

Title: Public Office (Accountability) Bill – Parity of Arms measures IA No: MOJ033/2025 RPC Reference No: N/A Lead department or agency: Ministry of Justice (MoJ) Other departments or agencies: Legal Aid Agency (LAA)	Impact Assessment (IA)			
	Date: August 2025			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			

Summary: Intervention and Options	RPC Opinion: Not Applicable
--	------------------------------------

Cost of Preferred (or more likely) Option (in 2025 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
N/A	N/A	N/A	Not a regulatory provision

What is the problem under consideration? Why is government action or intervention necessary?

A coroner investigation is a statutory process which takes place where a death is unnatural, violent, of unknown cause or has occurred in custody or otherwise in state detention. The investigation and inquest is an inquisitorial process. While public authorities are often legally represented, legal aid for bereaved families has a limited scope and advocacy is currently only available via Exceptional Case Funding. Several reports have recommended that, where a public authority (PA) is legally represented, legal aid should also be available to the family of the deceased and the Government committed to this in their 2024 manifesto. There is also a perception that PAs may approach a coroner investigation or a public inquiry in a defensive manner which impacts the court or inquiry’s ability to identify the facts. Affected persons are concerned that this may result in PAs being represented by a disproportionate number of lawyers, leaving them feeling disempowered and intimidated. These legislative measures will provide non-means-tested legal aid for bereaved families at inquests where a PA is named as an interested person (IP) and, via new statutory guidance, set out clear expectations regarding the behaviour of PAs and their legal representatives. Legislation is required to make the recommended changes.

What are the policy objectives of the action or intervention and the intended effects?

The first policy objective is to fulfil the 2024 Manifesto commitment. The desired effect is to ensure bereaved families can, if they choose, access non-means-tested legal help and advocacy for inquests where public authorities are IPs. The second objective is to ensure that public authorities are supporting the inquisitorial approach and assisting the coroner and inquiry chair to establish the facts which should help ensure affected persons can participate fully and effectively in any coroner investigation or inquiry process.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- Option 0:** Do Nothing: The scope of civil legal aid would remain unchanged and the participation of affected persons in coroner investigations and public inquiries would continue in its present form.
- Option 1:** Expand non-means tested legal aid for bereaved families where a public authority is named as an IP at an inquest and legislate to require public authorities to support the inquisitorial nature of coroner investigations and inquiries.

Option 1 is preferred as it best meets the policy objectives and the Government’s manifesto commitment.

Will the policy be reviewed? It Error! Bookmark not defined. will not be reviewed				
Is this measure likely to impact on international trade and investment?			No	
Are any of these organisations in scope?	Micro	Small	Medium	Large
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A

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 Minister:

Alex Davies

Date: 15/09/2025

1

Summary: Analysis & Evidence

Policy Option 1

Description: Expand non-means tested legal aid for bereaved families where a public authority is named as an IP at an inquest and legislate to require public authorities to support the inquisitorial nature of coroner investigations and inquiries.

