

<b>Title:</b> Legal aid for inquests: Changes to fee schemes  <b>IA No:</b> MoJ002/2026 <b>RPC Reference No:</b> N/A <b>Lead department or agency:</b> Ministry of Justice (MoJ) <b>Other departments or agencies:</b> Legal Aid Agency (LAA)	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> May 2026			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Secondary legislation			
<b>Contact for enquiries:</b> <a href="mailto:civil.legalaidpolicy@justice.gov.uk">civil.legalaidpolicy@justice.gov.uk</a>				

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> N/A
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Cost of Preferred (or more likely) Option (in 2026 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?**  
Subject to Parliamentary approval, the Public Office (Accountability) Bill ('the Bill') will enable bereaved families to access non-means tested legal aid for inquests where a public authority is an interested person. This is estimated to expand eligibility for inquest legal aid from around 200-400 cases per year to approximately 11,400 per year. The proposals in this consultation do not themselves expand legal aid for inquests but simplify what would otherwise be areas of complexity in remuneration for inquests.

**Challenge one:** in inquests, legal help is currently provided under Controlled Work and advocacy under Licensed Work. There is one fee scheme for inquest advocacy, but inquest legal help fees are based on the relevant category of law, leading to a lack of consistency and clarity in providers' fees.

**Challenge two:** in inquests, Controlled Work and Licensed Work are conducted in parallel and under different files with different remuneration approaches; this means providers and the LAA must manage a case across two files and systems which would create significant challenges to LAA and providers under the anticipated increase in inquest case volumes following Royal Assent of the Bill. The government intends to amend the Bill at the Commons Report stage to expand the definition of 'other legal services' (OLS), allowing inquest legal help to be delivered under Licensed Work where advocacy has been granted. We also need, through the proposals in our consultation, to amend the remuneration regulations to set out how non-advocacy services will be remunerated under the new process.

Following implementation of the Bill, greater clarity for legal aid providers and the LAA on remuneration for inquests will be needed under the revised processes. Intervention via secondary legislation is needed to make the required changes.

**What are the policy objectives of the action or intervention and the intended effects?**  
Given the scale of expansion of legal aid for inquests, it must be underpinned by operational arrangements that prioritise access and simplicity to enable bereaved families to efficiently secure legal aid. The objective is to simplify the current arrangements, provide a clear remuneration system for providers of inquest legal aid, and reduce administrative burden for providers and the LAA in managing, billing, and assessing claims. Overall, this will create a remuneration system that reflects the nuances of inquest legal aid and improve the process of providing inquest legal aid services, in turn, supporting the efficient and effective rollout of the expansion of inquest legal aid.

**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 current remuneration approach would remain unchanged with no single rate for inquest legal help and no clarity on how providers are paid for work under the new defined service of OLS.
- **Option 1:** move to a single fixed fee and escape fee threshold (and hourly rates where cases escape) for inquest legal help, based on existing claims against public authorities (CAPA) rates.
- **Option 2:** amend Legal Aid (Remuneration) Regulations 2013 in relation to (OLS) for inquests, to provide hourly fee rates for providers conducting non-advocacy legal services within this newly defined level of service.

Options 1 and 2 together are preferred as they best meet the policy objectives.

**Would the policy be reviewed? No If applicable, set review date:** N/A

Are any of these organisations in scope?	Micro N/A	Small N/A	Medium N/A	Large N/A
Is this measure likely to impact on international trade and investment?	No			
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> 0		<b>Non-traded:</b> 0	

*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: S. Sackman Date: 16 April 2026

# Summary: Analysis & Evidence

# Option 1

**Description:** move to a single fixed fee and escape fee threshold (and hourly rates where cases escape) for inquest legal help, based on existing claims against public authorities (CAPA) rates.

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
2026/27	2026/27	2026/27	Low: N/A	High: N/A	Best Estimate: N/A

COSTS (£m)	Total Transition (Constant Price)		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	-	£200k	N/A
High	N/A	-	£500k	N/A
Best Estimate	N/A	-	-	N/A

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

Introducing a single legal help fee scheme based on the existing CAPA rates for legal help is estimated to cost the legal aid fund between £200k and £500k per annum. There will be some operational costs to the LAA when making the necessary digital changes to move to a single fee rate.

