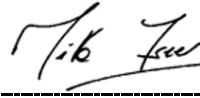


<b>Title: Consultation on Crime Lower</b>		<b>Impact Assessment (IA)</b>		
<b>IA No:</b> MoJ060/2023		<b>Date:</b> 29/01/2024		
<b>RPC Reference No:</b> n/a		<b>Stage:</b> Consultation		
<b>Lead department or agency:</b> Ministry of Justice (MoJ)		<b>Source of intervention:</b> Domestic		
<b>Other departments or agencies:</b> Legal Aid Agency (LAA)		<b>Type of measure:</b> Secondary Legislation		
		<b>Contact for enquiries:</b> CriminalLegalAidConsult@justice.gov.uk		
<b>Summary: Intervention and Options</b>		<b>RPC Opinion:</b> Not Applicable		
<b>Cost of Preferred (or more likely) Option (in 2023 prices)</b>				
<b>Total Net Present Social Value</b> N/A	<b>Business Net Present Value</b> N/A	<b>Net cost to business per year</b> N/A	<b>Business Impact Target Status</b> Not a Regulatory Provision	
<b>What is the problem under consideration? Why is government action or intervention necessary?</b>				
<p>The Criminal Legal Aid Independent Review (CLAIR) considered criminal legal aid provision in England and Wales. It considered the criminal legal aid remuneration system in its entirety, with particular reference to five themes: resilience, transparency, competition, efficiency and diversity. Our response to CLAIR is split into two phases. The first phase of our reforms focused on additional investment which led to a 15% increase to most fees from 30 September 2022. The second phase of our plans focuses on longer term systemic reform. On the basis of CLAIR's recommendations and informed by the responses to the subsequent consultation, we are taking forward our phase two Crime Lower plans by making changes to some of the Crime Lower fee schemes to ensure the pay is more reflective of the work done by criminal defence practitioners. In total £21.1m has been allocated towards Crime Lower which is split £16m for police station fee schemes and £5.1m for the Youth Court fee schemes. This impact assessment and the Crime Lower consultation are addressing how this will be distributed. Government intervention is required as changes to legal aid require secondary legislation.</p>				
<b>What are the policy objectives of the action or intervention and the intended effects?</b>				
<p>The Government considers these measures are necessary to help maintain the sustainable provision of legal aid, to promote access to justice, better achieve the aim of reflecting and paying for work done, as well as increasing efficiency and protecting the taxpayer.</p>				
<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b>				
<b>Police Station Attendance fees</b>				
<ul style="list-style-type: none"> <li>• <b>Option 0 / Do nothing:</b> Retain the existing arrangements for the police station fee scheme.</li> <li>• <b>Option 1:</b> Focus the additional £16m expenditure on uplifting the lowest fees.</li> <li>• <b>Option 2:</b> Focus the additional £16m expenditure on uplifting the lowest fees and the lowest London fees.</li> </ul>				
<b>Youth Court fees</b>				
<ul style="list-style-type: none"> <li>• <b>Option 0 / Do nothing:</b> Retain the existing arrangements for the Magistrates' / Youth Court fee scheme.</li> <li>• <b>Option 1:</b> Create new Youth Court fee scheme which allows an enhanced standard fee for all Indictable Only (IO) and Triable Either Way (TEW) offences.</li> </ul> <p>The Government's preferred options are Option 2 for police station attendance fees and Option 1 for Youth Court fees, as these best allow us to carry forward CLAIR's recommendations. For more information, please refer to section D "Options under Consideration" on page 9.</p>				
Is this measure likely to impact on international trade and investment?				No
Are any of these organisations in scope?	<b>Micro</b> No	<b>Small</b> No	<b>Medium</b> No	<b>Large</b> No
What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent)			<b>Traded:</b> 0	<b>Non-traded:</b> 0

<b>Will the policy be reviewed?</b> It will be reviewed.	<b>If applicable, set review date:</b> After implementation
---	--

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible



Date:

24.01.24

# Summary: Analysis & Evidence

# Police Station Policy Options 1–2

**Description:** Changes to police station attendance fees

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
2023	2023				

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	£0.05m	£16m	N/A

### Description and scale of key monetised costs by ‘main affected groups’

- Additional police station steady state annual cost to the legal aid fund of £16m (which represents £21.1m when combined with the £5.1m for the Youth Court) – these costs are all in respect to Crime Lower.
- There would also be a one-off business as usual cost to the Legal Aid Agency (LAA) of implementing the necessary changes required. This is envisaged to be around £0.05m.

### Other key non-monetised costs by ‘main affected groups’

N/A

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	£0.05m	£16m	N/A

### Description and scale of key monetised benefits by ‘main affected groups’

- Additional steady state annual benefit to solicitors’ firms of £16m, which represents around 12.5% increase relative to police stations attendance adjusted baseline spend (2022-23), which reflects the full year impact of the recent 15% uplift in fees.

### Other key non-monetised benefits by ‘main affected groups’

Legal aid clients would benefit from a better-functioning and more sustainable legal aid market that provides a good quality service. A better-functioning legal aid market might have a positive impact on other public services.

### Key assumptions/sensitivities/risks

Discount rate (%)

N/A

The key assumptions/sensitivities/risks for the above estimates are presented below. For a full description please refer to the Risks and Assumptions section of this IA.

The main risk is police station volumes of cases are based on 2022-23 closed case data. Police station volumes may see an increase owing to police recruitment. The impact of changes in police station volumes is considered further in the sensitivity analysis.

## BUSINESS ASSESSMENT (Options 1-2)

Direct impact on business (Equivalent Annual)			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

## Summary: Analysis & Evidence

## Youth Court Policy Option 1

**Description:** Create new Youth Court fee scheme which allows an enhanced fee for all Indictable Only (IO) and Triable Either Way (TEW) offences

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
2023	2023				

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	£0.04m	£5.1m	N/A

#### Description and scale of key monetised costs by 'main affected groups'

- Additional Youth Court steady state annual cost to the legal aid fund of £5.1m (which represents £21.1m when combined with the £16m for police stations) – these costs are all in respect to Crime Lower.
- There would also be a one-off business as usual cost to the Legal Aid Agency (LAA) of implementing the necessary changes required. This is envisaged to be around £0.04m.

