



Ministry
of Justice

Equality Statement

Proposals for Advocates' Graduated Fee Scheme Reform

Policy Summary

1. This Equality Statement has been written to be read alongside the Government's consultation on proposals for Advocates' Graduated Fee Scheme (AGFS) reform.
2. This Statement covers the impact of the changes outlined in the Government's consultation, which will add an estimated up to £34m per annum to fees for Crown Court advocates.
3. The consultation proposals can be summarised as follows:
 - General uplift of 6% to fees in the AGFS, excluding Daily Attendance Fees (DAFs).
 - Increasing the guilty plea to trial ratio from 50:100 to 65:100.
 - Uplifts to basic fees for particular offences.
 - Uplift of 25% to the Plea and Trial Preparation Hearing (PTPH) fee.
 - Uplift of 10% to advocate fees for appeals from the magistrates' court and in the Court of Appeal.
 - Uplift of 25% to advocate fees for committal to sentence hearings.
 - Uplift of 25% to advocate fees for post-Crown Court trial sentencing hearings.
 - Uplifts to advocate fees for selected pre-trial hearings.
 - Widening the criteria for AGFS bands 1.2 and 1.3, to include cases where the victim or defendant is aged 17 years.
4. This Equality Statement addresses the impact on people with protected characteristics in relation to the specific measures contained in the consultation document.

Equality Duty

5. Section 149 of the Equality Act 2010 ('the 2010 Act') requires Ministers and the Department, 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. Paying '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 Crown Court advocacy work, the primary pool of individuals affected will be legal practitioners who deliver criminal legal aid advocacy services. Practitioners can broadly be categorised as Crown Court advocates, that is, barristers and solicitor advocates.

10. Crown Court defendants were also identified as a group that could be particularly impacted by these measures financially, because a small number of Crown Court defendants who are required to contribute to the cost of their Crown Court case may find that the cost of that contribution increases if fees are increased following consultation. However, because of the limited number of clients affected, we do not have the data to model the impact reliably.

Data sources

11. We have identified the following as the most relevant data sources for assessing equality impacts:

For practitioners:

- Summary Information on Publicly Funded Criminal Legal Services, (the “Data Compendium”) (DC), published by MoJ in February 2021;¹ and
- The Criminal Legal Aid Data Share.²

For clients:

- Legal Aid Agency (LAA) data on clients collected through provider billing information.³

12. We have used data from the Data Share that shows the gender, ethnicity, sex and age of barristers and solicitors (including solicitor advocates).
13. We currently do not have sufficiently reliable 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.
14. Where relevant, we have used the most recent Office for National Statistics (ONS) census data⁴ to compare the demographics of clients and practitioners against the general population. Herein after, ‘general population’ refers to Census 2021 data which has been used when comparing the age, disability, ethnicity and sex of clients and practitioners.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/data-compendium.pdf. Please note the data compendium covers the April 2015 – March 2016 to April 2019 – March 2020 for fee income paid to barristers. It includes key definitions which the reader may find helpful.

² <https://app.powerbi.com/view?r=eyJrIjoiaWwidiCi6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOjh9&chromeless=1>

³ MoJ, Legal Aid Agency figures available at: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2026>. This publication includes latest available data on gender, ethnicity and disability, which is for 2023–24. Data on age is available for 2025–26.

⁴ https://www.nomisweb.co.uk/sources/census_2021

Monitoring and evaluation

15. Going forward, we will continue to monitor the equality impacts of these measures.
16. We will continue to pay '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

Barristers:⁵

17. **Gender:** The Data Share showed that there were 3,701 barristers who completed any level of public criminal work in 2024–25. Of these, 60% were male and 37% female. This compares against a split of 49% male and 51% female in the general population (Census 2021). However, it is worth noting that the gender split varies by years of practice. Table 2 below demonstrates that among those with few years of practice, the gender split is much more even compared to groups of barristers with more practising experience. For instance, for barristers with 0–2 years of practise, 37% were male and 55% female. This contrasts with barristers who had 28+ years of practice; where 81% of these were male and 17% female.

Table 1: Gender of barristers doing any public criminal work in 2024–25

Gender	Number/ percentage of barristers
Number of barristers	3,701
Male	60%
Female	37%
Prefer not to say/ no information	3%
All	100%

⁵ The Information in this section on barrister characteristics is collected each year by the Bar Standards Board as part of the Authorisation to Practise process, and is shared with the Bar Council.

