

Petitioner submission of 5 April 2023

PE2002/B: Ensure access to legal aid for people with disabilities

I wanted to secure legal assistance to pursue a Petition for Judicial Review in respect of actions of the DWP in respect of claims for Disability Living Allowance and Personal Independence Payment. The inability to obtain a lawyer to represent me made it impossible for me to pursue this case.

I believe that I would qualify financially for legal aid due to the fact that I am entitled to income based Employment and Support Allowance. As I have been unable to secure the services of a solicitor I have never been able to make an actual application for legal aid.

I contacted the Law Society of Scotland who provided me with access to lists of solicitors. I contacted nearly 100 different firms but all stated they could not take on my case. The main reasons given were:

- 1) Unable to take on the case due to pressure of business
- 2) This is a 'historic case' which would be very expensive and the firm/centre did not consider that they would be able to carry out the amount of work which would be involved
- 3) Insufficient legal aid funding to be able to take on this case.
- 4) Do not carry out legal aid work.

I was given a list of law centres also but they too stated they could not take on the case.

I have twice approached the Civil Legal Assistance Office for help but they too have said they do not have capacity to take my case.

I was told of the existence of the Faculty of Advocates Free Legal Services Unit and I made contact with them. However I discovered that they need someone to organise the papers and give instructions to the advocate before they can take on a case. A solicitor could do this but as stated I have not been able to get a solicitor. A voluntary organisation could provide such a service. Citizens Advice explained that they are unable to provide this service as they do not have the capacity or expertise.

I also wrote to Lord Carloway, Lord President of the Court of Session, on the advice of one of the MSPs for my area, to explain that I was unable

to pursue my legal rights and requesting help. He replied stating that this was not something he could assist with.

Due to my disability I am not able to take my case forward myself. In particular I have difficulty with written communications (I have had assistance from Citizens Advice in writing this letter). Therefore if I cannot get a solicitor to take on my case I cannot exercise my legal rights.

My experience is that there are too few solicitors who carry out legal aid work and those who do legal aid cases do not have the capacity to take on any more because of the lack of funding.