

Child Rights and Wellbeing Impact Assessment (CRWIA)

**for Regulation of Legal Services
(Scotland) Bill**

May 2023

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Disclaimer

This **draft** document is an **initial assessment** of the impact of the Regulation of Legal Services (Scotland) Bill and Scottish Government will continue to review and update this document where required during the parliamentary process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 1 – Screening

(Please note, the CRWIA should be started as soon as possible in the development process for the relevant proposal)

1. Brief Summary (Guidance Section 2.1)

The Regulation of Legal Services (Scotland) Bill introduces a number of reforms designed to deliver on the Scottish Government's National Performance Framework commitments.

The overarching policy objective of this Bill is to provide a modern, forward-looking legal services regulation framework for Scotland that will best promote competition, innovation, and the public and consumer interest in an efficient, effective, and independent legal sector. The Bill will implement a number of key recommendations from the 'Independent Review of Legal Services Regulation in Scotland' by Esther Roberton (the Roberton report).

This Bill delivers the Programme for Government commitment to reform legal services regulation and introduces a number of measures designed to promote competition and innovation in the legal sector while improving the transparency and accountability of legal services regulation and the legal complaints system in Scotland.

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18? (Guidance Section 2.1)

The Bill makes changes to how legal services providers are regulated including how complaints against them, made by members of the public (which could include children), are investigated and determined. While the provisions in the Bill will impact on how children may achieve redress in terms of legal services complaints, they will not have a specific impact on children and young people.

The provisions within the Bill that relate to regulatory waivers could be used to facilitate a project or innovation which looks specifically about how children access legal services.

3. Which groups of children and young people are currently or will be affected by the relevant proposal? (Guidance Section 2.1)

The provisions in the Bill will affect all children and young people equally.

Declaration

Is a Stage 2 Children’s Rights and Wellbeing Impact Assessment required? (Tick relevant requirement) (Guidance Section 2.1)

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required Please explain why below and contact the children’s rights unit to discuss this decision crwia@gov.scot

Explanation why CRWIA is not required:

The legislation will primarily affect organisations involved in the Scottish legal services regulatory framework, such as: the Law Society of Scotland, the Faculty of Advocates, the Association of Commercial Attorneys, the Scottish Legal Complaints Commission and the Consumer Panel.

The public will also be affected by changes made to legislation, particularly in relation to making a complaint against a solicitor, law firm or other provider of legal services. However, we have found no evidence that the policy will have a specific impact children's rights or their wellbeing and therefore a CRWIA is not required.

4. Sign & Date

Policy Lead Signature & Date of Sign Off: Rebecca Smith / Jamie Wilhelm

Deputy Director Signature & Date of Sign Off: Denise Swanson – 26th April 2023



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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80525-727-1 (web only)

Published by The Scottish Government, May 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1272662 (05/23)

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