Table 2: Gender of criminal barristers by years of practise

Years of practise	Number of criminal barristers	Male	Female	No information	All
0 to 2	575	37%	55%	8%	100%
3 to 7	59	47%	49%	4%	100%
8 to 12	443	53%	43%	4%	100%
13 to 17	243	65%	33%	2%	100%
18 to 22	437	60%	37%	3%	100%
23 to 27	418	63%	33%	3%	100%
28+	994	81%	17%	0%	100%
All	3,701	60%	37%	4%	100%

18. **Age:** Table 3 shows that there were a very small number of barristers under the age of 25 who completed public criminal work in 2024–25. Around 23% of criminal barristers were aged 25–34, around a fifth were aged 35–44, around 22% were aged 45–54, and 18% were aged 55+. This age distribution broadly resembles that for all barristers.⁶

Table 3: Age distribution of barristers doing any public criminal work in 2024–25

Age range	Number/ percentage of barristers
Number of barristers	3,701
Under 25	1%
25–34	23%
35–44	20%
45–54	22%
55–64	18%
65+	7%
No information	9%
All	100%

19. **Ethnicity:** Table 4 below shows that 79% of criminal barristers were white, 6% were Asian/ Asian British, 4% were of mixed ethnicity and a further 3% were Black/ African/ Caribbean/ Black British. Excluding those for whom information on ethnicity was not available, the proportion of criminal barristers who were white was 84%, which is similar to the general population (82%, Census 2021).

⁶ <https://www.barstandardsboard.org.uk/about-us/data-and-research/statistics-about-the-bar/practising-barristers.html>

Table 4: Ethnicity distribution of barristers doing any public criminal work in 2024–25

Ethnicity	Number/ percentage of barristers
Number of barristers	3,701
White	79%
Asian/ Asian British	6%
Mixed/ multiple ethnic group	4%
Black/ African/ Caribbean/ Black British	3%
Other ethnic group	1%
Prefer not to say/ no information	6%
All	100%

20. **Disability:** Table 5 shows that there was a high non-response rate of 38%, and so information related to disability is not as robust as compared to the information above on age, gender and ethnicity. Notwithstanding that, the vast majority of criminal barristers who responded with a yes/no answer declared that they did not have a disability. This contrasts significantly with the general population, where 18% classified themselves as disabled (Census 2021). The latest data available for this metric is 2019–20. Whilst it is not as recent as other datasets, we thought it would still be beneficial to include.

Table 5: Disability status of barristers doing any public criminal work in 2019–20

Disability status	Number/ percentage of barristers
Number of barristers	3,701
No	56%
Yes	5%
Prefer not to say/ no information	38%
All	100%

Solicitors (including solicitor advocates):

21. Solicitor advocates – that is, solicitors who have higher rights of audience – are also remunerated through the AGFS and will be impacted by the proposed changes. We do not hold diversity data on solicitor advocates specifically; the below information pertains to all solicitors working for criminal legal aid (CLA) firms.⁷ Nevertheless, we thought it helpful to include some equalities data on solicitors working for CLA firms for context.

⁷ This includes all matched solicitors in England and Wales who reported working for these firms, regardless of whether they worked on the cases that received criminal legal aid funding, as the data does not allow for this distinction.

22. The Data Share shows that there were just over 10,700 solicitors working for CLA firms in 2024–25.⁸ However, it is important to highlight that information is not available on how many of them worked on Crown Court advocacy.

Table 6: Total number of Practising Certificate holders⁹

	2019–20	2020–21	2021–22	2022–23	2023–24	2024–25
PC holders	149,891	152,961	156,972	162,120	167,603	172,966
Solicitors who worked for CLA firm	11,553	11,363	10,741	10,520	10,153	10,725

23. **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’ category which made the overall trend in the data unclear. We believe this is likely due to the options available during the data collection process rather than any issues with data collection itself.¹⁰ 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).

Table 7: Solicitors working for CLA firms by sex¹¹

	2019–20	2020–21	2021–22	2022–23	2023–24	2024–25	Gen. pop.
Number of solicitors	11,553	11,363	10,741	10,520	10,153	10,725	
Female	51%	50%	49%	47%	44%	41%	51%
Male	48%	47%	45%	44%	42%	40%	49%
Unknown	1%	3%	6%	10%	14%	19%	0%
All	100%	100%	100%	100%	100%	100%	100%

24. **Age:** excluding those aged under 25 years, the age of solicitors working for CLA firms appears to be split fairly evenly across all of the age bands under the age 65, with 48% aged 25–44 and 52% aged 45 and over. Over the period shown, the age distribution

⁸ 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.