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

None

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	-	£200k	N/A
High	N/A	-	£500k	N/A
Best Estimate	N/A	-	-	N/A

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

Overall, providers who conduct legal help inquest work will gain a benefit equal to the value of the cost above. They will also have greater clarity regarding the remuneration for legal aid. Providers working in categories of law where they have been remunerated for inquest legal aid work at fees which are currently higher than CAPA would see a negative impact, but the volume of these cases are expected to be small.

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

For legal aid providers, the proposal is designed to simplify the current arrangements and offer clarity regarding legal help fees and remuneration.

It will be clear to LAA caseworkers what rates are payable for inquests when assessing claims.

Key assumptions/sensitivities/risks	Discount rate (%)	N/A
<ul style="list-style-type: none"> <li>The 'Do Nothing' option assumes the expansion of non-means tested legal aid for bereaved families where a public authority is named as an interested person at an inquest. This also assumes the new category of law for inquests has been introduced.</li> <li>The analysis assumes that the nature of legal aid work (i.e. the type and amount) involved in future legal help inquest cases is akin to those that have historically been funded. This therefore includes that 90% of legal help inquest matters are already remunerated at CAPA rates.</li> </ul>		

## BUSINESS ASSESSMENT (Option 1)

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

# Summary: Analysis & Evidence

# Option 2

**Description:** amend Legal Aid (Remuneration) Regulations 2013 in relation to 'other legal services' (OLS) for inquests, to provide hourly fee rates for providers conducting non-advocacy legal services within this newly defined level of service.

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
2026/27	2026/27	2026/27	Low: N/A	High: N/A	Best Estimate: N/A

COSTS (£m)	Total Transition (Constant Price)		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	-	£0.03m	N/A
High	N/A	-	£0.1m	N/A
Best Estimate	N/A	-	-	N/A

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

Introducing new hourly fee rates for non-advocacy legal services provided under OLS, as a result of the Bill measure to re-define the parameters of OLS, is a change to the billing process and is expected to cost the legal aid fund between £30k-£100k. This is due to some legal help matters for inquests previously being billed at fixed rates but, by providing those legal services under OLS, they will be paid at hourly rates.

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

None

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	-	£0.03m	N/A
High	N/A	-	£0.1m	N/A
Best Estimate	N/A	-	-	N/A

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

Overall, providers who conduct legal help inquest work will gain a benefit equal to the value of the cost above.

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

Due to the simplification of the fee scheme, providers who conduct legal aid inquest work, and the LAA, will see increased clarity and a reduction in the administrative burden of billing and managing claims.

Key assumptions/sensitivities/risks	Discount rate (%)	N/A
<ul style="list-style-type: none"> <li>The 'Do Nothing' option assumes the expansion of non-means tested legal aid for bereaved families where a public authority is named as an interested person at an inquest. This includes the Bill amendments and changes to the Merits and Procedure Regulations. It also assumes Option 1 has been implemented, setting fees for inquest legal help at CAPA rates.</li> <li>We assume there are no behavioural impacts from providers such that the work claimed for differs as a result of having a defined OLS service in the advocacy certificate.</li> </ul>		

## BUSINESS ASSESSMENT (Option 2)

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

# Evidence Base

## A. Background

### How legal help remuneration currently operates for inquests

1. In an inquest, a court hearing is conducted by a coroner to answer the four statutory questions of a relevant death under the Coroners and Justice Act 2009; who died and when, where, and how. An inquest is an inquisitorial process and is different from the majority of civil legal aid cases, which are more adversarial.
2. Legal aid for inquests is delivered under legal help or advocacy. Legally aided legal help is available to bereaved family members at inquests subject to a means and merits test, whereas advocacy is currently only available through exceptional case funding (ECF). Legal help and advocacy are defined under the Civil Legal Aid (Procedure) Regulations 2012 ('Procedure Regulations') and the Civil Legal Aid (Merits Criteria) Regulations 2013 ('Merits Regulations').
3. Legal help (advice, assistance and preparation, but not preparation for advocacy at an inquest) is classified as Controlled Work, where means and merits decisions are delegated to providers. In Controlled Work providers are paid a fixed fee, subject to the escape fee threshold (for claims against public authorities, this is set at three times the fixed fee). If the time spent on the case means the providers' costs exceed or 'escape' the threshold, providers can claim hourly rates.
4. Preparation for advocacy and advocacy at an inquest is funded under a form of service known as 'other legal services' (OLS) and designated as Licensed Work, provided via a legal aid certificate issued by the Legal Aid Agency (LAA) to the legal aid provider. In contrast to legal help, legally aided advocacy does not have a fixed fee for providers, who are instead remunerated through hourly rates.

