



Ministry
of Justice

Criminal Legal Aid: Proposals for Solicitor Fee Scheme Reform



Criminal Legal Aid: Proposals for Solicitor Fee Scheme Reform

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

May 2025



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ISBN 978-1-5286-5698-6

E03355547 05/25

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of
the Controller of His Majesty's Stationery Office

About this consultation

- To:** This consultation is aimed at anyone with an interest in criminal legal aid in England and Wales. This will include, but is not limited to, members of the criminal defence profession and their representative bodies, police station staff, defendants, academics, and others involved in the criminal justice system.
- Duration:** From 09/05/2025 to 04/07/2025
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<https://consult.justice.gov.uk/digital-communications/criminal-legal-aid-proposals-for-solicitor-fee>
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- Response paper:** A response to this consultation exercise will be published in due course at: <https://consult.justice.gov.uk/>

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Foreword

Restoring confidence in our criminal justice system would not be possible without the vital work carried out by criminal legal aid providers. They are a crucial part of our justice system, taking on some of the most complex cases that go through our courts and ensuring that some of the most vulnerable people in our society can access justice.

When this Government took office, we inherited a legal aid system at breaking point, after years of neglect.

The challenges facing the criminal justice system, including the legal aid sector, are significant. Strengthening this system is a top priority for this Government. We need to put criminal legal aid onto a sustainable footing and ensure that the system works effectively and efficiently for all who are served by it and who serve in it.

We have already started that work: on 19 December 2024, we announced an investment which means that criminal legal aid solicitors will receive up to £92 million more a year in funding for criminal legal aid fees. That means a 12% increase in funding for fees, in addition to the 12% increase implemented already since the Criminal Legal Aid Independent Review (CLAIR).

This historic investment is part of this Government's Plan for Change to ensure justice is done and our streets are safe. It recognises the importance of the work which criminal legal aid lawyers do to support our justice system.

This consultation seeks views on uplifting fees in most criminal legal aid solicitor fee schemes, meaning that all solicitors undertaking work in police stations, magistrates' courts, the Crown Court, and in prisons will receive an increase in fees.

This includes the complete harmonisation of the police station fee scheme, with all attendance fees increased to £320 excluding VAT. For work in magistrates' courts, including the Youth Court, we are proposing a 10% fee uplift. For work in the Crown Court, we intend to introduce a fixed ratio of 65:75:100 for guilty plea, cracked trial, and trial basic fees in the Litigators' Graduated Fee Scheme (LGFS) and to increase some basic fees for trials by between 33% and 35%. We also plan to increase fees for work done in prisons by 24%.

This package of measures is designed first and foremost to support the sustainability of the criminal legal aid market. Where possible, we are also proposing to simplify fee schemes and reduce the administrative burden on providers and the Legal Aid Agency.

This is one step in a much broader agenda to transform the justice system and lays the groundwork for the longer-term reform of legal aid.

The views of stakeholders in the criminal legal aid sector are essential as we set about repairing our legal system and I encourage anyone with an interest in this area of law to respond to this consultation.

I believe we all share the same aim: to achieve a system which fairly supports the work of our dedicated legal professionals and sustains our criminal justice for the whole of society.

A handwritten signature in black ink that reads "Sarah Sackman". The signature is written in a cursive, flowing style.

Sarah Sackman KC MP

Minister of State for Justice

Introduction

1. This paper sets out proposals and their associated next steps for changes to the criminal legal aid solicitor fee schemes. This covers work carried out by legal aid providers at police stations, in magistrates' courts, in the Crown Court, and in prisons. The consultation is aimed at anyone with an interest in criminal legal aid in England and Wales, particularly in the work carried out by criminal legal aid solicitors.

Background

2. In December 2024, the Lord Chancellor announced additional investment for criminal legal aid solicitor fee schemes to increase the total funding available for solicitor fees by 12%,¹ bringing the overall uplift in funding for solicitor fees since the Criminal Legal Aid Independent Review (CLAIR) to 24%. This increase in funding will deliver up to £92 million more a year once the proposals are fully implemented in steady state.
3. This additional funding is designed to support the sustainability of the criminal legal aid solicitor market. Strengthening the sector for the future is fundamental to addressing ongoing challenges in the criminal justice system – helping it to operate effectively and efficiently to deliver justice for victims.
4. CLAIR,² undertaken by Sir Christopher Bellamy QC (as he then was), was established to consider the criminal legal aid system in its entirety, the service being provided, and how it is procured and paid for, with particular reference to five themes: resilience, transparency, competition, efficiency and diversity (as set out in the terms of reference).³ CLAIR was published in December 2021 and the government response was published alongside a consultation in March 2022.⁴

¹ The 12% increase refers to the total government spend on solicitor fees for criminal legal aid. It does not reflect an average increase or change to fees, which will vary by scheme, as set out in the proposals outlined in this consultation.

