



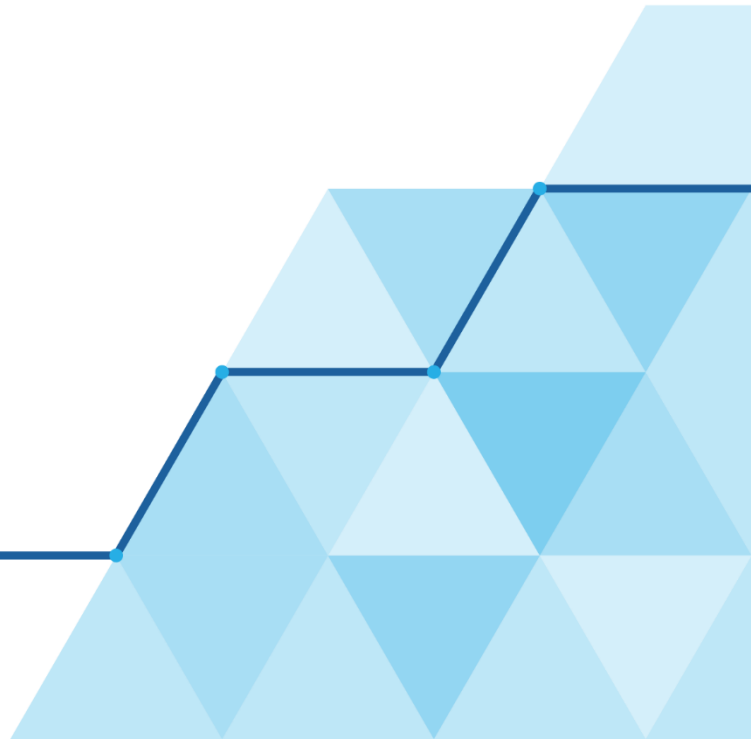
Ministry
of Justice

Legal aid for inquests

Changes to fee schemes

This consultation begins on 08 May 2026

This consultation ends on 19 June 2026



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Ministry
of Justice

Legal aid for inquests

Changes to fee schemes

A consultation produced by the Ministry of Justice. It is also available at <https://consult.justice.gov.uk/>

<http://nationalarchives.gov.uk/doc/open-government-licence/version/3/http://www.gov.uk/official-documents>

About this consultation

- To:** This consultation is aimed at anyone with an interest in the provision of legal aid for inquests conducted within England and Wales. This will include, but is not limited to, members of the legal profession and their professional representative bodies, coroners and other members of the judiciary, and bereaved families who have experience of the inquest process and accessing legal aid.
- Duration:** From 08 May to 19 June 2026
- Enquiries (including requests for the paper in an alternative format) to:** Civil Legal Aid Policy Team
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: civil.legalaidpolicy@justice.gov.uk
- How to respond:** Responses can be submitted online:
<https://consult.justice.gov.uk/digital-communications/legal-aid-for-inquests-changes-to-fee-schemes/>
- Alternatively, please send your response by 19 June to:
Civil Legal Aid Policy Team
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: civil.legalaidpolicy@justice.gov.uk
- Additional ways to feed in your views:** A Welsh language version of this consultation will be made available.
- An easy read version of the consultation can be made available upon request through the contact details above.

For further information please use the “Enquiries” contact details above.

Response paper:

A response to this consultation exercise is due to be published by Autumn 2026 at:
<https://consult.justice.gov.uk/>

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Foreword

The Hillsborough disaster was a devastating tragedy that shook our country. But for the families of the 97 victims, it was only the beginning of their ordeal.

Grieving families faced having to find a way to fund even a single lawyer, while the full might of the State – backed by taxpayer-funded legal teams – stood against them. This was a profound imbalance that only served to compound their grief and must never happen again.

That is why this Government has introduced the Public Office (Accountability) Bill, known as the Hillsborough Law – a testament to the extraordinary courage and determination of the bereaved families and their decades-long campaign for change.

This Bill will establish a legal duty of candour on public servants and authorities, requiring them to act transparently. Crucially, it will also promote ‘parity of arms’, through the biggest expansion of legal aid we have seen in a generation. It means that all bereaved families will be able to access publicly funded legal help and advocacy at inquests where a public authority has been named as an interested person.

This is an important move towards fairness, but we need to make sure we have the right arrangements in place for it to work.

That means making sure the processes involved are as simple and streamlined as possible, so we can reduce delays and allow lawyers to spend more time working with bereaved families, rather than navigating unnecessarily complex systems.

We are taking practical steps to simplify the process and make sure bereaved families have full and swift access to justice.

This includes making the market accessible to more providers, through the planned introduction of a new non-exclusive contract category of law for inquests. And we will expand the definition of ‘other legal services’, so providers can deliver service elements of legal help services and advocacy in a single package of support for family members who receive legally aided advocacy.

In addition to the above steps, this consultation seeks views on reforming the legal aid fee scheme for inquests. Our proposals aim to simplify fees by moving to a single legal help fee scheme for all inquests, regardless of the category of law in which the work is carried out; and include fee rates for inquests non-advocacy work as well as advocacy in Licensed Work.

