

Legal aid for inquests: Changes to fee schemes

Equalities Impact Assessment

1. The Public Office (Accountability) Bill ('the Bill') will expand, subject to Parliamentary approval, legal aid for inquests so that bereaved families can access non-means tested legal aid wherever a public authority is an interested person. The accompanying consultation proposes changes to remuneration for inquests legal aid to support the effective implementation of the legal aid expansion. This document records the equality analysis of these proposals. It fulfils the requirements under the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

Equality duties

2. 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:
 - a. eliminate unlawful discrimination, harassment and victimisation and any other prohibited conduct under the Equality Act;
 - b. advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - c. foster good relations between people who share a protected characteristic and those who do not.
3. Paying "due regard" needs to be considered against the nine protected characteristics under the Equality Act. The nine protected characteristics are; race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, and pregnancy and maternity.
4. The consideration of the impact of the proposals and the implementation of any proposals is an ongoing duty. We will publish a government response to this consultation in due course which will set out those reforms we intend to implement. At that stage we may also publish a revised Equalities Impact Assessment in light of responses received to the consultation.

Summary of the policy changes

5. The Bill will make available non-means tested legal help and legally aided advocacy for bereaved families in relation to inquests where a public authority is an interested person. This is estimated to increase the number of legally aided inquests from around 200-400 per year to up to approximately 11,400 cases per year. As such, the current legal aid arrangements for inquests need to be developed to meet the challenges of scope and scale of this expansion. Specifically, this consultation proposes amendments to the Civil Legal Aid (Remuneration) Regulations 2013 ('Remuneration Regulations').
6. First, alongside the introduction of a new contract category of law for inquests as part of the legal aid contracting arrangements, we propose moving to a single fee (subject to escape fee threshold and hourly rates) for inquest legal help. This is instead of the current system where providers claim different fees based on the category of law in which they hold a contract relevant to the inquest. The fees, including fixed fee, escape threshold and hourly rate, would be based on claims against public authorities (CAPA).
7. This would provide consistency and clarity in how providers are remunerated for inquest legal help. Some providers may gain a monetary benefit if the proposed fee is higher than their category of law and some may see a reduction in fees where a current category

remunerates at a higher rate than the proposed fee, but this is anticipated to be limited as those categories are expected to have minimal or no inquest cases.

8. Second, we are bringing forward an amendment to the Bill at Commons Report stage to expand the legal services encompassed within 'other legal services' (OLS). Following this, we will amend the Civil Legal Aid (Procedure) Regulations 2012 to bring together service elements of legal help and legally aided advocacy services for delivery under one certificate. These changes are not subject to the current consultation but will support providers and the Legal Aid Agency (LAA) as it significantly simplifies this process. Following these changes, we propose in this consultation to amend the Remuneration Regulations to set out how the service elements of legal help should be remunerated under OLS. As above, we propose aligning with the CAPA legal help hourly rates.
9. Overall, these proposals are designed to simplify remuneration arrangements and offer clarity for providers on inquest legal help fees. In turn, this is designed to support the effective rollout of the expansion of legal aid for inquests. Please see the accompanying consultation for in-depth background into these proposals and the accompanying Impact Assessment for more information on anticipated impacts and costs.

Impacted Groups

10. This Equalities Impact Assessment considers the likely equalities impacts on the following stakeholders from the proposed changes to the fee schemes for inquest legal aid work set out in the accompanying consultation:
11. Solicitors who undertake legally aided inquest legal help under a contract with the LAA.
12. Legal services firms and providers more broadly who do not currently routinely offer inquest legal aid but may wish to do so because of these proposals and the wider changes to inquest legal aid in the Bill.
13. Bereaved family members who are:
 - a. currently in-scope of legal aid for inquests via means-tested legal help;
 - b. currently receive legal aid for inquests via Exceptional Case Funding (ECF); and
 - c. would be in-scope, subject to Royal Assent of the Bill, of non-means tested legal aid for inquests where a public authority is an interested person.

Methodology to determine potential discrimination

14. 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.
15. 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

16. The primary pool of individuals affected by the proposals would be (actual and potential) legal aid providers and bereaved families who are currently eligible for legal aid for inquests (whether via means-tested legal help or ECF routes) and those who would be eligible for legal aid for inquests where following successful implementation of the Bill.

Available data

17. This assessment uses Office for National Statistics (ONS) data for comparisons to the general population in England and Wales throughout the assessment ('the general population' from this point). Please see the end of the document for a full list of the ONS sources drawn upon.