² Independent Review of Criminal Legal Aid – Report
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104117/clar-independent-review-report-2021.pdf

³ terms-of-reference.pdf
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946615/terms-of-reference.pdf

⁴ Government's response to CLAIR and consultation on policy proposals
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1060944/clair-government-response-consultation.pdf

5. The response to CLAIR proposed both investment and structural reforms to the fee schemes. The first phase focussed on additional investment, which led to a 15% increase to most fees (resulting in an overall 9% increase in funding for criminal legal aid solicitor fees). This decision was part of the then government's interim response to the CLAIR consultation in July 2022.
6. The second phase of our plans targeted longer-term system reform, leading to the Crime Lower consultation in January 2024. This focussed on reform of the police station and magistrates' court fee schemes (to introduce a separate Youth Court fee scheme), providing additional investment of £24 million. These changes were implemented in December 2024, bringing the total percentage uplift in funding for solicitor fees since CLAIR to 12%.

Consulting on additional investment

7. This consultation summarises how we propose to invest the additional funding announced in December 2024. The proposals would distribute the additional funding across most criminal legal aid solicitor fee schemes, operating in the police station, magistrates' court, Crown Court, and prisons.
8. We believe the measures deliver on crucial objectives. First, they would support the sustainability of the system – the measures include fee uplifts where we consider increases to be most needed and they are designed to reach providers as quickly as possible this Parliament, as well as reduce administrative burdens where appropriate. Second, our proposals are designed to support, as far as possible, wider government priorities for the criminal justice system. That includes the Lord Chancellor's commitment to bear down on the criminal court backlog, which encompasses consideration of structural reforms in addition to the efficiency and timeliness of court processes, from charge all the way through to case completion.
9. This consultation runs for eight weeks and closes on 4 July 2025. We look forward to hearing the views of those with an interest in these changes. Subject to the outcome of this consultation, our intention is to publish a government response later this year.

Police Station Fee Scheme

Background

10. Non-means tested legal aid is available to provide advice and assistance to anyone being interviewed under caution. Work in the police station is paid for by fixed fees, and these vary by geographic ('scheme') area. The fixed fee model was introduced to replace hourly rates and means that one fixed fee is payable for a case, based on a set amount of hours. Generally, cases that exceed this amount by three times or more can earn an 'escape' fee, which is remunerated at hourly rates (with some minor exceptions). This was designed so that complex and simple cases are paid the same fixed fee, on the basis that payment balances out overall. The fixed fee model was introduced in 2008 and it was applied with varying rates based on location – 245 different schemes divided into 42 Criminal Justice System areas.
11. In 2021, CLAIR recommended that different rates based on individual police stations be phased out. In November 2024 we announced an £18.5 million increase in funding for police station fees, which allowed us to increase around 80% of the schemes in London and outside London to the same level. This was a first step towards harmonisation – phasing out geographic variation.
12. We are aware of ongoing challenges in the supply of duty solicitors. The number of duty solicitors decreased by 25% (1,317) between October 2017 and October 2024⁵ and, in many parts of the country, the average age of duty solicitors is 50 or older.

Completing the harmonisation process for Police Station Fees

13. We are proposing to now fully harmonise police station fees. To do this we propose uplifting all schemes to a fixed fee of £320 excluding VAT. That is above the current highest fee paid, for the Heathrow scheme, which is a fixed fee of £315.86 excluding VAT. This proposal therefore delivers an increase to all fees in the police station fee scheme.