Together, the proposed steps are intended to support the effectiveness of legal aid arrangements for families under the Bill, delivering the access to justice for which many have fought for so long.

We will monitor these changes closely, working with the Legal Aid Agency (LAA) and stakeholders, to ensure it is delivering both for providers, and, most importantly, the families it is designed to serve.

Through these steps, including the proposals on which we are consulting here, these changes are about ensuring that no family ever again has to fight for decades to uncover the truth. They are about restoring balance where there was once injustice. And above all, they are about honouring the memory of those who lost their lives at Hillsborough – with a justice system that is fair, transparent, and worthy of their names.

A handwritten signature in black ink, reading "Sarah Sackman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sarah Sackman KC MP

Minister of State for Courts and Legal Services

Executive summary

This consultation paper is organised into an introduction and three chapters.

In the **Introduction**, we summarise the current arrangements for inquest legal aid, and the changes to scope which would be brought into effect upon commencement of the legal aid provisions in the Public Office (Accountability) Bill ('the Bill').

Subject to Parliamentary passage, the Bill is likely to receive Royal Assent by Autumn 2026. Upon commencement, the Bill will make provision for legal help and legally aided advocacy to be available, on a non-means tested basis, to bereaved families in relation to inquests in England and Wales where a public authority is an interested person. Commencement of the legal aid provisions of the Bill is anticipated to increase the number of legally aided inquest cases per year from historical volumes of around 200-400 to up to approximately 11,400.

Our current legal aid arrangements for inquests need to be developed to meet the challenges of scope and scale of this expansion. This consultation paper asks for views to help implement changes to legal aid for inquests.

Chapter One sets out steps we intend to take to streamline the process for inquest legal aid. In summary these steps are:

- bring together the different routes currently used for inquest legal aid by creating a new contract category of law for inquests within civil legal aid contract arrangements, providing a clearer and more consistent framework as volumes increase. Providers with contracts in existing categories of law will be able to continue to conduct inquest work in these categories where the subject matter of the inquest is covered by that category; and
- subject to Parliamentary approval and passage of the Bill, we are proposing to amend the definition of other legal services (OLS), through Government amendment to the Bill, widening the range of services encompassed under OLS.

The steps set out in Chapter One are not the subject of this consultation. The purpose of this chapter is to provide wider context on the changes we plan to introduce to support an effective legal aid system for inquests. This will allow respondents to this consultation to fully consider the proposals in Chapter Two in the context of the wider anticipated changes.

Chapter Two sets out the proposals which are the subject of this consultation. The proposals are to change the Civil Legal Aid (Remuneration) Regulations 2013 ('the Remuneration Regulations') for civil legal aid, to:

- introduce a single fee scheme for legal help work conducted for inquests (we would introduce this change after Royal Assent of the Bill); and
- bring together fee rates for service elements of legal help (including preparation and attendance, travel and waiting, and routine letters and calls) and advocacy into one place for family members receiving legal aid advocacy (we would make this change subject to successful passage of the Government amendment and Royal Assent of the Bill).

Chapter Three sets out the conclusion and next steps.

This consultation runs for six weeks and will close on 19 June 2026. We look forward to hearing the views of those with an interest in these changes.

Introduction

This consultation proposes changes to fee scheme arrangements for legal aid in relation to inquests. In short, we propose to:

- a) move to a single fee scheme for legal help; and
- b) use fee rates for the service elements of legal help alongside the existing fee rates for advocacy related work, within other legal services.

The consultation is aimed at anyone with an interest in the provision of legal aid for inquests conducted within England and Wales. This includes existing and potential providers of civil legal aid in England and Wales, as well as representative bodies, coroners and other members of the judiciary. It is also intended for barristers: the proposals do not include changes to current arrangements for remuneration of barristers but their views are sought as key professionals in the delivery of legal aid at inquests.

We also expect this consultation will be of interest to members of the public, particularly bereaved families with experience of inquests and accessing legal aid.

An Impact Assessment and Equalities Impact Assessment have been published alongside this consultation. Please see these documents for full details or the 'Impact Assessment, Equalities Impact Assessment and Welsh Language' section towards the end of this consultation for a summary.

Overview of the civil legal aid system in England and Wales

Legal aid is governed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ('LASPO').

To access civil legal aid, an applicant's legal matter must either be in scope of legal aid or qualify for exceptional case funding (ECF), where it would breach or risk a breach of human rights or assimilated (EU) law if funding is not provided, or where a wider public interest determination is made, subject to the means and merits tests.

The matters in scope of legal aid are set out in part 1 of schedule 1 of LASPO. The application must also pass the applicable merits and means tests. The merits test sets out criteria that an application must meet to justify the provision of legal aid. This could include, for example, the likelihood of success of the claim and the benefit to the client. The specific criteria applicable depends on the type of case and form of legal aid being sought. The means test assesses the applicant's financial eligibility. Some cases are not subject to the means test, and these are known as being 'non-means tested'.

The civil legal aid scheme in England and Wales provides publicly funded legal advice, assistance, representation in a court or tribunal, and mediation for eligible individuals across a range of civil legal issues. For contractual purposes, the Legal Aid Agency (LAA) groups these services into the following categories of law: claims against public authorities (CAPA), clinical negligence, community care, discrimination, education, family, housing and debt, immigration and asylum, mental health, public law, and welfare benefits. Where a service does not fall within any of these categories it is classified as miscellaneous work.