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: N/A
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	N/A		£68	N/A	
High	N/A		£183	N/A	
Best Estimate	N/A		N/A	N/A	
Description and scale of key monetised costs by ‘main affected groups’					
<u>Legal aid for inquests</u> Providing non-means-tested legal aid to bereaved families for inquests where public authorities are IPs is estimated to cost between £65m-180m per annum. It is the policy intention that these costs will be met by the sponsoring department(s) for the relevant public authority. There is a further estimated cost of up to around £3m per annum of associated operational costs to the Legal Aid Agency (LAA).					
<u>Participation of affected persons in coroner investigations and public inquiries</u> These measures may impact on the overall resource burden on Local Authority funded coroner services, but we anticipate these can be broadly absorbed within existing provision.					
Other key non-monetised costs by ‘main affected groups’					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	N/A		£68	N/A	
High	N/A		£183	N/A	
Best Estimate	N/A		N/A	N/A	
Description and scale of key monetised benefits by ‘main affected groups’					
<u>Legal aid for inquests</u> Providers who undertake legal help and advocacy work for inquests would be expected to see an increase in annual revenue equivalent to the additional cost to the legal aid fund.					
Other key non-monetised benefits by ‘main affected groups’					
<u>Legal aid for inquests</u> Bereaved families at in scope inquests will gain a benefit equal to the value of the cost above. They will also have greater clarity regarding their eligibility for legal aid.					
<u>Participation of affected persons in coroner investigations and public inquiries</u> These provisions will work to lessen the adversarial context of some coroner investigations public inquiries and enhance the ability of affected persons to participate fully and effectively in the process					
Key assumptions/sensitivities/risks				Discount rate (%) n/a	
<u>Legal aid for inquests</u> <ul style="list-style-type: none">We have assumed that the historic average cost for legal aid at an inquest is a suitable assumed cost for the average case at an inquest in the scenario outlined.We have assumed that take up of legal aid at inquests will be 100%.					
<u>Participation of affected persons in coroner investigations and public inquiries</u> <ul style="list-style-type: none">We have assumed that the new statutory guidance and the duty to engage legal representatives in a proportionate way will result in a saving for public authorities once fully implemented.We have assumed that the new overriding objective and the power to raise concerns would not add any delay or lead to longer public hearings during the coronial investigation and public inquiry process.					

BUSINESS ASSESSMENT (Option 1)

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

Evidence Base

A. Background

How inquests operate

1. An inquest is a court hearing conducted by a coroner to gather information about the deceased person and to determine the cause and circumstances of their death. Coroners are specialist death investigation judges. The statutory duty of coroners is to investigate any death of which they become aware if they suspect that: it was violent or unnatural, its cause is unknown, or it occurred in custody or other state detention. The purpose of this investigation is to establish who has died and when, where and how they died (the four statutory questions). 'How' normally means "by what means", but where Article 2 ECHR is engaged it means "by what means and in what circumstances". Not all deaths that are reported to coroners will proceed to a substantive inquest hearing: upon the report of a death, the coroner will determine whether their duty to investigate is engaged; and any investigation will be discontinued if the coroner determines a natural cause prior to inquest.
2. Unlike criminal and civil proceedings, the inquest is not intended to act as a forum for competing parties to resolve a pre-existing adversarial dispute which requires independent adjudication. Instead, the inquest is a fact-finding and inquisitorial process, which means that the coroner, with or without a jury, moves 'on their own motion' to investigate the death by hearing relevant evidence. Coroners are prevented by law from apportioning blame or attributing civil liability or criminal liability to a named person. At the completion of the inquest, the coroner (or jury) will reach a decision as to the medical cause of death, answer the four statutory questions, and arrive at a 'conclusion' which is a short, final determination.
3. The relevant statutory framework is mainly established by Part 1 of the Coroners and Justice Act 2009. The coroner's jurisdiction is territorial; it arises from a body lying within the coroner area to which the coroner is appointed. There are 74 coroner areas in England and Wales; each area is funded by a lead Local Authority which is also responsible for the appointment of coroners to that area. There were 174,900 deaths reported to coroners and 36,700 inquests in 2024.

Current scope of legal aid for inquests

4. Legally aided advice and assistance ("legal help", which could include drafting letters to the coroner and preparing submissions ahead of the inquest) is available to bereaved family members at all inquests, subject to a means and merits tests. The means test for "legal help" can be disapplied if: (a) legal help is requested in conjunction with a successful application for Exceptional Case Funding (ECF) for advocacy at the inquest; or (b) where, if the applicant were to make such an application for ECF, the application would be reasonably likely to succeed.
5. Legal aid for advocacy (i.e. representation at the inquest itself) at inquests is currently available only through ECF where:
 - a. The Director of Legal Aid Casework (DLAC), who is also the Legal Aid Agency (LAA)'s Chief Executive, makes a determination under s.10(2) Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), that the provision of legal aid is required to prevent a breach or is appropriate further to a risk of breach under the European Convention on Human Rights (ECHR). In effect this is mainly made in relation to the procedural obligation under Article 2 ECHR (right to life). Or;

- b. The DLAC makes a “wider public interest determination” under s.10(4) of LASPO, that the provision of advocacy for the individual at the inquest is likely to produce significant benefits (e.g. identification of dangerous practices or systemic failings) for a class of persons, other than just the applicant and the members of the applicant’s family.
6. There is no means test for ECF cases for advocacy. The merits test applies but only requires that it would be reasonable in all circumstances for the individual to be provided with other legal services.

