



Ministry
of Justice

Equality Statement

Consultation Response to Criminal Legal Aid: Proposals for Solicitor Fee Scheme Reform

Policy summary

1. This Equality Statement has been written to be read alongside the Government's Response to the consultation on proposals for criminal legal aid solicitor fee scheme reform.
2. Criminal legal aid fee schemes are split into two areas: Crime Lower and Crime Higher. Crime Lower covers work carried out by legal aid providers at police stations, in the magistrates' courts (in relation to people accused of, or charged with criminal offences), prison law, and work completed by the Criminal Cases Review Commission (CCRC). Crime Higher consists of legal advice and representation in the Crown Court and higher courts provided by solicitors and advocates. The latter includes the following fee schemes: Litigators' Graduated Fee Scheme (LGFS), Advocates' Graduated Fee Scheme (AGFS) and Very High Cost Cases (VHCC).
3. The proposals we will be taking forward currently amount to a best estimate total of around £92m¹ per annum in steady state, which would be added to solicitor fees in police stations, magistrates' courts, Crown Court – LGFS, prison law, and appeals. The planned changes are part of reforms to support the sustainability of the criminal legal aid system. The changes being taken forward will impact the following areas:

¹ This represents the best estimate – please refer to the Impact Assessment for further details on the accompanying range.

- **Police station attendance fee scheme:** Completely harmonising the police station attendance fee schemes;
 - **Magistrates' courts fee scheme:** Uplifting all magistrates' courts fees (including Youth Court) by 10%;
 - **Crown Court – LGFS:** Establishing a fixed ratio between guilty plea, cracked trial, and trial basic fees within each offence type so that guilty plea fees are uplifted to 65% of the trial fee and cracked trial fees to 75% and, in addition, uplifting LGFS basic fees of offence types E, F, G, H and I by between 33% and 35%;
 - **Prison law fee scheme:** Uplifting all prison law fees by 24%; and
 - **Appeals:** Uplifting all appeal (solicitor) fees by 10%.
4. This Equality Statement accompanies the Government's Response to the consultation on proposals for criminal legal aid solicitor fee scheme reform. It addresses the impacts of the changes on people with protected characteristics.

Equality Duty

5. Section 149 of the Equality Act 2010 ('the 2010 Act') requires public authorities, when exercising their functions, to have 'due regard' to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
 - advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
6. Having 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act – namely: race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, marriage and civil partnership (in respect of the first limb above) and pregnancy and maternity.

Methodology to determine discrimination potential

7. Adhering to guidance published by the Equality and Human Rights Commission (EHRC), our approach to assessing the potential for particular disadvantage resulting from the measures has been to identify the individuals whom the changes will impact (the 'pool') and then draw comparisons between the potential impacts of the changes on those who share particular protected characteristics with those who do not share those characteristics.
8. Guidance from the EHRC states that the pool to be considered at risk of potential indirect discrimination should be defined as those people who may be affected by the measures (adversely or otherwise) and that this pool should not be defined too widely.

The pool of affected individuals

9. As the changes apply to criminal work, the primary pool of individuals affected will be legal practitioners who deliver criminal legal aid services. Practitioners, in this context, can broadly be categorised as 'litigators' which includes solicitors, legal executives, and accredited police station representatives.
10. In this statement, we also refer to legal aid 'providers'. This refers to the firms who hold legal aid contracts.
11. The other pool of individuals who may be affected are legal aid clients. In this statement we use the term 'clients', 'defendants' and 'suspects' when referring to this group.
12. We acknowledge that barristers may also be affected by the changes made to magistrates' courts (including Youth Court) and prison law fees. This is because solicitor firms can choose to instruct a barrister to cover a magistrates' court or prison law case. However, the amount paid to barristers on these occasions is negotiated between them and the solicitor firm. We do not hold any data on the proportion of cases where a solicitor firm has instructed a barrister on a case or the amount negotiated. As all of the allocated funding will initially go to solicitor firms, and it is unclear to what extent barristers would be impacted, we have decided not to include barristers as part of this Equality Statement. If data and information become available on this aspect, we will take it into account.

Data sources

13. We have identified the following as the most relevant data sources for assessing equality impacts. We do not have access to the same time periods for each data set:

For Practitioners:

- Summary information on publicly funded criminal legal services, (the Data Compendium (hereinafter DC)), published by the Ministry of Justice (MoJ) in February 2021;²
- The Law Society Annual Statistics Report 2023;³
- Criminal Legal Aid Data Share 2025: 2023-24 Law Society and Bar Council data^{4,5} and Legal Aid statistics: 2024-25 billing data.⁶

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/data-compendium.pdf.

³ Annual statistics report 2023, The Law Society.

<https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2023>

⁴ Data on duty solicitors is for the 2024 calendar year.

