

Title: Housing Possession Court Duty Scheme – Towards a sustainable service IA No: MoJ041/2019 RPC Reference No: N/A Lead department or agency: Ministry of Justice Other departments or agencies: Legal Aid Agency	Impact Assessment (IA)			
	Date: 4 October 2019			
	Stage: Consultation			
	Source of intervention: Domestic			
	Type of measure:			
Contact for enquiries:				
Summary: Intervention and Options				RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£m	£m	£m	Non qualifying provision

What is the problem under consideration? Why is government intervention necessary?

The Housing Possession Court Duty Scheme (the Scheme) offers vital “on-the-day” emergency face-to-face advice and advocacy to anyone facing possession proceedings. Anyone in danger of eviction or having their property repossessed can get free legal advice and representation on the day of their hearing, regardless of their financial circumstances.

Given the vital role these Schemes play in ensuring access to justice and the timely resolution of legal problems, the sustainability of the service is of paramount importance. Due to the ongoing incidence of providers withdrawing from contracts and HMCTS’ reforms to the court estate, the Ministry of Justice is concerned that these Schemes are no longer sustainable in their current form, and that there is a risk that, if these services cease, this will have a negative impact on the clients who rely upon this service.

What are the policy objectives and the intended effects?

For many faced with the loss of their home, the fear of having to engage with the legal process means that it is common to attend court without seeking legal advice or representation beforehand. It is crucial that people should be supported through this process. A core element of this support is, and will remain, access to publicly funded legal advice and representation where it is necessary.

The policy objective behind these proposals is to ensure that the Scheme is as sustainable as possible, and that there is continuity of this vital service for the clients that need it.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

This Impact Assessment compares the following options against the base case of doing nothing (Option 0):

- **Option 1:** Contracting for individual courts rather than larger geographical areas.
- **Option 2:** Allowing providers to claim for the Scheme fee in addition to the follow up Legal Help fee.
- **Option 3:** The introduction of a set attendance fee for all Schemes in place of the existing nil session payment.
- **Option 4:** The introduction of reasonable costs for travel time as part of the competition bid.

The preferred option is to implement Options 1 – 4 together, as the government believes that these options, as a package, represent a reasonable and practical response to the issues emerging from the evidence gathering we have undertaken.

Will the policy be reviewed? We will monitor the impacts of this policy over the initial years following implementation.					
Does implementation go beyond minimum EU requirements?			N/A		
Is this measure likely to impact on trade and investment?			No		
Are any of these organisations in scope?		Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

_____ Date:

_____ September 2019

Summary: Analysis & Evidence

Policy Option 1

Description: Contracting for individual courts rather than larger geographical areas.

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	Optional		Optional		Optional
High	Optional		Optional		Optional
Best Estimate					
Description and scale of key monetised costs by 'main affected groups' N/A The impacts of this proposal cannot be easily monetised at this stage, as the proposal is a new approach to how the Housing Possession Court Duty Scheme is contracted rather than a change to how it is remunerated.					
Other key non-monetised costs by 'main affected groups' N/A					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)
Low	Optional		Optional		Optional
High	Optional		Optional		Optional
Best Estimate					
Description and scale of key monetised benefits by 'main affected groups' N/A					
Other key non-monetised benefits by 'main affected groups' <ul style="list-style-type: none"> By contracting for individual courts, this would allow for providers with greater proximity to the court to travel with greater ease and at lower cost. Contracting for individual courts could also make use of local knowledge and allow providers to focus on delivering the Scheme at courts where they are more attuned to the day-to-day running, routine and procedures of the court. This could lead to a better service for clients as they could benefit from this expertise, whilst they could also benefit from continuity of service in terms of follow up advice – for example, follow up meetings to resolve the issues which initially led to possession proceedings. 					
Key assumptions/sensitivities/risks N/A					Discount rate (%) N/A

BUSINESS ASSESSMENT (Option 1)

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

Summary: Analysis & Evidence

Policy Option 2

Description: Allowing providers to claim for the Scheme fee in addition to the follow up Legal Help fee.