#### Other key non-monetised costs by 'main affected groups'

N/A

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	£0.04m	£5.1m	N/A

#### Description and scale of key monetised benefits by 'main affected groups'

- Additional steady state annual benefit to solicitors' firms of £5.1m, which represents a 71% increase relative to the Youth Court adjusted baseline spend (2022) and reflects the full year impact of the recent 15% uplift in fees.

#### Other key non-monetised benefits by 'main affected groups'

Legal aid clients would benefit from a better-functioning and more sustainable legal aid market that provides a good quality service. A better-functioning legal aid market might have a positive impact on other public services.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	N/A
--	--------------------------	-----

The key assumptions/sensitivities/risks for the above estimates are presented below. For a full description please refer to the Risks and Assumptions section of this IA.

The main risk is Youth Court volumes of cases are based on 2022 closed case data. The impact of changes in Youth Court volumes, owing to a change in say sitting days, is considered further in the sensitivity analysis.

### BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual)			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

# Evidence Base

## A. Background

1. In December 2020, the Government commissioned the [Criminal Legal Aid Independent Review \(CLAIR\)](#), which considered criminal legal aid provision in England and Wales. The Review was undertaken by Lord Bellamy KC, a former judge and now a Minister at the Ministry of Justice.
2. CLAIR was the second part of a wider review of criminal legal aid first announced in December 2018. The first part of the review considered opportunities for reforming criminal legal aid throughout the life cycle of a case and began a data sharing process with the Law Society, CPS and Bar Council (most of which was published in the Data Compendium) and addressed certain “accelerated areas” reforms and additional funding which took effect in August 2020.
3. CLAIR was set up to consider the criminal legal aid system in its entirety, the service being provided, and how it is procured and paid for, with particular reference to five themes: resilience, transparency, competition, efficiency and diversity (as set out in the terms of reference<sup>1</sup>).
4. CLAIR had two main objectives:
  - a. To reform the Criminal Legal Aid fee schemes so that they:
    - fairly reflect, and pay for, work done;
    - support the sustainability of the market, including recruitment, retention, and career progression within the professions and a diverse workforce;
    - support just, efficient, and effective case progression; limit perverse incentives, and ensure value for money for the taxpayer;
    - are consistent with and, where appropriate, enable wider reforms;
    - are simple, and place proportionate administrative burdens on providers, the Legal Aid Agency (LAA), and other government departments and agencies; and
    - ensure cases are dealt with by practitioners with the right skills and experience.
  - b. To reform the wider Criminal Legal Aid market to ensure that the provider market:
    - responds flexibly to changes in the wider system, pursues working practices and structures that drive efficient and effective case progression, and delivers value for money for the taxpayer;
    - operates to ensure that Legal Aid services are delivered by practitioners with the right skills and experience;
    - operates to ensure the right level of Legal Aid provision and to encourage a diverse workforce.
5. The CLAIR report was published in December 2021 and our response to it was published in March 2022. In our response we allocated an additional £21.1m as part of our longer-term reforms. Of this, £16m was originally allocated to training grants (£2.5m), Public Defender Service expansion (£3.2m) and Litigators' Graduated Fee Scheme (LGFS)

---

<sup>1</sup> [terms-of-reference.pdf \(publishing.service.gov.uk\)](#).

reforms (£10.3m), while a further £5.1m was allocated to the Youth Court. However, because the responses to the CLAIR consultation indicated that a fee increase would be more beneficial to the profession, and as part of our full government response to the CLAIR consultation in November 2022, we reallocated the first £16m above to solicitors' fees for police station work, so that the whole package (along with the £5.1m for the Youth Court) would benefit the wider solicitor profession.

6. Furthermore, in our interim response to the CLAIR consultation in July 2022, we committed to increasing most legal aid fees by 15% and this uplift came into force on 30 September 2022. This increase was applied to fees in both the police station and the Magistrates' Court which includes the Youth Court. The £16m reallocated to solicitors' fees for police station work and the £5.1m to the Youth Court mentioned above are in addition to the September 2022 fees uplift.
7. This Impact Assessment (IA) accompanies the consultation on Crime Lower following our government's response to the CLAIR consultation. Crime Lower covers work carried out by legal aid providers at police stations and in Magistrates' Courts including Youth Courts in relation to people accused of or charged with criminal offences. This IA addresses the impacts of using the £21.1m on the specific measures considered as part of the Crime Lower consultation.
8. As this IA makes reference to two areas of legal aid – the police station fee scheme and the fees payable in the Youth Court – a description of each of these is provided below.

## **Police Station Fee Scheme**

### Structure of the Fee Scheme

9. Police Station advice and assistance for suspects questioned by the police is paid by fixed fees, which vary by police station scheme location. However, when the work done (in terms of hours worked) exceeds the escape threshold by approximately three times the fixed fee, then additional fees can be claimed at hourly rates. These are known as 'escape cases'. Only work done above the threshold (not work done to meet the threshold) is remunerated at hourly rates.
10. The police station fee scheme was designed on the 'swings and roundabouts' principle whereby the fixed fees for simple and complex cases should balance each other out. However, CLAIR found that the lack of differentiation between simple and complex cases was a fundamental issue in the scheme; that this led providers to not be incentivised to do more work in complex cases.
11. CLAIR concluded that the 'swings and roundabouts' premise was no longer adequate for properly remunerating the work done in that scheme. CLAIR therefore recommended restructuring the police station fee scheme into standardised fees to better pay for work done by paying more where more work is required.
12. In the CLAIR consultation, there were two options put forward for structural reform:
  - **Option 1: CLAIR's recommendation for a standard fee model.** This option would reform the fee structure along the lines of the Magistrates' Court fee scheme, namely, to create standardised fees. These are lower standard, higher standard and non-standard fees, whereby a provider may claim for a higher fee when a threshold of work done (by hours) is surpassed.
  - **Option 2: Adapt the escape fee threshold.** This option would adapt the existing escape fee provision by either lowering the current threshold; or by paying between the fixed fee and the escape fee (which is not currently done).