Definitions

7. Affected Persons – Schedule 6, Part 3, subparagraph 3 of this Bill amends section 42 of the Coroners and Justice Act 2009 to define an “affected person,” for the purposes of inquests, as an individual who is an interested person within section 47(2)(a), (b) or (m) of that Act. “Affected persons” may include bereaved family members.
8. Family member – For the purposes of this Bill, a family member is defined at section 10(6) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
9. Interested Person (IP) - Section 47(2) of the Coroners and Justice Act 2009 sets out the definition of an interested person.

Problem under consideration

Calls for changes to legal aid for inquests

10. It is often the case that when public authorities, such as government departments, the police and the NHS, are IPs at inquests, they will be legally represented. However, given the current scope of civil legal aid as described above, this is often not the case for bereaved families. This creates a lack of parity in terms of legal representation and is perceived as unfair.
11. Both Bishop James Jones’s 2017 report ‘The Patronising Disposition of Unaccountable Power’, a report into the Hillsborough families’ experiences, and the Justice Select Committee’s inquiry into the coroner service in 2021 called for publicly funded legal representation to be available for bereaved families at inquests where a public authority is represented.
12. A number of other reports over the years have called for a review of the provision of legal aid for families at inquests, including Lord Bach’s 2017 final report on Right to Justice which recommended that, where the public authority is funding one or more other interested persons in an inquest, it should also provide legal aid for representation of the family of the deceased.

The Government’s 2024 Manifesto

13. The Government’s manifesto stated that it will: “*provide legal aid for victims of disasters or state-related deaths*”. The Public Office (Accountability) Bill (“the Bill”), which this Impact Assessment (IA) supports, implements this commitment by providing non-means-tested legal aid to bereaved families for inquests where a public authority is identified as an IP.

Calls for changes to the behaviour of public authorities during the coroner investigation and public inquiry process

14. There is a risk that public authorities may approach a coroner investigation or a public inquiry in a defensive manner, for example taking a narrow view with regards to information they provide which impacts adversely on the court or inquiry's ability to identify the facts needed to fully establish what has contributed to a person's death.
15. Affected persons, which includes bereaved family members, attending inquests and public inquiries are also concerned that public organisations may be represented by a disproportionate number of lawyers relative to those supplied through legal aid. This can leave affected persons feeling disempowered and intimidated. There have been calls from stakeholders for this situation to change. To address any power imbalances, the proposed legislative measures, including new statutory guidance, will set out clear expectations regarding the behaviour of public authorities and their legal representatives.
16. Under the proposed legislative measures, public authorities and officials will be required to help investigations and inquiries to find the truth by providing information and evidence with candour; proactively; and without favouring their own position; as well as participating, including via legal representatives, in a proportional way, consistent with the inquisitorial ethos of the process.

B. Policy rationale and objectives

Rationale

17. The conventional approaches to government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules), where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more vulnerable groups in society).
18. The rationale for intervention in this instance relates to equity and further to this, transparency and access to justice. The options discussed in this IA are intended to provide greater support to affected persons at coroner investigations and inquests and public inquiries, provide clarity around the routes available to those needing legal support, ensure that affected persons are able to fully and effectively participate in the proceedings and to ensure that public authorities support the inquisitorial nature of the process, by extension making those processes more robust and inclusive.

Policy Objectives

19. The associated policy objectives are:
 - To ensure that bereaved family members at inquests where a public authority is an IP have access to legal aid without being means tested.
 - To ensure that public authorities act with candour, transparency and frankness in their dealings with coroner investigations and public inquiries; and that affected persons can participate fully and effectively in those processes.

