

I separated from my daughter's father when she was just a few months old. He secured the services of a solicitor and applied for legal aid. I was on maternity leave but despite being on statutory maternity pay (which was around £150 a week), after consulting two different solicitors I realised I would not be eligible for legal aid because of the rules around capital - I owned a flat that I had rented out when I moved in with my daughter's father. I moved into a rented flat with my baby when I left my partner, as I had tenants in my flat, but this meant that my flat was treated as capital. This had a fundamental impact on me, my daughter and the legal proceedings which followed.

My ex-partner was awarded legal aid when our daughter around 9 months old. The dispute between us wasn't about whether contact should take place, as this had happened on a very regular basis since the separation, but about the duration of contact. At the time he was awarded legal aid, my ex-partner was not exercising all of contact with our daughter that I had suggested.

I represented myself through the majority of the court proceedings, as I couldn't afford a lawyer. I found this extremely difficult. In the months prior to court proceedings commencing, when I was on maternity leave, at times I would receive up to 10 emails a week (and sometimes phone calls too) from my ex partner's solicitor. I found these to be often quite confrontational in tone and found it really difficult having to receive these directly, rather than having the buffer of a solicitor. Contact proceedings started in December 2014, and representing myself during this process was one of the worst experiences of my life. I was too emotional, did it very badly and feel very much like I let my daughter down. I tried to appeal a contact order which I felt was too rapid an increase in contact for such a young child. I was worried that it went too far against the gradual approach recommended in the psychological literature I had read about how to protect a child's attachment and development in circumstances of parental separation. I didn't realise that you just don't do this with a Sheriff's decision, and after that the case was very difficult. I had £1,500 expenses awarded against me, and then a further £1,500 retrospectively towards a bar report paid for by my ex partner's legal aid the year before. It will take me years to pay this off. I feel that I alienated the Sheriff in the case; for example, she refused to agree that I could spend Mother's Day with my daughter, stating it would be for my benefit not my daughter's. My daughter was two years old at the time.

When I finally sold my flat and bought and moved into a new house, I would have been eligible for legal aid as I was earning £22,000 (before tax) at the time, but I struggled to get a lawyer to take the case on, as they said that it would not be financial viable for them due to the fact the case was already in court. I have now spent all of my savings paying privately for a solicitor to try to come to an agreement moving forward with my daughter's father, but the fact that he has legal aid and I don't means this is very difficult to achieve. For example, he advised me that if I didn't make a proposal for ongoing holiday contact by the end of January this year, he would take the case back to court (it had been sisted in summer 2016 after I instructed a lawyer). I was very anxious at the prospect of the case returning to court due to the stress, the costs involved and being back in front of a Sheriff who I felt was hostile to me. I spent hundreds of pounds getting my solicitor to write a settlement proposal, which she sent on the 31st January. My ex-partner still hasn't responded. It is now the end of May. It seems to me that having access to what seems to be unending legal aid means he does not have the same incentive I have to come to a resolution. He also refuses to deal with day to day matters such as arrangements for our daughter to attend birthday parties without going through solicitors, even though I've made it clear that I can't afford this. The result is that our daughter misses almost every party she is invited to, because she is with her dad the majority of weekends.

My ex-partner has been in receipt of legal aid since our daughter was a baby. She is now almost 4 years old. It doesn't seem to matter how unreasonably he behaves, or how much money he has, he continues to receive legal aid. He currently earns £30,000 and lives with his new partner who is a consultant anaesthetist, so they have considerable household income. I genuinely don't

understand the decision making within the legal aid board, and why it is appropriate for public money to be spent in this way.

Based on my experience, I would like to make two points as part of the legal aid review. Firstly, I think the current approach to capital - where someone is ineligible for legal aid if they own a property they don't live in, even if they don't own any other property, is too restrictive. Exceptions should be made for circumstances where someone leaves a relationship in difficult circumstances but is unable for whatever reason to return to the property they own. Secondly, I think there should be more active management of legal aid, in relation to both the behaviour of the recipient and the duration of the legal aid provision. It seems to me that paying someone's legal costs for years, particularly when they are clearly able to afford these costs themselves, is not an approach which encourages resolution.