13. Option 1 (a standard fee model) received the most support<sup>2</sup> and we stated in the government response that we would consult further on a standard fee model based on time spent. Using a standard fee model would involve creating a lower, higher and non-standard fee to help distinguish between case complexity, meaning that time spent would be the key indicator that determines the complexity of a case.
14. We are not able to model any options for a standard fee model for consultation at this point due to data limitations. We understand that providers already submit data to the LAA in respect of most of the categories required to inform a standard fee model. However, following discussions with the Criminal Legal Aid Advisory Board (CLAAB) police station subgroup, it was advised that the data currently submitted by providers via the LAA billing systems is not always accurate – this is because the structure of the current fee scheme does not incentivise accurate reporting of time spent. For example, the same fixed fee is claimed for the majority of cases regardless of how many hours have been worked due to the level of the escape fee threshold; so there is no financial benefit to accurately reporting how many hours have been worked on a case. An assessment was carried out by the MoJ on the quality of police station cost data submitted by providers. This assessment also supported the position that the data is likely to not be suitable for informing a standard fee model. Although we are not able to introduce a standard fee model for the police station fee scheme at this stage, we are able to take steps towards this by getting the fee schemes in the best format for introducing standardised fees.
15. CLAIR recommended reducing the number of different fee schemes across England and Wales as an important requisite for introducing a standard fee model. The section below from Paragraph 16 expands on this further.

#### The Variation in Different Fee Schemes

16. The police station fixed fees vary by geographic area ('scheme') and there are currently 245 different fees across England and Wales. The fixed fees were set in 2008 based on the average cost of a case in that area at the time.
17. CLAIR also recommended that the reformed scheme (i.e. the standard fee model mentioned above) should be designed on a harmonised basis, phasing out the different rates in the existing 245 fee schemes. It also stated that the different rates should be phased out as soon as it is practical to do so. Therefore, the first step in structurally reforming the police station fee scheme would be to reduce the number of different rates between the various schemes across England and Wales.
18. In the CLAIR consultation, we consulted on whether the reformed scheme should be designed at harmonised rates, rather than existing local rates. Of those who responded to this question, the majority<sup>3</sup> agreed that the rates should be harmonised.
19. Lastly, the government response to CLAIR reallocated the £16m – originally intended for other longer-term reforms – to police station fees. It stated that we would explore how this can be used to uplift the lowest fees within the scheme, and that we would consult further on the detail of this proposal. Uplifting the lowest fees to the same fixed fee was seen as an opportunity to take a first step towards phasing out the different fee schemes.

---

<sup>2</sup> For more information, please see Paragraph 116 to the [Full Government Response to CLAIR](#).

<sup>3</sup> For more information, please see Paragraph 129 to the [Full Government Response to CLAIR](#).

## Youth Court fees

20. Child defendants are some of the most vulnerable and benefit most from tailored specialist support. In addition, Youth Court work requires an understanding of the distinct youth justice system, process and sentencing options. Building up trust and understanding with a child can be challenging; it requires extra time and effort to be given.
21. CLAIR highlighted, however, that current Youth Court fee levels may lead to inexperienced lawyers taking on these cases. They may only have a short time to meet the child and engage with them, to understand their case, to win their trust and to represent their interests effectively. In response, CLAIR recommended that criminal legal aid fees payable in the Youth Court be increased to reflect the importance of this work and seriousness of the young defendant's situation.
22. In the CLAIR consultation, we consulted on two options:
  - **Option 1: Widening the scope for "Assigned Counsel" to all Indictable Only offences.** In this option, a certificate for counsel would be automatically available for all Indictable Only offences heard in the Youth Court, allowing an advocate to support the case alongside a solicitor.
  - **Option 2: Pay enhanced Youth Court fee for all Indictable Only (IO) and Triable Either Way (TEW) offences.** In this option, an enhanced fee would be paid within the current scheme for all Indictable only and Triable Either Way Youth Court cases.
23. The enhanced fee option (Option 2) received the most support<sup>4</sup> from the consultation responses. This was mostly due to respondents believing that extending assigned counsel under Option 1 would not necessarily lead to improvements in the quality of representation provided to children in the Youth Court, as Crown Court advocates may not have the required knowledge or experience to undertake work in the Youth Court. Option 2 covered around 60%<sup>5</sup> of legally aided Youth Court cases while the Assigned Counsel option only covered around 10%.
24. In the Government response we announced our intention to implement Option 2 (enhanced Youth Court fee) and consult further on the details of applying the enhancement within the current fee scheme.
25. Youth Court fees are currently based on the Magistrates' fee scheme. The current proposal is to create a separate fee scheme for the Youth Court using the current Magistrates' fee scheme as its basis. The new Youth Court fee scheme would allow for all Indictable Only and Triable Either Way offences to receive an enhanced standard fee. This would be a fixed amount of £548.33 (excluding VAT, or £658 including VAT) given in addition to the current fee/rate.

## B. Rationale & Policy Objectives

### Rationale

26. The conventional economic rationales for government intervention are based on efficiency and equity. The government may consider intervening if there are failures in the way markets operate (e.g. monopolies overcharging consumers), or failures with existing government interventions (e.g. waste generated by misdirected rules). The new interventions should avoid creating a further set of disproportionate costs and distortions.

---

<sup>4</sup> For more information, please see Paragraph 330 of the [Full Government Response to CLAIR](#).

<sup>5</sup> The proportion of legally aided youth cases that would be covered by the option is now two-thirds, based on 2022 data.



The government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more deprived groups in society).

27. Putting funding towards the earlier stages of the Criminal Justice System (CJS) is part of CLAIR's wider objective to encourage early engagement between the Police, CPS and defence practitioners. CLAIR argued that early engagement would lead to better outcomes for defendants, a more efficient CJS through better case management, earlier case resolution, earlier guilty pleas where appropriate, and therefore could potentially yield savings for the wider system.
28. The principal policy rationale behind the options assessed in this IA is efficiency. To encourage more time to be spent on cases where appropriate at an earlier stage, to limit perverse incentives, to ensure value for money for the taxpayer, and for the pay to attract practitioners with the right expertise or encourage them to specialise in Crime Lower work. The Government considers that moving towards fee schemes that pay more fairly for the work done could help improve efficiency as well as equity. Furthermore, the additional funding into the system would also contribute towards the sustainability of the market.

### **Policy Objectives**

29. The Government considers the reforms necessary to achieving our overarching policy objectives. This includes to ensure sustainable provision of legal aid, in order to promote access to justice, better achieve the aim of reflecting, and paying for, work done as well as increasing efficiency and protecting the taxpayer.
30. There are four main CLAIR policy objectives (mentioned in Paragraph 4 above) that the reforms are based on. These are to reform the Criminal Legal Aid fee schemes so that they:
  - fairly reflect, and pay for, work done;
  - support the sustainability of the market;
  - support just, efficient, and effective case progression; limit perverse incentives; and ensure value for money for the taxpayer;
  - ensure cases are dealt with by practitioners with the right skills and experience.
31. The rationale and associated policy objectives for the individual policies (police station Options 1–2 and Youth Court Option 1) are set out in further detail in the Consultation Document.