⁵ Criminal Legal Aid Data Share <https://app.powerbi.com/view?r=eyJrIjoiNjAxNGY2MDUtODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyIiwidCI6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOClslmMiOjh9&chromeless=1>

⁶ Legal aid statistics - GOV.UK <https://www.gov.uk/government/collections/legal-aid-statistics>

For Clients:

- Criminal Justice System statistics quarterly: December 2024;⁷ and Legal Aid Agency data on clients collected through provider billing information, 2024-25;⁸
- Comparison to General Population: Office for National Statistics (ONS) Census 2021.⁹

14. We have used data from the DC¹⁰ published in 2021 that shows the ethnicity, specialisation, and seniority of solicitors, and firm size. We have used data from Legal Aid statistics that shows age, sex and seniority of solicitors. We have drawn upon CILEX and CILEx Regulation's joint submission to CLAIR (2021) to show age, ethnicity, sex, and disability of CILEX members who are both educated in and working on criminal practice. We have then compared this against all CILEX members (using CILEx Regulation's Diversity Report 2021) and the general population. We currently do not have practitioner data on disability, and we do not have practitioner, provider or client data on sexual orientation, religion or belief, marriage and civil partnership (in respect of the first limb above), pregnancy and maternity or gender reassignment. We are looking at ways to improve availability, quality and reliability of our Legal Aid data on protected characteristics. For example, we have published a DC covering the criminal provider base, which contains improved data on some of the protected characteristics. We have also continued to regularly release data first introduced in the DC, with these sources referenced in this Equality Statement.
15. The criminal legal aid duty solicitor numbers reported represent the number that were matched as part of the Ministry of Justice and the Law Society data share matching work. The numbers reported do not represent the actual number of duty solicitors in the criminal legal aid market, which will be higher. The match rate is typically around the 95% mark.
16. Hereinafter, 'general population' refers to Census 2021 data which has been used when comparing the age, disability, ethnicity and sex of clients and practitioners.
17. All percentages reported have been rounded.

⁷ Criminal Justice System statistics quarterly: December 2024 – GOV.UK (www.gov.uk) – used to report on Youth Court statistics for clients. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

⁸ Legal aid statistics – GOV.UK <https://www.gov.uk/government/collections/legal-aid-statistics>

⁹ 2021 Census – Census of Population – Official Census and Labour Market Statistics https://www.nomisweb.co.uk/sources/census_2021

¹⁰ The Data Compendium was published in 2021 and summarises key descriptive information derived from data matched between key stakeholders. It covered various areas, including solicitors and barristers, and served as one of the initial key sources of evidence for the Criminal Legal Aid Independent Review.

Monitoring and evaluation

18. We will continue to have 'due regard' to the Public Sector Equality Duty as the measures are implemented and will consider the most effective ways of monitoring equalities impacts.

The demographics of criminal legal aid practitioners and criminal legal aid clients

Criminal legal aid practitioners

Litigators:

19. The Criminal Legal Aid Data Share shows that there were just over 10,000 solicitors working for criminal legal aid (CLA) firms in 2023-24.¹¹ However, it is important to highlight that information was not available on how many solicitors worked on CLA related cases.

Table 1: Total number of Practising Certificate (PC) holders^{12 13}

Year	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
PC holders	133,367	136,176	139,624	143,167	147,112	149,891	152,961	156,976	162,120	167,603
Criminal Legal Aid solicitors	14,799	12,720	12,102	13,170	11,716	11,553	11,363	10,741	10,520	10,153

20. Sex: The split by sex for solicitors working for CLA firms has closely matched that in the general population. However, since 2020–21 there has been an increase in the ‘unknown’¹⁴ category which made the overall trend in the data unclear. Looking at those who either reported male or female, female solicitors made up 51% and male 49%, which is more in line with previous years when the ‘unknown’ category was much lower (3% or lower).

¹¹ We define CLA firms as those firms of solicitors that received criminal legal aid fee payment during that year – please see the Criminal Legal Aid Data Share for further detail.

¹² Criminal legal aid solicitors data source: Criminal Legal Aid Data Share, <https://app.powerbi.com/view?r=eyJrljoiNjAxNGY2MDU0ODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwidCI6ImM2ODc0NzI4LTcxZTYtNDFmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOiJh9&chromeless=1>

¹³ Data source: The Law Society, <https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2023>

¹⁴ The increase in criminal legal aid solicitors with sex marked as unknown is likely to be attributed to the options available during the data collection process. At the time of data collection, respondents were presented with options categorised as Male, Female, or Unknown, as seen in the acquired dataset. The consistent increase in the percentage of unknown entries over the years can be attributed to the gender identification options provided, leading more solicitors to choose the ‘Unknown’ option.

22. Ethnicity: 18% of solicitors in CLA firms come from ethnic minority backgrounds. This is similar to the general population and those amongst practicing certificate holders. However, it is worth noting that while the proportion of solicitors whose ethnicity is unknown is relatively small, it is not insubstantial and could impact the results.