⁵ Legal aid statistics quarterly: October to December 2024 – Table 9.8
<https://assets.publishing.service.gov.uk/media/67e3d67a8ca840c1439a72ce/legal-aid-statistics-tables-oct-dec-2024.ods> and Criminal legal aid data share data.
<https://app.powerbi.com/view?r=eyJrIjojNjAxNGY2MDUtODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwiLCI6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOjh9&chromeless=1>

14. Given the challenges facing the profession, including the number of providers carrying out duty solicitor work, we think it is important to ensure the additional funding announced in December 2024 reaches providers as quickly as possible. The police station fee scheme typically bills much more quickly than the other solicitor fee schemes. We are therefore keen to ensure we invest in this scheme to make the fees for duty scheme work more attractive for providers and firms and support the overall sustainability of the profession as effectively as possible. In doing so, we will help to ensure advice is provided in police stations at a time when the workload in this jurisdiction has increased.⁶
15. Harmonisation will address current disparities between the police station fee schemes – in principle, there is no reason why the work involved in police station attendance should vary so widely. The original fixed fees were set based on average costs in each area in 2008. Due to the time passed, and the changing custody estate, with the movement of work between police forces, this variation in fees may no longer be appropriate. The current approach means that providers may carry out the same level of work for different fees. Solicitors often work in more than one police station scheme and so the current fee scheme is at risk of disincentivising them to take up work in certain neighbouring areas. We propose that a harmonised fee scheme best supports our aim to fairly and proportionately remunerate work done.
16. Harmonisation also contributes to simplifying the police station fee scheme and reducing administrative burdens. Geographic factors are not applied to such a large extent in other criminal legal aid fee schemes. However, there is no evidence of any particular reason why police station attendance should be more expensive in one area of the country compared to another (save for travel time which is a consideration for all legal aid fees). Having a consistent fixed fee, that is a round number, reduces administrative burden, and contributes towards our wider ambitions for digital transformation.
17. We also propose to maintain the usual three times link to the fixed fee in setting the threshold for escape fees at £960 excluding VAT.

Question 1) Do you agree with the proposals to harmonise police station fees to £320 (excluding VAT) and escape fee thresholds to £960 (excluding VAT)? Please state yes/no/maybe/do not know and provide reasons.

⁶ Legal aid statistics quarterly: October to December 2024 - the latest data shows that the volume of completed work in the police station advice area increased by around 4% during October to December 2024 compared to the same period in 2023.
<https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-october-to-december-2024>

Magistrates' court

Background

18. A defendant can obtain legal aid in the magistrates' court if they are eligible financially and the Interests of Justice test is met. The magistrates' court fee scheme is based on 'standardised fees', and the sum of hours worked determines whether the case is paid the lower standard or higher standard fee, or exceptionally, a non-standard fee paid at hourly rates.
19. Many defendants arrive at the magistrates' court with an engaged solicitor having been granted a representation order for legal aid. However, many arrive without representation. This can be for a number of reasons – for example, having declined advice at the police station, or not understanding the process for legal representation. Under the magistrates' court duty scheme a duty solicitor is available at each magistrates' court on a rota basis. A duty solicitor can offer free legal advice and representation to people on their first appearance at court (not at trial), regardless of financial circumstances. Duty solicitors are paid an hourly rate for their attendance at the magistrates' court.
20. CLAIR recommended a minimum 15% increase to all criminal legal aid fees, including to magistrates' court fees. Following CLAIR, fees for magistrates' court work were increased by 15%.

Proposal for fee uplift

21. In 2024, changes to sentencing powers in the magistrates' court were announced, which now allow magistrates to issue custodial sentences for up to 12 months for a single offence. This amounts to a doubling of their previous powers and is estimated to save approximately 2,000 days in the Crown Court – increased sentencing powers will see more serious cases, and therefore possibly more complex work, retained in the magistrates' court. More generally, we are seeing an increase in the volume of completed work taking place in the magistrates' court.⁷ This may, in part, be due to

⁷ Legal aid statistics quarterly: October to December 2024 - the latest data shows that the volume of completed work in the magistrates' court increased by around 4% during October to December 2024 compared to the same period in 2023.
<https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-october-to-december-2024>

increased sentencing powers, though there are a number of other factors in play that might affect workload.

22. We are proposing that a 10% uplift on all fees for the magistrates' court and Youth Court would be a proportionate response to reflect this evolving workload. When combined with the 15% increase implemented in 2022, we consider that this will better support the workforce needed now and into the future.
23. The proposed fee increase would include an increase to the Youth Court enhancement implemented in December 2024, and duty solicitor hourly rates. The Youth Court enhancement fee pays an enhanced fixed fee for the most serious offences (all indictable only and triable either way cases). This is paid in addition to the current fees paid for Youth Court cases under the magistrates' fee scheme and applies to lower and higher standard fee cases. In instances of the non-standard fee, the enhanced fee amount is paid in addition to the hourly rates.