### **C. Main Stakeholder Groups, Organisations and Sectors**

32. The options assessed in this IA would directly affect the following groups:
  - Legal aid service providers (solicitors' firms<sup>6</sup>)
  - Legal aid clients
  - The Legal Aid Agency (LAA) / Ministry of Justice (MoJ)
  - Wider Criminal Justice System (CJS)

---

<sup>6</sup> This includes partners and employees of firms, including qualified solicitors, solicitor advocates, CILEX executives and other employees.

## D. Options under Consideration

33. To meet the above policy objectives, the following options are considered in this IA:

### Police Station Attendance fees

- **Option 0 / Do nothing:** Retain the existing arrangements for the police station attendance fee scheme.
- **Option 1: Focus the additional £16m expenditure on uplifting the lowest police station fees** – raising 174 out of 213 non-London fee schemes to £225.63 (excluding VAT, or £270.76 including VAT).
- **Option 2: Focus the additional £16m expenditure on uplifting the lowest police station fees and the lowest London fees** – raising 173 out of 213 non-London fee schemes to £223.52 (excluding VAT, or £268.22 including VAT) and 26 out of 32 London fee schemes to £264.45 (excluding VAT, or £317.34 including VAT).

34. The government's preferred option is Option 2.

### Option 0: Do nothing, retain the existing arrangements for all the fee schemes

35. This option would mean making no increase to any fees in the police station fee schemes. This option would not address our commitment in the Consultation response to re-allocate £16m to police station work and therefore would prevent us from addressing the wider objectives laid out in CLAIR. In addition, this option is not supported by the responses received to the CLAIR consultation.

### Option 1: Focus the additional £16m expenditure on uplifting the lowest police station fees

36. This option is in line with CLAIR's recommendation to phase out the different rates as soon as it is practical to do so. Under this option, 174 of the lowest police station attendance fee schemes would be raised to a fixed fee of £225.63 (excluding VAT). This means all schemes currently under or at £225.63 (excluding VAT) would have the same fixed fee. It would bring around 70% of the 245 different fee schemes to the same level.

### Option 2: Focus the additional £16m expenditure on uplifting the lowest police station fees and the lowest London fees

37. This option is in line with CLAIR's recommendation to phase out the different rates as soon as it is practical to do so. This option would allow for a wider range of fee schemes to be harmonised in comparison to Option 1. It would include around 80% of the 245 different fee schemes. This option is similar to Option 1 except that some London schemes would also see an uplift.

38. This option would see 173 out of 213 non-London schemes brought up to £223.52 (excluding VAT) and 26 out of 32 London schemes brought up to £264.45 (excluding VAT). The financial benefit for London providers would be fairly small, with an average increase of around £14 (including VAT, or around £12 excluding VAT).

39. Our long-term ambition is for the police station fee scheme to operate on standardised fees, which could help ensure the pay is more reflective of the work done. Harmonisation will need to take place first to reduce the number of fee schemes in operation and we believe that Option 2 is the best option to start this process. It allows the greatest number of fee schemes to be harmonised by including the London schemes whilst providing some financial benefits to firms across England and Wales.

## Youth Court fees

- **Option 0 / Do nothing:** Retain the existing arrangements for the Magistrates' / Youth Court fee scheme.
- **Option 1:** Create new Youth Court fee scheme which allows an enhanced standard fee for all Indictable Only and Triable Either Way offences.

40. The government's preferred option is Option 1.

### **Option 0: Do nothing, retain the existing arrangements for the fee scheme**

41. This option would mean making no further increases or changes to Youth Court fees which currently sit within the Magistrates' fee scheme. This option would not address the policy objective and would prevent us from addressing the wider objectives laid out in CLAIR. In addition, this option is not supported by the responses received to the CLAIR consultation nor by the commitment the government made in its response to that consultation<sup>7</sup>.

### **Option 1: Create new Youth Court fee scheme which allows an enhanced standard fee for all Indictable Only (IO) and Triable Either Way (TEW) offences**

42. This option is in line with CLAIR's recommendation for the criminal legal aid fees payable in the Youth Court to be increased to reflect the importance of this work and seriousness of the young defendant's situation. We believe that having a separate Youth Court fee scheme with higher rates than the Magistrates' fee scheme would help reflect the seriousness and complexity of the work done in the Youth Court.
43. This option would see all legally aided IO and TEW offences in the Youth Court paid an enhanced fee of £548.33 (excluding VAT, or £658 including VAT). This would be the amount received in addition to the current fees paid for Youth Court cases. The enhanced fee would apply to both standard fees and non-standard fee cases. This would also apply to both guilty pleas and trial cases with an IO or TEW offence.
44. Please note that the Youth Court Option 1 should be considered alongside each of the two police station options described above.

## **E. Cost and Benefit Analysis**

45. This IA follows the procedures and criteria set out in the IA guidance and is consistent with the HM Treasury Green Book.
46. This IA identifies impacts on individuals, groups and businesses in England and Wales, with the aim of understanding what the overall impact to society would be from implementing the above measures. IAs place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However, there are important aspects that cannot sensibly be monetised – which might include whether the policy impacts differently on particular groups of society or changes in equity and fairness.
47. The costs and benefits of each option are usually compared to the 'do nothing' or baseline option (Option 0), to demonstrate the potential impacts of reform. In this case, the 'do nothing' option is making no changes to the criminal legal aid fee schemes. This

---

<sup>7</sup> Please see Chapter 6 of the Full Government Response to CLAIR.

'do nothing' option is a useful baseline for comparison purposes as it demonstrates where additional expenditure is targeted.