Table 4: Solicitors working for CLA firms split by ethnicity^{17 18}

	2014–15	2015–16	2016–17	2017–18	2018–19
Number of solicitors	14,790	12,710	12,530	13,140	11,760
African-Caribbean	1%	1%	1%	1%	1%
Asian	10%	11%	12%	11%	12%
Chinese	0%	0%	0%	1%	0%
African	2%	2%	2%	2%	2%
Other ethnic origin	2%	2%	2%	2%	2%
White European	74%	73%	70%	68%	67%
Unknown	10%	10%	12%	15%	15%
All	100%	100%	100%	100%	100%
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	16%	17%	18%	17%	18%

23. Solicitors from ethnic minority backgrounds were more likely to work in small CLA firms (firm size defined by number of partners) and they had higher representation in CLA firms that mainly did CLA work.

¹⁷ Data source: Data Compendium – Table 2.6.

¹⁸ In Census 2021, ethnic minorities made up 18% of the general population aged 25 to 64.

Table 5: Solicitors working for CLA firms split by ethnicity and firm size, 2018–19¹⁹ ²⁰ ²¹

	Number of solicitors	Very small	Small	Medium	Large
African-Caribbean	140	17%	46%	22%	15%
Asian	1,420	19%	50%	18%	13%
Chinese	50	~	44%	31%	>20%
African	260	29%	49%	13%	9%
Other ethnic origin	270	14%	40%	26%	20%
White European	7,830	7%	38%	37%	18%
Unknown	1,790	9%	37%	33%	21%
All	11,760	10%	40%	33%	17%

Table 6: Ethnic minority solicitors as a percentage of solicitors working for CLA firms split by specialisation, 2018–19²² ²³

	Average	Mostly criminal work	Some criminal work	No or little criminal work
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	18%	25%	16%	15%

24. The proportion of female solicitors are underrepresented in partner positions, compared to all female solicitors working for CLA firms (Table 2).

¹⁹ The percentage eligible for secondary suppression in this table has been replaced by “>20%”, to indicate its actual value is at least 20%. This has been completed to help mitigate potential disclosure risks without omitting a large amount of data in the table.

²⁰ Data source: Data Compendium – Table 2.22.

²¹ The groupings have been informed by the distribution of the data (i.e. number of partners in each firm) and The Law Society’s categorisation of firm size by the number of partners. See page 10 of the Data Compendium for the definitions.

²² Data source: Data Compendium – Table 2.26.

²³ The definition of specialisation is based on turnover from the LS firm files and criminal legal aid payments. See page 12 of the Data Compendium for details.

Table 7: Solicitors working for CLA firms split by position in the firm and sex, 2023-24²⁴

	Number of solicitors	Female	Male	Unknown
Partner	3,102	36%	63%	1%
Non-Partner	7,051	48%	32%	20%
All	10,153	44%	42%	14%
General population		51%	49%	0%

25. Ethnicity: The solicitor population for ethnic minority groups tended to be similar to the general population. In senior roles the ethnic minority group make-up is also similar to the 2018–19 make-up of the general population.

Table 8: Percentage of ethnic minority solicitors split by position in the firm, 2018–19^{25 26}

	Average	Partners	Other	General population
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	18%	17%	19%	18%

26. Age: Excluding those aged under 25 years, the general population appears to be split fairly evenly across all of the age bands under the age 65, with 49% aged 25–44 and 51% aged 45 and over. Over the period shown, the age distribution of solicitors working in CLA firms has changed. The group aged 25–44 fell from 55% in 2014–15 to 49% in 2023-24 and the group aged 45 and over grew from 44% in 2014–15 to 51% in 2023–24.

²⁴ Data source: Criminal Legal Aid Data Share, <https://app.powerbi.com/view?r=eyJrIjojNjAxNGY2MDUtODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwidCI6ImM2ODc0NzI4LTcxZTYtNDFmZS1hOWUxLTJlOGMzNjc3NmFkOClslmMiOjh9&chromeless=1>

²⁵ Data source: Data Compendium – Table 2.18.

²⁶ In Census 2021, ethnic minority groups made up 18% of those aged 25–64, and 15% of those aged 25 and over.

Table 9: Solicitors working for CLA firms by age²⁷

Year	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24	General population aged over 20 years
Number of solicitors	14,799	12,720	12,102	13,170	11,716	11,553	11,363	10,741	10,520	10,153	
Under 25	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	8%
25–34	27%	24%	23%	24%	22%	22%	22%	21%	21%	22%	18%
35–44	28%	28%	28%	28%	29%	29%	28%	28%	28%	27%	17%
45–54	24%	25%	25%	25%	25%	24%	24%	24%	24%	23%	17%
55–64	15%	17%	17%	16%	17%	17%	18%	19%	19%	19%	16%
65+	5%	6%	6%	6%	7%	7%	8%	8%	8%	8%	24%
Unknown	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
All	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
25–44	55%	53%	52%	52%	50%	51%	51%	50%	49%	49%	34%
45+	44%	47%	48%	47%	49%	49%	49%	50%	51%	51%	58%

27. As mentioned, the figures above refer to solicitors who worked for CLA firms, regardless of whether they carried out CLA work.

