee whether

they could afford to attend. The appointee said they would require exact costs months in advance before confirming whether funds were available. As the private care provider organising the trip needed group booking confirmation before they could confirm individual costs, this created an impossible circular barrier. The person had significant funds in their account and was entitled to use them for this purpose, yet they did not get to go on holiday. Their quality of life was directly diminished as a result, with no justification.

Case Example 2: Hidden Savings, Poverty, and Damaged Relationships

A second person, also with an appointeeship held by a local authority, had been living in effective poverty for years. People around her, including independent advocacy workers, care staff and peers, were unaware of her true financial position. Key concerns include:

- She received a small regular allowance divvied out to her and had been regularly requesting money from others around her due to having insufficient funds for basic quality of life expenses. Her independent advocate described her income as being so low that she “wasn't even able to buy her essential items.”
- Advocacy partner asked on separate occasions both independently and with support of her independent advocate whether she could afford a phone for her birthday, she was told she could not.
- Her financial situation had a profound impact on her relationships: those around her grew frustrated at repeated requests for money, damaging trust and social bonds.
- She does not have a regular allocated social worker, one is only assigned during periodic reviews, at which support hours have typically been reduced, not increased.

At the most recent review, it was revealed by a social care officer, who had no knowledge of her financial history, that she had accumulated over £20,000 in savings from her benefits over many years. Neither the woman herself, nor her care and support staff, nor the independent advocacy worker, had been aware of this.

The consequences of this discovery are serious and compound the original harm. Because her savings have accumulated beyond the threshold at which means-tested benefit entitlement may be affected, **she now faces the risk of having her social security benefits reduced or removed - through no fault of her own.** The lack of

transparency, proactive communication, and oversight from those responsible for her financial affairs has left her in a precarious position that was entirely avoidable.

Member Experiences Across Scotland

To understand the broader picture of appointeeship practice across Scotland, SIAA sought views from its member independent advocacy organisations covering nine local authority areas, this is approximately a third of local authority areas in Scotland. The responses reveal variation in how local authorities approach appointeeship and highlight that where problems do arise, independent advocacy is essential in identifying and responding to them.

Importantly, several local authority areas, including Glasgow City Council, East Renfrewshire Council, South Lanarkshire Council, and Edinburgh City Council, were reported by member organisations as not acting as corporate appointees at all, citing conflicts of interest or preferring to apply for financial guardianship instead. One member noted: “None of the local authorities whose areas we work in act as corporate appointees due to the conflict of interest.” This raises a significant question of consistency: if some local authorities have recognised the inherent conflict in holding appointeeship while also providing care and support, why does the practice continue elsewhere without equivalent safeguards?

In areas where local authority appointeeship does operate, member organisations report a mixed picture. In North Lanarkshire, one member confirmed that the issues described in the case examples above can and do occur, noting that outcomes “depend on the arrangements” and that “sometimes it works well, sometimes it’s very frustrating for people.” A practical example cited was of people attending local social work offices to collect cash, managed by admin staff, an arrangement that carries its own risks around dignity and financial autonomy.

Where positive practice exists, it tends to reflect thoughtful, person-centred arrangements. In one local authority area, a member organisation reported a generally positive experience of social work appointeeship, with some individuals given a money card loaded with an agreed amount that they can spend as they wish, providing meaningful financial autonomy within the appointeeship structure. However, even in that area, the same member described a case where an individual under corporate appointeeship was unhappy that their care charges continued unchanged despite a reduction in their support hours, and felt their views were not

adequately championed by their appointee when raising concerns with the care provider.

Members also identified the need for national guidance as a key gap. As one organisation put it: “National guidance would help.” A further suggestion raised was the value of flexible financial arrangements. For instance, a host account for paying bills and direct debits alongside a personal account for the individual, potentially with a bank card and regular small deposits as a means of supporting greater day-to-day financial autonomy within a managed framework. The variation in practice across council areas, from non-engagement with appointeeship entirely to arrangements that can replicate the harms described above, underscores the need for consistent national standards and oversight.

Human Rights Concerns

The situations described above point to systemic failures within the appointeeship system. Scottish social security is underpinned by principles of fairness, dignity, and respect; however, the experiences outlined suggest that, in some cases, these principles have not been consistently upheld in practice, particularly in relation to individuals’ autonomy, financial access, and ability to make informed choices.

The Equality Act 2010

The Equality Act 2010 is the primary piece of domestic legislation protecting disabled people's rights across Great Britain. Under the Act, disability is a protected characteristic, defined as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. People with learning disabilities and autistic people are protected under this definition.

