

# **SOCIAL SECURITY ADVOCACY SERVICE STANDARDS - CONSULTATION**

## **SUMMARY VERSION**

## **OVERVIEW**

The Scottish Government is consulting on draft social security advocacy service standards.

Section 10 of the Social Security (Scotland) Act 2018 requires Scottish Ministers to provide advocacy support to disabled people who, because of their disability, need an advocacy worker's help to apply for Scottish social security benefits.

Advocacy support will be available throughout the whole of the process for applying for benefits. This includes assessments, requests for redetermination and appeals.

Advice and support to complete applications can also be given by 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. These will ensure that advocacy support is the same quality wherever you are in Scotland. These standards will need to be met by any service receiving funding from the Scottish Government to provide social security advocacy.

### **Why we are consulting**

We want to get your views on the draft social security advocacy service standards, whether you are an organisation or an individual.

### **What are we consulting about?**

This consultation asks about the draft social security service standards.

### **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 apply for Scottish social security benefits.

### **Who do we want to hear from?**

We are keen to gather the views of existing advocacy service users and advocacy providers.

## **Responding to the consultation**

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 **7 October 2019**.

### **Handling your response**

If you respond using Citizen Space, you will be directed to the "About You" page. Please tell us how to use your response and if we can publish it. We won't publish your response if you don't want us to.

If you can't respond via the consultation hub, please send us your answers and also fill in and send us the [Respondent Information Form](#) (Annex A) and send to:

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

Or by email to [socialsecurityadvocacy@gov.scot](mailto:socialsecurityadvocacy@gov.scot)

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

### **Next steps in the process**

If you allow us to publish your response it will be published on <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been run please send them to the address above.

### **What happens next**

The responses to the consultation will be analysed and considered before the standards are finalised. The standards will then be laid, under regulations, in the Scottish Parliament. The regulations will come into force around winter 2019/2020. An analysis of the responses will also be published.

## **Section 2 – THE STANDARDS**

### **Introduction**

The social security advocacy service standards apply to individual instructed advocacy support for disabled people who, because of their disability, need an advocacy worker's support to apply for Scottish social security benefits. Individuals are entitled to receive advocacy support even if they have a guardian or a supporter.

The Social Security (Scotland) Act 2018 does not define disability. It is for each person to self-identify whether they have a disability and that because of their disability they need an advocacy worker's help.

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 their day-to-day operation or the handling of individual cases.

Advocacy support will be available throughout the whole of the process for seeking assistance - from assessments to request 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.

The service standards have an over-arching principle and then standards below these. The advocacy worker or service would be expected to meet these and show how they do this.

### **Engagement on the draft standards**

Some sessions were held across Scotland in November 2018 with advocacy service users and providers. Attendees were asked to comment on an early draft of the standards.

A small short-life working group of organisations was then set up to review the feedback and to make suggestions on revising and improving the draft standards. The group met four times before the end of April 2019. The standards being consulted on are those finalised at these meetings.

## **The 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 the definition of advocacy 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?**



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### 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

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Phone number

Address

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Postcode

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Email

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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