For this reason, it is also useful to look into a subgroup of these solicitors, duty solicitors, who we know do work on CLA cases.

28. Age: Our data shows that there were around 3,600 duty solicitors²⁸ in 2024 with an average age of around 50. Like all solicitors working in CLA firms, middle-aged groups (specifically age 45–64) tend to concentrate more duty solicitors compared to other age

²⁷ Data source: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

²⁸ As mentioned in Paragraph 15, the criminal legal aid duty solicitor numbers reported represent the number that were matched as part of the MoJ and The Law Society data share matching work – the actual number of duty solicitors was 3,923 in October 2024. For further detail around the data, see the [Criminal Legal Aid Data Share](https://www.gov.uk/government/statistics/a-guide-to-legal-aid-statistics-in-england-and-wales/user-guide-to-legal-aid-statistics-in-england-and-wales#:~:text=The%20different%20yearly,BI%20analysis%20tool) and the User guide to legal aid statistics in England and Wales <https://www.gov.uk/government/statistics/a-guide-to-legal-aid-statistics-in-england-and-wales/user-guide-to-legal-aid-statistics-in-england-and-wales#:~:text=The%20different%20yearly,BI%20analysis%20tool>.

groups. The age distribution of duty solicitors (see Table 10) points towards an older workforce than the general population of CLA solicitors (see Table 9).

29. Sex: The sex parity achieved at the wider CLA solicitor level does not feed through to duty solicitors, where around 64% of duty solicitors were male and this percentage remained almost unchanged over the eight-year period (Table 11).

Table 10: Proportion of duty solicitors by age, 2017–2024²⁹

Year	2017	2018	2019	2020	2021	2022	2023	2024	General population aged over 20 years
Number of duty solicitors	4,992	4,744	4,372	4,269	4,085	3,809	3,717	3,623	
Under 25	0%	0%	0%	0%	0%	0%	0%	0%	8%
25–34	14%	12%	10%	9%	8%	9%	8%	6%	18%
35–44	30%	29%	29%	28%	26%	25%	23%	22%	17%
45–54	32%	33%	34%	34%	33%	33%	33%	32%	17%
55–64	18%	19%	20%	21%	23%	25%	26%	29%	16%
65+	6%	6%	7%	8%	9%	9%	10%	12%	24%
Unknown	0%	0%	0%	0%	0%	0%	0%	0%	
All	100%	100%	100%	100%	100%	100%	100%	100%	100%
Average age	46	46	47	48	48	49	49	50	

²⁹ Data source for duty solicitor numbers and percentages: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>. The average age of duty solicitors is taken from the Criminal Legal Aid Data Share.

Table 11: Proportion of duty solicitors by sex, 2017–2024³⁰

Year	2017	2018	2019	2020	2021	2022	2023	2024	General population
Number of duty solicitors	4,992	4,744	4,372	4,269	4,085	3,809	3,717	3,623	
Female	36%	36%	35%	35%	35%	34%	34%	34%	51%
Male	64%	64%	64%	64%	64%	64%	64%	64%	49%
Unknown	0%	0%	1%	1%	1%	2%	3%	2%	0%
All	100%	100%	100%	100%	100%	100%	100%	100%	100%

*Legal executives:*³¹

30. Finally, according to the CILEX and CILEX Regulation’s joint submission to CLAIR (in 2021), 1,287 CILEX members were working in criminal practice. Of them:

- two thirds were female, which is a lower proportion than among the whole CILEX membership, but higher than the percentage of women in the general population (51%);
- 17% identified themselves as of an ethnic minority – a higher percentage than among the whole CILEX membership and a similar percentage to the general population (18%); and
- the average age for CILEX criminal practitioners was 44.

Criminal legal aid clients:

31. Our data on the characteristics of criminal clients has been used to inform equality considerations where it is considered that defendants who share a particular protected characteristic are likely to be affected. To the extent that increased fees for criminal work could improve case progression in the criminal justice system, this section considers the demographics of legal aid clients in police stations, magistrates’ courts, prison law, Crown Court, and appeals areas.

³⁰ Data source for duty solicitor numbers and percentages: Legal aid statistics – GOV.UK <https://www.gov.uk/government/collections/legal-aid-statistics>

³¹ The 2021 joint submission to CLAIR does not discuss the proportion of CILEX members working in criminal practice who have a disability. However, the diversity report does state that 4% of the whole CILEX membership have a disability, which is lower than the general population (18%).