FULL ECONOMIC ASSESSMENT

2018/19			Net Benefit (Present Value (PV)) (£m)	
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£30,000	
Description and scale of key monetised costs by 'main affected groups'				
<ul style="list-style-type: none"> Paying the Scheme fee in addition to any subsequent Legal Help fee is estimated to result in increased expenditure from the Legal Aid Fund of approximately £30,000 per year. LAA implementation and ongoing processing costs are expected to be negligible. 				
Other key non-monetised costs by 'main affected groups'				
N/A				
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£30,000	
Description and scale of key monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Legal Aid Providers of the Housing Possession Court Duty Scheme will receive increased remuneration when a client is subsequently given Legal Help. They are expected to receive in total approximately £30,000. 				
Other key non-monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Allowing providers to claim both the Scheme fee and the Legal Help fee will make delivering the Scheme more financially viable for legal service providers. If allowing providers to claim both the Scheme fee and the Legal Help fee increases the availability of follow up advice and results in a more sustainable service, then this could lead to better outcomes for individuals facing possession proceedings in the courts in England and Wales. 				
Key assumptions/sensitivities/risks				Discount rate (%)
<ul style="list-style-type: none"> It is assumed that the proportion of claims that go on to become Legal Help will remain the same as in 2017-18. If however the volume of claims change, or the proportion of claims that go on to become Legal Help change, then expenditure will scale accordingly. 				N/A

BUSINESS ASSESSMENT (Option 2)

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

Summary: Analysis & Evidence

Policy Option 3

Description: The introduction of a set attendance fee for all Schemes in place of the existing nil session payment.

FULL ECONOMIC ASSESSMENT

2018/19			Net Benefit (Present Value (PV)) (£m)	
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£0.3m	
Description and scale of key monetised costs by 'main affected groups'				
<ul style="list-style-type: none"> Paying an attendance fee to providers if the number of clients at a session is low is estimated to result in increased expenditure from the Legal Aid Fund of approximately £0.3m. LAA implementation and ongoing processing costs are expected to be negligible. 				
Other key non-monetised costs by 'main affected groups'				
N/A				
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£0.3m	
Description and scale of key monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Legal Aid Providers of the Housing Possession Court Duty Scheme will receive increased remuneration for sessions where there are few clients. They are expected to receive approximately £0.3m. 				
Other key non-monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Introducing an attendance fee in place of the existing nil session fee will make it more financially viable for legal service providers to deliver the Scheme at courts with low volumes. It will be more financially viable for legal service providers to deliver the Scheme at courts with low volumes, so individuals facing possession proceedings in those courts, likely in rural areas, will receive a better service than they do currently. 				
Key assumptions/sensitivities/risks				Discount rate (%)
<ul style="list-style-type: none"> 2017-18 session volumes have been used. If total session volumes change, or the proportion of sessions where the number of clients is below the threshold change, then the cost of this option would scale accordingly. 				N/A

BUSINESS ASSESSMENT (Option 3)

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

Summary: Analysis & Evidence

Policy Option 4

Description: The introduction of reasonable costs for travel time as part of the competition bid.

FULL ECONOMIC ASSESSMENT

2018/19			Net Benefit (Present Value (PV)) (£m)	
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£0.3m-£0.6m	
Description and scale of key monetised costs by 'main affected groups'				
<ul style="list-style-type: none"> Paying providers for their travel time at rates determined by price competition is estimated to result in increased expenditure from the Legal Aid Fund of approximately £0.3m-£0.6m. LAA implementation and ongoing processing costs are expected to be negligible. 				
Other key non-monetised costs by 'main affected groups'				
N/A				
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate			£0.3m-£0.6m	
Description and scale of key monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Legal Aid Providers of the Housing Possession Court Duty Scheme will receive remuneration for travel. They are expected to receive in total approximately between £0.3-£0.6m. 				
Other key non-monetised benefits by 'main affected groups'				
<ul style="list-style-type: none"> Introducing payment for reasonable travel costs would make it more financially viable for legal service providers delivering the Scheme. It will allow providers to more accurately reflect the cost of delivering the Scheme and be beneficial for the overall sustainability of the service. If this option leads to a more sustainable service, then this could lead to better outcomes for individuals facing possession proceedings in the courts in England and Wales. 				
Key assumptions/sensitivities/risks				Discount rate (%)
				N/A
<ul style="list-style-type: none"> The figure provided is an estimate intended to give a reasonable sense of scale. Due to lack of data about provider travel times, this estimate is highly assumption driven. It assumes an average provider office to court travel time of between 30 and 60 minutes. It is possible that many providers will have shorter or longer commutes than this. An hourly rate for travel is also assumed, which may be higher or lower than the outcome of price competitive tendering. 				

