

# **Reflecting on Equalities Data in Scotland**

**Scottish Legal Complaints Commission**

**May 2025**

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# Introduction

## Context

At the Scottish Legal Complaints Commission (SLCC), we prioritise diversity, equity, and inclusion (DEI) in all our work.

This Reflecting on Equalities Data in Scotland report offers a snap-shot summary on various equality issues affecting groups across all diversity strands, including age, disability, gender reassignment and identity, marital status, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Like all work, it sits alongside other projects and approaches within the organisation. For example, the SLCC's Consumer Panel have explored [broader and more transient issues of vulnerability](#) facing those that use our services.<sup>1</sup> The Panel have also looked at what consumers generally need from services.<sup>2</sup> Much of the SLCC's internal work tackles these broader issues of vulnerability and accessibility for all, assisting several protected groups at once (of course recognising that other times characteristic specific work is vital).

## Uses of the report

This focus helps ensure we are meeting our commitment to have **due regard** to equalities in policy making.

The document will be used to feed into:

- Training for our staff
- Training for our Board
- Periodic discussions on strategy development
- Annual discussions on setting an operating plan, budget and what projects to prioritise
- Discussions on the development of policies and processes
- The implementation of legislative reform planned in the regulatory sector
- Discussions with stakeholders and partners on equalities issues

## Comments on the approach of the report

We appreciate that the equalities space is constantly evolving, and the emergence of new evidence may render aspects of this report obsolete. Any report is a 'snapshot', and when specific equalities issues are looked at, we will need to use the latest data.

We also recognise no report will cover all published data, and terminology used in research may not be supported by everyone or will date as the report does. We have generally used terminology from legislation or from the research projects we have drawn on.

However, the value of collating evidence from a range of sources is in painting a richer picture of Scotland and its people and stepping back to look at issues in the round.

## **Authorship**

We're grateful to the independent researcher and consultant who compiled all the data in this report and drafted the findings.

This introduction, the sections titled 'implications for the SLCC', and the appendix covering our current work were drafted by the SLCC.

## **Structure of the report**

This report generally follows the order of the protected characteristics as they appear in the Equality Act 2010.

The exceptions are:

- Gender Transformation which is set out in Chapter 8, i.e., 'Sexual Orientation and Gender Transformation'. Whilst sexual orientation and gender transformation are distinct realities, researchers often do not separate them and consequently the available data may not be disaggregated. Wherever possible, Chapter 8 includes data specifically relating to LGB people; to trans and non-binary people, and otherwise to LGBT+ people.
- Pregnancy and maternity data, which can be found in Chapter 7, for similar reasons as above.

Whilst chapters focus on each of the protected characteristics there are also strong common themes and pervasive issues around intersectionality. Rates of poverty are higher for many protected groups, and impact multiple aspects of life and engagement in society. Those with more than one protected characteristic are often likely to suffer a multiplier effect. Our first and last chapters focus on these issues.

## **Structure of each report section**

The structure of each section is similar, looking at:

- The general population
- The legal profession
- Legal service users, and any complaints data we have (a subset of legal services users who have faced an issue and then approached us)
- Implications for the SLCC – thinking of all our services and issues for staff (we don't include staff data as for our very small staffing much of it could risk identifying individuals and also be statistically insignificant).

The implications are framed as broad themes we need to consider when looking at equalities issues, be that in training, setting strategy, in deciding priorities for each annual operating plan, or looking at individual processes and starting to think about detailed impact assessment.

They have been developed following conversations with our staff, Board and Consumer Panel following the collation of the data but remain a work in progress with us consulting with others and adding to the lists as part of ongoing stakeholder engagement on equalities.

It should be noted that the SLCC's role is limited to dealing with complaints and a small number of other statutory powers. Whilst the research covers broader issues, and we need to reflect on the nature of legal services supply and the composition of the profession to understand our role, we are not responsible for these matters.

This report is only a snapshot and a starting point but is a valuable opportunity to stand back and to consider the people we serve in Scotland.

## Chapter 1: We are all more than one thing (intersectionality)

The protected characteristics in the Act break down our identities into component parts. This can be valuable, but we are all more than one thing, and often how different facets combine and interact has significant impact on experience of life.

Kimberlè Crenshaw first coined the term ‘intersectionality’ in 1989 to explain how overlapping systems of oppression such as racism, sexism, ableism, homophobia and classism can create patterns of disadvantage or advantage for us, shaping our life experiences.

However, intersectionality isn’t just about adding up identities, e.g., ‘Black + Female = more disadvantaged’. Rather, it considers how the overlap of identities creates unique experiences. For instance, a Black woman may experience disadvantage because she’s a woman and disadvantage because she is Black. She may also experience disadvantage because she is a Black woman, which neither Black men nor White women share.

As Crenshaw put it, *"We're not just Black. We're not just women. We exist in the intersections of these identities."*<sup>3</sup>

Moreover, it importantly emphasises the role of social structures and institutions including, for example, the legal system, education, healthcare and employment, in maintaining inequalities (disadvantage) across different intersecting identities.

Legal complaints can often involve individuals facing multiple forms of disadvantage. Taking an intersectional approach helps legal bodies such as SLCC to understand how overlapping identities may impact a complainer’s experience with the Scottish legal system. For example, a complaint made by a person from a marginalised group, such as an older disabled woman, may involve unique challenges that cannot be fully understood if only one factor (e.g., disability or sex) is considered. An intersectional approach ensures complaints are reviewed in a way that acknowledges the complexity of a complainer’s situation.

People from different demographic backgrounds may face obstacles to accessing or navigating legal services. An individual from a lower socio-economic background may face difficulties in accessing legal support or advice, while someone from the LGBT+ community may experience bias or discrimination in the way they are treated by legal services providers. An LGBT+ individual from a lower socio-economic background may experience these disadvantages more profoundly because of the complex and unique ways in which they overlap.

Taking an intersectional approach provides SLCC with an opportunity to recognise and address the compounded effects of discrimination on complainers. When individuals from marginalised or intersectional backgrounds feel that their unique needs and challenges are understood and respected, they are more likely to trust the legal profession. It follows that integrating intersectionality into complaints handling can not only encourage a more inclusive legal profession but allow SLCC to meaningfully fulfil its statutory and regulatory obligations.

This also overlaps well with the SLCC's approach to [broader and more transient issues of vulnerability](#) facing those that use our services.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Recognising people may well have more than one protected characteristic.
- Understanding protected characteristics are important, but that each individual's lived experience will be richer and more complicated, and is unlikely ever to be defined by a single factor.
- Considering if the ways we collect equalities data helps our understanding of intersectionality.
- Considering how our understanding of intersectional challenges and detriment may inform our interpretation of standards where the needs of the client must be considered.

**Some wider issues to consider include:**

- Recognising that not all those from intersectional backgrounds may feel they have experienced disadvantage due to that, and that experiences/feelings will vary.
- Identifying protected characteristics but focusing on helping those with additional needs or vulnerability without overly focusing on the 'boxes' of the Equality Act.
- Recognising that those with complex intersectionalities and/or vulnerabilities may not even be able to identify when they have a legal issue where advice may help, so may never even get to that point of seeking legal help.



## Chapter 2: Age

### GENERAL POPULATION

#### Younger people

Although Scotland's population grew to 5,444,000 (5.4 million) in 2022, the younger population has been decreasing since 2011, falling from 631,000 (11.9% of total population) to around 567,000 (10.4%) in 2020.<sup>4</sup> By 2022, the 0-4 year old population had decreased by 21,800 (down 2.5%) to 871,632 as did the 15-24 year old population which dropped by 37,700 (down 1.1%) compared with 2011.<sup>5</sup> Longer term, the numbers of 16-19-year-olds and 20-24 year olds are expected to continue to fall from 4.1% in 2020 to 3.9% in 2043 and 6.3% in 2019 to 5.4% in 2043 respectively.<sup>6</sup>

In 2023, there were estimated to have been over 797,700 young people attending schools in Scotland - 384,725 primary school students and 313,061 secondary school students.<sup>7</sup>

Between July 2022 and June 2023, an estimated 34,700 people aged 16-24 were unemployed in Scotland. This is 3,900 more than the number of unemployed 16-24 year olds in July 2021 to June 2022.<sup>8</sup>

However, young people have been worst affected by Covid-19 with 63% of those aged 16-25 having lost their jobs between February 2020 and February 2021.<sup>9</sup> In Scotland, young people were twice as likely to have been put on furlough, 2.5 times more likely to work in sectors that were fully shut down, and they continue to lose jobs faster than any other age group.<sup>10</sup>

Young people aged 18-24 are more likely than others to earn less than the living wage.<sup>11</sup> Young people are the least wealthy compared with those who recently retired or are about to retire.<sup>12</sup>

Before Covid-19, there was already an inequality crisis across domains such as income, wealth, living standards, labour market participation, health, education and life chances (achieving positive outcomes and avoiding negative outcomes).<sup>13</sup> The evidence suggests that Covid -19 has exacerbated many of these inequalities and exposed vulnerable population groups, including younger people, to adverse outcomes. Younger people's mental health has been hard hit, possibly exacerbated by missed education and unemployment.

On 31 July 2023, 2,094 children were on the Child Protection Register in Scotland. This figure is similar to what it was back in 2000 (2,049) and 2001 (2,001) but represents an increase of 4% since 2022 (2,019).<sup>14</sup> Of those on the Child Protection Register on 31 July 2023, 47% were male, 48% were female and 5% were not yet born.<sup>15</sup>

The number of children in the care of the local authority ('looked after children') has seen a decrease in recent years. The reasons children become looked after may include experience of abuse or neglect at home; unaccompanied minors seeking asylum, illegally trafficked into Scotland; involvement in the youth justice system; or having a disability requiring specialist care.

On 31 July 2023, 12,206 children were looked after in Scotland. This represents a 2% decrease since 31 July 2022 (12,447) and a 24% decrease since 2012-13 (16,032).<sup>16</sup> Around 20% were placed at home and 80% away from home, i.e., in residential care, with kinship carers, foster carers or in the process of being adopted, with the latter representing the lowest figure since 2006.<sup>17</sup>

Although the number of vulnerable children i.e., on the Child Protection Register, has risen, fewer are in the care of the local authority, which suggests some vulnerable children may not receive the support or care they require.

### **Young people and poverty**

Poverty is the most significant human rights issue affecting children and young people in Scotland. Scottish Government statistics reveal 240,000 children (24% of all children) were living in poverty in 2020-2023.<sup>18</sup>

Children, i.e., those 18 and under, remain at significantly higher risk of poverty than pensioners (15%) and working age adults (21%).<sup>19</sup>

Over the last 15 years, younger people (16-24 years) have been consistently more likely to be in relative poverty compared with older adults.<sup>20</sup>

Not everyone in poverty in Scotland is in persistent poverty, i.e., in poverty for three or more of the last four years. In 2018-2022, 14% of children were in persistent poverty after housing costs, compared with 9% of working age adults and 9% of pensioners in the same period.<sup>21</sup> Those who are in persistent poverty stay below the poverty line for several years.

This is important because the longer a person is in poverty, the more it impacts their health, wellbeing, education, family, relationships and aspirations.

*'A decade long increase in child poverty coupled with a cost-of-living crisis and the ongoing impact of Covid-19 threatens to push more children into dire life circumstances.'* Children & Young People's Commissioner Scotland.<sup>22</sup>

### **Young People and the law (criminal justice)**

In the year ending March 2023, the number of proven offences committed by children in Scotland increased by 1% compared with the previous year, rising to around 34,300 proven offences. Among those aged 19 or under, crimes involving burglary rose by 37%, as did theft and handling stolen goods (23% rise).

However, the number of proven offences committed by children has fallen for all types of offence compared with ten years ago. Violence against the person offences have seen the largest proportional increase, rising from 21% in the year ending March 2013 to 34% of proven offences in the year ending March 2023. Theft and handling stolen goods offences have seen the largest proportional decrease in the last ten years, falling from 19% in the year ending March 2013 to 8% in the latest year. Decreases were also seen in drug offences (falling by 16%), criminal damage (10%) and robbery (9%).<sup>23</sup>

In the year ending March 2023, most proven offences by children were committed by boys (87%), aged 15-17 (76%) and White (73%).<sup>24</sup>

Compared with the adult population in the same period:<sup>25</sup> -

- there were around 510,000 stop and searches where age was known, and children accounted for 21% of these compared with 19% in the previous year. The number of stop and searches of children increased by 13% compared with the previous year against a 0.4% decrease for those aged 18 and over.
- the number of arrests of children increased by 9% compared with the previous year while arrests of adults increased by 2%.
- the number of sentencing occasions increased by 8% for children against the previous year compared with a 3% increase for adults, though children accounted for just 1% of all sentencing occasions.

Notwithstanding the 1% growth in proven offences committed by children in the year ending March 2023, Scotland has seen a marked decrease in violence-related crime involving children and young people over the last 20 years.<sup>26</sup>

The Edinburgh Study of Youth Transitions and Crime (ESYTC) found that 53 young people (aged 12) and 46 young people (aged 14) born in 1986/87 had committed violence-related offences, compared with those born in 2004/05 of whom just 19 (aged 12) and 17 (aged 14) had committed violence-related offences.

A popular misconception is that most violence-related crime in Scotland is committed by young people whereas the evidence shows an upward shift, with most offenders in violence-related crimes falling within the 25-39 age group.<sup>27</sup>

A research report by the Scottish Children's Reporter Administration for the Scottish Government identifies key links between rates of criminal offences committed by young people (12-15 years) and their experience of adversity, trauma, neglect, exposure to harmful behaviours by others, victimisation and exploitation (including criminal and sexual exploitation), often compounded by socioeconomic disadvantage.

Patterns of disadvantage experienced by younger people are increasingly apparent in their level of educational attainment and attendance: health and wellbeing – particularly mental health, self-harming, substance misuse and bullying. Bereavement through the loss of someone close to them; exposure to or experience of harmful parental behaviour including traumatic events; aggression and domestic violence are also factors impacting the lives of young people who offend.<sup>28</sup>

## Older people

Scotland's population is ageing. On census day, 20 March 2022, there were over one million people aged 65 and over, (1,091,000) which is over a quarter of a million higher than the number of people aged under 15 (832,300).<sup>29</sup>

In mid-2021, there were an estimated 1,040 people aged 100+ living in Scotland the majority of whom were female.<sup>30</sup> In the same year Scotland had an estimated 45,320 people aged 90+<sup>31</sup>

Since 2011, the 65+ age group has seen the largest increase (up 22.5%) compared with both the 0-14 (-2.5%) and 15-64 (-1.1%) age groups, both of which decreased over the same period.<sup>32</sup>

The likely reasons for Scotland's ageing population are that people born in the post-war baby boom are getting older; the birth rate has continued to drop since the 1960's and more people (women in particular) are living longer.

Scotland's population will continue to age, with a 50% increase in over 60s projected by 2033 and the dependency ratio<sup>33</sup> projected to increase from 60 per 100 to 68 per 100 by 2033. Age-related public expenditure in the UK will continue to increase from 20.1% of GDP in 2007-8 to a projected 26.6% in 2057.<sup>34</sup>

### Older people and economic activity.

In 2022, workers aged 50 and over constituted a sizeable share of Scotland's labour market. Over 852,000 older workers account for a third (33.3%) of the Scottish workforce – roughly the same percentage as the whole of the UK (32.6%). However, when workers aged 50+ experience a period of unemployment, it is more likely to last longer than would a period of unemployment for workers aged 16-49.

Scotland has over 90,000 workers over the age of 65 <sup>35</sup> and an estimated 100,000 people aged 50 and over (4% of the workforce)<sup>36</sup>

In August 2022<sup>37</sup>, 1.8 million people in Scotland claimed some combination of DWP benefits. Of these:

- 1.0 million were of State Pension Age (including those in receipt of their State Pension), 34% of whom were claiming more than one benefit
- 790,000 were of Working Age, 42% of whom were claiming more than one benefit
- 18,000 were under the age of 16 (and in receipt of Disability Living Allowance as a child).

## Older people and poverty

Overall, older households tend to have lower poverty rates compared to working-age households. The relative poverty rate after housing costs for pensioners during 2020-2023 was 15% or 150,000 pensioners each year.<sup>38</sup> However, this represents a 25% increase on the number of older people living in relative poverty compared with 2012.<sup>39</sup> During 2020-2023, before housing costs, 17% of pensioners (170,000 people) were living in relative poverty.<sup>40</sup> There were no marked differences between households with heads aged 65-74, 75-84, and 85 and older.<sup>41</sup>

The rate of absolute poverty for pensioners has gradually decreased over the last two decades. In 1995-98, absolute poverty after housing costs for pensioners was 50% and before housing costs, 51%, whereas in 2020-23, absolute poverty after housing costs for pensioners was 10% (100,000 pensioners) each year and 13% (130,000 pensioners) before housing costs.<sup>42</sup>

## Older people and the law

**Crime** - in 2007-08 the highest criminal conviction rate was for those aged 18-20 at 97 convictions per 1,000 population. Since 2007-08, the age group with the highest conviction rate has shifted upwards. In 2019-20, the highest conviction rate was for those aged 31-40 and stood at 32 convictions per 1,000 population. Conviction rates by age follow similar trends for both males and females. The most violent crimes commonly involved offenders under the age of 40.<sup>43</sup>

**Civil** - Adults aged 60 and over were significantly less likely to have experienced a civil law problem than any other age group. Of over 60s, 17% experienced a civil law problem compared to 34% of those aged 16-24, and 25-44 and 32% of those aged 45-59.<sup>44</sup>

# LEGAL PROFESSION

## Younger professionals

Just over a quarter of respondents to the Law Society of Scotland Profile of the Profession survey 2023 were aged 25 to 35; 26% were aged 36 to 45; 23% were aged 46 to 55 and 22% were aged 55 or over. By comparison, the profile of respondents in 2023 was slightly older than it was in 2018.<sup>45</sup>

27% of respondents reported having experienced discrimination within the profession due to their age with a further 9% having witnessed age discrimination.

Within the 25-35 age group, there are significantly more females (31%) than males (20%). A further 30% of respondents aged 36-45 are female compared to 20% male. However, based on this data females are underrepresented at partner level, and in equivalent in-house roles. They also take longer to achieve these positions than their male colleagues. In addition, 24% of females aged 35 or under report having personally experienced microaggressions in the workplace<sup>46</sup> and

the substantial gender pay gap serves to reinforce the barriers facing female solicitors across age groups.

By contrast, 36% of respondents aged 56-72 are male compared to just 14% female respondents.<sup>47</sup> Whilst male solicitors may find it harder to access flexible working options, particularly as parents, their path to partnership is clearer and quicker.

Younger members of the profession are more comfortable revealing their ethnicity. Of the solicitors aged under 31 in 2022/23, 78.42% stated they are White whereas only 0.10% are Black British, Black Scottish or Black with a similar percentage of African solicitors (0.10%), and 0% for solicitors of Caribbean British, Caribbean Scottish or Caribbean heritage.<sup>48</sup> The lack of visible ethnic minority role models within Scotland's legal sector may deter new ethnic minority entrants to the profession whilst placing an undue pressure and burden on existing ethnic minority members to act as mentors and representatives on top of their legal careers.

Employers seek diverse talent, however there is a gap between the number of ethnic minority students and those applying successfully to the largest employers of trainees in Scotland.<sup>49</sup>

### **Young solicitors and mental health in the legal profession**

Anxiety is an extremely common experience within the profession with over half (51%) having experienced anxiety in the last five years. Current trainees (81%) and females up to age 35 (79%) are more likely than others to report having experienced mental health issues, particularly burnout and the physical symptoms associated with stress and depression. A significant proportion of younger solicitors, (age up to 35) believe work has negatively impacted their mental health (63%). 55% consider their mental health issues were caused by work and 54% believe work leads to unhealthy stress. More than half (54%) of younger solicitors are concerned about balancing their mental health with work. Only 39% feel confident to discuss their mental health with their organisation without fear of stigma from managers and less than half (45%) feel comfortable disclosing mental health issues to their colleagues.

### **Older professionals**

Of the 3,138 solicitors responding to the 2023 Profile of the Profession survey conducted by the Law Society of Scotland, 22% were aged 55 and over. Of those, 17% were aged 56-65, 4% aged 66-72 and 1% were 72 or older.<sup>50</sup> This represents a 6% growth in the number of solicitors aged 55 and over since 2018.

### **Gender pay inequality**

Whilst older solicitors continue to enjoy advantage in terms of salary and status, a notable gender earnings gap exists across all age groups. Males earn more than females irrespective of the number of years qualified. The 56-72 age group comprises significantly more males (32%) than females (14%). Those who qualified 31+ years ago earn more than £60,000 per annum; 33% of whom are males earning over £100,000 per annum, compared with 18% of females. A similar



earnings gap can be found among those who qualified 21-30 years ago with 44% of males earning over £100,000 per annum compared with 22% of females.<sup>51</sup>

Around 58% of people aged 56 - 65 and 56% of people aged 66-72 plan to retire within the next five years.<sup>52</sup> Among those who considered leaving the profession for reasons other than retirement, older solicitors, i.e., those who qualified 16+ years ago were the least inclined (34%) to leave the profession compared with those who qualified 5 or fewer years ago (49%), or 6-15 years ago (56%). The two most common reasons for leaving the profession are work-life balance (69%) and disillusion with working within the legal profession (60%).

### **Mental health and wellbeing**

Work-life balance and mental health issues are of increasing concern to those in the profession. The 2023 Profile of the Profession revealed a widely held view that work negatively affects mental health (53% agreed), that work causes mental health problems (49% agreed) and that work causes detrimental stress (50% agreed).<sup>53</sup> Indeed, 43% cited mental health, including burnout, as a reason for wanting to leave the profession. Those qualified for 16+ years were least likely to have experienced mental health problems (53%), compared to trainees (81%) or those qualified for 5 years (81%) or 6-15 years (73%)<sup>54</sup>. Mental health issues affect more females in the profession than males. Among those aged 56 and over, 50% of females experienced mental health problems compared with 38% of males.