Civil legal aid typically encompasses legal help (early advice and assistance before court proceedings, but not the issue or conduct of court proceedings) and legal representation (except for the arrangements for inquests, as set out further below). Legal representation is primarily funded as Licensed Work for adversarial proceedings (provided via a legal aid certificate issued by the LAA to the legal aid provider). Legal help is funded as Controlled Work, where means and merits decisions are delegated by authorisations under sections 5 and 6 LASPO 2012 to providers, subject to the terms of the relevant contract. Legal help Controlled Work also includes family mediation and Controlled Legal Representation (for certain immigration and mental health matters).

Inquests

Coroners are independent judicial office holders, led by the Chief Coroner, who have a duty to investigate deaths reported to them that may have been violent or unnatural, that have an unknown cause, or that occurred in prison or other state detention.

Where the coroner's duty to investigate is engaged, they will open an investigation. This may lead to a public court hearing called an inquest, the function of which is to answer four statutory questions in respect of a deceased person: who died and when, where, and how they died (meaning 'by what means'). Where Article 2 of the European Convention on Human Rights (ECHR) is engaged, the 'how' means 'by what means and in what circumstances'.

An inquest is an inquisitorial process initiated by the coroner; unlike civil and criminal proceedings, it does not act as an adversarial forum for competing parties to resolve disputes. It cannot apportion blame or determine criminal or civil liability. The coroner service is organised across 74 coroner areas in England and Wales, each led judicially by a senior coroner and funded by a lead local authority (in some areas with staff provided or funded by the local police force).

Current legal aid arrangements for inquests

The legal aid arrangements for inquests are divided into legal help and advocacy.

Legal help

Legal help is currently available to family members of the deceased in relation to all inquests, subject to a means and merits test. The means test for legal help can be disapplied if either:

(a) legal help is requested in conjunction with a successful ECF application for advocacy at the inquest; or

(b) if the applicant were to apply for ECF, the Director of Legal Aid Casework (DLAC)¹ considers that the application would be reasonably likely to succeed.

Legal help is defined in part 1, regulation 4 of the Civil Legal Aid (Procedure) Regulations 2012 ('the Procedure Regulations') and regulation 13 of the Civil Legal Aid (Merits Criteria) Regulations 2013 ('the Merits Regulations') as:

"Legal help" means the provision of civil legal services other than—

¹ The current Director of Legal Aid Casework is also the Chief Executive of the Legal Aid Agency.

- (a) acting as a mediator or arbitrator;*
- (b) issuing or conducting court proceedings;*
- (c) instructing an advocate in proceedings;*
- (d) preparing to provide advocacy in proceedings; or*
- (e) advocacy in proceedings.*

Legal help is Controlled Work (part 3, regulation 21 of the Procedure Regulations). This means that the power to decide whether most applications are eligible is delegated to providers. The decision on whether to provide a means exception for inquests work is exercised by the DLAC. Legal help for a family member for inquests covers advice, assistance, and preparation, including the preparation of written submissions to the coroner setting out the family's concerns and any questions that the family wishes the coroner to raise with witnesses. It does not cover instructing an advocate, preparing to provide advocacy, or advocacy.

In 2024/25, the LAA received 277 claims for completed work from providers for legal help services in relation to inquests. There were 215 applications for legal help, with 152 of these applications granted a means test exemption.

Other legal services (OLS) and advocacy

OLS is a unique level of service under the legal aid scheme that applies only to inquests and has a narrow scope covering services that are directly related to the provision of advocacy.

Part 1, regulation 10 of the Procedure Regulations 2012, sets out the scope of OLS:

“Other legal services” means the provision of any of the following civil legal services—

- (a) instructing an advocate;*
- (b) preparing to provide advocacy; or*
- (c) advocacy,*

in proceedings in relation to which the Director, having applied the relevant merits criteria in accordance with regulations made under section 11 of the Act, has made a determination under section 10(2)(b) or (4)(c) of the Act.

Other legal services are currently, and will continue to be, treated under the same rules as Licensed Work by regulation 66(1)(b) of the Procedure Regulations. The DLAC determines all applications for ECF.

OLS includes advocacy at inquests, which is currently only available via ECF where:

- the DLAC determines that legal aid is required to prevent a breach or a risk of breach of the ECHR. In effect this is mainly made in relation to the procedural obligation under Article 2 ECHR (right to life); or
- the DLAC makes a “wider public interest determination” that the provision of advocacy for the individual at the inquest is likely to produce significant benefits (e.g. identification of dangerous practices or systemic failings) for a class of persons, other than the applicant and the members of the applicant’s family.

Advocacy is defined in section 42(1) of LASPO:

(1) In this Part—

“advocacy” means the exercise of a right of audience before a court, tribunal or other person;

In 2024/25 the LAA received 401 ECF applications for advocacy at inquests. 264 were granted.