BUSINESS ASSESSMENT (Option 4)

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

Evidence Base

A. Background

1. The Housing Possession Court Duty Schemes offer “on-the-day” emergency face-to-face advice and advocacy to anyone facing possession proceedings in court. This means that anyone in danger of being evicted from their home or having their property repossessed can get free legal advice and representation on the day of their court hearing, regardless of their financial circumstances. The Scheme plays a vital role in ensuring access to justice for these individuals and resolving these serious civic problems.
2. Given the vital role these Schemes play in ensuring access to justice and the timely resolution of legal problems, the sustainability of the service is of paramount importance. The Government is concerned that these services are not currently sustainable, evidenced by the ongoing incidence of providers pulling out of contracts. Whilst continuity of service has been maintained to date, there is a risk that gaps in service provision may appear which has the potential to have a negative impact on the clients who rely upon this vital service. In addition, the necessity of regularly re-tendering the service following the withdrawal of a provider adds to the administrative burden on the Legal Aid Agency (LAA) and does not provide value for money for the taxpayer.
3. In addition to this, the wider landscape in which the Scheme is operating is changing. The HMCTS Reform programme is transforming the processes through which people resolve their legal problems and interact with the justice system, whilst in recent years HMCTS have also undertaken substantial reform of the court estate. This has in part contributed to incidences of providers withdrawing from contracts, in some cases due to travel time to a court where work has moved following reforms to the estate. Beyond justice policy, recent reforms to the welfare system over a number of years have also had an impact on how services such as the Scheme need to be delivered. To ensure the Scheme provides as effective a service as possible, it is important that the Scheme keeps pace with changes such as these.
4. In developing the proposals assessed in this IA, we undertook a survey to better understand the views of representative bodies and the wider market on future contract development. In addition to this survey, we also held a roundtable meeting with stakeholders to assist in our understanding of the issues faced by providers in delivering the Scheme and what this meant for the sustainability of the service and the service received by the client.
5. We received 128 responses to this survey. Whilst the majority of these responses came from providers who held a current contract, we also received responses from recently withdrawn providers, organisations interested in bidding for a contract in the future, individual advisers involved in the delivery of the service, and members of the judiciary. The feedback received covered a broad range of topics, some of which concerned legal aid policy and the direct operation of the Scheme; wider changes in the justice system such as HMCTS’ reform of the court estate; as well as the impact of other government department’s policy changes, such as changes to the welfare benefit system. We have listened carefully to the feedback received when developing the proposals assessed in this IA.

B. Overall Policy Rationale and Objectives

6. The conventional economic approaches to Government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more needy groups in society).
7. The primary rationale for government intervention in this instance is efficiency: to improve the sustainability of the Scheme, therefore ensuring a better service for clients. The reforms assessed in this IA would represent a responsible and practical response to the issues emerging from the

evidence gathering we have undertaken and ensure the sustainability of the Scheme for those who need it.

8. The associated policy objective is to ensure that the Scheme is financially viable and logistically deliverable into the future, maintaining this vital service for those clients who rely upon it.

C. Affected Stakeholder Groups, Organisations and Sectors

9. A list of the main groups and stakeholders who would be affected by the proposals described in this IA is shown below:
 - Individuals facing possession proceedings in the courts in England and Wales;
 - Housing Possession Court Duty Scheme providers; and,
 - The Legal Aid Agency (LAA).

D. Options Under Consideration

10. The options assessed in this IA are summarised in Table 1. Each individual reform is assessed individually (Options 1 to 4).

Option 0: Base Case/Do nothing

11. Under the 'do nothing' or 'base case' the current Scheme would remain unchanged.
12. Under this option the options assessed in this IA would not be taken forward. Therefore, there would be no change in the current sustainability of the Scheme.

