



Ministry
of Justice

Civil legal aid: Towards a sustainable future

Consultation response



Civil legal aid: Towards a sustainable future

Consultation response

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of His Majesty

July 2025



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About this consultation response

This document is the post-consultation report for the consultation paper, 'Civil legal aid: Towards a sustainable future'.

It will cover:

- the background to the consultation
- a summary of the responses to the consultation
- a detailed response to the specific questions raised in the consultation, and confirmation of which proposals will be implemented the next steps following this consultation

Further copies of this response and the consultation paper can be obtained by contacting the **civil legal aid policy team** at the address below:

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This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from
Civil.LegalAidPolicy@justice.gov.uk

Complaints or comments

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

Ministerial foreword

Legal aid is a vital pillar of the rule of law. For many people, particularly the poorest and most vulnerable, legal aid turns legal rights into a reality. It helps to ensure that individuals, regardless of background or income, can uphold their legal rights.

When this government came into office, we inherited a civil legal aid system that had been neglected by the Conservatives. We found legal aid providers under intense pressure working in a civil system beset by backlogs and deteriorating conditions. Providers face serious challenges around retention, profitability and sustainability, meaning that support can be hard to access for many of those who need it most.

This was particularly evident in the housing and debt sector, and the immigration and asylum sector, both of which face extremely high demand. These are vital areas.

In immigration, the new government is serious and ambitious about ending hotel use and increasing returns. This can only be done with the support of legal aid professionals, which is why supporting the capacity of the sector is crucial.

In housing, we are expanding the rights of private and social renters. An expansion of rights requires the expansion of legal support to turn those rights into reality. Investment in these areas of legal aid will help ensure that people facing urgent legal problems – such as the threat of homelessness, or the complexities of immigration law, alongside the trauma of abuse or trafficking – can access timely, high-quality advice when they need it most.

To bolster capacity in immigration and housing law, we consulted on significant increases to fees for this work. I am grateful to the practitioners, law firms and representative bodies who took part. Their professionalism and expertise have been invaluable.

After considering the responses, we have decided to uplift the rates paid for all forms of housing and immigration legal aid work. The hourly rate in these sectors will increase to a minimum of £65.35/£69.30 per hour (non-London/London), alongside a proportional increase for fixed fees. Overall spending in these categories will increase by 24% and 30% respectively. This represents a significant investment – the first since 1996 – an increase of £20 million a year once fully implemented. Crucially, this will allow individuals to resolve issues at an earlier stage.

Alongside this we are taking steps to simplify and harmonise certain fees. This will reduce the administrative burden for providers, simplify billing and allow them to spend more time helping their clients.

Taken together, this investment will help us support the immigration system and housing sectors and begin to rebuild a more stable and sustainable legal aid sector – one that is fit for the future, and attracts and retains the brightest and the best practitioners.

A handwritten signature in black ink, reading "Sarah Sackman". The signature is fluid and cursive, with the first name "Sarah" and the last name "Sackman" clearly distinguishable.

Sarah Sackman KC MP
Minister of State for Courts and Legal Services

Chapter 1: Executive summary

The consultation paper ‘Civil legal aid: Towards a sustainable future’ was published on 24 January 2025. It invited written responses on proposals to increase civil legal aid fees for housing and debt (referred to hereafter as ‘housing’) work, and immigration and asylum (referred to hereafter as ‘immigration’) work. It also sought further evidence on potential changes to some aspects of civil legal aid contractual requirements. We also held four roundtable events with legal aid providers during the consultation period, which focused on the consultation questions and supplemented the information given in written responses. The consultation was the first step in our response to the evidence gathered during the Review of Civil Legal Aid (RoCLA).

The consultation period closed on 21 March 2025. We received 101 responses. We conducted a detailed analysis and assessment of the responses. We also considered the evidence gathered from the roundtables, which supplements the written responses and is referenced explicitly when used. This report summarises the responses and sets out the policy decisions the government has taken following the consultation.

Summary of the government’s proposals

Following careful consideration of all consultation responses and wider stakeholder engagement, the government has settled on the following proposals.

The measures we will be taking forward include:

- increasing all legal aid rates for housing and immigration up to a minimum hourly rate of £65.35/£69.30 (non-London/London) and uplifting fixed fees by a matching proportional uplift
- increasing rates by 10% where the new minimum rate would not represent at least a 10% uplift
- simplifying the housing and immigration fee schemes by harmonising some of the subsidiary fees such as ‘travelling and waiting time’, ‘attendance at court or conference with counsel’ and ‘routine letters out’ and ‘telephone calls’

We listened to feedback concerning the fee ‘attendance at court or tribunal or conference with counsel’ and this will be increased from 50% to 75% of the relevant preparation and attendance rate.

The government believes that the proposed increases to housing and immigration fees will support the sustainability of housing and immigration legal aid. The government intends to

monitor the impact of the increased fee rates on service levels, the number of legal aid firms, and demand. The government believes that these changes constitute fair and appropriate compensation for housing and immigration legal aid providers, and will help to increase availability of legally-aided services and bolster capacity in the housing and immigration sectors.

The evidence in response to the consultation questions on contract requirements for remote advice and offices has provided significant further insight into the impacts of these requirements on providers and the service they provide to clients. It has also highlighted the importance of clients' access to face-to-face as well as remote advice, based on need. Using this evidence, we will continue to consider these issues and next steps to ensure that we support clients and providers as effectively as possible in the civil legal aid system.

An impact assessment and an updated equalities statement have been published online alongside this consultation response paper.

Immediate next steps

The government intends to lay a statutory instrument (SI) to amend the Civil Legal Aid (Remuneration) Regulations 2013 to reflect the decisions made on fee changes. Consequential amendments will also be made to the 2024 Standard Civil Contract in relation to the housing and immigration categories of law. The uplifts to immigration and housing legal aid fees will commence on specified dates that will be aligned with the necessary digital and operational changes required. Immigration fee changes will come into force first, followed by housing. Fee increases will be applied to all new certificates or determinations made after the specified commencement dates.

We have also carefully reviewed the responses to our questions around office and remote advice requirements in the Standard Civil Contract. Using this evidence, we will continue to consider these issues, review the Standard Civil Contract in these areas and consider next steps to ensure that we support clients and providers as effectively as possible in the civil legal aid system.

Chapter 2: Introduction

The consultation paper ‘Civil legal aid: Towards a sustainable future’ was published on 24 January 2025. It invited comments on proposals to increase civil legal aid fees for housing and immigration work. It also sought further evidence on potential changes to some aspects of civil legal aid contractual requirements relating to provider office requirements and limits to the percentage of applications for controlled work that can be conducted remotely (that is, without the need for the client to attend the provider’s office in person). The consultation was the first step in our response to the evidence gathered during the Review of Civil Legal Aid (RoCLA).

The consultation period closed on 21 March 2025. We received 101 responses. These responses were submitted by a range of different stakeholders, with 34% of responses being from the not-for-profit sector, 31% from solicitors’ firms, 15% from representative bodies, 4% from barristers’ chambers, 4% from other respondents (including county councils and media firms) and 1% from academics. 12% of responses did not specify an organisation or sector.

To support the consultation, four roundtables were held with legal aid providers and representative bodies involved in civil legal aid. This included large, medium and small provider firms with representation from both the for-profit and not-for-profit sectors. The feedback received in these roundtables has also been taken into consideration within the government’s response. We are grateful to The Law Society for organising and facilitating these.

This report summarises the responses, and our reflections on these. The report also sets out our policy decisions and the measures we are taking following the consultation.

This has been an open and collaborative consultation. MOJ is grateful for the invaluable engagement from a wide range of stakeholders throughout the consultation period including, but not limited to, legal aid providers and representative bodies across the legal aid sector.

Background

The civil legal aid market in England and Wales is ‘one of the proudest legacies of the progressive post-war government’.¹ It provides publicly funded legal advice, assistance, representation and mediation for eligible individuals across a range of civil legal issues. For the purposes of its contracts, the Legal Aid Agency (LAA) classifies these services into 11 different categories of law. The market comprises both for-profit and not-for-profit providers who deliver these legal aid services.

The introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) significantly reformed the legal aid system. Since LASPO was introduced, case volumes and provider numbers have declined, including in recent years. In response to these concerns, the Review of Civil Legal Aid (RoCLA) was launched in January 2023, aiming to collect evidence to identify ways to improve the sustainability of civil legal aid provision.

The evidence from RoCLA, alongside wider evidence, demonstrated that there are challenges with service provision, high demand and poor profitability facing the housing and immigration sectors. For example, following the recent LAA tender in 2024, there were some challenges with direct provision in a small number of regions. There are contingencies in place: housing and debt advice is available by telephone via the Civil Legal Advice line (CLA) across England and Wales. In relation to the Housing Loss Prevention Advice Service (HLPAS), early legal advice is available by telephone from any HLPAS provider.

In response to the challenges faced by the housing and immigration sectors, the consultation proposed that all forms of housing- or immigration-related proceedings would receive an increase to legal aid fees. The consultation proposed increasing all legal aid rates for housing and immigration work up to a minimum hourly rate of £65.35/£69.30 (non-London/London). Where this new minimum rate would not represent at least a 10% uplift, the rate would be uplifted by 10%. The consultation also proposed simplifying the housing and immigration fee schemes by harmonising some of the subsidiary fees such as ‘travelling and waiting time’, ‘attendance at court or conference with counsel’, ‘routine letters out’ and ‘telephone calls’. The consultation also gathered further evidence to help inform how we can improve the experience of legal aid processes, including gathering further evidence on the impact of remote provision and office requirements, on both eligible users of legal aid and the sustainability of providers.

