

The Health and Social Care Alliance Scotland

(the ALLIANCE)

ALLIANCE
HEALTH AND SOCIAL CARE
ALLIANCE SCOTLAND
people at the centre

ALLIANCE response to Scottish Government consultation on legal aid reform

October 2026

Introduction

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the Scottish Government consultation on legal aid reform.[1] We support the work to reform legal aid in Scotland. However, we are concerned that the consultation does not consider the access requirements or experiences of people who are Deaf, Deafblind, or who have Visual Impairments.

Through engagement with our members, including sensory support organisations and people who are Deaf, Deafblind, and who have Visual Impairments, we have identified several key areas which should be considered during the reform of Legal Aid in Scotland, to enable people with sensory impairments to have equal access to legal aid and justice. [2]

Issues include barriers to accessing BSL interpretation at the initial appointment stage, as well as inequalities when trying to find solicitors who are willing to support Deaf BSL users. There are currently no solicitors in Scotland who are fluent in BSL, and very few who work regularly with people with sensory impairments.

Retrospective funding for BSL-English interpretation

The current legal aid process requires people to have an initial meeting with a solicitor prior to any legal aid being agreed. However, the process does not permit retrospective funding for communication support. This system risks Deaf and Deafblind BSL users being prevented from accessing Legal Aid if they do not have communication support for the initial meeting.

ALLIANCE Scottish Sensory Hub lived experience research has raised repeated concerns around access to justice. One Deaf participant shared the following observation:

> "Legal aid is currently discriminatory towards BSL users. Legal aid will not pay for anything in retrospect, so there is no BSL provision for Deaf people at their first solicitor's appointment when legal aid eligibility is established." (Survey respondent)[3]

Other people commented on the topic as follows:

> "There can be no good life without access to the courts. The Equalities Act 2010 is an excellent piece of legislation but it is being ignored by large companies because they know that the Scottish government is refusing to allow disabled people to get legal aid for small claims." (Survey respondent)

> "Legal aid should be available to bring actions for disability discrimination cases under the Equalities Act 2010. Those who have suffered from disability discrimination and who are also on means-tested benefits should have an automatic right to legal aid." (Survey respondent)[4]

Functionally, people who are Deaf or Deafblind often rely on family members for communication support when seeking legal aid, especially for initial contact. Given the specific and complex nature of legal vocabulary, family members may find it challenging to interpret effectively and the information they convey can be inaccurate and incomplete. An ALLIANCE member summarised the situation in their response to this consultation as follows:

> "Lay people do not possess the specialist legal vocabulary required to interpret complex legal concepts into BSL. This results in misunderstandings, miscommunication, and flawed legal advice." (Deaf Links)

These concerns were also shared by another ALLIANCE member:

> "Deafblind people need Deafblind interpretation but then also Guide Communicator support to get to the appointment." (Deafblind Scotland).

A different ALLIANCE member shared struggles in supporting people to access legal aid. They stated that:

> "I have found this a real challenge with my role [supporting Deaf people]. […] Trying to secure help with will services, POA [Power of Attorney] etc. with an interpreter has been near impossible."

Reliance on family and friends to interpret information also means that the individual seeking legal aid may need to disclose private and confidential information that they are uncomfortable sharing with family members – particularly children. Article 13 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) states that "States Parties shall

ensure effective access to justice for persons with disabilities on an equal basis with others".[5] It is vital that disabled people – including people with sensory impairments – have equal access to justice and are not excluded from legal processes and legal aid due to the costs of interpretation.

