

Social Security Advocacy Service Standards

Consultation

July 2019

OVERVIEW

Section 10 of the Social Security (Scotland) Act 2018 requires Scottish Ministers to ensure that independent advocacy services are available to support disabled people who, because of their disability, need an advocacy worker's help to make a claim to Social Security Scotland. In this context advocacy services are independent if they are provided by a person other than the Scottish Ministers.

Section 11 of the Act also requires Scottish Ministers to set service standards. The standards will ensure that advocacy support is provided to a consistently high quality across Scotland. These standards will need to be met, or be worked towards, as part of any agreement with Scottish Ministers for advocacy services. The Scottish Government is now consulting on draft social security advocacy service standards.

Such advocacy support will provide disabled people with the assistance they may need to help them claim their Scottish social security entitlements and ensure that they can be fully involved in decisions affecting them. This is a key part of delivering our system based on dignity, fairness and respect.

Why we are consulting

The purpose of this consultation is to gather views on the draft social security advocacy service standards.

We would like to obtain views from a range of organisations and individuals. It would be particularly useful to get the views of existing advocacy users, who may have used advocacy support for benefit claims or other type of service, to ensure we have identified those standards which will deliver a high quality, inclusive and consistently delivered service.

In addition to asking questions about the draft standards we are also asking for views on the potential impacts of the standards on different groups and also on businesses.

What happens next?

The responses to the consultation will be analysed and considered before the standards are finalised. Regulations publishing the service standards would then be laid in the Scottish Parliament around October before coming into force around winter 2019.

The Scottish Government plans to run a procurement process over the autumn for the delivery of advocacy services. The intention is to have funding awarded in sufficient time for services to recruit staff and prepare for delivering social security advocacy support by summer 2020.

MINISTERIAL FOREWORD



It has been a year since the Social Security (Scotland) Act 2018 came into effect, commencing the biggest transfer of powers to the Scottish Government since the Scotland Act 1998.

In that year we have successfully delivered our first new benefits and made the first payments through our new public service Social Security Scotland. In 2019-20, the Best Start Grant is expected to make a total of 73,000 payments, at a cost of around £21 million - £19 million more than previously provided by the UK Government. Since September last year, the agency has paid out more than 150,000 Carers Allowance Supplement payments with a value of £33.9 million, helping some 83,000 carers.

And later this year we will start delivering Funeral Support Payment and introduce our new Young Carer's Grant.

But, the Act did more than transfer powers to pay benefits; it places a requirement on Scottish Ministers to provide advocacy to disabled people who need this support to access Social Security Scotland on an equal footing. This is a key part of our new public service and delivering a system based on dignity, fairness and respect. We aim to have this new support in place by summer 2020.

It is vital that this support is available across Scotland and delivered to a consistently and equally high standard. That is why the Act also requires Scottish Ministers to set social security advocacy service standards which service providers must sign up to.

I am grateful to those stakeholders, advocacy services and users who attended focus group events last autumn and provided early input to this work. I also welcome the valuable contributions from the members of the short-life working group which have supported the development of these standards.

We now need your views on the draft service standards to ensure that these will deliver the high quality, consistent social security advocacy service we want. I encourage you to respond to the consultation, and thank you in advance for taking the time to respond.

A handwritten signature in black ink, appearing to read 'S Sille'.

Shirley-Anne Somerville MSP

Cabinet Secretary for Social Security and Older People

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Section 1 – INTRODUCTION

Section 10 of the Social Security (Scotland) Act 2018 requires Scottish Ministers to ensure that independent advocacy services are available to support disabled people who, because of their disability, need an advocacy worker's support to engage with the Scottish social security system. In this context advocacy services are independent if they are provided by a person other than the Scottish Ministers.

Advocacy is not the provision of advice. The Act defines advocacy services as:

“services of support and representation that are made available for the purpose of enabling an individual to whom they are provided to have as much control of, or capacity to influence, the decisions that determine the individual's entitlement to be given assistance through the Scottish social security system as is, in the circumstances, appropriate.”

Advocacy, therefore, supports a person to represent their own interests and have their voice heard in the decisions which may affect the assistance they receive.

The Act does not define disability. It is for individuals to self-identify whether they have a disability and that, as a result of that disability, they need an advocacy worker's support.