32. Table 12 below suggests defendants are much more likely to be male, compared to the general population. Table 13 shows that 33% or more of legal aid clients' ethnicities are unknown for police station advice,³² magistrates' courts, prison law and Crown Court. Therefore, we cannot comment on this as it is not clear whether any group of defendants are under- or over-represented when compared to the general population. Furthermore, data on the age of defendants is not available for police station advice so we cannot comment on this aspect either.
33. Table 14³³ suggests that clients with a disability appear to be more prevalent in prison law (21%) and Crown Court (26%), than in the general population (18%). By contrast, disability appears to be less prevalent in police station and magistrates' courts than in the general population. However, it is important to highlight the high proportion of recorded unknown disability. Therefore, this data should be treated with caution. The impacts on defendants are discussed further under "Overall summary of equality impacts". Unfortunately, we do not have access to any data on disability in the Youth Court for clients.
34. Table 15³⁴ suggests that black and mixed-race children in the Youth Court are overrepresented in indictable only and triable either way cases when compared to the general population. Compared to the 2022 data, it is worth noting that there has been an increase in the ethnicity "not stated column" (from 29% to 44%) and a decrease in the percentage for black and mixed-race children (from 20% to 12%). The data in Table 17 also suggests that older children (15–17 years old) are overrepresented in the Youth Court when compared to the general population.
35. Completed claims data on advice and assistance on appeals shows that 92% of legal aid clients were male. This follows the trend seen in Table 12. This data only applies to appeals cases within Crime Lower. There is not sufficient data to make any statement on client sex diversity for appeals cases within Crime Higher. Furthermore, we cannot comment on legal aid clients' ethnicities or disabilities within appeals due to insufficient evidence.

³² The vast majority of police station advice cases represent police station attendance cases.

³³ Due to the high proportion of cases where disability status is unknown, the data should be used with caution.

³⁴ Due to percentages being rounded, the totals may not always sum.

Table 12: Diversity of legal aid clients (police station advice, magistrates’ courts, prison law, and Crown Court) 2024–25* compared to general population from Census 2021 – Sex³⁵

	Female	Male	Sex unknown
Police Station advice	17%	82%	1%
Magistrates’ Courts	15%	83%	3%
Prison Law	3%	95%	2%
Crown Court**	8%	74%	19%
General Population	51%	49%	0%

*Crown Court data is based on 2023-24 due to large number of unknowns in the 2024-25 data.

**Crown Court data is calculated using representation order data, other rows are based on completed claims data.

Table 13: Diversity of legal aid clients (police station advice, magistrates’ courts, prison law, and Crown Court) 2024-25* compared to general population from Census 2021 – Ethnicity³⁶

	Ethnic minority	White	Ethnicity Unknown
Police Station advice	16%	50%	34%
Magistrates’ Courts	13%	54%	33%
Prison Law	16%	45%	39%
Crown Court**	13%	50%	37%
General Population	18%	82%	0%

*Crown Court data is based on 2023-24 due to large number of unknowns in the 2024-25 data.

**Crown Court data is calculated using representation order data, other rows are based on completed claims data.

³⁵ Data source: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>.

³⁶ Data source: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>.

Table 14: Diversity of legal aid clients (police station advice, magistrates’ courts, prison law, and Crown Court) 2024–25* compared to general population from Census 2021 – Disability³⁷

	Disabled	Not considered disabled	Disability status unknown
Police Station advice	10%	57%	33%
Magistrates’ Courts	14%	52%	34%
Prison Law	21%	39%	39%
Crown Court**	26%	59%	15%
General Population	18%	82%	0%

*Crown Court data is based on 2023-24 due to large number of unknowns in the 2024-25 data.

**Crown Court data is calculated using representation order data, other rows are based on completed claims data.

Table 15: Diversity of defendants in Youth Court, 2024 – Ethnicity^{38 39}

	Asian	Black	Mixed	White	Other	Not stated	Grand Total
Indictable Only & Triable Either Way	3%	7%	4%	40%	1%	44%	12,481
Summary Non-Motoring & Summary Motoring Only*	3%	3%	2%	43%	1%	48%	5,833
General population*	9%	4%	3%	82%	2%	0%	59,597,542

Table 16: Diversity of defendants in Youth Court, 2024 – Sex^{40 41}

	Female	Male	Not known	Grand Total
Indictable Only & Triable Either Way	12%	85%	3%	12,481
Summary Non-Motoring & Summary Motoring Only*	16%	77%	7%	5,833
General population	49%	51%	0%	12,392,212

³⁷ Data source: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>.

³⁸ Data source for Youth Court ethnicity figures: Criminal Justice System statistics quarterly: December 2024. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

³⁹ ‘General Population’ figures taken from Census 2021 which is not available by age, hence drawn from the population as a whole.

⁴⁰ Data source for Youth Court sex figures: Criminal Justice System statistics quarterly: December 2024. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

⁴¹ ‘General Population’ figures taken from Census 2021 and represent the ratio between female, male and sex unknown in the population aged under-18.