As a comparative example, NHS policy stipulates that professional interpreters should "always be offered, rather than using family or friends to interpret", and that it is "inappropriate to use children as interpreters". They note that "an interpreter should be present in all situations where there are concerns about child safety or gender-based violence".[6] While legal aid systems are not required to follow NHS guidance, it provides a useful template for the issues at play – and particularly given that cases where legal aid is sought by BSL users can relate to domestic violence or child custody cases. There is robust evidence that Deaf BSL women are more likely to experience gender-based violence than hearing women, and less likely to be able to access support services.[7]

The current BSL national plan states that "BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland".[8] The current lack of provision of retrospective funding for BSL interpreters at the initial eligibility appointment for legal aid directly contradicts this commitment. We recommend that:

1. The Scottish Government should change the regulations around retrospective funding for communication support at the initial solicitor meeting if legal aid is approved, and grant funding for these meetings for people with communication support requirements. This should include guide communicators, sighted guides, and interpreters. Children should never be expected to interpret for their families within the justice system.

Access to solicitors and relevant costs

Many people with communication support needs face additional barriers to securing a solicitor who will support their case. This is largely attributed to solicitors facing additional costs for interpretation support – but also indicative of a wider problem with finding solicitors who are available and willing to take on legal aid cases.

Interpreter cost structures are currently outdated and do not reflect the current cost of booking a NRCPD registered interpreter – meaning that

solicitors regularly find themselves having to pay significantly more than expected for communication support (particularly in comparison to less regulated sections of the interpreting workforce within hearing contexts). BSL-English and BSL intralingual (Deaf relay) interpreters must be NRCPD registered and have three years of experience and relevant CPD to interpret or translate within legal settings. This increases the cost of BSL interpretation – but it also ensures quality standards. It is vital that guidance and legal aid cost structures recognise that requirement – particularly given shortages of BSL-English and BSL intralingual interpreters in Scotland. No guidance on costings for sighted guides or guide communicators exists at present.

As an additional concern, our members report that the process for reimbursement of fees is slow, compounding the challenges for solicitors and communication support professionals. This can result in solicitors refusing to accept cases from people with communication support needs, due to the risk of higher costs for which their practice will be responsible.

This reaction to fiscal risk causes significant inequality for people with sensory impairments. People are frequently refused legal support based on disability and communication support requirements, rather than the merits of their case. Some ALLIANCE members have suggested that this also results in people with communication support needs concluding that solicitors view them as too difficult to work with, and discriminatory. The end result for some people is disenfranchisement, inequal access to support, and reduced trust in the legal system.

Scotland does have some innovative models for addressing these problems. The Stirling Citizens Advice Bureau has dedicated sensory loss advice workers available to support people who are Deaf, Deafblind, and who have Visual Impairments – who are able to support people to access legal advice and support. This has been positively received by clients. Stirling is also launching a Legal Hub in 2027, to give people on a low-income access to services through Citizens Advice Bureau – without the burden of calling multiple solicitors to find one willing to take on legal aid clients. Deaf clients will be supported by qualified instructors using Contact Scotland BSL, liaising with CAB sensory loss advisors where appropriate. This work offers a possible support model that could accompany wider legal aid reform in Scotland, and support solicitors in improving their sensory and inclusive communication awareness.

The ALLIANCE recommends that:

2. Scottish Government and Scottish Legal Aid Board (SLAB) should review the rates and guidance around BSL and other forms of interpretation at regular intervals, ensuring that solicitors who provide legal aid have a strong understanding of processes and the costs involved.

3. Scottish Government should examine the current process for reimbursement of solicitor costs, ensuring that this is not a barrier for people seeking legal aid support.

Embedding sensory within legal aid reform

The consultation documents outline a vision for a legal aid system that is simpler, more user-centred, more transparent, more sustainable, and better aligned with people's needs.[9] The ALLIANCE suggests that in order to deliver on this ambition, accessibility and inclusion must be included within systems design from the outset.

We call on Scottish Government to engage directly with people with sensory impairments who have experience accessing the legal aid system and implement solutions to the barriers that people face. Suggestions include changing the eligibility to access to retrospective funding for communication support, ensuring that communication support costs and guidance are accurate and updated regularly, providing solicitors with guidance and training on inclusive communication and sensory awareness, and improving the reimbursement process. The Scottish Government must also consider any additional suggestions from people with sensory impairments, and work directly with them to implement further reforms where required. We recommend that:

4. Scottish Government must engage directly with people with sensory impairments who have experience accessing legal aid, and their family and friends, and work collaboratively to make required alterations to the system.