One in five (20%) people in the profession have experienced threatening or abusive behaviour and more than one in five females (21-25%) of all ages have experienced such behaviour.

## **LEGAL SERVICE USERS AND COMPLAINTS**

### **Younger people**

The scoping study conducted by Clan Childlaw<sup>55</sup> found that children (under age 18) and young people (age 18-25) in conflict with the law need to use legal services. However, there is a significant gap between what they need and want from their lawyers and what they experience. The gap relates, in part, to the availability of legal aid, which does not fund the time that children and young people need with their lawyers. Young people also report that lawyers do not always treat them with compassion, dignity and respect or struggle to be honest with them about likely outcomes.

There is a lack of awareness among young people about how to access legal advice, particularly at critical moments when receiving legal advice, support or representation could have led to more positive outcomes for them. There is heavy reliance upon youth workers, support workers and social workers to connect young people to lawyers, to educate young people about their rights and to explain, in language that young people understand, information and advice provided by lawyers. To be effective, lawyers need to be pro-active, taking advice and information to young people rather than relying on them to identify the need for help that a lawyer could provide.

There is reticence among young people in asserting their rights and entitlements coupled with a lack of awareness that legal decisions can be challenged, particularly decisions leading to school exclusions, reductions in educational provision, being taken out of class to attend police interviews and police sharing young people's data with their teachers without consent.

Professionals working to support young people in conflict with the law have varied experiences of lawyers, with some reporting that lawyers appeared not to 'really try' to defend a child in criminal proceedings while others felt that 'lawyers are some of our strongest assets and are hugely valued.' A good legal service for a child or young person would be non-judgmental (no matter what the child or young person had done), educational (particularly around young people's rights) and flexible, i.e. advice provided on a one-to-one basis but also through group work, peer support and mentoring, with a willingness to work with other professionals who support them.

Perhaps unsurprisingly, fewer children (17% of the population under 16) and young people (16-24 – 11% of the population) complain to the SLCC compared with older age groups.<sup>56</sup> That said, one of the ongoing challenges for legal service providers is how to deliver a sympathetic, relevant, effective legal service to children and young people within (or outwith) the parameters of an acutely restrictive public funding scheme.

## Older people

Older people typically seek legal advice in connection with:

- Making a Will or arranging Power of Attorney
- Making end of life arrangements, e.g. a living will or advance decision
- Arranging a funeral
- Elder abuse
- Access to medical treatment/health and social care
- Housing issues, including a lack of suitable housing or reliance on family and friends for accommodation; moving to accessible accommodation or finding a place in a suitable care home; dealing with harassment from a private landlord or neighbour; managing rent arrears or facing eviction.

The cost associated with obtaining legal services will be an issue for many older people. However, older people may also be vulnerable in ways that prevent or limit their ability to obtain legal advice. Such vulnerabilities may include:

- physical limitations or disabilities
- ill-health
- cognitive impairment, such as dementia
- mental health problems
- sensory impairments



- psychological or emotional factors such as stress or anxiety
- communication issues including limited or no speech, first language is not English, limited ability to read or write, trouble with accuracy, comprehension and illiteracy.
- experience of elder abuse, domestic violence or sexual abuse
- alcohol or drug dependency
- living in poverty, e.g., in debt or low income.
- experience of discrimination relating to age, disability, gender reassignment, race, religion, sex or sexual orientation.
- exposure to financial abuse (from family, friends or strangers)
- living alone or in rural/isolated areas
- living in a care facility or dependence on a carer
- experience of abuse by care centre staff

Older people who are vulnerable in more than one of the ways shown above are likely to encounter additional difficulties accessing legal services, particularly those who do not have support from family, friends or external carers/providers.

Older people, i.e., those aged between 50-64 are more likely to complain about legal services compared with just 0.1% under 16-year-olds.<sup>57</sup> A lack of knowledge and/or experience of pursuing consumer rights, navigating complaints procedures, issues of time or confidence to challenge legal service providers may explain why so few younger people complain.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Considering whether anxiety/burnout/mental health issues in the legal profession, particularly with young solicitors, may be a factor in complaints being received and how to refer people to support.
- Understanding what platforms and channels help messages to reach children and young people, who may have concerns about a service they have received, possibly even using influencers to connect to them.
- Seeking to learn from other organisations (voluntary and statutory) about how they have reached more young people.
- Ensuring our focus on digital accessibility does not exclude younger and older people who may not have good access to, or naturally use, technologies.
- Reflecting on what service and conduct standards mean in relation to those providing legal services to children and young people.

- Considering meeting with the Children and Young People's Commissioner Scotland to better understand their role.
- Considering our own provision of services to children and young people recognising the difference between the needs of children (under 18) and young people (18 to 25).
- Considering whether there are there more opportunities for strategic partnerships with organisations that better understand these issues (Young Scot, Age Concern, etc.).
- Considering where there may be gaps in our understanding of age in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.

**Some wider issues to consider include:**

- Reflecting on whether the SLCC can play any appropriate role in supporting initiatives to help young people and older people understand relevant legal rights and how to access legal services
- Noting that state data can be easier to access but may give undue weight to state interactions with young people's engagement such as the criminal justice system or care. There is also therefore a need to consider the positive ways young people may engage with legal systems and services such as buying their first house or starting their own business (something which has become more common due to social media)

## Chapter 3: Disability

### GENERAL POPULATION

#### Legal definition

The Equality Act 2010 defines disability as ‘a physical or mental impairment that has a substantial and long-term adverse impact on a person’s ability to carry out normal day-to-day activities.’ The definition covers a wide range of conditions, including physical disabilities, mental health conditions, and progressive conditions such as multiple sclerosis or cancer, from the point of diagnosis.

The purpose of the Act is to protect disabled people from discrimination and promote accessibility and equity of treatment in areas such as employment, education and public services.

#### Models of disability

There are several models of disability that offer different perspectives on how disability is understood, approached and addressed.

- **Medical model** – views disability as a health condition or impairment intrinsic to the individual. It tends to see disability as a problem that needs to be fixed or cured through medical intervention. The focus is on diagnosis, treatment and rehabilitation until the person returns to ‘normal’ functioning, however, this model has been criticised for neglecting the social context and the systemic barriers facing disabled people.
- **Biopsychosocial model** – combines elements from the medical and social models (see below), asserting that disability can result from medical, social and psychosocial factors. The World Health Organisation’s International Classification of Functioning, Disability and Health reflects this model, emphasising that environmental and personal factors contribute to a person’s experience of disability.
- **Charity model** – sees disabled people as ‘deserving’ of pity or charity, due to their impairments. This model has been criticised for promoting dependency rather than self-determination and/or empowerment.
- **Moral/Religious model** – historically, disability was considered the result of sin, moral failing, or divine punishment. Although less common today, this perspective still influences cultural attitudes in some communities, placing the ‘burden of disability’ on the individual and their family to ‘accept’ or ‘atone’ for their condition.
- **Human Rights model** – sees disability as a human rights issue, emphasising equality, freedom from discrimination and the right of all people to fully participate in society. It forms the basis for international frameworks such as the United Nations Convention on the Rights

of Persons with Disabilities (CRPD) and calls for societal changes to remove barriers that limit disabled people's ability to exercise their rights.

- **Social model** – developed in the UK during the early 1980's by disability activists and academics<sup>58</sup>; this model represents a shift away from the dominant medical model which focussed on 'curing' individuals, toward a framework that understands disability because of societal barriers and not merely a person's physical or mental impairment. It distinguishes between 'impairment; a condition or limitation that a person simply *has*, and 'disability'; the social and environmental barriers that restrict those with impairments from participating fully in society.

The social model is the central approach taken in Scotland, as reflected in government policy, legislative frameworks, public health, education and disability activism. The medical and/or biopsychological models still have applications in health care settings, but to a lesser extent than pre-1980.

### Some facts and figures about disabled people

The Scotland Census 2022<sup>59</sup> reveals a notable increase in the number of people reporting impairments compared to the 2011 data. In 2022, there was a 15.7% rise in the number of individuals whose day-to-day activities are significantly limited by a health condition or disability, amounting to an increase of approximately 79,600 people. Additionally, those reporting their activities as 'limited a little' rose by 35.7%, or roughly 190,900 individuals.

These increases reflect Scotland's aging population and highlight a significant rise in impairments among younger age groups. Nearly double the number of individuals aged 16-34 reported some limitation in daily activities, affecting about one in seven people within that age range.

Table 1. Percentage of people who reported specific health conditions, 2011-2022, Scotland<sup>60</sup>

Category	Percentage of population in 2011	Percentage of population in 2022
Deaf or hearing impaired	6.6	7.1
Blind or vision impaired	2.4	2.5
Speaking difficulty	not available <sup>61</sup>	0.3
Physical disability	6.7	9.7
Mental Health condition	4.4	11.3
Long-term illness <sup>62</sup>	18.7	21.4

The areas in Scotland with the highest rates of disabled people<sup>63</sup> are generally those with higher levels of deprivation. According to recent data, disabled people are more likely to reside in deprived regions, where factors such as healthcare access, employment opportunities, and support services often differ from less deprived areas. For example, some reports highlight that Glasgow City and West Dunbartonshire have higher proportions of people reporting disabilities compared to rural or more affluent regions, where these rates tend to be lower.

## Mental health

The number of people who reported having a mental health condition more than doubled between 2011 and 2022. About 11.3% of Scotland's population (roughly 617,000 people) reported having a mental health condition in 2022, up from just 4.4% in 2011.

- **Young people and mental health**

The above increase was particularly noticeable among younger people. For example, among those aged 16-24, the percentage with a reported mental health condition surged from 2.5% in 2011, to 15.4% in 2022, with young women reporting nearly double the rate (20.4%) of their male peers (10.5%) in this group. <sup>64</sup>

- **Sex/gender and mental health**

In 2022, more females than males reported a mental health condition across all age groups in Scotland with the highest proportion (21.4%) among women aged 25-34 compared to 13.8% men in the same age group.

However, the mortality rate for suicides in 2023 was 3.2 times as high for men as it was for women. Men made up approximately 75% of suicides in Scotland, with 590 out of the 792 (22.6 per 100,000) recorded suicides for the year compared with 25% (205) female suicides. <sup>65</sup>

The suicide rate for men in Scotland has been consistently higher than the rate for women, ranging from 2.6 to 3.6 times as high since 1994. The male suicide rate was particularly high among those aged 45-64. Since 2000, the average age of death for suicides has generally increased, from a low of 41.9 years in 2000 to 46.6 years in 2023. <sup>66</sup>

A recent study involving 2000 respondents<sup>67</sup> found that:

- Two in five men (43%) admit to regularly feeling worried or low, an increase from 37% in 2009
- The number of men who have suicidal thoughts had doubled to 10% since 2009
- The number of men who say that nothing would put them off finding help if they were feeling low had decreased by almost 20% since 2009.

Percentage of people who reported mental health condition by sex and age, 2022, Scotland<sup>68</sup>

Age	Sex	Percentages
0-15	Female	2.7
	Male	2.2
16 to 24	Female	20.4
	Male	10.5
25 to 34	Female	21.2
	Male	13.8

35 to 49	Female	17.6
	Male	12.8
50 to 64	Female	14.8
	Male	11.3
65 to 74	Female	8.2
	Male	6.3
75 to 84	Female	6.4
	Male	4.9
85 and over	Female	10.2
	Male	7.8

- **Young LGBTI people and mental health**

Young people who identify as lesbian, gay, bisexual, transgender and intersex (LGBTI) have been found to be more likely to report poorer mental health and wellbeing. The most recent Life in Scotland for LGBT Young People report by LGBT Youth Scotland<sup>69</sup> saw that, of those surveyed, 40% of LGBT young people considered themselves to have a mental health problem.

Except for stress, transgender young people had higher rates of mental health challenges compared to LGBT young people overall:

- 74% of transgender people said that they experienced depression, compared to 63% of LGBT young people overall
- 63% of transgender young people experienced suicidal thoughts or behaviours, compared to 50% of LGBT young people overall
- 59% of transgender young people reported that they self-harmed, compared to 43% of LGBT young people overall.

- **Lower-income households and mental health**

People in lower-income households consistently report higher rates of mental health concerns, often due to stressors related to financial insecurity, housing instability and limited access to resources. The COVID-19 pandemic and cost of living crises have further intensified these issues among low-income groups.<sup>70</sup>

- **COVID-19 and mental health**

The COVID pandemic notably increased reports of mental health conditions among younger people in Scotland with several studies<sup>71</sup> showing a heightened impact, especially for adolescents and young adults. A Scottish evidence summary noted that, '*The impact of the pandemic on the well-being of girls continued to be greater across the UK. In particular, older young girls reported more feelings of loneliness, sadness, anxiety and worry*'.<sup>72</sup> There is, however, evidence that historically, men have been less likely than women to seek support when worried or feeling low.<sup>73</sup>

## Learning disabilities

Data on the number of people in Scotland with learning disabilities is limited. Scotland's Census 2022 collected information on learning disabilities, learning difficulties and developmental condition, however, detailed figures for these specific categories have not yet been published.

Twenty years ago, the Scottish Government published an estimate of 120,000 people in Scotland living with a learning disability. This number is likely to have increased in line with the increase average living age since then.

Scotland's Census 2011<sup>74</sup> reported 26,349 people to have learning disabilities, equating to 0.5% of the population.

In 2019, Learning Disabilities Scotland Statistics<sup>75</sup> (LDSS) reported that:

- 23,584 adults with a learning disability were known to local authorities across Scotland
- approximately 13,000 school-age children were recorded as having learning disabilities
- 956 adults (4.1%) with learning disabilities (known to local authorities) were in employment
- 464 adults (2%) were in training for employment
- 799 (3.4%) were volunteering.

## Disability and employment

In 2014, around 41% of disabled people aged 16 to 64 in Scotland were in work.<sup>76</sup>

By 2022, this had grown to 54.4% yet remains significantly lower than the 83.1% employment rate for non-disabled people.<sup>77</sup>

Disabled people in employment are more likely to work part-time, not be in contractually secure work, and be underemployed.

The lower employment rate for disabled people in Scotland can be attributed to several persistent barriers such as:

- limited accessible job opportunities
- employer reluctance to provide necessary changes to environments, practices, policies to ensure accessibility and inclusivity for disabled people
- stigma around certain impairments, e.g., mental health (ADHD) or neurodevelopmental conditions (autism), 'invisible' conditions (chronic pain or fatigue syndromes), additional learning needs (behavioural, social, communication-linked, physical or sensory)
- uncertainty among employers about how to implement reasonable adjustments, which creates a reluctance to hire people with impairments, particularly for roles that require flexible or accessible work conditions.



#### Employment rates by type of disability, 2014-2022<sup>78</sup>

	2014	2022	Percentage point change
Stomach, liver, kidney or digestion	52%	72%	20.0
Legs or feet	43%	60%	17.0
Arms or hands	50%	57%	6.9
Back or neck	49%	54%	5.7
Depression, nerves or anxiety	34%	54%	20.0
Chest or breathing problems	45%	54%	9.3
Diabetes	60%	51%	-9.0
Heart, blood pressure or circulatory	43%	51%	8.6
Difficulty seeing, hearing, or speech impairment	57%	41%	-16.0
Mental illness, phobias, panic	18%	32%	14.0
Severe or specific learning difficulties or autism	24%	30%	5.7
Other	39%	49%	10.0

**Disability employment gap** - the Scottish Government has a set target to reduce the disability employment gap from 37.4 to 18.7 percentage points between 2016 and 2038. Currently, the gap stands at 29.9 percentage points.<sup>79</sup>

- Analysis of the data shows that progress made to date is not due to government policy, nor to more disabled people moving into work, nor to workplaces becoming more inclusive. Rather, it is due to an increase in disability prevalence among those already in work, i.e., more people in existing jobs are identifying as having disabilities. (70% of the total change)
- Over half of the change in disability prevalence is due to an increase in reporting mental health-related disabilities and learning difficulties. In total, there were approximately 141,000 more people with disabilities related to mental illness in 2022 compared to 2014, and 85,000 more people with mental illness in employment.<sup>80</sup>
- In 2014, over a third of disabled people in Scotland reported musculoskeletal condition as their main issue, and around 25% reported a mental health condition. By 2022, those proportions had switched.<sup>81</sup> However, over the same period, employment rates for people with musculoskeletal conditions increased, without significant increases in disability



prevalence, which suggests that some external factor allowed people with musculoskeletal conditions to access work.

- Minority ethnic groups have the largest disability employment gaps in Scotland, with around 47% of disabled minority ethnic workers in employment.<sup>82</sup> However, the number of disabled minority ethnic workers in work is lower than the population on average.
- Disabled men in Scotland also have much lower rates of employment on average whereas, in the rest of the UK, disabled men are more likely to be in work.<sup>83</sup>

**Economic inactivity and disability** - bridging the disability employment gap is important, not least as people with disabilities are more likely to live in poverty. However, paid work is not right or possible for all disabled people so adequate financial support is crucial for those who will remain outside the workforce.

The number of people who were economically inactive in Scotland (2023) was only marginally higher than before the pandemic. The reasons why people are inactive, however, have changed since 2019, with more people (27.92%) claiming inactivity due to long-term illness or disability (largely connected to mental health).<sup>84</sup>

People with anxiety and depression are both less likely to work, and more likely to be in part-time work than other disabled people. They also have higher rates of economic activity than other types of disability.<sup>85</sup>

### **Disability pay gap**

Pay for non-disabled workers has been going up steadily since 2014, reaching £12.63 per hour by 2019. Pay for workers with disabilities has also increased, however, it only reached £10.58 per hour in 2019. Whilst the pay of employees with a disability has improved since 2014, it hasn't consistently improved every year. In contrast, non-disabled workers have seen their pay rise every single year during this period.

In Scotland, the disability pay gap widened from 12.8% in 2014 to 16.2% in 2019.<sup>86</sup> UK-wide<sup>87</sup>, the disability pay gap in 2023

- stood at 12.7% with median hourly rates of £13.69 (disabled workers) and £15.69 (non-disabled workers).
- the pay gap was wider for disabled men (15.5%) than for women (9.6%), and for full-time employees (11.2%) than for part-time employees (4.1%).
- employees with autism experienced one of the widest pay gaps (27.9%), along with employees with epilepsy (26.9%) and severe or specific learning disabilities (11.2%).

## Disability and poverty

In Scotland, people in families where someone is disabled number around 2.4 million in 2020-23, of whom only around 25% are in a family that receives disability benefits<sup>88</sup>

Poverty rates remain high for households in which someone is disabled compared to those where no-one is disabled.<sup>89</sup> The gap between the two groups has remained steady over the last few years albeit rates for the disabled group have fluctuated.

- In 2020-23, the poverty rate after housing costs for people in households with a disabled person was 24% (560,000 people each year). This compares with 18% (560,000 people) in a household without disabled household members.

Some impairments incur additional living costs, a factor which the poverty measure does not normally consider, however, has a significant bearing on the disabled poverty rate. Benefits such as Disability Living Allowance, Attendance Allowance and Personal Independence Payments are intended to help disabled people mitigate the additional costs they face as a result of being disabled. They are not intended to support low-income families or to avoid households with a disabled person falling into poverty.

One perspective is that if this income is *excluded* from total household income when measuring poverty, then it's possible to look at households with, and without, a disabled member in a comparable way.

- In 2020-23, as in previous years, the poverty rate was higher for individuals in households with a disabled person, when disability-related benefits are not included in the household income. After housing costs, the poverty rate was 28% (660,000 people each year) for people living with a disabled household member, and 17% (510,000 people) for those without.

An alternative perspective<sup>90</sup> derives from the fact that -

- 48% of families in Scotland in receipt of disability benefits also receive a low-income benefit such as universal credit. As the value of low-income benefits has fallen behind inflation and the median level of income has continued to rise, poverty rates will tend to increase whether disability benefits are included or excluded in the poverty measure.

According to research undertaken by Scope<sup>91</sup>

- on average, disability households need an additional £1,010 a month to have the same standard of living as non-disabled households.
- on average, the extra cost of disability is equivalent to 67% of household income after housing costs.

A Joseph Rowntree report<sup>92</sup> also found that –

- 23% of families where someone is disabled are behind on at least one bill payment and 4% are behind on three or more. Of these, two fifths are behind on a payment to a public service.
- Eight in 10 families in which someone receives disability benefits have no adults in work so are more likely to rely on low-income benefits to make up their household income.
- Of the 2.4 million people (2023) in families where someone is disabled, only a quarter are in a family that receives disability benefits.
- In Scotland, 430,000 adults provide informal care for a disabled adult or child. One in 4 (26%) carers and 1 in 3(34%) people in families receiving Carer's Allowance were in poverty in 2020-23

### **Disability – criminal and civil justice**

- In 2023, 903 charges were reported with an aggravation of prejudice relating to disability in Scotland. This represents a 22% increase compared to 2022.<sup>93</sup> It is also the highest annual number of charges reported since the legislation creating this aggravation came into force in 2010 and continues an almost unbroken upward trend in the numbers since then.
- 85% of offences reported with a disability aggravation related to charges of threatening or abusive behaviour.<sup>94</sup>
- An estimated 39% of the disabled population in Scotland experienced a civil law problem in 2021-22 compared with 24% of those who are not disabled. Victims of crime, (including disabled people who experience disability-related aggravated crime), have a higher prevalence of civil law problems (45%) compared with people who are not victims of crime.<sup>95</sup>

## **LEGAL PROFESSION**

The Law Society of Scotland 2023 Profile of the Profession<sup>96</sup> revealed that 28% of respondents had at least one physical or mental impairment or condition compared with 68% who selected 'none of these' and 4% preferring not to say.

