

Citizen Participation and Public Petitions Committee

12th Meeting, 2022 (Session 6), Wednesday
29 June 2022

PE1917: Provide full legal aid to all parents
fighting for access to their children

Note by the Clerk

Lodged on	30 December 2021
Petitioner	Amy Stevenson
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child/children regardless of their income.
Webpage	https://petitions.parliament.scot/petitions/PE1917

Introduction

1. The Committee last considered this petition at its meeting on [18 May 2022](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Scottish Government, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1917: Provide full legal aid to all parents fighting for access to their children

Petitioner

Amy Stevenson

Date lodged

30 December 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child/children regardless of their income.

Previous action

I have contacted my local councillor and spoken with my MSP and they have advised that I raise a petition with the Scottish Parliament.

Background information

It would reduce mental health issues and suicide rates if we could allow all parents legal aid when fighting for access to their children in courts regardless of their income. Money should not come in-between a child having a relationship with their parents. Parents are having to pay for access contact centers and court fees and unfortunately in some cases when parents run out of money to fight for access to their kids they have sadly ended their own lives. I had over 60 men write their own stories to me about fighting for their kids, struggling to afford court fees and feeling like giving up, all very similar circumstances. Granting legal aid would put an end to this and benefit the next generation.

Annexe B

Extract from Official Report of last consideration of PE1917 on 18 May 2022

The Convener: PE1917, which was lodged by Amy Stevenson, calls on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child or children, regardless of income.

We last considered the petition on 23 February, when we agreed to write to a number of stakeholders. Since then, we have received written submissions from the petitioner, Relationships Scotland and Shared Parenting Scotland. The submissions highlight a number of issues with the current legal aid provision that is dependent on income, including the costs of legal proceedings, the impact of the financial barriers on children, the importance of early resolution mechanisms and the need to consider children's rights and put children's interests first.

I am inclined to write to the Scottish Government highlighting the evidence that we have received, requesting that legal aid provision relating to parental responsibilities be included as part of its planned review of the legal aid system and asking for information on the scope of the review now that it is under way, the plans and timetable for consultation and the timetable for introducing the legal aid reform bill.

Does that proposal meet with the approval of the committee?

Members indicated agreement.

Annexe C

Scottish Government submission of 15 June 2022

PE1917/E Provide full legal aid to all parents fighting for access to their children

I write in response to your correspondence dated 20 May 2022. The [Independent Strategic Review](#) chaired by Martyn Evans was completed in February 2018. The Scottish Government response can be found [here](#).

The Scottish Government thereafter held a public [consultation](#) on the recommendations made in the review in 2019 and has stated its willingness to take forward supported recommendations that will deliver an enhanced system of legal aid across Scotland. Consultation responses were received from those involved within the criminal and civil justice system, third sector, and individual members of the public. Within that 75% of respondents to that consultation agreed that those who could afford to make a contribution to their legal advice should continue to do so - [Legal aid reform: consultation analysis - gov.scot \(www.gov.scot\)](#).

It is the intention of Ministers to introduce the Legal Aid Reform (Scotland) Bill during this parliament.

I hope this is of assistance.