

# Scottish Legal Aid Board submission of 31 May 2023

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

Thank you for your letter of 4 May 2023 seeking information from the Scottish Legal Aid Board to assist the Committee in responding to the above petition. We are sorry to hear of the difficulties experienced by Mr White.

You indicate the Committee is keen to know whether the Scottish Legal Aid Board intends to undertake a monitoring report on access to legal aid for people with disabilities and if it does not intend to, what its rationale for this is.

SLAB has a range of arrangements in place to monitor legal services by:

- Analysing the organisation's data on trends in legal assistance and supply;
- Supplementing this with other sources of data about legal services including information that may be requested of the Law Society of Scotland, the Faculty of Advocates and the Scottish Courts and Tribunals Service and
- Seeking the views of stakeholders, including service providers and users.

SLAB has recently conducted research into the experience of users of Civil Legal Assistance which was [published](#) in July 2022. The results overall were positive, for both civil legal aid clients and individuals that have received civil advice and assistance, suggesting that the service is generally meeting people's requirements.

The survey asked about the ease or difficulty respondents experienced in finding a solicitor, including the number of solicitors who were contacted before finding the one who acted for them. The responses to these questions did not reveal any significant differences in experience as between the 182 respondents reporting a condition that limited their day-to-day activities and the 341 that did not, although eight people reported feeling that their disability had made it more difficult for them to access a solicitor.

While we appreciate that these findings will be of little comfort to Mr White and do not in any way diminish the challenges he has faced, they do suggest that his experience is not typical or illustrative of a widespread or systemic problem.

More broadly in relation to the accessibility of the legal aid system for people with disabilities, our 2021-2023 Equality Outcomes plan included a focus on improving access to our services and funding of communication support, including delivery of a customer communication support needs service. We reviewed and impact assessed our key policies in relation to legal aid funding for communication support. As part of that plan, we redeveloped how we capture equality information from applicants, including people with disabilities, which will inform future development of our services and legal aid policy.

In our forthcoming equality outcomes plan 2023-2026, we are aiming to deliver improvements in accessibility of information about legal aid and our services, with a focus on people with disabilities amongst others.

To provide some context for our work in this area, the current legal aid system is demand led and funded on a case-by-case basis. As such nobody is precluded from accessing assistance due to budgetary pressures. However, the current legislative framework does not guarantee access to legal advice and representation: neither SLAB (nor the Scottish Government) can compel solicitors to take on legal aid work and it is a matter for them as to whether they undertake legal aid work at all or, if they do, whether to take on a particular client or case. It is difficult to know precisely why Mr. White has been unable to find a solicitor: there can be many reasons why a solicitor declines to take on a case.

There are a number of third sector advice agencies such as law centres that offer legal advice of the kind that might be of assistance to Mr. White. The Scottish Government's website has information [here](#) on accessing help with a legal problem and in particular, has a section in relation to discrimination which may be helpful.

I hope that this information is helpful and if I can be of any more assistance, please do not hesitate to get back in touch.