48. The costs and benefits in this IA are presented in nominal prices.
49. The estimated impacts of all the options are presented at their expected steady state values, which have been assessed against both the volumes and mix of claims in 2022 for the Youth Court and in 2022-23 for police stations. These volumes reflect the most recent and accurate estimates of caseload<sup>8</sup>. Further details are provided in Paragraphs 57-60.
50. Any one-off costs are assumed to be incurred in the financial year 2024-25. No optimism bias is applied to any of the steady state costs or benefits, as they are based on known fixed fees. Estimates for the implementation costs have been rounded up to allow for optimism bias. More details are given in the methodology section.
51. Sensitivity analysis has been performed in Section F on any variables where there is some uncertainty. Two scenarios are analysed, (A) where modelling assumptions are taken to the values which would give the highest costs and benefits; (B) where modelling assumptions are taken to the values which would give the lowest costs and benefits.
52. Any changes that arise as a result of the increased cost of legal aid are assumed to amount to a transfer between the LAA and legal aid providers and, as such, net present values (NPV) have not been included in this IA.
53. The cost estimates are based on the LAA billing data.
54. The analysis in this IA is based on closed case expenditure and volumes in 2022 and 2022-23.
55. The expenditure estimates in this IA have been rounded: estimates below £100,000 have been rounded to the nearest £10,000; estimates below £10m have been rounded to the nearest £100,000; those below £150m to the nearest £1m; and those above £150m to the nearest £5m. Consequently, some totals may not agree due to rounding.
56. Further details on the methodology assumptions and risks can be found in section F.

## **Baseline**

57. As stated above, the Youth Court modelling is based on 2022 volumes and the police stations modelling is based on 2022-23 volumes. This represents the latest and most accurate data available.
58. In the case of the Youth Court, volumes of legally aided cases have been estimated by linking volumes of youth cases proceeded against (excluding cases that have been committed for trial to the Crown Court) to legal aid claims. Baseline Youth Court legal aid spend for 2022 has been estimated by taking the legally aided volume of cases and multiplying it by the average legal aid representation order spend on Youth Court lower, higher and non-standard fee cases in 2022.

---

<sup>8</sup> Legal aid claims for 2022-23 are based on published data: [Legal aid statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/legal-aid-statistics). Headline Tables (2.1 and 2.2) show that overall volumes and spend in the police stations and Magistrates' Court (which includes the Youth Court) areas have recovered to broadly around Pre COVID-19, i.e. 2019-20 levels. For the latest available data on the overall volumes of youth cases (2022) – please see: [Criminal Justice System statistics quarterly: December 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022). Outcomes by Offence Data Tool and the Prosecutions and Convictions tab.

59. For police stations, volumes of legally aided cases and spend are for police station attendance work only. It should be noted that baseline spend across both police stations and the Youth Court has been adjusted to reflect the full year impact of the recent 15% fees uplift which came into effect on 30 September 2022 – this is described further in the Assumptions and Risks Section.
60. The latest year of available data has been used as our best estimate of ‘steady state’<sup>9</sup> due to uncertainty around expected future volumes. As described in the Assumptions and Risks section, volumes in future years may be higher or lower than this. The impact of this has been tested in the sensitivity analysis.

## **Police stations and Youth Court fee proposals**

### **Costs of Police Station Attendance Fees Options 1–2 and Youth Court Fees Option 1**

61. The key costs of the police station attendance and Youth Court fee options are described below. While the overall impacts are expected to be the same across each of the police stations options, the geographical and provider level impacts vary, and these are described further in Annex A.

#### *Legal aid service providers: Solicitors’ Firms*

62. There would be no costs to solicitors’ firms under each of the options.

#### *Legal aid clients*

63. Clients would still have access to the same criminal legal aid services as they do now, provided the interests of justice and means tests are satisfied.

#### *Legal Aid Agency/Ministry of Justice*

#### Transition Costs

64. The LAA would need to implement these changes, with a cost of £0.09m. These implementation costs are indicative and are described in Table 1 below.

*Table 1: LAA Implementation Costs for Options 1–2, £m*

	<b>Implementation Costs</b>
<b>Police Stations</b>	
Option 1 – raising the lowest fees	0.05
Option 2 – raising the lowest fees including London	0.05
<b>Youth Court</b>	
Option 1 – enhanced fee	0.04
<b>Total</b>	<b>0.09</b>

- Figures may not sum due to rounding.
- The total row includes the implementation costs for the Youth Court Option 1.

<sup>9</sup> Department uses steady state estimates when assessing the annual ongoing cost of a legal aid fee scheme. This is because a change to a legal aid fee scheme will not usually take effect across existing cases following policy implementation. Instead, the change in fee schemes usually only takes effect in respect of cases which start after it has been implemented. This means that there is a period where cases commenced after the introduction of the new fee scheme will be billed on the basis of the new fee scheme whilst existing cases in the system continue to be billed on the basis of the pre-existing fee scheme. Steady state is achieved at the point when all cases are being billed on the basis of the new fee scheme.

## Steady State Costs

65. The police station and the Youth Court options combined are estimated to cost the legal aid fund £21m per annum in steady state (Table 2 below).

*Table 2: Steady State LAA Costs for Options 1–2, £m*

	Total Baseline Spend – 2022-23	Total Baseline ‘Adjusted’ Spend – 2022-23	Steady State Additional Fee Income
<b>Police Stations</b>			
Option 1 – raising the lowest fees	123	133	16
Option 2 – raising the lowest fees including London	123	133	16
<b>Youth Court</b>			
Option 1 – enhanced fee	7.4	8.2	5.1
<b>Total</b>	<b>130</b>	<b>142</b>	<b>21</b>

- Figures **include** expenditure on disbursements and VAT.
- Total Baseline Spend is based on the latest available data – for the Youth Court this represents 2022 estimated spend (as outlined in Paragraphs 57–60) and for police stations this represents 2022-23 spend for attendance work only, i.e. excludes all other areas.
- The Total Baseline Spend is adjusted to reflect the full year impact of the 15% fees uplift which came into effect on 30 September 2022. No adjustment has been made for police stations Pre-Charge Engagement<sup>10</sup> – the latest statistics show that overall spend in this area was around £22k in 2022-23.
- Figures may not sum due to rounding.

## **Benefits of Police Station Attendance Fees Options 1–2 and Youth Court Fees Option 1**

66. The key benefits of the police station attendance and Youth Court fee options are described below. Again, while the overall impacts are expected to be the same across each of the police stations options, the geographical and provider level impacts vary, and these are described further in Annex A.

### *Legal aid service providers: Solicitors’ Firms*

67. Under either of the two police station options and the Youth Court option, solicitors’ firms are expected to receive around £21m in additional annual funding, as shown in Table 3. Table 3 shows that while the overall percentage increase in fees would be around 12.5% across each of the two police station options, the percentage increase at the regional level would vary based on the fee schemes targeted. Analysis of how this funding would be distributed across different (fee scheme) regions and office types is shown in Annex A.