¹ Department for Constitutional Affairs, ‘A fairer deal for legal aid’ (2005), available at <https://webarchive.nationalarchives.gov.uk/ukgwa/20081106091222/http://www.dca.gov.uk/laid/laidfullpaper.pdf>

This report summarises the responses received to each question and sets out the actions we intend to take. We have not repeated the full policy rationale for each consultation proposal. Readers should refer to the consultation paper for comprehensive descriptions of the measures covered in this response.

Approach to analysis

All questions asked during the consultation were open-ended questions seeking feedback on proposals, and some questions also asked respondents to indicate their view by stating 'yes/no/maybe/do not know'. Upon analysis, many of the free text responses to the fees questions expressed a different view to their 'yes/no/maybe/do not know' response. For example, some respondents stated that they agreed with the proposal to increase fees to £65.35/£69.30ph by answering 'yes' but then went on to say in their free text response that they did not agree with the proposed level of the increase. Whereas other responses stated they disagreed with the proposal because they did not agree with the proposed level of the increase. To avoid incorrectly interpreting a respondent's answer, we have accepted the quantitative response at face value (meaning if a response selects 'yes' in response to a question, this has been recorded as a 'yes'). When deciding how to take forward the policy proposals, we considered all parts of the consultation responses, which provided a rich insight into views on the proposals.

Both quantitative analysis (numerical data from closed questions where respondents were asked whether they agreed with the proposition) and qualitative analysis (insights from the free text questions) have been used in analysing the responses to the consultation. Stakeholder responses have been considered in detail and organised by theme. A theme has been noted as being mentioned by a respondent if it is referred to in their free text answer – this includes when a respondent noted their views, raised the issue or explicitly recommended that something should be done in relation to that area.

Some statistics on the number of respondents answering a question will not necessarily add up to the total number of responses. This is because some respondents did not engage with all questions posed in the consultation. Additionally, some respondents may have provided several reasons for their answer. This means that some of the summed proportions will exceed 100% due to individual responses covering multiple themes. Some answers to questions were not directly relevant or raised a separate issue as part of their response which did not respond to the topics consulted on – for instance, some responses discussed changing the scope of or eligibility for legal aid. These responses will help to inform the evidence base for future policy development in these areas.

Chapter 3: Responses to specific questions

Part 1: Fees

The consultation proposed increases to housing and immigration legal aid fees, and these are discussed in questions 1 to 8 below. Questions 9 to 14 relate to potential changes to some aspects of civil legal aid contractual requirements, and these are presented in Chapter 3 Part 2.

Some respondents chose not to answer all of the consultation questions. This means the number of responses to each question differs. When calculating the percentages associated with responses to each question, those that did not answer the question were not included in the calculation for that question.

Q.1 Do you agree with our principles for setting fee levels within civil legal aid? Please state yes/no/maybe/do not know and provide reasons.

We received 94 responses to this question. Of those, 51% agreed with the proposal and 15% disagreed. 24% responded with 'maybe' and 10% responded with 'do not know'.

Overall, the responses to the principles were positive, although some responses did express concerns about whether the following policy proposals were sufficient to achieve these aims.

Of those who agreed with the proposal, 38% agreed the principles sounded sensible or reasonable. Some responses (19%) felt the proposed fee increase is not high enough.

A further 21% of those agreeing felt that the principles need to translate into meaningful improvements for the sector. Some people said that, while they agreed with the principles in theory, it was not clear that they would be achieved by the proposals in the consultation. One response indicated that the principles should go further by clarifying that ensuring high quality provision is based upon the Lord Chancellor's statutory duty to ensure that legal aid is made available in accordance with Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Of those who disagreed with the proposal, 50% felt the proposed fee increase is not high enough and some responses suggested the rates should rise in line with inflation. 36% felt

the principles should include that there will be a mechanism for regular review of fee levels.

The majority of responses indicated that a fee increase is long overdue, and some providers expressed concern that the fee levels remaining stagnant for so long has prohibited access to justice and reduced the quality of legal advice offered to legal aid clients. Of those who indicated that the fee increase is not high enough, some responses suggested that the ‘swings and roundabouts’ principle of fixed fees no longer works following LASPO, as many of the less complex cases are no longer in scope.²

The ‘swings and roundabouts’ principle in the context of legal aid is that on average, over time, the amount a provider would receive through fixed fees would be the same as that received if the work were paid under hourly rates. A case that costs more than the standard fee for a firm to complete will be balanced, in the long run, by one that is cheaper.

Some responses suggested we should refine the principles, by removing the reference to encouraging innovation and trying different business models as firms are already being as efficient as possible to maintain provision. Further, some responses suggested that legal aid fee proposals should be based on more robust and representative benchmarking exercises to ensure that they reflect the fee levels that will enable large-scale sustainability and greater investment in new legal aid lawyers. Some responses called for a regular review of fee levels, either through indexing fees to inflation or by establishing an independent fee review panel at regular intervals to ensure fee proposals can deliver on the principles outlined.

Some responses also suggested that the reference to early resolution should be replaced with encouraging high-quality resolution, noting that not all matters can be resolved at the controlled work stage, and that high-quality advice should be offered throughout the process and not just at an early stage.

Government response

The government acknowledges the views put forward by respondents and intends to proceed with the principles proposed.

We considered expanding the principles to include explicit reference to the Lord Chancellor's statutory duty to secure the availability of legal aid services in accordance with Part 1 of LASPO. However, this statutory duty under primary legislation underpins all

² The ‘swings and roundabouts’ principle in the context of legal aid is that on average, over time, the amount a provider would receive through fixed fees or hourly rates for the same work should be the same. While some cases may cost more to handle than the fixed fee provides, others will cost less. The principle assumes that, on average, the fixed fees will adequately compensate providers for their work across a range of cases, compared to hourly rates.

decisions made within legal aid and accordingly the principles set out in the consultation document amount to a fulfilment of that duty in any event. We note that the responses emphasise caution over the extent to which the following proposals will lead to meaningful improvements in the housing and immigration legal aid sectors. We intend to monitor the impact of the proposed fee increases on the number of providers, the volumes of housing and immigration cases (including whether there is any increase in the relative volumes of controlled work compared to licensed). We will also continue to engage with the sector to understand the impact of these proposals.

Regarding the point made about the system prioritising efficiency over quality, we are committed to ensuring high-quality legal aid services are available and the second principle sets this out, stating: 'Ensure high-quality provision is available to those who are eligible and encourage early resolution where appropriate.' We understand that not all matters can be resolved at the early advice stage, which is why we have specified that we want to encourage this only where it is appropriate.

We note the responses which discuss fee levels and the level of the fee increase, and our response to these points is discussed in relation to question 3. On a longer-term basis, we have noted the points raised about more regular reviews of fee levels.

Q.2 Do you agree that we should increase the fees paid for housing and immigration work? Please state yes/no/maybe/do not know and provide reasons.

We received 97 responses to this question. Of those, 93% agreed with the proposal and 1% disagreed. 4% responded with 'maybe' and 2% responded with 'do not know'.

Of those who agreed with the proposal, 30% felt the proposed fee increase is not high enough. Some responses referred to the rate of growth in the solicitors' guideline hourly rates.³ Some responses demonstrated confusion regarding the level of the increase that is being applied to each of the fees – full details of the exact proposed increases across the full range of fees are included in Annex A. 28% of respondents who agreed with the proposal stated that an increase is needed as there has been no fee increase for a long time.

Of those who agreed with the proposal, 26% felt an increase is needed just to keep existing legal aid organisations doing housing and immigration legal aid work. 22% felt an increase is needed in other categories of legal aid beyond housing and immigration, with community care the most frequently mentioned individual category of law requiring an

³ The solicitors' guideline hourly rates are guideline figures for carrying out a summary assessment of court costs, listed by pay band and grade for different parts of the country. Solicitors' guideline hourly rates - GOV.UK, available at <https://www.gov.uk/guidance/solicitors-guideline-hourly-rates>

increase. 12% felt an increase is needed to help housing and immigration legal aid firms recruit and/or retain more staff, with some responses highlighting that, despite their firms having high levels of demand for services, they struggle to fill vacancies.

We have not conducted a thematic analysis for the respondents who disagreed with the question, as they constituted only 1% of the total responses.

Respondents generally felt the proposed fee increase is not high enough. Some responses expressed concern that the increase will not be sufficient for firms to offer a competitive graduate salary, leading to concerns that an ageing profession will not be replaced by new entrants.⁴

Government response

The government acknowledges the views put forward by respondents and, after carefully considering the suggestions and comments made, has decided to continue with the proposal to increase rates for housing and immigration work.

The government's view remains that the housing and immigration areas are experiencing acute challenges which necessitate intervention. The government acknowledges the views of respondents about the wider legal aid market, and in particular the issues raised around legal aid fees more generally. We also note that community care was the category of law most frequently cited in the responses as needing a fee increase. We will continue to consider measures to support sector sustainability across all categories of civil legal aid. The government welcomes continued feedback from the sector on the wider legal aid market.

Q.3 Do you agree that fees for housing and immigration work should be increased to a minimum hourly rate of £65.35/£69.30? Please state yes/no/maybe/do not know and provide reasons.

