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9 February 2021

Dear Jim,

Thank you for your letter of 13 November advising of the correspondence received by DACBEAG from the Scottish Independent Advocacy Alliance (SIAA) and the Health and Social Care Alliance (the Alliance). Thank you also for the useful recommendations which you provide in relation to concerns expressed by SIAA and the Alliance about the interim advocacy service.

The Scottish Government is committed to creating a high quality, human-rights based independent advocacy service focussed on the needs of the client, and I welcome the input of DACBEAG, SIAA, the Alliance, and others in helping us reach that goal.

As you acknowledge, the Scottish Government was compelled to introduce an interim advocacy service at very short notice, and this decision was not taken lightly. However, the Covid-19 pandemic had a significant impact on the timetable for implementing disability benefits and, as a result, delayed the original tendering exercise for the full advocacy service. Whilst I am keenly aware that the process surrounding the development of the interim service was not as per our usual procedures – I hope that it is clear that decisions were taken in uniquely challenging circumstances, and with the interests of clients at their core.

The multiple impacts of Covid-19 required the implementation model to be as simple as possible, whilst the severely tight timescales meant it was not possible to engage with advocacy providers in the way we would have liked to, or would have done so under normal circumstances. I am aware that this has led to an interim service which has been criticised by some in the advocacy sector, and we are committed to learning from this to implement a comprehensive service which is more in line with the expectations of the sector, and ultimately meets the needs of clients.

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Having had time to better understand the impacts of the pandemic, we have thankfully reached the point of restarting the procurement process for the comprehensive service. In order to learn from the interim service and the previously abandoned tendering process, my officials have already had productive talks with SIAA, and are working closely with them and other stakeholders to establish a working group to feed into the development of the full service.

I hope that it is clear that we have no intention of shying away from robust and constructive challenge, and that we seek to continue to build upon our track record of meaningful engagement with stakeholders and individuals with experience of social security in developing our policies and services. With this in mind, I thank you and the other Advisory Group members for the list of recommendations you have provided, and I address each of these in turn at Annex A. My officials and I would also welcome any further opportunity to engage with DACBEAG on this.

I trust you and your fellow committee members have found this information useful and reassuring.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

ANNEX A

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Recommendation 1: The Scottish Government should commit to and demonstrate a greater degree of transparency regarding the current interim independent advocacy service, especially with regards to what and how individual advocacy services are selected. Furthermore, we seek reassurance that the organisations/services currently used in the interim service fully meet the recently published independent advocacy standards.

We have made every effort to ensure that our approach has been as transparent as possible within the timescales allowed by the Covid-19 crisis. That said, we continue to work closely with SIAA and other organisations in the independent advocacy sector to improve both the interim service and the procurement process for the full advocacy service. The establishment of an Advocacy Stakeholder Working Group is expected to focus this collaboration.

With regard to the interim service - no preferred provider was selected, with responsive client focused provision our priority. Provision under this approach may involve a provider known to the client, one which is local to the client, or a provider with specialist knowledge and experience of the client's individual circumstances. We continue to explore ways that the interim service could be improved, and introduced the facility for a client to request a particular provider in August.

Suppliers who were involved in the previous procurement exercise were engaged in the development of a solution to meet any demand for advocacy, and we will look to work with other suitable suppliers if need arises over the remaining life of the interim service. It should be noted that there is a requirement on any providers contracted by the Scottish Government to deliver the service in line with our published advocacy standards.

Recommendation 2: Significant stakeholder engagement should take place and a “test and learn” approach should be adopted with a view to improving the current interim service and learning lessons for the service proper before it is rolled out.

Officials continue to work with advocacy providers and relevant stakeholders (including SIAA) in designing the retendering exercise. This will ensure we are able to address concerns raised during the original tendering exercise, and ensure we achieve a high quality, human-rights based service, which places the interests of clients at its heart.

After preliminary discussions with SIAA, we have formed an advocacy stakeholder working group to help inform our decisions as we move forward. This group comprises a cross-section of providers from a range of urban and rural settings. We will engage with the working group during the re-tendering process to ensure we have considered all views as we move to appoint a service provider for the comprehensive service.

As with everything we do in the development and implementation of the social security system in Scotland, the comprehensive independent advocacy service will be based on the principle of continuous improvement. This includes learning from the development and delivery of the interim service.

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Recommendation 3: Independent advocacy is necessary for applying for all Scottish benefits, including those already available. Therefore, a fit for purpose, well-advertised, independent advocacy service should be implemented as quickly as possible.

We are committed to providing an independent advocacy service available to all who need it in order to access Scottish social security, regardless of the benefit(s) they are applying for. Indeed, one of the main drivers in our decision to introduce an interim advocacy service was to ensure that people had access to free independent advocacy to support them with the benefits which were already available.

Given the nature of the benefits currently being delivered in Scotland, we anticipated the level of demand for the interim service to be low, and this has been the case. However, we are working with SIAA and other key partners to improve the take-up of the interim service through clearer promotion and targeting. All learning gained through this exercise will be fed into the development of the full service.

It should be noted that whilst the Scottish Government's advocacy service was already promoted on Social Security Scotland's webpages, my officials have now updated the mygov.scot advocacy page to rectify the omission of information on the service. Thank you for bringing this to my attention.

My officials are currently working with SIAA and other advocacy providers to develop the procurement strategy for the comprehensive scheme, and the tendering process will begin shortly. This will ensure we are prepared for the arrival of the forthcoming disability benefits and that we are in a place to implement the new service as soon as possible.

Recommendation 4: The expertise of local independent advocacy must be harnessed and utilised when developing and implementing a national independent advocacy service. The degree to which an organisation can meet and promote the needs of claimants must be the most important factor in deciding a provider.

The formation of the working group will allow us to utilise the expertise of local service providers in developing the comprehensive service. We have worked with SIAA to ensure that the membership of the working group is representative of the sector as a whole. It is hoped that through drawing heavily on the experience and expertise of this group we will end up with a procurement – and ultimately a service – which represents the diverse range of services and client needs.

We will engage with the working group as part of the initial phase of the re-tendering process to ensure we have considered all views as we move to appoint a service provider for the comprehensive service. There will be a number of factors considered in the decision taken to appoint a provider, with the most fundamental being mandatory compliance with the advocacy standards. However, as you highlight, ensuring value for money is fundamental to any public sector procurement, and the decision will centre on who is able to provide the best service for clients – as defined through our engagement with stakeholders – and at the best price.

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Recommendation 5: It is important that the distinct concepts of advice, general support, and advocacy are not conflated when developing the independent advocacy service.

Advocacy is not the provision of advice and the Scottish Government's published advocacy standards are very clear on this. The 'Definition of Advocacy' section points out that an advocacy worker will help claimants be heard and understood, as well as knowing, understanding and securing clients' rights under the Scottish social security system. They will ask questions and get information, express the rights, views and wishes of the client, and ask what they want to achieve. They will represent claimants own interests and be fully involved in making informed decisions.

We have set out very clearly that advocacy workers will **not** provide advice and will only speak when instructed to or when a claimant experiences significant difficulty putting their views across. It is the role of the advocacy worker to help claimants determine and promote their views and will **not** give their own view.

As well as our published standards, I hope that the establishment of, and planned close engagement with, the advocacy stakeholder working group is of further reassurance that the development of the comprehensive service will be informed by the vast experience of key organisations in the advocacy sector.

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