Overview of the Public Office (Accountability) Bill

The Bill – also known as the Hillsborough Law – is a landmark piece of legislation introduced following the decades-long campaign by bereaved families. It will ensure that public officials and authorities are clear on their role to help inquiries or investigations find the truth, and when there have been lies or cover-ups there will be clear accountability and sanctions. The three key changes in the Bill are:

- a new professional and legal duty of candour on public officials to act with honesty and integrity at all times;
- a new criminal offence for misleading the public; and
- promoting parity of arms, including by providing non-means tested legal help and legally aided advocacy at inquests where a public authority is an interested person.

Summary of the Bill’s legal aid provisions

Expansion of scope for inquest legal aid

The Bill seeks to make historic changes to expand the availability of legal aid for inquests. First, it will make in-scope and non-means tested legal help and advocacy available to bereaved families for inquests where a public authority is an interested person. This means

that all bereaved family members will be able to access legal help for inquests, but there will be limits to advocacy.

Second, applications for legally aided advocacy at an in-scope inquest (including a linked inquest)² will be limited to a single member of each family. Where advocacy has been provided to a family member, subsequent family members can still apply for separate advocacy via the ECF scheme: through which legal aid will be provided where either it is necessary to avoid breach of the applicant's rights under the ECHR, or where a wider public interest determination is made by DLAC.

We want to ensure that legal aid arrangements for bereaved families are supported by a more streamlined system that simplifies operational aspects of the inquest process, better supporting providers to deliver efficient and effective legal aid services to bereaved families. The steps we are taking to achieve this are set out in the following chapters.

²An inquest is "linked" to another if a senior coroner has determined that proceedings at the inquests are to be held together (per part 4, schedule 6 of the Public Office (Accountability) Bill).

Chapter One: Steps we are taking on legal aid arrangements for inquests

This chapter sets out the initial steps we have judged necessary to improve and simplify the system. They underpin the further steps which are subject to consultation and, therefore, are important context for the changes we are consulting on in Chapter Two.

Creation of an inquests contract category of law

The current system

Most civil legal aid work is currently conducted under specific categories of law. This allows the LAA to set quality standards and requirements for providers that are appropriate to that specific category, and to monitor numbers of providers in each category. This structure also allows the LAA to signpost clients to appropriate legal aid providers through digital tools such as 'Find a legal aid provider' and 'Check if you can get legal aid'.³

There is currently no category of law for inquests. Under the current system, inquest matters fall within whichever category is most relevant to the underlying subject matter of the inquest. For example, cases often fall under claims against public authorities, mental health, or clinical negligence. Where an inquest does not fall within a category, it can be classified under the miscellaneous category of work. Providers therefore need to hold a contract in the category most closely linked to the subject matter of the inquest. For the LAA, this means the limited data on inquest work is spread across multiple categories. This challenge would be exacerbated if we were to not introduce a new inquests category of law and would make it harder for us to ensure there are enough providers to work with families after the expansion.

The system has been manageable for what has historically been a low-volume area of work. However, it would be extremely difficult to manage this system for what could be, after commencement of the Bill, the second largest area of spend in civil legal aid. Challenges with expanding the current system would include being able to effectively signpost clients to a pool of legal aid providers who are prepared to take on inquest work, managing and reporting on costs paid to providers for inquest work, developing and measuring provider capacity, and developing quality and experience standards specific to inquest work.

³ <https://find-legal-advice.justice.gov.uk>; <https://www.gov.uk/legal-aid/check-legal-aid>

The existing contract arrangements may also deter potential new providers from an area where we are actively looking to support market growth. This is because new entrants wishing to focus primarily on inquests would need to meet the quality requirements for an existing category of law. They would also likely need to hold multiple civil contracts to ensure they can undertake a variety of different inquest cases.

Steps we are taking

We want a system of legal aid for inquests that is easy to use for providers and the LAA and, crucially, effectively and efficiently supports bereaved families to access the legal aid to which they are entitled.

For these reasons, the LAA intends to **introduce a new inquest contract category** with its own quality standards. This will operate non-exclusively, meaning current providers would still be able to conduct inquest work under their current contracts. This proposal does not form part of the current consultation but will involve engagement with the LAA consultative bodies (the Law Society, Bar Council, Legal Aid Practitioners Group, and Advice Service Alliance).

The operation of the new inquest category, on a non-exclusive basis, would allow existing providers to continue to undertake inquest work under their current contract categories, while also enabling new or existing providers to apply for the dedicated inquest category.

Changes to Controlled and Licensed Work legal aid arrangements for inquest casework

The current system

As described in the introduction, advocacy at inquests (under OLS) is treated as Licensed Work. This is defined in the Procedure Regulations as including work to instruct an advocate, preparing to provide advocacy, and providing advocacy.

Steps we are taking

We intend to lay a technical amendment to the provision in the Bill relating to regulation 19 of the Merits Regulations, to amend the definition of OLS.

Under the proposed amendment, and subject to Parliamentary consideration, regulation 19 would read:

“Other legal services” means the provision of any civil legal services other than
(a) acting as a mediator or arbitrator, or
(b) issuing or conducting court proceedings.

