



glasgow bar association
established 1959

Room 1.29
Glasgow Sheriff Court
1 Carlton Place,
Glasgow
G5 9DA

7th September 2020

By Email Only
Ian Moir and Patricia Thom,
Legal Aid Conveners,
Law Society of Scotland.

Dear Ian and Pat,

Urgent request for Government assistance to preserve legal aid provision in Scotland

We refer to our previous correspondence in connection with the impact that Covid 19 measures are having upon legal aid practitioners in Scotland. The use of only 10 Hub Courts for Criminal Custody cases and Civil Urgent Business for 4 months, the urgent restructuring of how business will be done as we ease out of lockdown and the requirement that we socially distance, rely upon greater use of technology and require to invest in PPE and adapt our offices, all means that there has been a substantial impact upon the income of legal aid practitioners, with local Agents in particular having their business decimated. While business is restarting now across all courts in Scotland which is welcome, we will not see the immediate reintroduction of business at pre-lockdown rates and have already been advised that Sheriff and Jury business will not resume until October at the earliest. We are already aware that redundancies amongst legal aid practitioners have taken place, practitioners are leaving careers in advocacy and traineeships are being rescinded. This will not only have an immediate impact upon the provision of legal aid services for the people of Scotland, but if there is no immediate and longer term investment, then these vital services are unlikely to be able to continue.

Morale in the profession is at an all time low. We have made sacrifices and set aside health concerns to continue to represent our clients and those who are most vulnerable in our society during lockdown. We are Justice partners but are the last to be informed of new measures being implemented, never mind actively consulted about the processes. This is compounded by the withdrawal of Court holidays and the prospect of Custody

Courts operating on National holidays such as 26th December 2020 and 2nd January 2021. What has become apparent is that all other Justice Partners, from SCTS, to the Justiciary, Police Service of Scotland, COPFS have had investment during lockdown to invest in adaptations and to be recompensed for holiday working conditions, but legal aid practitioners have not.

We are simply asking for equality of arms. The Government has seen fit to pay Dentists 80% of their salary during lockdown. Legal Aid practitioners provide an equivalent service to the public. PDSO and CLAO have not been impacted as they are funded directly by SLAB. SCTS staff unable to work from home have been receiving their salary. Sheriffs too. There is a manifest inequality here and we are calling upon the Scottish Government to right this wrong.

Before the end of October, practitioners require to meet payment of the following:-

1. Renewal of their practising certificate with the Law Society of Scotland for the next year; (A subscription which has been reduced in recognition of the challenging climate faced by the profession.)
2. Payment of the SLCC levy; (Deferred from June in recognition of the challenging climate faced by the profession but which this organisation refused to reduce in light of the challenges currently being faced by the profession.); and
3. Our professional indemnity insurance to allow us to practise with insurance cover in place for the year ahead. (You are already aware of the work done by our Association in broaching a payment holiday for those practitioners struggling to meet this year's premiums, which we believe will be exacerbated by lockdown circumstances); and
4. Essential investment in IT and PPE, adaptations to office space and working arrangements necessitated by Covid 19.

It is in these circumstances that we urge you to impress upon the Scottish Government an urgent need to provide financial assistance to legal aid practitioners. We will not rehearse with you the historic under funding of legal aid provision in Scotland, or the need to address the outstanding issue of legal aid reform in Scotland, because there is a real concern that if financial assistance is not given prior to October 2020, the landscape of legal aid provision in Scotland will be irreparably damaged and forever changed.

We are an essential Justice partner and want this to be recognised. The people of Scotland deserve to have access to publicly funded legal representation. It is an essential tenet of human rights legislation and a mark of a civilised society that legal representation is available.

The goodwill of legal aid practitioners will soon be exhausted if a rescue package is not forthcoming. We would then have no alternative but to consider ways in which our value can be recognised.

We trust that this is of assistance in your forthcoming negotiations. We look forward to receiving an update from you as a matter of urgency.

Kind regards,

The Executive Committee of the Glasgow Bar Association

We, the undernoted, as President/Dean/Nominated Representative of our local Faculty/Organisation, wish to endorse this letter -

Donald Reid, Dean, Royal Faculty of Procurators, Glasgow

Andrew Stevenson, Secretary, Scottish Law Agents Society

Julia McPartlin, President, Edinburgh Bar Association

Stuart Murray, President, Aberdeen Bar Association

William McIntyre, Vice President of Falkirk District Faculty of Solicitors

Philip Lafferty, Dean of the Faculty of Solicitors of Dunbartonshire

Mark O'Hanlon, Dean of Faculty at Hamilton

Martin McGuire, Dean of Faculty at Kirkcaldy

Rory Bannerman, Dean of Faculty of Roxburgh Solicitors

Greg Douglas, Dean of West Lothian Faculty, based at Livingston

Graeme Wright, Dean of Faculty at Dunoon

Kathryn Wilson, Dean of Berwickshire Faculty