### *Legal help fees for inquests*

5. Most civil legal aid work is conducted under specific categories of law. This allows the LAA to set quality standards and requirements of providers that are appropriate to that category, and to monitor provider capacity for the work. In addition, it supports the LAA to effectively signpost clients to providers who may be prepared to take on legally aided inquest work.
6. There is, however, currently no specific legal aid category for inquests. Under the current system, inquest matters fall within whichever category is most relevant to the underlying issue and providers need to hold a contract in the category most closely linked to the subject matter of the inquest. Where an inquest does not fall within a category of law it is classed as 'Miscellaneous Work' and can be done by any provider with a civil legal aid contract.
7. This means data on inquest work is spread across multiple categories and creates challenges in managing and reporting on costs, measuring provider capacity and developing quality and experience standards specific to inquests. The LAA are unable to clearly signpost clients to legal aid inquests providers and providers may also be unsure whether they have the right contract to conduct the work.

8. For legal help, providers are paid fees based on the category of law, each of which set different fixed fees, escape fee thresholds, and hourly rates for legal help. This means providers will be paid different fees depending on the category of law they do the work under. This not only leads to a lack of clarity in fees for inquests but may cause issues where an inquest arguably falls across multiple categories of law.

#### *Advocacy and other legal services (OLS)*

9. In other areas of civil legal aid, Controlled Work and Licensed Work are conducted and billed for sequentially; the Controlled Work elements of a case end when the Licensed Work commences. In inquests, legal help is also generally applied for first under Controlled Work, where fixed fee and escape thresholds apply. Unlike in other civil legal aid cases, once a provider applies for advocacy in relation to an inquest under Licensed Work (where hourly rates apply), the Controlled Work case does not end. The Controlled Work and Licensed Work run concurrently until the case ends. If a case moves to advocacy and legal help stopped being available, there would be a loss of service to which the client is entitled.
10. This means providers and the LAA need to maintain two separate files for clients who receive advocacy; one for legal help and one for advocacy. This also means information on the case is divided and separated into different places and providers and the LAA must manage the case by switching between two different systems, despite work being conducted in parallel. In addition, in Controlled Work, generally are only able to claim their costs at the end of the case, whilst in Licensed Work providers may apply for payments on account to cover work in progress. This further complicates the billing process for both providers and the LAA and can make it more difficult for the LAA to identify any duplications or errors in billing across the two files.
11. Although complex and cumbersome, the process for managing the Controlled and Licensed Work elements of inquests cases, and billing under different categories of law, is viable at the current low case volumes of around 200-400 per year.

#### Problem Under Consideration

12. Subject to Parliamentary approval and passage, the Public Office (Accountability) Bill ('the Bill') will deliver the largest expansion of legal aid in a decade, providing bereaved families with access to non-means tested legal help and legally aided advocacy in relation to inquests where a public authority is an interested person. This is estimated to increase the volume of inquest legal aid cases to up to approximately 11,400 cases per year (see the Parity of Arms Impact Assessment from September 2025 for detail).
13. The current processes and systems complicate the administration of inquest legal aid. There are also only limited opportunities to make changes to these processes and systems which would speed up applications and decisions, access to legal aid, and payments to providers. These challenges will become more pronounced once the scope of legal aid for inquests is expanded and volumes increase, requiring the system to operate more efficiently at scale and creating administrative challenges for the LAA in managing the complex assessment of payments for a significantly increased volume of cases.
14. In addition, as a result of the Bill, more providers would need to work within the complex remuneration arrangements for inquest legal aid. However, there is a risk that the complexity

and inconsistency of the current remuneration arrangements might deter current providers from offering inquest legal aid, as well as deterring potential new providers who are interested in inquest legal aid work. This expansion of inquest legal aid is also likely to create administrative challenges for the LAA in managing the complex assessment of payments for a significantly increased volume of cases. As a result, we are making a number of changes to support the rollout of expansion of legal aid for inquests.

15. This consultation proposes to address two challenges within inquest legal aid arrangements and make the system for billing for inquest legal aid work simpler, clearer, and more manageable when volumes increase.

