

## **Public Office (Accountability) Bill – Equalities Impact Assessment for the Parity of arms measures**

### **Introduction**

1. This document records the equality analysis of the parity of arms measures being introduced by the Ministry of Justice (MoJ) in the Public Office (Accountability) Bill. It fulfils the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 (the EA). The measures covered in this Equalities Impact Assessment (EIA) will:
  - Provide non-means tested legal aid for bereaved families at inquests where a public authority is named as an interested person (IP).
  - Provide greater support to affected persons at coroner investigations and public inquires, ensuring they are able to fully and effectively participate in these proceedings.
  - Introduce new requirements and conduct guidance for public authorities to ensure their actions support the inquisitorial nature of inquests, inquiries and other investigations.

### **Impacted Groups**

2. This Equalities Statement considers the likely equalities impacts on the following stakeholders from the parity of arms measures set out in the Public Office (Accountability) Bill:
  - a. Legal services providers
  - b. Barristers
  - c. Bereaved family members
  - d. Public authorities, as well as private entities that deliver health and safety obligations on behalf of public authorities
  - e. Affected persons (as defined in the Bill) involved in coroner investigations where a public authority is an IP and (where relevant) public inquiries where a public body is a core participant.

### **Equality duties**

3. Section 149 of the Equality Act 2010 places a duty on Ministers and the Department, when exercising their functions, to have “due regard” to the need to:

- i. Eliminate discrimination, harassment and victimisation and other prohibited conduct under the Equality Act;
  - ii. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
  - iii. Foster good relations between people who share a relevant protected characteristic and those who do not.
4. In line with these responsibilities, we have considered the impacts of the proposed measures for individuals and groups sharing a protected characteristic – namely race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, pregnancy, and maternity.
  5. Our assessment is that none of the proposals set out above are either directly or indirectly discriminatory within the meaning of the Equality Act.

### **Methodology to determine potential discrimination**

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

### **The pool of affected individuals**

8. The primary pool of individuals affected by the proposals will be legal aid providers (including charities and NGOs), legal services firms and barristers, all public authorities and private entities that deliver health and safety obligations on behalf of public authorities, all affected persons (including bereaved families), and coroners.

## Available data

### *Data on coroner investigations*

9. We have taken into account relevant data<sup>1</sup> which collates information from all coroner areas in England and Wales on deaths reported to coroners, including inquests and post-mortems held and inquest conclusions recorded. The data is analysed in line with some protected characteristics (e.g. age, sex) but the information is not broken down in relation to some other protected characteristics (e.g. marital status, religion). A summary of the data is as follows:

- **Age.** Out of the 39,586 inquest conclusions recorded in 2024 the majority were recorded for those in the 65 years and over age group with 56%. The lowest number of inquest conclusions were in the under one to 14 years age group with 2% of inquest conclusions recorded.
- **Gender.** From the 39,586 inquest conclusions recorded in 2024 63% were recorded for the death of a male and 37% were recorded for the death of a female.

### *Legal aid providers - solicitors*

10. We have some information about the protected characteristics of legal aid providers. Data for solicitors from active firms was obtained from Data Publication Deep Dives which the Ministry of Justice (MoJ) produced as part of the Review of Civil Legal Aid (RoCLA),<sup>[1]</sup> and uses data from the most recent available year of reporting, the 2021/22 financial year. We currently do not have legal aid solicitor data for disability, sexual orientation, pregnancy and maternity, religion or belief, or gender reassignment.
11. Inquests work does not have its own contract within legal aid and therefore does not have specific equalities information for the solicitor providers. Instead, inquests legal aid is primarily covered by providers who have contracts for the following categories of law: claims against public authorities; mental health; and clinical negligence. The data below focuses on a subgroup of the legal aid providers described in the Data Publication Deep Dives, specifically those respondents with contracts for claims against public authorities legal aid as we believe they best represent the pool of solicitor providers currently undertaking legal aid inquests work. It should be noted that not all claims against public authorities providers work on inquests and that not all inquests work is undertaken by claims against public authorities solicitor providers. These are the types of firms that have provided advice and advocacy related to inquests and are intended as proxies to represent legal aid inquest providers. We will

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<sup>1</sup> [Coroners and burials statistics - GOV.UK](#)

therefore look at this subgroup's protected characteristics in turn, compared to the available data for the general population in England and Wales.

