



Ministry  
of Justice

# Equality Statement

## Consultation on Criminal Legal Aid: Proposals for Solicitor Fee Scheme Reform

### Policy summary

1. This Equality Statement has been written to be read alongside the Government's consultation on proposals for criminal legal aid solicitor fee scheme reform.
2. Criminal legal aid fee schemes are split into two areas: Crime Lower and Crime Higher. Crime Lower covers work carried out by legal aid providers at police stations, in the magistrates' courts (in relation to people accused of, or charged with criminal offences), prison law, and work completed by the Criminal Cases Review Commission (CCRC). Crime Higher consists of legal advice and representation in the Crown Court and higher courts provided by solicitors and advocates. The latter includes the following fee schemes: Litigators' Graduated Fee Scheme (LGFS), Advocates' Graduated Fee Scheme (AGFS) and Very High Cost Cases (VHCC).
3. The proposals in the consultation currently amount to a best estimate total of around £88m<sup>1</sup> per annum in steady state, which would be added to solicitor fees in police stations, magistrates' court, Crown Court – LGFS, and prison law. The planned changes are part of reforms to support the sustainability of the criminal legal aid system. The changes being taken forward will impact the following areas:
  - **Police station attendance fee scheme:** Completely harmonising the police station attendance fee schemes;

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<sup>1</sup> This represents the best estimate – please refer to the IA for further details on the accompanying range.

- **Magistrates' court fee scheme:** Uplifting all magistrates' court fees (including Youth Court) by 10%;
  - **Crown Court – Litigators' Graduated Fee Scheme (LGFS):** Establishing a fixed ratio between guilty plea, cracked trial, and trial basic fees within each offence type so that guilty plea fees are uplifted to 65% of the trial fee and cracked trial fees to 75% and, in addition, uplifting LGFS basic fees of offence types E, F, G, H and I by between 33% and 35%; and
  - **Prison law fee scheme:** Uplifting all prison law fees by 24%.
4. This Equality Statement accompanies the Government's consultation on proposals for criminal legal aid solicitor fee scheme reform. It addresses the impacts of the changes on people with protected characteristics.

## Equality Duty

5. Section 149 of the Equality Act 2010 ('the 2010 Act') requires public authorities, 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).
6. Having '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, marriage and civil partnership (in respect of the first limb above) and pregnancy and maternity.

## Methodology to determine discrimination potential

7. Adhering to guidance published by the Equality and Human Rights Commission (EHRC), our approach to assessing the potential for particular disadvantage resulting from the measures has been to identify the individuals whom the changes will impact (the 'pool') and then draw comparisons between the potential impacts of the changes on those who share particular protected characteristics with those who do not share those characteristics.
8. 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 measures (adversely or otherwise) and that this pool should not be defined too widely.

## The pool of affected individuals

9. As the changes apply to criminal work, the primary pool of individuals affected will be legal practitioners who deliver criminal legal aid services. Practitioners can broadly be

categorised as ‘litigators’ which includes solicitors, legal executives, and accredited police station representatives.

10. In this statement, we also refer to legal aid ‘providers.’ This refers to the firms who hold legal aid contracts.
11. The other pool of individuals who may be affected are legal aid clients. In this statement we used the term ‘clients’, ‘defendants’ and ‘suspects’ when referring to this group.
12. We acknowledge that barristers may also be affected by the changes made to magistrates’ court (including Youth Court) and prison law fees. This is because solicitor firms can choose to instruct a barrister to cover a magistrates’ court or prison law case. However, the amount paid to barristers on these occasions is negotiated between them and the solicitor firm. We also do not hold any data on the proportion of cases where a solicitor firm has instructed a barrister on a case or the amount negotiated. As all of the allocated funding will initially go to solicitor firms, and it is unclear to what extent barristers would be impacted, we have decided to not include barristers as part of this Equality Statement. If data and information become available on this aspect, we will take it into account.

## Data sources

13. We have identified the following as the most relevant data sources for assessing equality impacts. We do not have access to the same time periods for each data set:

For Practitioners:

- Summary information on publicly funded criminal legal services, (the Data Compendium (hereinafter DC)), published by the Ministry of Justice (MoJ) in February 2021;<sup>2</sup>
- Chartered Institute of Legal Executives’ (CILEX) and CILEx Regulation’s joint submission<sup>3</sup> (Independent Review of Criminal Legal Aid: Call for Evidence, published in May 2021); and Diversity Report 2021;<sup>4</sup>
- The Law Society Annual Statistics Report 2023;<sup>5</sup>
- Criminal Legal Aid Data Share;<sup>6</sup> and
- Legal Aid statistics: 2023–24 billing data.<sup>7</sup>

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<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/960290/data-compendium.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/data-compendium.pdf).