### How inquest legal aid is changing

16. First, upon commencement of the Bill, we intend to introduce a new legal aid category contract for inquests, with its own quality standards. This new inquest category will operate on a 'non-exclusive' basis. This means existing civil legal aid providers will be able to continue to conduct inquests work under their existing categories where the subject matter of the inquest falls within that area. In addition, new providers who enter the market in these categories will be able to pick up inquest work on the same basis. The new inquest category contract means that new providers wishing to focus primarily on inquests can bid specifically for a contract under the new inquest category, which will have inquest-specific requirements.
17. Consistent with these anticipated changes, we are proposing to introduce a single fee scheme for legal help for inquests. This means all providers will be remunerated in the same way for inquest legal aid. We propose to base the fees on the current fees for claims against public authorities (CAPA), including the fixed fee (£239), escape fee threshold (£717), and applicable hourly rates, which would apply for inquest legal help work conducted under either the new inquest category or existing categories.
18. Second, we have tabled a technical amendment to the Bill to broaden the definition of OLS in the Merits Regulations. This will also require amendment of the Procedure Regulations to mirror the updated definition of OLS. These changes will mean legal help is provided under the Controlled Work system for all family members and, when a family member applies and is approved for advocacy funding, that case moves to the Licensed Work system and the individual receives all services through that form of legal aid. As a result, providers and the LAA will only need to navigate one system at a time; either Controlled or Licensed.
19. For the purposes of this IA, Option 2 assumes these changes have been implemented. In the accompanying consultation we propose to build on these wider changes and amend the Legal Aid (Remuneration) Regulations 2013 ('Remuneration Regulations') to include fee rates for service elements of legal help, along with the current fees for advocacy service elements, under OLS.

## **B. Rationale & Policy Objectives**

### **Rationale**

20. 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).

21. In this instance, the rationale for intervention is efficiency: given the scale of expansion of non-means tested legal aid for inquests, it is necessary to develop a remuneration system that reflects the nuances of inquest legal aid and gives effect to the wider changes being implemented.

### **Policy Objectives**

22. For the inquest legal aid expansion to be effective, it must be underpinned by effective and efficient operational arrangements. The associated policy objective is to address areas of complexity and streamline current processes, providing a clear and simplified approach to remunerating providers of inquest legal aid that reduces administrative burden for providers and the LAA in managing, billing, and assessing claims. The intention is to, overall, provide clarity for providers and the LAA and improve the process of providing inquest legal aid services, in turn, supporting the efficient and effective rollout of the expansion of legal aid for inquests to support bereaved families in accessing legal aid.

23. Specifically, the accompanying consultation proposes moving to a single fee scheme for inquest legal help and amending the remuneration arrangements to include fee rates for non-advocacy work alongside existing rates for advocacy under the revised definition of OLS. Together, these changes aim to create a simpler remuneration system for inquest legal aid and offer clarity for providers.

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

24. The main groups that will be affected by the options in this IA are as follows:

- **Legal aid providers:** those who currently provide legal aid services for inquest cases under a contract with the LAA, including solicitors.
- **Legal services firms and providers more broadly:** those who do not currently routinely offer inquest legal aid but may wish to do so due to the changes to inquest legal aid.
- **The Legal Aid Agency:** which is responsible for legal aid quality monitoring and processing claims.
- **Bereaved family members:** those currently in scope of inquest legal aid and those who would be newly in scope of non-means tested legal aid where a public authority is an interested person at an inquest or who receive legal aid funding in relation to an inquest via ECF arrangements.
- **Taxpayers:** who ultimately fund the legal aid fund.
- **Other Government Departments:** where OGDs or their associated public authorities are interested persons at an inquest, they will cover the costs to the legal aid fund.

## D. Options Under Consideration

25. The following options are considered in this IA:

- **Option 0/Do Nothing:** the current remuneration approach would remain unchanged with no single rate for inquest legal help and no clarity on how providers are paid for work under the new defined service of OLS.
- **Option 1:** move to a single fixed fee and escape fee threshold (and hourly rates where cases escape) for inquest legal help, based on existing claims against public authorities (CAPA) rates.
- **Option 2:** amend the Remuneration Regulations in relation to OLS for inquests, to provide hourly fee rates for providers conducting non-advocacy legal services within this newly defined level of service.

26. While Options 1 and 2 could be implemented separately, the government's preferred approach would be to combine Option 1 and Option 2 as this would best meet the policy objectives of giving effect to the wider changes and simplifying the fee schemes for the expansion of inquest legal aid, providing clarity and reducing administrative burden.