Advocacy support will be available throughout the whole of the process for seeking assistance - from applications, through assessments to requests for redetermination and to appeal. Advice and support to complete applications can also be received from local advice and information services and Social Security Scotland local delivery staff.

Section 11 of the Act also requires Scottish Ministers to set service standards. The standards will ensure that advocacy support is provided to a consistent quality across Scotland. These standards will need to be met, or be worked towards, by any service providing social security advocacy on behalf of the Scottish Government.

Such advocacy support will provide disabled people with the assistance they may need to help them claim their Scottish social security entitlements and ensure that they can be fully involved in decisions

affecting them. This is a key part of delivering our system based on dignity, fairness and respect.

Engagement on the draft standards

Drawing on existing standards documents, and based on discussions with advocacy organisations last autumn, we have developed a set of draft advocacy standards. These included Scottish Independent Advocacy Alliance (SIAA) standards, the “Independent Advocacy-Guide for Commissioners”, draft standards for Children’s Hearing advocacy, and the Action for Advocacy “Code of Practice for Advocates”. The draft standards were shared with SIAA for initial consideration and some revisions were then made. These revised standards were then used a basis for early engagement with service users and providers. Sessions were held during November 2018 in Aberdeen, Inverness, Dumfries, Glasgow and Edinburgh during November 2018.

We also held focus group sessions with some members of the Experience Panels during late February and early March where attendees were asked to comment on the draft standards.

A short-life working group of organisations with an interest in advocacy support, many of which had been involved in developing the amendments to the Bill, was established in December 2018. The group’s role was to review the feedback from the workshops and Experience Panels and to make suggestions on revising and improving the draft standards. The group met four times over the period to end of April 2019. The draft standards set out in the consultation document are the product of these meetings

Section 2 – SOCIAL SECURITY (SCOTLAND) ACT 2018 ADVOCACY SERVICE STANDARDS

Introduction to Standards

The service standards apply to individual instructed advocacy support (ie where the client can tell the advocacy worker their wishes) provided to disabled people who need an advocacy worker's support to engage with the Scottish social security system. Individuals are entitled to receive advocacy support even if they have a guardian or supporter.

Advocacy support for Scottish social security is provided independently of Scottish Ministers. The Scottish Government will provide funding for services but will not be directly involved with day-to-day operation or the handling of individual cases. Advocacy support may be provided by stand-alone advocacy organisations or by other organisations which offer a range of services including advocacy.

The Social Security (Scotland) Act 2018 does not define disability. It is for individuals to self-identify whether they have a disability and that as a result of that disability they need the help of an advocacy worker.

Advocacy support will be available throughout the whole of the process for seeking assistance - from application to assessments to request for redetermination and to appeal. Advice and support to complete applications can be received from local advice and information services and Social Security Scotland local delivery staff.

The service standards are laid out with an over-arching principle and then standards below these which the advocacy worker or service would be expected to meet and demonstrate.

The standards must be introduced under regulations and a draft of these is at Annex A. The Act allows for the advocacy service standards, or a part of them, to be set by reference to another document. It is our intention to draft the regulations in this way with the standards being published separately on the day the regulations are laid.

The Draft Standards

Definition of Advocacy

You are entitled to the support of an advocacy worker if you have a disability and, because of your disability, you need help with the Scottish social security system.

Your advocacy worker will help you:

- be heard and understood;
- know, understand and secure your rights under the Scottish social security system;
- ask questions and get information;
- express your views and wishes and represent your own interests; and
- be fully involved and make informed decisions.

Your advocacy worker will not provide advice.

Your advocacy worker will only speak for you when you instruct them to or when you have a significant difficulty putting your views across.

Your advocacy worker will help you determine and promote your views and will not give their own view.

Your advocacy worker may need to consult or get information from other parties in order to help you with your situation and help you put your views across. Your advocacy worker will ask for your permission first.

Q Do you agree with this definition of advocacy?

Q Is anything missing from this definition and, if so, what?

Principle – Independence

Advocacy support will not be provided directly by Scottish Ministers but will be provided by other organisations.

Your advocacy worker will support your social security advocacy needs and work for and on your behalf.

Advocacy services will be as free from conflicts of interest as possible.