<sup>3</sup> [https://www.cilex.org.uk/wp-content/uploads/cilex\\_submission\\_-\\_independent\\_review\\_of\\_criminal\\_legal\\_aid\\_call\\_for\\_evidence.pdf](https://www.cilex.org.uk/wp-content/uploads/cilex_submission_-_independent_review_of_criminal_legal_aid_call_for_evidence.pdf).

<sup>4</sup> <https://cilexregulation.org.uk/wp-content/uploads/2021/10/Diversity-Report-2021.pdf>.

<sup>5</sup> Annual statistics report 2023, The Law Society.

<https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2023>

<sup>6</sup> Criminal Legal Aid Data Share <https://app.powerbi.com/view?r=eyJrIjoibjAxNGY2MDU0ODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyIiwidCI6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOClsImMiOj9&chromeless=1>

<sup>7</sup> Legal aid statistics - GOV.UK <https://www.gov.uk/government/collections/legal-aid-statistics>

For Clients:

- Criminal Justice System statistics quarterly: December 2023;<sup>8</sup> and
- Legal Aid Agency (LAA) data on clients collected through provider billing information, 2023–24.<sup>9</sup>

Comparison to General Population:

- Office for National Statistics (ONS) Census 2021.<sup>10</sup>

14. We have used data from the DC<sup>11</sup> published in 2021 that shows the ethnicity, specialisation, and seniority of solicitors, and firm size. We have used data from Legal Aid statistics that shows age, sex and seniority of solicitors. We have drawn upon CILEX and CILEx Regulation's joint submission to CLAIR (2021) to show age, ethnicity, sex, and disability of CILEX members who are both educated in and working on criminal practice. We have then compared this against all CILEX members (using CILEx Regulation's Diversity Report 2021) and the general population.
15. We currently do not have practitioner data on disability, and we do not have practitioner, provider or client data on sexual orientation, religion or belief, marriage and civil partnership (in respect of the first limb above), pregnancy and maternity or gender reassignment.
16. The criminal legal aid duty solicitor numbers reported represent the number that were matched as part of the Ministry of Justice and the Law Society data share matching work. The numbers reported do not represent the actual number of duty solicitors in the criminal legal aid market, which will be higher. The match rate is around 95%.
17. Hereinafter, 'general population' refers to Census 2021 data which has been used when comparing the age, disability, ethnicity and sex of clients and practitioners.
18. All percentages reported have been rounded.

## Monitoring and evaluation

19. We will continue to have 'due regard' to the Public Sector Equality Duty as the measures are implemented and will consider the most effective ways of monitoring equalities impacts.

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<sup>8</sup> Criminal Justice System statistics quarterly: December 2023 – GOV.UK ([www.gov.uk](https://www.gov.uk)) – used to report on Youth Court statistics for clients. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023>

<sup>9</sup> Legal aid statistics – GOV.UK <https://www.gov.uk/government/collections/legal-aid-statistics>

<sup>10</sup> 2021 Census – Census of Population – Official Census and Labour Market Statistics [https://www.nomisweb.co.uk/sources/census\\_2021](https://www.nomisweb.co.uk/sources/census_2021)

<sup>11</sup> The Data Compendium was published in 2021 and summarises key descriptive information derived from data matched between key stakeholders. It covered various areas, including solicitors and barristers, and served as one of the initial key sources of evidence for the Criminal Legal Aid Independent Review.

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

### Criminal legal aid practitioners

#### *Litigators:*

20. The Criminal Legal Aid Data Share shows that there were just over 10,500 solicitors working for criminal legal aid (CLA) firms in 2022–23.<sup>12</sup> However, it is important to highlight that information was not available on how many worked on CLA related cases.

