



Ministry
of Justice

Equality Statement

Government's response to the criminal legal aid independent review and consultation on policy proposals

Policy Summary

1. This Equality Statement has been written to be read alongside the consultation on the Government's Response to the Criminal Legal Aid Independent Review (CLAIR) and Consultation on Policy Proposals, to which this statement is an annex.
2. As outlined in the consultation the government's proposals would add an expected £115m p.a. on fees and solicitor training grants and around an additional £20m p.a. for longer term reform to ensure we more pay fairly for work undertaken by criminal defence practitioners. The specific proposal would change the following areas:
 - Increasing what litigators and advocates are paid for criminal legal aid work by 15% for Police Station, Magistrates' Court (including Youth Court), Advocates Graduated Fees Scheme, Very High Cost Cases (litigators) and Expert Fees.
 - A 15% increase on litigator hourly rates and basic fees paid through the Litigators Graduated Fees Scheme.
 - Expansion of the Public Defender Service.
 - Training Grants for solicitors.
 - Increased payment for litigators in relation to pre-charge engagement; and
 - Abolish the fixed fees for elected either-way cases that result in a guilty plea.
3. This Equality Statement addresses the impacts of our proposed changes on people with particular protected characteristics in relation to the specific proposals we plan to implement in 2022, as set out in our Consultation Document. There are other longer-term proposals set out in the consultation document, but at this stage the proposals are not sufficiently detailed to enable us to assess who would be impacted and any potential impacts on people with protected characteristics.

Equality Duty

4. Section 149 of the Equality Act 2010 ('the 2010 Act') requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
 - advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
5. Paying 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act – namely race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, pregnancy and maternity.

Methodology to determine discrimination potential

6. Adhering to guidance published by the Equality and Human Rights Commission (EHRC), our approach to assessing the potential for particular disadvantage resulting from the proposals has been to identify the individuals whom the proposals will impact (the 'pool'), and then draw comparisons between the potential impacts of the proposals on those who share particular protected characteristics, with those who do not share those characteristics.
7. Guidance from the EHRC states that the pool to be considered at risk of potential indirect discrimination should be defined as those people who may be affected by the proposals (adversely or otherwise) and that this pool should not be defined too widely.

The pool of affected individuals

8. As our proposals apply to both crime lower work and crime higher work, the primary pool of individuals affected will be legal practitioners who deliver criminal legal aid services. Practitioners can broadly be categorised as:
 - Litigators (including solicitors, legal executives and accredited police station representatives); and
 - Advocates (including barristers and solicitor advocates).
9. In this statement, we also refer to legal aid 'providers'. This refers to the firms who hold legal aid contracts and self-employed criminal barristers.
10. We have also identified legal aid clients could be affected by all these proposals. However, because of the limited number of clients affected, we don't have the data to reliably model the impact.
11. Crown Court defendants were identified as a group that could be particularly impacted by these proposals financially, because a small number of Crown Court

defendants who are required to contribute to the cost of their Crown Court case may find that the cost of that contribution increases if fees are increased following consultation.

Data sources

12. We have identified the following as the most relevant data sources for assessing equality impacts:

For practitioners:

- Summary Information on Publicly Funded Criminal Legal Services, (the “Data Compendium”) (DC), published by MoJ in February 2021,¹
- Chattered Instituted of Legal Executives’ (CILEX) and CILEX Regulation’s joint submission to the Independent Review into Criminal Legal Aid, and;

For clients:

- LAA data on clients collected through provider billing information, 2019-2020.²

13. We have used data from the Data Compendium that shows the gender, ethnicity, sex and age of barristers and solicitors (including duty solicitors). We have drawn upon the Chattered Instituted of Legal Executives’ (CILEX) and CILEX Regulation’s joint submission to the Independent Review into Criminal Legal Aid to show gender, ethnicity and age of and CILEX members who are both educated in and working on criminal practice.

14. We currently do not have sufficiently reliable practitioner data on disability, and we do not have sufficiently reliable practitioner, provider or client data on sexual orientation, religion or belief, pregnancy and maternity or gender reassignment. We welcome any information on these characteristics as part of the consultation, which will inform our equality work going forward.