The Act makes it unlawful to discriminate against a disabled person, including through indirect discrimination, where a policy, rule, or practice puts a disabled person at a particular disadvantage compared to others. It also places a duty on organisations carrying out public functions to make reasonable adjustments to ensure disabled people can access services as easily as others. Where local authorities, as appointees, are not following the Client Representative Guidelines for Social Security Scotland appointeeship that says appointees must work in the best interests of the person, ensure money is spent for the person’s benefit and support the client to participate in decision making, they may be acting in a way that is

inconsistent with these duties. Reasonable expectations could include providing accessible financial information, facilitating basic financial inclusion, or responding meaningfully to reasonable requests.

The Act also protects against discrimination arising from disability, that is, treating someone unfavourably because of something connected to their disability, even if the unfavourable treatment is not directly because of the disability itself. Being denied participation in activities or access to one's own funds because of structures designed around others' convenience, rather than one's own needs and rights, falls squarely within this concern.³

Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴ is a United Nations treaty protecting fundamental rights including adequate housing, food, an adequate standard of living, social security, and the highest attainable level of physical and mental health. The Scottish Government has committed to incorporating ICESCR into Scots law through a future Human Rights Bill, subject to the outcome of the 2026 Scottish Parliament election. The following ICESCR rights are directly engaged by these cases

- **Right to an Adequate Standard of Living (Article 11):** Living in effective poverty whilst having significant savings managed by an appointee. Being denied a phone, being unable to go on holiday, not having a clear plan to access the funds they need for daily living, represents a direct failure to realise this right.
- **Right to Social Security (Article 9):** The Social Security (Scotland) Act 2018 explicitly recognises that social security is itself a human right and is essential to the realisation of other human rights. Where appointeeship arrangements prevent people from benefiting from the funds they are entitled to, the purpose of the social security system is fundamentally undermined.
- **Right to Participate in Cultural Life (Article 15):** Being denied participation in social and leisure activities, such as a group holiday, because of an appointee's failure to engage with reasonable requests directly affects the individual's right to take part in cultural and social life.
- **Right to the Highest Attainable Level of Physical and Mental Health (Article 12):** The long-term impact on mental health, social relationships, and wellbeing

³ [Disability discrimination](#), Equality and Human Rights Commission

⁴ [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), Equality and Human Rights Commission

arising from financial deprivation, social isolation, and a lack of agency is significant and well-evidenced.

Rights of Disabled People

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by the UK, provides under Article 12 (Equal Recognition Before the Law) that disabled people must have access to support in exercising their legal capacity, and that appropriate safeguards must be in place to prevent abuse. The current system is producing the opposite effect. Independent advocacy support is one means by which Article 12 rights can be realised in practice, but when systems are so dysfunctional that even an independent advocate cannot support a person to navigate them, the scale of the accountability failure is of the most serious order.

Social Security Scotland's Own Charter and the Scottish Social Services Council Codes of Practice

The failures described in this briefing are not only a matter of international human rights law, they also represent a breach of Scottish policy commitments and professional standards.

- **Social Security Scotland's Charter**, created under a requirement in the Social Security (Scotland) Act 2018, sets out what people can expect from the Scottish social security system. It commits Social Security Scotland and the Scottish Government to treating people with dignity, fairness, and respect, and to taking a human rights-based approach in all their actions. It explicitly recognises that social security is a human right. Where appointeeship is administered in a way that denies people knowledge of their own financial position, prevents them from exercising choice, and leaves them effectively in poverty whilst funds accumulate unbeknown to them, these commitments are not being met.⁵
- The **Scottish Social Services Council (SSSC) Codes of Practice**, revised in 2024, set out the standards of practice and behaviour expected of all social service workers and their employers in Scotland. The Code for Social Service Workers requires workers to protect and promote the rights and interests of the people they support, to be open, honest and transparent, and to uphold public trust

⁵ [Our charter](#), Social Security Scotland

and confidence. The Codes make clear that workers must not abuse, neglect or exploit individuals, and must not discriminate against them. The conduct described in these cases, including; refusing to share financial information, failing to facilitate access to funds, and declining to take any accountability for next steps, raises real questions about compliance with these professional standards.⁶

Systemic Failures at the Root of the Problem

While individual cases are the visible manifestation of these issues, the root causes are systemic. Independent advocacy workers report the following recurring themes:

Lack of Accountability

There is no clear locus of responsibility when problems arise. Appointees, social workers, banks, and care providers each define their own role narrowly and refer questions on to others. Nobody takes ownership of ensuring the individual's rights are actually upheld. This is directly contrary to the principles set out in the Social Security Scotland Client Representative Guidelines, which require that appointments are made on the basis of good information and that the views of those affected are taken into account.