**Table 1: Total number of Practising Certificate (PC) holders<sup>13 14</sup>**

Year	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23
PC holders	133,367	136,176	139,624	143,167	147,112	149,891	152,961	156,976	162,120
Criminal Legal Aid solicitors	14,799	12,720	12,102	13,170	11,716	11,553	11,363	10,741	10,520

21. Sex: The split by sex for solicitors working for CLA firms has closely matched that in the general population, however, since 2020–21, there has been an increase in the ‘unknown’<sup>15</sup> category which made the overall trend in the data unclear. Looking at those who either reported male or female, female solicitors made up 52% and male 48%, which is more in line with previous years when the ‘unknown’ category was much lower (3% or lower).

<sup>12</sup> We define CLA firms as those firms of solicitors that received criminal legal aid fee payment during that year – please see the Criminal Legal Aid Data Share for further detail.

<sup>13</sup> Criminal legal aid solicitors data source: [Criminal Legal Aid Data Share](#).

<sup>14</sup> Data source: [The Law Society](#).

<sup>15</sup> The increase in criminal legal aid solicitors with sex marked as unknown is likely to be attributed to the options available during the data collection process. At the time of data collection, respondents were presented with options categorised as Male, Female, or Unknown, as seen in the acquired dataset. The consistent increase in the percentage of unknown entries over the years can be attributed to the gender identification options provided, leading more solicitors to choose the 'Unknown' option.

**Table 2: Solicitors working for CLA firms split by sex<sup>16</sup>**

Year	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	General population 2021 as %
<b>Number of solicitors</b>	<b>14,799</b>	<b>12,720</b>	<b>12,102</b>	<b>13,170</b>	<b>11,716</b>	<b>11,553</b>	<b>11,363</b>	<b>10,741</b>	<b>10,520</b>	
Female	47%	48%	49%	49%	50%	51%	50%	49%	47%	51%
Male	52%	52%	51%	51%	50%	48%	47%	45%	44%	49%
Unknown	1%	1%	1%	1%	1%	1%	3%	6%	10%	0%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

22. In terms of age (Table 3), the percentage of female solicitors was lower in older groups than in younger groups, unlike the male solicitor population. Whereas female solicitors made up more than 50% of those under the age of 49, they made up 35% in those over the age of 49. It is worth noting that we do not have sufficient data to comment on the size of the female population for solicitors under the age of 30 due to the high percentage of “unknowns”.

<sup>16</sup> Data source: [Criminal Legal Aid Data Share](#)

**Table 3: Solicitors working for CLA firms split by age and sex, 2022–23<sup>17</sup>**

<b>Age</b>	<b>Number of solicitors</b>	<b>Female</b>	<b>Male</b>	<b>Unknown</b>	<b>General population: Female</b>	<b>General population: Male</b>
Under 25	25	4%	0%	96%	50%	50%
25–29	902	28%	8%	64%	51%	49%
30–34	1,343	59%	22%	19%	52%	48%
35–39	1,442	62%	33%	5%	51%	49%
40–44	1,489	60%	37%	2%	51%	49%
45–49	1,180	54%	44%	2%	51%	49%
50–54	1,306	43%	56%	1%	51%	49%
55–59	1,183	39%	60%	1%	51%	49%
60–64	823	34%	66%	0%	51%	49%
65+	826	17%	82%	0%	54%	46%
Unknown	1	0%	100%	0%		
<b>All</b>	<b>10,520</b>	<b>47%</b>	<b>44%</b>	<b>10%</b>	<b>52%</b>	<b>48%</b>
Under 49	6,381	54%	30%	15%	51%	49%
Over 49	4,138	35%	64%	1%	52%	48%

23. Ethnicity: 18% of solicitors in CLA firms come from ethnic minority backgrounds. This is similar to the general population and those amongst practicing certificate holders. However, it is worth noting that while the proportion of solicitors whose ethnicity is unknown is relatively small, it is not insubstantial and could impact the results.

<sup>17</sup> Data source: [Criminal Legal Aid Data Share](#).

**Table 4 (Table 2.6 in DC): Solicitors working for CLA firms split by ethnicity<sup>18 19</sup>**

	2014–15	2015–16	2016–17	2017–18	2018–19
<b>Number of solicitors</b>	<b>14,790</b>	<b>12,710</b>	<b>12,530</b>	<b>13,140</b>	<b>11,760</b>
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%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	16%	17%	18%	17%	18%

24. Solicitors from ethnic minority backgrounds were more likely to work in small CLA firms (firm size defined by number of partners) and they had higher representation in CLA firms that mainly did CLA work.

<sup>18</sup> Data source: Data Compendium – Table 2.6.