15. Where relevant, we have used the Census 2011³ to compare the demographics of clients and practitioners against the general population. Given that the Census is based on 2011 information, we considered using the Annual Population Survey 2019/20 as an alternative. However, we decided against it (please see footnote⁴ for details).

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/data-compendium.pdf. Please note the data compendium covers the period April 2014 – March 2015 to April 2018 – March 2019 when it refers to fee income paid for the work undertaken by solicitors and April 2015 – March 2016 to April 2019 – March 2020 for fee income paid to barristers.

² MoJ, Legal Aid Agency figures available at: [Legal aid statistics: January to March 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/legal-aid-statistics-january-to-march-2021.pdf)

³ ONS Census data available at: <https://www.ons.gov.uk/census/2011census/2011censusdata>.

⁴ We compared the Census 2011 against the Annual Population Survey 2019-20 and the distribution by gender, ethnicity and disability was very similar. Therefore, given the similarities in distribution, we have used the Census 2011 information for the general population comparisons as the census 2011 allowed us to produce age ranges that matched those in the published LAA stats on defendants/clients and, therefore, provides a better comparator. Census 2011 information has been used for all comparisons for consistency.

16. The terms used in this impact assessment reflect the terms used to gather the data by a range of partners which are not necessarily the terms currently used by the Government.
17. In the future the Government hopes, subject to consultation, to use the Advisory Board (see consultation on proposals in response to CLAIR) to gather further data on criminal defence including on equalities issues.
- Monitoring and evaluation
18. Going forward, we will continue to monitor the equality impacts of these proposals. We will update this Equality Statement as necessary and publish the revised version alongside our consultation response.
19. Any final decision will include the evidence of impact from the Equality Statement. We will continue to pay 'due regard' to the Public Sector Equality Duty as the proposals are implemented and will consider the most effective ways of monitoring equalities impacts.

The demographics of criminal legal aid practitioners and criminal legal aid clients

Criminal Legal Aid Practitioners

Barristers:⁵

20. **Gender:** The Data Compendium showed that there were 3,680 barristers who completed any level of public criminal work in 2019-20. Of these, 66% were male and 33% female. This compares against a split of 49% male and 51% female in the general population (Census 2011). However, it's worth noting that the gender split varies by years of practise. Table 2 below demonstrates that among those with few years of practise the gender split is much more even compared to groups of barristers with a lot of practising experience. For instance, for barristers with 0-2 years of practise, 48% were male and 52% female. This contrasts with barristers who had 28+ years of practise; where 87% of these were male and 12% female.

Table 1: Gender of barristers doing any public criminal work in 2019-20

Gender	Number/ percentage of barristers
Number of barristers	3,680
Male	66%
Female	33%
Prefer not to say/ no information	1%
All	100%

Table 2: Gender of criminal barristers by years of practise

Years of practise	Number of criminal barristers	Male	Female	No information	All
0 to 2	502	48%	52%	0%	100%
3 to 7	598	54%	46%	1%	100%
8 to 12	284	63%	36%	1%	100%
13 to 17	494	60%	39%	1%	100%

⁵ The Information in this section on barrister characteristics is collected each year by the Bar Standards Board as part of the Authorisation to Practise process, and is shared with the Bar Council

Years of practise	Number of criminal barristers	Male	Female	No information	All
18 to 22	497	66%	32%	2%	100%
23 to 27	485	74%	26%	0%	100%
28+	820	87%	12%	0%	100%
All	3,680	66%	33%	1%	100%

21. **Age:** Table 3 shows that there were a very small number of barristers under the age of 25, who completed public criminal work in 2019-20. Around 20% of criminal barristers were aged 25-34, around a quarter were aged 35-44 and around another quarter were aged 45-54. 16% were aged 55+. Not all barristers provided this information though (14%).

Table 3: Age distribution of barristers doing any public criminal work in 2019-20

Age range	Number/ percentage of barristers
Number of barristers	3,680
Under 25	1%
25-34	20%
35-44	23%
45-54	26%
55-64	12%
65+	4%
No information	14%
All	100%

22. **Ethnicity:** Table 4 below shows that 81% of criminal barristers were white, 6% were Asian/ Asian British, 3% were mixed race and a further 3% were black/ African/ Caribbean/ Black British. Excluding those for whom information on ethnicity was not available, the proportion of criminal barristers who were white was 86%, similar to the proportion in the general population (86%, Census 2011).