Physical or mental impairment	Percentage of respondents
Perimenopause or menopause	9%
Mental health condition	8%
Other specified condition(s)	5%
Deafness or partial hearing loss	3%
Learning difficulty, e.g. dyslexia	2%
Menstrual health condition	2%
Neurodivergent	2%

Autism, Asperger's Syndrome or Autism Spectrum Condition	1%
Blindness or partial sight loss	1%
Manual dexterity impairment	1%
Mobility impairment	1%

Five percent of respondents to the Society's survey considered themselves to have a disability (as defined in EA 2010) with a higher proportion of those aged 35 and under, identifying as having a disability, compared with older respondents.

Percentage of respondents who considered themselves to have a disability, 2023.

Year	Total	Age up to 35	Age 36 to 55	Age 56 or over
2023	5%	8%	5%	4%
2018	5%	n/a	n/a	n/a
2013	4%	n/a	n/a	n/a

Of those who, in 2023, identified as having a disability:

- 35% indicated that they did not require reasonable adjustments. (In contrast, 46% of respondents to the Society's survey in 2018, indicated that they did not require adjustments)
- 34% of respondents who requested reasonable adjustments had received them
- 11% of those who required reasonable adjustments did not request them as they felt apprehensive about the response. (Reasons given included; fear of discrimination or stigma, unaccommodating work culture, inadequate or ignored adjustments, concerns about disclosure, preference for self-management, support needs are temporary or periodic)
- 8% preferred not to respond
- 6% had requested adjustments which had not been provided
- 6% were reluctant to tell their employer that they had an impairment or disability so, did not request adjustments.

The types of adjustments provided to those who requested them included:

- Remote and flexible working arrangements - home working, hybrid working, reduced working hours.
- Specialised equipment and technology – hearing aids, office furniture, coloured screen or spellchecker
- Ergonomic adjustments – new chairs, sit/stand desk, dictation software
- Working environment adjustments – desk positioning, phone with volume control, video call, quiet area meeting rooms
- Process adjustments – more regular review, additional instructions, written instructions.

Respondents shared their experiences of disability inclusion in the profession, revealing several key themes:

- **Lack of Understanding** - respondents highlighted widespread ignorance about disabilities, including mental health issues and learning difficulties. 'Invisible' disabilities go unacknowledged, and some called for greater awareness of menopause and perimenopause, with protected status.
- **Need for Accommodations** – there was a strong demand for flexible hours, workload adjustments, and improved accessibility for individuals with physical disabilities.
- **Stigma and discrimination** – there is ongoing stigma around disabilities, particularly mental health which results in fear of disclosure and discrimination.
- **Workplace Culture** - the 'work hard, play hard' mentality and high-pressure environment hinder inclusivity. A shift towards a more inclusive culture that embraces diverse working styles is needed.
- **Lack of Representation** – there is insufficient visibility of disabled individuals which impacts the aspirations and career growth of disabled law students and lawyers.
- **Support Variability** - experiences with accessing support vary; while some find accommodating workplace environments, others encounter insensitivity. More support measures, like counselling and tailored training, are needed.
- **Positive Attitude Shift** - some noted improvements in attitudes towards disabilities post-COVID-19 (flexible working arrangements), but more work is needed to enhance disability inclusion in the profession.

## LEGAL SERVICE USERS AND COMPLAINTS

### Disability and complaints about legal services

SLCC – Who makes complaints about legal services 2021-22 and 2022-24

Complainers identifying as disabled	2021-22	2022 - 2024
Yes	15.1%	16.8%
No	3.7%	59.8%
Prefer not to say	0.5%	0.5%
No response	80.8%	21.7%
No, or no response, but mentioned disability in comments	N/A	1.8%

The increase in the percentage of complainers who identified as disabled, from 15.1% in 2021-22 to 16.8% in 2022-24, could suggest that: -

- more disabled complainers felt comfortable about disclosing their disability status, possibly due to increased awareness or level of support (internal or from advocacy groups).
- complaints procedures have become more accessible to disabled consumers, e.g., digital tools or increased personal contact between legal services providers and disabled clients.
- the standard/quality of legal services provided has dropped, e.g., poor client care or inadequate communication

That fewer complainers in 2022-24 than 2021-22 opted not to respond suggests that: -

- more complainers felt comfortable indicating their disability status. This might reflect efforts made within the profession to raise awareness and reduce stigma around disabilities.
- survey methods have improved, are more inclusive such as would encourage more specific, accurate or complete responses from complainers.

### **Needs and issues for disabled people accessing legal services.**

Recent studies<sup>97</sup> have found that disabled adults in Scotland are: -

- more likely than those without a disability to have experienced a legal issue in the last two years. Among those under 30, disabled adults are more likely than those without a disability to have experienced a legal issue, i.e., 64% aged 16-29 vs 37% without in this age group.
- more likely to use a local firm (83%) compared to people without a disability (76%)
- less likely (6%) to use a large corporate firm, than are people without a disability (11%).
- less likely to have been confident that their provider would deliver a good service (87%) compared with those who are not disabled (93%)
- less likely to report that it was easy to find information on how long the legal process would take (43%) and how quickly it would get started (52%), compared to those without a disability (59% and 68% respectively).
- more than twice as likely (21%) to report finding it difficult to compare the service of a particular provider over another, compared with people without a disability (10%).

Disabled adults in Scotland face several key issues when accessing legal services, which range from physical and communicative barriers to complex systemic challenges.

For example: -



- ***Accessibility of physical spaces***

Some legal services offices lack physical accessibility features, such as ramps, elevators, and accessible facilities, making it difficult for people with mobility impairments to attend meetings.

- ***Information accessibility***

As more services shift online, inaccessible websites and digital platforms can hinder access for people with visual impairments or those who rely on screen readers and other assistive technologies. This also affects people who are neurodivergent or those with cognitive disabilities, who may find complex online forms and interfaces challenging.

- ***Ethnicity and accessibility***

Accessing legal services differs by ethnicity. Black, Asian and minoritised ethnic disabled people are more likely than those from a White British background to report they find it difficult to access legal services.<sup>98</sup>

- ***Communication barriers***

People who are deaf, have a loss of hearing, have speech impairments and those with neurodivergent conditions often face barriers to effective communication. The use of legal jargon and complex explanations is common, so accessible formats (such as easy-read documents, braille, sign language interpretation) are crucial.

- ***Financial barriers***

Legal services are costly, especially for people with disabilities who are more likely to have higher living costs than people who are not disabled. Disabled people are also more likely to have fixed or limited income, either from part-time employment or state benefits. Financial strain can limit their ability to access quality legal representation and resources, including specialised advocates.

- ***Lack of disability awareness***

A lack of understanding among legal professionals about disabilities and how they affect access to services can lead to insensitive or ineffective service. Some disabled people report that legal professionals simply do not accommodate their needs or make assumptions about their abilities.

- ***Lack of pro-active adjustments***

Legal professionals do not always ask clients whether they require adjustments<sup>99</sup> which means many (especially those with 'invisible' disabilities such as mental health or social disabilities) are left to navigate the system without support.

- ***Discrimination and stigma***

Disabled people often face stigma and discrimination, which may discourage them from seeking legal assistance. They may also feel that their cases are not taken as seriously as those of non-disabled individuals.

- ***Need for legal literacy and support***

Navigating the legal system can be challenging, especially for individuals with cognitive or learning disabilities. Simplified information, guidance, and tailored support throughout the legal process are essential to ensure that disabled individuals understand and can participate fully.

- ***Accessibility of legal aid and advocacy services***

Legal aid can be vital for disabled people, but eligibility requirements and limited resources can restrict access. Some may also need specialised advocates who are familiar with disability legislation to appropriately represent their interests.

Addressing the above requires ongoing commitment to inclusivity, with both physical and attitudinal changes to ensure that legal services in Scotland are accessible, respectful, and supportive.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Considering further training on mental health and neurodiversity, and possible impacts for complainers and those complained about.
- Comparing our own staff survey data on equality with national data to identify any disparities which may need to be explored.
- Considering our own approach to reasonable adjustments (proactive and reactive) for service users, including reviewing our policy, training, how we record information, and what information parties are asked for, linking this to our values and the provision of good customer service (not just legal duties).
- Looking at whether we can share reasonable adjustment information when passing cases to the relevant professional bodies.
- Considering whether a specific budget for reasonable adjustments would increase usage.
- Consider how to incorporate communication around reasonable adjustments into our quality assurance process.
- Reviewing how we follow up on the effectiveness of any reasonable adjustments that we suggested or provided.
- Reflecting on how the SLCC may appear/come across to disabled people, who report they are more likely to use a local firm and not a large corporate firm for legal services. Would they feel the location of one office in Edinburgh is a barrier to them getting in touch?
- Considering any restrictions that may be felt by service users with regard to limited opportunities in the process for face-to-face meetings, and/or their ability to use or access phone/email.



- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues.

**Some wider issues to consider include:**

- Considering whether complainers recognise the importance of being open to legal professionals about any disability and/or reasonable adjustments required from the outset, or only if/when complaint arises? Would this help understand where/why things may have gone wrong – e.g. with communication, understanding?
- Considering where there may be gaps in our understanding of disability in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.

## Chapter 4: Marriage and Civil Partnership Status

### GENERAL POPULATION

In 2023, there were 26,753 marriages registered in Scotland, 11% lower than in 2022. The number of marriages initially increased after the COVID-19 pandemic restrictions on ceremonies lifted and is now at a similar level to that seen in 2019 (26,007).<sup>100</sup>

In 2023, there were 719 civil partnerships registered, the highest number since 2006. Most civil partnerships registered are mixed-sex (82% in 2023) following a legislation change in 2021 allowing mixed-sex civil partnership.<sup>101</sup>

Between 1 April and 30 June 2024, there were 316 same-sex marriages in Scotland, compared with a five-year average of 251 over the same period.<sup>102</sup> Of the 188 civil partnerships registered 1 April – 30 June 2024, 159 involved mixed-sex couples and 29 involved same sex-couples.

A significant shift in marital dynamics is highlighted in the 2022 Scotland Census which revealed a gradual move away from marriage and civil partnership towards cohabiting. In 2022 there were 1,251,000 households containing couples; an increase of 4.5% since 2011 and an increase of 8.1% since 2001.<sup>103</sup>

In 2022, the percentage of households with couples where the couple were married or in a civil partnership decreased from 86.0% in 2011 to 76.6%, continuing a gradual fall in the number of marriages in Scotland over the last 50 years.

The above data underscores evolving family and household patterns in Scotland including, changing cultural attitudes, delays in marrying and a move toward solo living, particularly among older adults, the number of which has increased by more than 100,000 since 2011<sup>104</sup>

### Marriage and Civil Partnership – Financial, Legal and Social Benefits

Married people in Scotland have access to a range of financial, legal, and social benefits not automatically available to single people. These benefits generally stem from laws on taxation, inheritance, and family rights, which recognise the legal partnership of marriage.

#### Tax and Financial Benefits:

- **Marriage Allowance** - married couples can transfer £1,260 of their personal tax allowance to their spouse, potentially saving up to £252 annually on their tax bill. This benefit applies if one partner earns less than the personal allowance threshold and the other is a basic rate taxpayer.<sup>105</sup>

- **Inheritance Tax** - married couples, including civil partners, benefit from a full IHT exemption on transfers of assets between them, both during life and upon death. This means that a married person's estate can transfer entirely tax-free to their spouse. Upon the death of the second spouse, their combined unused allowances could allow up to £1 million in tax-free inheritance.<sup>106</sup>
- **State Pension** - a surviving spouse may be eligible to inherit part of their deceased partner's state pension, depending on the specific scheme and their date of retirement.
- **Private and occupational pensions** – these pensions often allow for spousal benefits, such as survivor's pensions, which are typically unavailable to single people unless they name a specific (and often financially dependent) beneficiary.
- **National Insurance (NI) contributions** – some married people can qualify for a reduced rate of National Insurance contributions if their spouse or civil partner is also paying NI. Also, a married person can inherit their spouse's National Insurance record, for example, to enhance their State Pension entitlement.<sup>107</sup>

#### Inheritance and Next of Kin Rights:

- **Right to automatic inheritance** - if a married person dies without a will their spouse or civil partner automatically inherits part or all their estate, depending on whether they have surviving children. Unmarried partners, by contrast, do not have automatic inheritance rights without a will.
- **Next of kin** - married individuals are considered each other's next of kin, granting them certain medical and legal decision-making powers for their spouse, which are not automatically available to unmarried partners.

#### Parental and Adoption Rights

- **Parental rights** - when a married couple has a child, both parents automatically have parental rights and responsibilities. For unmarried couples, the child's father must be listed on the birth certificate to gain these rights or alternatively, apply for them.
- **Adoption** – whilst there is no legal barrier to unmarried individuals seeking to adopt, married couples often find it easier to adopt jointly, while single individuals may face more stringent eligibility requirements, e.g., demonstrating financial stability, adequate support networks and work-life balance arrangements. Single adopters may also face a longer matching process as agencies tend to prioritise placing children in two-parent households, particularly when a child has complex needs.

Unmarried couples in Scotland who live together <sup>108</sup>have some legal and financial rights, including:

- Rights to certain items in their shared household
- Rights to certain money and property
- The right to apply to court for financial provision should the couple decide to end the relationship.
- The right to apply to court for an order relating to money or property if one person in the relationship dies without a will.

### **Marital status and poverty**

According to the Scottish Government's *Poverty and Income Inequality Statistics 2020-23*<sup>109</sup>, 30% (290,000) of working-age single adults were living in relative poverty after housing costs.

Married or cohabiting couples were the least likely to be in poverty (15% 330,000) and 16% (number not available).

The statistics are particularly notable for single female pensioners (60,000 women), 23% of whom were in relative poverty in 2020-23 compared with 16% of single male pensioners.

Historically, rates have been highest for single mothers, however, have gradually declined to be comparable with other single household types. For example, the poverty rate for single women with no children and single mothers was the same at 29%.

Poverty rates were highest among single childless men (33%, 90,000).<sup>110</sup>

### **‘Singlism’ in the workplace**

Single status is not a protected characteristic under the Equality Act 2010, which means single individuals, including those who are divorced or whose civil partnership has been dissolved, do not enjoy the same protection from discrimination as those who are married or in civil partnerships.

This lack of protection can lead to unequal treatment in the workplace. The expectation that single people should work at weekends or clock longer hours than their married/civil partnered colleagues is a common complaint. Single workers also report being expected to attend more out of hours social functions.<sup>111</sup>

Whilst the Equality Act 2010 protects workers who are married or in civil partnerships, claims involving marital status discrimination rarely come before Employment Tribunals.

## LEGAL PROFESSION

Currently, the Law Society of Scotland's Profile of the Profession survey does not include data on the marital status of its members, and there are no other studies within the Scottish legal profession that provide statistics on marital status.

However, given the many social, financial and legal benefits that come with marriage and civil partnership, it is open to the profession to undertake a survey of its single members with a view to addressing any unequal treatment they may face in the workplace because of their single status.

## LEGAL SERVICE USERS AND COMPLAINTS

Being married or in a civil partnership does not inherently give rise to specific needs or issues for people accessing legal services.

However, for single people...

- creating, or signposting single individuals to support groups or local networks that provide emotional and practical support could make it easier for them to navigate legal issues and/or obtain appropriate advice and representation.
- providing specialised legal advice on issues commonly faced by single people such as housing/homelessness, debt, adoption, and employment issues may improve their access to legal services.
- encouraging law firms and legal professionals to provide pro bono services specifically for single people could facilitate greater access to legal support.

And for married people...

- signposting married people to services offering family and relationship counselling could help them understand their legal options and resolve conflicts without recourse to litigation.
- offering legal clinics (online or in-person) that focus on issues for married couples such as property disputes or inheritance rights may enhance legal accessibility for them.
- offering (pro bono) mediation and conflict resolution services would encourage greater access to law firms and may help married couples approach legal disputes more amicably.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Reviewing HR policies to ensure the changing shape of relationships and families is reflected in policies, benefits, pension arrangements, etc.
- Thinking about messaging we could use to raise awareness of these issues on social media.

- Ensuring CIs are checking whether wives/husbands/partners should be added as co-complainers on potential joint complaints made by one person only.
- Noting that although “family law” is one of our top 5 areas, a lot of the work and complaints are not so much about the couples’ own relationships, but are disputes about contact, custody, and disputes over schooling/living arrangements for children, either born to the couple, or where one partner has effectively been a step-parent. This may be more fraught where the relationship was not formalised as a marriage or civil partnership that created legal rights in relation to the adult to child relationship.

**Some wider issues to consider include:**

- Considering if reducing marriage and reducing divorce rates may lead to less legal work, and therefore complaints, in this area (one of our current ‘top five’).
- Reflecting on whether reduced marriage and divorce rates could conversely lead to a higher volume of issues arising around intestate estates, where co-habitees do not have the same automatic rights as a spouse/civil partner.
- Considering if there could also be an increase around parental rights being enforced – could there be an increase in this type of work (also noted below).
- Considering if costs are a factor in putting off people marrying (wedding costs etc.).
- Considering where there may be gaps in our understanding of marriage and civil partnerships in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.

## Chapter 5: Race

### GENERAL POPULATION

Scotland's Black, Asian and Minority Ethnic population has increased steadily over the last 20 years. Between 2011 and 2022, the percentage increased from 8.2% to 12.9% in 2022 (701,324 people). This is a larger increase than over the previous decade (from 4.5% to 8.2%).<sup>112</sup>

#### Percentage of population by minority ethnic group, 2011 – 2022<sup>113</sup>

	2022	2011
Irish	1.05	1.02
Polish	1.67	1.16
Gypsy/Traveller	0.06	0.08
Roma	0.06	
Showman/Showwoman	0.03	
Other White	2.92	1.93
Mixed or multiple ethnic group	1.12	0.37
Pakistani, Scottish Pakistani or British Pakistani	1.34	0.93
Indian, Scottish Indian or British Indian	0.97	0.62
Bangladeshi, Scottish Bangladeshi or British Bangladeshi	0.13	0.07
Chinese, Scottish Chinese or British Chinese	0.87	0.64
Other Asian	0.59	0.4
African, Scottish African or British African	1.08	0.56
Caribbean or Black	0.12	0.12
Arab, Scottish Arab or British Arab	0.41	0.18
Other ethnic group	0.5	0.09

Asian groups were the largest minority ethnic group in Scotland (2011-2022), comprising nearly 4% of the total population.

This was followed by Black groups, who comprised 1.2% and those of mixed or multiple ethnicities formed 1.1% of the population.

Notably, people with a 'Mixed' or 'Multiple mixed' heritage increased by 41,000 and people who defined themselves as 'other ethnic' increased by 22,400.

The number of Polish people living in Scotland rose by 29,500, over half of whom live outside of the four 'City' council areas.<sup>114</sup> People who identified as 'Other White' saw an increase of 56,000 in 2022, with three out of four having a European heritage.



Scotland's Black, Asian and Minority Ethnic groups are young. 11.8% of those under the age of 18 come from a Black, Asian and minority ethnic<sup>115</sup> backgrounds, compared to just 1.5% of those over the age of 65.

Glasgow was the most ethnically diverse place in Scotland with one in five Glaswegians coming from a Black, Asian and Minority Ethnic background. This marks a 75% increase since 2011, partly explained by Glasgow's booming young population, with over a third (32.6%) of Glasgow's under 18-year-olds coming from a Black, Asian and Minority Ethnic background. Edinburgh, Aberdeen and Dundee also had high levels of ethnic diversity, with 15.2%, 13.4% and 10.1% of their populations coming from a Black, Asian and Minority Ethnic background, respectively.

Over the last decade, the number of people living in Scotland who were born in Scotland decreased by 90,400. However, this decrease was offset by the number who were born in the rest of the UK (up 49,200) and born overseas (up 185,600) which means the increase in Scotland's population overall was largely driven by an increase in people born outside Scotland. In 2022, net migration into Scotland more than doubled (48,900) compared with the year before (22,200).

*Without migration, Scotland's population would have decreased, and we would have fewer people in younger age groups'* Jon Wroth-Smith, Director of Census Statistics, NRS<sup>116</sup>

## **Race and poverty**

In Scotland, a person from a Black, Asian and Minority Ethnic background is twice as likely to experience relative poverty as someone from a white British background.

Over the period 2018-23 the poverty rate was 50% for 'Asian or Asian British' ethnic groups and 51% for 'Mixed, Black or Black British and Other' ethnic groups.<sup>117</sup>

By contrast, the poverty rate amongst the 'White-Other' group was 22%, less than half the rate for both Asian and Mixed Black or Black British and Other' ethnic groups. The percentage of 'White British' people living in poverty was 18%.<sup>118</sup>

Black, Asian and Minority Ethnic people in Scotland are particularly affected by poverty linked to the cost of housing and more likely to be living in expensive, privately rented accommodation than owning their own home or residing in social housing. They are also more likely than white people to experience homelessness. In 2021/22 people of African heritage spent on average the longest time (333 days) in temporary accommodation compared with white British people who, on average, spent between 189 and 205 days. In the same period, Asian households were least likely to secure settled accommodation – 79% vs 82% overall.<sup>119</sup>

Across all child poverty measures, rates of poverty in Scotland for children in Black, Asian and Minority Ethnic families have risen in recent years. In 2016-19, almost half (44%) of children in Black, Asian and Minority Ethnic families were living in relative poverty, a 4%-point rise since 2015-18.<sup>120</sup>



Cost of living rises have disproportionately affected asylum seekers, who are not permitted to work while their asylum application is being processed.<sup>121</sup>

Additionally, the intersections of race, gender, and class work together to affect BAME people's lives and impact on poverty risk. For example, regarding class BAME groups across class categories tend to benefit unequally from social mobility, and there are gaps in the extent of social mobility experienced between minority ethnic groups. The Social Mobility Commission's paper Ethnicity, Gender and Social Mobility highlights these issues in an English context, however, there is currently no comparable Scottish research.<sup>122</sup>

### **Race and employment**

Scotland's working age (16-24) population is less ethnically diverse than the rest of the UK.<sup>123</sup> In 2021 around 5% of the overall working population in Scotland were from a Black, Asian or Minority Ethnic background by contrast to 15% in the rest of the UK. Scotland's Black, Asian and Ethnic Minority population are also more likely to have been born outside the UK relative to the UK's Black, Asian and Minority Ethnic minority population. Labour market outcomes for Scotland's Black, Asian and Minority Ethnic population who were born outside the UK are poorer than the labour market outcomes for the Black, Asian and Minority Ethnic population who are UK-born.<sup>124</sup>

Black, Asian and Minority Ethnic workers in Scotland tend to earn less than white workers. This is reflected in Scotland's persistent ethnicity pay gap<sup>125</sup>. There has been no sustained progress in closing the ethnicity pay gap over recent years which, in 2019, was estimated to be 10.3%. For every pound that a white worker earned in 2019, a Black, Asian or Minority Ethnic worker earned, on average, 90 pence.<sup>126</sup> People from Black, Asian and Minority Ethnic backgrounds are also more likely to work in low-paid sectors with limited opportunities for career progression.