12. The proposals will impact both civil legal aid providers (solicitors and barristers) and legal services providers more broadly, we assess the protected characteristics of legal services providers and barrister in the next subsections.
13. The data for legal aid solicitors for claims against public authorities showed:
  - **Age.** The data shows that solicitors for legal aid funded claims against public authorities are overrepresented in the 35–54 age groups when compared to the overall population for England and Wales<sup>[3]</sup> for the same categories. 34% of legal aid providers for claims against public authorities fall within the 35–44 age range compared to 13% in the general population, and 22% of legal aid providers for claims against public authorities fall in the 45–54 age range compared to 13% in the general population. Overrepresentation can be expected to an extent as the population data covers all ages, including those who are not of working age.
  - **Gender.** In 2021–22, 60% of solicitors undertaking claims against public authorities work were female, compared to 32% male, with the remainder (8%) unknown. This suggests there is an overrepresentation of females compared to the overall population of England and Wales,<sup>[2]</sup> which was estimated at 49% male and 51% female.
  - **Ethnicity.** There is a slight overrepresentation in the proportion of claims against public authorities legal aid providers from an Asian ethnic background at 10%, compared to 9.3% in the general population of England and Wales.<sup>[4]</sup> There is a high proportion (24%) of legal aid providers for which the ethnicity is unknown, making it difficult to draw conclusions around the representation of other ethnic groups.

#### *Legal services firms*

14. Given that the Bill will increase legal aid for inquests, we believe that legal services providers beyond our current legal aid providers will be impacted. This section looks at the protected characteristics of people who work in legal services more broadly. This analysis is based on data published by the Solicitors Regulation Authority (SRA) and covers solicitors and other employees working in SRA-regulated law firms<sup>2</sup>. This data was collected from

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<sup>2</sup> [SRA | Diversity in law firms' workforce | Solicitors Regulation Authority](#)

almost all firms they regulate in summer 2023, 99% of law firms reported their data, covering more than 203,000 people working in 9,276 firms.

15. A summary of the overall data (including all people working in law firms) on the protected characteristics is as follows:

- **Age.** Respondents in the age groups between 35 and 54 years old appear to be overrepresented when compared to the overall population for England and Wales for the same categories: 23% of respondents were between 35–44 compared to 13% in the general population, and 20% were between 45–54 compared to 13% in the general population. The general population data is not focused on working age groups specifically. Therefore, overrepresentation in 25-65 years old age groups compared to the population is to be expected.
- **Gender.** Respondents identified as follows: 33% as male; 65% as female. This suggests an overrepresentation of females compared to the overall population for England and Wales, which was estimated as 51% female and 49% male. 2% of respondents did not provide information on their gender or preferred not to say.
- **Ethnicity.** Respondents identified as follows: 78% as White; 11% as Asian; 3% as Mixed; 3% as Black; 1% as Other ethnic group; 4% as Prefer not to say. Overall, these figures are broadly in line with the overall population for England and Wales<sup>[6]</sup> with those identifying as White British at 81.7% %, Mixed at 2.9%, Black at 4% and Asian at 9.3%.
- **Disability.** Respondents identified as follows: 89% as no disability declared; and 7% as disability declared and 5% as Prefer not to say. This suggests an overrepresentation of no disability declared when compared to the percentages of those identifying as disabled or not disabled in the overall population in England and Wales, with 82.2% as not disabled and 17.8% as disabled.
- **Sexuality.** Respondents identified as follows: 88% as heterosexual; 2% as gay or lesbian; 2% as bisexual; 7% Prefer not to say. This is broadly in line with the overall population of England and Wales for which representation in these categories was estimated at 89.4% heterosexual/straight and 3.2% gay/lesbian/bisexual or other sexual orientation.
- **Religion.** Respondents identified as follows: 38% as Christian; 40% as no religion; 6% as Muslim; 1% as Jewish; 2% as Hindu; 1% as Sikh; and 1% as Buddhist; 2% as Any other religion or belief; 9% Prefer not to say. Those identifying as Christian are slightly underrepresented but otherwise this is broadly in line with the overall population of England

