



# 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.