Studies undertaken by the EHRC show that new arrivals to the UK face labour market challenges arising from a poor command of English, qualifications which are not recognised by employers or Scottish institutions and unfamiliarity with cultural norms, all of which lead new arrivals to accept roles for which they are overqualified with consequent impacts on pay.<sup>127</sup> Black African immigrant men tend to be segregated into low-paid occupations and have low qualifications. Both British born and immigrant Black-Caribbean men are over-represented in low-paid jobs and under-represented among people with high qualifications. Almost half of Bangladeshi men and around a third of Pakistani men are paid below the Living Wage compared with just under a fifth of White British men. Around 30% of White British women are paid below the Living Wage, compared with almost 40% of Bangladeshi women and over a third of Pakistani women.<sup>128</sup>

Race-related discrimination is another factor likely to be driving ethnicity pay gaps.<sup>129</sup> The EHRC found that one of the reasons workers from Black, Asian and Minority Ethnic groups receive lower pay than White British people is due to differences in personal characteristics. The Office of National Statistics<sup>130</sup> isolated the effect that ethnicity has on pay by factoring out age and sex alongside other pay determining factors such as occupation, working pattern and highest

qualification level, and found that for most Black, Asian and Minority Ethnic groups, pay gaps narrowed. Sex, age, and other pay factors intersect in such a way as to widen ethnicity pay gaps.

The number of Black, Asian and Minority Ethnic people aged 16-24 who are in work ('the employment rate') in Scotland is consistently lower compared to the employment rate of the white population. In 2021 the employment rate for Scotland's UK-born Black, Asian and Minority Ethnic population was generally higher (68.1%) than the rate for the Black, Asian and Minority Ethnic population born outside of the UK (60.7%) in 2021.

The employment rate for Black, Asian and Minority Ethnic men is consistently higher than that of Black, Asian and Minority Ethnic women, however, gender inequality in the workplace is a much greater issue with Black, Asian and Minority ethnic women experiencing barriers in access to work including racist and sexist attitudes and discrimination. Black, Asian and Minority Ethnic women also experience worse (employment) outcomes compared to Black, Asian and Minority Ethnic men.

The ethnicity employment rate *gap* for Black, Asian and Minority Ethnic groups in Scotland captures the difference in these employment rates and, in 2021, was estimated to be 11.7 percentage points.<sup>131</sup> The employment rate gap is also much higher for young Black, Asian and Minority Ethnic people. In 2021, the ethnicity employment rate gap was higher for those aged 16-24 at almost 20%, followed by 19% for those aged 25-34. Graduate employment (and under-employment in part-time/casual jobs) also affects Black, Asian and Minority Ethnic people who are up to three times more likely to be unemployed compared to white graduates.<sup>132</sup>

## **Race and Covid-19**

During the Covid 19 pandemic, there were disproportionately more deaths and adverse health outcomes for minority ethnic groups.<sup>133</sup> Although the Scottish Government included BSL interpretation in their Covid briefings, there were delays in information about Covid-19 measures being made available in other languages or formats.<sup>134</sup>

Black, Asian and Minority Ethnic workers were overrepresented as key workers and therefore less likely to have been working from home. In addition, the shutdown and changes to spending patterns due to Covid-19 has meant that many self-employed Black and minority ethnic people have lost out on income, deepening the risk of increased poverty for these groups.

## **Race and the law**

Hate crime in Scotland is up 1.5%, with 5,992 charges brought in 2023-24 compared with the previous year. Racial hate crime remains the most commonly reported hate crime. In total, 3,392 charges relating to racial hate crime were reported in 2023-24, an increase of 4.6% compared to 2022-23.<sup>135</sup> The 2023-24 racial hate crime figure is the highest since 2005-06.<sup>136</sup>

In total, 88% of racial hate crime charges led to court proceedings and court proceedings were commenced in relation to 76% of charges.<sup>137</sup>

The proportion of stop and searches being carried out on Black, Asian and Minority Ethnic groups has remained stable over the last five years. The rate in 2017/18 for Asian people was 2.2% and 1.8% in 2021/22, 1.3% for African, Caribbean or Black people in 2017/18 compared to 1.2% in 2021/22 and 0.5% in 2017/18 for those identifying as Mixed or Multiple Mixed in 2017/18 compared to 0.8% in 2021/22. However, the positive search rate was higher for those who identified as African, Caribbean or Black (40.3%) or identified as Asian (42%) compared to 34.4% for White Scottish/ White Other British people.<sup>138</sup>

The proportion of Black, Asian and Minority Ethnic people in prison is numerically proportionate to the general population in Scotland.<sup>139</sup> The ethnic composition of Scotland's prison population has remained stable from 2010/11 to 2019/20, with the predominant self-reported ethnic category White (remaining stable at 96% of the overall prison population) followed by Asian, Asian Scottish or Asian British (2%), then African, Caribbean or Black (stable at 1%) and Mixed or Multiple and Other Ethnic Group (both stable at less than 0.5%). However, in 2019/20<sup>140</sup> the incarceration rate<sup>141</sup> for people who identify as African, Caribbean or Black, or from Other ethnic groups was significantly higher than for people who identify as White.<sup>142</sup>

## LEGAL PROFESSION

In 2022/23 the Scottish legal profession predominantly consisted of White solicitors (86.48%) compared to 88.01% in 2020/21. The percentage of solicitors from Black, Asian and Minority Ethnic backgrounds increased (by 0.63%) to 4.01% over the same period. However, the increase was not consistent across all ethnic groups. For example, compared the previous year, the percentage of Pakistani solicitors aged under 30 increased from 1.40% to 5.08%, whereas the percentage of solicitors under 30 from a Chinese background fell from 0.47% in 2020/21 to 0.1% in 2022/23. The population under age 30 is, however, increasingly diverse.<sup>143</sup>

Overall, Black, Asian and Minority Ethnic women in the profession outnumber Black, Asian or Minority Ethnic men (64.8% and 35.2% respectively). Among those under 30, there are fewer Black, Asian and Minority Ethnic women in 2022/23 (67.37%) than there were two years previous (72%), whereas the percentage of Black, Asian and Minority Ethnic men under 30 has increased from 28% in 2020/21 to 32.37% in 2022/23.<sup>144</sup> Notwithstanding the increase, attracting young men from a minority ethnic background remains an ongoing issue for the profession.

The profession currently has more White Scottish, Irish or British solicitors in equity partner roles (14%) compared with Other ethnic groups (10%) or Other White ethnic groups (7%). However, a greater proportion of Other ethnic groups and Other white groups are trainee solicitors (10% and 9% respectively) compared to 6% of those who identified as White Scottish, Irish or British.

Over 60% of Black, Asian and Minority Ethnic respondents to a 2022 survey reported having experienced bias, racism or discrimination on their route to qualification.

Barriers to Black, Asian and Minority Ethnic solicitors reaching senior positions within the profession continue to be an issue with those in Other (non-white) groups significantly more likely to believe there to be an issue (71%) alongside women up to age 35 (67%). Unconscious bias and traditional networks and routes to promotion are cited as key factors preventing career progression for Black, Asian and Minority Ethnic solicitors, alongside the relative lack of role models, a lack of support in the profession and racial prejudice.<sup>145</sup>

There are fewer Black, Asian and Minority Ethnic lawyers working in corporate, banking and finance, competition, technology, media subject areas compared with White lawyers. The lack of visible role models suggests that firms are failing to recruit or retain minority ethnic staff, deterring ethnic minority students from applying to those firms and/or joining the profession.<sup>146</sup>

There is also ethnicity pay gap within the profession with White Scottish, Irish or British solicitors more likely than other ethnic groups to be earning either £60,001 to £100,000 or over £100,000 per annum. An ethnicity pay gap also exists in average earnings. For every pound earned by a White Scottish, Irish or British solicitor, a person identifying as White other earns, on average, 85 pence (ethnicity pay gap of 15%). Likewise, a person from any Other ethnic group earns 93 pence for every pound earned by a White Scottish, Irish or British solicitor (ethnicity pay gap of 7%). By contrast, solicitors from an Other Ethnic background expect a higher average bonus compared to what someone who identified as either White Other or White Scottish, Irish or British expects.<sup>147</sup> Unfortunately, the data does not reveal whether the bonus pay expectations of those from an Other ethnic background were realised.

## LEGAL SERVICE USERS AND COMPLAINTS

According to research conducted in the late 2000s,<sup>148</sup> Black, Asian and Minority Ethnic people are less inclined to seek out legal advice from solicitors than speak with family and friends or turn to the internet to resolve legal problems. Precise data on the number of people from minority ethnic groups using legal services in Scotland is unknown. However, in 2022, people from a Black, Asian or Minority Ethnic background constituted just 6.5% of complainers to the SLCC whereas people identifying as White Scottish/British or from Any Other White background comprised 78.8% of complainers (14.7% no response).<sup>149</sup>

Some minority ethnic communities find it easier to access legal services than others. Migrants and asylum seekers are among the most vulnerable people in need of legal services in Scotland. Many face language barriers, trauma from past experiences, a lack of familiarity with the legal system, precarious immigration status and are subject to hostile Home Office policies.

Scotland houses over 5,000 asylum seekers (June 2023)<sup>150</sup> who are supported by Local Authorities while they await the outcome of their asylum applications. Whilst there is no definitive

figure on the number of undocumented people<sup>151</sup> living in the UK, estimates suggest it is between 800,000 and 1.2 million people, a proportion of whom will be living in Scotland.<sup>152</sup>

Access to qualified immigration legal aid lawyers and funding are crucial for these individuals to understand their rights, complete the necessary paperwork and present their cases effectively if their applications are to have a fair chance of success. A lack of timely legal assistance (funding and representation) can lead to wrongful deportations, prolonged detentions and the denial of asylum claims.<sup>153</sup>

Scottish Travellers and Gypsies are also vulnerable minority ethnic groups requiring specialist legal advice and representation. Although in the 2022 census, 3,343 people in Scotland identified as White: Gypsy/Traveller, the precise population of Scotland's Traveller and Gypsy communities is unknown. Estimates put it in the region of 15,000 to 20,000.<sup>154</sup>

The evidence indicates that Scottish Travellers and Gypsies continue to face high levels of discrimination and harassment<sup>155</sup> in education, access to public services, housing/site provision and media coverage. Educational outcomes for young Gypsies and Travellers are among the worst in Scotland.<sup>156</sup>

Issues of particular concern for Travellers and Gypsies (potentially leading to the need for legal advice or representation) include: -

- A shortage of legal stopping places (sites)
- Public (authorised) sites with inadequate facilities
- Eviction from unauthorised encampments
- Disproportionately negative media coverage of their customs and traditions
- Tensions with 'settled' communities
- Being forcibly moved into conventional houses
- Housing/tenancy issues experienced by those living in conventional housing
- Poor health and disability, particularly mental health issues, isolation and loss of support networks (often linked to having been forced to move into conventional housing)<sup>157</sup>
- Engaging with the education system
- Access to social care services

A lack of awareness among Gypsy and Traveller communities of their rights as protected minority ethnic groups, not knowing where to find a suitable solicitor and the presumed cost of legal representation impact how accessible or otherwise legal services are to these communities.

The cost presumed or actual, of obtaining legal services influences the extent to which Black, Asian and Minority Ethnic groups, including those who identify as Other Minority Ethnic, access legal services in Scotland. Research undertaken by the Scottish Legal Aid Board (SLAB) highlighted service user concerns about the following:



- A lack of accessibility and clarity of information when completing SLAB forms as well as transparency on the legal aid process and costs related to protected characteristics
- A need for information in plain English, simple and jargon free (of particular concern for those whose first language is not English)
- a general lack of awareness of legal aid, particularly among Black, Asian and Minority Ethnic communities

The extensive data on the patterns of disadvantage experienced by Black, Asian and Minority Ethnic people in employment (discrimination and pay gaps), housing, education, health services and as targets of hate crime would suggest that the need for specialist, affordable legal services in these areas is pressing. Removing, not just overcoming, barriers that dissuade or prevent minority ethnic groups from utilising legal services is key and legal services providers and regulators must lead the way. Moreover, the profession needs to show Black, Asian and Minority Ethnic representation at all levels if it is to continue to attract, develop and retain lawyers who feel included, valued and appropriately rewarded in their roles as providers of high-quality legal services.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Reviewing our board and staff composition against a rapidly changing population and considering any barriers and issues (whilst noting Scottish Government are responsible for Board recruitment and appointments).
- Considering the languages we make basic information available in as the population changes, and the translation support we offer where appropriate.
- Reflecting on the different perceptions of public bodies of different groups, and the different ways they may seek to access services.
- Considering the visibility of inclusive approaches and values in all our public facing work (website, comms, staff spokespeople, etc.).
- Reflecting on the impact of transient accommodation to how people may engage with the SLCC (lack of postal address, periods where contact is difficult due to lack of digital access, etc).
- Considering whether complainers, who may already be disadvantaged access translation support throughout the process etc.
- Considering our recruitment processes in line with DEI.
- Consider working with other groups and organisations to ensure there is awareness of how to raise a complaint.
- Whilst still a relatively small number, staff noted it feels like we've seen a slight increase recently in complaints about legal services in relation to Immigration and Asylum. Those

complaints (and related information we're aware of) paint a picture of a sector of the legal profession where some vulnerable clients may be at risk of being taken advantage of. For several reasons, such clients seem less likely to complain to the SLCC. Is there anything more we can do in this area?

- Engaging with the Office of the Immigration Services Commissioner – which has a role in advice standards and regulation for all advice givers in this area, whether lawyer or not.

**Some wider issues to consider include:**

- Understanding a different composition of the profession in general compared to what may be most visible (senior leaders, etc.).
- Considering whether data from our complaints system can assist others in the legal system identify and tackle issues, or consider changes to standards, policy or practice.
- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues.
- Considering where there may be gaps in our understanding of race in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.



## Chapter 6: Religion and Belief

### GENERAL POPULATION

For the first time in Scotland's Census, over half the population said they had no religion. In 2022, 51.1% of people had no religion, up from 36.7% in 2011.<sup>158</sup>

The Church of Scotland saw the largest decrease, down 34.4% from 2011 and 42.1% from 2001 – a fall of 610,111 people since 2011 and over 1 million since 2001.

**Percentage of population by religious group 2011-2022**

	2022	2011
No religion	51.1	36.66
Church of Scotland	20.4	32.44
Roman Catholic	13.3	15.88
Other Christian	5.1	5.50
Muslim	2.2	1.45
Hindu	0.55	0.31
Buddhist	0.28	0.24
Sikh	0.20	0.17
Jewish	0.11	0.11
Pagan	0.35	<sup>159</sup>
Another religion	0.23	0.29
Not stated	6.6	6.95

Between 2011 and 2022 there were increases in the 'no religion' category across all age groups. In the 65+ age group the number with no religion has more than doubled since 2011 – an increase of 186,700 people (from 14.1% to 28.6%).

**Percentage of population with no religion by age, 2022**

	2022	2011
0 to 15	62.3	47.9
16 to 24	62.8	48.2
25 to 49	60.3	43.3
50 to 64	44.3	27.64
65 and over	28.6	14.1

- Men (53.8%) are more likely to have no religion than women (48.6%). This was also the case in 2011 and 2001.
- Young people more likely to say they have no religion than people in older age groups.

## Religion and Belief - Poverty

Between 2018 and 2023, relative poverty rates in Scotland were significantly higher for Muslims than any other religious group. In 2018/19, 62.7% of Muslim adults were in poverty, compared with 18.4% of non-religious adults.<sup>160</sup>

Muslims and Buddhists were the most likely religious groups to have a low income, although this is thought to be associated with their young age profile. Jews were likely to have the highest incomes. Roman Catholics were over-represented for residence in deprived areas.<sup>161</sup>

Proportion of adults in relative poverty after housing costs, Scotland 2018-2023<sup>162</sup>

	2018-2023
Muslim	61%
Other religion	31%
Other Christian	21%
No religion	18%
Roman Catholic	17%
Church of Scotland	16%

The data doesn't take into account differences in the age profiles of the religions. For adults belonging to the Church of Scotland, the median average age was 64. By contrast, the median age was 36 for Muslim adults, and 42 for adults belonging to no religion.

Older adults have a lower poverty rate, so age profile partly explains the lower poverty rate for adults belonging to the Church of Scotland and the higher rate for younger Muslims. However, age difference alone cannot explain the entire gap in poverty rates between religious groups.<sup>163</sup>

## Religion and employment

Whilst a 2015 analysis<sup>164</sup> suggested that religion can affect employment rates in Scotland, individual factors such as gender, ethnicity, and qualifications may have a greater impact. For example, a 2013 review<sup>165</sup> found that two thirds of Muslim men (67%) were economically active compared with 35% of Muslim women.<sup>166</sup> There were also relatively low rates of economic activity for Buddhist, Hindu and Sikh women. Adults in these religious groups were among those most likely to have no qualifications, but young Muslims, Sikhs and Hindus were more likely than people from other religious groups to participate in post-compulsory education.

In 2019/20, 50.1% of religious minority adults were employed compared with 67.8% of non-religious adults, however, only 45.2% of Muslim adults were employed.<sup>167</sup> Whilst there has been growth in the proportion of Muslim workers in high-paid occupations, now significantly higher than those with no religion, Muslims remain the religious group with the highest rates of poverty.

Detailed insights into the labour market outcomes by religion is not available, however, examining employment rate estimates for each year since 2011 shows that employment rates among Scotland's minority ethnic population lags behind the employment rates of the comparable white population and this is also the case for those with 'no religion'.<sup>168</sup>

### Religious Hate Crime

- There were 532 charges with a religious 'aggravation'<sup>169</sup> reported in 2023-24, 12% fewer than in 2022-23. This represents the lowest annual number of charges reported since 2004-05.<sup>170</sup>
- In 2023-24, court proceedings were commenced in respect of 80% of charges with a religious aggravation.
- In total, 88% of charges reported in 2023-24 led to court proceedings. No action was taken in relation to 2% of charges.
- In 2023-24, 79% of offences reported with a religious aggravation related to charges of threatening or abusive behaviour.

New legislation in force from 1 April 2024<sup>171</sup>, extended the scope of protection for religious groups or those belonging to a social or cultural group perceived to have a religious affiliation, by making it a crime to 'stir up hatred'. The new law applies not only to religion or belief but the protected characteristics of age, disability, race, sexual orientation, transgender identity and variations in sex characteristics.<sup>172</sup> To meet the threshold of 'stirring up hatred', what a person says, or otherwise communicates, as well as what a person does, must be what a reasonable person would find threatening or abusive.

### Antisemitism

The Community Security Trust's (CST) Antisemitic Incidents Report 2023<sup>173</sup>, shows 4,103 instances of anti-Jewish hate recorded across the UK in 2023. Of these, 2,699 (66%) occurred on or after 7 October 2023.

- 68 incidences of antisemitic behaviour were reported to Police Scotland.

CST's report January-June 2024<sup>174</sup> reveals 1,978 instances of anti-Jewish hate recorded across the UK in the first six months of 2024. This represents an increase of 104% from the 964 antisemitic incidents recorded by CST in Jan-June 2023.

- In Jan-June 2024, 40 antisemitic instances were reported to Police Scotland.

UK-wide incident categories include:

- 1,618 abusive behaviours (verbal and written)
- 142 threats (direct, clear verbal or written threats that target Jews or Jewish people)

- 83 damage and desecrations (daubing slogans, symbols or graffiti on Jewish-linked property; anti-Jewish posters and stickers; damage to Jewish-owned property)
- 121 assaults (physical attacks, ABH or attempted ABH, including the throwing of objects at Jews)
- 1 incident of extreme violence (use or intended use of Improvised Explosive Devices (IEDs); arson, kidnapping, shooting, stabbing).
- 13 literature-related incidences (notably, mass-produced antisemitic letters or emails distributed in multiple quantities)

## Belief and the Law

The Equality Act 2010 protects those who have religious belief, the absence of belief, i.e., Atheism, and ‘any philosophical belief’. Religious beliefs and the absence of religious beliefs are relatively easy to identify. By contrast, ‘any philosophical belief’ has been left to the courts and tribunals to determine.

The following philosophical beliefs **have** been found by tribunals and courts to be covered by the Act:

- Democratic socialism
- Scottish Independence
- Participatory democracy
- Environmentalism and climate change
- Anti foxhunting
- Ethical veganism
- Lying is always wrong
- Mediums can communicate with the dead
- Public service is for the common good.

Philosophical beliefs which **have not** been found to be covered by the Act include:

- Vegetarianism
- Jews are God’s chosen people
- Homosexuality is contrary to God’s law
- The holocaust didn’t happen
- Poppies should be worn on 1 November
- Marxism/Trotskyism
- Membership of the BNP
- ‘9/11’ and ‘7/7’ were ‘false flag’ operations.

In determining whether a philosophical belief should be protected, the Employment Appeal Tribunal (EAT) set out the following criteria.