### Option 0: do nothing

27. Option 0 assumes that the full expansion of legal aid for inquests is implemented, including the amendments and subsequent legislative changes to the Procedure Regulations (as described above), following Royal Assent of the Bill.

28. This means that there would be a new category introduced for inquests but, under the 'do nothing' option, there would be no fee rate associated with this category. This would cause confusion about which rates to apply, and it is likely that the current arrangements of claiming different fees based on the relevant category would ultimately be retained. This means that providers working in different categories would continue to receive different fee rates for conducting inquest work depending on the relevant category, undermining the aim of providing a clear and consistent approach to remuneration.

29. The Bill amendments, subject to successful parliamentary approval, and subsequent legislative changes will expand the definition of OLS and bring service elements of legal help into an amended form of OLS. However, under this option there would be no updates to the Remuneration Regulations to set out how these new service elements of legal help should be remunerated under the Licensed Work certificate, including whether this would be a fixed fee or hourly fee, and at what rate. Whilst already complex for providers offering inquest legal aid services, this could create more confusion around the appropriate remuneration rates for inquest legal aid.

30. Without the proposed changes under Options 1 and 2, the wider changes as described throughout this IA and the consultation (see Chapter One of the accompanying consultation document) would not be able to take effect as there would be a lack of clarity regarding remuneration. There is a risk that this fee variability, inconsistency and complexity influences market participation so that fewer current and new firms are likely to want to offer legal aid for inquests. This may, in turn, impact the market's ability to meet the increased demand from inquest legal aid clients; individuals may be eligible to receive non-means tested legal

aid for an inquest but be unable to find a provider willing or able to take on their case, thereby restricting access to justice and undermining the intentions of the Bill.

**Option 1: move to a single fixed fee and escape fee threshold (and hourly rates where cases escape) for inquest legal help, based on existing claims against public authorities (CAPA) rates.**

31. First, in line with introducing a new inquest legal aid category contract (not consulted on here), Option 1 would move to a single fee for legal help in all inquest cases.
32. Currently, 90% of the claims for legal help in relation to inquests are paid under CAPA rates. Therefore, under this option, we are proposing that the fee scheme for legal help should mirror that of CAPA, including the fixed fee (£239, all rates excluding VAT), escape threshold, and hourly rates.
33. We acknowledge that this fee is lower than fees in some categories; for example, mental health (fixed fee of £253) and community care (fixed fee of £266), but we anticipate inquest volumes in these categories would be small. The CAPA rate represents remuneration at the highest rate of the most claimed categories of law for inquests. We also anticipate that, following commencement of the Bill, many new inquest cases could involve clinical negligence themes, which has a lower fixed fee than CAPA (£195).

**Option 2: amend Remuneration Regulations in relation to OLS for inquests, to provide hourly fee rates for providers conducting non-advocacy legal services within this newly defined level of service**

34. Under Option 2, we propose to amend the Remuneration Regulations, bringing fee rates for service elements of legal help together with the existing rates for advocacy for Licensed inquest legal aid work. Legal help currently uses fixed fees and an escape threshold before remunerating on hourly rates, whereas advocacy is charged by providers at either an item cost (e.g. routine letter out) or an hourly rate. To support consistency across Licensed Work, we propose to also remunerate the non-advocacy services through hourly and unit rates.
35. The likely amendment to the Remuneration Regulations would add a further table at schedule 4 to provide hourly rates (at the same level as current legal help CAPA cases) for non-advocacy services under OLS. This would allow us to better mirror the standard civil legal aid model and provide consistency and clarity for providers on fees as well as administrative simplicity in billing and assessing claims. This change would not amend the fee rate for providers delivering advocacy under OLS or fee rates for barristers.

**Options 1 and 2 Combined**

36. Overall, combining Option 1 and Option 2 would simplify remuneration for inquests, both providing clarity for providers on inquest fees and reducing administrative burden for both providers and the LAA in managing and assessing remuneration claims. This is why implementing both options is the Government's preferred approach.

## E. Cost and Benefit Analysis

37. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
38. 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.
39. 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 monetizable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
40. Where costs and benefits are monetizable, we have estimated the steady state implications of the policy change, as the legal aid claims for legal help and advocacy funding at inquests are generally 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 2026-27 prices.
41. 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.
42. For the purposes of this IA, the impacts of both Option 1 and Option 2, the government's preferred approach, can be aggregated to get the overall impacts.

