**Citizens Advice Scotland: Written evidence**



Scotland’s Citizens Advice Network empowers people in every corner of Scotland through our local bureaux and national services by providing free, confidential, and independent advice. We use people’s real-life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help, and we change lives for the better.



**Summary**

Citizen’s Advice Scotland (CAS) work on Access to Justice issues aims to ensure that consumers can access legal services and make effective and informed choices about legal issues.

The Citizens Advice network in Scotland issues more than 3000 pieces of advice each month on legal proceedings. Between August 2020 - August 2021 Citizens Advice Bureaux (CABs) provided 44,439 pieces of advice on legal issues to 16,287 individual clients. The most common legal issues on which advice was provided include:

* + Legal Aid
	+ Finding a solicitor or advocate
	+ Simple Procedure

A recent report on the economic value of advice provided by the Citizens Advice network in Scotland showed that the value of the advice provided by CAB on legal proceedings (including areas such as benefits, employment, housing, and debt) was estimated to be £11.58m[[1]](#footnote-2).

CAS believes that no-one should be excluded from accessing justice on the grounds of cost or geography. The legal aid system should help ensure that everyone who has a legal issue is able to find help to resolve it. We believe that significant reform of the Legal Aid system, to place the user at the heart of it, is required.

We also highlight here a number of concerns regarding Access to Justice during the pandemic. We support the development of new and simplified ways of accessing Court services. However, we maintain that this must not come at the expense of channel choice.



**Accessing help with legal issues**

* Between August 2020 – August 2021, CAB provided 6,278 pieces of advice to 4,326 clients on finding Solicitors / advocates. Demand for this type advice has increased by 22% between August 2020 and August 2021, despite the impact of the pandemic on legal services.
* Demand for advice on Legal Aid was also up 32% in this time period.
* Simple Procedure remains consistently the legal area which CABs provide the most advice on to clients. Legal Aid is not currently available for many Simple Procedure cases at first instance.
* Feedback from CABs indicates that access to practitioners can be problematic for those in remote and rural areas and/or those looking for support in more specialist areas of law like immigration.
* Cost can be a significant barrier to people seeking advice on legal matters and people are often uncertain about where to start and how to navigate processes. Polling conducted in 2020 for CAS showed that only 30% of participants had used a lawyer for their last legal problem, with unaffordability being an issue for 44% of respondents[[2]](#footnote-3).
* CAS believes that no-one should be excluded from accessing justice on the grounds of cost or geography. The legal aid system should help ensure that everyone who has a legal issue is able to find help to resolve it.
* The Scottish Government and other agencies such as SLAB, need to help ensure this issue is resolved. More grant funding may provide additional flexibility within the system to address gaps in the market either in terms of geography or specialism.

**Reform of the Legal Aid system**

* CAS believes that these issues demonstrate the continuing need for reform of the Legal Aid system, and we welcome the Scottish Government’s commitment to a Legal Aid bill during this parliamentary session.
* Users must be placed at the heart of the legal aid system and this should be key to any reforms made. This was a central plank of the [independent review](https://www.gov.scot/publications/scottish-government-response-independent-review-legal-aid-scotland/) of legal aid.
* CAS would welcome extension of the legal aid regime to:
	+ Provide better triage before referral to solicitors
	+ Provide coverage for areas not currently covered such as tribunal and simple procedure work (pre appeal)
* Early intervention and prevention are key, and we believe there should be a significant shift in resources towards this and towards the use of Alternative Dispute Resolution (ADR) in civil areas.
* The Citizens Advice network in Scotland has seen increases in demand for access to advice on ADR across a range of sectors including housing, employment, consumer, relationships, utilities, and healthcare during the pandemic period.
* People should be able to access advice and support in order to resolve disputes at the earliest stage as this can help to reduce the impact, cost, and distress caused by disputes. However, we recognise that some will always choose to pursue court action and all should be adequately supported however they chose to proceed with their dispute.

**Impact of the COVID-19 Pandemic on Access to Justice**

* CAS has concerns around the move to digital services such as the mandatory use of Civil Online and the rise in remote appearances from custody.
* Many vulnerable individuals have issues with using digital services. We believe that channel choice is important, especially for older or disabled people.
* We question whether digital justice services allow for individuals to fully participate and understand proceedings affecting them and note the difficulties that can exist for professionals and advice agencies providing adequate and timely advice in digital proceedings.
* Finally, we note the extension to time limits for bringing criminal cases and the resulting rise in number of remand prisoners. Many remand prisoners will be found not guilty or receive community sentences. Remand is immensely disruptive for their lives and that of their families and better support is required for these prisoners.
1. <https://www.cas.org.uk/system/files/publications/economic_value_of_advice_report.pdf> [↑](#footnote-ref-2)
2. Via the YouGov Scotland Omnibus, 1,028 Scottish adults were surveyed. Fieldwork for this survey was undertaken between 5th to 9th March 2020 [↑](#footnote-ref-3)