<sup>19</sup> In Census 2021, ethnic minorities made up 18% of the general population aged 25 to 64.



**Table 5 (Table 2.22 in DC): Solicitors working for CLA firms split by ethnicity and firm size, 2018–19<sup>20 21 22</sup>**

	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%
<b>All</b>	<b>11,760</b>	<b>10%</b>	<b>40%</b>	<b>33%</b>	<b>17%</b>

**Table 6 (Table 2.26 in DC): Ethnic minority solicitors as a percentage of solicitors working for CLA firms split by specialisation, 2018–19<sup>23 24</sup>**

	Average	Mostly criminal work	Some criminal work	No or little criminal work
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	18%	25%	16%	15%

25. The proportion of female solicitors are underrepresented in partner positions, compared to all female solicitors working for CLA firms (Table 2).

<sup>20</sup> 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.

<sup>21</sup> Data source: Data Compendium – Table 2.22.

<sup>22</sup> The groupings have been informed by the distribution of the data (i.e. number of partners in each firm) and The Law Society’s categorisation of firm size by the number of partners. See page 10 of the Data Compendium for the definitions.

<sup>23</sup> Data source: Data Compendium – Table 2.26.

<sup>24</sup> The definition of specialisation is based on turnover from the LS firm files and criminal legal aid payments. See page 12 of the Data Compendium for details.

**Table 7: Solicitors working for CLA firms split by position in the firm and sex, 2022–23<sup>25</sup>**

	Number of solicitors	Female	Male	Unknown
Partner	3,296	35%	64%	1%
Non-Partner	7,224	52%	34%	14%
<b>All</b>	<b>10,520</b>	<b>47%</b>	<b>44%</b>	<b>10%</b>
General population		51%	49%	0%

26. Ethnicity: The solicitor population for ethnic minority groups tended to be similar to the general population. In senior roles the ethnic minority group make-up is also similar to the 2018–19 make-up of the general population.

**Table 8 (Table 2.18 in DC): Percentage of ethnic minority solicitors split by position in the firm, 2018–19<sup>26 27</sup>**

	Average	Partners	Other	General population
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	18%	17%	19%	18%

27. Age: Excluding those aged under 25 years, the general population appears to be split fairly evenly across all of the age bands under the age 65, with 49% aged 25–44 and 51% aged 45 and over. Over the period shown, the age distribution of solicitors working in CLA firms has changed. The group aged 25–44 fell from 55% in 2014–15 to 49% in 2022–23 and the group aged 45 and over grew from 44% in 2014–15 to 51% in 2022–23.

<sup>25</sup> Data source: [Criminal Legal Aid Data Share](#).

<sup>26</sup> Data source: Data Compendium – Table 2.18.

<sup>27</sup> In Census 2021, ethnic minority groups made up 18% of those aged 25–64, and 15% of those aged 25 and over.

**Table 9: Solicitors working for CLA firms by age<sup>28</sup>**

Year	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	General population aged over 20 years
Number of solicitors	14,799	12,720	12,102	13,170	11,716	11,553	11,363	10,741	10,520	
Under 25	0%	0%	0%	0%	0%	0%	0%	0%	0%	8%
25–34	27%	24%	23%	24%	22%	22%	22%	21%	21%	18%
35–44	28%	28%	28%	28%	29%	29%	28%	28%	28%	17%
45–54	24%	25%	25%	25%	25%	24%	24%	24%	24%	17%
55–64	15%	17%	17%	16%	17%	17%	18%	19%	19%	16%
65+	5%	6%	6%	6%	7%	7%	8%	8%	8%	24%
Unknown	0%	0%	0%	0%	0%	0%	0%	0%	0%	
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
25–44	55%	53%	52%	52%	50%	51%	51%	50%	49%	34%
45+	44%	47%	48%	47%	49%	49%	49%	50%	51%	58%

28. As mentioned, the figures above refer to solicitors who worked for CLA firms, regardless of whether they carried out CLA work.

For this reason, it is also useful to look into a subgroup of these solicitors, duty solicitors, who we know do work on CLA cases.

29. Age: Our data shows that there were around 3,700 duty solicitors<sup>29</sup> in 2023 with an average age of 49. Like all solicitors working in CLA firms, middle-aged groups (specifically age 45–64) tend to concentrate more duty solicitors compared to other age groups.