Need for inclusive communication

Evidence suggests that across the UK people who have a Visual Impairment face barriers to accessing justice – particularly when attempting to access the criminal justice system.[10] Comparable evidence exists around Deaf people's experiences.[11] Further work is needed to address the gaps identified by this work.

To ensure that people have equal access to legal aid, appropriate reasonable adjustments around all forms of accessible communication must be considered. This includes providing relevant information in formats such as Braille, Large Print, Plain English, Easy Read, audio, and screen reader friendly or plain text documents. People should have their communication support requirements recorded, with subsequent information being shared with them in an accessible format. Solicitors should ensure that they have a clear understanding of an individual's needs. We recommend that:

5. Scottish Government and SLAB should develop sensory awareness and inclusive communication guidance for solicitors, to better equip them to support clients who are Deaf, Deafblind or who have Visual Impairments.

6. Solicitors must be able and prepared to share relevant information in accessible formats, responsive to individual needs. The Scottish Government, SLAB and relevant professional bodies should signpost and provide guidance and resources.

Summary of recommendations

This response examines the communication barriers that people who have communication support needs face when trying to access the legal aid system. Whilst we welcome Scottish Government's willingness to make reforms to the system, we are concerned with the lack of consideration of the challenges faced by people who are Deaf, Deafblind, or who have Visual Impairments. Throughout this response, we have outlined recommendations and areas in which we believe reforms or engagement must consider. For ease of access, we have listed these recommendations below:

1. The Scottish Government should change the regulations around retrospective funding for communication support at the initial solicitor meeting if legal aid is approved, and grant funding for these meetings for people with communication support requirements. This should include guide communicators, sighted guides, and interpreters. Children should never be expected to interpret for their families within the justice system.

2. Scottish Government and Scottish Legal Aid Board (SLAB) should review the rates and guidance around BSL and other forms of interpretation at regular intervals, ensuring that solicitors who provide legal aid have a strong understanding of processes and the costs involved.

3. Scottish Government should examine the current process for reimbursement of solicitor costs, ensuring that this is not a barrier for people seeking legal aid support.

4. Scottish Government must engage directly with people with sensory impairments who have experience accessing legal aid, and their family and friends, and work collaboratively to make required alterations to the system.

5. Scottish Government and SLAB should develop sensory awareness and inclusive communication guidance for solicitors, to better equip them to support clients who are Deaf, Deafblind or who have Visual Impairments.

6. Solicitors must be able and prepared to share relevant information in accessible formats, responsive to individual needs. The Scottish Government, SLAB and relevant professional bodies should signpost and provide guidance and resources.

About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector membership organisation for the health and social care sector. We bring together over 3,500 people and organisations dedicated to achieving our vision of a Scotland where everyone has a strong voice and enjoys the right to live well, with dignity and respect. Our members are essential in creating a society in which we all can thrive, and we believe that by working together, our voice is stronger.

We work to improve the wellbeing of people and communities across Scotland by supporting change in health, social care and other public services so they better meet the needs of everyone in Scotland. We do this by bringing together the expertise of people with lived experience, the third sector, and organisations across health and social care to shape better services and support positive change.

The ALLIANCE has three core aims. We seek to:

- **Empower people with lived experience:** we ensure disabled people, people with long term conditions, and unpaid carers are heard and that their needs remain at the heart of services and communities.
- **Support positive change**: we work within communities to promote co-production, self management, human rights, and independent living.
- **Champion the third sector:** we work with, support and encourage co-operation between the third sector and health and social care organisations.

The ALLIANCE is committed to upholding human rights. We embed lived experience in our work and aim to ensure people are meaningfully involved at every level of decision-making. Working together creates positive, long-lasting impact.

We work in partnership with the Scottish Government, NHS Boards, universities, and other key organisations within health, social care, housing, and digital technology to manage funding and develop successful projects. Together, our voice is stronger, and we can create meaningful change.