The purpose of this amendment is to streamline the legal aid process for inquests. Currently, providers are required to keep open both a Controlled Work case for legal help and a Licensed Work case for OLS until the end of an inquest. Providers claim for costs across both files concurrently and the LAA has two separate processes for assessing the costs.

The amendment will align legal aid for the inquest process more closely with other areas of civil legal aid. Legal help will be reserved for advice and assistance and, once OLS has been granted to a bereaved family member, all subsequent services will be covered by that form of service. Family members not in receipt of OLS will continue to receive legal help. This will reduce bureaucracy for providers and the LAA and will ensure providers can access the payments on account that are part of the Licensed Work scheme for a larger proportion of costs.

Subject to Parliamentary agreement to this amendment, we also intend to amend, by way of secondary legislation, regulation 10 of the Procedure Regulations 2012 to align with the amended definition in the Merits Regulations above. We propose to amend regulation 9 and the associated schedule 4 of the Remuneration Regulations to bring fee rates for service elements of legal help into the expanded form of OLS, alongside the existing advocacy service elements.

Our proposed changes to the Remuneration Regulations are the focus of this consultation, set out in Chapter Two.

Chapter Two: The proposals

This Chapter sets out our consultation proposals for changes to the legal help fee scheme, and to the fee scheme for OLS, through amendments to the Remuneration Regulations. We set out each proposal below by current arrangements, the case for change and the proposed change.

Changes to the legal help fee scheme

The current system

Inquest legal aid is provided under legal help (legal advice and assistance), and OLS (advocacy). There is one advocacy fee scheme, which is outlined in schedule 4 of the Remuneration Regulations. In contrast, legal help is paid at different rates depending on the category of law in which the provider holds a contract. This means that providers will be paid different fees depending on the category of law under which they conduct inquest work.

The complexity of different rates across multiple categories of law can lead to uncertainty about remuneration and complicate the administration of inquest legal aid by the LAA. This limits opportunities to streamline processes within these complex 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.

Clause 9 of the Remuneration Regulations states that the Lord Chancellor must pay remuneration to the provider of civil legal services in relation to an inquest in the form of legal help in accordance with the relevant contract and the fees and rates payable in schedule 1.

The table below sets out the current fixed fees and escape fee thresholds for legal help for the most common categories currently used for inquests: miscellaneous, clinical negligence, CAPA, and mental health. The expansion of inquest legal aid may bring inquests into other categories, some of which attract a higher fee than the CAPA rate we are proposing to use. Please see schedule 1 of the Remuneration Regulations for the full list of current legal help fees.

Category	Standard Fee	Escape Fee Threshold
Miscellaneous (all other matters) Table 1	£79	£237
Clinical negligence Table 1	£195	£585
Claims against public authorities Table 1	£239	£717
Mental health (non-tribunal) Table 5(a)	£253	£759

**excluding VAT*

The table below sets out the current hourly fees that apply when cases have escaped the fixed fee, and item rates for the most common categories of law (combined where categories share the same rates).

Category	Activity	Hourly Rate (London)	Hourly Rate (non-London)
Miscellaneous (non-employment matters) and clinical negligence Table 7(e)	Preparation, attendance and advocacy	£46.53	£43.88
	Travel and waiting time	£24.62	£24.62
	Routine letters out and telephone calls	£3.60 (per item)	£3.47 (per item)
Claims against public authorities and mental health Table 7(a)	Preparation, attendance and advocacy	£52.65	£48.24
	Travel and waiting time	£27.81	£27.00

Category	Activity	Hourly Rate (London)	Hourly Rate (non-London)
	Routine letters out and telephone calls	£4.05 (per item)	£3.78 (per item)

**excluding VAT*

Case for change

The legal help rates in existing categories of law apply across a wide range of work conducted in a category. This has meant that where inquest work has been taken up by a provider, the rates they have received have varied, based on the category of law rather than the complexity or duration specific to the inquest work itself.

While the number of legal aid inquest cases has historically been around 200 - 400 cases a year, it has not been necessary to consider a more consistent remuneration approach. However, the legal aid provisions in the Bill could lead, over time, to up to approximately 11,400 inquest legal aid cases a year.

A core aim of the Bill is to support the right of families to access legal aid, specifically in relation to inquests. Against this aim, retaining variations in fee levels payable for inquests risks unevenly incentivising providers' capacity to take up inquest work, leading to potential inconsistencies in availability. As part of the work to implement the changes in the Bill, it is important that this variation in fees should now be addressed, improving fairness by consistently remunerating all providers conducting inquest legal aid work.

Therefore, we propose setting an inquests fee scheme that would apply across all inquest cases, regardless of the contract under which a provider conducts this work. In considering options for a single legal help fee scheme for inquests, we have focused on alternatives from within existing fee schemes. Historically, 90% of claims for legal help in relation to inquests have been paid through the CAPA fee. Anecdotally, many inquests involving public authorities as interested persons involve NHS bodies and we anticipate that, following commencement of the Bill, there may be a greater number of inquest legal aid cases involving clinical negligence themes. The clinical negligence legal help fee is lower than the CAPA legal help fee.

While the CAPA legal help fixed fee is lower than in some other categories of legal aid (for example, mental health and community care), it would replicate the rate for the vast majority of inquest legal help cases claimed to date and be significantly higher than the rate of the

category of law in which many cases going forward (i.e. clinical negligence) might otherwise be associated.