<sup>28</sup> Data source: [legal-aid-statistics-tables-jul-sep-2024.ods](#).

<sup>29</sup> As mentioned in Paragraph 15 the criminal legal aid duty solicitor numbers reported represent the number that were matched as part of the MoJ and The Law Society data share matching work. For further detail around the data, see the [Criminal Legal Aid Data Share](#) and the User guide to legal aid statistics in England and Wales <https://www.gov.uk/government/statistics/a-guide-to-legal-aid-statistics-in-england-and-wales/user-guide-to-legal-aid-statistics-in-england-and-wales#:~:text=The%20different%20yearly,BI%20analysis%20tool>.

The age distribution of duty solicitors (see Table 10) points towards an older workforce than the general population of CLA solicitors (see Table 9).

30. Sex: The sex parity achieved at the wider CLA solicitor level does not feed through to duty solicitors, where around 64% of duty solicitors were male and this percentage remained almost unchanged over the seven-year period (Table 11).

**Table 10: Proportion of duty solicitors by age, 2017–2023<sup>30</sup>**

Year	2017	2018	2019	2020	2021	2022	2023	General population aged over 20 years
<b>Number of duty solicitors</b>	<b>4,992</b>	<b>4,744</b>	<b>4,372</b>	<b>4,269</b>	<b>4,085</b>	<b>3,809</b>	<b>3,717</b>	
Under 25	0%	0%	0%	0%	0%	0%	0%	8%
25–34	14%	12%	10%	9%	8%	9%	8%	18%
35–44	30%	29%	29%	28%	26%	25%	23%	17%
45–54	32%	33%	34%	34%	33%	33%	33%	17%
55–64	18%	19%	20%	21%	23%	25%	26%	16%
65+	6%	6%	7%	8%	9%	9%	10%	24%
Unknown	0%	0%	0%	0%	0%	0%	0%	
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Average age	46	46	47	48	48	49	49	

<sup>30</sup> Data source for duty solicitor numbers and percentages: [Legal aid statistics - GOV.UK](https://www.gov.uk/legal-aid-statistics). The average age of duty solicitors is taken from the Criminal Legal Aid Data Share.

**Table 11: Proportion of duty solicitors by sex, 2017–2023<sup>31</sup>**

Year	2017	2018	2019	2020	2021	2022	2023	General population
Number of duty solicitors	4,992	4,744	4,372	4,269	4,085	3,809	3,717	
Female	36%	36%	35%	35%	35%	34%	34%	51%
Male	64%	64%	64%	64%	64%	64%	64%	49%
Unknown	0%	0%	1%	1%	1%	2%	3%	0%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Legal executives:*

31. Finally, according to the CILEX and CILEx Regulation's joint submission to CLAIR (in 2021), 1,287 CILEX members were working in criminal practice. Of them:

- two thirds are female, which is a lower proportion than among the whole CILEX membership, but higher than the percentage of women in the general population (51%);
- 17% identified themselves as of an ethnic minority – a higher percentage than among the whole CILEX membership and a similar percentage to the general population (18%);
- 7% have disability, compared to 4% of the general population and
- The average age for CILEX criminal practitioners was 44.

*Criminal legal aid clients:*

32. Our data on the characteristics of criminal 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 increased fees for criminal work could improve case progression in the criminal justice system, this section considers the demographics of legal aid clients in police stations, magistrates' court, prison law, and Crown Court.

<sup>31</sup> Data source for duty solicitor numbers and percentages: [Legal aid statistics - GOV.UK](https://www.gov.uk/legal-aid-statistics).

33. Table 12 and 16 below suggests defendants are much more likely to be male compared to the general population. As at least 27% of legal aid clients' ethnicities are unknown for police station advice,<sup>32</sup> magistrates' court, prison law and Crown Court (Table 13), it is not clear whether any group of defendants are under- or over-represented when compared to the general population; therefore, we cannot comment on this. Furthermore, data on the age of defendants is not available for police station advice so we cannot comment on this aspect either.
34. Table 14<sup>33</sup> suggests that the proportion of police station clients with a disability (9%) appeared to be less prevalent than in the population as a whole (18%). However, 33% are recorded as unknown, so whilst this the proportion of clients with a disability may be higher, we are not able to comment on this aspect. Contrastingly, clients with a disability appear to be more prevalent in prison law (23%). Furthermore, as 38% is recorded as unknown, this percentage could be even higher, however we are not able to comment. In the Crown Court, disabilities are much more prevalent in clients relative to the general population, with 31% of clients having a disability. The impacts on defendants are discussed further under "Overall summary of equality impacts". Unfortunately, we do not have access to any data on disability in the Youth Court for clients.
35. Table 15 suggests that black and mixed-race children in the Youth Court are overrepresented in indictable only and triable either way cases when compared to the general population. Compared to the 2022 data, it is worth noting that there has been an increase in the ethnicity "not stated column" (from 29% to 45%) and a decrease in the percentage for black and mixed-race children (from 20% to 11%). The data in Table 17 also suggests that older children (15–17 years old) are overrepresented in the Youth Court when compared to the general population.