Legal aid providers - solicitors

18. As the proposed changes would amend fees, this would impact civil legal aid providers who work on inquests. As we do not propose any changes to barristers' remuneration, we do not examine this group below. We assess the protected characteristics of legal aid providers (solicitors) in the next subsection.

19. Inquest work does not currently have its own contract within legal aid and therefore does not have specific equalities information for the solicitor providers. Instead, the majority of inquest legal aid cases are covered by providers who have contracts for CAPA.

20. The data below focuses on a subgroup of the legal aid providers described in the Data Publication Deep Dives, which the Ministry of Justice (MoJ) produced as part of the Review of Civil Legal Aid (RoCLA), and uses data from the most recent available year of reporting, the 2021/22 financial year, and covers age, gender, and ethnicity.^[1] Specifically, we focus on those respondents with contracts for CAPA legal aid as we believe they best represent the pool of solicitor providers currently undertaking legal aid inquest work. It should be noted that not all CAPA providers work on inquests and that not all inquest work is undertaken by CAPA solicitor providers. These are the types of firms that have provided legal help and advocacy related to inquests and are intended as proxies to represent legal aid inquest providers. We will therefore look at this subgroup's protected characteristics in turn, compared to the available data for the general population.

21. As above, data for solicitors from active firms was obtained from Data Publication Deep Dives. We currently do not have legal aid solicitor data for disability, sexual orientation, pregnancy and maternity, religion or belief, or gender reassignment for this specific group. However, we have explored disability, sexual orientation, religion, and gender identity for the wider group of legal services firms.

22. The data for legal aid solicitors for CAPA showed:

- **Age:** Based on the 2021-22 data, solicitors for legal aid-funded CAPA work were overrepresented in the 35–54 age groups when compared to the general population for the same categories. 34% of legal aid providers for CAPA fell within the 35–44 age range compared to 13% in the general population, and 22% of legal aid providers for CAPA fell in the 45–54 age range compared to 12% in the general population.^[2] CAPA providers under 35 (27%) were also overrepresented compared to the general population which was 20% for those aged 20-34. Overrepresentation can be expected

to an extent as the population data covers all ages, including those who are not of working age.

- **Sex:** In 2021–22, 60% of solicitors undertaking CAPA work were female, compared to 32% male, with the remainder (8%) unknown. This suggests there was an overrepresentation of females compared to the general population, which was estimated at 49% male and 51% female.^[2]
- **Ethnicity:** There was a slight overrepresentation in the proportion of CAPA legal aid providers from an Asian ethnic background at 10%, compared to 9% in the general population.^[3] There was a high proportion (24%) of CAPA legal aid providers for which the ethnicity was unknown, making it difficult to draw conclusions around the representation of other ethnic groups.

Legal services firms

23. The proposed changes would offer a simpler approach to remuneration with more clarity for providers, alongside the change to introducing a new inquest contract category for legal aid (not consulted on here). We expect that legal services providers beyond our current legal aid providers may be impacted, particularly if they are considering bidding for a new inquest legal aid contract as a result of these changes.

24. 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.^[4] This data was collected from almost all firms they regulate in summer 2025, when 99.5% of law firms reported their data, covering more than 225,000 people working in 8,876 firms. The data below is focused specifically on solicitors' data using the law firm diversity data tool.

25. A summary of the data (including only solicitors working in law firms) on the protected characteristics is as follows:

- **Age:** Respondents in the age groups between 25 and 54 years old appeared to be overrepresented when compared to the general population for the same categories: 45% of respondents were aged 25–34 compared to 14% of the general population, 28% of respondents were between 35–44 compared to 13% in the general population, and 14% were between 45–54 compared to 12% in the general population.^[2] As the general population data is not focused on working age groups specifically, an overrepresentation in the 25–65 age groups compared to the population is to be expected.
- **Sex:** Respondents identified as follows: 35% as male; 63% as female. 2% of respondents did not provide information on their gender or preferred not to say. This suggests an overrepresentation of females compared to the general population, which was estimated as 51% female and 49% male.^[2]
- **Ethnicity:** Respondents identified as follows: 75% as White; 13% as Asian; 3% as Mixed; 3% as Black; 2% as Other ethnic group; and 4% preferred not to say. Overall, these figures are broadly in line with the general population with those identifying as White British at 82%, Asian at 9%, Black at 4%, and Mixed at 3%.^[3]
- **Disability:** Respondents identified as follows: 87% as no disability declared; 8% as disability declared; and 5% preferred not to say. This suggests those who declare a

disability are underrepresented in the solicitor profession when compared to the percentages of those who identified as disabled in the general population, with 82% declaring themselves as not disabled and 18% as disabled.^[5]

