

PFLA Consultation
Access to Justice Division
Scottish Executive
2 West
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

8 September 2005

Dear Sir or Madam

YouthLink Scotland is the national youth work organisation for Scotland. We support the development of accessible, high quality youth work services which promote the well-being and development of young people. We are a national voluntary organisation working with both statutory and voluntary bodies. YouthLink Scotland's membership includes nearly 50 voluntary organisations, and 32 local authorities, which provide youth work projects and services for thousands of young people across Scotland.

The focus of our member organisations' work is on the 11 – 25 year age group, with particular emphasis on 11 – 18 year olds. Young people are significant users of publicly funded legal aid ("PFLA") and require advice and representation in a wide range of areas including, for example, child protection and welfare issues, debt and money advice and criminal justice matters. We, therefore, welcome the opportunity to respond to the Scottish Executive's consultation on *Advice for All: Publicly Funded Legal Assistance in Scotland – The Way Forward* ("the Consultation").

For ease of reference we have used the same chapter headings as the consultation document. YouthLink Scotland's response focuses on certain general issues around young people's access to publicly funded legal assistance.

In summary, YouthLink Scotland's main points are:

- **YouthLink Scotland welcomes the Scottish Executive's commitment to reform publicly funded legal assistance**
- **We believe that any reform of the current system of publicly funded legal assistance must fully take into account the needs of young people**
- **As part of the reform process, action should be taken to improve young people's access to, and information about, publicly funded legal assistance in Scotland**

A national strategy for publicly funded legal assistance on civil matters

We welcome the Scottish Executive's statement at Paragraph 1.7 of the Consultation that: "Publicly funded legal advice, information and representation are essential civil

justice services, which need to ensure that those who need the law will not be excluded from using it, whether due to prohibitive costs, lack of knowledge or lack of available help". In this respect, YouthLink Scotland believes it is vital that publicly funded legal advice, information and representation should be made as accessible as possible to all excluded groups, including young people. The reform of PFLA in Scotland must also fully take into account the needs of young people.

In terms of improving young people's access to, and information about, PFLA we believe more should be done to raise awareness amongst young people about their legal rights and responsibilities. YouthLink Scotland considers that the office of the Scottish Commissioner for Children and Young People, and organisations such as Young Scot and the Law Society of Scotland, can play an important role in this area.

Building a strategy

YouthLink Scotland welcomes the emphasis in Paragraph 116 of the Consultation on developing a system of PFLA which is "accessible and user-friendly for those who have to use it". We believe that Young Scot, the youth information agency for Scotland, can play a significant part in helping to ensure that this system is accessible and user-friendly for young people. Part of the process of making the legal system, including PFLA, more accessible will be ensuring that the provision of legal advice and information for young people is provided in language they can understand. Young Scot has a legal advice line courtesy of its partnership with Ross Harper Solicitors. Young Scot's experience could offer the Scottish Executive useful background in terms of young people's current access to, and experience of, PFLA, as well as helping to inform the development of PFLA which is user friendly for young people.

A Planning Framework

We welcome the proposal in Paragraph 1.22 of the Consultation that the bodies responsible for the development and operation of a national and local framework for the planning of civil PFLA - the Scottish Executive; local authorities; and the proposed national co-ordinating body – will be required to work with other funders and providers of legal advice services, including voluntary sector organisations. To ensure that the reforms reflect, and take into account, the needs of young people, we believe it is important that these bodies should also work with organisations working with, and on behalf of, young people.

Paragraph 1.29 of the Consultation confirms that the Scottish Executive's preferred approach to improving and developing PFLA is one of close co-operation between local government, the Scottish Executive and the proposed national co-ordinating body. YouthLink Scotland notes that it is anticipated Community Planning will have a significant role to play in improving the co-ordination of local delivery.

Significantly, local authorities are required under Section 15 (1)(a)(ii) of the Local Government in Scotland Act 2003 to engage with community bodies in the Community Planning process through which they must deliver public services in their local authority area. In response to amendments lodged on behalf of YouthLink Scotland at Stage 3 of the Local Government in Scotland legislation, the then Deputy Minister for Finance and Public Services, Peter Peacock MSP, gave a commitment that the statutory guidance to

accompany the Community Planning provisions of the 2003 Act would include a specific reference requiring local authorities, in fulfilling their duties under Section 15(1)(a)(ii), to consult and co-operate with young people and youth work bodies in the Community Planning process. This commitment is now reflected in the statutory guidance. Against this background, YouthLink Scotland strongly believes that any guidance issued to local authorities regarding the local delivery of PFLA under the Community Planning process must highlight the duty of local authorities to consult and co-operate with young people and youth work bodies in this process. This will help to ensure that young people and youth work bodies have a say in how PFLA is delivered in their local authority area. This, in turn, will increase young people's access to justice, and help shape the delivery of PLFA within local authority areas to address young people's needs.

Please do not hesitate to contact either myself or Robert McGeachy, Senior Development Officer (Policy and Practice), on 0131-313-2488 if you require more information, or would like to discuss any of the issues raised in our response further.

Yours faithfully

Margaret McLeod
Head of Development