We received 94 responses to this question. Of those, 49% agreed with the proposal and 30% disagreed. 15% responded with 'maybe' and 6% responded with 'do not know'. The remaining responses did not answer the quantitative part of this question.

⁴ RoCLA found that the proportion of solicitors aged under 35 slightly decreased between 2014–15 and 2021–22, while the proportion aged over 65 slightly increased. Firms generally saw a reduction in the proportion of solicitors with between 3 and 12 years in the profession and a counter-balancing increase in higher bands. The proportion of barristers aged under 44 remained broadly constant across the time period shown. Between 2015–16 and 2022–23, there was also a fall in the proportion of barristers aged 45 to 54 and a corresponding rise in those aged over 54. Review of Civil Legal Aid Data Publication Series, available at <https://assets.publishing.service.gov.uk/media/6746f8782f94bef8ff48bfe2/provider-overview.pdf>

Of those who agreed with the proposal, 52% indicated that the proposed fee increase is not high enough. Many responses suggested that the proposed increase is not in line with inflation, either from when fees were last increased or from when they were last cut. Some responses also expressed the need for a regular review of fee levels, with some responses suggesting the rates should be reviewed annually, in order to prevent the value of the fee declining over time.

Of those who disagreed with the proposal, 93% indicated that the proposed fee increase is not high enough for many of the same reasons described above. During the roundtable discussions, some individual firms expressed their view that a rate closer to £100 per hour would be needed to break even and increase volumes. 29% of responses who disagreed with the proposal indicated that there is too much work that is unpaid.

14% of those who disagreed with the proposal indicated that the increase should be applied to other categories of legal aid beyond housing and immigration, with most of these responses suggesting that the increase should be applied to all categories. Some responses indicated particular challenges in certain categories of law, with concern raised about the sustainability of community care work.

Q.3a If the fee is already above this rate, do you agree that rates should be increased by 10%? Please state yes/no/maybe/do not know and provide reasons.

We received 92 responses to this question. Of those, 41% agreed with the proposal and 43% disagreed. 11% responded with 'maybe' and 4% responded with 'do not know'.

Across all responses, there were some common themes that arose. Some responses indicated that the proposed fee increase should be higher to keep housing and immigration providers in the sector. Some responses indicated that all fees should be increased by a higher percentage, with some responses suggesting all rates should be increased by the same amount, or are far below the solicitors' guideline hourly rates. During the roundtable engagement, some participants highlighted that they only provide licensed work services, meaning that most of the work they do will see an increase of 10%, which they felt was insufficient. Some written responses to the consultation also indicated that this 10% increase is insufficient for licensed work due to the reported complexity of the work. Some responses expressed concern that 10% only brings the fees up to their pre-LASPO level, rather than applying an inflationary increase which would bring the value of the fees back up to what they were worth when they were set or last increased.

Government response

The government acknowledges the views put forward by respondents and has given all responses careful consideration. The government will proceed with implementing the proposal of raising fees for housing and immigration work to a minimum hourly rate of £65.35/£69.30, or by 10% if this would not equate to a 10% increase.

The government feels that this level of fee increase is appropriate to address the acute concerns in housing and immigration legal aid.

The government acknowledges the views expressed regarding the extent to which the solicitors' guideline hourly rates are higher than our proposed rates. When developing our proposals, we have focused on improving the sustainability of housing and immigration legal aid work by introducing a minimum rate that would be profitable for most providers, based on the sample used in The Law Society's sustainability research.⁵ This reflects our aim for legal aid policy to ensure access to justice for all. It is not our intention that legally-aided rates should be set at the same level as private rates, as we do not consider this would always be appropriate. Furthermore, we do not think it is necessary to achieving the aims of legal aid described above: given the evidence that our proposals will make legal aid work profitable for most providers, we think this increase will be sufficient to ensure that eligible users are able to access legal aid services. We recognise that ongoing monitoring will be required to assess whether the proposed increase achieves its aims.

Some respondents commented that the fee increase does not cover the increased costs providers experience due to inflation since fees were last increased, or since they were cut between 2011 and 2012. We chose to develop our proposals using data on the current costs of providing legal aid, compared to the revenue providers would generate under different fee levels, in the way described in Annex A of the consultation. This reflects feedback from RoCLA's provider survey where financial viability was the top reason given for stopping holding a civil legal aid contract by both private practices and not-for-profits.⁶ We believe this approach best captures the way that our provider base works and provides services to clients today, and will help ensure eligible individuals can access legally-aided services. Applying an inflationary increase to the previous rates would instead maintain the value of the rates as originally paid (or from when the inflationary increase was applied). This increase is not seeking to maintain the original value of the fee, instead it is aiming to make it possible for providers to make a profit from the work. It is our intention that this will

⁵ Civil legal aid: sustainability research, available at <https://www.lawsociety.org.uk/topics/research/civil-legal-aid-sustainability>

⁶ Survey of civil legal aid providers in England and Wales p.38, available at <https://assets.publishing.service.gov.uk/media/65aa4068ed27ca000d27b28a/civil-legal-aid-providers-survey.pdf>

improve the sustainability of the housing and immigration sectors as firms will be able to maintain legal aid provision.

We note that some responses indicated fees should be increased in other categories of law. We will continue to consider measures to support sector sustainability across all categories of civil legal aid.

The government acknowledges the views of respondents in relation to the administrative burdens associated with holding a legal aid contract. MOJ and LAA continue to consider changes to processes that ensure that controls are proportionate to the need to maintain standards, ensure public money is spent appropriately and where possible to reduce burdens on providers. Wider policy work, such as that resulting from the Part 2 of this consultation, looks to reduce the administrative burdens on providers, increasing utilisation rates (the percentage of a fee earner's time which can be billed). Over this parliament, we are also seeking to transform the way we deliver legal aid – including improving the technology that supports the service for potential clients and making it easier for firms to provide legal aid, reducing radically the amount of time spent on burdensome and unpaid administrative tasks.

Further detail on methodology

We received some responses which indicated that the methodology underpinning the proposals is unclear, or raised concerns about the how fee proposals were developed. We respond to these below.

Quality of data used

Some submissions to the consultation noted that the analysis described in Annex A of the consultation used data from a survey which had a small sample size of housing providers, and that the survey did not cover immigration providers. The survey was commissioned by The Law Society and undertaken by Frontier Economics, and we were grateful to have been allowed to contribute to the design of the data collection. One of the design choices was to invest effort into obtaining a deep understanding of each provider's business model so that a high-quality and consistent set of metrics could be produced, rather than to go to more providers and obtain a larger quantity of responses that we could not be sure were measuring the same things. This survey is the best direct measure we have of the current cost of providing legal aid, and the only available data we have that presents a consistent measure of the current levels of profitability across multiple providers.

The study relies on a small sample size (with responses from 30 housing providers, which represented 13% to 14% of the housing legal aid market at the time of the research, and 17 family providers, which represented 1% to 2% of the family legal aid market), focusing exclusively on housing and family legal aid providers. The data collection covered both the housing and family sectors, to give it the best chance of being suitable for providers in other areas if needed, including immigration firms. When using the data, we have taken

into account the differing outputs for providers in each of these areas. In addition, we used detailed evidence on costs provided by two large immigration firms. This enabled us to check that the policy proposed would be suitable for immigration firms. For these reasons we are confident that the quantity and quality of the data does not undermine the suitability of the proposal.

The utilisation rate and unbillable time

Some responses suggested that the increase should be based on a lower assumed average number of billable hours per fee earner. We made an assumption around utilisation rates (the percentage of a fee earner's time which can be billed) in order to be able to calculate the annual revenue that a provider could generate at a particular hourly rate. This enabled us to undertake the benchmarking exercise described in Annex A of the consultation. The survey did not directly measure the utilisation rates of providers, but using income per full-time equivalent employee (FTE) as a proxy, we inferred that there was a wide range of billable hours worked. In particular, not-for-profit providers (who made up most of the housing providers in the survey) had a lower implied average utilisation rate compared to private housing firms, and family providers had a much higher implied average utilisation rate than housing providers. In order to create a consistent analysis of the profitability of a given hourly rate, we had to assume a particular utilisation rate which we considered could be achievable by firms.

We recognise that there are tasks that legal aid providers are required to do that do not form part of their billable hours. However, these are partly taken into account by the methodology used. This is because the analysis was undertaken on the basis of providers' 'cost per fee earning FTE', which includes the salary of the fee earner and an apportionment of firms' overheads (this apportionment was done by Frontier Economics as part of their data collection). These overheads include non-fee earning staff costs who would be doing unbillable work, as well as office rent, IT costs, insurance and other costs.

We consider that our utilisation rate assumption is reasonable, based on The Law Society's Financial Benchmarking Survey 2024 which suggests that non-partners should 'be looking at upwards of 1,200 or 1,300 hours, depending on work type and experience'. This would be between 71% and 77% on our utilisation rate methodology. The methodology does take into account unbillable administrative time by both non-fee earning staff (by way of overhead costs) and by fee-earners (by way of the utilisation rate being less than 100%). As mentioned above, we plan to explore ways in which we can reduce the administrative burdens on providers, helping them to increase their utilisation rate.

The proportion of firms expected to make a profit

Some submissions to the consultation noted that under our assumptions not all providers were expected to make a profit. Rather than considering only what profit 'the average firm' could generate, we instead considered what proportion of providers would make a profit with their existing costs (based on their existing mix of cases) if they generated revenue

only at the benchmarked rate. Profitability is achieved through many different business decisions and factors, of which fees are one part.