C. Affected Stakeholder Groups, Organisations and Sectors

20. The main groups that will be affected by the options in this IA are as follows:
 - Bereaved family members of the deceased person at inquests

- Affected persons in public inquiries and coroner investigations
- Legal service provider firms and barristers doing publicly funded inquest work
- The Legal Aid Agency
- Public authorities such as government departments, the NHS or police services
- Local authorities
- Coroners

D. Description of options considered

21. The following options are considered in this IA:

- **Option 0 – Do nothing:** The scope of civil legal aid would remain unchanged and the participation of affected persons in coroner investigations and public inquiries would continue in its present form.
- **Option 1 – Expand non-means tested legal aid for bereaved families where a public authority is named as an IP at an inquest and legislate to require public authorities to support the inquisitorial nature of coroner investigations and inquiries.**

22. Option 1 is the preferred option, as it delivers fully on the 2024 Government manifesto commitment and meets the policy objectives.

Option 0

23. Under this option, the current civil legal aid scheme would remain unchanged, and the manifesto commitment would not be met. Legal aid for advocacy at inquests would remain available only through ECF. Legal help would remain in scope and means tested except where an application for ECF is granted, or where it is reasonably likely to succeed. There would be no statutory requirements placed on public authorities or the coroner or inquiry chair to support the effective participation of affected persons. This would continue the perceived inequality of arms between affected persons, in particular bereaved families, and public authorities, and restrict them from fully participating in coroner investigations and inquiry proceedings.

Option 1

24. This option will expand the scope of non-means tested legal help and advocacy where a public authority is an IP at an inquest in England or Wales and will introduce legislative measures to ensure that affected persons are able to participate fully and effectively in coroner investigations and inquiry proceedings.

25. In terms of the territorial extent of these changes: legal aid will only be available for inquests in England and Wales. However, legal aid will be available for inquests carried out within England and Wales where public authorities based in Scotland and Northern Ireland are interested persons (unless expressly excluded under the Act).

26. The Bill will also set out that in-scope legal aid advocacy will only be available to one member of each family. This is to limit the number of legal representatives, preserve the inquisitorial nature of inquests and ensure costs to the state are proportionate. In cases where members of the same family wish to secure their own separate legally aided advocacy, subsequent family members will have to apply for separate representation via the

ECF scheme. LAA caseworkers will consider whether advocacy is necessary for the additional family member under Article 2 ECHR or the Significant Wider Public Interest Test.

27. The Bill sets out the definition of public authority for the purposes of the clause on legal aid which means provides a non-exhaustive list of what will constitute a public authority: Government departments; Ministers of the Crown or the devolved legislatures; armed forces; the police; local authorities; an NHS body; schools and universities, and includes a body whose functions are or include functions of a public nature.
28. In addition, the Bill provides an exhaustive list of “excluded bodies” that are not public authorities for the purposes of the legal aid provision in the Bill: “a court; either House of Parliament; the Scottish Parliament; Senedd Cymru; the Northern Ireland Assembly; an implementation body within the meaning given by section 55(3) of the Northern Ireland Act 1998 (i.e. any body created pursuant to the Good Friday Agreement).”
29. Clause 18 of the Bill also includes measures to provide for statutory guidance on the approach to supporting coroner investigations and public inquiries, to which public authorities must have regard; a duty on public authorities to engage legal representatives in a proportionate way; a power for the coroner or inquiry chair to raise concerns about the conduct of a public authority or their legal representatives during proceedings; a requirement for those conducting or participating in a statutory inquiry or inquest to have regard to an overriding objective to ensure that affected persons are able to fully and effectively participate in proceedings; and provides legal aid in England and Wales for bereaved family members at inquests where a public authority is an interested person, without means testing.

