# Challenges faced by tenants and legal professionals during the pandemic revealed in Scottish Covid-19 Inquiry



The Scottish Covid-19 Inquiry, chaired by Lord Brailsford, has revealed significant challenges faced by tenants and legal professionals during the pandemic, particularly regarding evictions and access to court hearings. Testimonies presented at the inquiry highlighted how remote justice systems resulted in tenants being evicted without their presence at hearings, a situation characterised by Lord Brailsford as a “breach of natural justice.”

Solicitors from the Legal Services Agency in Glasgow detailed their experiences, focusing on issues surrounding evictions, mental health tribunals, and sheriff court hearings during the pandemic. They were classified as non-key workers, which hampered their operations. Chief Executive Officer Aaliya Seyal noted, “We focus on protecting and advancing their rights,” underscoring the complexities faced by their clients.

The Scottish Government had imposed an eviction ban during lockdown, which was described by solicitor Alistair Houston as a “short-term” benefit. However, he reported low engagement from clients who were at risk of eviction, stating, “We will contact them in writing to try to make them aware there are services. Even before the pandemic that has low uptake.” The shift from in-person helpdesks to remote telephone hearings complicated matters further, with many clients lacking access to communication services needed to participate effectively.

Houston recounted instances where clients lost their homes without being present during the necessary hearings, pointing out the difficulties in contacting parties involved in eviction cases. He said there were occasions when “either the client or the solicitor could access the hearing, but not both.”

Furthermore, in mental health tribunals conducted remotely, solicitor Aileen Miller reported significant technical challenges, including poor reception that prevented clients from being heard during hearings, leading to proceedings occurring in their absence.

A myriad of problems arose during the pandemic, including a significant increase in rent arrears, as highlighted by Seyal. She added that Scottish Government measures did not adequately address the needs of frontline organisations assisting individuals facing such crises.

Roddy Dunlop KC, the dean of the Faculty of Advocates, criticising the preparedness of the courts for the pandemic, described the remote justice system as “sub-optimal.” He recounted a conversation with Lord Pentland, the President of the Court of Session, who initially believed that the courts would remain operational during the lockdown.

Dunlop reported the tragic loss of two members of the Faculty to suicide, which he suggested may be connected to the isolation experienced during the lockdown. He stated, “For the criminal bar it was horrendous – all of a sudden the work had stopped and wasn’t going to start for six months,” highlighting the significant impact of the pandemic on legal professionals.

In an innovative response to the situation, Dunlop mentioned that Ronnie Renucci KC, a former vice-dean now serving as a judge, proposed using cinemas to facilitate court operations as a means to reopen the justice system more effectively.

The inquiry led by Lord Brailsford is ongoing in Edinburgh, as participants continue to examine the ramifications of the pandemic on legal proceedings and the welfare of those involved in the justice system.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.scottishlegal.com/articles/covid-inquiry-faces-further-delays-after-lord-brailsford-cancer-diagnosis> - This article confirms that Lord Brailsford is the chair of the Scottish Covid-19 Inquiry and highlights the ongoing nature of the inquiry, which is examining various aspects of the pandemic's impact.
* <https://www.gov.scot/publications/covid-19-inquiry/pages/terms-of-reference/> - This webpage outlines the terms of reference for the Scottish Covid-19 Inquiry, detailing the scope of the inquiry and its aim to establish facts and learn lessons from the pandemic response.
* <https://healthandcare.scot/stories/3323/covid-19-inquiry-scotland-lord-brailsford> - This article provides information on the core participants in the Scottish Covid-19 Inquiry and the inquiry's focus on health, education, and support aspects of the pandemic.
* <https://www.rcn.org.uk/Get-Help/Legal-help/Scottish-COVID-19-inquiry> - This webpage explains the role of the Royal College of Nursing in the Scottish Covid-19 Inquiry, highlighting their involvement as core participants and their focus on nursing staff's experiences during the pandemic.
* <https://www.covid19inquiry.scot/introduction-inquiry-team> - This webpage introduces the inquiry team, led by Lord Brailsford, and provides background information on his role and experience as a judge in the Supreme Courts of Scotland.