At the £60ph benchmark rate, we expect just over half of firms to make a profit. This means under the proposed rates, which are around 10% higher than this, we would expect around 60% to 75% of firms to be making a profit. This analysis highlights that there is a range of costs that different providers face, and some firms will make a larger profit than others. The actual profitability of individual firms will depend on factors beyond the rates payable, such as operating costs, staff and business models, case mix and volumes of work undertaken. We did not aim to target a rate under which all firms would be profitable.

This analysis gives us confidence that there will be viable business models available to firms at the proposed minimum hourly rates, and therefore an incentive to take on legal aid work in the housing and immigration sectors. In addition, we would expect providers to be undertaking some work which will be remunerated at higher rates than the minimum, including some which will attract inter partes costs paid at higher rates, which we have not taken into account when modelling profitability.

Q.4 Do you agree that the minimum hourly rates for controlled and licensed work should be the same? Please state yes/no/maybe/do not know and provide reasons.

We received 94 responses to this question. Of those, 48% agreed with the proposal and 22% disagreed. 15% responded with 'maybe' and 15% responded with 'do not know'.

Of those who agreed with the proposal, 53% indicated that both types of work are equally difficult and require the same amount of work. Some responses indicated that the proposals will remove the financial disincentives of doing controlled work or may encourage early resolution of cases. During the roundtable discussions, there were fairly split views on whether controlled and licensed work is of equal value. Some attendees expressed that both are of equal importance and demand, but that licensed work involves greater responsibility due to the court context and that advocacy involves an additional skill level that is more complex than providing early advice.

Of those who agreed with the proposal, 18% of responses indicated that the proposals will encourage early resolution of cases by enabling more experienced staff to be assigned to these cases. Some participants indicated during the roundtable discussions that involving more experienced staff early in a case can lead to better case outcomes through improved legal strategy. In the written consultation responses, of those who agreed with the proposal, a further 18% of responses indicated that this will improve the quantity of controlled work that providers do as it removes the financial disincentives to do this work by making the work as viable as the minimum licensed work rates.

Of those who disagreed with the proposal, 57% indicated that licensed work should be paid more as it requires a higher level of skill. Some responses expressed concern that the licensed work increase should be more substantive, especially when the proposed rates are lower than the solicitors' guideline hourly rates. Some responses suggested that fees should be graduated based on the experience level of a fee earner, rather than the level of the work. Of those who disagreed, 52% indicated that licensed work is more complex than controlled work. Some responses indicated that licensed work needs to be mainly carried out by qualified solicitors, whereas controlled work can be carried out by senior caseworkers.

Government response

The government has carefully considered all of the comments and responses received on harmonising the minimum hourly rate for controlled and licensed work. We acknowledge that some providers report that licensed work can be more complex than controlled work; however, we also recognise that some responses expressed that controlled work is of equal difficulty and requires the same amount of skill as licensed work. The government believes that harmonising controlled work with the lower end of licensed work will remove any financial disincentives that may be associated with doing controlled work, which we hope will enable members of the public to resolve their legal issues at an earlier stage, where possible.

We have decided to proceed with harmonising the minimum rate for controlled work with the minimum licensed work rate. This means some licensed work will continue to be paid at a higher rate than controlled work. This approach allows providers to benefit from increased rates while ensuring that the compensation structure remains balanced and equitable. Providers have the option to adjust their case mix to do more controlled work if they consider the increased rates for this make it more profitable. This approach also encourages providers to adapt their case mix to align with the new rates, with the aim of promoting efficiency by enabling providers to offer more early advice, which may result in better outcomes for clients.

Q.5 Do you agree that our proposed rates will enable legal aid providers to undertake increased volumes of legal aid work? Please state yes/no/maybe/do not know and provide reasons.

We received 94 responses to this question. Of those, 18% agreed that the proposed rate will enable legal aid providers to undertake increased volumes of legal aid work, and 44% disagreed. 33% responded with 'maybe' and 5% responded with 'do not know'.

Of those who agreed that the proposed rates will enable legal aid providers to undertake increased volumes of legal aid work, 29% indicated this will encourage new providers to

start doing legal aid work. Some responses indicated this may encourage existing legal aid contract holders to start doing housing and immigration legal aid work in addition to their other legal aid work. 18% of those who agreed indicated this will enable providers to recruit and retain more staff, and some responses indicated this increase will allow firms to invest in more trainees, who will become future legal aid lawyers. However, even among those who agreed, some responses indicated that a higher increase is needed to enable firms to both improve recruitment by offering higher salaries and improve retention by maintaining a more manageable workload.

Of those who disagreed that the proposed rates will enable legal aid providers to undertake increased volumes of legal aid work, 76% indicated that the increase needs to be higher. Some responses suggested that an inflationary increase since either 1996 or 2013 should be applied, or that rates should be increased to match the solicitors' guideline hourly rates. 51% of those who disagreed indicated that the increase will not enable providers to improve recruitment and/or retention. 20% indicated that it will take a long time to see the benefit of fee changes.

Of those who responded with 'maybe', 23% indicated that other changes to the legal aid system are needed to improve the sustainability of the sector. Some responses indicated that the administrative burdens are a key barrier to increasing legal aid provision. Some who responded with 'maybe' also objected to the concept of fixed fees, arguing that hourly rates more fairly remunerate work done.

Government response

The government notes that, for some providers, the proposed increases to housing and immigration rates will enable them to increase volumes of work or increase salaries for legal aid practitioners. The proposed increase aims to remunerate at a rate whereby it is possible for providers to make a profit, helping to ensure a sustainable housing and immigration market. We have included our reasoning behind the specific level of the increase in our response for question 3. The proposals target larger increases to the earlier stages of a client's legal journey and reduce the number of different rates being paid, paving the way for future simplification of fees which may be less burdensome for providers and the LAA. The proposals deliver value for money by prioritising increases in the categories of law where the challenges are most acute, and propose a level of increase that will achieve our aims in an efficient way.

The government acknowledges that the majority of respondents stated that they do not think the increase will enable them to increase volumes of work. Given the length of time since the last fee increase, we do not have any quantitative data on how the sector responds to fee increases; therefore, we will monitor the impact of this fee increase through a provider survey, through volumes of work undertaken and through provider numbers. We will also work with legal aid providers more generally on opportunities to

transform legal aid with a focus on opportunities for removing unnecessary administrative burdens on providers.

More generally, we have taken other steps to support sustainability of the housing and immigration sectors. We have provided up to £1.4 million in 2024 and up to a further £1.7m in 2025 to meet the costs of accrediting and reaccrediting caseworkers to conduct immigration and asylum legal aid work, and we have provided £1.5m in grant funding for the recruitment of trainee housing solicitors.

Q.6 Do you agree that increases to immigration should be implemented first? Please state yes/no/maybe/do not know and provide reasons.

We received 95 responses to this question. Of those, 25% agreed with the proposal, and 48% disagreed. 6% responded with 'maybe' and 20% responded with 'do not know'.

Of those who agreed with the proposal, 42% indicated that there are acute pressures in the immigration sector with high levels of demand reported. 13% understood the need for staggered implementation with some responses expressing that, as long as both are implemented, the staggered implementation will not make a material difference. 13% indicated that implementing immigration first will help address the asylum backlog.

Of those who disagreed with the proposal, 63% indicated that the increases to housing and immigration fees should be implemented at the same time as there are issues in both sectors. Some responses indicated it is not clear why both can't be implemented at the same time. 11% indicated that housing should be implemented first, with specific references to the importance of implementing fee increases alongside the Renters' Rights Bill which was introduced to Parliament in September 2024 and is expected to increase demand for housing legal aid.

Government response

The government has carefully considered all of the comments and responses received on the proposed implementation order.

We acknowledge that many responses felt the changes should be implemented at the same time. The government also recognises the views of many respondents that there are pressures within the immigration sector, including the asylum backlog. We will implement fee uplifts to immigration first.

Q.7 Do you agree with simplifying the fee system by harmonising the fees identified? Please state yes/no/maybe/do not know and provide reasons.

We received 91 responses to this question. Of those, 53% agreed with the proposal, and 9% disagreed. 29% responded with 'maybe' and 10% responded with 'do not know'.

Of those who agreed with the proposal, 29% indicated that simplification will make it easier for providers as fewer rates will reduce administrative burdens. Some responses indicated that managing and billing cases should be understood as reducing the effective hourly rate providers receive as it reduces the amount of billable work they can undertake. Some responses indicated that clearer and simpler guidelines would enhance providers' understanding of the billing process. Some responses also indicated that the complexity of the existing fee system increases the amount of administrative time that providers need to devote to billing to avoid having their billed costs reduced down during LAA assessment.

Across all responses, 19% indicated that the current system is too complex and 13% indicated that the proposals do not go far enough in simplifying the fee scheme.

Q.7a Feedback on harmonising 'travel and waiting time' and 'attendance at court or tribunal, or conference with counsel'.