Question 2) Do you agree with the proposal to increase magistrates' court fees by 10%? Please state yes/no/maybe/do not know and provide reasons.

Litigators' Graduated Fee Scheme

Background

24. The Litigators' Graduated Fee Scheme (LGFS) is the scheme by which litigators who represent legally aided defendants in the Crown Court are remunerated for their work. The fee is determined by various proxy elements, including offence group, outcome (guilty plea, cracked trial and trial), days of trial, and pages of prosecution evidence (PPE).
25. Litigators are paid a basic fee calculated using offence group and outcome, plus an uplift, if applicable, for either trial days (if PPE is less than a threshold prescribed in the regulations) or PPE (if PPE is greater than the threshold). PPE is generally the most significant driver of overall LGFS fees.
26. There are three case outcomes in the LGFS – a guilty plea, a cracked trial, and a trial. A guilty plea outcome relates to cases where a plea is entered before or at the plea and trial preparation hearing (PTPH). A cracked trial outcome relates to cases where a plea or withdrawal occurs between the PTPH and the first day of trial. A trial outcome relates to cases where the trial begins and is counted from its first day.
27. CLAIR made various recommendations in relation to the LGFS. One criticism was that the fee scheme does not incentivise the early resolution of a case, and in many instances the opposite, possibly incentivising the late entry of a plea or the taking of a case to trial.⁸ Between 2016 and 2024, the percentage of defendants who entered a guilty plea before a trial started slightly increased, from 80% to 83%. But guilty pleas are being entered later in the life cycle of a case than they were before the pandemic. In 2016, just over 50% of all guilty pleas were entered at the first hearing, which fell to 40% in 2024. 13% of guilty pleas were entered after 4 or more hearings in 2016, increasing to 22% in 2024.⁹

⁸ CLAIR 12.8: *The LGFS does not incentivise early guilty pleas; indeed, there is an underlying incentive for the litigator to refrain from advising in favour of an early guilty plea.*

12.9: *...and then delay the outcome until the trial begins.*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104117/clar-independent-review-report-2021.pdf

⁹ *Criminal court statistics quarterly, October to December 2024. Tables C4 and C5*

https://assets.publishing.service.gov.uk/media/67e426c42621ba30ed9776ce/ccsq_accessible_publication_tables_2024Q4.ods

28. A further criticism has been that the fees paid for routine Crown Court work are too low, increasing reliance on higher paying fees (cases with high PPE) to 'cross-subsidise' more routine work.
29. In this consultation, we are proposing two amendments to the LGFS. One looks to implement a fixed ratio between outcomes across all offence types for basic fees, and the other looks to increase the basic fees for trials for the lowest-paying offence types.

A fixed ratio between outcomes

30. We propose amending the LGFS to establish a fixed ratio between guilty plea, cracked trial, and trial basic fees. Currently, depending on the offence class, guilty plea basic fees account for between 46% to 62% of the trial fee, and cracked trial basic fees account for 62% to 75%. This variance is a result of the fees being based on the average hourly rates that were paid before the implementation of LGFS. We propose partly harmonising the scheme so that guilty plea fees make up 65% of the trial fee and cracked trial fees 75%. This creates a ratio of 65:75:100, where 100 refers to the trial basic fee.
31. Currently, basic fee proportions vary by offence type, as seen in Table 1. By implementing a fixed ratio of 65:75:100 across all offence types, most basic fees for guilty pleas and cracked trials will rise. We think this will help to support the earlier consideration of a case and could lead to more cases being resolved at an earlier stage where appropriate. Additionally, introducing a fixed ratio across offences and outcomes allows us to partly simplify the LGFS and reduce the administrative burden for the LAA and legal aid providers.