E. Cost and Benefit Analysis

30. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
31. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. The costs and benefits of each proposal are compared to Option 0, the do nothing or ‘baseline’ case. As the ‘baseline’ option is compared to itself, the costs and benefits are necessarily zero.
32. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
33. Where costs and benefits are monetisable, we have estimated the steady state implications of the policy change, as the legal aid claims for help and advocacy at inquest are relatively short and so steady state will be reached relatively quickly. We have not applied optimism bias in these estimates, but we have provided some sensitivity analysis in the Risk and Assumptions section to quantify some uncertainty. All the monetised impacts in this IA are stated in 2025-26 prices.
34. It is standard practice to present legal aid costs and benefits in nominal terms and not calculate a Net Present Cost (NPC) where there is an extension of legal aid eligibility. In these scenarios we assume the benefit to the client is equal to the cost to the Legal Aid fund, so the Total Net Present Social Value for each option is zero.

Option 1: Expand non-means tested legal aid for bereaved families where a public authority is named as an IP at an inquest and legislate to require public authorities to support the inquisitorial nature of coroner investigations and inquiries.

Costs of option 1

Monetised costs

Legal aid fund

35. In order to estimate the cost to the legal aid fund of Option 1, we have developed a unit cost by dividing our total annual spend on legal help and advocacy for inquests by the number of claims each year. By taking an average over the last 6 years, this gives a unit cost of c. £16,300 per inquest (£8,000 for legal help and £8,300 for advocacy) as we assume that claims for both legal help and advocacy will be made for every inquest.
36. Using a 2018 MoJ survey of coroners, we have estimated the volume of inquests (excluding deaths in state detention) where a public authority is an IP. The survey suggested this was 10-30% of all inquests. Using the 2024 Coroner Statistics¹, there were 36,700 inquests opened that year and there are c.500 inquests into deaths in state detention annually, which we assume have public authority representation. Applying the 10-30% to the total number of inquests and adding the number of deaths in state detention, we estimate 4,200-11,400 inquests a year have a public authority as an IP being represented. The Bill sets out that legal aid for advocacy will only be available for one family member and we assume that only one family member will claim legal aid funded legal help. Therefore, we estimate one legal help claim and one advocacy claim per inquest.
37. While legal aid is already available for legal help generally on a means-tested basis, the level of demand is low, with around 250 legal help claims per year. Additionally, there are around 250 ECF funded advocacy claims per year. These volumes are included in the baseline and were subtracted from the total volume of inquests assumed under Option 1.
38. Multiplying the range for the number of inquests with the average legal aid costs creates a wide cost estimate range of £65m - £180m per annum. More detail on the assumptions used in this cost estimate can be found in section F below, risks and assumptions.

Public Authorities

39. It is the policy intention that the costs of legal aid expansion will be met by the sponsoring department for the relevant public authority via a cost-sharing mechanism.

The LAA

40. The LAA will require additional resource to scale up the administration of legal aid for potentially up to 11,400 inquests per annum.
41. The operational cost to recruit new caseworkers to deal with applications and billing is estimated to be up to £3.1m per annum.
42. There will be some further operational costs to the LAA when making the necessary digital changes to implement this expansion. We do not have a specific cost at this stage as this will depend upon the exact changes during this period.

¹ [Coroners statistics 2024 - GOV.UK](https://www.gov.uk/government/statistics/coroner-statistics-2024)

Local authorities and coroners

43. These measures may give rise to direct and indirect impacts on the overall resource burden on Local Authority funded coroner services. The potential resource burden identified will largely be driven by those cases which proceed to inquest.
44. The direct impacts will arise from the provisions creating a power for the coroner or inquiry chair to raise concerns about the conduct of a public authority or their legal representatives during proceedings, and a requirement for those conducting or participating in a statutory inquiry or inquest to have regard to an overriding objective to ensure that affected persons are able to fully and effectively participate in the proceedings.
45. The indirect impacts will arise from the new statutory guidance for public authorities and a duty on public authorities to engage legal representatives in a proportionate way. These will affect how public authorities engage with the inquest process which may lead to additional resource impacts on the Local Authority delivered coroner service or the departmentally funded public inquiry.
46. However, we anticipate these impacts can be broadly absorbed within existing provision.