We received 55 responses to this question. Of these, 45% indicated that 'attendance at court or tribunal, or conference with counsel' should be remunerated at higher than 50% of the preparation and attendance rate. Some responses highlighted that attendance is significantly different to travel and waiting and should thus be remunerated differently. Some responses emphasised that attendance is more comparable to preparation and attendance, as solicitors are required to be available and engage with the court and counsel. Attendance can involve assisting counsel with research, noting, locating documents and taking instructions during court. Some responses emphasised that solicitors and caseworkers are often ensuring that vulnerable clients are able to engage with or understand the hearing or conference and that the best evidence is being provided, and that this is legal work which should be remunerated at such. Other responses noted that any time spent on legal aid related activities is time that cannot be spent on other things, and therefore should be paid at full hourly rates. As context, we note that under the solicitor's guideline hourly rates, attendance is billable at the same rate as preparation and attendance.

25% of responses indicated that the proposal is sensible. Some responses indicated this is in line with how private work is remunerated. Other responses indicated this is logical, ensuring consistency across different types of work, and will simplify the billing process.

Q.7b Feedback on uplifting all 'routine letters out and telephone calls' in immigration and housing to the highest value present after the uplift occurs.

We received 47 responses to this question. Of these, 30% indicated that the proposals are sensible. 15% indicated that they support whatever provides the highest uplift. 13% indicated that the fee increase for all housing and immigration rates should be higher.

Some responses also suggested that these rates should be rolled into the preparation and attendance rate, rather than having separate fees for this work, or that they should be based on 10% of the hourly rate.

Government response

The government has carefully considered all of the comments made in relation to the simplification of fee structures.

In response to the comments made by respondents on the fees for attendance at court or tribunal or conference with counsel, we propose to raise this fee from 50% to 75% of the corresponding preparation and attendance rate. The consultation proposed a method to simplify and harmonise the slight variations in the fee amounts, but it had no proposals on the level of the fee. However, having carefully considered the feedback raised, the government agrees that there is good reason to make a policy change to the fee level in this area. This change recognises the consultation feedback and acknowledges that the activities required under the fee can often require more complex work than that under the travelling and waiting fee.

In response to the comments regarding the other subsidiary rates, we will be harmonising these rates at the highest-level post uplift as consulted on, as this satisfies our aim to lessen the number of different fees.

In response to the comments made by respondents that these proposals do not go far enough to simplify the system, we would like to explore the possibility of further reform of fee structures over the medium to long term and note such feedback for those purposes.

Q.8 Do you agree that we have correctly identified the range and extent of the equalities impacts for the increases in fees for providers set out above? Please state yes/no/maybe/do not know and provide reasons.

We received 88 responses to this question. Of those, 19% agreed that we have correctly identified the range and extent of the equalities impacts for the increases in fees for providers set out above. 14% disagreed. 23% responded with 'maybe' and 44% responded with 'do not know'.

Of those who agreed, 18% indicated that there is a need for ongoing monitoring to ensure changes do not inadvertently disadvantage any groups. Some responses welcomed the proposals, clarifying that the fee increases will benefit vulnerable groups who are

represented among legal aid recipients, including asylum seekers, victims of domestic abuse and those at risk of homelessness, by improving access to legal advice.

Of those who disagreed, 33% identified specific additional equalities impacts. 17% indicated that the equalities statement overestimates the impact of the increase, with some responses stating that the proposals might reduce attrition from the sector but are insufficient to meaningfully increase access to legal aid for those who are eligible.

Some responses emphasised that women are most likely to be impacted by the proposals, both as recipients of legal aid and as legal aid lawyers.

Government response

The government welcomes the views of respondents to the consultation on the equalities impacts of these proposals. We will continue to monitor the equalities impact on legal aid recipients and those work in the sector as the proposals are implemented, including by considering relevant equalities data and evidence.

The government remains of the view that even though certain protected groups are overrepresented in those who will be affected by the proposals, these would not be directly or indirectly discriminatory because they are not likely to particularly disadvantage clients, providers or barristers. We think that any disadvantage because of these proposals is justified as a proportionate means to achieve the policy aim of introducing new fees that sufficiently remunerate practitioners for their work.

Part 2: Improving the experience of legal aid processes

The consultation also sought evidence on potential changes to some aspects of civil legal aid contractual requirements. The following questions (9 to 14), put to all respondents, relate to provider office requirements and limits on the percentage of applications for controlled work that can be conducted remotely (that is, without the need for the client to attend the provider's office in person).

Q.9 Should we remove or reduce limits to the number of controlled work matters where the client does not attend the provider's office to make an application for controlled work? Please state yes/no/maybe/do not know and give reasons.

We received 93 responses to this question. Out of these, 54% answered 'yes', 16% answered 'no', 12% responded 'maybe', and 18% answered 'do not know'.

Of the responses that said 'yes', just over half said that we should remove the limit altogether. The most common reasons for wanting a removal or reduction among this group were that:

- advances in reliable technology reduce the need for in-person visits (28% of those who responded 'yes')
- it would enable providers to offer legal aid in areas further away from their geographical base (22%)
- limits are arbitrary, unhelpful or create administrative burdens (24%)

Of those responses who either said 'no' (did not want any change to the current contract limit) or said 'yes' but wanted a reduction but not complete removal, most mentioned that limits provide a safeguard for face-to-face advice for clients.

Q.9a Thinking about the limit on controlled work applications that can be delivered remotely, in what ways does this affect your ability to deliver face-to-face and remote advice, based on client need? You may choose more than one.

- i) it is sufficient (explain why)
- ii) it creates problems (explain why)
- iii) other (please specify)

There were 53 respondents to this question (though 12 responses selected multiple response options).

57% selected the option to say it was sufficient. Key themes from this group were:

- the limit on controlled work applications that can be delivered remotely **does not affect** the ability to deliver face-to-face and remote advice based on client need
- remote advice does not compromise on the quality of the work delivered when used appropriately
- remote advice allows legal advisers to use time more effectively, meeting clients remotely at shorter notice, pre-booking interpreters for the follow-up meeting once a client is signed up, and serving a wider range of clients, including those in remote or underserved locations
- the limit ensures that vulnerable clients who require in-person support can access it

However, concerns were raised that potential clients may lack IT skills or technology, or may struggle to reach the provider's office to make the application for controlled work due to transport costs, caring responsibilities, or being in secure facilities.

58% of the responses said the limit on the percentage of controlled work applications that can be remote creates problems. Key themes among this group were that:

- it negatively affects the ability to deliver face-to-face and remote advice based on client need
- it leads to inefficient use of provider resources that is not based on client need (such as scheduling in-person signings for purely administrative reasons, due to strictly enforced limits, reducing efficiency and diverting resources from cases where face-to-face interaction is critical)
- it creates additional burdens for clients (for example, lengthy/costly travel) for whom remote advice is preferable

There was also a clear consensus among all those responding to this question that when dealing with potential clients, providers should manage this on a case-by-case basis paying attention to the needs of the client, and/or provider resources. Some responses described a burden they felt this rule places on providers, in creating concerns that they may breach a rule and be sanctioned in an audit – whereas allowing them to decide whether face-to-face or remote meetings are needed could allow them space to provide remote services to areas of low geographic provision and set up the infrastructure for that.

Q.9b If there were a removal or reduction in these limits, do you anticipate that, in the areas in which you provide legal aid help and advice, your firm or organisation would:

- i) Provide more advice remotely? By what approximate percentage?
- ii) Provide less advice remotely? By what approximate percentage?
- iii) Not change the overall percentages for your provision of remote advice?
- iv) Unsure/do not know.

There were 61 responses to this question. No responses stated that less advice would be provided remotely if limits were reduced or removed.

38% said that they anticipated providing more advice remotely if the limits were reduced or removed. Key themes included that:

- if limits were reduced or removed this would allow providers to increase the volumes of legal aid cases delivered overall
- they could increase the proportion of remote advice within existing caseload volumes (with estimates of the increase clustering around 20–30%)
- being allowed to take on more clients remotely would improve access to justice or work towards addressing ‘advice deserts’ (noting that any provision is better than none)

Responses also fed back that restricting remote applications exacerbates difficulties recruiting advisors by requiring them to be physically available in locations where staffing is already unworkable. Therefore, removing or reducing restrictions could assist in this respect too.

30% of those responding to this question stated they would not change the overall percentages for provision of remote advice, and 33% said they were unsure or did not know. Across both these groups, the most common theme was that they would continue to make decisions based on clients’ needs (around half of those saying no change would be made, and a third of those stating they were unsure or did not know).

Q.10 RoCLA evidence included feedback that providers are best placed to determine when clients need face-to-face advice, and where remote advice is appropriate. However, there is a risk that providers may move towards remote advice provision in a way that leaves clients who need face-to-face with difficulty finding a provider.

When ensuring greater flexibility to provide remote advice, what measures or safeguards would help ensure that clients are not turned down or de-prioritised, because they require face-to-face?

Responses varied from views that ‘face-to-face meetings are almost a thing of the past’ to views that ‘the idea that my clients will be able to use remote technology to access my advice is fanciful’.

Of the 81 responses answering this question, 57% indicated that there would be a need to put safeguards in place. Suggestions for measures or safeguards included:

- **Triage for vulnerable users** – 27% of those who responded to this question indicated that some form of robust triage or mandatory assessment would be required to ensure vulnerable clients don’t lose access to legal aid. This may be an initial assessment of clients’ needs, and recognition that factors such as digital literacy or exclusion,

accessibility issues, personal circumstances, disability, or trauma may make remote advice unsuitable. Some respondents described a list of indicators that could automatically trigger an offer of face-to-face advice, or training for providers (or other frontline staff) on identifying needs of clients who require face-to-face support.