Table 1 – Current relativities between outcome basic fees in the LGFS

	Offence	Guilty plea fee % of trial fee	Cracked trial fee % of trial fee
A	Homicide and related grave offences	46%	62%
B	Offences involving serious violence or damage, and serious drug offences	51%	65%
C	Lesser offences involving violence or damage, and less serious drug offences	60%	71%
D	Sexual offences and offences against children	46%	62%
E	Burglary, etc.	52%	66%
F	Other offences of dishonesty	55%	63%
G	Other offences of dishonesty (>£30,000)	55%	63%
H	Miscellaneous other offences	53%	66%
I	Offences against public justice	49%	71%
J	Serious sexual offences	46%	62%
K	Other offences of dishonesty (>£100,000)	62%	75%

32. Currently, offence type K has the highest guilty plea basic fee as a proportion of the relevant trial basic fee, at 62%. We propose increasing all guilty plea fees to slightly above this level, 65%, to reflect and encourage the important work needed at the start of a case to consider an appropriate plea. We propose maintaining a higher basic fee for cracked trials to reflect the additional work necessary after a PTPH, raising cracked trial fees across all offences to 75% of the trial basic fee. This again harmonises in line with offence type K, which has the highest cracked basic fee as a proportion of the trial basic fee. In choosing the specific ratio (65:75:100) we have considered the relativities between each fee.

Uplifting the lowest paid basic fees

33. Alongside the implementation of a fixed ratio, we propose raising the basic fees for the lowest paying offences – namely offence types E, F, G, H and I. Table 2 shows the current basic fees within LGFS for each offence type and outcome.

34. These offences were highlighted in CLAIR as being too low, with burglary (offence type E) also being identified in anecdotal reports from stakeholders as being the type of case that often ends up loss-making. Among the criticisms raised by CLAIR was that firms were having to “cross-subsidise” work on the lowest paying offences with fees received from high PPE cases. We have selected offences E to I as these were raised

by CLAIR and are of a similar value, forming a clear group. Outside of this group, the next lowest basic fees are for offence type C, which are more than double the fees paid for offences E to I.

Table 2 – Current basic fees within LGFS

	Offence type	Guilty Plea	Cracked Trial	Trial
A	Homicide and related grave offences	£782	£1,040	£1,688
B	Offences involving serious violence or damage, and serious drug offences	£640	£816	£1,262
C	Lesser offences involving violence or damage, and less serious drug offences	£509	£604	£851
D	Sexual offences and offences against children	£743	£988	£1,603
E	Burglary, etc.	£212	£268	£406
F	Other offences of dishonesty	£225	£258	£411
G	Other offences of dishonesty (>£30,000)	£225	£258	£411
H	Miscellaneous other offences	£220	£273	£411
I	Offences against public justice	£201	£292	£411
J	Serious sexual offences	£782	£1,040	£1,688
K	Other offences of dishonesty (>£100,000)	£737	£890	£1,187

35. We propose addressing this by increasing the trial basic fees for offences E to I by between 33% to 35%. Offence Type E will see an increase of 35%, and offence types F to I will raise by 33%. The slightly higher increase of 35% allows us to bring the fees for Offence Type E in line with the other offences being increased, harmonising the scheme where possible and making it simpler for both legal aid providers and the LAA.

36. With a fixed ratio, increasing the trial fee for offences E to I will further increase the guilty plea and cracked trial basic fees for those offences. We propose that increases of this scale are necessary to support the viability of this work for providers, but total fees will nevertheless remain less than fees for a trial. The proposed percentage fee increases are at Table 3, and Table 4 shows the new basic fees should both proposals be implemented.

Table 3 – Percentage increase to basic fees after the implementation of a fixed ratio and the uplift of trial fees for offence types E to I

	Offence	Guilty	Cracked Trial	Trial
A	Homicide and related grave offences	40%	22%	0%
B	Offences involving serious violence or damage, and serious drug offences	28%	16%	0%
C	Lesser offences involving violence or damage, and less serious drug offences	9%	6%	0%
D	Sexual offences and offences against children	40%	22%	0%
E	Burglary, etc.	67%	53%	35%
F	Other offences of dishonesty	58%	59%	33%
G	Other offences of dishonesty (>£30,000)	58%	59%	33%
H	Miscellaneous other offences	62%	51%	33%
I	Offences against public justice	77%	41%	33%
J	Serious sexual offences	40%	22%	0%
K	Other offences of dishonesty (>£100,000)	5%	0%	0%

Table 4 – The impact of both LGFS proposals on basic fees (excluding VAT)