Table 17: Diversity of defendants in Youth Court, 2024 – Age^{42 43}

	10–11 years	12–14 years	15–17 years	Grand Total
Indictable Only & Triable Either Way	0%	14%	86%	12,481
Summary Non-Motoring & Summary Motoring Only*	0%	16%	84%	5,833
General population	26%	38%	36%	5,635,551

Overall summary of equality impacts

36. It is our view that the proposed fee changes will support the overall sustainability of the criminal legal aid solicitor market. The proposals we will be taking forward amount to investment in most solicitor fee schemes and we expect that every firm carrying out this work will receive some benefit.

Police station

37. For police stations, our data shows that in 2024, the split by sex of duty solicitors was around 64% male to 34% female (with 2% unknown). As such, comparatively, men will benefit more from this measure, however we think that this is justified given the benefits to the justice system as a whole. The average age of duty solicitors was 50, with the age band with the highest proportion of duty solicitors being 45–54. As the current profile of duty solicitors are typically older males, this demographic will likely benefit from any positive changes to the police station fee scheme.

38. Some CILEX members act as accredited police station representatives, who can also cover police station work. Due to the make-up of CILEX members, police station representatives therefore tend to have more women and a younger workforce in comparison to the duty solicitor population. This group of practitioners may also benefit from the proposed changes. For clients in police stations, our data shows that they are much more likely to be male when compared to the general population. Any improvements to the service provided at police stations will likely benefit this group.

39. It is important to note that for the police station proposals, all fee schemes across England and Wales will see a fee increase. The police station proposal is aimed at raising all fees and creating one harmonised fee level. We do not have published data which gives a breakdown of protected characteristics for clients or practitioners across any particular geographic area. Therefore, we cannot comment on which groups of clients or practitioners with protected characteristics will receive the benefit. However, all practitioners are expected to be positively affected. Any improvements made to the

⁴² Data source for Youth Court age figures: Criminal Justice System statistics quarterly: December 2024. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

⁴³ 'General Population' figures taken from Census 2021 and represent the ratio between numbers of 10–11 year olds, 12–14 year olds, and 15–17 year olds.

fee schemes will likely benefit all providers in the long run. Therefore, this would also benefit practitioners with particular protected characteristics.

40. Some legal aid practitioners will benefit more than others from the delivery of all these changes, particularly those who are based outside of London, although London based practitioners will still see a benefit from the fee uplifts.

Magistrates' courts and prison law

41. The increased funding for magistrates' courts cases and prison law may improve the quality of service provided to defendants and prisoners. This could help improve the overall outcomes for defendants and prisoners.
42. As set out in paragraph 20 and Table 2, the split by sex for solicitors working for CLA firms has closely matched that of the general population, however, since 2020–21 there has been an increase in the 'unknown' category, which has made the overall trend in the data unclear. Looking at those who either reported male or female, females make up 51% and males 49%, which is more in line with previous years when the 'unknown' category was much lower (3% or lower).
43. As set out in paragraph 21 and Table 3, in terms of age, the percentage of female solicitors was lower in older groups than in younger groups, unlike the male solicitor population.
44. As set out in paragraph 23 and Tables 4, 5 and 6, solicitors from ethnic minority backgrounds are more likely to work in small CLA firms (firm size defined by number of partners) and they have higher representation in CLA firms that mainly did CLA work.
45. Some legal aid practitioners will benefit more than others from the delivery of all the proposed changes to criminal legal aid. In addition, it is possible that the legal aid practitioners who particularly benefit from these measures might be more likely to share a protected characteristic. However, we do not believe that these potentially uneven impacts will result in any particular disadvantage for any other groups of practitioners who share a protected characteristic. This is because the proportionate increase in annual spend that they will receive does not represent any decrease to another group of practitioners. Therefore, we do not believe that these uneven impacts amount to indirect discrimination.

Crown Court – LGFS

46. As outlined in paragraph 24 and Table 7, whilst there is fairly equal representation amongst male and female solicitors in CLA firms, a much higher proportion of male solicitors are represented amongst partner positions. One of our proposed changes to LGFS includes raising the basic fees for the lowest-paying offences. As these are more likely to be undertaken by junior solicitors, there is a chance that female solicitors, who make up a great proportion of junior solicitors, will benefit from these proposals more than male solicitors.

47. Similarly, junior solicitors tend to be younger in age than partners, so the proposed changes may benefit the younger age groups more than the older age groups.
48. Case mix will also determine the impact of our policies on each region. Internal modelling has suggested that the South West, where lower-paying cases make up a greater proportion of the case mix, will see the greatest average percentage increase per case from the proposals. Conversely, London, which has a higher proportion of higher-paying cases, is expected to benefit the least. However, as previously mentioned, it is still expected to see an increase.
49. Despite the above, however, we believe that the policy is justified as one of the aims of this proposal is to make working on lower-paid offences more economical and to support the sustainability of the profession.
50. There may also be benefits to defendants with certain characteristics. Table 12 shows that males make up a far greater proportion of legal aid clients in the Crown Court when compared to the general population. This likely means that the increased funding in LGFS may indirectly benefit more male defendants than female defendants. These effects are the result of the composition of the defendant population. However, it is important to emphasise that defendants in cases where fees have been increased are likely to be indirectly, positively affected by these changes.

