

Education Children's, Young Persons Committee,

Attention Convenor Stephen Kerr, and the committee members

Dear Jane,

I just to want the Convenor know that we had an meeting today which ended up being extended whereby an initial discussion took place on Legal Fees with the Civil Servants Redress Unit. This is why I am providing specifically what our serious concerns are.

FBGA have requested a scheduled be arranged and to have a full meeting on the Waiver and Legal Fees.

Can I just pass on to the Convenor and the Committee members the areas of serious concerns Re: the current proposed legal fees and where we have had feedback from solicitor firms working in this area.

1, The legal fees pertain only to the applicant and their application to the redress Scheme having legal advice in relation to their redress application.

2, The legal fees do not cover Solicitor or Queens Council legal advice pertaining specifically to the Waiver as we understand it following advice obtained from solicitors.

3, There are no legal fees in consideration of the legal representative being able to make representations in person to the Redress Panel by the Solicitor. The lower £250 does not cover "appearance work" in person

4, There are no Solicitors or QC legal fees to full case work, cover reviews and appeals in person by the legal representative to the Redress Panel

5, The £1550 cap does not take into consideration "appearance work" in person by Solicitors and their clients

6, If a survivor is a completely new applicant and never used a solicitor then the advice we have had is the £1550 will not cover the quality of legal work as defined by the Law Society of Scotland

Legal Fees, what the Law Society of Scotland says.

A reasonable fee will take account of: the amount of work and the time involved; the level of specialised knowledge, responsibility and supervision needed; the length, number and importance of any documents which need to be prepared or read; the place where and the circumstances in which the work is done; the urgency of the case and the amount of money or value of any property involved.

Please Note FBGA, Property in these Redress historical cases is not a consideration

7, If a survivor is dissatisfied with the solicitor or legal firm they are using then - if they change solicitors midstream - it is basically starting all over again - so £1550 the capped legal fee is unlikely to cover quality legal advice and work required.

I think it's important for FBGA to clarify to the Convenor and the committee member the areas of serious concern relating to the proposed current legal fees being proposed by the Scottish Government.

Can you kindly confirm receipt of this email.

Best wishes

David Whelan

Former Boys and Girls Abused in Quarriers (FBGA)

Please note the Education Children's Young Persons committee Clerks, confirmed receipt of FBGA's email on the 27th October 2021 and that it had been passed to the Convenor and the committee members.