and Wales with nearly half identifying as Christian (46.2%), 37.2% no religion, 6.5% Muslim, 1.7% Hindu, 0.9% Sikh and 0.5% Buddhist.

### *Barristers*

16. Given that the Bill will expand legal aid for inquests, and that barristers can represent IPs at inquests, barristers who do this work may be impacted. This analysis is based on data published by the Bar Standards Board in January 2025, which is a summary of the data available to them as of 1 December 2024<sup>[5]</sup> when the total number of practitioners at the Bar stood at 18,730 (of which 2,089 were King's Counsel, 16,052 were non-King's Counsel barristers, and 589 were Pupils). There are some limitations to this data. It only provides information for barristers across the system, rather than specific information on barristers practising in certain areas of law – so, for example, we cannot ascertain the protected characteristics of barristers working in inquests or who have been paid by legal aid. Additionally, the response rate was low for some characteristics questions, meaning that for some protected characteristics, reliable conclusions cannot be drawn from the data.
17. A summary of the overall data (including Pupils, Non-King's Counsel, and King's Counsel) on the protected characteristics is as follows:
- **Age.** Respondents in the age groups between 35 and 54 years old appear to be overrepresented when compared to the overall population for England and Wales<sup>[7]</sup> for the same categories: 23.7% of barristers were between 35–44 compared to 13% in the general population, and 22.6% were between 45–54 compared to 13% in the general population. It is difficult to offer thorough comparisons as 10.2% of respondents did not provide information on their age or preferred not to say, and the general population data is not focused on working age groups specifically. Therefore, overrepresentation in 25-65 years old age groups compared to the population is to be expected.
  - **Gender.** Respondents mainly identified as follows: 58.6% as male; 41.2% as female. This suggests an overrepresentation of males compared to the overall population for England and Wales<sup>[8]</sup> which was estimated as 51% female and 49% male. 3.5% of respondents did not provide information on their gender or preferred not to say.
  - **Ethnicity.** Respondents identified as follows: 76.7% as White; 7.8% as Asian/Asian British; 3.6% as Mixed; 3.3% as Black/Black British; 1.4% as Other ethnic group. Overall, these figures are broadly in line with the overall population for England and Wales<sup>[6]</sup> with those identifying as White British at 81.7% %, Mixed at 2.9%, Black at 4% and Asian at 9.3%. 7.2% of respondents did not provide information on their ethnicity

or preferred not to say, meaning it is difficult to draw precise comparisons between the sample and the wider population.

- **Disability (low response rate).** Respondents mainly identified as follows: 58.3% as no disability declared; and 5.7% as disability declared. A large proportion of respondents did not disclose, with 2.5% preferring not to say and “No information” recorded for 33.6%. Due to the low response rate, we are unable to accurately compare these proportions with the percentages of those identifying as disabled or not disabled in the overall population in England and Wales<sup>[9]</sup> which was estimated as 82.2% not disabled, and 17.8% as disabled.
- **Sexuality (low response rate).** Respondents mainly identified as follows: 53.7% as heterosexual; 2.8% as gay or lesbian; 1.7% as bisexual. The low response rates (36.5% recorded as “No information” and 5.0% preferred not to say) mean that we are unable to compare with the overall population for England and Wales,<sup>[10]</sup> for which representation in these categories was estimated at 89.4% heterosexual/straight and 3.2% gay/lesbian/bisexual or other sexual orientation.
- **Religion (low response rate).** Respondents mainly identified as follows: 25.5% as Christian; 23.4% as no religion; 2.5% as Muslim; 2.2% as Jewish; 1.0% as Hindu; 0.7% as Sikh; and 0.3% as Buddhist. This suggests a slight overrepresentation of those identifying as Jewish compared to overall population in England and Wales,<sup>[11]</sup> with 0.5% of individuals identifying as Jewish. However, over 40% of respondents did not specify their religion, as 5.6% preferred not to say and 37.9% were recorded as “No information”. It is therefore difficult to compare the proportions of other religions to the general population with nearly half identifying as Christian (46.2%), 37.2% no religion, 6.5% Muslim, 1.7% Hindu, 0.9% Sikh and 0.5% Buddhist.