Table 4: Ethnicity distribution of barristers doing any public criminal work in 2019-20

Ethnicity	Number/ percentage of barristers
Number of barristers	3,680
White	81%
Asian/ Asian British	6%
Mixed/ multiple ethnic group	3%
Black/ African/ Caribbean/ black British	3%
Other ethnic group	1%
Prefer not to say/ no information	6%
All	100%

23. **Disability:** Table 5 shows that there was a high non-response rate of 50%, and so information related to disability is not as robust as compared to the information above on age, gender and ethnicity. Notwithstanding that, the vast majority of criminal barristers who responded with a yes/no answer declared that they did not have a disability. This contrasts significantly with the general population, where 18% classified themselves as disabled.

Table 5: Disability status of barristers doing any public criminal work in 2019-20

Disability status	Number/ percentage of barristers
Number of barristers	3,680
No	48%
Yes	2%
Prefer not to say/ no information	50%
All	100%

Litigators:

24. The Data Compendium shows that there were just under 12,000 solicitors working for criminal legal aid CLA firms in 2018-19.^{6,7} However, it is important to highlight that information was not available on how many of them worked on criminal legal aid related cases.

Table 6 (Table 2.1 in DC): Total number of Practising Certificate holders

	2014-15	2015-16	2016-17	2017-18	2018-19
PC holders	133,370	136,190	139,620	143,170	145,530
Solicitors who worked for criminal legal aid firm*	14,790	12,710	12,530	13,140	11,760

* A very small proportion of these (<1%) were not reported as being a PC holder, however as they were identified as working for a criminal legal aid firm they are included.

25. **Gender:** Their gender split closely matched that in the general population (Census 2011). However, whereas female solicitors made up more than 50% of those under the age of 45, they made up less than 50% in older groups, with female solicitors accounting for one in three among those between the age of 55 and 64.

Table 7 (Table 2.2 in DC): Solicitors working for criminal legal aid firms by gender

	2014-15	2015-16	2016-17	2017-18	2018-19
Number of solicitors	14,790	12,710	12,530	13,140	11,760
Female	47%	48%	49%	49%	51%
Male	52%	51%	50%	50%	49%
Unknown	1%	0%	1%	1%	1%
All	100%	100%	100%	100%	100%

Table 8 (Table in 2.5 DC): Solicitors working for criminal legal aid firms by age and gender, 2018-19

	Number of solicitors	Female	Male	Unknown
Under 25	~	~	~	~
25-34	2,360	69%	28%	3%
35-44	3,500	62%	38%	~
45-54	2,980	45%	55%	~
55-64	2,060	33%	67%	~
65+	860	14%	86%	~
All	11,760	51%	49%	1%

⁶ The Data compendium includes data from 2014-15 to 2018-19.

⁷ We define criminal legal aid firms as those solicitors firm that received criminal legal aid fee payment during that year.

26. **Ethnicity:** BAME solicitors accounted for 22% of those with known ethnicity in criminal legal aid firms. This compared to 14% in the general population (Census 2011) and 17.5% amongst all PC holders (Law Society 2019 Statistical Report).

Table 9 (Table 2.6 in DC): Solicitors working for criminal legal aid firms by ethnicity

	2014-15	2015-16	2016-17	2017-18	2018-19
Number of solicitors	14,790	12,710	12,530	13,140	11,760
African-Caribbean	1%	1%	1%	1%	1%
Asian	10%	11%	12%	11%	12%
Chinese	0%	0%	0%	1%	0%
African	2%	2%	2%	2%	2%
Other ethnic origin	2%	2%	2%	2%	2%
White European	74%	73%	70%	68%	67%
Unknown	10%	10%	12%	15%	15%
All	100%	100%	100%	100%	100%
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms	16%	17%	18%	17%	18%
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms with known ethnicity	18%	19%	20%	20%	22%

27. BAME solicitors were more likely to work in smaller criminal legal aid firms (firm size defined by number of partners) and they had higher representation in criminal legal aid firms that mainly did criminal legal aid work.

