



Social Security (Scotland) Act 2018

2018 asp 9

PART 1

TENETS AND OVERSIGHT

Advocacy

10 Right to advocacy

- (1) Every individual to whom subsection (3) applies has a right of access to independent advocacy in connection with the determination of the individual's entitlement to be given assistance through the Scottish social security system.
- (2) It is the duty of the Scottish Ministers to ensure that independent advocacy services are available to the extent necessary for that right to be exercised by the individuals who have it.
- (3) This subsection applies to an individual if, owing to a disability, the individual requires an advocate's help to engage effectively with the process for determining entitlement to be given assistance through the Scottish social security system.
- (4) For the purposes of this section—
 - (a) “advocacy services” means services of support and representation that are made available for the purpose of enabling an individual to whom they are provided to have as much control of, or capacity to influence, the decisions that determine the individual's entitlement to be given assistance through the Scottish social security system as is, in the circumstances, appropriate,
 - (b) advocacy services are independent if they are provided by a person other than the Scottish Ministers.

Commencement Information

II S. 10 in force at 30.6.2020 by [S.S.I. 2020/75](#), [reg. 2\(1\)\(a\)](#)

Changes to legislation: Social Security (Scotland) Act 2018, Cross Heading: Advocacy is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11 Advocacy service standards

- (1) It must be a term of any agreement that the Scottish Ministers enter into with a person for the provision of advocacy services in connection with their duty under section 10(2), that the person undertakes to comply with the advocacy service standards.
- (2) The advocacy service standards are to be set by the Scottish Ministers in regulations and may, in particular, include provision in relation to—
 - (a) the training and experience individuals providing advocacy services must have,
 - (b) service quality,
 - (c) quality assurance processes,
 - (d) record keeping.
- (3) The advocacy service standards, or a part of them, may be set by reference to another document (whether or not prepared by the Scottish Ministers).

Commencement Information

I2 S. 11 in force at 27.3.2020 by S.S.I. 2020/75, reg. 2(1)(b)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)