⁹ Solicitors working for CLA firms data source: Data Share, <https://app.powerbi.com/view?r=eyJrIjoiaWVhZG9yY2MDU0ODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwiLCI6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOiJh9&chromeless=1>

¹⁰ 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.

¹¹ Data source: Data Share, <https://app.powerbi.com/view?r=eyJrIjoiaWVhZG9yY2MDU0ODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwiLCI6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOiJh9&chromeless=1>

of solicitors working in CLA firms has slightly changed. The groups aged 35–44 and 45–54 fell from 29% and 24% respectively in 2019–20 to 25% and 23% in 2024–25, while the groups 55–64 and 65+ both saw small increases over the same period.

Table 8: Solicitors working for CLA firms by age¹²

	2019–20	2020–21	2021–22	2022–23	2023–24	2024–25	Gen. pop.
Number of solicitors	11,553	11,363	10,741	10,520	10,153	10,725	
Under 25	0	0	0	0	0	0	29%
25–34	22%	22%	21%	21%	22%	23%	14%
35–44	29%	28%	28%	28%	27%	25%	13%
45–54	24%	24%	24%	24%	23%	23%	13%
55–64	17%	18%	19%	19%	19%	20%	13%
65+	7%	8%	8%	8%	8%	9%	18%
All	100%	100%	100%	100%	100%	100%	100%

25. **Ethnicity:** solicitors from ethnic minority backgrounds accounted for 22% of those with known ethnicity in CLA firms. This compared to 18% in the general population (Census 2021). Table 9 shows data up to 2018–19, which is the latest data available. Whilst this is not as recent as some other datasets, we thought it was beneficial to include.

Table 9: Solicitors working for CLA firms by ethnicity¹³

	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%

¹² Data source (Table 12_2): <https://assets.publishing.service.gov.uk/media/69cba50069dd81b3f213c613/legal-aid-statistics-tables-oct-dec-2025.ods>

¹³ Data compendium: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960290/datacompendium.pdf.

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	2014–15	2015–16	2016–17	2017–18	2018–19
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms	16%	17%	18%	17%	18%
Ethnic minority solicitors as a percentage of all solicitors working for CLA firms with known ethnicity	18%	19%	20%	20%	22%

Criminal legal aid clients:

26. LAA's annual data on characteristics of Crime Higher¹⁴ 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. The data used is the latest publicly available; 2023–24 for gender, ethnicity and disability, and 2025–26 for age.

27. Table 18 below suggests defendants in Crime Higher are much more likely to be male compared to the general population. Defendants are also more likely to have a disability than the general population. Finally, Table 19 shows that just under half of the Crime Higher clients are in the 18–34 age group, compared to just over 20% for the general population.

Table 10: Demographics of legal aid clients (Crime Higher) in 2023–24¹⁵ compared to general population¹⁶

	Female	Male	Ethnic Minority	White	Disability	No disability
Crime Higher	10%	90%	20%	80%	30%	70%
General Population	51%	49%	18%	82%	18%	82%

¹⁴ Crime Higher includes legal representation in the Crown Court and Higher Courts (Court of Appeal, Senior Courts Office, and the Supreme Court). Crime Higher data is based on granted representation orders.

¹⁵ Information on 2023–24 demographic data on legal aid clients from MoJ, Legal Aid Agency, Table 11.1, Crime Higher (<https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2026>) was used to estimate the percentages for those who provided information.

¹⁶ https://www.nomisweb.co.uk/sources/census_2021

Table 11: Age distribution of legal aid clients (Crime Higher) 2025–26¹⁷ compared to general population¹⁸

	Under 18	18–24	25–34	35–44	45–54	55–64	65+
Crime Higher	2%	21%	31%	26%	12%	6%	2%
General population	21%	8%	14%	13%	13%	13%	18%