The Scottish Sensory Hub

The Scottish Sensory Hub provides a platform for the voice of lived experience for anyone in Scotland with lived experience of Deafness, Deafblindness or Visual Impairment. It was launched in 2021 and draws experience from Deafscotland (formerly the Scottish Council on Deafness) and SCOVI (Scottish Council on Visual Impairment).

Lived experience is at the heart of everything the Scottish Sensory Hub does. The Sensory Hub acts as a bridge between the Scottish Government, public bodies, the third sector, and individuals, and enshrines a human rights-based approach for all. The Scottish Sensory Hub was founded to provide a strategic forum for cross-sensory input into policy and practice. It focuses on three key areas to promote living a good life – communication, information, and mobility.

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References

[1] Scottish Government, 'Legal Aid Reform: Consultation'. (July 2026). Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2026/09/legal-aid-reform-consultation/documents/legal-aid-reform-consultation/legal-aid-reform-consultation/govscot%3Adocument/legal-aid-reform-consultation.pdf.

[2] The Health and Social Care Alliance (the ALLIANCE), 'See Hear Strategy Refresh – Lived Experience Consultation' (Nov 2023). Available at: https://www.alliance-scotland.org.uk/blog/news/see-hear-strategy-refresh-lived-experience-consultation-report-published.

[3] As above, p.72.

[4] As above, p.72.

[5] United Nations, Article 13, "Access to Justice", Convention on the Rights of Persons with Disabilities. Available at: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of persons-with-disabilities/article-13-access-to-justice.html.

[6] Office for Health Improvement and Disparities, 'Guidance: Language interpreting and translation: migrant health guide' (March 2021), available at: https://www.gov.uk/guidance/language-interpretation-migrant-health-guide.

[7] Jemina Napier and co-authors, "Sign LOUD: Perspectives of Deaf mothers and signing practitioners on domestic abuse, communication issues and the impact on Deaf families" (Dec 2025), available at: https://doi.org/10.17861/60s7-w281. Loraine Leeson and co-authors, "Silent Harm: Evidence-informed Training for Stakeholders Working in Interpreter-Mediated Gender-based Violence Settings" (April 2025), available at: https://doi.org/10.34190/icgr.8.1.3296.

[8] Scottish Government, 'British Sign Language National Plan 2023-2029'. (Oct 2023), p.27. Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/11/bsl-national-plan-2023-2029/documents/british-sign-language-national-plan-2023-2029/british-sign-language-national-plan-2023-2029/govscot%3Adocument/british-sign-language-national-plan-2023-2029.pdf.

[9] Scottish Government, 'Legal Aid Reform: Consultation'. (July 2026). Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2026/09/legal-aid-reform-consultation/documents/legal-aid-reform-consultation/legal-aid-reform-consultation/govscot%3Adocument/legal-aid-reform-consultation.pdf.

[10] A, Hollomotz and M Priestley, 'Disabled people's experiences of and access to justice in the UK: an evidence review' (May 2026). Available at: https://www.gov.uk/government/publications/disabled-peoples-experiences-of-and-access-to-justice-in-the-uk/disabled-peoples-experiences-of-and-access-to-justice-in-the-uk-an-evidence-review.

[11] For example: JUSTISIGNS (available at https://signs.hw.ac.uk/projects/justisigns/), which examined Deaf people's experiences of police interactions and access to police interviews. JUSTISIGNS 2 (available at https://signs.hw.ac.uk/projects/justisigns2/), which explored Deaf women's experiences of domestic, sexual and gender-based violence and interactions with support agencies. SILENT HARM (available at https://signs.hw.ac.uk/projects/silentharm/), which focused on improving responses to Deaf women experiencing domestic abuse, particularly in rural communities. Sign LOUD (available at https://signs.hw.ac.uk/projects/co-victims/), which examined domestic abuse in Deaf families and the impact of communication barriers on women and children.

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