This would make the remuneration process consistent and provide clarity for providers on the inquest legal help fees that they will be paid. Overall, we expect that the majority of providers (existing and new) would benefit under this option.

Proposed changes

To achieve the proposal of remunerating inquest legal help at CAPA rates, we would amend regulation 9 and parts 1 and 2 of schedule 1 of the Remuneration Regulations to create a new fee for all legal help work in relation to inquests.

Legal help in relation to inquests for all family members would be remunerated according to a standard fee and escape threshold as per the current table 1 of part 1 of schedule 1, and the escape fee hourly rates as per the current table 7(a) of part 2 of schedule 1 (i.e. based on CAPA rates). Providers would receive the standard fee of £239 (excluding VAT). If the costs of the case exceeded the escape fee threshold of £717 (where the work actually done, when calculated on an hourly rate, exceeds three times the standard fee), providers would then receive the hourly and unit rates currently detailed in Table 7(a) of part 2 of schedule 1.

We also intend to remove the activity 'advocacy' from the 'preparation, attendance and advocacy' descriptor for the new inquest legal help fee. This activity is not applicable for inquest cases under legal help services. Going forwards, it will continue to not be applicable for the type of work that we envisage being claimed under these rates and we therefore intend to remove this activity from the revised tables. This does not have a material impact and advocacy will continue to be remunerated as per the rates in schedule 4 under OLS.

We are not proposing any changes to barristers' fees and remuneration arrangements in this consultation. As set out in our summary at the end of this chapter, we will monitor the impact of our proposed changes on market capacity for inquest legal aid. Where necessary, we will consider options for future changes to the Remuneration Regulations, including in relation to barristers' fees.

Changes to remuneration regulations: other legal services (OLS)

The current system

As set out in Chapter One, unlike in other civil legal aid cases, once a provider applies for Licensed Work in inquests, the Controlled Work elements do not end. Both Controlled Work legal help and Licensed Work advocacy elements of legal aid service, when granted, run in tandem. This means that providers have had to bill for the case using two claims through

separate processes and digital systems, for work undertaken during the same period of time, with information on the case being divided accordingly. This ultimately requires preparation and assessment of two separate claims for each case, albeit for work conducted in parallel.

Under current Controlled Work (legal help) processes, all the costs on a case are generally billed at the end of the case. In contrast, under Licensed Work (OLS), payments on account are available on a regular basis. This means providers can claim and be paid for their work conducted under Licensed Work as the case progresses.

Intended legislative changes to the scope of Other Legal Services

We set out in Chapter One that we intend to make a technical amendment to the provision in the Bill relating to regulation 19 of the Merits Regulations to amend the definition of OLS. Subject to this amendment being supported in Parliament, we also intend to amend, by way of secondary legislation, regulation 10 of the Procedure Regulations 2012 to align with the amended definition in the Merits Regulations.

Case for change

As set out above, we are seeking to simplify the process for managing and billing inquest legal aid cases, first by amending the definition of OLS. If our amendment to the Bill is supported in Parliament, we would need to subsequently amend the Remuneration Regulations so that OLS (in schedule 4) continues to set out the remuneration for advocacy services, but also service elements of legal help 'non-advocacy' work. This is necessary to give effect to the intention of our amendment to the Bill, and to give clarity to providers of the types of work, and fee rates applicable.

Without these changes, remuneration would be unclear and the expected increased numbers of providers, including new providers, taking on inquest work would need to adapt to a complex fee and billing system, which may undermine their willingness and ability to take on such work. The expansion in scope of inquest legal aid under the Bill would mean managing an increased volume of inquest casework under complex systems with overlapping processes for billing, assessment and payments. As the volume of cases increases, so does the burden for providers, which risks administrative processes consuming their time and resources which could be better spent supporting clients. Engagement with some providers has suggested that:

- the existing approach of split funding is labour intensive;
- billing, cash flow and interim payments are inadequate for inquest cases, with these often-lasting years rather than months. Currently providers generally claim payment for

legal help at the end of cases, which is insufficient given the length and value of cases;
and

- billing through a legal aid certificate would provide assurance and better access to payments on account.

Similarly, increasing the volume of cases using the current arrangements would lead to significant operational burdens for the LAA. It would require the LAA to assess costs on two different claims using two separate processes rather than look at the costs submitted holistically on a single matter. Maintaining the current arrangements on the expanded scope would complicate live case management, billing assessments and assurances, and increase the difficulty of identifying issues like cost duplication or misallocated claims. The systems and processes used for assessing legal help claims are not designed for such a high volume of high-cost cases.

Proposed changes

Within a licensed certificate for OLS, we intend to allow providers to claim for the service elements of legal help at hourly rates (that is, without a fixed fee or escape threshold), set at the current CAPA rates, as well as advocacy work (at the rates as currently set out in schedule 4 of the Remuneration Regulations). The service elements of legal help include time accrued during preparation, travel and attendance, as well as routine letters and phone calls associated with providing non-advocacy work in the case (see Annex A). This would allow us to better mirror the standard civil legal aid model. Our intention is to apply these changes to in-scope and ECF cases to avoid fragmentation of systems and operational challenges for the LAA and providers.