<sup>10</sup> For further detail around Pre-Charge Engagement – please see the following IAs: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1092151/clair-response-impact-assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092151/clair-response-impact-assessment.pdf), <https://assets.publishing.service.gov.uk/media/606d8b098fa8f5735e5a5b25/pre-charge-engagement-impact-assessment.pdf>.

Table 3: Solicitors' firms Steady State Additional Fee Income for Options 1–2, £m

	Total Baseline 'Adjusted' Spend – 2022-23	Steady State Additional Fee Income	Average Percentage Increase
<b>Police Stations</b>			
Option 1 – raising the lowest fees	128	16	12.4%
Option 2 – raising the lowest fees including London	128	16	12.5%
<b>Youth Court</b>			
Option 1 – enhanced fee	7.2	5.1	71.0%
<b>Total</b>	<b>135</b>	<b>21</b>	<b>15.6%</b>

- Figures **exclude** expenditure on disbursements and include VAT.
- The Total Baseline 'Adjusted' Spend is as described above.

68. Although criminal barristers work in both Crime Lower and Crime Higher, they are only paid directly for their work in Crime Higher. For Crime Lower schemes their fee mostly goes through the solicitors' firm, so there could be some benefit for criminal barristers from the proposed options, but this cannot be calculated due to the lack of data.

#### *Legal Aid Clients*

69. All the measures considered would increase the amount paid to legal aid providers. Although we have not been able to estimate any monetised benefits for legal aid clients, the key aims of these measures – to improve the sustainability and efficiency of the legal aid market – are likely to have a positive effect on legal aid clients for whom a well-functioning and sustainable legal aid market that provides a good quality service is vital.

#### *Legal Aid Agency*

70. Having a separate fee scheme for adults and children would help improve the quality of the LAA billing data for the Youth Court. As mentioned in Paragraphs 57–60 above, the legal aid volumes of Youth Court cases have been estimated, and with a separate Youth Court fee scheme, the LAA can be more confident that all cases coming through that scheme are for cases in the Youth Court.
71. Harmonising the police station fee schemes in the long-term would be an operational benefit for the LAA. The LAA currently process claims for 245 different fee schemes across England and Wales. Therefore, reducing the number of different fees in the future would simplify their processes.

#### *Wider Criminal Justice System (CJS)*

72. As mentioned in the CLAIR review, there could be wider benefits if these reforms result in the whole CJS functioning more effectively, to be able to respond to forecast increase in demand, and to reduce the backlog. This would benefit HM Courts and Tribunals Service (HMCTS) and the Crown Prosecution Service (CPS) for instance.

## F. Methodology, Assumptions, Risks and Sensitivity Analysis

### Methodology

#### Baseline Costs

73. As described in Paragraphs 57-60, the costs and benefits of the options have been based on 2022 estimated spend for the Youth Court and 2022-23 spend for police stations attendance work. This represents the latest and most accurate available data – it shows that volumes of cases and spend in the Crime Lower area have recovered to around Pre-Covid-19 levels. For further detail please refer to the Assumptions and Risks Section.
74. The spend data is based on the closed cases measure of expenditure which shows the total value of payments made to legal aid providers in relation to cases that are completed in each period, even where a portion of the work may have taken place and paid over previous periods.

#### Police station attendance fees – Options 1–2

75. In Option 1, the lowest police station fees would be increased to £225.63 (excluding VAT) which would capture 174 out of 245 fee schemes, i.e. the highest number of schemes possible within the £16m allocated budget. This fee is just above the current fee for the North West Surrey (Woking) fee scheme. The escape case threshold<sup>11</sup> for each of the schemes that experience an increase in fees would be harmonised also. This would be based on the mean escape fee threshold for the affected schemes, weighted according to the case numbers in 2022-23. All remaining fee schemes would be unchanged.
76. Under Option 2, the lowest police station fees outside of London would be increased to £223.52 (excluding VAT) whilst the lowest fees inside London would be increased to £264.45 (excluding VAT) – these fee changes would capture 173 non-London and 26 London (out of 245) fee schemes, respectively. These fees are just above the current fees for Bicester and Oxford (non-London) and South London, Highbury Corner and Ealing (London), respectively.
77. Under Option 2, the stated fee levels attempt to maximise the number of fee schemes that can be harmonised whilst ensuring the lowest fee schemes receive the most in terms of an increase in fees. As in Option 1, the escape case threshold for each of the schemes that experience an increase in fees would be harmonised also. The same approach is used except that the mean escape fee threshold level is calculated separately for the relevant schemes inside and outside of London. All remaining fee schemes would be unchanged.

#### Youth Court fees – Option 1

78. Under Option 1, the average fee enhancement is based on the allocated spend for the Youth Court (£5.1m) divided by the estimated number of legally aided Indictable Only and Triable Either Way cases (around 8,000 in 2022), which results in an average enhancement of £658 (including VAT). This fee is higher than the average spend across all representation order (lower, higher and non-standard fee) Youth Court cases, which was around £614<sup>12</sup> (including VAT), in 2022.

---

<sup>11</sup> There is an 'escape fee' provision for police stations work whereby a legal aid provider can be paid at hourly rates if the work done surpasses the 'escape threshold'. The escape threshold is typically approximately 3x the fixed fee based on hourly rates. Only the work done above the threshold is paid as an escape fee, not the work done between the fixed fee and the threshold.

<sup>12</sup> This figure has been adjusted to include the 15% fees uplift.