Table 10 (Table 2.22 in DC): Solicitors working for criminal legal aid firms by ethnicity and firm size, 2018-19

	Number of solicitors	Very small	Small	Medium	Large
African-Caribbean	140	17%	46%	22%	15%
Asian	1,420	19%	50%	18%	13%
Chinese	50	~	44%	31%	>20%*
African	260	29%	49%	13%	9%
Other ethnic origin	270	14%	40%	26%	20%
White European	7,830	7%	38%	37%	18%
Unknown	1,790	9%	37%	33%	21%
All	11,760	10%	40%	33%	17%

* The percentage eligible for secondary suppression in this table has been replaced by ">20%", to indicate its actual value is at least 20%. This has been completed to help mitigate potential disclosure risks without omitting a large amount of data in the table

Table 11 (Table 2.26 in DC): BAME solicitors as a percentage of solicitors working for criminal legal aid firms by specialisation, 2018-19

	Average	Mostly criminal work	Some criminal work	No or little criminal work
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms	18%	25%	16%	15%
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms with known ethnicity	22%	29%	19%	18%

28. Although diversity improved steadily between 2014-15 to 2018-19 and that this increased diversity gradually fed through senior levels, female and BAME solicitors were still under-represented among partners in criminal legal aid firms by 2018-19.

Table 12 (Table 2.14 in DC): Solicitors working for criminal legal aid firms by position in the firm and gender, 2018-19

	Number of solicitors	Female	Male	Unknown
Partners	3,520	32%	67%	~
Others	8,250	58%	41%	1%
All	11,760	51%	49%	1%

Table 13 (Table 2.18 in DC): Percentage of BAME solicitors by position in the firm, 2018-19

	Average	Partners	Other
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms	18%	17%	19%
BAME solicitors as a percentage of all solicitors working for criminal legal aid firms with known ethnicity	22%	19%	23%

29. **Age:** Finally, broadly the age distribution of solicitors working in criminal legal aid firms in 2018-19 resembled that of the whole solicitor population (2019 Law Society Statistical Report), with middle age groups (35 to 54) concentrating more solicitors than younger and older groups. However, homing in on the younger age group (25-34), over time there does appear to be a reduction of this cohort which points towards an older workforce compared to that in the general solicitor population.⁸

Table 14 (Table 2.3 in DC): Solicitors working for criminal legal aid firms by age

	2014-15	2015-16	2016-17	2017-18	2018-19
Number of solicitors	14,790	12,710	12,530	13,140	11,760
Under 25	~	~	~	~	~
25-34	25%	22%	22%	22%	20%
35-44	29%	30%	29%	29%	30%
45-54	24%	25%	25%	25%	25%
55-64	16%	17%	17%	16%	17%
65+	~	~	~	~	~
All	100%	100%	100%	100%	100%

⁸ Based on own calculation using 2019 Law Society Statistics Report, table 2.4.

30. As mentioned, the figures above refer to solicitors who worked for criminal legal aid firms, regardless of whether they carried out criminal legal aid work. For this reason, it is also useful to look into a subgroup of these solicitors, duty solicitors, who we know work on criminal legal aid cases.

31. **Age:** The data compendium shows that there were 4,600 duty solicitors in 2019. Of these 4,360 were matched to Law Society records and therefore additional information was available for these individuals. Like all solicitors working in criminal legal aid firms, middle-aged groups tend to concentrate more duty solicitors than younger and older groups. Also, like the population of solicitors working for criminal legal aid firms, the age distribution of duty solicitors points towards an older workforce than the general population of solicitors.

32. **Gender:** The gender parity achieved at the wider criminal legal aid solicitor level does not feed through duty solicitors, where around 65% of duty solicitors were male and this percentage remained almost unchanged over the three-year period.

Table 15 (from Table 4.1 in DC): Number of duty solicitors on the rota by year

	2017	2018	2019
Number of duty solicitors ⁹	5,240	4,990	4,600

Table 16 (Table 4.3 in DC): Proportion of duty solicitors by age, 2017-2019*

	2017	2018	2019
Number of duty solicitors	4,990	4,740	4,360
Under 25	0%	0%	0%
25-34	12%	11%	9%
35-44	29%	29%	29%
45-54	33%	34%	34%
55-64	19%	19%	21%
65+	6%	7%	8%
All	100%	100%	100%
Average age**	47	48	49

Table 17 (Table 4.2 in DC): Proportion of duty solicitors by sex, 2017-2019

	2017	2018	2019
Number of duty solicitors	4,990	4,740	4,360
Female	36%	36%	35%
Male	64%	64%	65%
All	100%	100%	100%

⁹ These values are from the LAA duty solicitor rotas. The 2017-18 numbers come from a 3-month rota whilst the 2018-19 and 2019-20 number came from 6-month rotas.