**Table 12: Diversity of legal aid clients (police station advice, magistrates' court, prison law, and Crown Court) 2023–24 compared to general population from Census 2021 – Sex<sup>34</sup>**

	Female	Male	Sex unknown
Police Station advice	16%	82%	1%
Magistrates' Court	14%	84%	2%
Prison Law	3%	93%	4%
Crown Court	9%	85%	6%
General Population	51%	49%	0%

Crown Court data calculated using representation order data, other rows are based on completed claims data.

<sup>32</sup> The vast majority of police station advice cases represent police station attendance cases.

<sup>33</sup> Due to the high proportion of cases where disability status is unknown, the data should be used with caution.

<sup>34</sup> Data source for Police Station advice figures: [Legal aid statistics - GOV.UK](https://www.gov.uk/legal-aid-statistics).

**Table 13: Diversity of legal aid clients (police station advice, magistrates' court, prison law, and Crown Court) 2023–24 compared to general population from Census 2021 – Ethnicity<sup>35</sup>**

	<b>Ethnic minority</b>	<b>White</b>	<b>Ethnicity Unknown</b>
Police Station advice	16%	51%	33%
Magistrates' Court	14%	55%	31%
Prison Law	18%	49%	33%
Crown Court	14%	58%	27%
General Population	18%	82%	0%

Crown Court data calculated using representation order data, other rows are based on completed claims data.

**Table 14: Diversity of legal aid clients (police station advice, magistrates' court, prison law, and Crown Court) 2023–24 compared to general population from Census 2021 – Disability<sup>36</sup>**

	<b>Disabled</b>	<b>Not considered disabled</b>	<b>Disability status unknown</b>
Police Station advice	9%	58%	33%
Magistrates' Court	15%	52%	33%
Prison Law	23%	39%	38%
Crown Court	31%	67%	2%
General Population	18%	82%	0%

Crown Court data calculated using representation order data, other rows are based on completed claims data.

<sup>35</sup> Data source for Police Station advice figures: [Legal aid statistics - GOV.UK](https://www.gov.uk/legal-aid-statistics).

<sup>36</sup> Data source for Police Station advice figures: [Legal aid statistics - GOV.UK](https://www.gov.uk/legal-aid-statistics).

**Table 15: Diversity of defendants in Youth Court, 2023 – Ethnicity<sup>37 38 39</sup>**

	Asian	Black	Mixed	White	Other	Not stated	Grand Total
Indictable Only & Triable Either Way	3%	7%	4%	40%	1%	45%	11,626
Summary Non-Motoring & Summary Motoring Only*	N/A	N/A	N/A	N/A	N/A	100%	5,867
General population*	9%	4%	3%	82%	2%	0%	59,597,542

**Table 16: Diversity of defendants in Youth Court, 2023 – Sex<sup>40 41</sup>**

	Female	Male	Not known	Grand Total
Indictable Only & Triable Either Way	11%	85%	4%	11,626
Summary Non-Motoring & Summary Motoring Only*	16%	77%	7%	5,867
General population	49%	51%	0%	12,392,212

**Table 17: Diversity of defendants in Youth Court, 2023 – Age<sup>42 43</sup>**

	10–11 years	12–14 years	15–17 years	Grand Total
Indictable Only & Triable Either Way	0%	16%	84%	11,626
Summary Non-Motoring & Summary Motoring Only*	0%	16%	83%	5,867
General population	26%	38%	36%	5,635,551

<sup>37</sup> Data source for Youth Court ethnicity figures: Criminal Justice System statistics quarterly: December 2023.