## Risks and assumptions

79. Table 4 sets out the main assumptions used in the above analysis and the associated risks.

*Table 4: Assumptions and risks associated with police stations Options 1–2 and Youth Court Option 1*

Area	Assumptions	Risks
<b>Transition Costs</b>		
LAA Transition	Transition costs are based on time estimates and salary costs for digital teams.	This may over- or under-estimate the cost of completing these digital changes. To account for this the costs have been sensitivity tested using a 15% increase and decrease.
<b>Steady State General Assumptions</b>		
2022-23 baseline / 'adjusted' baseline	It is assumed baseline legal aid spend and volumes are as described in Paragraphs 57-60. Baseline Spend has been adjusted to reflect the full year impact of the 15% fees uplift which came into effect on 30 September 2022. All claims (police stations and Youth Court) prior to this point have been uplifted using the appropriate claim/case dates. Baseline Spend for police stations has not been adjusted to include the impact of Pre-Charge Engagement. The latest Legal Aid Statistics show that overall spend in the Pre-Charge Engagement area was around £22k in 2022-23.	Case mix and volumes change year on year which could lead to higher or lower costs than those estimated. Police station case volumes may increase owing to police recruitment. The impact of changes to both police station and Youth Court volumes has been considered in the sensitivity analysis.
VAT and disbursements	Baseline criminal spend includes VAT and disbursements, unless otherwise specified.	This would not impact the estimated costs or benefits.
Impact of the Means Test Review (MTR)	The Government has published its response to the Means Test Review (MTR) Consultation, which considered the eligibility for legal aid including eligibility in respect to the Magistrates' Court. The Youth Court area is not expected to be impacted by the MTR as eligibility is already highly likely in Youth Court representation cases.	This would not impact the estimated costs or benefits.
<b>Police Stations Fees Modelling (Options 1–2)</b>		
Police station 'attendance' volume of cases /	Police station attendance case volumes are as described above. A small adjustment has been made to omit any erroneous cases	The small adjustment to police stations volumes has a negligible impact and it is not a risk to the modelling. Provider costs submitted

Area	Assumptions	Risks
provider costs submitted	including cases where the fees do not match the fees prescribed in the latest Regulations. The modelling in respect to changing the escape fee thresholds is based on provider costs (overall costs including travel, waiting and counsel costs) submitted.	could be higher or lower, and therefore this area is tested as part of the sensitivity analysis.
Regional split of police station fee cases/impacts	The regional split of police station case volumes is based on the police station court CJS region which is recorded in the billing data.	This would not impact the estimated costs or benefits.
<b>Youth Court Fees Modelling (Option 1)</b>		
Youth Court cases modelling	Youth Court case volumes are as described above. Volumes are based on estimated legally aided Indictable Only and Triable Either Way cases, and cases tried at the Magistrates' Court (including not tried cases).	Case mix and volumes change year on year which could lead to higher or lower costs than those estimated. This has been considered as part of the sensitivity analysis.
<b>Solicitor Firm Investment</b>		
Crime Lower	It has been assumed that all fees paid for Crime Lower work go to solicitors' firms. Solicitors' firms can hire a Barrister to represent their client in the Lower courts, so they may indirectly benefit from the increase in fees.	This assumption may lead to an overestimate of the benefits to solicitors' firms.

## Sensitivity Analysis

### Implementation Costs

80. There is a degree of uncertainty around the estimates for the implementation costs, so scenarios have been modelled where these costs are either increased (Scenario A) or decreased (Scenario B) by 15%. The results of this analysis are shown in Table 5 below. The changes in the implementation costs are very small.

*Table 5: Sensitivity Analysis of Implementation Costs for Options 1–2, £m*

Implementation Costs	Central Estimate	Scenario A	Scenario B
<b>Police Stations</b>			
Option 1 – raising the lowest fees	0.05	0.06	0.05
Option 2 – raising the lowest fees including London	0.05	0.06	0.05
<b>Youth Court</b>			
Option 1 – enhanced fee	0.04	0.04	0.03
<b>Total</b>	<b>0.09</b>	<b>0.10</b>	<b>0.07</b>

- Figures may not sum due to rounding.
- The total row includes the implementation costs for the Youth Court Option 1.

## Steady State Costs

81. We have presented the impacts of the options costing more or less than the primary estimates, to try to capture a reasonable range of uncertainty in the modelled cost estimates. Two scenarios have been modelled for illustrative purposes:
- Scenario A assumes the volumes and costs of cases increase.
  - Scenario B assumes the volumes and costs of cases decrease.
82. The change for each option under each scenario is shown in Table 6.
83. Scenario A assumes that, based on assumptions around police stations legal aid volumes increase owing to police recruitment, and Youth Court legal aid cases increase to the level where all relevant cases are legally aided. Scenario A is based on these increases in volumes, which are 5% in police station cases and 33% in the Youth Court. Furthermore, Scenario A assumes that police station claim costs submitted by providers, which are used to assess the impact of harmonising the relevant police station fee scheme escape thresholds (Options 1 and 2), are increased by 10%.
84. Scenario B assumes the inverse of the assumptions highlighted in the above paragraph. The total increase in costs under Scenario A is around £3m, with a total estimated spend of £24m. The total decrease in costs under Scenario B is around £3m, with a total estimated spend of £19m.

*Table 6: Sensitivity Analysis – Steady state additional costs per annum for Options 1–2, £m*

	<b>Central Estimate</b>	<b>Scenario A</b>	<b>Scenario B</b>
<b>Police Stations</b>			
Option 1 – raising the lowest fees	16	17	15
Option 2 – raising the lowest fees including London	16	17	15
<b>Youth Court</b>			
Option 1 – enhanced fee	5.1	6.8	3.4
<b>Total</b>	<b>21</b>	<b>24</b>	<b>19</b>

- All figures include VAT.
- Figures may not sum due to rounding.

## **G. Wider Impacts**

### **Equalities**

85. The Equality Assessment published alongside the consultation gives further details on the equality's impacts.

### **Families**

86. We have no evidence to suggest that families would be disproportionately adversely affected by the measures.

### **Better Regulation**

87. These measures are out of scope of the Small Business, Enterprise and Employment Act 2015.

## **International Trade**

88. The options in this IA have no implications for international trade.

## **Welsh Language**

89. We do not consider these measures would have an impact on legal services through the medium of Welsh.

## **H. Monitoring & Evaluation**

90. The MoJ would proactively monitor the impact of the proposed changes, in terms of costs, and behavioural changes, from the point of implementation.

## Annex A: Distributional Analysis of the Fee Reforms for Solicitors' Offices

91. This annex assesses to what extent, if any, there are differential overall impacts from the police station options on solicitor offices with certain characteristics – for example, whether the fee increases vary by geographical location or by office size in terms of total criminal legal aid income. It has not been possible to complete the same analysis for the Youth Court option owing to a lack of available data – the enhanced fee (£658 including VAT, or £548.33 excluding VAT) would go to all solicitor offices completing legally aided representation order work on Indictable only and Triable Either Way cases.
92. For police stations, fee scheme region is used as a proxy for geographical location, and office size is determined by overall criminal legal aid income ('total value') from the Legal Aid Provider Statistics for 2022-23<sup>13</sup>.
93. Although we can estimate how much of an increase solicitors' offices would see in their fee income, we cannot say how this money would be used and therefore how this might impact on the remuneration of partners, other qualified solicitors, legal executives or other employees.
94. Table 7 sets out the percentage of total cases, under each of the two police station options, that would experience an increase. The majority of regions would experience an increase across 90% or more of cases, under Options 1 and 2.