Legal Executives:

33. Finally, it is also worth pointing out that, according to the CILEX and CILEX Regulation's joint submission to CLAIR, 1,287 CILEX members were working in criminal practice. Of them:
- two thirds are females, which is a lower percentage than among all CILEX members but higher than the percentage of women in the general population (51%, Census 2011);
 - 17% identified themselves as BAME – a higher percentage than among all CILEX members and higher than in the general population (14%, Census 2011);
 - 7% have disability, compared to 4% among all CILEX members and 18% among the general population (Census 2011); and
 - Their average age was 44, compared to 41 among all CILEX members.

Criminal legal aid clients:

34. LAA's annual data on characteristics of crime lower and crime higher clients has been used to inform equality considerations where it is considered that defendants who share a particular protected characteristic are likely to be affected. To the extent that the pre-charge engagement policy and increased fees for crime lower work could improve case progression for crime lower, this section considers the demographics of both crime lower and crime higher clients.
35. Table 18 below suggests defendants in both crime lower and crime higher are much more likely to be male compared to the general population. Defendants are also more likely to be BAME than the general population. And finally, the majority of crime higher (and crime lower) clients were aged 18-44.
36. Table 18 also suggests that the proportion of crime higher clients with a disability (29%) is higher than that observed in the general population (18%). Conversely, for crime lower clients, disability (15%) appeared to be less prevalent than in the population as a whole (18%). The impacts on defendants are discussed further under 'Indirect discrimination'.

Table 18: Demographics of Legal Aid Clients (Crime Lower and Crime Higher) 2019-20¹⁰ compared to general population¹¹

	Female	Male	BAME	White	Disability	No disability
Crime Lower	15%	85%	23%	77%	15%	85%
Crime Higher	10%	90%	21%	79%	29%	71%
General Population	51%	49%	14%	86%	18%	82%

¹⁰ 2019-20 demographic data on legal aid clients from MoJ, Legal Aid Agency figures available at: [Legal aid statistics: July to September 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/legal-aid-statistics-july-to-september-2021). Figures have been adjusted to exclude those for whom this information was not available or was unknown.

¹¹ Census 2011

Table 19: Age Distribution of Legal Aid Clients (Crime Lower and Crime Higher) 2019-20¹² compared to general population¹³

	Under 18	18-24	25-34	35-44	45-54	55-64	65+
Crime Lower	10%	17%	32%	25%	12%	3%	1%
Crime Higher	5%	25%	33%	21%	11%	4%	2%
General population	21%	9%	13%	14%	14%	12%	16%

Overall summary of equality impacts

37. When taken as an overall package, it is our view that the consultation proposals would benefit providers across criminal legal aid by ensuring that we pay more fairly for work done. According to the CLAIR focus groups poor pay affected minority groups and women in particular. Therefore, increasing fees might go some way to address these issues. The proposals for pre-charge engagement and increased fees for crime lower and higher work could speed up case progression for the benefit of clients.
38. Some legal aid practitioners would benefit more than others from the delivery of all these proposals. In addition, it is possible that the legal aid practitioners who particularly benefit from the proposals might be more likely to share a protected characteristic. However, we do not believe that these potential uneven impacts would result in any particular disadvantage for any other groups of practitioners who share a protected characteristic. This is because the proportionate increase in annual spend that they would receive does not represent any decrease to another group of practitioners. Therefore, we do not believe that these uneven impacts amount to indirect discrimination.
39. The increase in fees mean that legal aid costs would rise, when compared to current levels. As such, particular groups of defendants may be required to make higher contributions towards their legal aid costs than under the current fee schemes. Given the lack of available data, we have been unable to undertake detailed analysis of the impacts of these proposals on the contributions defendants are required to pay. We only have equalities data for all crime higher defendants that does not separately identify those required to make a contribution.
40. However, we know that annually, about 8,000 to 9,000 defendants at the Crown Court are required to pay an income contribution order (ICO). In many cases, the income contributions did not meet the current full defence costs of the case and therefore the client's income contributions will not be affected by an increase in fees. Approximately 1,500 to 2,000 capital contribution orders (CCOs) are also issued each year, representing between 2% and 3% of the legally aided population at the Crown Court, and with an average value of £15,000. As such, we anticipate that our proposals are only likely to affect only a small proportion of individuals and with a maximum increase of 15%.
41. However, since the contribution levels are subject to means testing¹⁴ and are intended to recuperate a proportion of the cost of providing legal aid services, we

