

MEETING OF THE SOCIAL SECURITY ADVOCACY SERVICE SHORT-LIFE WORKING GROUP

Attendees		Date	9 March 2021
[REDACTED]		Time	13:00-15:00
Apologies		Meeting No	1
None		Location	Virtual meeting via Microsoft Teams
Note Taker	[REDACTED]	Chair	[REDACTED]

Actions Arising

Point	Description	Action (Initials)	By (date)
1	Update TOR to include line explaining definition of the word 'independent' is similar to the definition contained within the Social Security (Scotland Act) 2018.	[REDACTED]	30 March
2	Update TOR to include line highlighting that members will bring their individual knowledge and experience to the group.	[REDACTED]	30 March
3	Relevant impact assessments to be completed with the help and support of the group members.	[REDACTED]	Ongoing
4	Further explore instructed/non-instructed advocacy issue.	[REDACTED]	30 March

Issues Discussed

Point	Description
1	<p>Introductions and Welcome [REDACTED] welcomed everyone and thanked them for agreeing to become members the group and for attending the meeting.</p> <p>He then gave a brief overview of the purpose of the group, why it was set up and explaining the issues that were encountered in the original procurement process for the Social Security advocacy service, which had to be halted due to the Covid-19 pandemic and its impact on the rollout of disability benefits, and how it was hoped that the formation of this group will help avoid similar issues in this procurement process.</p>
2	<p>Terms of Reference The Terms of Reference of the group were discussed. CA had issued a draft version prior to the meeting.</p> <p>Members raised concerns about the definition of the word 'independent' when referencing the advocacy service and how it was used in the TOR. It was agreed that this could briefly be discussed at the next meeting, however it was largely agreed that the definition in the TOR is as defined in the Social Security (Scotland Act) 2018 which is:</p> <ul style="list-style-type: none"> advocacy is considered independent if it is provided by a person other than the Scottish Ministers. <p>ACTION – CA to update the TOR to reflect this.</p> <p>Members then discussed their roles as outlined in the TOR. Topics raised included:</p> <ul style="list-style-type: none"> Instructed/non-instructed advocacy What individual members would bring to the group

	<p>Several members raised concerns around there being no facility within the current procurement process for non-instructed advocacy. RS advised the group that the Act does not refer to specify the form of advocacy provided but that the SG Advocacy Standards set out explicitly that advocacy for the purposes of the SG funded service should be instructed. Concerns raised and clarification needed in relation to the impact this could have in relation to potential discrimination for those who need non-instructed advocacy It was agreed to discuss briefly at the next meeting, but accepted that options on this are limited.</p> <p>ACTION – RS to explore instructed/non-instructed advocacy issue further to provide update at next meeting. .This could potentially link in with proposed EQIA.</p> <p>LM suggested the TOR should include a narrative on members bringing their individual knowledge and experience to the group.</p> <p>ACTION – CA to update the TOR to include this.</p> <p>Members agreed that they were happy with the proposed format and frequency of meetings.</p>
3	<p>Overview of the Procurement Process [REDACTED] provided an overview of the procurement process, providing a high level explanation on the procurement strategy document and it’s purpose. She also provided details on the wider procurement process including key individuals involved, stakeholder engagement, internal governance and how the tender will be evaluated and risk assessed.</p> <p>[REDACTED] highlighted the importance of the groups work as their feedback will be vital in learning lessons from the previous procurement round.</p> <p>The group took the opportunity to discuss areas of concern. Including:</p> <ul style="list-style-type: none"> • Broadband availability being a risk if referrals have to be done virtually • Clients having to contact Social Security Scotland to access the service • Poor take-up of the interim service <p>RS informed the group that concerns being raised could incorporated into the EQIA (separate agenda item).</p>
4	<p>EQIA and Other Impact Assessments CA sought the view of group on completion of an EQIA and other impact assessments. Highlighted that partial EQIA was completed for the previous procurement process and that this was an issue of concern with stakeholders at the time. It would therefore be beneficial to hear the groups views. Issues raised included:</p> <ul style="list-style-type: none"> • EQIA should be done at the start of the procurement process • It should include as much scope as possible • Other impact assessments like the Children’s Right’s Impact Assessment (CRIA) and Island Communities Impact Assessment (ICIA) should also be completed. • Suggested we should also consider completing a Equality and Human Rights Impact Assessment (EQHRIA) via the Scottish Human Rights Commission – although there is not yet a legislative requirement to consider this. <p>RS is keen that group is involved as much as possible for all the impact assessments to draw on their experience and knowledge.</p> <p>ACTION – CA to take forward the completion of the relevant impact assessments.</p>
21	<p>Meeting Ends</p>

MEETING OF THE SOCIAL SECURITY ADVOCACY SERVICE SHORT-LIFE WORKING GROUP

Attendees	Date	13 April 2021
[REDACTED]	Time	13:00-15:00
Apologies	Meeting No	2
[REDACTED]	Location	Virtual meeting via Microsoft Teams
Note Taker	[REDACTED]	Chair
		[REDACTED]

Actions Arising

Point	Description	Action (Initials)	By (date)
1	Explore what Covid responses currently exists within advocacy providers, how they are coping and if this can be implemented into the new tender.	[REDACTED]	27 April
2	Share findings from LS on what some advocacy providers have done to mitigate the Covid-19 pandemic to the wider group.	[REDACTED]	27 April
3	Populate EQIA framing pro-forma and issue to group members.	[REDACTED]	20 April
4	Policy officials to clarify with SGLD what process is to amend Advocacy Service Standards to include provision for non-instructed advocacy.	[REDACTED]	27 April
5	Policy officials to confirm ASAP if pre-election period will delay tender going live date.	[REDACTED]	ASAP
6			