Poor Communication and Transparency

In both cases described above, a fundamental failure was the absence of financial transparency. Individuals did not know how much money was in their accounts, could not plan for anticipated expenses, and received no proactive communication about their financial position. There is no apparent mechanism for ensuring that individuals under appointeeship, or those supporting them, receive regular, accessible financial information.

Furthermore, financial information is not being shared with the care and support professionals who need it to support the individual's quality of life. Confidentiality and data protection would have to be carefully considered but currently it seems the approach is impacting quality of life. The case of the woman with over £20,000 in

⁶ [Codes of Practice](#), Scottish Social Services Council

savings, unknown to all those around her for years, is a stark illustration of the harm caused by siloed, non-communicating systems.

Inadequate Review and Oversight

Whilst the guidelines state that appointments should be reviewed at least every five years, the cases seen by independent advocacy workers suggest that reviews are not proactively used as an opportunity to assess whether the appointeeship is still serving the individual's best interests, or whether greater financial independence could be supported. Reviews appear to default to continuation rather than actively considering transition towards greater autonomy.

One advocacy partner was referred by the local authority social work for a financial capacity assessment. Two years later and this assessment has not happened. The independent advocate has supported the advocacy partner to raise the issue of the delayed referral but due to high turnover of social work team no answers are provided.

Structural Barriers to Financial Inclusion

When people wish to move toward greater financial autonomy, which is both a goal of good support and a legal right, the systems in place appear to actively obstruct this. Neither banks nor local authorities have clear protocols for supporting appointeeship clients to open personal accounts or transition to greater financial independence. People are caught between institutional structures that were not designed with their needs or rights in mind.

In order to support an advocacy partner to have information to make an informed decision about opening a bank account, one independent advocate approached a bank to understand the process of opening a bank account for someone with an appointeeship. The bank noted that: "Anyone can open a bank account with us as long as they have the capacity to understand and manage this themselves. They will need to be able to complete the account opening application themselves, understand and agree to the terms and conditions associated with the account and satisfy our new to bank criteria by providing 2 forms of I.D, including proof of address." The independent advocate asked the bank if they had easy read documentation and they send me a link to the web page for a current account - therefore not having this

information. I shared the information from Dosh Financial Advocacy Organisation⁷, which states banks should make reasonable adjustments. The bank shared that appointees can open a bank account for the person they support for the sole purpose of being used for the benefits received. Again, highlighting this lack of clarity between services but also good information and communication.

Impact When People Move Between Areas

Independent advocacy workers also report that people who move out of one local authority area into another can end up in debt and face additional complications due to the transition between appointeeship arrangements. The lack of clear systems and communications at handover points compounds existing challenges and creates new ones.

The Critical Role of Independent Advocacy

In the cases described above, independent advocacy has been the mechanism through which the individual's voice has been heard and their concerns taken forward. This is not a peripheral or supplementary function; it is central to the realisation of people's rights and to the purpose of independent advocacy. Independent advocacy translates rights, systems and policy for people to enable them to make their own decisions.

What is Independent Advocacy?

Independent advocacy is about speaking up for and standing alongside individuals or groups, without being influenced by others' views. It addresses barriers and power imbalances, ensuring people's human rights are recognised, respected, and secured.

Independence is what makes independent advocacy work. Independent advocacy organisations must be structurally, financially, and psychologically independent from service providers and statutory organisations. This freedom from conflicts of interest enables advocates to support people's views and wishes, even when these conflict with professional opinions or perceived risk. Independence means independent advocacy:

- Does not make decisions for people or control resources

⁷ [Dosh-banking-guide-2014-Final-v2.pdf](#), Dosh Financial Advocacy

- Does not work in "best interests" - it works with the person's own views and wishes
- Takes a human rights-based approach
- Has no undue influence over a person
- Actively minimises conflicts of interest

Sometimes advocacy from a professional, family member, or service provider fits well for someone. But when a person's views conflict with services, their rights are not being upheld, when power imbalances are significant, or when decisions are contested, independent advocacy is vital to ensuring their voice can be heard.