Your advocacy worker will only provide you with advocacy support.

If the organisation provides a range of services, advocacy support will be delivered separately from these.

Advocacy records will be kept separately from other records.

Q Do you agree with the principle of “independence”?

Q Do you agree with the standards?

Q Is anything missing from the standards and, if so, what?

Principle – Person Centred

Your advocacy worker is on your side, puts you first and is directed by your needs, views and wishes.

Your advocacy worker will obtain your formal agreement before acting on your behalf.

You are trusted and valued and will be treated with dignity, fairness and respect.

You will be kept informed of and involved in all aspects of the advocacy process.

Your advocacy worker will not judge you or discriminate against you.

Your advocacy worker will base their actions on your desired outcomes.

Q Do you agree with the principle of “person centred”?

Q Do you agree with the standards?

Q Is anything missing from the standards and, if so, what?

Principle – Accessible

Advocacy services and workers will be respectful of your needs, views, experiences and protected characteristics.

Advocacy services and workers will communicate through the methods and forms you need and prefer.

Advocacy workers will meet you at a place which suits you and where you can discuss sensitive and personal matters.

Advocacy services will provide support if you contact them personally or if you are referred by someone else. This can be done in writing, by phone or in person.

Advocacy services and workers must be aware of and meet confidentiality requirements.

If an organisation provides advocacy and other services, the advocacy service must not share information with those other services without your permission.

If you tell your advocacy worker that you may be at risk of harm or that you want to harm yourself or someone else they will discuss this with you but may need to share this information with others without your consent.

Your advocacy worker will work within the policies and procedures of their service, including but not limited to equality, staffing, data management.

Q Do you agree with the principle of “accessible”?

Q Do you agree with the standards?

Q Is anything missing from the standards and, if so, what?

Principle –Trained

Advocacy workers will have detailed knowledge of the Scottish social security system and advocacy.

Advocacy workers will understand your needs and any barriers you face.

Advocacy workers will be able to meet your needs including any communication needs.

Advocacy workers will be trained and continue to develop their knowledge, skills and experience.

Advocacy workers will get regular support and supervision.

Advocacy services and workers will be aware of and meet their duties and responsibilities under relevant human rights and equality legislation.

Q Do you agree with the principle of “trained”?

Q Do you agree with the standards?

Q Is anything missing from the standards and, if so, what?

Principle - Quality Assurance

Advocacy workers will keep accurate and up to date written records of action taken, progress made and outcomes achieved.

Advocacy services will have systems for receiving, addressing and monitoring feedback and complaints and you will be told about these.

Feedback and complaints forms will be available in accessible formats, without having to be requested.

Advocacy services will take all feedback and complaints seriously and will respond promptly.

Advocacy services will carry out self-evaluations and provide service updates, including complaints, to funding bodies as part of routine reporting.

Q Do you agree with the principle of “quality assurance”?

Q Do you agree with the standards?

Q Is anything missing from the standards and, if so, what?

Section 3 – ABOUT THE CONSULTATION

What are we consulting about?

This consultation asks questions about the draft service standards and whether these would ensure a high-quality, inclusive and consistently delivered service across Scotland. We are also asking for views about the impacts on different groups and business.

Who might be affected by this policy?

The provision of free and independent advocacy support is intended to help a disabled person, who, because of their disability, needs an advocacy worker's help to claim their Scottish social security assistance entitlements.

Who do we want to hear from?

We are keen to gather the views of existing advocacy service users and advocacy providers. Advocacy providers may be entirely independent organisations or services which provide other support, such as advice and information, as well as advocacy.

We want this consultation to be as accessible as possible for people who might need advocacy support. You will be able to provide online written feedback in the form of a questionnaire.

What comments are requested and by when?

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). All responses should be submitted to us by **Monday 7 October 2019**.

If you are unable to respond using our consultation hub please complete the Respondent Information Form (Annex B) and send to:

*Advocacy Service Standards Consultation
Social Security Policy
Area 2C South
Victoria Quay
Edinburgh
EH6 6QQ*

Section 4 – IMPACT ASSESSMENTS SUMMARY

As we have been assessing options for the policy, we have been gathering impacts and developing the following summary impact assessments on which we are now consulting:

The Equality Impact Assessment (summary at Annex E).