### **Option 1: move to a single fixed fee and escape fee threshold (and hourly rates where cases escape) for inquest legal help, based on existing claims against public authorities (CAPA) rates.**

#### **Methodology**

43. This analysis draws on the [Parity of Arms Impact Assessment](#) published alongside the Public Office (Accountability) Bill in September 2025. That impact assessment estimated that, once the Bill comes into force, between 4,200 and 11,400 inquests per year will receive funding for both legal help and advocacy services. The associated annual cost to the legal aid fund was estimated at £65m–£180m. These figures carry significant uncertainty, driven primarily by:
- The future volume of inquest cases.  
The wide range (4,200–11,400) reflects uncertainty in estimating the number of additional inquests that will be funded once a public authority is deemed an interested person. This estimate was based on a 2018 survey of coroners, who were asked how many inquests (excluding deaths in state detention) involved a public authority as an interested person. There is further uncertainty around how many bereaved family

members would seek legal aid and meet eligibility requirements once support becomes available.

- The nature and complexity of the inquests.  
We assume that newly eligible inquests (where a public authority is an interested person) will be broadly similar, in both characteristics and cost, to those historically funded by legal aid. However, there is no reliable evidence on how they might differ, which introduces substantial uncertainty into the per-case cost estimate.

44. To estimate the cost of introducing CAPA rates for this expanded cohort of legally aided inquests, we reviewed the fee schedules currently used to remunerate legal help in inquests, which reflect the area of law under which each case is categorised.

45. Following the approach used in the Parity of Arms assessment, and in the absence of more detailed evidence, we assume that newly eligible inquests will have similar characteristics and cost profiles to those historically funded. Over the past six years, 90% of all legal help matters for inquests were remunerated at CAPA rates. Therefore, only the remaining 10% - currently remunerated under other fee schemes - would generate an additional cost when moved onto CAPA rates. As before, this estimate inherits the substantial uncertainty surrounding the expected volume and nature of future cases.

## **Costs of Option 1**

### Monetised costs

#### *UK Government departments*

46. The costs of the legal aid expansion will be met by UK Government departments where they, or their associated public authorities, are interested persons at an inquest. The LAA will recoup the costs to the legal aid fund from the relevant departments.

#### *Legal aid fund*

47. By using a baseline of 4,200 and 11,400 as our lower and upper bounds for the future steady state volume of legal help cases for inquests, and assuming that 10% of cases would not have been paid at CAPA rates (akin to historically), then the estimated cost of remunerating all legal help inquests at CAPA rates is between £200k and £500k per year.

48. There may be some operational costs to the LAA when making any necessary operational and digital changes to implement the changes to the fee scheme. These will form part of the wider changes the LAA will need to make to support the expansion of legal aid for inquests. These costs continue to be developed and assessed as part of implementation. It is not possible to disaggregate the specific impact of the proposals on fees in this consultation from the overall package.

## **Benefits of Option 1**

### Monetised benefits

## *Legal aid providers and legal service providers who do publicly funded inquest work in the future*

49. Providers who undertake legal aid work at inquests will receive increased payment equal to the increased amount being spent by the LAA for legal help inquests, estimated to be between £200k - £500k per annum.
50. These measures will provide some benefits to the sector by providing clarity around the appropriate fees for legal help at inquests.

### Non-monetised benefits

#### *Bereaved family members*

51. Whilst the Bill will expand eligibility for inquest legal aid, the specific changes proposed in this consultation are not expected to have a significant impact on clients. However, the beneficial nature of the remuneration changes may lead to increased provider capacity and support clients in securing a legal aid inquests provider.

### **Option 2: amend Remuneration Regulations in relation to OLS for inquests, to provide hourly fee rates for providers conducting non-advocacy legal services within this newly defined level of service**

#### **Methodology**

52. Our core assumption regarding future inquests is that they will resemble those currently funded, both in duration and in the type of work billed. We also assume that the composition of bills will not materially change as a result of legal services which are currently being billed under legal help work, being billed under OLS in future.
53. However, the non-advocacy legal services that will be provided under OLS in future (that are services currently only available in relation to inquests under legal help) will be remunerated at hourly rates under OLS. For historic legal help bills submitted since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), we estimate that around 6% were paid at the fixed fee, and that fixed fee payments accounted for just 0.2% of total inquest legal help expenditure. For these fixed fee bills, we constructed a scenario in which they would instead have been billed at CAPA hourly rates, and then extrapolated this to our new baselines (4,200 and 11,400 inquests) to estimate the overall cost implications. We have assumed CAPA hourly rates and therefore assume that option 1 has already been implemented.
54. Nevertheless, the cost estimate may be an overestimate, since fixed fee legal help cases may not require advocacy services. This could mean that the work will still be claimed under a legal help matter and therefore continue to receive a fixed fee rather than being remunerated under hourly rates.