"Independent advocacy has made a big difference to me — it's helped me to express my feelings and get my point across about things I probably would never have opened up about." — Advocacy Partner

Independent Advocacy in Practice

In the context of appointeeship issues, independent advocacy workers have:

- Facilitated conversations between advocacy partners, social workers, care providers, and banks - often as the only consistently trusted party in the room for the advocacy partner
- Ensured the advocacy partner's views remain at the centre of every discussion, countering the risk that decisions are made about people without them
- Identified where accountability gaps exist and sought to bridge them
- Supported people to understand and exercise their rights in circumstances where no statutory service was doing so
- Enabling openness and transparency for those under appointeeship, for example by supporting advocacy partners to request financial information about their benefits or by supporting advocacy partners who want to give permission for their local authority to share financial information with care providers who have a role in supporting budgeting

Critically, in these cases, the person had no other support system. They had no regular allocated social worker, no family or friend speaking up with them, and no

other professional taking responsibility for progressing their concerns. Independent advocacy can be a human rights safeguard in a functioning system, in these cases, it was filling a gap left by the system's absence.

Where statutory systems fail, independent advocacy is frequently the only thing standing between a person with a learning disability or autism and a complete denial of their rights. This cannot be treated as a satisfactory or sustainable position.

It should also be noted that independent advocacy organisations are not receiving sufficient referrals from all local authority areas equally. This means that people in some areas are less likely to have access to the support needed to navigate these situations - a postcode lottery in access to rights realisation.

The Cost of Not Investing in Independent Advocacy

The human and rights-based case for independent advocacy is clear. But there is also a compelling financial case. A 2025 report by Social Finance, commissioned as part of the Henry Smith Charity's £2.6 million fund supporting independent advocacy for people with learning disabilities and autistic people across the UK, found that for every £1 spent on independent advocacy, benefits worth approximately £12 were generated, including around £7 in savings to the NHS and £5 to local authorities. Two of the fifteen grantees were SIAA member organisations: Advocacy Service Aberdeen and Central Advocacy Partners in Forth Valley.

The report highlights that independent advocacy helps people get the right care at the right time, preventing issues from escalating into more costly crises. In the context of appointeeship, this is directly relevant. The case described above - where a person accumulated over £20,000 in savings while living in effective poverty and now risks losing benefit entitlement as a result - represents exactly the kind of foreseeable harm that early, well-resourced independent advocacy could have helped to prevent. The costs of resolving that situation, including potential benefit reassessment, legal

complexity, and the toll on the individual's wellbeing, are likely to far exceed the cost of early and consistent independent advocacy support that might have averted it.

Despite this, in Scotland only around 5% of people who have a legal right to independent advocacy under the Mental Health (Care and Treatment) (Scotland) Act 2003 can actually access it, due to under-resourced provision and a narrow interpretation of eligibility by Health and Social Care Partnerships who hold the legal duty from the 2003 Act to "ensure availability". Investing adequately in independent advocacy is not simply a matter of rights compliance, it is also sound public financial management.

What are we calling for?

In light of the above, we call on policy makers and government to take the following steps:

- Ensure consistent access to independent advocacy for all people subject to appointeeship arrangements, across all local authority areas, with adequate and sustainable funding for independent advocacy organisations to fulfil this role.
- Review appointeeship guidance and arrangements including whether it is appropriate for social workers or care providers to hold appointeeship, and whether this creates a potential conflict of interest. Where the same organisation is both providing care and controlling finances, this raises questions about independence and whether decisions are always made solely in the individual's best interests. Introducing or encouraging the involvement of independent parties—such as solicitors or external organisations—could strengthen safeguards, although this would need to be balanced against issues of cost and accessibility.
- Establish clear accountability frameworks for local authority appointees, including mandatory regular financial reporting to the individual and their support network in accessible formats.
- Introduce proactive review mechanisms that genuinely assess progress toward greater financial independence and autonomy, rather than defaulting to continuation of the appointeeship.
- Develop clear, cross-sector protocols for supporting appointeeship clients who wish to open personal bank accounts or transition toward financial

independence, in collaboration with banks, social work, and third-sector partners.

- Ensure that people living under an appointeeship have timely access to information about their own finances, including their account balance, and that this information is shared with relevant care and support professionals where appropriate and with the individual's consent.
- Review whether appointeeship arrangements are appropriately tailored to each individual's level of capacity, and whether less restrictive alternatives could better serve their autonomy and wellbeing.
- Examine and address the particular difficulties experienced by people who move between local authority areas, to ensure continuity of financial management and protection from debt.

Appointeeship exists to protect people who need support managing their finances. In too many cases, it is instead functioning as a barrier to autonomy, a source of opacity and deprivation, and a mechanism that removes rights without providing the safeguards or transparency the law requires.

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