



Social Security Scotland
Tèarainteachd Shòisealta Alba

Client representative guidelines

Part 8: Advocacy

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Introduction

1. The Scottish Government is required by law to make independent advocacy support available to people with a disability who need such support to engage effectively with Social Security Scotland, as part of the process of claiming Scottish social security assistance. Scottish Ministers are also required to develop and publish service standards that would apply to this support.

Sections 10 & 11 of the Social Security (Scotland) Act 2018

What is Advocacy?

2. Advocacy is independent support which helps people have their say and understand choices and processes which affect them. The Social Security Advocacy Service provides this support free to anyone with a disability who needs help to interact with the Scottish social security system.

An advocacy worker will help clients:

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

An advocacy worker will not:

- offer advice;
- give their own view;
- offer legal advice; or
- make decisions for a client.

3. An advocate will only speak for clients when instructed to or when clients have a significant difficulty putting their views across. They will also represent clients if they are unable to represent themselves and help them determine and promote their views.

What is the Social Security Advocacy Service ?

4. The Social Security (Scotland) Act 2018(the 2018 Act) requires that advocacy should be provided independently of the Scottish Government and Social Security Scotland. The service is run under contract by VoiceAbility, a charity with 40 years' experience of delivering independent advocacy support.

5. Support is available at every stage of the process of seeking access to Social Security Scotland benefits – from the point a client decides to apply, through to any request for redetermination and appeals. Advocacy workers can also provide support at assessments if requested to do so by the client.
6. Advocacy support is available to anyone with a disability who is making a claim for themselves, or anyone making a claim for a disabled child.
7. A parent or carer claiming assistance for a child is eligible for advocacy support if:
 - they themselves are disabled and need such support; or
 - the child themselves wishes to take an active part in the process of claiming their entitlements.
8. The 2018 Act does not define disability. Therefore any individual who self-identifies as disabled and requires an advocate's help to engage effectively with Social Security Scotland is eligible for advocacy support.

Service Standards

9. Section 11 of the 2018 Act required Scottish Ministers to develop and publish service standards that would apply to this support provided by the advocacy service.
10. The Social Security Service Standards set out six principles which advocates and the advocacy service are expected to meet and demonstrate:
 1. Defined
 2. Independent
 3. Person-centred
 4. Accessible
 5. Trained
 6. Quality assured
11. VoiceAbility, and any other advocacy providers who provide social security advocacy support on behalf of the Scottish Government, must undertake to comply with these service standards at all times

When might it be used and by whom

12. Clients can ask for an advocate's help at any point of their engagement with Social Security Scotland, including:
 - before they apply;
 - when they apply;
 - if they want to challenge the result of their application;
 - if they want to make a complaint.

13. The service can be used by anyone who identifies as disabled and who wants to apply for and access Social Security Scotland benefits. This may include people with:

- a sensory disability;
- a mental health condition;
- a learning disability.

14. The service is also available to parents and carers:

- with a disability who need help accessing benefits for a child;
- accessing benefits for a child with a disability. Particularly if the child wants to be involved and needs help to say what they want, think and need.

What type of situations should it be used in

15. The advocacy service should be considered for clients if they require support when engaging with Social Security Scotland to:

- ensure they are heard and understood;
- say what they think, want or need;
- understand and ask questions about Social Security Scotland benefits;
- understand how to apply for Social Security Scotland benefits;
- understand letters, application forms, phone calls and meetings with Social Security Scotland;
- make sure they have information they need to help make decisions;
- understand what to do if they are not happy.

What types of situations should it not be used for

16. It is not the role of an advocacy worker to provide advice or express their point of view. An advocate will only speak for a client when instructed to, or when the client has a significant difficulty putting their views across.

17. It is therefore not appropriate for an advocate to be used if a client:

- requires advice about benefits;
- requires legal advice;
- requires a decision to be made on behalf of the client

Can staff make a referral - if so how?

18. If it becomes apparent that a client requires the service of an advocate then staff should follow the guidance on the Internal Management Knowledge Hub (IKM) at the below link to make a referral:

<https://knowledgemanagement.socialsecurity.gov.scot/manual/advocacy-service-clients/if-client-wants-advocate>

19. If the client wants to access advocacy support from a provider other than VoiceAbility – for example an organisation or professional with whom they already have a relationship – they must make their own arrangements with the chosen provider.

Can local delivery make use of advocacy in face-to-face visits?

20. Ideally a client will have already been offered the support of an advocate by the time they are visited by Local Delivery. However, in some cases Local Delivery are likely to identify the need for advocacy support when visiting clients. The same process as above should be followed to refer a client to VoiceAbility, and a follow-up appointment should be made at a time when the advocate can be present or has made alternative arrangements for the client (such as supporting the client on the phone or providing them with the tools to self-advocate).

21. Where an advocacy worker and Local Delivery are supporting a client together, the advocate will mediate, and should take the lead on helping the client to communicate their needs and wishes. Local Delivery will lead on completing relevant processes and providing advice in relation to Scottish benefits.

Can clients or their representative refer themselves?

22. Clients can access the service directly and client representatives can make a direct referral to the service by:

- calling VoiceAbility free on 0300 303 1660
- by visiting the Social Security Scotland specific page on VoiceAbility's website at <https://www.voiceability.org/support-and-help/support-to-access-benefits-in-scotland>
- email SocialSecurityAdvocacy@voiceability.org.

23. The service can also be accessed by contacting Social Security Scotland:

- by phone, on 0800 182 2222, and asking to be put in touch with the Independent Advocacy Service;
- by web chat;
- by Text Relay Service on 18001 +0300 244 4000;

- or British Sign Language users can go to contactscotland-bsl.org/device-direct.

24. After a client gets in touch, an advocate from VoiceAbility will be in contact with them within five working days.

How can advocacy complement the role of other client representatives?

25. If a client already has a representative or appointee, they are still entitled to the support of an advocate. The advocate can support the representative in ensuring their client's voice is heard and understood, that they express their rights, views and wishes and support them in knowing and understanding their clients rights under the Scottish social security system.

26. Also, if a parent, carer, legal representative or appointee is claiming assistance on behalf of a client they are also eligible for advocacy support if:

- they themselves are disabled and need such support; or
- the client is disabled and wishes to take an active part in the process of claiming their entitlements.

Problems/complaints about the advocacy service

27. If a client is unhappy with their advocate or the service they received from VoiceAbility, then they should contact VoiceAbility directly in order for the complaint to go through VoiceAbility's own complaints procedure.

28. If there is no resolution after that process, VoiceAbility will contact Social Security Scotland to seek a resolution.