Consultation evidence

51. In addition to the quantitative data gathered above, we have also considered evidence gathered during the consultation process. The consultation included open-ended equalities questions on each of the proposals and their impacts, inviting views from respondents. The questions under each proposal were:

1. 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.
2. 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.

Police station

52. In response to the first question, of the 214 respondents, 54% did not respond and 18% had no concerns. A total of 6% of respondents commented that the proposals did not include specific uplifts for work during unsociable hours, which impacts those with caring or childcare responsibilities, as well as those who might need to travel by taxi due to a disability or safety concerns.⁴⁴
53. In response to the second question, of the 214 respondents to the consultation, 68% did not respond and a further 16% had no concerns. Similar to responses to the first question, 4% of respondents commented that the proposals did not include specific uplifts for work during unsocial hours, which impacts those with caring and childcare responsibilities as well as those who might need to travel by taxi due to a disability or safety concerns.
54. The Government recognises comments from respondents regarding the proposal not including specific uplifts for work during unsociable hours, and the impacts this may have on those with a caring responsibility or disability. Our response to this is highlighted in the previous chapter, at paragraph 39. As noted, the police station proposals will result in a fee increase for all fee schemes across England and Wales while creating one harmonised fee level. All practitioners are therefore expected to be positively affected, including those with particular protected characteristics. When fixed fees were introduced, they took into account payments previously made at hourly rates, including payments for work during unsociable hours.

Magistrates' courts

55. In response to the first question, of the 214 respondents to the consultation, 60% did not respond and a further 22% had no concerns. There was no common theme between those who did raise a concern, however a small number commented that the means test for the magistrates' courts should be changed so that more defendants could qualify for legal aid.
56. In response to the second question, of the 214 respondents to the consultation, 62% did not respond to the second question, and a further 21% had no concerns. There was no common theme between those who raised a concern.
57. While the Government recognises comments from respondents regarding reforms to eligibility for legal aid in the magistrates' courts, this is out of scope for this package of reforms.

⁴⁴ In response to equality questions, respondents also noted that these reforms may have impacts on individuals from disadvantaged socio-economic backgrounds, from minority ethnic groups, on those who do not speak English as a first language, and that they may have gender-based impacts. However, this was not statistically significant and, thus, not noted as a theme.

Litigators' Graduated Fee Scheme

58. In response to the first questions, of the 214 respondents to the consultation, 61% did not respond and a further 22% had no concerns. There was no common theme between those who raised a concern, however a small number commented that the underfunding of defence fees has an impact on all those who are represented.
59. In response to the second question, of the 214 respondents to the consultation, 64% did not respond and a further 20% had no concerns. Similar to responses to question one, there was no common theme between those who raised a concern; however, a small number of respondents did comment that the underfunding of defence fees has an impact on all those who are represented.
60. The Government recognises that the funding of defence fees could have an impact on those who are represented. Our response to this is highlighted in the previous chapter, at paragraph 50. As noted, increasing basic fees for some trials may improve the quality of service provided, which could help improve the overall outcomes for defendants.

Prison law

61. In response to the first question, of the 214 respondents to the consultation, 50% did not respond and a further 21% had no concerns. 12% of respondents thought the proposals would have an impact on prisoners with mental health conditions and 11% of respondents thought the proposals would have an effect on those with vulnerabilities. Responses outlined the increasing caseload of clients with mental health conditions and vulnerabilities, the reasonable adjustments that may need to be considered for these cases, and the additional time taken to support clients with mental health conditions and vulnerabilities. However, the majority of these respondents saw the proposals as having a positive impact, with responses commenting on the proposed uplifts helping to maintain a viable network of experienced legal professionals, able to serve those with the greatest need. A total of 50% of respondents commented on the positive impacts the uplifts to prison law fees would have on prisoners with mental health conditions, and 56% of these respondents commented on the positive impact the prison law fee uplifts would have on prisoners with vulnerabilities.
62. In response to the second question, of the 214 respondents to the consultation, 53% did not respond and a further 22% had no concerns. Similar to responses to Question 1, 9% of respondents thought the proposals would have an impact on prisoners with vulnerabilities and 8% of respondents thought the proposals would have an effect on those with mental health conditions. Responses outlined the increasing caseload of clients with mental health conditions and vulnerabilities, and the need for solicitors to often provide more detailed and ongoing support for complex cases, where their client has a mental health condition or vulnerability. However, the majority of respondents saw the proposals as having positive impacts, with responses commenting that the uplifts will help sustain a network of qualified lawyers, improving access to justice for

vulnerable people. A total of 67% of these respondents commented on the positive impact the prison law fee uplifts would have on prisoners with mental health conditions, and 55% of these respondents commented on the positive impact the prison law fee uplifts would have on prisoners with vulnerabilities.