This would mean that where a family member receives legally aided advocacy under the newly defined OLS, they would also be able to receive (and their providers would be remunerated for) service elements that are currently classified under legal help (non-advocacy-related support) under the same certificate. Providers would not have to work under two different systems across the case.

In cases where advice and assistance are funded but advocacy is not, individuals would continue to receive legal help under Controlled Work.

Remuneration of amended OLS: non-advocacy-related and advocacy-related services

We propose to amend regulation 9 of the Remuneration Regulations, and the associated schedule 4 of the Remuneration Regulations. We propose to amend schedule 4 to include three tables. The first would encompass provider rates for non-advocacy related services (service elements found currently under legal help); the second would cover provider rates for advocacy services as per current table 1; and the third would include barrister rates for

advocacy services as per the current table 2. The exact remuneration rates proposed are set out at Annex A of this consultation document.

The non-advocacy related services rates would apply to work that could currently be claimed under legal help for inquests. It would fund work for a client that could not currently be remunerated under OLS because it is not connected to advocacy at an inquest.

Non-advocacy related services table

Non-advocacy related remuneration under this proposal would replicate the current hourly and unit rates in the CAPA fee scheme in Table 7(a) of part 2 of schedule 1 to the Remuneration Regulations. These fees would be replicated in schedule 4 and encompass any non-advocacy inquest related activities the provider is expected to conduct during the course of the inquest (other than those holistically excluded from OLS such as acting as a mediator/arbitrator/issuing or conducting proceedings). Our intention here is to be consistent across our approach to Licensed Work and its controls over spend and billing.

We also want to highlight that, in line with the amendment previously described to legal help fees, we intend to remove the activity 'advocacy' from the 'preparation, attendance and advocacy' descriptor in the new table in part 2 of schedule 1. Historically, this activity has not been applicable for inquest legal help cases and, going forward, will not be applicable for the type of work that we envisage being claimed under these rates.

Please find the exact rates proposed for these in Annex A of this consultation document.

Advocacy fees/rates table

- Providers: the second table would retain existing provider rates for advocacy and advocacy-related activities such as preparation for advocacy. This table also retains the differing remuneration based on solicitor seniority which reflects that cases will have varying degrees of complexity and expertise and experience needed; and
- Barristers: the third table would retain existing barrister rates for advocacy services.

Please find the exact rates proposed for these in Annex A.

Summary of proposals

Our proposals for changes to the Remuneration Regulations are intended to support a more efficient and effective process within legal aid arrangements for inquests, for the reasons set out. We have based our proposals above on the best evidence we have available at this time and consider these proposals reflect a rational approach which balances streamlined processes with the need for sufficient assurances and controls over how public money is spent.

We are committed to closely monitoring the volumes and complexity of inquest legal aid cases once the scope is expanded under the Bill, and to working collaboratively with stakeholders to understand the impact of these changes in practice. To this end, in addition to the questions on the proposals, Question 5 seeks respondents' views as to what information and evidence we should consider in future in relation to remuneration.

Questionnaire

Please **read all questions before responding**. While each response will be individually considered, responses may be organised into themes with AI assistance, therefore **it is essential that your answers directly relate to the question asked**.

1. We propose to move to a single fee scheme for inquest legal help. Do you agree?

Yes / No / Unsure / No preference

1.1 Please give reasons for your choice:

2. We propose that the single fee scheme for inquest legal help be based on the current claims against public authorities (CAPA) fees (set out in table 1 in part 1, and table 7(a) in part 2 of schedule 1 of the Remuneration Regulations.). Do you agree?

Yes / No / Unsure / No preference

2.1 Please give reasons for your choice:

3. Subject to a successful Bill amendment to the Merits Regulations, we propose to amend schedule 4 of the Remuneration Regulations to include fee rates for non-advocacy work alongside existing rates for advocacy work for a family member who receives legal aid under other legal services. Do you agree?

Yes / No / Unsure / No preference

3.1 Please give reasons for your choice:

4. We propose that for non-advocacy work under amended schedule 4, we replicate the hourly rates in table 7(a) in part 2 of schedule 1 of the Remuneration Regulations for claims against public authorities. Do you agree?

Yes / No / Unsure / No preference

4.1 Please give reasons for your choice:

- 5. As inquest legal aid scope is expanded, we intend to closely monitor the impact of the proposed changes to our remuneration arrangements on market capacity for inquest legal aid. What indicators should be considered in order to do this?**
- 6. When considering taking on inquest legal aid work, what factors (other than remuneration) might act as:
 - a) an incentive, or**
 - b) a barrier to your firm?**For each factor, please explain why.**
- 7. Would these proposals have an impact on equalities that we have not identified or given sufficient weight to in the Equalities Impact Assessment published alongside this consultation?**

Thank you for participating in this consultation.

Chapter Three: Conclusion and next steps

The legal aid elements of the Bill will lead to a significant expansion of the scope of legal aid for inquests. This is an important step forward in enabling bereaved families to have their voices heard during the inquest process.