Option 1: Contracting for individual courts rather than larger geographic areas

13. We propose to contract for Schemes based in individual courts rather than larger geographic areas. This will allow for providers with greater proximity to the court to travel with greater ease and at lower cost. Based on the evidence provided in response to our survey, we expect that less travel as a result of contracting for individual courts will make delivery of the Scheme more attractive for providers and will lead to more providers bidding to deliver this service in the future.
14. It could also make use of local knowledge and allow providers to focus on delivering the Scheme at courts where they are more attuned to the day-to-day running, routine and procedures of the court. This could lead to a better service for clients as they could benefit from this, whilst they could also benefit from continuity of service in terms of follow up advice – for example, follow up meetings to resolve the issues which initially led to possession proceedings.
15. Although we believe that contracting for individual courts is a practical and pragmatic approach to ensuring the sustainability of the Scheme, we appreciate that some providers, perhaps those which are larger organisations, will still be interested in delivering the Scheme at multiple courts. We intend for the Scheme to be tendered in a way in which prospective providers will be able to bid to deliver the service at multiple courts, if they wish.

Option 2: Allowing providers to claim for the Scheme fee in addition to the follow up Legal Help fee

16. Respondents to our survey said that after the court hearing a significant amount of follow up work is often necessary, but that under the current contractual arrangements a decision has to be made as to whether to claim the Scheme fee or a Legal Help matter start instead.
17. Respondents said that the ability to claim for the Scheme fee in addition to opening a Legal Help matter start would make delivering the Scheme more attractive and would make them more likely to bid. Therefore, we propose changing the current contract so that providers can claim the Scheme fee in addition to any follow up Legal Help fee. We believe this will make delivering the service more attractive, therefore making the Scheme more sustainable and ensuring continuity of service for clients.

Option 3: The introduction of a set attendance fee for all Schemes in place of the existing nil session fee

18. Respondents to our survey said that it was difficult to successfully deliver the Scheme at courts with low volumes, because the payment for low volumes of work did not always adequately cover the costs of delivering the service.
19. We have considered the best way to respond to this issue, and we propose introducing an attendance fee in place of the existing nil session fee. We propose that this attendance fee would be set at £151.20 in London and £143.10 outside of London. If a provider saw more than two clients in a single session they would revert to the standard Scheme fee and receive £75.60 per client in London or £71.55 per client outside of London.

Option 4: The introduction of reasonable costs for travel as part of the competition bid

20. Under the current Scheme model, providers are not compensated by the LAA for travel time to deliver this work. However, the time taken to travel to deliver this work, and the cost of this travel, was a theme clearly identified during our survey. Respondents were concerned that certain areas of the country present a greater challenge in respect of time, cost and distance, whilst also wasting valuable time that could be better utilised advising clients.
21. As such, we propose using price competition to allow prospective providers to factor expected travel costs into their bid, essentially allowing for the payment for travel to be set by the market. The other aspects of the Scheme would be tendered on a quality competition basis.

E. Cost and Benefit Analysis

22. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with the HM Treasury Green Book.
23. Where possible, this IA identifies both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the options under consideration. The costs and benefits of each proposal are compared to option 0, the do nothing or 'baseline' case. As the 'baseline' option is compared to itself, the costs and benefits are necessarily zero, as its Net Present Value (NPV).
24. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts that cannot sensibly be monetised. These might be impacts on certain groups of

society or some data privacy impacts, positive or negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are non-monetisable.

Option 1: Contracting for individual courts rather than larger geographical areas

Costs of Option 1

25. None.

Benefits of Option 1

Non-monetised

Housing Possession Court Duty Scheme Providers

26. By contracting for individual courts, this would allow for providers with greater proximity to the court to travel with greater ease and at lower cost. Based on the evidence provided in response to our survey, we expect that less travel as a result of contracting for individual courts will make delivery of the Scheme more attractive for providers and will lead to more providers bidding to deliver this service in the future.

Individuals facing possession proceedings in the courts in England and Wales

27. Contracting for individual courts could also make use of local knowledge and allow providers to focus on delivering the Scheme at courts where they are more attuned to the day-to-day running, routine and procedures of the court. This could lead to a better service for clients as they could benefit from this expertise, whilst they could also benefit from continuity of service in terms of follow up advice – for example, follow up meetings to resolve the issues which initially led to possession proceedings.

Option 2: Allowing providers to claim for the Scheme fee in addition to the follow up Legal Help fee

Methodology

28. LAA data has been used to estimate the costs and benefits of Option 2.

Volumes

29. In 2017-18 approximately 400 Housing Possession Court Duty Scheme clients went on to receive Legal Help. This figure has been used as the expected volume of future cases that will go on to Legal Help. Implicit in this use is the assumption that the total volume of Housing Possession Court Duty Scheme clients remains unchanged and the proportion of cases going on to Legal Help remain unchanged. It is also assumed that the distribution of London vs Non London sessions remain the same.