	Offence type	Guilty plea basic fee		Cracked trial basic fee		Trial basic fee	
		Current	New Fee	Current	New Fee	Current	New Fee
A	Homicide and related grave offences	£782	£1,097	£1,040	£1,266	£1,688	£1,688
B	Offences involving serious violence or damage, and serious drug offences	£640	£821	£816	£947	£1,262	£1,262
C	Lesser offences involving violence or damage, and less serious drug offences	£509	£553	£604	£638	£851	£851
D	Sexual offences and offences against children	£743	£1,042	£988	£1,202	£1,603	£1,603
E	Burglary, etc.	£212	£356	£268	£410	£406	£547
F	Other offences of dishonesty	£225	£356	£258	£410	£411	£547
G	Other offences of dishonesty (>£30,000)	£225	£356	£258	£410	£411	£547
H	Miscellaneous other offences	£220	£356	£273	£410	£411	£547
I	Offences against public justice	£201	£356	£292	£410	£411	£547
J	Serious sexual offences	£782	£1,097	£1,040	£1,266	£1,688	£1,688
K	Other offences of dishonesty (>£100,000)	£737	£771	£890	£890	£1,187	£1,187

Question 3) Do you agree with the proposal to implement a fixed ratio of 65:75:100 for basic fees in the Litigators' Graduated Fee Scheme? Please state yes/no/maybe/do not know and provide reasons.

Question 4) Do you agree with the proposal to raise the trial basic fee for Offence Types E, F, G, H and I by around one third? Please state yes/no/maybe/do not know and provide reasons.

Question 5) Are there any other areas of LGFS, such as committals for sentence, that would benefit from additional funding? Please provide reasons for your answer.

Prison Law

Background

37. Legal aid is available for advice and assistance, and advocacy assistance, in relation to sentence cases, disciplinary cases and Parole Board cases for those already sentenced. It is means tested and is subject to the Interests of Justice test as well as a simple Sufficient Benefits Test (SBT). Most cases in scope pass the SBT, especially Parole Board matters. Advice and Assistance is claimed using fixed fees and then remunerated hourly for any cases that exceed the set threshold. Advocacy Assistance has either a 'higher' or 'lower' standard fee, depending on the value of the case, similar to the fee scheme of the magistrates' court. Travel time is included in the fee.
38. Prison Law is a standalone class of work under the crime contract. Providers who wish to undertake prison law are required to have a Supervisor, who needs to undertake 350 hours of prison law casework/direct supervision a year and represent 4 clients every 12 months. Supervisors and caseworkers, working for providers, do not need to be legally qualified and so will not necessarily be solicitors/barristers. The majority of work carried out in prison law is by solicitors, although some solicitor advocates or barristers could be instructed.
39. Prison law work makes up around 2% of overall criminal legal aid expenditure (around £21m per annum).¹⁰
40. CLAIR recommended a minimum 15% increase to all criminal legal aid fees, including to prison law fees. It noted that the rates applicable had remained unchanged, apart from a reduction in 2014, for many years.
41. Prison law fees did not receive an uplift following CLAIR, as the previous government focused initial investment in early engagement in the criminal justice system.

Proposal for fee uplift

42. Legal Aid statistics show the number of providers completing prison law work decreased by 63% between 2012–13 and 2023–24. However, demand is going up with an increasing number of Parole Board hearings and a backlog of cases to work through – the overall volume of prison law cases increased by around 10% in 2023–24,

¹⁰ <https://www.gov.uk/government/collections/legal-aid-statistics>

compared to 2022–23. Case volumes remain lower than 2019–20 levels, but overall spend is significantly higher, suggesting that cases are becoming increasingly complex.

43. Making the parole process as quick and effective as possible – and ensuring the Parole Board can reach decisions on release without delay – is a crucial enabler for an effective and efficient criminal justice system. Prison law is a relatively specific area of criminal legal aid and we need to maintain the workforce to ensure the workload is being met.
44. Further investment into prison law fees may help to mitigate the falling provider levels in the sector. The reduction in the number of providers may be in part due to changes in 2013, which took some aspects of prison law out of scope of legal aid. In 2017, the government responded to a Judicial Review by extending the scope of criminal legal aid funding to four categories of prison law work.
45. In developing our proposal to increase prison law fees, we have considered it appropriate to mirror the 24% uplift in overall funding being awarded to the criminal legal aid solicitor profession (comprising the 12% overall increase since CLAIR and the additional 12% announced in December 2024). Providing a 24% increase to prison law fees would reflect the fact that they did not see an uplift following CLAIR and would bring fees for this work in line with the increases being proposed for the other solicitor fee schemes.

Question 6) Do you agree with the proposal to increase prison law fees by 24%? Please state yes/no/maybe/do not know and provide reasons.

