

Minister for Community Safety
Ash Denham MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

The Glasgow Bar Association
Room 151 First Floor
Glasgow Sheriff Court
1 Carlton Place
Glasgow
G5 9DA

7th Our ref: 2019/0000494
February 2019

Thank you for your letter of 31 December 2018 regarding the uplift in fees for legal aid work which will come into effect in April of this year.

I appreciate you taking the time to write to me to highlight the concerns of your members and the issues they are facing.

I would like to assure you that this government does value the legal profession and the vital role that they play in our justice system.

A strong legal system is critical to the rule of law and upholding human rights. Ensuring that Scotland maintains a flexible and progressive system of legal aid that is both sustainable and cost effective will be taken forwards through engagement with the profession and our aim is to include these solicitors in delivering justice through a modern and efficient court system.

In its response to the review ('Rethinking Legal Aid – an Independent Strategic Review'), the Scottish Government acknowledged the financial challenges being faced by some members of the legal profession in face of falling volumes of business, changes in court processes and levels of fees. We also agreed with the Review Chair that an evidence based model for agreeing levels of fees should be developed and a payment review panel will be convened to consider the recommendations under strategic aim 4.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



In recognition of the views expressed by you and your colleagues I was pleased to be able to implement a 3% uplift in all legal fees despite the very challenging financial position facing public expenditure. I have been encouraged by the positive response of both the Law Society of Scotland and Faculty of Advocates to the fee increases and their willingness to support our work on a payment review panel.

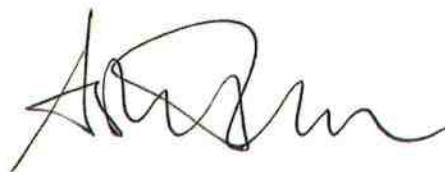
We will continue to seek dialogue with the professional bodies on payment structures and reviews and will be taking forward consultation around shorter term proposals for fee reform with both the Faculty of Advocates the Law Society of Scotland.

I acknowledge that the level of morale amongst your members is low and this was recognised by the review, which addressed this in the form of recommendation number 40. I appreciate that justice system reforms and the way in which the Scottish Government is tackling crime is changing the way in which legal aid operates. As indicated in the Scottish Government's response, we intend to reform the legal aid system to adapt accordingly and this should lead to positive changes in the way in which legal aid in Scotland is designed and delivered. We also intend to move forward with a programme of raising public awareness of legal aid in conjunction with the profession and the Law Society of Scotland.

In regards to your concerns on the release of SLAB funding tables, section 31 of the Public Services Reform (Scotland) Act 2010 requires expenditure over £25,000 to be published annually by public bodies. The statutory guidance states that although there is no requirement to publish cumulative payments in excess of £25,000, it is good practice to do so in the spirit of openness and transparency. We understand this is also the practice of the Legal Aid Agency in England and Wales.

Finally, you have raised the announcement in August last year of extra funding to COPFS. This one-off funding amount of £1.1m has been made available over 2018-19, committing £300k and £800k to SCTS and COPFS respectively to improve how sexual offences cases are handled and improve communication with victims. The Scottish Government is committed to finding ways to reduce the trauma and improve the experience of victims within the criminal justice system and this additional funding is just one of the actions we have put in place to help give victims confidence to report crimes by ensuring they are offered support at each step of the process.

I hope this goes some way towards addressing the issues and concerns identified in your letter.



Ash Denham

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020