Costs

30. The non-London fee for a Housing Possession Court Duty Scheme act of assistance is £71.55. The London fee is £75.60. The provider will be paid the location appropriate fee for any Housing Possession Court Duty Scheme matter that goes on to Legal Help, on top of their existing fee for the Legal Help.

31. Please see section F for a detailed description of the assumptions adopted and their related risks.

Costs of Option 2

Monetised

Legal Aid Agency

32. There will be an increased cost to the legal aid fund as a result of this option, as work that was previously not remunerated by the Housing Possession Court Duty Scheme will now be paid under the Scheme.
33. In 2017-18, approximately 400 Housing Possession Court Duty Scheme clients received Legal Help. They will be paid the location sensitive Scheme fee to give an approximate option cost of £30,000.
34. It is possible that the ability to claim the Legal Help and the Scheme fee may lead to a provider behavioural change increasing the proportion of cases that go on to Legal Help. This has not been quantified as the cost of this option is small and it will scale directly with the volume of clients.
35. There are no implementation or administrative costs associated with this option.

Benefits of Option 2

Monetised

Housing Possession Court Duty Scheme providers

36. Providers of the Scheme will receive an expected increase in fee income of approximately £30,000.

Non-monetised

Housing Possession Court Duty Scheme providers

37. Allowing providers to claim both the Scheme fee and the Legal Help fee will make delivering the Scheme more financially viable for legal service providers.

Individuals facing possession proceedings in the courts in England and Wales

38. If allowing providers to claim both the Scheme fee and the Legal Help fee increases the availability of follow up advice and results in a more sustainable service, then this could lead to better outcomes for individuals facing possession proceedings in the courts in England and Wales.

Option 3: The introduction of a set attendance fee for all Schemes in place of the existing nil session payment

Methodology

39. LAA data has been used to estimate the costs and benefits of Option 3.

Volumes

40. In 2017-18, approximately 4000 sessions involved fewer than 2 clients. This figure has been used as the expected volume of future sub 2 client sessions. It is assumed that future years have a similar

number of sessions with fewer than 2 clients, and that the London vs non-London distribution of these sessions remain similar.

Costs

41. The non-London fee for a Housing Possession Court Duty Scheme act of assistance is £71.55. The London fee is £75.60.
42. The attendance fee will be 2 times the location sensitive act of assistance fee. Providers will only earn more than the attendance fee if they provide an act of assistance to 3 clients or more.
43. Please see section F for a detailed description of the assumptions adopted and their related risks.

Costs of Option 3

Monetised

Legal Aid Agency

44. There will be an increased cost to the Legal Aid Fund as a result of this option, as the amount paid to providers for low client volume sessions will increase.
45. In 2017-18, approximately 4000 sessions had fewer than 2 clients. They will be paid the location sensitive attendance fee to give an approximate expected option cost of £0.3m.
46. There are no implementation or administrative costs associated with this option.

Benefits of Option 3

Monetised

Housing Possession Court Duty Scheme providers

47. Providers of the Scheme will receive an expected increase in fee income of £0.31m.

Non-monetised

Housing Possession Court Duty Scheme providers

48. Introducing an attendance fee in place of the existing nil session fee will make it more financially viable for legal service providers to deliver the Scheme at courts with low volumes.

Individuals facing possession proceedings in the courts in England and Wales

49. It will be more financially viable for legal service providers to deliver the Scheme at courts with low volumes, so individuals facing possession proceedings in those courts, likely in rural areas, will receive a better service than they do currently.

Option 4: The introduction of reasonable costs for travel time as part of the competition bid.

Methodology

50. LAA data has been used to estimate the costs and benefits of Option 4.

Volumes

51. In 2017-18, there were approximately 12,000 sessions. This figure has been used as the expected volume of future sessions.

Costs

52. An average travel time remuneration bid of £25.74/hr has been assumed. This is the remuneration rate for 'Travel and waiting time' for Housing and Miscellaneous matters taken from table 7b from part 1 of the of the Civil Legal Aid Remuneration Regulations. An average one-way journey of 30 minutes or 60 minutes (return journey 60 – 120) has been assumed.