- **Being led by client wishes (or needs, where they differ)** – Some responses recommended clearer LAA guidance or contractual terms reaffirming that clients should not be turned away on the basis of needing in-person appointments, and/or having stricter rules and a clear complaint/escalation path to ensure that a client's needs or choice is not being ignored in relation to when face-to-face was requested and not offered, with LAA sanctions for unreasonable refusal.
- **LAA audit or similar checks** – 21% mentioned that the LAA could in future monitor data from providers on the appropriate numbers of face-to-face appointments they offer, through, for example, 'mystery shopping', audit, speaking to clients who received a service, or reviewing decisions on file (through attendance notes or written communications) as to whether clients' needs were assessed and if face-to-face was offered. Responses warned that any checks would need to account for the specific provider/case circumstances when setting targets for face-to-face or discussing why they weren't met. Some responses also suggested that LAA audit should also ensure providers have a suitable physical location for face-to-face advice where needed, in the local procurement area.
- **Monitoring availability and take-up** – 21% discussed the need to monitor gaps in the availability of face-to-face provision, which would provide evidence on whether flexibility in remote delivery is working equitably or if further adjustments are needed to prevent unintentional exclusion.
- **Financial incentives** – 19% described increased fees, costs being covered or similar financial incentives as a means to safeguard against over-use of remote advice, so that the market is not just being shaped by the needs of providers. Examples included:
 - subsidising office space rental costs
 - incentivising complex work being taken on
 - using hourly rates for unaccompanied children's cases
 - enhanced rates for vulnerable clients
 - contributing to interpreter costs
 - reasonable travel disbursements
 - reimbursed client travel costs

15% of those answering this question stated that specific safeguards were **not** needed. Key themes included that:

- the division of remote and face-to-face advice could be managed through audit processes
- reliance can be placed on professional conduct, meaning no safeguards are needed

- it would not be possible to create sufficient safeguards to ensure clients who need face-to-face services are not deprioritised

Q.11 Which categories or areas of law do you practice in (or have experience in), that you have drawn from when answering questions 9 and 10?

Of the 83 responses answering this question, the category breakdown is as follows (NB, some respondents were not providers, and some providers practice in multiple categories):

Category	Number of responses	% of responses
Immigration and asylum	46	55
Housing and debt	42	51
Public law	29	35
Family (private)	21	25
Welfare benefits	19	23
Community care	18	22
Family (public)	17	20
Claims against public authorities	12	14
Discrimination	10	12
Mental health	7	8
Clinical negligence	6	7
Education	5	6

Office requirements

Q.12 Would you want the contractual requirement for permanent office locations to be reduced or removed? Please state yes/no/maybe/do not know and provide reasons.

Of the 90 responses we received, 46% said 'yes', 22% said 'no' and 32% stated 'maybe/do not know'. Key themes mentioned across all responses were as follows:

- **Needing to ensure some face-to-face provision remains available** (24%).
- **Mobile advice centres or co-located hubs** (20%) – these responses described how greater flexibility could encourage collaboration between providers, such as sharing joint office space, co-locating on a part-time basis or rotating clinics, rather than

maintaining a single permanent office. This could enable face-to-face services to be maintained in areas with low legal aid provision.

- **Reduction in opening hour requirements** (11%) – responses observed that this would free up resources that could be used to assist clients in other ways. Several also noted that it would be sufficient for there to be a permanent address at which post can be received and where face-to-face appointments are offered on demand. Some respondents said that, as few legal aid clients approach them for advice in-person at an office, allowing reduced hours per day or days per week to open would suffice.
- **Mitigating areas of low geographic provision** (11%) – responses stated that flexible office arrangements would mean that providers could better serve clients in typically hard-to-reach areas.
- **Clients can be contacted via phone/video call** (11%) – respondents noted that many legal aid providers already operate successfully using flexible models, including remote working, digital case management and hybrid service delivery. As clients can be contacted via phone/video call, permanent office locations could be reduced or removed. Technology has enabled proper supervision to be available remotely. Some responses recommended that the requirement should be that providers have the facilities to meet clients in a secure and confidential space if and when necessary. Responses also noted that client expectations have changed, with many preferring phone, emails and secure messaging such as WhatsApp, feeling that a face-to-face appointment is unappealing due to time commitments.

Q.13 Does the requirement for a permanent office provide sufficient flexibility for the availability of civil legal aid advice based on your experience of client need in any category of law?

Of the 86 responses we received for this question, 19% said ‘yes’, the requirement for a permanent office provides sufficient flexibility for the availability of civil legal aid advice’. 36% said ‘no’. This aligns with the higher proportion of responses to question 12 indicating that they would want the contractual requirement for permanent office locations to be reduced or removed.

Key themes across all responses were that:

- Client needs justify more flexibility (for example, clients do not want to, or cannot, come in; clients prefer phone or online contact, so the need for permanent office is reduced). This was mentioned by 16% of respondents.
- Business needs justify more flexibility, mentioned by 16%. Examples included the unsustainability or unnecessary burdens of extra staffing and office space costs, or that resources could be redirected to better serve legal aid client needs.

- 10% of responses indicated that greater flexibility in relation to permanent office requirements would allow providers to deliver more legal aid advice in areas of low geographic provision.

Q.13a Where the requirement doesn't provide sufficient flexibility, in your experience, what is the impact on delivery of legal advice to clients?

51 responded to this question, though they do not all align with those who answered 'no' in the previous question. Many responses referred to points made in their answers to the prior two questions (for example, 'see above'), which could be the reason for the lower engagement rate with this question.

Of the 51 responses, 22% stated that current requirements provide sufficient flexibility.

However, just over half of responses listed negative impacts, broken down into the following key themes:

- 24% of all responses to the question voiced concerns that the absence of a requirement for a physical office may leave some areas without a physical presence of legal help providers. Consequently, respondents warned that clients who struggle to reach providers in person (for example, those with travel difficulties, detained, or in rural areas) would not be able to access specialist advice. This has knock-on effects of missed appointments, creating delays and reducing service efficiency.
- Similarly, 25% stated that the lack of flexibility can limit providers' ability to expand services or adapt to changing client needs. Examples included: discouraging innovation using hybrid or mobile services that would better serve clients in instances where they would experience stress when required to attend face-to-face (such as in high-conflict or domestic abuse cases).
- 24% linked the lack of flexibility in relation to office hours and space to the argument that this increases overhead costs, which can make legal aid work less financially viable.
- 10% discussed how the requirement to have a permanent office base (and/or the opening times restrictions) could put some providers off from bidding for contracts, and/or that needing to have a full-time employed supervisor may limit smaller organisations' ability to maintain a contract.

Q.14 If there were a change to the requirement for a permanent office, what measures or safeguards would help ensure we meet the need for clients to have access to face-to-face civil legal advice in a safe, private and accessible environment?

64 responses answered this question, with the key themes as follows:

- 36% emphasised the need to ensure an appropriate office requirement. This was commonly described as a safe, private and accessible place for face-to-face advice in the provider's procurement area, demonstrating a physical presence, open at regular times throughout the week, even if not full-time.
- 22% specifically requested to change the requirement to allow for a more flexible office presence. Examples include: private consultation rooms in legal aid offices, courts, partnering charities, community centres, medical clinics, women's refuges, homeless shelters, or social service offices (with dedicated confidential spaces for face-to-face appointments where required). Responses outlined that, for safety concerns (particularly in cases involving domestic abuse or high-conflict situations) appropriate safeguarding measures may include separate waiting areas, security protocols and risk assessments to protect vulnerable clients. Some responses described necessary training on confidentiality – to recognise when privacy is compromised, arrange secure meeting spaces, handle sensitive cases discreetly, store files securely and ensure clients do not disclose sensitive information in non-private settings.
- In terms of the suggestions for audit and assurances, 25% stated that it should be for the provider to demonstrate these criteria through regular audits to ensure compliance with privacy and security standards. Suggestions of mechanisms included: (i) having a question on the legal help form around access needs, showing that these have been considered in a similar way to the FCA Consumer Duty; or (ii) that contracts should be based on a requirement that providers act honestly with LAA and make claims on time. On award of a contract, onsite visits could be implemented to ensure the service meets quality standards, and client complaints/feedback mechanisms could be used to report any privacy concerns.

Government response to questions 9 to 14

The majority of responses support the principle of changes to the requirement to remove or reduce limits to the number of controlled work matters where the client does not attend the provider's office to make an application. In terms of the contractual requirement for permanent office locations, just under half of the responses directly expressed support for removal or reduction, and many of those answering 'maybe/do not know' also described how, with caveats, changes to this requirement could bring about beneficial flexibility in advice delivery. However just under a third did not support it.

We have carefully considered the responses to these questions. We wanted to gather evidence on the potential benefits, but also potential impacts, of changes to civil legal aid contractual requirements on remote legal advice and permanent office requirements, including on safeguarding the availability of face-to-face legal aid help and advice for those who need it. Our overarching principle here is improving access to justice.

Modern digital communications present opportunities to do things differently, but we recognise that there is not a one-size-fits-all solution. The responses have provided important further evidence of considerations to be taken into account to best ensure that any changes balance ensuring clients' needs are met with giving greater flexibility to providers in delivering services, including reducing unnecessary business overheads.

We will be working over the next few months to consider options for contract changes, drawing on specific issues considered in this consultation, and the wider Review of Civil Legal Aid.