An Equality Impact Assessment involves assessing the impact of a new or revised policies, practices or services against the requirements of the public sector equality duty. The duty requires all Scottish Public Authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers people in respect of all aspects of equality. It helps to ensure the needs of people are taken into account during the development and implementation of a new policy or service or when a change is made to a current policy or service.

The Child Rights and Wellbeing Impact Assessment (summary at Annex F).

The Scottish Government want to make Scotland the best place in the world for a child to grow up. Recognising, respecting and promoting the rights of children and young people is essential to achieving this. We are taking steps to ensure that children experience their rights, as determined by the United Nations Convention on Rights of the Child. A Child Rights and Wellbeing Impact Assessment helps ensure that our policies, measures and legislation protect and promote the wellbeing of children and young people.

The Business and Regulatory Impact Assessment (summary at Annex G).

A Business and Regulatory Impact Assessment is used to analyse the cost and benefits to businesses and the third sector of any proposed legislation or regulation, with the goal of using evidence to identify the proposal that best achieves policy objectives while minimising costs and burdens as much as possible.

The Islands Screening Assessment (summary at Annex H)

The Islands (Scotland) Act 2018 provides for a new duty on the Scottish Ministers and other relevant public bodies that they must have regard to island communities in exercising their functions and in the development of legislation.

DRAFT REGULATIONS

Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No. xxx

SOCIAL SECURITY

**The Social Security (Advocacy Service Standards) (Scotland)
Regulations 2019**

Made - - - 2019

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 11(2) of the Social Security (Scotland) Act 2018⁽¹⁾.

In accordance with section 96(2) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Social Security (Advocacy Service Standards) (Scotland) Regulations 2019 and come into force on the day after the day on which they are made.

Advocacy service standards

2. The advocacy service standards for the purposes of section 11 of the Social Security (Scotland) Act 2018 are those contained in the document titled “[Social Security (Scotland) Act 2018 – Advocacy Service Standards]” and dated [xxx October 2019].

S SOMERVILLE

A member of the Scottish Government

St Andrew’s House,
Edinburgh
xxx xxx 2019

(1) 2018 asp 9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set the advocacy service standards that must be a term of any agreement that the Scottish Ministers enter into with a person for the provision of independent advocacy services in relation to the Scottish social security system.

Regulation 2 describes the document that sets out the standards. It is published by the Scottish Ministers at [insert web address].



SOCIAL SECURITY ADVOCACY SERVICE STANDARDS - CONSULTATION

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

RESPONDING TO THIS CONSULTATION

We are inviting responses to this consultation by 7 October 2019.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/social-security/advocacy-service-standards>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Monday 7 October 2019**.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and send it to:

*Advocacy Service Standards Consultation
Social Security Policy
Scottish Government
Area 2C South
Victoria Quay
Edinburgh
EH6 6QQ*

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the **Respondent Information Form** included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or to socialsecurityadvocacy@gov.scot.

SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation.

Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

EQUALITY IMPACT ASSESSMENT SUMMARY

At present we think that the advocacy service standard regulations will apply equally to those affected by its provisions. The provision of improved advocacy support is expected to have a positive impact on disabled people. This will support them to represent their own interests and better participate in decision making processes to obtain the benefits they are entitled to.

The impacts of the advocacy service standards on groups who share protected characteristics are set out below.

Age

The advocacy service standards will not negatively impact on younger or older people as they will ensure a consistent quality of service being provided, irrespective of the age of the recipient. The service standards will apply to advocacy support provided to anyone with a disability, regardless of their age. We would welcome any comments or evidence in relation to this area.

Disability

The advocacy service standards are expected to have a positive impact for disabled people as they will ensure a consistent, high-quality advocacy service is being provided, irrespective of the nature of the person's disability. We would welcome any comments or evidence in relation to this area.

Gender reassignment

We have not identified any issues in regards to this protected characteristic and we do not expect the advocacy service standards to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of the characteristic of gender reassignment. We would welcome any comments or evidence in relation to this area.

Marriage and civil partnership

We have not identified any issues in regards to this protected characteristic and we do not expect the advocacy service standards to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of whether they are married or in a civil partnership. We would welcome any comments or evidence in relation to this area.