We recognise that this is also a major challenge that we must meet: ensuring the system is equipped to deliver legal aid for inquests that is effective, efficient and sustainable in the long-term. We believe that the proposals set out in this consultation are an important step in meeting this challenge, supporting providers and the LAA in delivering legal aid.

We do not, however, claim that these proposals will definitively and comprehensively represent all the steps that may be necessary to ensure we sustainably meet this challenge into the future. The proposals we set out in this consultation will help ensure the significant expansion in legal aid will meet the expectations of families and provide a simpler way to handle these claims. We will continue to consider all necessary steps to ensure the sustained effectiveness of legal aid arrangements for legal aid.

Our consultation welcomes your views on these proposals, and also on how we can best monitor the effectiveness of legal aid in future.

The consultation will remain open until 19 June 2026.

We intend to publish our response to the consultation by Autumn 2026.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Responses can be submitted online:

<https://consult.justice.gov.uk/digital-communications/legal-aid-for-inquests-changes-to-fee-schemes/>

Alternatively, please send your response by 19 June 2026 to:

Civil Legal Aid Policy Team

Ministry of Justice

102 Petty France

London SW1H 9AJ

Email: civil.legalaidpolicy@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address, and it is also available on-line at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from civil.legalaidpolicy@justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published by Autumn 2026. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and GDPR principles. In the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment and Equalities Impact Assessment and Welsh Language

A Welsh language consultation paper is available at https://assets.publishing.service.gov.uk/media/69fca0948cc72d2f863ea5e1/Welsh_Inquests_Fee_Schemes_Consultation_pdf.pdf

Impact Assessment

The Impact Assessment indicates that, overall, legal aid providers working on inquests are likely to not be adversely impacted, and in some respects potentially benefit from these proposals. Providers in many categories of law would see an increase in legal help fees for inquests, although some providers would see a reduction compared to the fixed fee rate for their category of law. The changes would also simplify the current arrangements and provide increased clarity on fees, overall reducing administrative burdens for both providers and the LAA in managing, billing, and assessing claims.

We intend to retain the current arrangements of no set fee rates for barristers instructed by providers to conduct aspects of legal help. Legal aid clients are not likely to be particularly affected by the proposals but may see a benefit if the changes lead to additional provider and market capacity. The proposals are unlikely to lead to significant additional costs or savings for businesses, charities or the voluntary sector, or on the public sector.

Equalities Impact Assessment

Our assessment is that the measures are not directly or indirectly discriminatory within the meaning of the Equality Act 2010 as the proposals would not treat anyone less favourably as a result of a protected characteristic. See the accompanying Equality Statement for this consultation. We will update our equality considerations in the Consultation Response.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

ANNEX A: Proposed Controlled and Licensed Work fee schemes

Please note, the rates in the Annex are representative of the changes we propose to make to the Civil Legal Aid (Remuneration) Regulations 2013; however, please note, table names are currently indicative and may be subject to change during drafting of legislation.

Please also note that the barrister rates in this Annex refer only to work in relation to advocacy, not legal help.

Legal help rates

Additional row for table 1, part 1, schedule 1

Category Definition	Standard Fee	Escape Fee Threshold
Inquests	£239	£717

New table (number to be determined), part 2, schedule 1

Hourly rates – Controlled Work

Activity	London Rate	Non-London Rate
Preparation and Attendance	£52.65 per hour	£48.24 per hour
Travel and Waiting Time	£27.81 per hour	£27.00 per hour
Routine Letters Out and Telephone Calls	£4.05 per item	£3.78 per item

Non-advocacy rates under other legal services

New table (number to be determined), schedule 4

Activity	London Rate	Non-London Rate
Preparation and Attendance	£52.65 per hour	£48.24 per hour
Travel and Waiting Time	£27.81 per hour	£27.00 per hour
Routine Letters Out and Telephone Calls	£4.05 per item	£3.78 per item

Advocacy rates under other legal services

Table (number to be determined), schedule 4 (no changes proposed)

Item	Grade	Inside London (hourly rate)	Outside London (hourly rate)
Preparation	Senior Solicitor	£75.27	£71.55
	Other Solicitor	£63.80	£60.75
	Trainee Solicitor	£45.90	£40.17
Conference with Counsel	Senior Solicitor	£75.27	£71.55
	Other Solicitor	£63.80	£60.75
	Trainee Solicitor	£45.90	£40.17
Attendance at hearing	Senior Solicitor	£57.05	£57.05

Item	Grade	Inside London (hourly rate)	Outside London (hourly rate)
	Other Solicitor	£45.90	£45.90
	Trainee Solicitor	£27.68	£27.68
Advocacy (by solicitor)	Senior Solicitor	£87.08	£87.08
	Other Solicitor	£75.60	£75.60
Travel and waiting	Senior Solicitor	£22.28	£22.28
	Other Solicitor	£22.28	£22.28
	Trainee Solicitor	£11.25	£11.25

Barrister rates

Table (number to be determined), schedule 4, (no changes proposed)

Item	Category	Fixed rate
Brief fee	Junior Counsel	£900
	King's Counsel	£1800
Refresher fee	Junior Counsel	£450
	King's Counsel	£630

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