Financial Summary

46. The Impact Assessment accompanying this consultation document provides a monetised statement of the anticipated impacts of implementing the detailed proposals provided in the chapters above. Implementing these proposals would increase funding for solicitor fees by approximately a further 12%, bringing the overall uplift in funding for solicitor fees since CLAIR to around 24%.
47. The proposals in this consultation currently amount to a best estimate total of around £88 million a year in steady state, within a range of £79m to £96m that reflects the uncertainty in the estimate. The table below shows a breakdown of the proposed expenditure in steady state. The accompanying Impact Assessment provides the full details behind these estimates. A final allocation will be confirmed in our response to this consultation exercise.
48. We will publish a government response to this consultation in due course which will set out the reforms we intend to implement. At this stage, we will also publish a revised Impact Assessment setting out updated estimates in light of any changes to the proposals following consultation and any updates to the underlying data. We intend to allocate the full amount announced in December 2024.

Table 5 – Steady state annual expenditure summary

Summarised proposals	Estimated steady state annual costs based on latest available data (£m)
Harmonisation of the police station attendance fee scheme	61
Increase magistrates' court fees by 10%	12
Increase basic fees for some trials, and introduce fixed ratio between guilty plea, cracked trial, and trial basic fees in LGFS	10
Increase prison law fees by 24%	4
Total	88

Figures do not sum due to rounding

Equalities Statement

49. The Equality Statement accompanying this consultation document considers the likely equality impacts on legal practitioners who deliver criminal legal aid services from the proposals set out in this consultation. Practitioners can broadly be categorised as ‘Litigators’ which includes solicitors, legal executives, and accredited police station representatives. The Equality Statement also considers the equality impacts on suspects and defendants affected by the proposals.
50. For each proposal we have indicated, on the basis of the latest available evidence, what the likely impacts on equality are. Our analysis considered the impacts of our proposed changes on people with particular protected characteristics in relation to the specific proposals we plan to implement.
51. The specific equalities questions below are designed to invite feedback on each of these proposals and their impacts in this consultation. Following the results of the consultation, we will review the impacts and update this Equality Statement where necessary.

Police Station Proposals (Paragraphs 10–17)

Question 7) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 8) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Magistrates' court Proposals (Paragraphs 18–23)

Question 9) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 10) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Litigators' Graduated Fee Scheme Proposals (Paragraphs 24–36)

Question 11) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 12) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Prison Law Proposals (Paragraphs 37–45)

Question 13) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 14) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1) Do you agree with the proposals to harmonise police station fees to £320 (excluding VAT) and escape fee thresholds to £960 (excluding VAT)? Please state yes/no/maybe/do not know and provide reasons.

Question 2) Do you agree with the proposal to increase magistrates' court fees by 10%? Please state yes/no/maybe/do not know and provide reasons.

Question 3) Do you agree with the proposal to implement a fixed ratio of 65:75:100 for basic fees in the Litigators' Graduated Fee Scheme? Please state yes/no/maybe/do not know and provide reasons.

Question 4) Do you agree with the proposal to raise the trial basic fee for Offence Types E, F, G, H and I by around one third? Please state yes/no/maybe/do not know and provide reasons.

Question 5) Are there any other areas of LGFS, for example committals for sentence, that would benefit from additional funding? Please provide reasons for your answer.

Question 6) Do you agree with the proposal to increase prison law fees by 24%? Please state yes/no/maybe/do not know and provide reasons.

Equalities Questions

Police Station Proposals

Question 7) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 8) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Magistrates' court Proposals

Question 9) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 10) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Litigators' Graduated Fee Scheme Proposals

Question 11) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 12) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Prison Law Proposals

Question 13) From your experience, are there any groups or individuals with particular protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? Please include which groups/individuals and explain your reasons. We would welcome examples, case studies, research or other types of evidence that support your views.

Question 14) What do you consider to be the equalities impacts on individuals with particular protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please provide evidence and reasons.

Thank you for participating in this consultation exercise.

Contact details/How to respond

Please send your response by 4 July 2025 to:

Criminal Legal Aid Team

Ministry of Justice
102 Petty France
London SW1H 9AJ

Email: Criminal.LegalAidPolicy@justice.gov.uk

Complaints or comments

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

Extra copies

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

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

Publication of response

A paper summarising the responses to this consultation will be published in due course, which as far as possible should be within three months of the closing date of the consultation. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

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

Confidentiality

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

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

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

Consultation principles

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

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

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978-1-5286-5698-6