<sup>38</sup> 'General Population' figures taken from Census 2021 which is not available by age, hence drawn from the population as a whole.

<sup>39</sup> Ethnicity data is not available for Summary Offences for youth cases.

<sup>40</sup> Data source for Youth Court sex figures: Criminal Justice System statistics quarterly: December 2023.

<sup>41</sup> 'General Population' figures taken from Census 2021 and represent the ratio between female, male and sex unknown in the population aged under-18.

<sup>42</sup> Data source for Youth Court age figures: Criminal Justice System statistics quarterly: December 2023.

<sup>43</sup> 'General Population' figures taken from Census 2021 and represent the ratio between numbers of 10–11 year olds, 12–14 year olds, and 15–17 year olds.



## Overall summary of equality impacts

36. It is our view that the proposed fee changes will support the overall sustainability of the criminal legal aid solicitor market. The proposals we are consulting on amount to investment in most solicitor fee schemes and we expect that every firm carrying out this work will receive some benefit.

### Police stations

37. For police stations, our data shows that in 2023, the split by sex of duty solicitors was around 64% male to 34% female (with 3% unknown). As such, comparatively, men will benefit more from this measure, however we think that this is justified given the benefits to the justice system as a whole. The average age of duty solicitors was 49, with the age band with the highest proportion of duty solicitors being 45–54. As the current profile of duty solicitors are typically older males, this demographic will likely benefit from any positive changes to the police station fee scheme.

38. Some CILEX members act as accredited police station representatives, who can also cover police station work. Due to the make-up of CILEX members, police station representatives therefore tend to have more women and a younger workforce in comparison to the duty solicitor population. This group of practitioners may also benefit from the proposed changes. For clients in police stations, our data shows that they are much more likely to be male when compared to the general population. Any improvements to the service provided at police stations will likely benefit this group.

39. It is important to note that for the police station proposals, all fee schemes across England and Wales will see a fee increase. The police station proposal is aimed at raising all fees and creating one harmonised fee level. We do not have published data which gives a breakdown of protected characteristics for clients or practitioners across any particular geographic area. Therefore, we cannot comment on which groups of clients or practitioners with protected characteristics will receive the benefit. However, all practitioners are expected to be positively affected. Any improvements made to the fee schemes will likely benefit all providers in the long run. Therefore, this would also benefit practitioners with particular protected characteristics.

40. Some legal aid practitioners will benefit more than others from the delivery of all these changes, particularly those who are based outside of London, although London based practitioners would still see a benefit from the fee uplifts.

### Magistrates' court and prison law

41. The increased funding for magistrates' court cases and prison law may improve the quality of service provided to defendants and prisoners. This could help improve the overall outcomes for defendants and prisoners.

42. As set out in paragraph 21 and Table 2, the split by sex for solicitors working for CLA firms has closely matched that of the general population, however, since 2020–21 there has been an increase in the 'unknown' category, which has made the overall

trend in the data unclear. Looking at those who either reported male or female, females make up 52% and males 48%, which is more in line with previous years when the 'unknown' category was much lower (3% or lower).

43. As set out in paragraph 22 and Table 3, in terms of age, the percentage of female solicitors was lower in older groups than in younger groups, unlike the male solicitor population.
44. As set out in paragraph 23 and Tables 4, 5 and 6, solicitors from ethnic minority backgrounds are more likely to work in small CLA firms (firm size defined by number of partners) and they have higher representation in CLA firms that mainly did CLA work.
45. Some legal aid practitioners will benefit more than others from the delivery of all the proposed changes to criminal legal aid. In addition, it is possible that the legal aid practitioners who particularly benefit from these measures might be more likely to share a protected characteristic. However, we do not believe that these potentially uneven impacts will 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 will receive does not represent any decrease to another group of practitioners. Therefore, we do not believe that these uneven impacts amount to indirect discrimination.

### **Crown Court – LGFS**

46. As outlined in paragraph 25 and Table 7, whilst there is fairly equal representation amongst male and female solicitors in CLA firms, a much higher proportion of male solicitors are represented amongst partner positions. One of our proposed changes to LGFS includes raising the basic fees for the lowest-paying offences. As these are more likely to be undertaken by junior solicitors, there is a chance that female solicitors, who make up a great proportion of junior solicitors, will benefit from these proposals more than male solicitors.
47. Similarly, junior solicitors tend to be younger in age than partners, so the proposed changes may benefit the younger age groups more than the older age groups.
48. Case mix will also determine the impact of our policies on each region. Internal modelling has suggested that the South West, where lower-paying cases make up a greater proportion of the case mix, will see the greatest average percentage increase per case from the proposals. Conversely, London, which has a higher proportion of higher-paying cases, is expected to benefit the least. However, as previously mentioned, it is still expected to see an increase.
49. Despite the above, however, we believe that the policy is justified as one of the aims of this proposal is to make working on lower-paid offences more economical and to support the sustainability of the profession.