The philosophical belief must:

- Be a genuinely held belief, not a temporary viewpoint or opinion

- Relate to a substantial aspect of human life and behaviour
- Attain a certain level of seriousness, cohesion and importance
- Be worthy of respect in a democratic society
- Not be incompatible with human dignity or the fundamental rights of others
- Have a similar status to a religious belief

Also, that it:

- may be a political philosophy or doctrine
- may be based on science
- need not be shared by others

## LEGAL PROFESSION

The legal profession in Scotland has become increasingly non-religious in recent years. A total 50% of solicitors responding to the 2023 Law Society of Scotland membership profile survey<sup>175</sup> said they had no religion, compared to 46% in 2013 and 49% in 2018.

Percentage of solicitors belonging to a religion, religious denomination or body.

	2023	2018	2013
No religion	50	49	46
Church of Scotland	23	25	30
Christian – Roman Catholic	6		11
Muslim	1.2		Not specified
Jewish	0.5	Less than 1	Not specified
Buddhist	0.3	Less than 1	Not specified
Humanist	0.3	No available data	Not specified
Sikh	0.3	Less than 1	Not specified
Hindu	0.1		Not specified
Other	0.7		*4
Prefer not to answer	3.1		3

\*Muslim, Buddhist, Sikh, Jewish and Hindu faiths represented as 'Other' = 4% across these groups.

Experiences, issues and potential barriers for solicitors and trainees from religious groups, or social groups with religious affiliations or other belief groups (including the absence of belief) may include:

- Microaggressions – within the context of religion and belief are verbal or nonverbal communications that subtly create an environment of hostility or exclusion, humiliation or otherwise demean a person’s religious beliefs or lack of belief. Microaggressions may be centred around, for example, an individual’s dietary requirements, need to access and use prayer facilities, avoidance of alcohol (or places where alcohol is available) requests for leave for holy days, reduced workloads while fasting or the wearing of religious clothing, symbols or jewellery. Those whose identity is centred around non-religious, ethical or philosophical beliefs, e.g., veganism, atheism, trust in science, may also experience microaggressions.
- 20% of respondents to the 2023 Profile of the Profession stated they had personally experienced microaggressions in the workplace and 18% have personally witnessed microaggressions in the workplace<sup>176</sup> Although disaggregated data is not available, it is plausible that a proportion will have experienced microaggression, slights, slurs or insults based on their religion or belief.
- Unconscious bias – microaggressions often arise from unconscious bias, i.e., automatic judgments or decisions about others based on our own deep-seated thought patterns, assumptions, stereotypes or interpretations. Having to manage the adverse effect of religion or belief-related unconscious bias can be an additional burden for solicitors and trainees, particularly for those for whom religion and racial heritage/culture intersect.
- Discrimination, harassment or victimisation – 8% of respondents to the 2023 Profile of the Profession report having personally experienced discrimination ‘due to my religion or belief’ and a further 12% report having personally witnessed religion and belief discrimination in the workplace.

## LEGAL SERVICE USERS AND COMPLAINTS

Although incidences of religion and belief aggravated crimes are relatively low in Scotland, compared to racial, gender-based or disability-related crime, prejudice directed at the Catholic, Jewish and Muslim communities is an ongoing concern and likely to give rise to legal issues including the need for advice and/or representation:

- on religious discrimination, harassment and victimisation, both in employment and access to services
- for victims and perpetrators of Sectarian incidents, especially at sports events, pubs and in workplaces
- on the scope and practical application of the ‘stir up hatred’ provisions of the new Hate Crime and Public Order (Scotland) Act

- on the effects of rising Islamophobia and antisemitism and its overlap with ‘far right extremism’.
- on the effects on certain religion and belief groups of media misrepresentation including social media
- access to faith or secular schools

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Consider how welcoming our work-place is to those of different faiths, beliefs and views.
- Reviewing whether there are any perceived barriers for people of certain faith engaging with our services.
- Considering how religion/belief may impact on complainer’s ability to interact with SLCC and meet timescales for responses etc., e.g., during holy days, while fasting.
- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues

**Some wider issues to consider include:**

- Considering whether data from our complaints system can assist others in the legal system
- Considering where there may be gaps in our understanding of religion and belief in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.



# Chapter 7: Sex (including pregnancy and maternity)

## GENERAL POPULATION

### Terminology

In Scotland the terms ‘sex’ and ‘gender’ are often used interchangeably. However, they are distinct concepts and understanding the difference helps in recognising and respecting the diversity of gender identities and experiences beyond the binary male/female classification.

**Sex** – refers to the biological and physiological characteristics that define humans as male, female or intersex.

**Gender** – refers to roles, behaviours, activities and expectations that societies consider appropriate for men, women and other gender identities. Gender roles are a social construct and vary widely over time and between cultures.

This chapter focusses on sex (as defined above). Data references to gender, e.g., gender pay gap, should also be construed as relating to sex. See Chapter 8 for data relating to gender transformation and gender identities.

It is important to recognise that, in Scotland, views on gender identity are diverse, often reflecting different perspectives on societal roles, rights, and the balance between gender identity and biological sex.

As a regulatory organisation, our responsibility is to fulfil our statutory and legal obligations in a way that respects the rights and needs of all individuals, balancing these equitably within our policies. Our goal is to create a framework where everyone, regardless of perspective, feels that their concerns have been heard and considered with respect.

### Some facts and figures

In mid 2023, there were 2,821,149 females (51.4% of the population overall) and 2,668,951 (48.6%) males in Scotland. This is similar UK-wide where approximately 51% of the population is female and 49% is male.<sup>177</sup>

### Sex/gender and health

- Women in Scotland generally live longer than men with a life expectancy of 81.1 years compared to 77.9 years for men.<sup>178</sup>
- The overall percentage of people in Scotland reporting a long-term illness, disease or condition has increased from 18.7% in 2011, to 21.4% in 2022. The increase was more

pronounced for women (23%) compared with men (19.3%)<sup>179</sup> Likewise, women aged 16-64 are more likely to experience anxiety (33%) than men of the same age group (13%).<sup>180</sup>

- In 2021, male death rates for chronic liver disease were nearly two times higher than those for females (23.3 compared to 12.6 per 100,000 population).<sup>181</sup>
- In 2021/22 drug use as recorded in 1.7% (786) of 46,793 maternities in Scotland. The drugs most frequently recorded as being used were cannabis (9.3 per 1,000 maternities), and opiates/opioids (3.2 per 1,000 maternities). However, recorded opiate/opioid use during pregnancy has decreased over time, from 9.7 per 1,000 maternities in 2022/12 to 3.2 per 1,000 in 2021/22.
- In 2021/22, 129 (0.3%) of 47,249 babies born in Scotland were recorded as having been affected by, or having withdrawal symptoms from, maternal use of drugs of addiction.
- The percentage of pregnant women who identified as smokers when attending their first antenatal booking appointment has continued its downward trend during 2021/22. This figure has fallen from 30.7% in 1997/98 to 11.8% in 2021/22.

### Sex/gender and employment

- In July 2022 to June 2023, an estimated 145,000 males and 162,400 females aged 16-64 were **in employment** in Scotland.

#### Employment rates by sex/gender in Scotland:

Employment rate	June 2022 to July 2023	July 2021 to June 2022	July 2018 to June 2019
Males aged 16-64	52.3%	57%	59.3%
Females aged 16-64	59.3%	59.7%	58.9%

- In July 2022 to June 2023, 20,400 males (aged 16 to 64) in Scotland were **unemployed** and 14,300 females.

#### Unemployment rates by sex/gender in Scotland:

Unemployment rates	June 2022 to July 2023	July 2021 to June 2022	July 2018 to June 2019
Males aged 16-64	12.3%	9.4%	10.9%
Females aged 16-64	8.1%	8.2%	8.5%

### Menopause and employment

The impact of menopause on working women is significant and multifaceted: -

A UK-wide study<sup>182</sup> has revealed that: -

- Approximately 63% of menopausal women report that their working lives are negatively affected by menopause symptoms.

- 94% of these women have experienced menopause symptoms while at work<sup>183</sup>
- 90% of workplaces do not have any formal support systems in place for women experiencing menopause.

### **Sex/gender and ‘in-work’ poverty.**

Over one million people in Scotland live in poverty,<sup>184</sup> with almost half (490,000) living in very deep poverty.<sup>185</sup> Just over 10% of people in employment in Scotland are locked in persistent low pay, i.e., are paid below the real Living Wage. Of those trapped in persistent low pay, 72% are women, which highlights the structural discrimination against women in the workplace.

Nearly 75% of people experiencing in-work poverty have someone in their household who works in hospitality, health and social work, retail, admin support and/or manufacturing. In retail, for example, low pay is common and while women comprise just over half the workforce, they make up 60% of the low-paid workforce. In health and social work, women, who dominate those workforces, make up 82% of all low paid workers in those industries.

Women also make up most of the social care workforce.

- As of 2023, around 77% of jobs in the health and social work sector are held by women, 82% of whom are in low paid roles.<sup>186</sup> This trend reflects broader patterns across the UK, where women are significantly overrepresented in caregiving roles, both paid and unpaid.

### **Unpaid Carers<sup>187</sup>**

- Around 59% of unpaid carers in Scotland are women, while men make up the remaining 41%
- The majority (71%) of female unpaid carers work more than 35 hours a week
- 1 in 3 (33%) of female unpaid carers gave up employment to care for someone.
- 29% of female unpaid carers struggle to make ends meet
- 81% of female unpaid carers report that their physical health had suffered because of their caring role
- 81% of female unpaid carers report feeling stressed or anxious and 47% report feeling depressed because of their caring role.

### **Sex/gender and relative poverty**

Recent statistics on women and poverty in Scotland indicate several key trends.

- In 2022-2023, around 24% of women in Scotland were living in relative poverty after housing costs, compared to 20% of men. This gender disparity is particularly acute for women in single-parent households, most of which are headed by women.<sup>188</sup>
- In these households, nearly one-third experience food insecurity, with 31% of single mothers worried about running out of food in the past 12 months due to lack of resources.<sup>189</sup>

Detailed data on poverty rates disaggregated by household types, including men living alone versus those living with families, isn't readily available for Scotland. However, UK-wide reports suggest that single adults, particularly men, are more likely to live in severe poverty compared to those in family settings.

### Sex/gender and Pay

- In 2023, Scotland's overall gender pay gap was reported as 8.6%, marking significant progress from previous years.
- The gap for full-time workers reached its lowest level on record at just 1.7%, largely driven by wage increases in the public sector, where women form most of the workforce. However, part-time workers, who are predominantly women in lower-paid sectors, still face larger disparities, with the gap for part-time roles in the public sector at 18.5%.<sup>190</sup>

**Table 1: Combined, full-time and part-time median and mean gender pay gaps, 2020-2023<sup>191</sup>**

	Median pay gap (%)				Mean pay gap (%)			
	2020	2021	2022	2023	2020	2021	2022	2023
Combined pay gap	10.9	11.5	12.0	8.7	10.4	10.1	10.9	6.3
% change from previous year	-	+0.6	+0.5	-3.3	-	-0.3	+0.8	-4.6
Full-time pay gap	3.0	3.6	3.7	1.7	7.5	6.6	7.9	3.5
% change from previous year	-	+0.6	+0.1	-2.0	-	-0.9	+1.3	-4.4
Part-time pay gap	24.4	32.4	29.2	28.1	29.7	26.9	26.3	22.1
% change from previous year	-	+8.0	-3.2	-1.1	-	-2.8	-0.6	-4.2

As shown above, the combined pay gap now sits at 6.3%, the full-time pay gap at 3.5% and the part-time pay gap at 22.1%.

- Scottish Government has highlighted that the full-time median figure of 1.7% means that Scotland's gender pay gap is '*its lowest on record*'.<sup>192</sup> However, a focus on the full-time figure excludes the 487,600<sup>193</sup> women who work part-time, most of whom are in low-paid, undervalued jobs and represent 38.3% of the female workforce.
  - The headline percentage (1.7%) also does not include young women aged 16 and 17 who, subject to age restrictions applicable to the UK National Living Wage, are legal entitled to £6.40 per hour, just over half of the real living wage for those aged 21 year and older (currently £11.44).<sup>194</sup>
  - Nor does the headline percentage (1.7%) include women who are self-employed, some of whom juggle more than one job as part of the gig economy and, by virtue of

their employment status, denied basic employment rights such as access to sick pay, maternity pay and a right to request flexible working.<sup>195</sup>

- The almost 40% of women who work part-time in Scotland, often in low paid jobs, on casual/insecure contracts also do not fall within the headline figure.<sup>196</sup>
- Equally as important is action required to tackle women's low pay, and the economy-wide undervaluation of 'women's work' such as care, admin, and cleaning. In that sense, relying on the headline figure creates an inaccurate picture of the gender pay gap and hides the persistent and pervasive inequalities women face in the employment market.
- Perhaps the biggest influencer of changes in the pay gap is that women's (mean) hourly wages are increasing faster than men's. The table below shows that women's hourly combined, full-time and part-time wages have increased almost twice as quickly as men's between 2022 and 2023.
- Although women's pay is rising faster than men's, on average men are still earning more than women. Women comprise the majority of low-paid staff and make up 60%<sup>197</sup> of all workers earning below the real living wage.
- Women also make up 55% of employees on zero-hour contracts.<sup>198</sup>

**Table 2: Mean hourly pay by sex/gender, 2022 and 2023<sup>199</sup>**

	Mean (£)		% change
	2022	2023	
Male (overall)	19.28	20.77	+7.7%
Female (overall)	17.16	19.46	+13.4%
Male full-time	19.70	21.20	+7.6%
Female full-time	18.10	20.45	+13%
Male part-time	14.09	15.02	+6.6%
Female part-time	14.52	16.51	+13.7%

Between 2022 and 2023, gender pay gaps narrowed across all sectors, with the public sector showing the most substantial reduction. Likewise, the third sector has also seen a narrowing of combined and part-time pay gaps, which to an extent explains the overall narrowing of the gender pay gap, as women make up most of the staff in the third sector.

**Table 3: Gender pay gaps in the public, private and third sector**

	Combined gender pay gap		Full-time gender pay gap		Part-time gender pay gap	
	2022	2023	2022	2023	2022	2023
Public	12.5%	4.7%	9.5%	1.7%	27.3%	18.5%
Private	15.9%	15.4%	11.5%	12.5%	32.5%	31.7%
Third sector	17.7%	11.5%	17.2%	10.1%	26.1%	24.5%

## **Sex/Gender and homelessness**

In May 2024, the Scottish Government declared a national housing emergency due to increased pressure on housing supply and high rates of homelessness.<sup>200</sup> Housing for women in Scotland faces unique challenges, with many women experiencing higher rates of housing insecurity, financial strain, and barriers to ownership compared to men.

A recent, joint report by Shelter Scotland and Engender<sup>201</sup> emphasises the need for affordable, private rented and social housing in Scotland, particularly for women and those with children.

- Around 30% of Scottish households with a female head of household are in the social rented sector, compared to 17% of households with a male head of housing.
- In 2023/24, there were 14,150 households assessed as homeless or threatened with homelessness where the lead applicant was female.
- Women who experience homelessness are more likely to have children in their care than men experiencing homelessness.
- In 2023/24, 75% (5,390) of single parent households assessed as homeless were headed by women.
- Women with No Recourse to Public Funds (NRPF) are unable to access housing support provided by local authorities and are therefore not counted in the statistics.<sup>202</sup>
- Domestic abuse is the leading cause of women presenting as homeless in Scotland.

## **Sex/Gender and housing wealth.**

In recent years, housing wealth<sup>203</sup> in Scotland has increased more quickly than people's incomes.

Older and wealthier individuals hold most of the housing wealth, enjoying benefits like extra security and income from renting out additional properties. On the other hand, people with lower incomes, including women and younger people, are less likely to own property and miss out on these benefits.

Various studies have shown<sup>204</sup> that men and women experience different effects on their housing wealth after divorce or when a household breaks up. Whilst having housing wealth can provide a short-term financial 'safety net' for couples following divorce or household break up, divorcees with children (predominantly women) are more likely to experience adverse effects on their housing wealth in the long-term. By contrast, men are more likely<sup>205</sup> to find new partners after a divorce which helps them recover quickly from its financial impact, especially in situations where owning a home requires two incomes.

Across the UK, women divorcees experience an average decline in income of 33% compared with 18% for men.<sup>206</sup> Factors contributing to the difference include the gender pay gap, career interruptions due to caregiving and how the marital assets are divided. Women retire with an average pension savings of £69,000 compared to £205,000 for men.



Notable for its absence, are data relating to female land ownership in Scotland. No mention of gender-based land ownership inequality is made in Scottish Land Commission's Strategic Plan 2023-26<sup>207</sup> (not even in the section headed, 'Power') nor is there any reference to the issue in the vision or mission statements of Women in Agriculture Scotland.<sup>208</sup>

### Sex/gender and criminal law

Crime and gender in Scotland reveal distinct patterns, with men more frequently involved in violent offenses and higher reoffending rates, while women are more often linked to non-violent crimes and face different social and economic challenges.

- Men are more likely to be convicted of violent crimes, sexual offense, and property crimes than women.<sup>209</sup>
- Women are more likely to be convicted of non-violent offenses such as theft (shoplifting), fraud, and drug-related crimes. Fewer than 1 in 5 violent crimes are committed by women.
- Women are less likely to be given a custodial sentence than men and more likely to be issued with another sentence (admonishments)
- Women receive shorter sentences than men.
- Most domestic abuse incidents involve a man accused. Around 1 in 6 accused are women.
- The reoffending rate for men in 2021-22 was 27.9% and for women, 24.7%<sup>210</sup>

Women face several inequalities<sup>211</sup> that can contribute to their involvement in criminal activity. For example:

- **Economic disadvantage** – women earn less than men and are more likely to live in poverty, which can lead to financial desperation and criminal activity.
- **Domestic abuse** – women who commit crimes have histories of domestic abuse. Criminal activity is often viewed as a means of escape or survival for women.
- **Mental health issues** – women are more likely to experience mental ill-health, which can be exacerbated by social and economic pressures (rising cost of living, homelessness, relationship break up/divorce)
- **Substance abuse** – the evidence suggests that women turn to drugs or alcohol as a way of coping with social and economic pressures, particularly where they are solely responsible for the care of children.
- **Lack of support systems** – women often have fewer support systems in place, making it harder for them to find legal and safe ways to address the pressures on them.

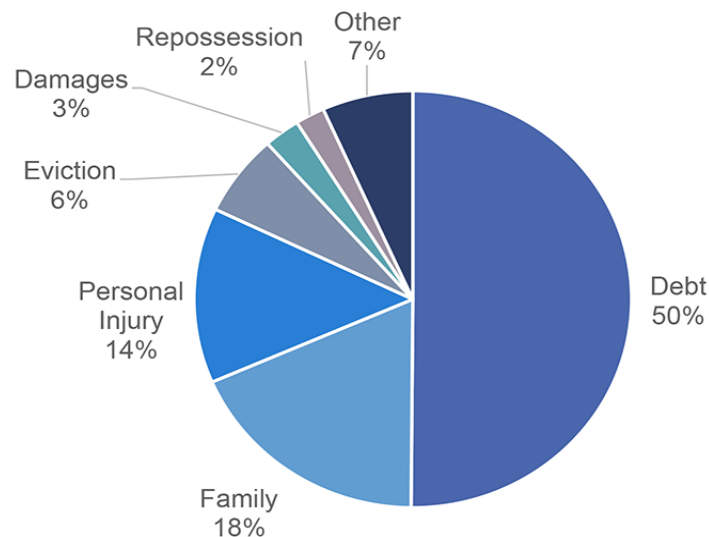
### Sex/gender and civil law

The Scottish Crime and Justice Survey 2021-22<sup>212</sup> estimates that around three in 10 adults (28%) experienced civil law problems in the three years prior to interview with main problem areas being:

- Home or family arrangements
- Money, finances or anything paid for
- Unfair treatment
- Health and well-being



Debt cases were the most common problem at civil courts in 2022-23.



Women are more likely to be in debt than men, in Scotland <sup>213</sup> in part, because they earn less than men (being in low-paid and part-time work), have lower levels of savings and wealth than men and are more likely to be caregivers.

Divorce and dissolution made up 75% of family cases initiated in 2022-23, however, the number of divorces has been slowly decreasing from 13,365 in 1985 to 7,744 in 2022.

## Intersex

No specific detailed Scottish-based public survey report on intersex individuals currently exists. Intersex people often go unrecorded in official statistics so, much of the available data in the UK comes from estimates as many intersex variations are not immediately identified at birth and there is limited systematic data collection on intersex conditions.

However, based on broader estimates used in various studies and by organisations like the United Nations and the Intersex Society of North America (ISNA), it's often estimated that between 0.05% to 1.7%<sup>214</sup> of the global population is intersex. Applying these broad figures to Scotland's population (about 5.4 million people), this would suggest that the number of intersex people could range from around 2,700 to 91,800.

Some researchers use narrower definitions of intersex, focusing on conditions that involve ambiguous genitalia or differences in reproductive anatomy that are typically identified at birth. These estimates range from 0.05% to 0.1% of the population. Applied to the population in Scotland, there could be between 2,700 and 5,400 intersex people.

## LEGAL PROFESSION

In 2023, the gender balance within the Scottish legal profession continues to evolve, with women now comprising 57% of solicitors compared with 43% men. However, significant gender disparities persist, particularly in leadership roles, with women underrepresented in senior positions and still facing a gender pay gap. Moreover, women continue to experience bias, prejudice and discrimination all of which impact their ability to thrive within the profession.

### Leadership Roles

In private practice: -

- 23% of men are equity partners compared with 8% of women.
- 12% of women are in assistant, senior solicitor, solicitor or equivalent roles compared with 9% of men
- 9% of women are in associate roles vs, 5% of men
- 5% of women are Accredited Paralegals compared with 0.4% men
- 13% of women are in solicitor team member or equivalent roles, e.g., business support, compared with 7% of men.

