



The Scottish Parliament
Pàrlamaid na h-Alba

Elena Whitham MSP
Minister for Community Safety

Equalities, Human Rights and Civil Justice
Committee
T2.60

Via email only

The Scottish Parliament
Edinburgh
EH99 1SP

EHRCJ.committee@parliament.scot

29 March 2023

Dear Minister,

Legal Aid Reform and access to justice

At its meeting on [Tuesday 14 March](#), the Committee held a round table session with stakeholders. The purpose of this session was to look at issues surrounding access to justice and the ability of people to realise their rights when seeking legal remedies to problems they are experiencing.

During the session, witnesses highlighted that the current provision of legal aid is not meeting demand. Additionally, services are experiencing difficulties in recruiting and retaining solicitors and other experts to undertake legal aid work. This has resulted in a lack of specialist advisors to address the demand for advice in a number of areas including evictions and access to housing.

The Committee agreed to seek an update from the Scottish Government on the introduction of a Bill to reform the system of legal aid in Scotland and highlight other concerns outlined by witnesses in accessing justice.

The Law Society of Scotland told the Committee about difficulties in recruiting and retaining solicitors. They raised concerns that newly qualified solicitors are being offered higher salaries in private practice than legal aid firms can offer. They also indicated that recruitment and retention issues experienced may be a result of other factors, such as unmanageable workloads and a lack of work-life balance. They suggested that an independent review is needed so that people entering the profession can see that existing barriers to working within the legal aid sector will be addressed.

Stakeholders also emphasised the detrimental effect the current system can have on individuals' ability to realise their existing rights. Govan Law Centre suggested that it can be exhausting for people to find a solicitor to progress and enforce their rights and many do not know where to start.

The Scottish Legal Aid Board explained that the current system can be complex to navigate and confusing for the public and for providers, and the lack of strategic planning and co-ordination can result in inconsistency of access between geographic areas, and between areas of law. As a result, they are seeing people drop out of the system while the decision process is underway. It can be particularly difficult to access for certain vulnerable groups.

We also heard that more coordination is required between criminal and civil systems. For example, where a woman has suffered domestic abuse and is also navigating a contact or residence dispute with her former partner in relation to their children, the criminal and civil systems proceed independently of one another, and involve different specialists/solicitors. A more coordinated approach could address this.

The Committee heard that the current system for legal aid is not fit for today's purposes and reform is urgent in order to address increasing demand. We would welcome an update from the Scottish Government on its proposals for legislation in this area, and whether, as part of those proposals, consideration will be given as to how a more coordinated approach to criminal and civil proceedings may be taken.

A recording of the full session is available [here](#).

We look forward to receiving your response.

Yours sincerely,



Joe FitzPatrick
Convener
Equalities, Human Rights and Civil Justice Committee