50. There may also be benefits to defendants with certain characteristics. Table 12 shows that males make up a far greater proportion of legal aid clients in the Crown Court when compared to the general population. This likely means that the increased funding in LGFS may indirectly benefit more male defendants than female defendants. Similarly, Table 14 shows that the proportion of legal aid clients in the Crown Court with a disability is much higher than in the general population. This may lead to those with a disability benefitting more from our LGFS proposals than those without a disability. These effects are the result of the composition of the defendant population. However, it is important to emphasise that defendants in cases where fees have been increased are likely to be indirectly, positively affected by these changes.

## **Eliminating unlawful discrimination, harassment and victimisation**

### **Direct discrimination**

51. Our assessment is that each of these measures is not directly discriminatory within the meaning of the 2010 Act. We do not consider that the measures would result in people being treated less favourably because of any protected characteristic.

### **Indirect discrimination**

52. The key principle underpinning the changes being consulted on is to support the sustainability of the criminal legal aid solicitor market. We do not consider that the impact of these measures will result in any particular disadvantage to any other groups of legal aid practitioners who share particular protected characteristics as the data we have on police stations does not indicate this. However, we also recognise that we do not have data on practitioners protected characteristics split across geographical areas. Therefore, we cannot comment on whether or not any groups of practitioners with particular protected characteristics could be disadvantaged.

53. Furthermore, we also recognise that depending on how a firm distributes their work, it is possible that more junior solicitors who cover magistrates' court or prison law work may not receive as much benefit as their seniors as they may be assigned the lower paid summary work. This may also affect female solicitors who are more likely to be in junior positions. We believe that any unequal effects would be justified in order to ensure that magistrates' court and prison law fees better reflect the seriousness and complexity of the work done, including in the magistrates' court, given the recently increased sentencing powers.

54. Overall, it is expected that legal aid practitioners who cover magistrates' court and prison law work will take on a mix of cases with different offence types due to the volume of indictable only and triable either way cases. Any practitioners with particular protected characteristics who take on magistrates' court or prison law work would likely benefit from the overall positive change in funding.

55. We believe that the data on clients with particular protected characteristics with regard to police station and prison law work do not indicate any disadvantage to any particular group.
56. Similar to the impacts of the magistrates' court proposals, indirect discrimination may result from our proposed changes to Crown Court – LGFS due to the targeting of lower-paid offences. This would benefit those who work on these offences, which are more likely to be junior solicitors. The data we possess shows that proportionally young people are more likely to be junior solicitors, as are women and those from an African, Afro-Caribbean and Asian background, who are therefore more likely to benefit than those without these characteristics.
57. In summary, we recognise that there may be some uneven impacts as a result of these measures. However, where the impacts are uneven, the measures represent a practical approach to achieving our legitimate objective – to support the sustainability of the criminal legal aid market. In doing so, we are increasing certain fees to ensure we are more appropriately compensating work done and to reflect the increased complexity in certain areas. 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 will be justified as a means of meeting the legitimate aim of supporting sustainability.

### **Harassment and victimisation**

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

### **Advancing equality of opportunity**

59. Consideration has been given to how these measures 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. We recognise that depending on how a firm distributes their work, these changes may not advance the equality of opportunity for junior solicitors if they are mostly assigned the lower paid magistrates' court or prison law work. This may also affect female solicitors who are more likely to be in junior positions.
60. Overall, we assess that our proposed reforms will enhance access to justice and advance greater equality of opportunity. The increased funding of up to £92m per annum will contribute towards the sustainability of the market. This funding will support solicitor firms who do legally aided work. The increased funding may also attract more firms to cover criminal legal aid work, thereby increasing the pool of practitioners in this area which would allow greater equality of opportunity and enhance access to justice for those who need it. This is considered as an overall benefit to the system across England and Wales.
61. The 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.

**Fostering good relations**

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