Conclusion and next steps

The government has carefully considered all of the comments and responses received on the consultation proposals. The government has decided to continue with the proposals to increase rates for housing and immigration legal aid work as outlined in the original consultation paper. We have also decided to go ahead with the harmonisation proposals in the paper, aside from an increase to the proposed attendance at court, tribunal or conference with counsel rate, following feedback from respondents. The proposals will apply to all activities carried out under a housing or immigration legal aid contract, including for controlled work and licensed work. Annex A contains the updated rate tables.

Our view remains that the housing and immigration sectors are experiencing acute challenges that necessitate intervention. We recognise the views of some respondents that the pressures within the immigration sector, including the asylum backlog, will benefit from prioritised implementation.

The government intends to lay a statutory instrument (SI) to amend the Civil Legal Aid (Remuneration) Regulations 2013 to reflect the decisions made on fee changes to housing and immigration. Consequential amendments will also be made to the Standard Civil Contract in relation to the housing and immigration categories of law. We will implement fee uplifts as soon as operationally possible. We will implement fee uplifts for immigration first, with housing to follow.

The government acknowledges the views of respondents about the wider legal aid market, and in particular the issues raised around legal aid fees more generally. We will continue to consider measures to support sector sustainability across all categories of civil legal aid. The government welcomes continued feedback from the sector on the wider legal aid market and looks forward to continuing to work with the sector to ensure eligible individuals can access justice.

In relation to the evidence we have gathered on the impacts of civil contract requirements on offices and remote advice, we are developing specific proposals for changes in these areas, informed by consultation responses. We will continue to work with legal aid providers and representative bodies in the coming weeks as we shape our proposals for improvements in these areas, ensuring that the needs of the end user are considered throughout. We will also work with legal aid providers more generally on opportunities to transform legal aid, with a focus on opportunities for removing unnecessary administrative burdens on providers and improving the civil legal aid system to best meet users' needs.

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:

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

Annex A: Updated rate tables

Civil legal aid fees for immigration and housing are in The Civil Legal Aid (Remuneration) Regulations 2013. These are the tables referred to in this annex. Due to the legislation requirements, some tables have been renamed. This is to enable immigration and housing increases to come into effect sequentially. Please note, table names are currently indicative and may be subject to change during drafting of legislation.

Immigration and asylum controlled work fees

Hourly rates

Current table	Activity	Current rate	% Uplift	New table	New fee
7(a)	London – preparation, attendance and advocacy	£52.65	32%	7(aa)	£69.30
7(a)	Non-London – preparation, attendance and advocacy	£48.24	35%	7(aa)	£65.35
7(a)	London – travel and waiting time	£27.81	25%	7(aa)	£34.65*
7(a)	Non-London – travel and waiting time	£27.00	21%	7(aa)	£32.70*
7(a)	London – routine letters out and telephone calls	£4.05	32%	7(aa)	£5.35#
7(a)	Non-London – routine letters out and telephone calls	£3.78	38%	7(aa)	£5.20#
7(d)	London – preparation, attendance and advocacy	£51.62	34%	7(d)	£69.30
7(d)	Non-London – preparation, attendance and advocacy	£47.30	38%	7(d)	£65.35
7(d)	London – travel and waiting time	£27.27	27%	7(d)	£34.65*
7(d)	Non-London – travel and waiting time	£26.51	23%	7(d)	£32.70*
7(d)	London – routine letters out and telephone calls	£3.96	35%	7(d)	£5.35#
7(d)	Non-London – routine letters out and telephone calls	£3.69	41%	7(d)	£5.20#
8(a)	London – preparation and attendance	£57.83	20%	8(a)	£69.30

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Current table	Activity	Current rate	% Uplift	New table	New fee
8(a)	Non-London – preparation and attendance	£54.09	21%	8(a)	£65.35
8(a)	London – travel and waiting time	£28.62	21%	8(a)	£34.65*
8(a)	Non-London – travel and waiting time	£27.81	18%	8(a)	£32.70*
8(a)	London – routine letters out and telephone calls	£4.14	29%	8(a)	£5.35#
8(a)	Non-London – routine letters out and telephone calls	£3.87	34%	8(a)	£5.20#
8(a)	London – advocacy	£65.79	10%	8(a)	£72.35
8(a)	Non-London – advocacy	£65.79	10%	8(a)	£72.35
8(c)	London – preparation and attendance	£55.08	26%	8(c)	£69.30
8(c)	Non-London – preparation and attendance	£51.53	27%	8(c)	£65.35
8(c)	London – travel and waiting time	£27.27	27%	8(c)	£34.65*
8(c)	Non-London – travel and waiting time	£26.51	23%	8(c)	£32.70*
8(c)	London – routine letters out and telephone calls	£3.96	35%	8(c)	£5.35#
8(c)	Non-London – routine letters out and telephone calls	£3.69	41%	8(c)	£5.20#
8(c)	London – advocacy	£62.64	11%	8(c)	£69.30
8(c)	Non-London – advocacy	£62.64	10%	8(c)	£68.90
8(ca)	London – preparation and attendance	£55.08	26%	8(ca)	£69.30
8(ca)	Non-London – preparation and attendance	£51.53	27%	8(ca)	£65.35
8(ca)	London – routine letters out and telephone calls	£3.96	35%	8(ca)	£5.35#
8(ca)	Non-London – routine letters out and telephone calls	£3.69	41%	8(ca)	£5.20#

Fixed fees

Note: Tables 4(ca) and 4(c) are likely to be combined

Current table	Activity	Current fee £	Underlying hourly rate London	Underlying hourly rate Non-London	% Uplift	New table	New fee
4(a)	Asylum – stage 1 (legal help)	£413	£52.65	£48.24	35%	4(a)	£559
4(a)	Immigration – non-asylum – stage 1 (legal help)	£234	£52.65	£48.24	35%	4(a)	£317
4(a)	Asylum – stage 2a	£227	£57.83	£54.09	21%	4(a)	£274
4(a)	Immigration – non-asylum – stage 2a	£227	£57.83	£54.09	21%	4(a)	£274
4(a)	Asylum – stage 2b	£567	£57.83	£54.09	21%	4(a)	£685
4(a)	Immigration – non-asylum – stage 2b	£454	£57.83	£54.09	21%	4(a)	£549
4(aa)	Asylum – stage 2d	£669	£57.83	£54.09	21%	4(aa)	£808
4(aa)	Immigration – non-asylum – stage 2d	£628	£57.83	£54.09	21%	4(aa)	£759
4(aa)	Asylum – stage 2e	£1,009	£57.83	£54.09	21%	4(aa)	£1,219
4(aa)	Immigration – non-asylum – stage 2e	£855	£57.83	£54.09	21%	4(aa)	£1,033
4(b)	Representation at UKVI interview	£266	£52.65	£48.24	35%	4(b)	£360

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Current table	Activity	Current fee £	Underlying hourly rate London	Underlying hourly rate Non-London	% Uplift	New table	New fee
4(ba)	National Referral Mechanism advice	£150	£52.65	£48.24	35%	4(ba)	£203
4(c)	Oral case management review hearing	£166	£65.79	£65.79	10%	4(c)	£183
4(c)	Telephone case management review hearing	£90	£65.79	£65.79	10%	4(c)	£99
4(c)	Substantive hearing in the Asylum Chamber of the First-tier Tribunal	£302	£65.79	£65.79	10%	4(c)	£332
4(c)	Substantive hearing in the Immigration Chamber of the First-tier Tribunal	£237	£65.79	£65.79	10%	4(c)	£261
4(c)	Additional day substantive hearing – asylum/immigration	£161	£65.79	£65.79	10%	4(c)	£177
4(ca)*	Oral case management review hearing	£166	£65.79	£65.79	10%	4(c)	£183
4(ca)*	Telephone case management review hearing	£90	£65.79	£65.79	10%	4(c)	£99

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Current table	Activity	Current fee £	Underlying hourly rate London	Underlying hourly rate Non-London	% Uplift	New table	New fee
4(ca)*	Substantive hearing in the Asylum Chamber of the First-tier Tribunal	£302	£65.79	£65.79	10%	4(c)	£332
4(ca)*	Substantive hearing in the Immigration Chamber of the First-tier Tribunal	£237	£65.79	£65.79	10%	4(c)	£261
4(ca)*	Additional day substantive hearing – asylum/immigration	£161	£65.79	£65.79	10%	4(c)	£177
4(d)	Immigration Removal Centre (IRC) advising 5 or more clients	£360	£51.62	£47.30	38%	4(d)	£497
4(d)	IRC advising 4 clients or less	£180	£51.62	£47.30	38%	4(d)	£249
4(d)	IRC standby payment (detained asylum casework)	£34.02	£51.62	£47.30	38%	4(d)	£47

* - in the regulations, tables 4(c) and 4(ca) are likely to be combined into table 4(c) for simplicity.