For solicitors who have recently qualified, there is less of a gender disparity, however this widens among those who have been qualified for longer.<sup>215</sup>

	6 to 10 years' qualified	11 to 20 years' qualified	21 to 30 years' qualified	31+ years' qualified
Male equity partners	5%	22%	32%	37%
Female equity partners	3%	10%	18%	16%

### Practice areas and sex/gender

In Scotland, women solicitors are more likely to practice in areas such as family law, personal injury, and criminal defence. Men, on the other hand, are more commonly found in corporate and commercial law. These patterns are similar to those seen in England and Wales, where women are often overrepresented in personal client areas such as family law and wills, trusts, and probate, while men dominate corporate and commercial sectors.

### Educational background and sex/gender<sup>216</sup>

- Women in the profession are more likely (66%) to have attended a non-selective state school than men (55%).
- Men are more likely (22%) than women (14%) to have attended a fee-paying school with bursary. For those aged 35 or under, the proportions are similar for men (19%) and women (18%) however, the gap widens among the 56 and over aged group with 38% of men and 21% of women having attended a fee-paying school.

- Across all age categories, ‘state run school’ was the main school type for both men and women.

### **Career aspiration, progression and sex/gender**

The gender distribution within the Scottish legal profession is imbalanced. The route to qualification is largely female whereas the higher end is predominantly male.

- In 2022/23, approximately 69% of trainee solicitors in Scotland were women, while 29% were male.<sup>217</sup> However, women comprise fewer than 40% of Partners and fewer than 35% of Advocates.<sup>218</sup>
- A similar pattern exists in England and Wales. As entrants to the profession in England and Wales, women make up 53%, while 47% are male. However, just over a third (32%) of women are full-equity partners; 47% are salaried partners and 62% are solicitors.<sup>219</sup>
- In Scotland, men in the profession are more likely (21%) than women (13%) to see achieving partner status as very important. By contrast, women are more likely (32%) to see partnership as not at all important compared with men (27%).
- When considering the level of transparency of partnership criteria, there has been a slight increase between 2018 (29%) and 2023 (32%) in the number of women in who believe that partnership criteria is transparent.
- Men are more likely (22%) than women (12%) to aspire to retire in the next five years whereas women are more likely (50%) than men (38%) to aim for an improved work-life balance, an increased salary (45% v 33%) and promotion as well as upskilling (30% v 21%).

### **Working patterns and sex/gender**

- Men are more likely to work full-time hours (82%) compared with women (68%).
- It follows, that women are more likely (17%) than men (3%) to work part-time hours, i.e., 22 to 29 hours per week.
- Women are also more likely (78%) than men (58%) to know what their contracted hours were, whereas men (29%) were more likely than women (12%) to say they did not have contracted hours.
- Just over a third of women (33%) aged 36 to 55 rely on flexi-time in order to work in the profession.
- One in 10 women aged 36 to 55 and the same proportion of men over the age of 56 anticipate requesting a change in their contracted hours for reasons related to caring responsibilities (women 35%, men 31%); phased retirement (men 28%, women 5%) and work-life balance (women 22%, men 21%) which suggests that achieving a better work-life balance is a key issue for a significant proportion of the profession.

- Since the Covid pandemic more men and women in the profession (39%) are working remotely, hybrid working and working flexibly than pre-pandemic. Over a third (37%) strongly agree that the ability to work remotely more important to them now than was the case, pre-pandemic.
- 33% strongly agree that work-life balance is more important to them post-pandemic than was the case, pre-pandemic with even more (41%) agreeing that they are just as committed to their career now as they were pre-pandemic.

### Leaving the profession and sex/gender

- Similar proportions of men (37%) and women (36%) trainees have considered leaving the profession
- 59% of women qualified for 11 to 20 years have considered leaving the profession compared with 40% of men. Notably, a significant proportion of women qualified for 6 to 20 years are in the 36 to 45 age bracket and therefore more likely to have dependents.
- Men are more likely (64%) than women (34%) to consider leaving due to disillusionment with working within the law or because they desire a career change.
- Women are more likely (18%) than men (14%) to identify lack of opportunity to progress within the profession as a key factor in considering whether to leave.

### Sex/Gender and pay

Whilst there is no salary differential by sex/gender among trainee solicitors, the pay gap is greater for those who have worked in the profession longer.

The number of women solicitors earning £60k or less per annum (excluding bonuses) is higher than that of men, regardless of length of time in the profession. For example, 82% of women who qualified five or fewer years ago earn less than 60k, compared with 75% of men. Of those who qualified 31 or more years ago, 42% of women earn less than 60k compared with 27% of men.

The same pattern exists for higher earning solicitors. Among those earning £100k or over, the proportion of men consistently outweighs that of women.

Full time or full-time equivalent salary by sex/gender based on years of qualification<sup>220</sup>

	Earnings pa (excluding bonuses)	Qualified 6 to 10 years ago	Qualified 11 to 20 years ago	Qualified 21 to 30 years ago	Qualified 31+ years ago
Men	£60K or less	38%	28%	20%	27%
Women	£60K or less	61%	47%	38%	42%
Men	£60K-£100K	48%	36%	28%	23%
Women	£60K-£100K	29%	36%	36%	28%
Men	£100K+	13%	31%	44%	33%
Women	£100K+	6%	15%	22%	18%

- Women solicitors tend to have much lower expectations compared with men when it comes to receiving bonuses. For example, 54% of women compared with 17% of men expect a bonus of £3,000 or less. By contrast, 20% of men compared with just 7% of women expect a bonus exceeding £20,000.
- Exploring bonus expectations linked to salary, men at every salary level, apart from £150,000+ expect a higher level of bonus than women on the equivalent salary.
- Between 2018 and 2023, the profession has seen an increase in the median gender pay gap<sup>221</sup> (23% and 27% respectively).
- Among qualified solicitors the median gender pay gap in 2023 was also 27%.
- A significant gender gap also exists when considering average earnings. Women solicitors earn on average, £62,131.35 pa compared with £87,617.19 pa for men, resulting in a pay gap of 22%.
- The largest gap is found among solicitors who qualified 21-30 years ago, with women earning 77% of what men earn; a pay gap of 23%. By contrast, the gap is narrower for those who qualified in the last 5 years, with women earning 94% of what men earn, resulting in a pay gap of 6%.
- The position held/role also has a bearing on pay gaps, with women Senior Associates earning 84% of what men earn; a pay gap of 16%

### **Sex/gender and workplace discrimination<sup>222</sup>**

- 8% of respondents to the Law Society of Scotland's Profile of the Profession 2023 reported having personally experienced discrimination in the workplace
- 10% reported having witnessed discrimination

Both findings above show a significant improvement in levels of discrimination in legal workplaces compared with 2018, when 20% had personally experienced discrimination and 20% had witnessed discrimination.

- In 2023, gender/sex-related discrimination was the most common form of discrimination personally experienced by members of the profession (50%). Discrimination personally experienced due to age (27%) working patterns (17%); pregnancy, parental or adoption leave (13%); being a parent or caregiver (13%) were also significant, not least as such discrimination may also involve sex discrimination due to the higher proportion of women working part-time hours, requiring flexible working patterns and those who are absent for reasons relating to pregnancy and maternity.

- Gender/sex-related discrimination was also the most common form of discrimination witnessed in the workplace (50%)
- Almost half (48%) of women in the profession<sup>223</sup> aged under 55 reported having personally experienced microaggressions in the workplace, of whom:
  - 84% experienced 'verbal slights, snubs or insults due to a personal characteristic'
  - 38% experienced non-verbal slights, snubs or insults due to a personal characteristic
- 21% of young women solicitors and 20% of women aged 56 and over reported having personally experienced bullying or harassment in the workplace

### **Sexual harassment**

- Women are more likely (6%) to have experienced sexual harassment compared with men (1%) and the experience rises to 10% among women aged up to 35.
- The most common forms of sexual harassment personally experienced in the workplace include:
  - Sexist comments including inappropriate humour or jokes about sex or gender (68% for those who have experienced sexual harassment)
  - Sexual or sexually suggestive comments, remarks or sounds (61%)
  - Being looked at in an inappropriate manner which made the individual feel uncomfortable (47%)
  - Inappropriate physical contact, e.g., patting, pinching, brushing up against the body and any inappropriate contact (41%)
- The types of sexual harassment witnessed in the workplace include: -
  - Sexist comments including inappropriate humour or jokes about sex or gender (70% for those who witnessed it)
  - Sexual or sexually suggestive comments, remarks or sound (61%)
  - Being looked at in an inappropriate manner which made the individual feel uncomfortable (45%)
  - Inappropriate physical contact, e.g., patting, pinching, brushing up against the body and any inappropriate contact (37%)
- Over a third (35%) of those who had experienced or witnessed discrimination, microaggressions, bullying, harassment or sexual harassment reported that none of the reported incidents had been dealt with appropriately.
- Only 8% reported that all incidents reported had been dealt with appropriately with women aged up to 35 less likely (14%) than the norm to feel that all or most incidents had been dealt with appropriately



- Just over 1 in 5 women (22%) aged up to 35 believe discrimination is ‘systemic in the legal profession’.
- Two thirds (65%) of women aged up to 55 believe microaggressions are ‘systemic in the legal profession’.
- A quarter (25%) of women aged up to 35 believe bullying and harassment are ‘systemic in the legal profession’.
- Just over 1 in 10 (11%) women aged up to 35 believe sexual harassment is ‘systemic in the legal profession’.

## LEGAL SERVICE USERS AND COMPLAINTS

Among adults in Scotland, women are more likely than men to trust lawyers (64% vs 55%).

Between 2022 and 2024, more men (47.6%) than women (37.7%) complained to SLCC about legal services which is consistent with the proportion of men (46.0%) and women (37.4%) complainants in 2021-22.<sup>224</sup>

When it comes to accessing legal services, **Women** may face several barriers or issues including:

- **Financial barriers** – legal aid cuts and high legal costs can make it difficult for women, particularly those who are young, recently separated or divorced, unemployed, on low incomes, disabled, homeless, substance dependent, older women or those experiencing mental health issues. Black, Asian or minority ethnic women experiencing one or more of these situations are likely to face additional (intersectional) barriers or issues when accessing legal services.
- **Lack of awareness** – among women in vulnerable situations of their legal rights or the availability of legal aid and/or support services available within their local communities. Likewise, a lack of awareness around women-specific legal rights and the availability of women-specific services.
- **Financial issues** - legal aid cuts and high legal costs can present difficulties, particularly for women:
  - on low-incomes and those going through separation or divorce
  - refugees or asylum seekers (particularly those with no recourse to public funds)
  - Black, Asian and minority ethnic women who have lower employment rates compared to white women and who, due to the ethnicity pay gap, often earn less than their white colleagues. Black, Asian and minority ethnic women are more likely to be in insecure, part-time and low paid jobs all of which creates financial uncertainty and instability. The unpredictability of income can make it harder for Black, Asian and minority ethnic women to access credit, secure mortgages, or enter into tenancy agreements.<sup>225</sup>



- who are caregivers for children or family members may have limited financial resources to access legal services
  - who are disabled and fall within the 395,900 disabled people who are economically inactive.<sup>226</sup>
  - who are victims of economic abuse from a current or former partner<sup>227</sup>
- **Male violence or abuse (or the threat of violence or abuse)** – including threats, abuse or violence directed at women by strangers and, domestic violence/abuse involving a current or former partner are likely to adversely affect women’s ability to access legal services. Difficulties may include:
- fear of retaliation
  - financial dependence on the perpetrator
  - emotional and/or psychological trauma leading to helplessness, shame, low self-esteem all of which can deter women from seeking help.
  - isolation – abusers often isolate women from friends, family and support networks, making it harder for women to reach out.
  - complexity of the legal system – women experiencing male violence or abuse may find the legal system difficult to navigate, intimidating or perhaps fear being judged because of their situation.
- **Geographical issues** – access to legal services for women, particularly older women, living in rural or remote areas, who rely heavily on public transport.
- **Health and wellbeing** – disabled women and those with mental health issues, substance use issues or who are facing one or more of the situations listed above, may find it more challenging to navigate the legal system and access the support they need without assistance from family members, friends or neighbours.

## Men

The needs and issues faced by men, particularly those in vulnerable groups, can impact their ability to access legal services.

For example:

- **Stigma and stereotypes** – men may feel societal pressure to appear strong and self-reliant, which can deter them from seeking legal help promptly or at all.
- **Financial** – legal aid cuts and high legal costs can make it harder for men, especially those on lower incomes, to afford legal advice and representation.
- **Lack of awareness among men of their legal rights** - or the availability of legal aid or other support services.

- **Digital divide** – the increasing digitisation of legal services can create barriers for me who lack regular and reliable internet access, digital skills or confidence, particularly men in older age groups.

## Intersex people

Intersex people face a variety of challenges that affect different aspects of their lives and impact their ability to access legal services. These challenges often stem from a lack of awareness, stigma, and insufficient legal protections.

For example:

- Non-consensual surgeries - designed to 'normalise' their genitalia to fit male or female 'standards'.
- Lack of informed consent among parents who are encouraged to authorise surgeries for their intersex children.
- Stigma and social exclusion due to a lack of awareness, ignorance or misunderstanding of what intersex means, leading to confusion or misconceptions about their identities.
- Pressure to conform socially to binary norms
- Isolation, particularly from other intersex people
- Bullying and discrimination due to physical appearance or perceived gender nonconformity.
- Lack of recognition in the UK of intersex as a separate legal category (the Equality Act 2010 offers limited recognition) which means intersex people must often choose between male and female on official documents. By contrast, Germany recognises a separate 'indeterminate' category on official documents and Australia allows an opt-in 'X' marker on passports.

## Other issues affecting access to legal services for men, women and intersex people.

### Bias, prejudice, microaggression

Bias, prejudice and microaggression among legal services providers in response to the lived experience of women, men or intersex people experiencing challenging situations or circumstances can create barriers for them when accessing legal services.

In addition, legal services providers could do more to address systemic issues that create and perpetuate inequitable access to legal services.

## IMPLICATIONS FOR THE SLCC

### Some of the implications the SLCC to consider relevant to its specific functions are:

- Considering employment practices and pay and assessing differentials, and/or different needs, in terms of gender.

- Reflecting on our support for colleagues with menopause and dysmennorhea issues and our training for managers.
- Identifying if more needs done to remove barriers to making complaints about discrimination or harassment where the alleged perpetrator is a lawyer (whether in an employment context or their role as a service provider).
- Recognising that depending on circumstances, complainers may wish to have a preference to the gender of who they communicate with.
- Recognising that as the predominant care-givers, females may take longer to meet deadlines etc. as they balance work / and care giving responsibilities.
- Doing more around messages to reach women who are going through divorce/separation and messages around legal rights and if they are not happy about their lawyers they know how to complain. This could be done through Facebook groups and work with other organisations to get the message out. This could be the same for all other audiences/ hard to reach groups.
- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues.

#### **Some wider issues to consider include:**

- Considering how we encourage women who are seeking divorce or separation, that they will be supported if they are open about any domestic violence, as their lawyers can do more for them and any children in the meantime, if they are made aware of the issues
- Noting there is evidence Men can be treated unequally (compared to women) in relation to certain aspects of criminal law (particularly sentencing, as mentioned above) and family law (particularly in relation to custody of/access to their children). As touched on under Intersectionality above, is there a role for the SLCC in acknowledging this in a way which would grow trust in the complaint-handling process and the legal profession more widely?
- Considering whether data from our complaints system can assist others in the legal system identify and tackle issues, or consider changes to standards, policy or practice.
- Considering where there may be gaps in our understanding of sex in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.

# Chapter 8: Sexual Orientation & Gender Transformation

## GENERAL POPULATION

### Sexual Orientation

#### Definitions

Understanding the differences between the terms, sexual orientation, transgender (including non-binary) and gender identity is important.

**Sexual Orientation** refers to who a person is attracted to romantically, emotionally and/or sexually. Common sexual orientations include an attraction to the opposite sex (heterosexual or straight), the same sex (gay or lesbian), attraction to males and females (bisexual) and those who experience little to no sexual attraction to others (asexual).

**Gender Identity** is about how individuals perceive themselves and their internal sense of who they are. Some common (non-exhaustive) examples include, non-binary, queer, genderfluid, agender, bigender, gender non-conforming and pangender.

- **Non-binary** - a term used to describe a gender identity that doesn't fit within the traditional categories of male or female. Non-binary individuals may identify as both genders, neither gender nor something entirely different.

**Transgender** is an umbrella term for people whose gender identity or expression differs from the traditional expectations and roles associated with their biological sex at birth. For example, a transman is an individual who identifies and lives as a man, despite being expected to identify as a woman based on societal norms related to their biological characteristics at birth. Likewise, a transwoman is an individual who identifies as a woman, despite being expected to identify as a man based on societal norms related to their biological characteristics at birth.

#### Some facts and figures about sexual orientation in Scotland

In 2022, for the first time, the Scotland Census<sup>228</sup> included a question on sexual orientation. The question was 'Which of the following describes your sexual orientation?' and the categories were:

- Straight/Heterosexual
- Gay or Lesbian
- Bisexual
- Other sexual orientation – those who chose this category were asked to describe their sexual orientation.

## LGB+ population – Scotland 2022

Categories	Totals
Straight/heterosexual	3,993,860
Gay or Lesbian	80,111
Bisexual	80,258
Other sexual orientation	23,503

The ‘other sexual orientation’ category comprised different groups of people, 35.6% of whom did not specify their sexual orientation. However, the most common sexual orientations identified were ‘pansexual’, ‘asexual’ and ‘queer’ which combined, account for over half (57.1%) of people in this category.

Most of Scotland’s population (87.8%) identified as straight/heterosexual.

Four percent (4%) identified as lesbian, gay, bisexual or ‘other sexual orientation’ (LGB+)

Age makes a significant difference to the way in which people answer questions about their own sexual orientation. The data shows that younger generations are more likely to identify their sexual orientation as other than straight. This suggests that younger people feel more comfortable coming out as LGB+ than do people from older age groups.

## Population of LGB+ people by age - Scotland

Categories	Age group	Totals <sup>229</sup>
Lesbian or Gay	16-34	41,399
	35-64	34,955
	65+	3,757
	<b>Total</b>	<b>80,111</b>
Bisexual	16-34	63,117
	35-64	15,858
	65+	1,283
	<b>Total</b>	<b>80,258</b>
Other sexual orientation	16-34	16,371
	35-64	6,490
	65+	639
	<b>Total</b>	<b>23,500</b>

Overall, 16 to 24-year-olds in Scotland were more likely to identify as LGB+ than those aged 65+. More 16–24-year-olds identified as bisexual compared with those who identified as lesbian, gay or ‘other sexual orientation’. Whereas among the 65+ age group, almost twice as many identified as lesbian or gay than identified as bisexual or ‘other sexual orientation’.

The available data also suggests a correlation between biological sex and how people identify their sexual orientation. In 2022, more males than females in Scotland identified as gay or lesbian.

However, the number of females identifying as bisexual was more than double the number of males. There were also more females than males who identified as 'other sexual orientation'. Number of people who identified as LGB+ by sex, 2022<sup>230</sup>

Categories	Males	Females
Gay or lesbian	46,290	33,820
Bisexual	21,990	58,260
Other sexual orientation	8,240	15,260

The Scotland Census 2022 does not reveal data on the sexual orientation of people who identify as non-binary or trans (or those with trans status or history). See Section 2: Transgender and non-binary.

### Sexual orientation and the workplace

LGB communities are diverse and groups of LGB people experience different types and levels of prejudice, discrimination and disadvantage at work, depending on aspects of their sexual orientation, gender identity and intersectional identities. For example, bisexual people often feel significantly less able to be open about their sexuality at work compared with lesbian and gay people.

Disabled LGB people face multiple discrimination and generally, greater levels of prejudice, discrimination and disadvantage compared with non-disabled LGB people. Likewise, LGB people from Black, Asian and minoritised ethnic backgrounds and LGB people with religious/cultural beliefs are more likely than non-religious and/or white LGB people to experience greater levels of prejudice, discrimination and disadvantage.

Recent data on the experiences of lesbian, gay and bisexual people in Scotland's workplaces is unavailable. However, in 2015, the Scottish LGBT Equality Report <sup>231</sup> revealed that: -

- More than half of LGBT respondents (52%) 'never' or only 'sometimes' feel able to be open about their sexual orientation or gender identity with their own family.
- More than six out of ten LGBT respondents 'never' or only 'sometimes' feel able to be open about their sexual orientation or gender identity at work (60%) or when accessing services (71%).
- LGBT respondents said they fear negative reactions, different treatment and discrimination if they do come out.

A more recent UK-wide study <sup>232</sup> provides some limited insight into the experiences of LGB peoples' experiences at work in Scotland.

- Only six in 10 (59%) of respondents are out at work with one or some of their colleagues, excluding or including their manager.
- Three in 10 (29%) are open with no-one at work about their sexual orientation

- Two in five (38%) are open with everyone at work.

Of those who are open with some people at work, including or excluding their manager:

- 14% (seven in 50) are open with some people, excluding their manager; and
- 16% (four in 25) are open with some people, including their manager

The evidence would suggest that ongoing work is required by employers to build more inclusive workplaces where LGB people feel able to be open about their sexual orientation without fear of prejudice, discrimination or disadvantage.

The study <sup>233</sup> also showed that over half (52%) of respondents had experienced at least one form of bullying, harassment or discrimination linked to their sexual orientation or gender identity at work in the last 5 years.

The most highly reported bullying and/or harassment experiences included:

- Hearing, or being exposed to 'offensive jokes or banter about LGBT+ people' (37%)
- Homophobic or transphobic remarks directed at them or made in their presence (28%)
- Verbal abuse, including name calling (19%)
- Being subjected to humiliating or offensive questioning about being LGBT+ (16%)
- Using stereotypes about LGBT+ people (16%)
- Use or distribution of offensive literature, music or images about LGBT+ people in the workplace (14%)
- Witnessing the verbal or physical abuse of LGBT+ people at work (8%)
- Deadnaming (deliberate use of a former name) or use of incorrect pronouns (35%)
- Sexual orientation related physical violence (5%)
- Exclusion from work-related meetings, conversations or social events (because of their sexual orientation) (3%)

## **LGB+ Poverty**

Scottish Government data 2020-23<sup>234</sup> shows the poverty rate remains consistently higher for LGB+ adults compared to straight / heterosexual adults. 27% of adults who identify as lesbian, gay, bisexual, or other than straight/heterosexual were in poverty in Scotland in 2023. This compares to 20% of heterosexual adults and 17% of adults who did not disclose their sexual orientation.