Benefits of Option 1

Monetised benefits

Legal service provider firms and barristers doing publicly funded inquest work

47. Providers who undertake legal aid work at inquests will receive payment equal to the amount being spent by the LAA for legal help and advocacy at inquests, estimated to be between £65m - £180m per annum.
48. These measures will provide some benefits to the sector by making eligibility for legal aid clearer and reducing the burden on providers to apply for Exceptional Case Funding.

Bereaved family members of the deceased person at inquests

49. Bereaved families who may have paid for private advice, assistance and advocacy at inquests will save money as these services would be publicly funded under this option. We do not have sufficient data to estimate how many families seek privately funded advice and representation or how much they spend, therefore we cannot assign a particular figure to this benefit.

Public authorities

50. There is potential for reduction in the costs of legal representation for public authorities as a result of the provisions requiring proportionality. As above, we estimate that 4,200-11,400 inquests a year involve a legally represented public authority (these are the cases which the proportionality provisions will affect).
51. This benefit may, however, be offset by the additional costs on public authorities arising from cost-sharing.
52. We are not able to quantify this impact due to lack of comprehensive and reliable data.

Non-monetised benefits

Bereaved family members of the deceased person at inquests

53. Bereaved family members who may not have paid for private advice, assistance and representation will benefit from receiving legal help and advocacy for inquests. They will also benefit from better clarity regarding their eligibility for legal aid.
54. These provisions will also work to lessen the adversarial context of some coroner investigations and public inquiries and enhance the ability of affected persons to participate fully and effectively in the process by setting clear duties (including via statutory guidance), clear expectations on public authorities, as well as via the overriding objective which will be placed on those conducting or participating in a statutory inquiry or inquest.

F. Risks & assumptions

55. The table below summarises the key assumptions used for the cost estimates described in the Cost and Benefit Analysis section above.

Table 1: Summary of Key Assumptions

Assumption	Impact
Unit cost of legal aid at an inquest	The assumed cost per inquest is £8,300 for advocacy legal aid and £8,000 for legal help. We have based our assumed average legal aid costs on a six-year average (2019/20–2024/25), using the latest available data as of 26 June 2025. It is important to note that given their nature, the number of inquests is unpredictable and their complexity varies, so costs may fluctuate over time. In addition, we are aware that the legal help inquest data may only include partial costs for some historic cases, as final bills may not have been submitted yet. This may mean the average legal help cost could be higher, but we have taken the most recent data at the time of analysis and a 6-year average to try and mitigate the impact.
Volumes of inquests with public authority representation	There is no data collected on the number of inquests where a public authority is an interested person or where the public authority is represented at an inquest. We have therefore used a 2018 survey and published coroner statistics to estimate the volumes. It is possible the actual volumes are either higher or lower than the range we have estimated.
Legal help claims	We have assumed that only one family member would apply for and receive legal aid funded legal help. However, there is no legislative mechanism restricting legal help to one family member per family, as there is for advocacy, and there will no longer be means testing. It is therefore possible that more family members could claim legal help, subject to the merits test. This would see costs increase.
Take up of legal aid	We have assumed that where bereaved families would benefit from the policy change, they will all take up the legal aid available i.e. 100% take up rate. We have tested this assumption in the sensitivity analysis section below.

Legal Aid Agency administration and operational costs	We have only calculated the administrative costs for the LAA to scale up the handling of applications, claims and billing for the expansion of legal aid. There will be additional costs for the operational and digital changes required for the expansion and for the cost-sharing mechanism.
---	---

56. In addition to the core assumptions above, there are some additional factors which could be influenced by this policy and have an impact on our costs estimates as well as wider impacts.