### *Bereaved family members*

18. We have considered the limited equality information held by the MoJ on those who have received legal aid for inquest matters. The data below<sup>[12]</sup> focuses on clients receiving legal aid related to inquests from 2023/2024 in relation to the clients’ protected characteristics, where known. It is important to note that our new measures expand legal aid eligibility to groups that are not in scope of legal aid under the current system, therefore this data only captures the demographics of those currently eligible for legal aid for an inquest.
  - **Age.** Clients receiving legal aid for inquests matters mainly identified as follows: 25% as 45–54 years old; 24% as 55–64 years old; 18% as 35–44 years old; 14% as over 65; 13% as 25–34 years old; 5% as 18–24

years old; and 1% as under 18. The groups between 45 and 64 years old appear to be particularly overrepresented when compared to the overall population for England and Wales<sup>[14]</sup> for the same categories: 13.2% of 45–54; 12.6% of 55–64.

- **Gender.** Clients receiving legal aid for inquests matters mainly identified as follows: 76% as female; and 24% as male. This suggests a significant overrepresentation of female clients compared to the overall population for England and Wales<sup>[15]</sup> which was estimated as 51% female and 49% male.
  - **Ethnicity.** Clients receiving legal aid for inquests matters mainly identified as follows: 80% as White British; 8% as Black/Black British; 4% as Asian/Asian British; and 5% as White Other. Overall, these figures are broadly in line with the overall population for England and Wales,<sup>[13]</sup> with a slight overrepresentation of those identifying as Black (4%).
  - **Disability.** Clients receiving legal aid for inquests matters mainly identified as follows: 71% as not disabled; and 29% as disabled (the latter identified mostly with mental health conditions, or with long standing illness or health condition). This suggests that people with a disability are slightly overrepresented in our client cohort compared to the overall population in England and Wales<sup>[16]</sup> which was estimated as 82.2% not disabled, and 17.8% as disabled. It should, however, be noted that the census changed how it asks about disability in 2021, so some difference may be expected.
19. Given the expansion of legal aid eligibility and there being no means test applied, we believe that the future pool of individuals that would receive legal aid at inquests will be similar to that of the general population.

## Eliminating unlawful discrimination

### *Direct discrimination*

20. Our assessment is that the measures in this equalities statement are not directly discriminatory within the meaning of the Equality Act 2010. The proposed changes would not treat anyone less favourably as a result of a protected characteristic. These proposals will ensure that affected persons have improved access to justice.
21. We have considered in particular the impacts of placing limits on legal aid for inquests for multiple family members. Our assessment is that this measure is not directly discriminatory within the meaning of the Equality Act 2010. The proposed changes would not treat anyone less favourably as a result of a

protected characteristic, and our expansion of legal aid for bereaved families at inquests will ensure that individuals seeking help and advocacy at inquests can access justice.

### *Indirect discrimination*

22. Our initial assessment is that the proposed changes are not indirectly discriminatory within the meaning of the Equality Act 2010 for the following reasons.
23. From the available data on the protected characteristics of the impacted groups (as summarised above), most legal aid providers and barristers tend to identify as white, not disabled and mostly heterosexual; clients in inquests tend to identify mostly as white, female and not disabled. It is therefore likely that the proposed measures would benefit those individuals in the impacted groups that match these protected characteristics, compared to the rest of the population. But those individuals in the impacted groups that do not share the protected characteristics of the majority would not be particularly disadvantaged because the proposed expansion of legal aid in inquests would apply to (and benefit) them as well.
24. The measures (particularly the changes to legal aid for bereaved families at inquests) are likely to provide a greater indirect benefit for affected persons in socio-economic groups in which some protected characteristics are more prevalent than in the general population.

