

SOCIAL SECURITY (SCOTLAND) ACT 2018

EXPLANATORY NOTES

OVERVIEW

Part 1 (Tenets and Oversight)

Right to advocacy and service standards (sections 10 and 11)

19. **Section 10** creates a right to advocacy for individuals who, due to a disability, require an advocate to help them when their entitlement to assistance is being determined. Subsection (2) places a duty on the Scottish Ministers to ensure that independent advocacy services are sufficiently available to allow everyone who has that right to make use of it. In this context, advocacy services are independent if they are provided by someone other than the Scottish Ministers. This right to advocacy is separate from, and additional to, the right all individuals will have to be accompanied by a supporter that is provided for in section 59 during any discussion or assessment of the individual's entitlement to assistance under Part 2.
20. **Section 11** requires the Scottish Ministers to set standards that advocacy service providers must adhere to, as part of any agreements for provision of independent advocacy services. The standards will be set out in regulations and may, for example, provide for independent advocates to have undergone training and for the quality of the service provided to be assessed.