

SIAA – Social Security Committee

Independent advocacy and the Social Security (Scotland) Bill

September 2017

We believe that the Social Security (Scotland) Bill must be strengthened by the inclusion of provisions relating to independent advocacy. This is vital if the Social Security (Scotland) Bill is to improve outcomes for those requiring assistance under the legislation.

We welcome the Bill recognising social security as a human right. We consider independent advocacy as a human right. Independent advocacy helps people to access other human rights and fits with the PANEL principles (Participation, Accountability, Non-discrimination, Empowerment, Legality) because it:

- enables people to participate in systems and processes;
- holds decision makers to account;
- fights discrimination;
- empowers people;
- promotes equality; and
- ensures that decision makers work within the law

Independent advocacy is vital to ensure that the rights of those who cannot properly communicate their needs are upheld. Independent advocacy helps people to:

- access advice and services that they would otherwise be unable to engage with due to communication needs;
- be understood;
- be heard by professionals and services which make decisions that affect their lives;
- better understand and navigate systems;
- understand their rights, and what to do when those rights are not met;
- think through their choices;
- make informed decisions; and
- influence the design and delivery of systems and services

The Scottish Independent Advocacy Alliance (SIAA) is Scotland's national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland.

Advocacy is not:

- mediation;
- giving advice;
- making decisions for someone; or
- speaking up for someone when they are able to express themselves.

We believe that independent advocacy will help to ensure that people are treated with respect and dignity. People who have used advocacy often report that they are more likely to be listened to and treated with respect when their advocate is present. Not only do people benefit from the 'moral support' of an advocate but their advocate helps them prepare for stressful and complex meetings (such as assessments), and to debrief after these have occurred.

The Scottish Government funded 4 advocacy organisations as part of the Welfare Advocacy Pilot Project between March 2015 and August 2016. The 4 organisations were based in Glasgow, Dundee, Falkirk and Edinburgh and were funded to support people going through the PiP and ESA assessments and mitigate the impact of welfare reform. Over the 18 months the organisations were funded they worked with more than 1001 people, 92% of the people supported received a positive result of their claim. In total the Project helped people gain more than £2.7 million in benefit entitlements. Participants reported having a better understanding of the process, being better prepared for their assessment, being listened to and feeling more confident to communicate the impact of their mental illness on their lives.

Independent advice and advocacy are both valuable parts of the system, but should not be confused with each other. An independent advocate offers support and reassurance during an individual's interactions with the state (***to offer redress to the inherent power imbalance***) and puts the emphasis on expressing what the person wants to say informed by the independent advocate's detailed knowledge of the process. Independent advice is usually before, or after, any face to face assessment and is usually an exchange of information.

We believe that the Bill should clearly recognise and state the difference between independent advocacy and advice. We believe that advocacy and advice play very different roles in supporting people who are vulnerable, face discrimination and marginalisation.

Including independent advocacy in the Social Security Bill is consistent with the Scottish social security principles in Section 1 of the legislation, and would enable people to access a range of other rights, help people to reach their full potential and make a positive contribution to society.

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