¹² 2019-20 demographic data on legal aid clients from MoJ, Legal Aid Agency figures available at: [Legal aid statistics: July to September 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/legal-aid-statistics-july-to-september-2021).

¹³ Census 2011.

¹⁴ Criminal legal aid contributions and means test thresholds were considered more broadly as part of the Means Test Review, which is currently subject to public consultation.

consider any differences in impact are proportionate to the legitimate aim of paying fairly for work done. In respect of income contributions, there is a cap to the maximum income contribution individuals can be asked to contribute for their legal aid costs. This will assist in mitigating any rises in legal aid costs to individuals as a part of the changes made to the scheme. Overall, we consider that the impact on defendants that pay legal aid contributions will be limited.

42. We therefore believe that our proposals are unlikely to result in any particular disadvantage for any groups who share protected characteristics.

Eliminating unlawful discrimination, harassment and victimisation

Direct discrimination

43. Our assessment is that each of the proposals on which we are consulting are not directly discriminatory within the meaning of the Equality Act. The fee increases as they apply to the crime lower and crime higher fee schemes will not treat anyone with a protected characteristic less favourably.

Indirect discrimination

44. The key principle underpinning the reforms is paying more fairly for work done. We do not consider that the impact of these proposals will result in any particular disadvantage to any other groups of legal aid practitioners who share protected characteristics. This is because the proportionate increase in annual spend that all practitioners will receive does not represent any decrease in funding to any other group of practitioners. Therefore, we do not think these uneven impacts will amount to indirect discrimination.

45. Our proposals may also have a disproportionate impact on a small number of clients (Crown Court defendants) who are required to make a contribution to their defence costs. We recognise that Crown Court defendants are more likely to be male and aged 18-44 than the general population.

46. Defendants who are financially eligible for legal aid in the Crown Court may be required to pay an income contribution towards the cost of their defence. Income contributions are refunded in the event of the defendant's acquittal while, if convicted, the defendant may be liable to pay towards their defence costs from their capital assets. An increase in legal aid will lead to increased costs which, in turn, might increase the contributions individuals are required to make. There is a cap to the maximum income contribution individuals can be asked to contribute for their legal aid costs. This will assist in mitigating any rises in legal aid costs to individuals as a part of the changes made to the scheme. Overall, we consider that the impact on defendants that pay legal aid contributions will be limited.

47. In summary, we recognise that there might be some uneven impacts as a result of these proposals. However, where the impacts are uneven the proposals represent a proportionate approach to achieving our legitimate objective – to pay more fairly for work done. If any disadvantages do materialise or if there was to be a disproportionate effect on a particular group, our conclusion remains the same, that this would be justified as a proportionate means of meeting the legitimate aim of paying more fairly for work done.

Harassment and victimisation

48. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

Advancing equality of opportunity

49. Consideration has been given to how these proposals will impact on the duty to advance equality of opportunity by meeting the needs of practitioners who share a particular characteristic where those needs are different from the needs of those who do not share that particular characteristic.

50. The Ministry of Justice (MOJ) is mindful of the need to encourage those with protected characteristics to participate in public life and the need to advance equality of opportunity generally. The independently-led review looked at the sustainability of the market – and diversity was a part of that.

Fostering good relations

51. Consideration has been given to how these proposals impact on the duty to foster good relations between people with different protected characteristics. We do not consider that there is anything within these proposals that will have a negative impact regarding this objective.

Indirect discrimination: impact

52. We do not believe that any change in increased funding will cause a disadvantage to any other group with protected characteristics, as our policy proposals raise fees evenly across affected fee schemes and will not decrease funding for any other groups of practitioners. We do not believe these uneven impacts will cause indirect discrimination.