Bisexual females are more likely to have experienced food insecurity than other LGB+ groups. In a national health needs assessment of 2,358 LGBT people, 18% of bisexual females experienced concerns about running out of food due to lack of money or other resources in the previous 12 months, compared with 13% of bisexual males, gay males and lesbian females. <sup>235</sup>



## **LGB+ Safety and Wellbeing**

In 2022, the Scottish Government reaffirmed its commitment to introduce legislation banning conversion practices the aim of which is to protect people at risk, deter those who undertake conversion practices and punish those who commit harmful conversion practices.<sup>236</sup>

Conversion Practices (alternatively referred to as ‘conversion therapy’, ‘sexual orientation and gender identity change efforts’, ‘reparative therapy’ or ‘gay cure therapy’) include ‘any treatment, practice or effort that aims to change, suppress and/or eliminate a person’s sexual orientation, gender identity and/or gender expression’.<sup>237</sup> Common forms of conversion practices include the use of talk-therapy, counselling and certain faith-based practices. It can extend to physical abuse, forced marriage and coercive behaviour over an extended period.

- The UK Government’s 2017 National LGBT Survey 2017, which included responses from Scotland, found that 2.4% of the 108,000 LGBTI respondents had undergone conversion practices.<sup>238</sup>
- There is limited evidence to suggest that conversion practices are widespread within NHS Scotland, however, the national survey<sup>239</sup> indicated that 19% of those who had undergone conversion therapy reported it was conducted by a healthcare professional.
- LGBT people from minority ethnic groups are more than twice as likely to be offered or to have undergone conversion therapy than white people.<sup>240</sup>

**Mental Health** issues are prevalent among LGB people in Scotland. A report by NHS Greater Glasgow and Clyde found that more than half (54%) of respondents reported mental health problems including depression, anxiety and stress.<sup>241</sup>

- Only one in four (25%) rated their general mental and emotional wellbeing positively.
- Only 59% overall rated their general health positively. Gay men and lesbians were the most likely to rate their health positively.
- A third (33%) had a long-term condition or illness that substantially interferes with their day-to-day activities (i.e., a condition which would amount to a disability under the Equality Act 2010)

## **Sexual orientation aggravated hate crime**

Sexual orientation hate crime is the second most reported type of hate crime in Scotland. In 2023-24 there were 1,818 charges reported with an aggravation of sexual orientation. This represents, 5.7% fewer than the previous year<sup>242</sup> but is still 12% higher than the number in 2020-21. Court proceedings were commenced in respect of 81% of charges reported in 2023-24.

A third (34%) of Black, Asian and Minority Ethnic LGBT people experienced a hate crime or incident during 2021, compared to one in five white LGBT people.<sup>243</sup>

## Sexual orientation and ethnicity.

In Scotland, LGB+ individuals from minority ethnic groups often face additional challenges including, for example:

- Intersectional discrimination – experiences of homophobia within ethnic/cultural communities and racism within the LGB+ community.<sup>244</sup>
- Health inequalities – intersectional discrimination can lead to significant health disparities for LGB+ minority ethnic groups. Barriers to accessing culturally competent healthcare has led to poorer health outcomes.<sup>245</sup>
- Economic disadvantages – discrimination in the workplace can be compounded for LGB+ minority ethnic groups, leading to higher rates of unemployment and underemployment.<sup>246</sup>
- Social isolation – the combined effects of racism and homophobia can lead to social isolation.<sup>247</sup>
- Policy and advocacy – there is growing recognition of the need for intersectional approaches to policymaking in Scotland.

## Gender transformation and gender non-binary

In 2022, 19,990 people in Scotland identified as trans or had a trans history. Almost half of transpeople (45.2% or 9,030 people) identify as non-binary.

Number of people who identify as trans, non-binary or had a trans history (specified and unspecified)

Trans man	3,310
Trans woman	3,090
Non-binary	9,033
Trans status or history: not otherwise specified	3,110
Other trans status or history	1,450

## Age

Scotland's trans population is young with almost half (46.1% or 9,207 trans people) falling into the 16-24 age group. Around a quarter (26% or 5,208 trans people) are aged 25-34. The percentage of trans people decreases in older age groups.

## Location

Trans people tend to live in and around Scotland's 'City' council areas. Dundee has the highest percentage (0.91%) of trans people aged 16 and over relative to its population, followed by the City of Edinburgh and Glasgow City (both 0.77%) and Aberdeen City (0.58%). This is perhaps unsurprising, given the four City council areas have large student populations and relatively high numbers of young people.

The 'other trans status or category' includes a range of gender identities – the most common being genderfluid, agender and queer.

In a 2024 study undertaken by LGBT Youth Scotland <sup>248</sup> :-

- Only 1 in 3 trans people reported that there were enough public places for them to socialise, with almost 4 out of 5 non-binary people (78%) reporting that they avoid public spaces and opportunities such as education, retail spaces or social clubs due to a fear of discrimination.<sup>249</sup>
- Over half (55%) of trans participants reported feeling lonely 'all or most of the time' compared with a third (33%) of participants who are not trans.
- On public transport, 67% of trans women, 63% of non-binary people and 60% of trans men have experienced transphobia.
- 99% of trans participants in the study reported experiencing transphobia when using social media
- 93% reported that their experiences of transphobia from strangers on the street had been affected by transphobia in the media.
- 85% reported being treated differently by their family due to transphobic content in the media, 81% said this was true of their colleagues, and 70% for friends.

LGBT Youth Scotland's Health Report 2023<sup>250</sup> revealed that:

- 70% of trans participants had encountered transphobia when accessing health services.
- Just over half (56%) of trans participants felt comfortable coming out to their doctor.
- 94% of trans participants reported having experienced mental health conditions or related behaviours with anxiety (81%), suicidal thoughts/actions (66%) and depression (62%) the most reported conditions.

### Trans, non-binary and health services

Percentage of participants who feel supported and respected in terms of their sexual orientation/gender identity within healthcare services<sup>251</sup>

	A&E	Mental Health Services	Sexual health services	GP	Gender identity clinic
<b>Trans</b>	<b>62%</b>	<b>45%</b>	<b>57%</b>	<b>58%</b>	<b>63%</b>
<b>Not trans</b>	<b>90%</b>	<b>69%</b>	<b>84%</b>	<b>83%</b>	<b>-</b>

### Trans and non-binary poverty

Levels of food insecurity are particularly high among trans and non-binary people. In a national health needs assessment of 2,358 LGBT people, 30% of trans men (which the survey refers to as 'trans masculine'), 27% of non-binary people and 19% of trans women reported being worried about running out of food because of a lack of money or other resources in the previous 12 months. This is higher than the average for all LGBT respondents in the sample (18%).<sup>252</sup>

## Trans and non-binary people in employment

The employment rate for trans and non-binary people in Scotland is notably lower compared to the general population. According to a recent report,<sup>253</sup> 38% of trans and non-binary individuals are currently unemployed, and 26% have not had a job in the last five years. These figures suggest there are significant barriers to employment, including discrimination within employers' recruitment procedures and/or a lack of supportive workplace environments.

## Trans and non-binary people: housing/homelessness.

Trans and non-binary people in Scotland face several housing challenges. According to a recent report<sup>254</sup> trans and non-binary people experience discrimination from landlords and neighbours which makes finding and maintaining housing difficult. A significant number of those surveyed had experienced homelessness at some point, often due to family rejection or discrimination in housing services. Safety is a major issue, with many trans and non-binary people feeling unsafe in their neighbourhoods.

- 15% had experienced problems obtaining housing, or staying in housing, due to being trans or non-binary
- 47% worried a little or a lot about their next rent or mortgage payment
- 23% had been homeless
- 35% of those felt that their trans status, history or gender identity had ever contributed to them being homeless, 11% were unsure, and 55% felt it had not contributed.

## Trans, non-binary and ethnicity

Data on trans and non-binary people from minority ethnic backgrounds in Scotland isn't readily available. However, a recent survey of 571 trans and non-binary people living in Scotland revealed that 91% were white, of whom:

	Trans and non-binary	Percentage of general population
White Scottish	57%	78%
British/English/Northern Irish/Welsh	19%	9%
White Irish	4%	1%
Another White ethnic group	11%	5%

Ten percent of respondents were Asian; African, Caribbean or Black; from mixed ethnic groups; or other ethnic groups, of whom:

	Trans and non-binary	Percentage of the general population
African, African Scottish, African British; Black, Black Scottish or Black British; or any other African, Black or Caribbean ethnic group	1%	1%
Arab	1%	Less than 0.5%

Bangladeshi, Bangladeshi Scottish or Bangladeshi British; Indian, Indian Scottish or Indian British; Chinese, Chinese Scottish or Chinese British; or any other Asian, Asian Scottish, or Asian British ethnic group	2%	4%
Mixed or multiple ethnic groups	3%	1%
Another ethnic group	3%	1%

### Trans, non-binary and disability

Most respondents to the survey <sup>255</sup> (67% or 382 people) identified as disabled. 28% reported no disability and 5% were unsure.

The Equality Network, through its Scottish Trans project, highlights several key issues faced by trans and non-binary people who are disabled, including:

- Access to appropriate healthcare, (general healthcare and gender-affirming services).<sup>256</sup>
- Intersectional disadvantage and discrimination, i.e., overlap between ableism and transphobia, leading to compounded discrimination in employment, education and public services <sup>257</sup>
- Challenges finding and maintain appropriate support networks that understand and respect both their gender identity and disability.<sup>258</sup>

## LEGAL PROFESSION

According to the Law Society of Scotland's diversity data report for 2022/23, 4.18% of the profession identifies as LGBTQ+, an increase from 3.2% in 2020/21. Among solicitors aged 30 and under, this figure rises to 6.6%.

The data highlights the presence and growing visibility of LGBTQ+ people within the profession, particularly among younger solicitors.

A lower proportion of respondents identified as heterosexual in 2023 compared with 2013 or 2018.<sup>259</sup>

Sexual Orientation	2013	2018	2023
Heterosexual	94%	91%	89%
Lesbian/gay woman, gay man, bisexual or other	3%	5%	7%
Prefer not to answer	3%	4%	4%

The Law Society of Scotland actively promotes equality and diversity within the profession; however, its Profile of the Profession 2023 provides little in the way of data on the workplace experiences of its LGBT+ members. Specifically, the extent to which they may experience discrimination. Whilst data on the ‘type of discrimination experienced or witnessed’ is available, sexual orientation is not a disaggregated category other than as relates to transgender discrimination which stands at 4%.

There is clear scope for further LGBT+ data to be collected as would assist the Law Society of Scotland and its members to attract more LGBT+ people to the profession whilst increasing the visibility and representation of existing members.

## LEGAL SERVICE USERS AND COMPLAINTS

LGBT+ people in Scotland can have several, often complex, needs and face unique challenges when accessing legal services. These can include:

- Concerns about homophobia and transphobia in the provision of legal services, e.g. legal professionals assuming that all clients are heterosexual and/or identify as binary;
- A failure among legal services providers to recognise LGBT+ peoples’ experiences as serious, ‘aggravated’ or that a perpetrator’s actions are designed to ‘stir up hatred’.
- Poor understanding and awareness among legal services professionals of unique forms of coercive control targeted at sexual orientation or gender identity. For example, isolation, misgendering or deadnaming, control over medical transition, financial control, manipulation of legal status (i.e., threatening to use sexual orientation or gender identity against LGBT+ individuals in legal matters – divorce/custody disputes or immigration applications); religious belief bias, e.g., dissuading trans or non-binary individuals from pursuing divorce/dissolution or, by contrast, recommending conversion practices.
- A belief that intimate partner violence doesn’t exist within LGBT+ relationships (particularly within same sex relationships).
- Confidentiality concerns – fear among LGBT+ people of being outed (without consent).
- Concerns among LGBT+ people around reporting homophobia or transphobia involving family members, neighbours or others within their local community.
- Lack of awareness among some legal services providers of legal rights specific to LGBT+ people, leading to inadequate representation or support.
- Reticence among legal services providers to explore/establish partnerships with local LGBT+ organisations as might assist the former to create more inclusive working environments for LGBT+ lawyers.
- Cost of legal services – lack of family support, higher rates of unemployment and poverty among LGBT+ communities are all contributing factors which may adversely affect an LGBT+ person’s ability to be able to pay for legal advice or assistance.

## IMPLICATIONS FOR THE SLCC

### **Some of the implications the SLCC to consider relevant to its specific functions are:**

- Considering whether our website encourages people who are LGBT to feel comfortable contacting us and sharing information about themselves if relevant.
- Reviewing whether our equality monitoring forms reflect the most up to date terminology.
- Reflecting on whether our website encourages job applicants to feel the SLCC would be an inclusive workplace.
- Recognising that some people may not identify as they did previously. For example their legal paperwork has John Smith, but they now identify as Jane Smith, and the issues / feelings this can cause an individual if we have to request evidence with previous names on it.
- Noting that many people are not out to everyone in their life, so this can still be very sensitive data or there may be trust issues with revealing this to an organisation such as the SLCC.
- Maintaining an open and inclusive workplace and environment through policy/procedures and culture.
- Ensuring titles such as “Mx” are available any time we collect ‘title’ information.
- Consider whether any pronoun is acceptable at all – we are so conditioned to using a formal “Mr /Mrs /Miss / Ms” - is it better to use the first name only?
- Avoiding assuming pronouns and words when first speaking to a customer.
- Avoiding assumptions in our work or dealing with users that someone with a partner or spouse will be in a heterosexual relationship.

### **Some wider issues to consider include:**

- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues.
- Considering whether data from our complaints system can assist others in the legal system identify and tackle issues, or consider changes to standards, policy or practice.
- Considering where there may be gaps in our understanding of sexual orientation and gender transformation in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.



## Chapter 9: Social Class and Deprivation

### GENERAL POPULATION

Although social class is not a ‘protected characteristic’ in its own right, there is a clear link between equalities issues and poverty. The Equality Act 2010 also introduces a socio-economic duty. This was activated in Scotland by the Fairer Scotland Duty’ (FSD) in April 2018 (it has also been activated in Wales, but not in England). Although this does not apply formally to the SLCC, as a smaller public body, it is relevant context. Likewise, the Scotland Act 1998 definition of equality includes socio-economic status.

In Scotland, the relationship between social class and deprivation is influenced by a range of historical, economic and social factors which overlap in a complex way to create and sustain patterns of inequality. While progress has been made to address some of the issues, significant inequalities persist, particularly for people who are disadvantaged, for whom, systemic barriers to opportunity remain.

Around 21% of the Scottish population live in relative poverty, with children and people from ethnic minority backgrounds disproportionately affected.<sup>260</sup>

People living in certain areas of Scotland, i.e., inner cities and rural communities, still experience high levels of poverty and social exclusion. Recent statistics show that 1 in 5 people in Scotland live in the 20% most deprived areas<sup>261</sup>.

Some of the most deprived areas are in Glasgow, Inverclyde, North Ayrshire and Dundee. For example, Glasgow has 44% of its zones in the two most deprived deciles (ranking among the 20% most deprived areas in Scotland). Similarly, Inverclyde has 45% of its areas ranked among the most deprived<sup>262</sup> and 29% of Dundee’s data zones are within the 20% most deprived.

In recent years, Scotland has seen a steady rise in endemic issues such as low income, high living costs, low savings and high debt. More people are now living in relative poverty than before the pandemic. This includes 24% of children and 39% of households led by adults under 25, compared to a national average of 21%.<sup>263</sup>

Rates of food insecurity, homelessness, and fuel poverty have all risen since the pandemic began. Energy costs, for instance, have doubled in under 18 months.<sup>264</sup> Among those experiencing homelessness, unsafe living conditions and mental health challenges are increasingly common reasons cited in homelessness applications.

The number of deaths among homeless individuals, particularly men, has also grown. A 2022 report estimated there were 250 deaths among people experiencing homelessness in 2021, 81% (203) of whom were men. In that year, 58% of deaths were men under the age of 45.<sup>265</sup>

A greater proportion of children are born in deprived areas compared to wealthier ones. Around 25% of all children were born in the most deprived quintile of the Scottish Index of Multiple Deprivation in 2022/23, whereas 16% were born in the least deprived quintile.<sup>266</sup> Health inequalities in early outcomes, such as low birth weight and developmental delays, have grown worse since the pandemic.

One study found<sup>267</sup> that for many households in Scotland:

- Going without essentials is widespread – around two in three (65%) households have cut back on an essential while one in four (26%) have cut back on three or more essentials.
- Three in four households have cut back on the basics and over two in five (44%) have heated their homes less than they needed to or less often, to reduce cost.
- Despite families' efforts, children are going without – one in four (26%) families with children have cut back on things their child needs, such as food or childcare.
- Almost one in five low-income families are neither heating nor eating – 18% of low-income households have skipped or reduced the size of meals and not heated their home due to the cost-of-living crisis.
- Over one in four (27%) households that do not have savings have done the same. Even at a population level, more than one in ten (13%) of all households are in this position.
- Being in arrears and going without essentials go hand in hand – 85% of families in arrears have cut back on essentials and 39% of those in arrears with children have cut back on items for their children. Of people who are in arrears to a public service, 87% have cut back on essentials.

Social class and deprivation in Scotland have a significant impact on an individual's *opportunity*, *treatment* (on the street, by authorities, institutions and the media) and *outcomes* across various aspects of life such as housing, education, employment and health.

People from lower socio-economic backgrounds face considerable barriers to accessing quality education and employment opportunities, with children from disadvantaged families often struggling to achieve the same academic outcomes as their more affluent peers.

Research in Scotland consistently shows that children from low-income households experience poorer educational outcomes compared to their wealthier peers. A key factor contributing to this disparity is the significant attainment gap that widens as children grow older. For instance, by age 5, children from higher-income households demonstrate better problem-solving skills and

vocabulary development, with a gap of up to 13 months in some areas.<sup>268</sup> This pattern continues through school years, where pupils from the most deprived areas perform markedly worse in key subjects like reading, numeracy and writing, than wealthier pupils.<sup>269</sup>

In terms of health, social class plays a central role in determining life outcomes, with people from more deprived backgrounds persistently facing poorer health. Individuals in the most deprived areas of Scotland are more likely to suffer from chronic health conditions and have lower life expectancy compared to those in wealthier areas.<sup>270</sup> This disparity is not only a result of limited access to healthcare but also reflects the broader social indicators of health, such as poor housing, limited access to nutritious food, and higher levels of stress due to economic instability.

Deprivation also influences the way people are treated in Scotland. Those from lower socioeconomic backgrounds often face stigma, discrimination, and marginalisation, both in social and institutional settings, which can affect their mental health and access to services. For example, research<sup>271</sup> indicates that people from lower socio-economic backgrounds are more likely to be unemployed, experience job insecurity, and encounter workplace discrimination, which further limits their opportunities for social mobility.

Ethnicity, age and disability also intersect with social class, exacerbating the effects of deprivation. For example, Black, Asian and people from minoritised ethnic groups (including those with mixed heritage) face higher poverty rates than white people which serves to compound the disadvantages they experience in terms of employment, education and social inclusion.

## LEGAL PROFESSION

Social class and socio-economic background have a significant impact on access to and progression within the legal profession in Scotland. According to the Law Society of Scotland's diversity data for 2022/23, approximately 67% of solicitors were state educated, with this figure rising to 73% for those under 30.<sup>272</sup>

However, social class is determined by more than just educational background. Factors such as family wealth, networking opportunities, geographical location and cultural capital<sup>273</sup> are also key (but remain largely unmeasured). For example, trainee solicitors from higher socio-economic backgrounds are more likely to have access to financial support for internships and unpaid work experience, which are often gateways to securing full-time legal positions. Moreover, family connections can facilitate entry into what are considered 'the best law firms', whereas those from lower socio-economic backgrounds may lack these advantages. A study of the profession in England and Wales found that nearly 60% of lawyers were from a 'professional background' whereas 17% had a lower socio-economic background.<sup>274</sup>

These barriers are exacerbated by the high costs associated with qualification, making it more difficult for those from lower socio-economic backgrounds to enter the profession.

Despite growing efforts to address inequality based on sex and race, the legal profession UK-wide appears reluctant to treat social class with the same level of urgency. Diversity initiatives around race and sex continue to gain traction, whereas addressing social class inequality remains an afterthought for some legal institutions, whose focus is on 'social mobility' rather than social class inequality. One reason for this may be the deeply ingrained ethos of meritocracy<sup>275</sup> within the profession, which tends to overlook or undervalue the structural barriers that people from lower socio-economic backgrounds face. Another reason could be the lack of clear metrics or definitions to help address the issue in the same way that sex and race disparities are measured.

Aware of the challenges, the Law Society of Scotland is working to improve access to the legal profession for people from lower socio-economic backgrounds through several key initiatives. For example, The Lawscot Foundation<sup>276</sup> offers scholarships and traineeships to help students from disadvantaged backgrounds pursue a legal career. Outreach programmes in partnership with organisations like Access to Justice help raise awareness and improve social mobility for school and university students considering a career in law.

## LEGAL SERVICE USERS AND COMPLAINTS

**Financial** – one of the primary obstacles for people from lower socio-economic backgrounds accessing legal services is the high cost of legal advice and representation. Although legal aid exists, it may only cover a portion of the costs and, for some areas of law, legal aid is not available.