#### **Costs of Option 2**

##### Monetised costs

## *UK Government departments*

55. The costs of the legal aid expansion will be met by UK Government departments where they, or their associated public authorities, are interested persons at an inquest. LAA will recoup the costs to the legal aid fund from departments.

## *Legal aid fund*

56. The estimated cost to the legal aid fund is between £30k - £100k per year, where the range illustrates the uncertainty in the baseline.

57. There may be some operational costs to the LAA when making any necessary operational and digital changes to implement the changes to the fee scheme. These will form part of the wider changes the LAA will need to make to support the expansion of legal aid for inquests. These costs continue to be developed and assessed as part of implementation. It is not possible to disaggregate the specific impact of the proposals on fees in this consultation from the overall package.

## **Benefits of Option 2**

### Monetised benefits

#### *Legal aid providers and legal service providers who do publicly funded inquest work in the future*

58. Given the proposals amend the approach to remuneration within the expanded scope of inquest legal aid, it is likely providers will be the most impacted. However, we expect there to be limited impact on providers offering legal aid services for inquests as the majority of current inquest cases already escape the fixed fee threshold and are remunerated on hourly rates.

59. Providers who undertake legal aid work at inquests will receive increased payment equal to the increased amount being spent by the LAA, estimated to be between £30k - £100k per annum.

### Non-monetised benefits

#### *Provider firms and the LAA*

60. Providers who conduct legal aid inquest work, and the LAA, will see increased clarity in fees and, as result, we expect a reduction in the administrative burden of billing and managing claims. Providers will be able to access the processes used in OLS work to claim regular payments on account for a wider range of work.

#### *Bereaved family members*

61. As with Option 1, the specific changes proposed under Option 2 are not expected to have a significant impact on clients. However, the changes to remuneration are expected to overall be positive for providers which may encourage market participation and lead to increased provider availability, making it easier for clients to find a legal aid provider.

## F. Risks and assumptions

62. 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
Baseline	The assumed baseline has been adopted based on the low and high scenarios explained in the <u>Public Office (Accountability) Bill Parity of Arms Impact Assessment</u> . This assumes that, rather than the current 200-400 cases per year, there will be approximately 4,200 – 11,400 legal help and advocacy funding certificates at inquests once the legal aid measures in the Bill have come into force. This has great uncertainty in both volumes and the nature of inquests.
The nature of the new legal help cases for inquests will remain the same as those currently funded	We have assumed that if no changes were made, then legal help at inquests would be billed in line with how existing legal help cases for inquests (around 200-400 cases per year) are currently paid. This effectively assumes that the same distribution of cases (especially the type of work completed) remains the same. It also means that 90% of cases would be paid at CAPA rates, 7% at miscellaneous rates, and 3% paid at other rates. It is further assumed that the legal aid work done in the existing cases is akin to the work done in the estimated increased volume of up to 4,200-11,400 cases in our baseline.
There will be no behavioural changes with the addition of provision of non-advocacy services (currently only provided under legal help) to OLS work	It is assumed that the work currently billed under a legal help certificate would be billed identically once under OLS (except for 6% of cases not claiming the fixed fee anymore, but claiming under hourly rates).
If a fixed fee is paid for a legal help matter, on average, it would be equivalent to the overall cost of the hourly rates paid under OLS	<p>As explained in paragraph 9, legal help work would continue to be conducted and remunerated via Controlled Work if it does not progress to advocacy. If a legal help case does not exceed the escape threshold, providers would be paid a fixed fee.</p> <p>For a case where advocacy is granted, the legal help case under Controlled Work would be closed and the case would move to Licensed Work under OLS, where it would be paid via hourly rates. Our assumption is that for those inquests which are paid a fixed fee for legal help, on average, this cost would be equivalent to the cost of paying for the same work via hourly rates under OLS.</p>

63. In addition to the core assumptions above, there are some additional risks which could challenge these assumptions and impact our cost estimates, as well as wider impacts, if they materialised.