Pregnancy and maternity

We have not identified any issues in regards to this protected characteristic and we do not expect the advocacy service standards to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of pregnancy and maternity characteristics. We would welcome any comments or evidence in relation to this area.

Race

We have not identified any issues in regards to this protected characteristic and we don't expect the advocacy service standards to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of their race. We would welcome any comments or evidence in relation to this area.

We recognise that asylum seekers cannot normally claim benefits and if they are destitute they must apply to the Home Office for assistance. However, young asylum seekers under the age of 18 that have no recourse to public funds can claim Best Start Grant Pregnancy and Baby Payment. The majority of asylum seekers will, as a result, not be eligible for advocacy support in respect of Scottish social security. Individuals granted refugee or humanitarian protection status (after 5 years, they can apply for indefinite leave to remain) can claim benefits and would, therefore, be eligible for advocacy support to which the service standards apply, if they have a disability.

Religion or Belief

We have not identified any issues in regard to this protected characteristic and we don't expect it to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of their religion or belief. We would welcome any comments or evidence in relation to this area.

Sex

We have not identified any issues in regard to this protected characteristic and we don't expect it to negatively impact on this group. The service standards will apply to advocacy support provided an individual with a disability, regardless of their sex. We would welcome any comments or evidence in relation to this area.

Sexual orientation

We have not identified any issues in regard to this protected characteristic and we do not expect the advocacy service standards to negatively impact on this group. The service standards will apply to advocacy support provided to anyone with a disability, regardless of their sexual orientation. We would welcome any comments or evidence in relation to this area.

CHILD RIGHTS AND WELLBEING IMPACT ASSESSMENT SUMMARY

Policy Objectives

The policy intention is to develop service standards for social security advocacy to help ensure a consistently delivered, high-quality service across Scotland.

It is our intention that Disability Assistance for Children and Young People will be payable between the ages of 3 months and 18 years. Parents or guardians would make applications for assistance on behalf of the child or young person. New Disability Assistance applicants aged 16 or over will apply for working age benefit (PIP), initially with DWP, until Social Security Scotland commences delivering Disability Assistance for Working Age People.

If a young person has a disability and is applying for Scottish disability assistance in their own right, then they would be eligible to seek advocacy support, and the advocacy service standards would apply to this support. A parent would be able to seek advocacy support to assist with their disabled child's application for assistance, particularly if the child or young person wished to ensure their own voice was heard.

It is our intention to make decisions about entitlement for Disability Assistance for Children and Young People using existing supporting information only and not through face-to-face assessment. Advocacy support is most likely to be required to help individuals prepare for and attend assessments. Given this we think the need to provide advocacy support for children and young people will be low. However, the service standards will apply to advocacy support provided to an individual with a disability, regardless of them being a child or young person.

We, therefore do not expect the advocacy service standards to negatively impact on a child's rights and wellbeing. We would welcome any comments or evidence in relation to this area.

BUSINESS AND REGULATORY IMPACT ASSESSMENT SUMMARY

Introduction

The advocacy service standards will help in the promotion of the Economic Strategy and in the delivery of the priorities for sustainable growth. Our assessment of the impact of the advocacy service standards in relation to the five principles of better regulation is as follows:

- **proportionate** – The advocacy service standards will mainly impact on services and applicants, though there may be secondary positive impacts for some businesses as a result of increased expenditure by people receiving benefits. The Scottish Government will look to identify and minimise any indirect impacts, for example administrative burdens, on third sector organisations as a result of delivering the service standards.
- **consistent** – The advocacy service standards will ensure the delivery of consistent advocacy support across Scotland.
- **accountable** – We will ensure that advocacy users understand their right to make a complaint if they are not satisfied with any aspect of the service they receive from the advocacy service.
- **transparent** – We will develop a communications strategy for advocacy service standards. This will aim to ensure that people who are eligible, the third sector, local government, and advice providers are aware of the advocacy service standards.
- **targeted only where needed** – the support is targeted at disabled people who, as a result of their disability, need an advocacy worker's support to make a benefit application and throughout the determination and appeal process

Consideration

It is possible that the introduction of the service standards may cause additional requests for information and support from existing advice services. The Scottish Government is aware of this potential pressure. It has noted the importance of Social Security Scotland working alongside the advice and support services provided by a range of organisations including citizens advice bureaux, charities and local authorities to provide a "seamless customer experience - from advice, to application to payment" as detailed in the Review of Publicly-funded Advice Services in Scotland.