**Reduced access to legal aid** – the number of firms offering legal aid services has decreased, from 621 firms in 2022-23 to 596 in 2023-24, which further limits access for people without sufficient financial resources to access legal services.<sup>277</sup>

**Location** – people living in rural or remote areas of Scotland often have limited access to legal services which means that those in more isolated regions must travel significant distances to attend hearings, mediation, etc. Those without the financial means to travel or have a mobility impairment are likely to encounter more difficulties compared with those who have financial means.

**Literacy** – the Scottish Survey of Adult Literacy and Numeracy found that one of the key factors linked to lower literacies capabilities is poverty, with adults living in 15% of the most deprived areas in Scotland more likely to have literacies capabilities at the lower end of the scale.<sup>278</sup> The use of complex legal jargon can also alienate those with lower literacy levels, creating a barrier to communication and understanding of legal proceedings.

**Cultural and social obstacles** – people experiencing socio-economic disadvantage may believe that legal professionals are 'out of touch' with their realities or may face discrimination based on

their appearance or accent, which can discourage them from seeking help. This may be especially relevant for those experiencing homelessness, mental health issues, immigration restrictions, racism, ableism or sexism in addition to class discrimination.

**Trust issues** – distrust of people in authority, including lawyers, although not restricted to people from lower socio-economic backgrounds, can prevent them from engaging with legal services. Past negative experiences or structural inequalities can serve to reinforce this mistrust.

Overall, these challenges suggest a need for more targeted interventions such as those undertaken by Law Society of Scotland, along with greater awareness of the systems and structures that keep people from lower socio-economic backgrounds trapped in cycles of disadvantage and deprivation.

## IMPLICATIONS FOR THE SLCC

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Considering whether the existing complaints processes are fair and accessible to people from lower socio-economic backgrounds. Are processes easy to navigate, communicated using simple terms, available in varied formats and transparent? Are outcomes impartial?
- Reflecting on whether complaints are raised by or against specific groups where socio-economic status is a factor, e.g., race and class. For example, young women from deprived areas and minoritised ethnic groups are likely to face additional barriers.
- Understanding that those navigating our services may be dealing with multiple pressures, their complaint may be very important to them, but they equally may not be able to engage effectively is battling to provide basic food and accommodation for their family.
- Understanding that someone may have difficulty articulating their complaint due to lower literacy levels.
- Understanding someone may doubt the importance of their complaint due to having experienced stigma, discrimination and marginalisation - affecting their mental health, self-belief, confidence etc.
- Promote the fact our service is free whenever possible.
- Continuing our journey to ensure we pay living wage and support lower salaries.
- Understanding there can be a perception that lawyers and those in public services like the SLCC may “talk down” to those of an apparently lower socio-economic class and that a “them and us” situation exists in terms of access to the legal profession and justice system.
- Reflecting on how this issue can be less visible or immediately apparent in individuals we are supporting, and in terms of collected data, and therefore may be less of a focus of action by the organisation.

- Considering the importance of visibility – could we do more to promote the diversity of backgrounds of our own staff to highlight lived experience of different social issues within the organisation. This visibility could be valued in attracting future staff and for service users.
- Ensuring that we can be contacted with/receive information through channels that people commonly use – WhatsApp, text, voice message etc.
- Ensuring that all words and language used by us or on website is easy for someone from any background to understand, without abbreviations or technical speech etc.
- Taking time to make sure people feel listened and heard – their story may have wider issue outside the complaint that they want or need to express to add context to their perspective. Ensure we leave the client/customer with a sound understanding of their queries where
- Encourage feedback and questions when speaking; particularly emphasising that if someone needs something explained in a different way, we're happy to do that. We've made this point in the consumer guides, but not everyone is going to read those. Ensuring at the end of enquiries that people understand what we have explained.
- Reflecting on whether there are more opportunities for strategic partnerships with organisations that better understand these issues.

**Some wider issues to consider include:**

- As with intersectionality, this chapter underscores the importance of looking at wider factors than just the protected characteristics, with vulnerability coming in many forms.
- Considering barriers to people using legal services and any role for the SLCC – for example, our price transparency work is about tackling a common cause of complaints, but we also know like of transparent price can put people off using legal services all together. So on occasion we may identify projects within our core role that can have a wider benefit.
- Considering whether data from our complaints system can assist others in the legal system.
- Considering where there may be gaps in our understanding of social class and deprivation in terms of who needs access to legal services, who actual users are, and their experience of legal services, and how this may affect the work of the SLCC.



## Chapter 10: ALL CHARACTERISTICS

### IMPLICATIONS FOR THE SLCC

This section captures issues relevant to all protected characteristics (and so not listed in the individual sections above).

**Some of the implications the SLCC to consider relevant to its specific functions are:**

- Learning from and integrating trauma-informed practice into our work
- Continuing to support challenging behaviours and language from complainers and lawyers as part of an intersectional approach which recognises how challenging complaints can be
- Are there opportunities around new legislation for legal regulation which will see an additional duty to consider equality places on all parts of the regulatory system, as well as a duty for those bodies to cooperate.
- Are there opportunities to work with groups within the professions (such as the Legal Defence Union, Scottish Law Agents Society, local bars and faculties, and other bodies
- From all of the above issues in each chapter are there particular areas where internal data tells us we need to focus – for example, customer feedback or service delivery complaints about our own service?
- Do we consistently record equalities information and issues raised within all of our core processes (such as customer feedback and service delivery complaints)?
- Consider how we would provide assurance to the profession and public that we do not discriminate?
- Continuing to look for research on how disadvantage impacts people - for example, identifying if there is research on how the impact of disadvantage affects trust generally.
- Considering whether data from our complaints system can assist others in the legal system identify and tackle issues, or consider changes to standards, policy or practice.

**Some wider issues to consider include:**

- As with intersectionality, this chapter underscores the importance of looking at wider factors than just the protected characteristics, with vulnerability coming in many forms.



# ANNEX 1 – Some examples of ongoing & recent equality work at the SLCC

## Introduction

This section has been added to the independent report by the SLCC to give a flavour of some of the equalities work we've already carried out (looking at the last five years).

Some of these strands of work are ongoing, some one-off, some will need carried out again in the future – equality work is an ongoing journey.

We hope this adds context to the sections in each main chapter on 'implications for the SLCC' where we look ahead from the previous work to what else may need to be considered.

## Some example policies and statements

We have published an equality statement: <https://www.scottishlegalcomplaints.org.uk/about-us/who-we-are/equality/>

We have a published accessibility statement:

<https://www.scottishlegalcomplaints.org.uk/contact-us/accessibility/accessibility-statement/>

We have carried out work on the needs of vulnerable consumers and how it applies to our work:

<https://www.scottishlegalcomplaints.org.uk/about-us/consumer-panel/vulnerable-consumers/>

Prioritising equality issues is mainstreamed into the language of our strategic priorities and values:

<https://www.scottishlegalcomplaints.org.uk/about-us/who-we-are/our-strategy-and-operating-plan/>

## Some examples of individual project work and initiatives – service users

We carry out regular staff training to help us understand equalities issues and the needs of those that use our service. This included training on legislation, reasonable adjustment and accessibility, vulnerable users, neurodiversity, trauma informed practice, and unconscious bias.

We've worked on the accessibility of our website, using external testing led by people with a range of impairments, and informed by a government assessment of web accessibility.

We have done considerable work on 'plain English' to help all users understand our decisions, including training for all staff, the use of technology tools to aid clear and accessible drafting, a review of all templates used, changes to our quality assurance system to ensure training was embedded, and external audit to verify we embedded the learning.

We reviewed our own customer service standards (including our phone and enquiry handling standards) with equalities and vulnerability in mind.

To ensure our focus on digital and innovation does not cause any issues for users of our service we have developed and deployed a digital exclusion checklist to ensure we always have other methods of delivery for those that need it.

When drafting new rules we had these reviewed to ensure compliance with equalities and human rights legislation.

We reviewed the guidance the Equality and Human Rights Commission has published on the use of AI in public services.

We monitored work by the Scottish Public Service Ombudsman on child friendly complaints processes then applied the learning to our own approaches.

In dialogue with the profession, we issued a statement on how we would handle complaints when there was a concern that the solicitors involved were at risk of harm (including around vulnerabilities and equalities issues).

Our work on board diversity was recognised in a case study of best practices issues the Commissioner for Ethical Standards in Public Life in Scotland and the Scottish Government on diversity, governance and the difference it makes.

### **Some examples of individual project work and initiatives – staff**

We carry out regular equality and diversity staff surveys, and action issues raised.

We work with our Wellbeing and Inclusion Staff Group, with Union representatives, and with our staff ambassador to ensure the health and wellbeing of colleagues during a challenging year through a range of online events, resources, care packages and one to one support. Recent events have included Talk Money Week, World Aids Day, Holi, Mental Health Week and Carers Week.

We publish annual equal pay data.

We have reviewed recruitment processes, in particular around attracting and appointing people from minority ethnic backgrounds, and have implemented findings.

We have been accredited as a disability confident employer, a carer positive employer, a Scottish Credit and Qualifications Framework inclusive recruiter, and a mental health committed employer.

## ANNEX 2 - References (end notes)

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- <sup>12</sup> Wealth in Scotland (Last Updated 2022) see: <https://data.gov.scot/wealth/>
- <sup>13</sup> See 7 above
- <sup>14</sup> Children's Social Work Statistics 2022-23: Child Protection see: <https://www.gov.scot/publications/childrens-social-work-statistics-2022-23-child-protection/pages/child-protection-register/>
- <sup>15</sup> See 6 above
- <sup>16</sup> See 6 above
- <sup>17</sup> See 6 above
- <sup>18</sup> <https://data.gov.scot/poverty/>
- <sup>19</sup> See 13 above
- <sup>20</sup> Poverty and Income in Scotland 2020-23 see: <https://data.gov.scot/poverty/index.html>
- <sup>21</sup> [https://data.gov.scot/poverty/persistent.html#Persistent\\_poverty](https://data.gov.scot/poverty/persistent.html#Persistent_poverty)
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- <sup>44</sup> Scottish Crime and Justice Survey 2018/19. Last updated June 2020
- <sup>45</sup> The Law Society of Scotland Profile of the Profession 2023
- <sup>46</sup> See 25 above
- <sup>47</sup> See 25 above
- <sup>48</sup> The Law Society of Scotland Diversity Data 2022/23 See: <https://www.lawscot.org.uk/media/o3bpnsnf/diversity-data-2022-23.pdf>
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- <sup>58</sup> People like Mike Oliver, sociologist, author and disability rights activist who coined the term, 'social model' and others who were members of the Union of the Physically Impaired Against Segregation during the late 1970s and early 1980s. See: *The Politics of Disablement: Critical Texts in Social Work and the Welfare State* (1990) Palgrave Macmillan
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- <sup>61</sup> The 'speaking difficulty' option was added in 2022 so there is no comparable data for 2011
- <sup>62</sup> In 2011, the 'Long term illness, disease or condition' category was combined with the 'Other condition' category and labelled 'Other condition'. This combined category for 2011 is compared against the 'Long term illness, disease or condition' category for 2022.
- <sup>63</sup> Scottish Health Survey – Scottish Government. See: <https://www.gov.scot/collections/scottish-health-survey/> and Scottish Index of Multiple Deprivation 2020. See <https://www.gov.scot/collections/scottish-index-of-multiple-deprivation-2020/>
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- <sup>152</sup> Who are the UK's undocumented population? (June 2024) The Joint Council for the Welfare of Immigrants. See <https://jcw.org.uk/resource/who-are-the-uks-undocumented-population/>
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- <sup>156</sup> Scottish Government. Educational outcomes for Gypsy/Traveller children. See <https://www.gov.scot/policies/gypsy-travellers/educational-outcomes-for-gypsytraveller-children/>
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- <sup>170</sup> Hate Crime in Scotland, 2023-24 <https://www.copfs.gov.uk/publications/hate-crime-in-scotland-2023-24/html/>
- <sup>171</sup> Hate Crime and Public Order (Scotland) Act 2021
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- <sup>176</sup> See 16
- <sup>177</sup> Office of National Statistics. Estimates of the population for the UK. Males/Females by single year of age and sex for UK and constituent countries, mid 2023. See:
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- <sup>205</sup> Andre et al. (2019) as cited above
- <sup>206</sup> Office for National Statistics [England and Wales] <https://www.ons.gov.uk/>
- <sup>207</sup> [https://www.landcommission.gov.scot/downloads/6543c9e88bf40\\_SLC%20Strategic%20Plan%202023-2026\\_English%20Digital%20FINAL.pdf](https://www.landcommission.gov.scot/downloads/6543c9e88bf40_SLC%20Strategic%20Plan%202023-2026_English%20Digital%20FINAL.pdf)
- <sup>208</sup> <https://womeninagriculturescotland.com/about-us/>
- <sup>209</sup> Women in the justice system: evidence review. Scottish Government publication. 26 January 2022. See: <https://www.gov.scot/publications/women-justice-system/pages/5/>
- <sup>210</sup> See 33 above. 4. Patterns of offending and the justice system response
- <sup>211</sup> See 33 above
- <sup>212</sup> As cited in Civil Justice Statistics Scotland 2022-23. See: <https://www.gov.scot/publications/civil-justice-statistics-scotland-2022-23/pages/5/>
- <sup>213</sup> 'Women and Debt: Addressing Gender Disparities in Debt in Scotland. 6 March 2024. A Money Advice Scotland publication. See: <https://www.moneyadvicescotland.org.uk/blog/women-and-debt-addressing-gender-disparities-in-debt-in-scotland> See also: Poverty Alliance Briefing for International Women's Day: Women's experiences of Poverty in Scotland. March 2024. <https://www.povertyalliance.org/wp-content/uploads/2024/03/Poverty-Alliance-briefing-for-International-Womens-Day-2024.pdf>
- <sup>214</sup> This figure is frequently attributed to Anne Fausto-Sterling, a biologist whose research suggests that up to 1.7% of people may be born with intersex traits, though this figure includes a broad range of characteristics.
- <sup>215</sup> Law Society of Scotland Profile of the Profession 2023. June 2023.
- <sup>216</sup> See 39 above
- <sup>217</sup> Law Society of Scotland Trainee Statistics 2022/23 <https://www.lawscot.org.uk/qualifying-and-education/qualifying-as-a-scottish-solicitor/the-traineeship/trainee-statistics/>
- <sup>218</sup> LSS Profile of the Profession 2023. See 39 above
- <sup>219</sup> Solicitors Regulation Authority. Diversity in law firms' workforce. 11 July 2024. See: <https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>
- <sup>220</sup> See 39 above
- <sup>221</sup> Median gender pay gap is calculated by identifying the median category of earnings for men and women and taking the midpoint of this category.
- <sup>222</sup> See 39 above
- <sup>223</sup> See 39 above. Microaggressions in the workplace. Female Age up to 35 (24%) added to Female Age 36-55 (24%)
- <sup>224</sup> Who makes complaints about legal services? A Scottish Legal Complaints Commission publication 2024.
- <sup>225</sup> BME women and work. A TUC publication. 26 October 2020. See <https://www.tuc.org.uk/research-analysis/reports/bme-women-and-work>
- <sup>226</sup> Number of economically inactive disabled adults (16-64) in Scotland in 2022. See: <https://www.gov.scot/publications/labour-market-statistics-for-scotland-by-disability-january-to-december-2022/pages/overview/>
- <sup>228</sup> Scotland Census 2022. Sexual orientation and trans status or history. See <https://www.scotlandscensus.gov.uk/2022-results/scotland-s-census-2022-sexual-orientation-and-trans-status-or-history/#section3>
- <sup>229</sup> See 1. Data for figure 6: Number of people who identified as LGB+ by age, 2022 Scotland
- <sup>230</sup> See 1 Figure 8.
- <sup>231</sup> The Scottish LGBT Equality Report 2015. An Equality Network & Scottish Transgender Alliance publication. See [The-Scottish-LGBT-Equality-Report.pdf \(equality-network.org\)](https://www.equality-network.org/The-Scottish-LGBT-Equality-Report.pdf)
- <sup>232</sup> Bullying, harassment and discrimination of LGBT people in the workplace. A TUC report. 2023. See: [LGBT Sexual Harassment Report 2024.pdf \(tuc.org.uk\)](https://www.tuc.org.uk/research-analysis/reports/bullying-harassment-discrimination-lgbt)
- <sup>233</sup> See 5 above
- <sup>234</sup> Poverty and Income Inequality in Scotland 2020-23. Equality Analysis. Sexual Orientation Published 21 March 2024, Scottish Government. See: [https://data.gov.scot/poverty/#Sexual\\_orientation](https://data.gov.scot/poverty/#Sexual_orientation)
- <sup>235</sup> ECHR Fact Sheet. Living Standards: Scotland



- <sup>236</sup> [Ending conversion practices in Scotland: consultation - gov.scot \(www.gov.scot\)](#)
- <sup>237</sup> Report on Conversion Therapy. A United Nations Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity – IESOGI publication.  
See: <https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/ConversionTherapyReport.pdf>
- <sup>238</sup> National LGBT Survey Summary Report. July 2018 See [National LGBT Survey: Summary report \(publishing.service.gov.uk\)](#)
- <sup>239</sup> See 8 above
- <sup>240</sup> Conversion practices – LGBT+ people of colour and minority ethnic faith experiences: research report. October 2022. See: [Footnotes - Conversion practices - LGBT+ people of colour and minority ethnic faith experiences: research report - gov.scot \(www.gov.scot\)](#)
- <sup>241</sup> Life in Scotland for LGBT young people 2022. [LGBTYS LiS e-use \(lgbtyouth.org.uk\)](#)
- <sup>242</sup> Crown Office and Procurator Fiscal Service (COPFS) Hate Crime in Scotland, 2023-24. See: [Hate Crime in Scotland 2023-24 | COPFS](#)
- <sup>243</sup> Stonewall LGBT+ Facts and Figures. See: [LGBTQ+ facts and figures | Stonewall](#)
- <sup>244</sup> Using intersectionality to understand structural inequality in Scotland: evidence synthesis, March 2022 See [3. What is meant by the concept of 'intersectionality'? - Using intersectionality to understand structural inequality in Scotland: evidence synthesis - gov.scot \(www.gov.scot\)](#)
- <sup>245</sup> See 14 above
- <sup>246</sup> Scotland's Labour Market Insights: April 2024
- <sup>247</sup> Sexual orientation in Scotland 2017: summary of evidence base. January 2017
- <sup>248</sup> LGBT Youth Scotland Trans Report 2024 See: <https://lgbtyouth.org.uk/wp-content/uploads/2024/04/Trans-Report-2024-digital-final-V2.pdf>
- <sup>249</sup> The Valentine Report 2016 conducted by the Scottish Trans Alliance. See: <https://www.scottishtrans.org/wp-content/uploads/2016/11/Non-binary-report.pdf>
- <sup>250</sup> LGBT Youth Scotland Health Report 2023. See: <https://lgbtyouth.org.uk/wp-content/uploads/2023/12/health-report-2023-digital.pdf>
- <sup>251</sup> See 23 above
- <sup>252</sup> See 5 above
- <sup>253</sup> Scottish Trans and Non-Binary Experiences Report. July 2024. See: <https://www.scottishtrans.org/resources/trans-experiences-scotland/>
- <sup>254</sup> See 26 above
- <sup>255</sup> See 26 above
- <sup>256</sup> A Scottish trans guide to the NHS gender identity services: strategic action framework 2022-2024' June 2024. See <https://www.scottishtrans.org/wp-content/uploads/2024/06/Whats-happening-with-trans-healthcare-in-Scotland-2024-06-17.pdf>
- <sup>257</sup> See 26 above
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- <sup>260</sup> Scottish Government. *Measuring progress- Poverty*. 8 May 2024. See: <https://nationalperformance.gov.scot/national-outcomes/national-outcomes/poverty/measuring-progress-poverty#Relative-poverty-after-housing-costs>
- <sup>261</sup> *The Scottish Index of Multiple Deprivation (SIMD) 2020* is the primary tool used to assess socio-economic deprivation across Scotland. The 2020 report ranks 6,976 small geographical areas (data zones) from the most to the least deprived (1% and 20% respectively). See: <https://datamap-scotland.co.uk/category/simd-2020/>
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- <sup>263</sup> SIMD. See 2 above.
- <sup>264</sup> Scottish Government. *The Cost-of-Living Crisis in Scotland: analytical report* 2 November 2022. See: <https://www.gov.scot/publications/cost-of-living-crisis-scotland-analytical-report/pages/11/>
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- <sup>269</sup> Institute for Fiscal Studies. *Socio-economic inequality in Scottish education*. 16 November 2023 See: [https://ifs.org.uk/sites/default/files/2023-11/Socio-economic-inequality-in-Scottish-education-V3\\_0\\_0.pdf](https://ifs.org.uk/sites/default/files/2023-11/Socio-economic-inequality-in-Scottish-education-V3_0_0.pdf)
- <sup>270</sup> Joseph Rowntree Foundation. *Poverty in Scotland 2024*. 7 October 2024. See: <https://www.jrf.org.uk/poverty-in-scotland-2024>
- <sup>271</sup> See 1 above
- <sup>272</sup> *Law Society of Scotland Diversity Data 2022/23*. See: <https://www.lawscot.org.uk/media/03bpnsnf/diversity-data-2022-23.pdf>
- <sup>273</sup> Advantages (other than financial) including the things we know or learn to help us 'fit in' or succeed in different social or professional environments – our skills, knowledge, connections, education, experiences.
- <sup>274</sup> Law Careers.Net *Your guide to the legal profession 2023/24*. 16 October 2023. See: <https://www.lawcareers.net/Explore/Features/16102023-Your-guide-to-the-legal-profession-202324#Diversity%20and%20inclusion>
- <sup>275</sup> The idea that class mobility should be based on individual merit and effort, ignoring the broader structural factors that affect peoples' access to the profession.
- <sup>276</sup> Law Society of Scotland. *The Lawscot Foundation*. See: <https://www.lawscot.org.uk/qualifying-and-education/lawscot-foundation/> See also: <https://www.lawscot.org.uk/qualifying-and-education/qualifying-as-a-scottish-solicitor/alternatives-to-university/>
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