Issues Discussed

Point	Description
1	<p>Introductions and Welcome CA opened the meeting, welcomed everyone and thanked them for attending. Members then introduced themselves.</p>
2	<p>Agree Minutes from Previous Meeting CA confirmed if members were content to agree the final draft of the minutes issued prior to the meeting. Members confirmed they were content.</p>
3	<p>Outstanding Actions CA went through the outstanding actions from the previous meeting:</p> <ul style="list-style-type: none"> Action 1 – Confirm with Scottish Government Legal Directorate (SGLD) that no provision for non-instructed advocacy is not a potential breach of Article 14 of the Human Rights Act and Article 5 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). <p>CA confirmed that the advice received confirmed that that no provision for non-instructed advocacy is not a breach of Article 14 of the Human Rights Act and Article 5 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Full details are contained within the Q&A document.</p> <ul style="list-style-type: none"> Action 2 – Explore what Covid responses currently exists within advocacy providers, how they are coping and if this can be implemented into the new tender. <p>[REDACTED] confirmed she is still looking at this and will update the group for the next meeting. LS had previously provided CA with some details of how some advocacy</p>

	<p>providers have changed their way of working due to Covid-19 impact. CA will share with the wider group. (ACTION)</p> <ul style="list-style-type: none"> • Action 3 – Issue EQIA to all members to allow them to provide responses as part of the framing/scoping exercise. <p>CA confirmed that this had been done.</p> <ul style="list-style-type: none"> • Action 4 – Group members to review, complete and return EQIA responses by 9 April to allow EQIA to be updated in time for next meeting.. <p>CA confirmed that this had been done.</p> <ul style="list-style-type: none"> • Action 5 – Q&A document to be issued to members and responses provided prior to next meeting on 13 April. <p>CA confirmed this had been done, although slightly later than hoped due to the Easter break.</p> <ul style="list-style-type: none"> • Action 6 – Get confirmation on VAT issue raised by group members. <p>MM confirmed that under current VAT laws, the onus is placed on the supplier to determine the rate of VAT which should be applied.</p> <p>Full details of the response are contained within the updated Q&A document.</p>
<p>4</p>	<p>Update on Q&A Document</p> <p>Agreed at previous meeting on 30 March that a Q&A document would be helpful for members in allowing them to get clarity on the ‘red lines’ that exist within the procurement process.</p> <p>Members issued 14 questions in total for policy and procurement colleagues to respond to. Questions received included queries on the instructed/non-instructed and VAT issues raised at the previous meeting, as well as questions on IT cyber security, fair work and the referral process. These now have responses and have been sent to all members of the working group.</p> <p>JC raised concerns about not receiving the document in time to properly scrutinise the responses prior to the meeting. CA apologised for this, citing the Easter break as an issue in terms of pulling the document together. He assured members that they could ask further queries on the responses provided once they’d scrutinised them properly. He also assured the group that any future questions would be turned around quicker.</p> <p>SC raised concerns about the legal advice received on the instructed/non-instructed advocacy and provided examples of when the non-provision of advocacy would, even if it wasn’t breaching the articles previously suggested, cause serious issues and leave Scottish Government open to a legal challenge – as well as making the process difficult for those who needed support.</p> <p>[REDACTED] advised that she would discuss the issue with [REDACTED]for the group and come back with a response to help inform the group.</p> <p>RS advised that policy officials would further consult with legal colleagues to establish what process would be required to amend the published Advocacy Service Standards to include non-instructed advocacy. (ACTION)</p>
<p>5</p>	<p>Update on Timeline for Tender Going Live</p> <p>CA advised that there may a possibility that the tender would go out later than initially intended due to the pre-election period.</p>

	<p>The formal pre-election period started on Thursday 25 March and will run until the election on 6 May. This restricts policy activity and means that non-essential business should be deferred until after the pre-election period.</p> <p>The result of this is that the tender going out may be delayed from the current date of 29 April until 7 May.</p> <p>Officials are currently seeking clarification on this and will update the group ASAP. (ACTION)</p>
6	<p>Further Discussion on EQIA Process</p> <p>CA updated group on EQIA process. He issued the framing template to inform the EQIA to members on 2 April.</p> <p>Some group members had completed this, although some were unable to due to the Easter break. Some members highlighted concerns about completing the pro-forma from scratch and suggested the template should be populated initially by SG officials and then issued for comments by group members. (ACTION)</p> <p>CA explained rationale for issuing template and reminded members that this had been agreed at the previous meeting, but was happy to complete template and issue to members for comments if the group felt this was a more productive way of completing. (ACTION)</p>
8	<p>AOB</p> <p>AA joined the meeting late and just as the group was about to take a comfort break. CA and RS brought her up to speed on events so far, particularly the issue around instructed/non-instructed advocacy.</p> <p>[REDACTED] expressed concerns that this was not a transparent way to conduct a meeting, as other members had left the Teams room by this point. RS and CA apologised to the wider group if this appeared to go against the transparent nature of the group, and assured members that there was nothing said that nobody involved in the chat would not share with the wider group.</p> <p>RS and AA then gave a brief overview of the discussion to the group.</p> <p>[REDACTED] took the opportunity to remind group members about responsibilities in their conduct when dealing with other group members. Policy officials welcome robust challenge, it was why the group was formed in the first place, even though there was no legislative requirement to do so. However group members should hold themselves to highest standards in their tone and conduct when questioning or challenging decisions.</p>
9	<p>Meeting Ends</p>