Competition Assessment

The Scottish Government does not believe that the advocacy service standards will have an adverse impact on the competitiveness of Scottish companies or the third sector within Scotland, the UK, or elsewhere in Europe.

Any procurement required to support the provision of the advocacy support will be subject to the Public Contracts Scotland (2015) Regulations and the Procurement Reform (Scotland) Act 2014 which together provide a national legislative framework for sustainable public procurement which supports Scotland's economic growth through improved procurement practice

Test run of business forms

No new business forms will be brought in with the implementation of the proposed service standards.

Legal Aid Impact Test

There will be no appeal rights for the advocacy service standards, for example to tribunal or the Sheriff Court. However, if an applicant is not satisfied with the service they receive a complaint process will be in place.

Enforcement, sanctions and monitoring

The Scottish Government will put in place a monitoring and evaluation process for the advocacy service standards. Once live, on-going engagement with service providers and stakeholders will also provide the Scottish Government with an opportunity to monitor the impact of the policy.

ISLAND SCREENING ASSESSMENT

Introduction

The Islands (Scotland) Act 2018 passed by the Scottish Parliament on 30 May 2018 introduced a new duty on Scottish Ministers and the wider public sector to have regard to island communities when exercising their functions and preparing policy, strategies and legislation.

The Scottish Government recognises the importance of “island-proofing”, and is committed to considering the impacts of the advocacy service standards on island and rural communities. In line with the Act, the Scottish Ministers will assess the extent to which the advocacy service standards can be developed in such a manner as to improve or mitigate against any negative outcomes.

The duty to prepare an Island Impact Assessment is laid out at Part 3, Section 8 of the Act. This section is not yet in force. In the interests of making clear the Scottish Government’s commitment to island-proofing new policies, this island screening assessment has been conducted before the duty is statutorily required.

Consideration

The Scottish Government will introduce advocacy service standards for advocacy support being provided to disabled people to help them with the Scottish social security system. It is difficult to estimate how many people eligible for advocacy support will live in the Islands or rural areas.

The Scottish Government’s is aware that some remote and island communities may not have access to digital services nor are they everyone’s preferred choice of communication. Individuals want tailored solutions to suit their different preferences and needs. The service standards require the service to be accessible and delivered in such a way that the individual’s needs are met. We, therefore, do not expect the advocacy service standards to have a negative impact on island or rural communities. We would welcome any comments or evidence in relation to this area.

CONSULTATION QUESTIONS

Standards

- Q1 Do you agree with the definition of advocacy?
- Q2 Is anything missing from the definition of advocacy and if so, what?
- Q3 Do you agree with the principle of “independence”?
- Q4 Do you agree with the standards?
- Q5 Is anything missing from the standards and if so, what?
- Q6 Do you agree with the principle of “person centred”?
- Q7 Do you agree with the standards?
- Q8 Is anything missing from the standards and if so, what?
- Q9 Do you agree with the principle of “accessible”?
- Q10 Do you agree with the standards?
- Q11 Is anything missing from the standards and if so, what?
- Q12 Do you agree with having a principle of “trained”?
- Q13 Do you agree with the standards?
- Q14 Is anything missing from the standards and if so, what?
- Q15 Do you agree with having a principle of “quality assured”?
- Q16 Do you agree with the standards?
- Q17 Is anything missing from the standards and if so, what?

Impact Assessments

Equality Impact Assessment

- Q18 Are you aware of any impacts on groups who share protected characteristics that we have not identified here?
- Q19 If yes, please provide details.

Child Rights and Wellbeing Impact Assessment

- Q20 Are you aware of any impacts on children's rights and wellbeing which are not identified here?
- Q21 If yes, please provide details.

Business and Regulatory Impact Assessment

Q22 Are you aware of any impacts on businesses which are not identified here?

Q23 If yes, please provide details

Island Screening Assessment

Q24 Are you aware of any impacts on island communities which are not identified here?

Q25 If yes, please provide details.



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