



SIAA Consultation Response | August 2022

National Care Service (Scotland) Bill

[Independent advocacy \(Section 13\)](#)

Section 13 of the Bill gives Scottish Ministers powers to make provision via secondary legislation for independent advocacy services in connection with services provided by the National Care Service.

The Policy Memorandum highlights the emphasis placed by the Independent Review of Adult Social Care on the importance of access to independent advocacy and brokerage services, including peer services, “in empowering people accessing support and unpaid carers” and ensuring “that their voices are heard”.

It goes on to state the Scottish Government’s intention to “develop and implement a coherent, consolidated and consistent approach to independent advocacy services across the range of NCS services” and to do this through co-design with people with lived or living experience of accessing services.

In providing comments on this section of the Bill, please consider:

- Whether you agree with these provisions?
- Whether there is anything important missing from this section of the Bill?
- Whether there is anything you would disagree with or there are amendments you would wish to propose to this section of the Bill?
- Whether an alternative approach would be preferable?

Introduction

The Scottish Independent Advocacy Alliance (SIAA) advocates for independent advocacy. We are the national intermediary organisation for independent advocacy in Scotland. SIAA promote, support, and defend the principles and practice of independent advocacy. Our aim is to raise awareness about the [value and impact of independent advocacy](#), and influence decision makers ultimately with a view to widen access to independent advocacy for all who need it in Scotland. Read more about [how SIAA advocates for independent advocacy](#).

As the only national organisation with a remit to promote, support and defend independent advocacy we have been following the provision, quality, availability, and accessibility of independent advocacy for many years.

Independent advocacy happens either individually or collectively. To understand how independent advocacy, both individual and collective, works in practice please visit the '[Independent advocacy in practice](#)' page. Independent advocacy is an important mechanism to defend the human rights of people. Independent advocates and collective advocacy groups are often referred to as human rights defenders.

SIAA is a membership organisation that has members providing independent advocacy across Scotland. [SIAA members](#) are a diverse range of organisations and groups that provide independent advocacy to different groups and in a variety of settings including:

- individual independent advocacy in the communities, hospitals, and prison settings,
- organisations specialising in citizen advocacy,
- carers advocacy organisations,
- collective advocacy groups based in hospitals, care homes and the community, and
- organisations providing independent advocacy to remote and rural communities.

Each SIAA member works to the [Independent Advocacy Principles Standards and Code of Best Practice](#), which is the foundational document for independent advocacy in Scotland.

Comments to the NCS Bill

The SIAA strongly agrees the need for a coherent, consolidated and consistent approach to independent services across the range of NCS services.

Widening access to independent advocacy

Presently, independent advocacy provision is inconsistent across Scotland, and people who need independent advocacy access are not always able to access it. An approach that is coherent, consolidated and consistent needs to guarantee that anyone who need independent advocacy, is able to gain access to it.

The SIAA work to raise awareness about the value and impact of independent advocacy and influence decision makers with a view to widening access to independent advocacy for all who need it in Scotland.

The SIAA believes that everyone has the right to a voice and independent advocacy can support individuals address barriers and imbalances of power, and ensure that their [individual's human rights](#) are recognised, respected, and secured. If access to independent advocacy is limited to certain groups and/or locations, there is a risk that some people will not access independent advocacy and be deprived of the support they need to speak up and be heard.

As previously mentioned, there are only a few groups of people that have a right of access to independent advocacy enshrined in Scottish Legislation. This includes a right under the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) to access independent advocacy for; people with “mental disorders”, including people with mental health issues, learning disabilities, autism and people with dementia.

There are certain groups with very limited access to advocacy, such as Children and Young People have limited access to advocacy. We have been working with the Human Rights Consortium Scotland on a campaign that highlights the right to independent advocacy. The SIAA supports that independent advocacy should be put at the heart of the new human rights' statutory framework in Scotland

For more information, please visit this [HRCS & SIAA Briefing](#).

Moreover, access to independent advocacy varies in different parts of Scotland. This needs to be addressed to develop and implement an approach to independent advocacy that guarantees people's right to a voice.

Promoting quality in independent advocacy

SIAA believes that independent advocacy should be delivered consistently and is of the highest possible standard. Assuring quality should be prioritised to guarantee consistency within the field. For this reason, the SIAA Principles, Standards and Codes of Best Practice were created by SIAA's membership to safeguard quality assurance across Scotland.

Our members have shared with us their commitment to maintaining the independent advocacy standards and continuing the work to promote and measure them.

On a recent SIAA roundtable, that we held to discuss the Mental Health Law Review consultation, our members highlighted that there should be a quality assurance framework in place. Members mentioned that gaining a 'quality mark' would demonstrate to people wishing to access independent advocacy the quality of the Independent Advocacy against the SIAA Principles, Standards and Codes of Best Practice.

SIAA are keen to continue this line of work, by engaging with the membership to develop a quality assurance framework which is linked to SIAA membership, that is regularly reviewed. It is important SIAA, people with lived expertise and Independent Advocacy groups work together to develop an appropriate evaluation framework that demonstrates good practice and areas for improvements, in turn supporting high quality Independent Advocacy practice. There has already been significant past work in the development of the [SIAA Evaluation Framework](#) with SIAA membership. SIAA are planning to continue developing this work with members to create a quality assurance framework.

SIAA and members also want to demonstrate the difference Independent Advocacy is making to the people and groups accessing Independent Advocacy. SIAA and the membership developed the Impact Measurement toolkit. This publication highlighted the three national outcomes that Independent Advocacy groups work towards.

Co-designing with people with lived or living experience, independent advocacy and organisations and the SIAA

Co-designing the plan with people with lived or living experience of accessing services is an outstanding approach as they offer an invaluable perspective that can consider existing challenges with potential practical solutions. The SIAA would also recommend including independent advocacy organisations and the SIAA in the planning stages as they could offer their experience and expertise to create an approach that is relevant and achievable.

Furthermore, we would like to highlight the importance of providing the necessary resources to independent advocacy organisations to meet the advocacy partners' needs.

Funding in Scotland is currently varied, this is essential to guaranteeing that independent advocacy organisations remain independent from Scottish government and other services.

Independence is key as there can sometimes be conflicts of interest for those supporting an individual or group, for instance where there are assumptions about 'what is best' for them. Independent advocacy is as free as possible from conflicts of interest, being separate from service providers and funders and with the organisation involved providing no services other than advocacy.

Considering collective advocacy

Regarding "peer services" we would like to highlight the role of collective advocacy.

Collective advocacy creates spaces for people to get together, support each other to explore shared issues and find common ground. It supports people to speak up about their experiences, values and expectations. It enables people to find a stronger voice, to campaign and influence the agendas and decisions that shape and affect their lives. It also contributes to reducing an individual's sense of isolation when raising a difficult issue.

This type of advocacy can help planners, commissioners, service providers and researchers to know what is working well, where gaps are in services and how best to target resources. It helps legislators and policy makers to create opportunities for people to challenge discrimination and inequality and helps people learn to become more active citizens. Collective advocacy groups benefit from skilled help from an independent advocacy organisation and with the support of resources.

We would also recommend reading SIAA's responses to the MHLR Mental Health Law Review consultation as it includes independent advocacy organisations comments and view on key topics:

- [Mental Health Law Review consultation](#)
- [Mental Health Law Review Additional Proposals](#)