Housing and debt controlled work fees

Hourly rates

Current table	Activity	Current rate	% Uplift	New table	New fee
7(b)	London – preparation, attendance and advocacy	£48.74	42%	7(ba)	£69.30
7(b)	Non-London – preparation, attendance and advocacy	£45.95	42%	7(ba)	£65.35
7(b)	London – travel and waiting time	£25.74	35%	7(ba)	£34.65*
7(b)	Non-London – travel and waiting time	£25.74	27%	7(ba)	£32.70*
7(b)	London – routine letters out and telephone calls	£3.78	42%	7(ba)	£5.35[#]
7(b)	Non-London – routine letters out and telephone calls	£3.65	42%	7(ba)	£5.20[#]
7(c)	London – preparation, attendance and advocacy	£56.16	23%	7(ca)	£69.30
7(c)	Non-London – preparation, attendance and advocacy	£52.56	24%	7(ca)	£65.35
7(c)	London – travel and waiting time	£27.81	25%	7(ca)	£34.65*
7(c)	Non-London – travel and waiting time	£27.05	21%	7(ca)	£32.70*
7(c)	London – routine letters out and telephone calls	£4.05	32%	7(ca)	£5.35[#]
7(c)	Non-London – routine letters out and telephone calls	£3.78	38%	7(ca)	£5.20[#]

Fixed fees

Note: Table 6 (Housing possession court duty scheme) will be deleted as the fee is no longer claimable.

Current table	Activity	Current fee £	Underlying hourly rate London	Underlying hourly rate Non-London	% Uplift	New table	New fee
1	Debt – standard Fee	£180.00	£48.74	£45.95	42%	1	£256.00
1	Housing – standard fee	£157.00	£48.74	£45.95	42%	1	£223.00
6(a)	Housing Loss Prevention Advice Service (HLPAS) – stage one: early legal advice	£157.00	£48.74	£45.95	42%	6(a)	£223.00
6(a)	Housing Loss Prevention Advice Service (HLPAS) – stage two: in-court duty scheme – London	£75.60	£48.74	£45.95	43%	6(a)	£108.00
6(a)	Housing Loss Prevention Advice Service (HLPAS) – stage two: in-court duty scheme – Non-London	£71.55	£48.74	£45.95	43%	6(a)	£102.00

Immigration and housing, and debt licensed work fees

Note:

Table (10a) is likely to be split into three tables – table 10(a) will remain for non-immigration or housing work. Table 10(aa) will apply to immigration work, and table 10(ab) will apply to housing work.

Table (10b) is likely to be split into three table – table 10(b) will remain for non-immigration or housing work. Table 10(ba) will apply to immigration work and table 10(bb) to housing work.

Table (10c) is likely to be split into three tables – table 10(c) will remain for non-immigration or housing work. Table 10(ca) will apply to immigration work and table 10(cb) to housing work.

Current table	Activity	Current rate	% Uplift	New table	New fee
10(a)	Higher courts – routine letters out	£6.75	10%	10(aa), 10(ab)	£7.45[#]
10(a)	Higher courts – routine telephone calls	£3.74	10%	10(aa), 10(ab)	£4.10[#]
10(a)	Higher courts – London – prep and attendance	£71.55	10%	10(aa), 10(ab)	£78.70
10(a)	Higher courts – non-London – prep and attendance	£67.50	10%	10(aa), 10(ab)	£74.25
10(a)	Higher courts – attendance at court or conference with counsel	£33.30	77%	10(aa), 10(ab)	£59.05⁺
10(a)	Higher courts – advocacy	£67.50	10%	10(aa), 10(ab)	£74.25
10(a)	Higher courts – travelling and waiting time	£29.93	31%	10(aa), 10(ab)	£39.35[*]
10(a)	Lower courts – routine letters out	£5.94	10%	10(aa), 10(ab)	£6.55[#]
10(a)	Lower courts – routine telephone calls	£3.29	11%	10(aa), 10(ab)	£3.65[#]
10(a)	Lower courts – London – prep and attendance	£63.00	10%	10(aa), 10(ab)	£69.30

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Current table	Activity	Current rate	% Uplift	New table	New fee
10(a)	Lower courts – non-London – prep and attendance	£59.40	10%	10(aa), 10(ab)	£65.35
10(a)	Lower courts – attendance at court or conference with counsel	£29.25	78%	10(aa), 10(ab)	£52.00 +
10(a)	Lower courts – advocacy	£59.40	10%	10(aa), 10(ab)	£65.35
10(a)	Lower courts – travelling and waiting time	£26.28	32%	10(aa), 10(ab)	£34.65 *
10(b)	Higher courts – routine letters out	£6.66	12%	10(ba), 10(bb)	£7.45 #
10(b)	Higher courts – routine telephone calls	£3.69	11%	10(ba), 10(bb)	£4.10 #
10(b)	Higher courts – London – prep and attendance	£70.65	10%	10(ba), 10(bb)	£77.70
10(b)	Higher courts – non-London – prep and attendance	£66.60	10%	10(ba), 10(bb)	£73.25
10(b)	Higher courts – attendance at court or conference with counsel	£32.76	80%	10(ba), 10(bb)	£59.05 +
10(b)	Higher courts – advocacy	£66.60	10%	10(ba), 10(bb)	£73.25
10(b)	Higher courts – travelling and waiting time	£29.43	34%	10(ba), 10(bb)	£39.35 *
10(b)	Lower courts – routine letters out	£5.85	12%	10(ba), 10(bb)	£6.55 #
10(b)	Lower courts – routine telephone calls	£3.24	13%	10(ba), 10(bb)	£3.65 #
10(b)	Lower courts – London – prep and attendance	£62.10	12%	10(ba), 10(bb)	£69.30
10(b)	Lower courts – non-London – prep and attendance	£58.50	12%	10(ba), 10(bb)	£65.35
10(b)	Lower courts – attendance at court or conference with counsel	£28.80	81%	10(ba), 10(bb)	£52.00

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Current table	Activity	Current rate	% Uplift	New table	New fee
10(b)	Lower courts – advocacy	£58.50	12%	10(ba), 10(bb)	£65.35
10(b)	Lower courts – travelling and waiting time	£25.88	34%	10(ba), 10(bb)	£34.65*
10(c)	London – preparation and attendance	£55.08	26%	10(ca), 10(cb)	£69.30
10(c)	Non-London – preparation and attendance	£51.53	27%	10(ca), 10(cb)	£65.35
10(c)	London – routine letters out and telephone calls	£3.96	35%	10(ca), 10(cb)	£5.35[#]
10(c)	Non-London – routine letters out and telephone calls	£3.69	41%	10(ca), 10(cb)	£5.20[#]
10(c)	London – attending tribunal or conference with counsel	£29.30	77%	10(ca), 10(cb)	£52.00
10(c)	Non-London – attending tribunal or conference with counsel	£29.30	67%	10(ca), 10(cb)	£49.00⁺
10(c)	London – advocacy	£62.64	11%	10(ca), 10(cb)	£69.30
10(c)	Non-London – advocacy	£62.64	10%	10(ca), 10(cb)	£68.90
10(c)	London – travelling and waiting time	£27.27	27%	10(ca), 10(cb)	£34.65*
10(c)	Non-London – travelling and waiting time	£26.51	23%	10(ca), 10(cb)	£32.70*

Schedule 2 rates

Table 1 is likely to be replaced by three new tables; table 1(a) will apply to non-immigration or housing work. Table 1(b) will apply to immigration work and table 1(c) will apply to housing work.

Table 2 is likely to be replaced by three new tables; table 2(a) will apply to non-immigration or housing work. Table 2(b) will apply to immigration work and table 2(c) will apply to housing work.

Current table	Activity	Current rate	Uplift	New table	New rate
1	London – preparation and attendance in the High Court or Upper Tribunal	£71.55	10%	1(b), 1(c)	£78.70
1	Non-London – preparation and attendance in the High Court or Upper Tribunal	£67.50	10%	1(b), 1(c)	£74.25
1	London – preparation and attendance in the County Court	£63.00	10%	1(b), 1(c)	£69.30
1	Non-London – preparation and attendance in the County Court	£59.40	10%	1(b), 1(c)	£65.35
1	Attendance at court or conference in the High Court or Upper Tribunal	£33.30	77%	1(b), 1(c)	£59.05⁺
1	Attendance at court or conference in the County Court	£29.25	78%	1(b), 1(c)	£52.00
1	Advocacy in the High Court or Upper Tribunal	£67.50	10%	1(b), 1(c)	£74.25
1	Advocacy in the County Court	£59.40	10%	1(b), 1(c)	£65.35
1	Travel and waiting in the High Court or Upper Tribunal	£29.93	31%	1(b), 1(c)	£39.35[*]
1	Travel and waiting in the County Court	£26.28	32%	1(b), 1(c)	£34.65[*]
2	Led junior counsel in the Court of Appeal or the Supreme Court	£112.50	10%	2(b), 2(c)	£123.75
2	Leading senior counsel in the Court of Appeal	£157.50	10%	2(b), 2(c)	£173.25

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Current table	Activity	Current rate	Uplift	New table	New rate
2	King's Counsel (where approved for briefing or instruction by the Lord Chancellor) in the High Court or Court of Appeal	£180.00	10%	2(b), 2(c)	£198.00
2	Leading senior counsel in the Supreme Court	£180.00	10%	2(b), 2(c)	£198.00
2	King's Counsel (where approved for briefing or instruction by the Lord Chancellor) in the Supreme Court	£225.00	10%	2(b), 2(c)	£247.50
2	Noter/pupil/second led junior counsel in the Court of Appeal or Supreme Court	£36.00	10%	2(b), 2(c)	£39.60

*- Meaning all rates that have been harmonised to 50% of the preparation and attendance rate

+ - Meaning all rates that have been harmonised to 75% of the preparation and attendance rate

- Meaning all rates that have been harmonised at the highest rate

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