53. Please see section F for a detailed description of the assumptions adopted and their related risks.

Costs of Option 4

Monetised

Legal Aid Agency

54. There will be an increased cost to the legal aid fund as a result of this option, as providers are not currently able to charge for travel. With 12,000 sessions a year, and an average remuneration bid of £25.74/hr, this option is expected to cost approximately £0.3m (30 minutes) or £0.6m (60 minutes).

55. There is little concrete evidence to inform this assumption. It is possible that providers will travel shorter or longer distances to appear at a court. It is also unclear if the assumed average remuneration bid of £25.74/hr is an accurate proxy for what will be bid by providers. However, this estimate does provide two scenarios that give a reasonable sense of scale.

56. There are no implementation or administrative costs associated with this option.

Benefits of Option 4

Monetised

Housing Possession Court Duty Scheme providers

57. Providers of the Scheme will receive an expected increase in fee income of approximately £0.3m (30 minutes) or £0.6m (60 minutes).

Non-monetised

Housing Possession Court Duty Scheme providers

58. Introducing payment for reasonable travel costs would make it more financially viable for legal service providers delivering the Scheme. It will allow providers to more accurately reflect the cost of delivering the Scheme and be beneficial for the overall sustainability of the service.

Individuals facing possession proceedings in the courts in England and Wales

59. If this option leads to a more sustainable service, then this could lead to better outcomes for individuals facing possession proceedings in the courts in England and Wales.

F. Assumptions, Risks and Sensitivity Analysis

Risks and Assumptions

60. The following assumptions have been adopted to estimate the above impacts. Their related risk factors are outlined below too.

	<i>Assumptions</i>	<i>Risks</i>
<i>Volumes</i>	2017-18 volumes are an appropriate proxy for future volumes.	Volumes of housing possession claims can be influenced by multiple factors that have not been considered in this analysis.
<i>Legal Help Volumes</i>	The future proportion of claims that go on to Legal Help is the same as the 2017-18 proportion of claims that go on to Legal Help.	As above, whether a case progresses to Legal Help can be influenced by multiple unconsidered factors. However, in addition to this, the ability to claim both the Scheme and Legal Help fee could lead to a provider behavioural change that may influence this proportion.
<i>Travel time distance</i>	It has been assumed that providers will travel between 30-60 minutes on average to attend a Housing Possession Court Duty Scheme session.	30 and 60 minutes (60 – 120 return journey) are example times to give a sense of scale. In some settings (particularly urban settings perhaps) providers may travel for fewer than 30 minutes, and in other settings (likely rural settings), providers may travel for greater than 60 minutes.
<i>Travel time cost</i>	An average travel time remuneration bid of £25.74/hr has been used	This is what the LAA offer in table 7b from part 1 of the Civil Legal Aid Remuneration Regulations for Housing and Miscellaneous controlled work, where providers can claim hourly rates. It is not necessarily an accurate marker for what providers will decide to tender for this duty Scheme. The travel remuneration bid will likely depend on how competitive a given Scheme is.
<i>London vs Non-London distribution</i>	The proportion of session in London locations vs non-London locations is assumed constant.	Since the fee is greater for London settings, if the proportion of sessions in London changed then costs would change. This is a minor risk.

G. Wider Impacts

Equalities

61. Section 149 of the Equality Act 2010 requires Ministers and the Department, when exercising their functions to have 'due regard' to the need to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristics and those who do not; and,
- foster good relations between people who share a protected characteristic and those who do not.

62. Paying 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act. The nine protected characteristics are race, sex, disability, sexual orientation, religion and belief, marriage and civil partnership, gender reassignment, pregnancy and maternity.

63. This is an ongoing duty, and as part of this obligation we have made an initial assessment of the impact of our proposals on people with protected characteristics. This assessment is included within the consultation document and we will publish an updated equalities assessment alongside our consultation response.

Welsh language

64. We have considered the implications for Welsh language in the development of these proposals and published a Welsh language version of the consultation on the Government's website.

H. Monitoring and Evaluation

65. Following implementation, we will continue to monitor the impact of these changes.

I. Business Impact Target

66. The proposal is not considered to be a qualifying regulatory provision under the Small Business Enterprise and Employment Act 2015 and is therefore not in scope of the BIT.