### **Discrimination arising from disability and duty to make reasonable adjustments**

25. Data suggests people with a disability are slightly overrepresented in our client cohort compared to the overall population in England and Wales.<sup>[17]</sup>
26. We do not consider that there is likely to be any discrimination arising from disability regarding the measures to assist affected persons at inquests. However, we recognise it remains important to continue to make reasonable adjustments for legal aid claimants at inquests with disabilities to ensure appropriate support is given.

### **Advancing equality of opportunity**

27. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity. Given the proposal expands legal aid for inquests where a public authority has been named as an IP, it is likely that providers, barristers and clients will benefit from these proposals.

28. There are likely to be positive impacts for affected persons (including bereaved families), particularly for those in particular socio-economic groups, as a result of these measures. For example, exempting bereaved family members from means testing legal aid where a public authority is an IP will mean more people have access to justice.

### **Fostering good relations**

29. These measures enable affected persons to participate fully and effectively in coroner investigations, thereby fostering the inclusion of those in some socio-economic groups, or sharing a protected characteristic, who would not otherwise feel able to do so.
30. We recognise the importance of the legal aid sector in general, and of users and providers of legal services at inquests in particular. We will work with providers to ensure a successful rollout of these new measures.

### **Harassment and victimisation**

31. We do not consider there to be a risk of harassment or victimisation as a result of this proposal. In fact, the measures requiring public bodies to conduct themselves appropriately in coroner investigations and public inquiries and to have regard to the comparative position of affected persons are intended to improve the experience of affected persons and to enable them to participate fully and effectively in these processes.

### **Monitoring and evaluation**

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

[1] Review of Civil Legal Aid Data Publication Series: [Review of Civil Legal Aid: data publications deep dive report on public law – GOV.UK](#) and [Review of Civil Legal Aid: data publications deep dive report on claims against public authorities – GOV.UK](#)

[2] ONS, Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, Mid-2023 edition dataset, table MYE1, [Estimates of the population for the UK, England, Wales, Scotland, and Northern Ireland – Office for National Statistics](#)

[3] ONS, Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, Mid-2023 edition dataset, table MYE1, [Estimates of the population for the UK, England, Wales, Scotland, and Northern Ireland – Office for National Statistics](#)

- [4] ONS Census 2021, Population of England and Wales – GOV.UK Ethnicity facts and figures
- [5] Bar Standards Board, Diversity at the Bar 2024, published January 2025,  
<https://www.barstandardsboard.org.uk/static/a2827a1f-50bf-44fc-9bed27a2cc60046b/Diversity-at-the-Bar-2024.pdf>
- [6] ONS, Census 2021, Population of England and Wales by ethnicity, <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest/>
- [7] ONS, Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, Mid-2023 edition dataset, table MYE1,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
- [8] ONS, “Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland”, Mid-2023 edition dataset, table MYE1,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
- [9] ONS, “Disability, England and Wales: Census 2021”,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/disabilityenglandandwales/census2021>
- [10] ONS, “Sexual Orientation, England and Wales: Census 2021”  
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualorientationenglandandwales/census2021>
- [11] ONS, “Religion, England and Wales: Census 2021”,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>
- [12] Source: Ministry of Justice analytical services.
- [13] ONS, Census 2021, Population of England and Wales by ethnicity, <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest/>
- [14] ONS, Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, Mid-2023 edition dataset, table MYE1,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
- [15] ONS, “Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland”, Mid-2023 edition dataset, table MYE1,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
- [16] ONS, “Disability, England and Wales: Census 2021”,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/disabilityenglandandwales/census2021>
- [17] ONS, “Disability, England and Wales: Census 2021”,  
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/disabilityenglandandwales/census2021>