- **Sexual orientation:** Respondents identified as follows: 88% as heterosexual; 5% as gay/lesbian/bisexual or other sexual orientation; 7% preferred not to say. This is broadly in line with ONS data for the general population (question only asked for those aged 16 years and over) for which representation was estimated at 89% heterosexual/straight, 3% gay/lesbian/bisexual or other sexual orientation, and 8% of people did not respond to the question.^[6]
- **Religion:** Respondents identified as follows: 41% as no religion; 35% as Christian; 6% as Muslim; 3% as Hindu; 2% as Jewish; 2% as Sikh; 1% as Buddhist; 2% as Any other religion or belief; and 9% preferred not to say. Those who identified as Christian were slightly underrepresented but otherwise this is broadly in line with the general population, as nearly half identified as Christian (46%), 37% as no religion, 7% as Muslim, 2% as Hindu, 1% as Sikh, 0.5% as Buddhist, and 6% preferred not to say.^[7]
- **Gender identity:** Respondents identified as follows: 96% as gender identity the same as sex at birth, 1% with a gender identity different to their sex at birth; 4% Prefer not to say. The ONS data only asked this question to those aged 16 or over and showed 94% declaring the gender they identified with being the same as sex registered at birth, 0.5% answering their gender identity was different to their sex at birth, and 6% who did not answer.^[8]

Bereaved family members

26. The proposals we are consulting on are related to remuneration for providers of legal help in inquests. Whilst clients (in this case, bereaved family members) are unlikely to be directly impacted, there may be an impact on clients as a result of provider willingness and ability to take on inquest work because of these proposals. Therefore, we have considered below the protected characteristics of inquest legal aid clients compared to the general population.

27. We have considered the limited equality information held by the MoJ on those who have received legal aid for inquest matters. The data below focuses on clients receiving legal help related to inquests from 2024/2025 in relation to the clients' protected characteristics, where known.^[9] It is important to note that the Bill will expand eligibility for inquest legal aid to groups that are not in scope of legal aid under the current system or would not currently receive legal aid due to the means test. The data below only captures the demographics of those currently eligible for legal aid for an inquest.

- **Age:** Clients receiving legal aid for inquest matters mainly identified as follows: 27% as 45–54 years old; 22% as 35–44 years old; 21% as 55–64 years old; 13% as 25–34 years old; 11% as over 65; 4% as 18–24 years old; and 1% as under 18. The groups between 35 and 64 years old appear to be particularly overrepresented when compared to the general population for the same categories: 12% 45–54 years old; 13% 35–44 years old; and 13% 55–64 years old.^[2]
- **Sex:** Clients receiving legal aid for inquest matters mainly identified as follows: 76% as female; and 24% as male. This suggests a significant overrepresentation of female clients compared to the general population which was estimated as 51% female and 49% male.^[2]

- **Ethnicity:** Since 50% of inquest matters list ethnicity as 'unknown', the available ethnicity data is limited. Therefore, we cannot make a confident judgement whether there is overrepresentation from particular cohorts. Where we do have data on ethnicity, clients receiving legal aid for inquest matters mainly identified as follows: 87% as White British; 7% as Black/Black British; 3% as Asian/Asian British; and 2% as Mixed/Multiple ethnic groups.
- **Disability:** Clients receiving legal aid for inquest matters mainly identified as follows: 70% as not disabled and 30% as disabled (the latter identified mostly with mental health conditions, or with a long-standing illness or health condition). This suggests that people with a disability are overrepresented in our client cohort compared to the general population, which was estimated as 82% not disabled, and 18% disabled.^[5] It should, however, be noted that the census changed how it asks about disability in 2021, so some differences may be expected.

28. Given the expansion of legal aid for inquests where a public authority is an interested person, we expect that the future pool of individuals that would be eligible for legal aid at inquests would be similar to that of the general population. However, given the currently limited scope and data on inquests, we cannot be certain of future demographics under such a significant expansion. We will continue to monitor the client demographics as the expansion of legal aid for inquests is implemented.

The Assessment

Eliminating unlawful discrimination

Direct discrimination

29. Our assessment is that the measures in this Equalities Impact Assessment are not directly discriminatory within the meaning of the Equality Act 2010. The proposed reforms would not treat anyone less favourably as a result of a protected characteristic. These proposals are also not expected to have a significant impact, either positively or negatively. They are primarily intended, and expected, to provide an administrative benefit and clarity for both legal aid providers and the LAA by setting out more consistent and simple remuneration arrangements for inquest legal help work. As such, we do not consider any groups would be materially impacted more or less than any others as a result of these proposals.