*Table 7: Percentage of police station cases experiencing an increase in fees, split by option and region*

Fee scheme region	Volumes of cases	Percentage of cases experiencing an increase	
		Option 1	Option 2
East	49,500	75%	75%
East Midlands	44,000	93%	93%
London	78,800	0%	71%
Merseyside	11,700	100%	100%
North East	28,800	100%	100%
North West	55,000	100%	100%
South East	74,000	47%	45%
South West	40,400	93%	93%
Wales	30,600	94%	94%
West Midlands	44,400	96%	96%
Yorkshire and Humberside	58,200	100%	100%
<b>Total</b>	<b>515,400</b>	<b>73%</b>	<b>83%</b>

95. Table 8 shows that the average fee increase overall would be the same (£31 including VAT) across the two options. However, there are slight differences at the regional level between the two options.

<sup>13</sup> For Legal Aid Provider Statistics – please see: [Criminal Legal aid statistics England and Wales completions by provider and area data to March 2023](#).

Table 8: Average fee increase in police station cases, split by option and region, £

Fee scheme region	Volumes of cases	Average fee increase (£) of police station cases	
		Option 1	Option 2
East	49,500	27	26
East Midlands	44,000	31	29
London	78,800	0	14
Merseyside	11,700	37	34
North East	28,800	70	68
North West	55,000	46	43
South East	74,000	14	12
South West	40,400	35	32
Wales	30,600	28	26
West Midlands	44,400	31	29
Yorkshire and Humberside	58,200	62	59
<b>Total</b>	<b>515,400</b>	<b>31</b>	<b>31</b>
<b>Total, London excluded</b>	<b>436,600</b>	<b>36</b>	<b>34</b>

- All figures include VAT.

96. Table 9 shows the estimated change in police station fee income as a share of current police station fee income split by office size, which is measured based on overall criminal legal aid income. Offices with overall criminal legal aid income of £400k up to £600k would see the greatest increase under both Options 1 and 2, and smaller offices would see a larger increase than bigger offices, on average.

Table 9: Estimated average percentage change in fee income, split by option and office total criminal legal aid fee income

Overall criminal legal aid income	Number of Offices	Average fee increase	
		Option 1	Option 2
£0 up to £200k	812	12.8%	12.8%
£200k up to £400k	371	13.2%	13.1%
£400k up to £600k	212	15.1%	14.8%
£600k up to £800k	115	11.2%	11.7%
£800k and over	151	9.9%	10.4%
<b>Totals</b>	<b>1,661</b>	<b>12.4%</b>	<b>12.5%</b>

- All figures include VAT.

## Annex B: Baseline and expected spend including difference based on 2019-20 and 2022-23 volumes

97. In this annex we present the estimated spend impacts for each of the policy proposals considered in this IA against a 2019-20 baseline – figures for 2022-23 are also provided for comparison purposes. This is in keeping with the analysis that was presented in the IA for the government’s response to the Criminal Legal Aid Independent Review (CLAIR) Consultation. The table below shows baseline spend excluding the 15% fees uplift, expected spend including the 15% fees uplift, expected spend including both the 15% fees uplift and the spend relating to the proposals considered in this IA, and the differences in spend. These figures are based on both 2019-20 and 2022-23 volumes.

Table 10: Baseline and expected spend including change based on 2019-20 volumes, £m

	Baseline spend		Expected spend Including 15% fees uplift and IA proposals	Change in spend		
	Excluding 15% fees uplift	Including 15% fees uplift		Change in overall spend	Change in spend due to IA	Change in spend due to IA proposals
<b>Police Stations attendance fees</b>						
Option 1 – raising the lowest fees	114	132	147	33	16	12.0%
Option 2 – raising the lowest fees including London	114	132	148	33	16	12.2%
<b>Youth Court fees</b>						
Option 1 – enhanced fee	8.6	9.9	17	8.3	7.0	70.7%

Table 11: Baseline and expected spend including change based on 2022-23 volumes, £m

	Baseline spend		Expected spend Including 15% fees uplift and IA proposals	Change in spend		
	Excluding 15% fees uplift	Including 15% fees uplift		Change in overall spend	Change in spend due to IA	Change in spend due to IA proposals
<b>Police Stations attendance fees</b>						
Option 1 – raising the lowest fees	111	128	144	33	16	12.4%
Option 2 – raising the lowest fees including London	111	128	144	33	16	12.5%
<b>Youth Court fees</b>						
Option 1 – enhanced fee	6.2	7.2	12	6.0	5.1	71.0%

- Figures in both tables include VAT and exclude disbursements.
- Police station spend (2019-20 and 2022-23) covers attendance work only – all other areas of police stations spend are excluded. Youth Court spend covers the estimated legal aid representation order spend (2019 and 2022). Baseline Youth Court spend and volumes were estimated as described in Paragraphs 57-60.
- Figures have been rounded as per the IA rounding conventions (Paragraph 55).

98. Baseline spend was higher across the police station and Youth Court areas in 2019-20 versus 2022-23. This difference is largely down to the volumes of cases – the number of police station attendance cases was around 526,000 in 2019-20 compared to around 515,000 in 2022-23, and the number of legally aided Youth Court cases was around 17,000 in 2019 compared to around 12,000 in 2022. As a result, expected spend including the 15% fees uplift and the IA proposals is greater when using 2019-20 volumes versus 2022-23 volumes.

99. The overall increase in spend is broadly the same, apart from Youth Court Option 1 where the impact of the fee change (enhanced fee) is greater when using the higher 2019 volumes.

100. Also, for police station Options 1 and 2, the increase in spend is actually slightly higher (in unrounded terms) based on 2022-23 volumes versus 2019-20 volumes. This is because

the volumes of cases in the North East and the North West make up a higher proportion of the overall number of cases, and these regions are expected to see the highest fee increases under the proposed uplifts.