Table 2: Summary of key risks

Risk	Risk and Impact
Nature of cases	A large share of inquests in which a public authority is an interested person—and therefore will enable eligibility for in scope non-means tested legal aid—are estimated to involve the NHS. This raises the possibility that, if we didn't implement the fee proposals, some of these cases would have been conducted under the clinical negligence category and remunerated at the clinical negligence rate, which is lower than CAPA. This challenges our baseline assumption that inquest work will be remunerated in line with historic legal aid matters (i.e., 90% at CAPA rates). The potential impact of this is examined in our sensitivity analysis.
Market capacity	The Bill increases legal aid eligibility for inquest cases which could strain the market's capacity. The impact could be that some eligible families may struggle to find providers with capacity to take on their case, despite legal help and the non-advocacy legal services that will be provided under a licensed certificate being remunerated at CAPA rates. If this materialised, the cost estimates would be less than illustrated in our central estimates.
Provider behaviour	Under the proposed changes, once advocacy is granted, providers would be able to claim hourly rates for service elements of legal help that were previously subject to fixed fees (unless the case escaped). As this is a new approach, it is unknown exactly how, in practice, providers will bill between the legal help and OLS schemes and whether the billing of the non-advocacy related legal services under OLS may be different and more costly than the current billing approach under a legal help matter.
No adjacent advocacy certificate	For Option 2, our core assumption is that all work that would have previously been remunerated under legal help and receive a fixed fee (currently 6% of cases), will instead be remunerated at hourly rates under OLS. However, if these cases only attract fixed fees (and do not escape to hourly rates) because there is no advocacy required, it would suggest that they will continue to be paid fixed fees in the future under a legal help matter (as before), rather than progressing to hourly rates under OLS. In this event, the costs for Option 2 may be over-estimates.

### Sensitivity Analysis

64. Our analysis assumes that newly eligible inquest legal aid cases (where a public authority is an interested person) will be similar in nature to those currently funded by the LAA.

65. However, it is unlikely that the additional inquests receiving non-means tested legal help will perfectly match the profile of the existing caseload. We have limited evidence to predict how they may differ. Anecdotally, because many inquests involving state representation also involve NHS bodies, a plausible high-cost scenario is that all newly eligible matters could instead be remunerated at clinical negligence rates. This contrasts with the current distribution of case types (approximately 90% CAPA, 7% miscellaneous, and 3% other).

66. If clinical negligence cases formed the baseline, the estimated baseline cost of £65m - £180m (covered in the Parity of Arms Impact Assessment) would fall, because cases remunerated at clinical negligence rates would be lower than those remunerated previously. While this does not affect our estimate of the cost of the total proposal itself (remunerating 4,200 – 11,400 legal aid cases at CAPA rates), it would shift the relative position of the “Do Nothing” and “Option 1” scenarios by an equal and opposite amount (around £7m). Under this assumption, Option 1 could therefore cost significantly more than the central estimate of £0.5m, but this remains highly uncertain.

Table 3: Scenario where clinical negligence inquests form baseline

<b>Baseline</b>	<b>Cost of non-means legal aid for inquests where a public authority is an interested person*</b>	<b>Option 1 cost</b>
Central estimate	£180m	£0.5m
Cost difference under a clinical negligence scenario (for legal help)	-£7m	£7m

\* Refers to the upper-bound where 11,400 future inquests receive non-means tested legal aid funding.

## **G. Wider impacts**

### **Equalities**

67. Analysis on the impacts on protected characteristics can be found in the Equality Impact Assessment, which has been published alongside this IA.

### **Legal aid clients**

68. The proposals to inquest legal aid remuneration are not expected to have a significant impact on clients. Our assessment is that the proposed changes would be beneficial for providers and, therefore, there may be a subsequent benefit for inquest legal aid clients due to increased provider capacity.

### **Impact on small and micro businesses**

69. 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**

70. We do not envisage any foreign trade impacts.

### **Growth Impacts**

71. The options in this IA are not expected to have a direct impact on the UK's rate of economic growth.

### **Better Regulation**

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

### **Welsh language**

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

### **H. Monitoring and Evaluation**

74. Following commencement of the legal aid provisions of the Bill, we would monitor the impact of the operation, demand and supply, and expenditure of the legal aid scheme in England and Wales. We would assess the evidence from cases under the expanded scope and continue to engage with stakeholders including legal aid provider representative bodies.