Indirect discrimination

30. Our initial assessment is that the proposed changes are not indirectly discriminatory within the meaning of the Equality Act 2010. As above, the proposals in this consultation are expected to benefit inquest providers by simplifying and providing clarity on fees. From the available data on the protected characteristics of solicitors, females and the age groups of 25-34, 35-44 and 45-54 were overrepresented compared to the general population. Conversely, those solicitors who declared as having a disability were underrepresented. Data on ethnicity, sexuality, and religion were broadly in line with the general population. Overall, most legal aid solicitors identified as white, not disabled and heterosexual and, therefore, solicitors with these protected characteristics would be most likely to see impacts from these changes.

31. Given the focus of these proposals, clients are unlikely to be particularly disadvantaged based on their protected characteristics. Current clients of inquest legal aid tend to identify mostly as white, female and not disabled. We acknowledge that benefits may not be distributed evenly across all groups as women and individuals with disabilities are overrepresented among existing inquest legal aid users, compared to the general population. However, these characteristics may change as a result of the expansion of inquest legal aid, and we will continue to monitor this throughout the expansion, supported by better data for inquest cases.
32. Overall, it is likely that the proposed measures would benefit individuals in the impacted groups that match these protected characteristics, compared to the general population. Those individuals in the impacted groups that do not share the protected characteristics of the majority would not be particularly disadvantaged because the overall proposed expansion of inquest legal aid would apply to (and benefit) them as well, meaning more people would have access to justice.

Advancing equality of opportunity

33. Consideration has been given to how these proposals impact on the duty to advance equality of opportunity. Given the proposals introduce a new approach to remuneration within the expanded scope of inquest legal aid, it is likely that legal aid providers would be most impacted and, overall, benefit from these proposals. Our assessment is that this approach offers a simpler system for remuneration which offers clarity to providers and the LAA, supporting a more efficient system where provider time can be better spent with clients, and which may encourage more providers to offer inquest legal aid services. We anticipate there may be a subsequent benefit for inquest legal aid clients as a result of potential increased provider capacity.

Discrimination arising from disability and duty to make reasonable adjustments

34. As explained above, the proposals are expected to, overall, have a benefit or no impact on most inquest providers. It remains important to make reasonable adjustments and ensure appropriate support is given to all disabled legal aid providers and bereaved families.

Fostering good relations

35. We do not anticipate that the proposals will have a particular impact on fostering good relations between those who do and do not share a protected characteristic. In our assessment, these proposals offer an appropriate way to remunerate providers in light of the expansion of inquest legal aid, potentially making this work more attractive to providers so that there is enough provider capacity to offer these services and improve access to justice for bereaved families.

Harassment and victimisation

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

Monitoring and evaluation

37. In line with our ongoing PSED obligations we will continue to consider relevant equalities data and evidence during the consultation and update the Equalities Impact Assessment as necessary. Any final decision will take account of the evidence of impact from the Equalities Impact Assessment and consultation, and we will publish an updated assessment alongside the published consultation response in due course.
38. We will continue to pay due regard to the PSED as the proposals are implemented and will consider the most effective ways of monitoring equalities impacts.

Data Sources

- [1] **Solicitors RoCLA:** MoJ, Review of Civil Legal Aid: data publications deep dive report on claims against public authorities, 2025 [Review of Civil Legal Aid: data publications deep dive report on claims against public authorities - GOV.UK](#)
- [2] **General population age and sex:** ONS, Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, Mid-2024 edition dataset, table MYE1, [Estimates of the population for the UK, England, Wales, Scotland, and Northern Ireland - Office for National Statistics](#)
- [3] **General population ethnicity:** ONS, Census 2021, Population of England and Wales by ethnicity, [Population of England and Wales - GOV.UK Ethnicity facts and figures](#)
- [4] **Legal Service Firms:** SRA, Diversity in law firms' workforce, 2025, [SRA | Diversity in law firms' workforce | Solicitors Regulation Authority](#)
- [5] **General population disability:** ONS, Disability, England and Wales: Census 2021, [Disability, England and Wales - Office for National Statistics](#)
- [6] **General population sexual orientation:** ONS, Sexual Orientation, England and Wales: Census 2021, [Sexual orientation, England and Wales - Office for National Statistics](#)
- [7] **General population religion:** ONS, Religion, England and Wales: Census 2021, [Religion, England and Wales - Office for National Statistics](#)
- [8] **General population gender identity:** ONS, Gender identity, England and Wales: Census 2021, [Gender identity, England and Wales - Office for National Statistics](#)
- [9] Source: Ministry of Justice, LAA client data (unpublished data)