63. The Government recognises comments from respondents on the impacts prison law uplifts could have on prisoners with mental health conditions and vulnerabilities. As highlighted in the previous chapter, at paragraph 41, increased funding for prison law may improve the quality of service provided to prisoners, and could help improve the overall outcomes for prisoners, including those with protected characteristics.

Eliminating unlawful discrimination, harassment and victimisation

Direct discrimination

64. Our assessment is that each of these measures is not directly discriminatory within the meaning of the 2010 Act. We do not consider that the measures would result in people being treated less favourably because of any protected characteristic.

Indirect discrimination

65. The key principle underpinning the changes being consulted on is to support the sustainability of the criminal legal aid solicitor market. We do not consider that the impact of these measures will result in any particular disadvantage to any groups of legal aid practitioners who share particular protected characteristics when compared to those who do not share the particular protected characteristic, as the data we have on police stations does not indicate this. However, we also recognise that we do not currently have data on practitioners' protected characteristics split across geographical areas. Therefore, this makes it more difficult to comment on whether or not any groups of practitioners with particular protected characteristics could be disadvantaged. However, since each of the proposals will result in uplifts to solicitors' fees, we consider it unlikely that there will be any indirect discrimination.
66. Furthermore, we also recognise that depending on how a firm distributes their work, it is possible that more junior solicitors who cover magistrates' courts or prison law work may not receive as much benefit as their seniors as they may be assigned the lower paid summary work. This may also affect female solicitors who make up a greater proportion of those at junior levels. We do, however, consider that any such impacts in relation to sex are likely to be justified in order to ensure that magistrates' courts and prison law fees better reflect the seriousness and complexity of the work done, and in particular in the magistrates' courts, to reflect the recent increase in sentencing powers.
67. Overall, it is expected that legal aid practitioners who cover magistrates' courts and prison law work will take on a mix of cases with different offence types due to the volume of indictable only and triable either way cases. Any practitioners with particular

protected characteristics who take on magistrates' courts or prison law work would likely benefit from the overall positive change in funding.

68. We consider that the data on clients with particular protected characteristics, with regard to police station and prison law work, do not indicate any disadvantage to any particular group.
69. Similar to the impacts of the magistrates' courts proposals, there may be impacts from the proposed changes to Crown Court – LGFS due to the targeting of lower-paid offences. These would likely benefit those who work on these offences, who are more likely to be junior solicitors, women, and those from an African, Afro-Caribbean or Asian background. Overall, however, we do not consider that the uplift in fees would be likely to result in any unlawful discrimination.
70. In summary, we recognise that, despite all the measures containing solicitor fee increases, there may be some uneven impacts as a result of the measures. However, where the impacts are uneven, we consider that the measures represent a proportionate means of achieving the legitimate aim of supporting the sustainability of the criminal legal aid market. In doing so, we are increasing certain fees to ensure we are more appropriately compensating work done and to reflect the increased complexity in certain areas. In the unlikely event of any particular disadvantages materialising on a particular group with protected characteristics, our conclusion remains the same, that this will be justified as a proportionate means of achieving the legitimate aim of supporting sustainability in the criminal legal aid market.

Harassment and victimisation

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

Advancing equality of opportunity

72. Consideration has been given to how these measures will impact on the duty to advance equality of opportunity by meeting the needs of practitioners who share a particular characteristic, where those needs are different from the needs of those who do not share that particular characteristic. We recognise that depending on how a firm distributes their work, these changes may not necessarily advance equality of opportunity for junior solicitors if they are mostly assigned the lower paid magistrates' courts or prison law work. This may also affect female solicitors who are more likely to be in junior positions.
73. Overall, however, we assess that our proposed reforms will enhance access to justice and are likely to contribute to the advancement of equality of opportunity. The increased funding of around £92m per annum will contribute towards the sustainability of the market and support the needs of people with protected characteristics who require criminal legal aid in police or court settings. This funding will also support solicitor firms who do legally aided work. The increased funding may also attract more firms to cover criminal legal aid work, thereby increasing the pool of practitioners in

this area which would allow greater equality of opportunity and enhance access to justice for those who need it. These additional resources are considered to be an overall benefit to the system across England and Wales.

74. The MoJ is mindful of the need to encourage those with protected characteristics to participate in public life (e.g. for solicitors and magistrates) and the need to advance equality of opportunity generally.

Fostering good relations

75. Consideration has been given to how these measures impact on the duty to foster good relations between people with different protected characteristics. We do not consider that there is anything within these measures that will have a negative impact regarding this objective.