Table 2: Summary of key risks

Assumption	Risk and Impact
Changes in behaviour	<p>We have assumed that expanding the scope of legal aid will not significantly change the behaviour of legal aid providers, public authorities and coroners.</p> <p>However, increased legally aided advocacy at inquests could increase the likelihood of civil litigation following the inquest. This could see downstream costs and benefits for public authorities, legal services providers and bereaved families.</p> <p>Furthermore, public authorities may choose to engage legal representation at an inquest where previously they may not have, given that more bereaved families will be eligible for advocacy at an inquest.</p> <p>We have assumed that the new statutory guidance and the duty to engage legal representatives in a proportionate way will result in a saving for public authorities once fully implemented.</p>
Changes in length of inquest or public inquiry or how it is carried out	<p>We have assumed that expanding legal aid will not impact the way coroners carry out inquests or see the length of proceedings change.</p> <p>We have assumed that the new overriding objective and the power for the coroner or inquiry panel to raise concerns should not add any delay or lead to longer public hearings during the coroner investigation and public inquiry process.</p> <p>However, if inquest or inquiry lengths increased, we would expect that costs would increase. There would also likely be impacts on the coroners' courts and their costs.</p>
Changes in fees	<p>We have used an assumption of current average claims for legal aid funded inquests.</p> <p>If fees were to change, either in price or how they are paid, estimates would change.</p>
Market capacity challenges	<p>The increase in the volume of inquests and eligibility for legal aid stemming from these changes could strain the market's capacity. The impact could be that some eligible families may struggle to find providers with capacity to represent them at an inquest. It is possible that new providers will enter the inquest legal aid market but, if these are existing legal aid providers, it could ultimately draw capacity away from other legal aid sectors.</p>

--	--

Sensitivity Analysis

57. One of our assumptions is around how many family members may apply for legal aid. We currently assume that only one family member will claim legal help per bereaved family. However, unlike advocacy, there is no limit on the number of family members who may apply for legal help other than the merits test. We are removing means testing for both legal help and advocacy and eligibility assessment is delegated to providers; it is therefore possible that more than one family member will claim legal help. This would lead to claims volumes increasing and therefore cost increases.
58. This sensitivity analysis looks at the impact of additional legal help claims being made. We assume in this sensitivity scenario that half of the legal aid funded inquests would have an additional family member receive legal help. This could see our legal aid fund cost estimate increase to £80m to £225m per annum.
59. LAA operational costs would also increase to £4.7m given the increase in volumes of claims.
60. Another key assumption is the take up rate of legal aid, this is the number of or proportion of those who are eligible who actually do apply for and receive legal aid. Our core assumption is that there will be 100% take up due to the fact that legal aid will be non-means tested; however, we could see lower rates of take up which could see our costs decrease. Table 3 below shows how the take up rate would impact our cost range.

Table 3: Cost estimates under different take up assumptions (to the nearest £5m)

Cost Option	Take up assumption			
	25%	50%	75%	100%
Based on 10% of inquests having state representation	£15m	£30m	£45m	£65m
Based on 30% of inquests having state representation	£45m	£90m	£135m	£180m

G. Wider impacts

Equalities

61. An Equalities Impact Assessment is included separately to this IA.

Families

62. The policy will ensure that bereaved family members at inquests where a public authority is an IP have access to legal aid without being means tested. Where a public authority is an IP, families they will no longer have to face uncertainty as to their legal aid eligibility whilst also facing a bereavement.
63. The policy will limit in most circumstances the number of representatives a family can obtain for advocacy during an inquest. This is to limit costs and preserve the inquisitorial nature of

inquests. We have no evidence to suggest that families would be disproportionately or adversely affected by the proposals within this IA.

Impact on small and micro businesses

64. Legal aid is provided by businesses of various sizes, and these changes should have a positive impact for all sizes of business.

Foreign trade impacts

65. We do not envisage any foreign trade impacts.

Growth Impacts

66. The options in this IA are not expected to have a direct impact on the UK's rate of economic growth. However, the options should contribute to maintaining the rule of law which is a crucial element underpinning economic growth.

Better Regulation

67. This measure is out of scope of the Government's Better Regulation Framework.

Welsh language

68. We have considered the implications for Welsh language in the development of these proposals.

H. Monitoring and Evaluation

69. The Ministry of Justice and the LAA will monitor the operation, volumes and expenditure of the legal aid scheme in England and Wales following implementation.