Overall summary of equality impacts

28. When taken as an overall package and noting some of the data caveats highlighted above, it is our view that these measures will benefit Crown Court advocates across criminal legal aid by ensuring that we pay more fairly for work done. According to the focus groups in the Criminal Legal Aid Independent Review (CLAIR), poor pay affects minority groups and women in particular. Therefore, increasing fees will go some way to address these issues. The increased fees for Crown Court work could speed up case progression for the benefit of clients.
29. Some legal aid practitioners will benefit more than others from the delivery of all these changes. In addition, it is possible that the legal aid practitioners who particularly benefit from the measures might be more likely to share a protected characteristic. However, we do not believe that these potential 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.
30. The increase in fees mean that legal aid costs will rise, when compared to current levels. As such, particular groups of defendants may be required to make higher contributions towards their legal aid costs than under the current fee schemes. Given the lack of available data, we have been unable to undertake detailed analysis of the impacts of these measures on the contributions defendants are required to pay. However, we know that annually, about 8,000 to 9,000 defendants at the Crown Court are required to pay an income contribution order (ICO). In many cases, the income contributions did not meet the current full defence costs of the case and therefore, in these cases, the client's income contributions will not be affected by an increase in fees. Approximately 1,500 to 2,000 capital contribution orders (CCOs) are also issued each year, representing between 2% and 3% of the legally aided population at the

¹⁷ 2025–26 demographic data on legal aid clients from MoJ, Legal Aid Agency figures available at <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-october-to-december-2024>

¹⁸ https://www.nomisweb.co.uk/sources/census_2021

Crown Court, and with an average value of £15,000. As such, we anticipate that these measures are likely to affect only a small proportion of individuals and with a maximum increase of 15%. The equalities data that we hold for all crime higher defendants does not separately identify those required to make a contribution. Consequently, we are unable to assess the equality impact of this measure.

31. However, since the contribution levels are subject to means testing¹⁹ and are intended to recuperate a proportion of the cost of providing legal aid services, we consider any differences in impact are proportionate to the legitimate aim of paying fairly for work done. In respect of income contributions, there is a cap to the maximum income contribution individuals can be asked to contribute for their legal aid costs. This will assist in mitigating any rises in legal aid costs to individuals as a part of the changes made to the scheme. Overall, we consider that the impact on defendants that pay legal aid contributions will be limited.

Eliminating unlawful discrimination, harassment and victimisation

Direct discrimination

32. Our assessment is that each of these measures are not directly discriminatory within the meaning of the Equality Act as they do not treat advocates or clients unfavourably on account of their protected characteristics.

Indirect discrimination

33. We do not consider that the impact of these measures will result in any particular disadvantage to legal aid practitioners who share protected characteristics. This is because the proportionate increase in annual spend that all practitioners will receive does not represent any decrease in funding to any other group of practitioners. Therefore, we do not think these uneven impacts will amount to indirect discrimination.
34. These changes may have a disproportionate impact on a small number of clients (Crown Court defendants) who are required to make a contribution to their defence costs. We recognise that Crown Court defendants are more likely to be male, from an ethnic minority background and in the 18 to 35 age group than the general population.
35. Defendants who are financially eligible for legal aid in the Crown Court may be required to pay an income contribution towards the cost of their defence. Income contributions are refunded in the event of the defendant's acquittal while, if convicted, the defendant

¹⁹ Criminal legal aid contributions and means test thresholds were considered more broadly as part of the Means Test Review.

may be liable to pay towards their defence costs from their capital assets. An increase in legal aid will lead to increased costs which, in turn, might increase the contributions individuals are required to make. There is a cap to the maximum income contribution individuals can be asked to contribute for their legal aid costs. This will assist in mitigating any rises in legal aid costs to individuals as a part of the changes made to the scheme. Overall, we consider that the impact on defendants that pay legal aid contributions will be limited. To the extent that a group with any particular protected characteristic is affected more than others, we consider that this will mitigate the impact. Further, we consider that these measures are a proportionate means of achieving a legitimate aim, and therefore do not amount to unlawful indirect discrimination.

36. In summary, we recognise that there might be some uneven impacts as a result of these measures. However, where the impacts are uneven the measures represent a proportionate approach to achieving our legitimate objective – to pay more fairly for work done. If any disadvantages do materialise or if there was to be a disproportionate effect on a particular group, our conclusion remains the same, that this will be justified as a proportionate means of meeting the legitimate aim of paying more fairly for work done.

Harassment and victimisation

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

Advancing equality of opportunity

38. 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.
39. Our proposals may disproportionately benefit males over females because of the distribution of advocates. However, we consider that this is justified, because fee increases across the board may assist with equality of opportunity.
40. The Ministry of Justice (MoJ) is mindful of the need to encourage those with protected characteristics to participate in public life and the need to advance equality of opportunity generally.

Fostering good relations

41. 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.

Indirect discrimination: impact

42. We do not believe that any change in increased funding will cause a disadvantage to any group with protected characteristics, as these changes raise fees across the AGFS and will not decrease funding for any other groups of practitioners. We do not believe any uneven impacts will cause indirect discrimination.