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LAPG Member Update

Issue 3 of 2025

MOJ Launches Civil Fee Increase Consultation

'Legal aid is the cornerstone of our justice system. It underpins the rule of law in this country, helping to ensure that everyone, including the poorest and most vulnerable, can access justice and enforce their legal rights.'

But when this Government took office, we inherited a legal aid system creaking under pressure after years of neglect.'

And so begins the Ministerial foreword of the first meaningful consultation on improving the sustainability of the civil legal aid system for as long as any of us can remember. Reading the foreword is, quietly frankly, like gulping in a lungful of fresh mountain air after years of being locked in interminable meetings with metaphorically chain-smoking civil servants.

[Access the full range of consultation documents here](#), including an Impact Assessment and Equalities Statement. The consultation is formally called: *Civil legal aid: Towards a sustainable future*.

The foreword to the consultation document can be summarised as thus:

- Legal aid is incredibly important and impactful and legal aid practitioners are brilliant
- Legal aid is in crisis and has been for some time
- The government has carried out an extensive review and agrees with the first two statements

- The government has decided to do something about it

The first step in doing something about it is the subject of this consultation – a plan to increase and harmonise fees for Housing & Debt and Immigration & Asylum cases. The increase is not 10%, as many have reported since the MOJ press release late last year. It is more substantial and more sophisticated than that. Crucially, the increases are based on an analysis of the available evidence and an assessment of what might make the work financially viable.

Now, we might not agree with the analysis or the assessment of potential viability. We will probably still feel the fees are too low. They are not, for example, even approaching Guideline Hourly Rates. We might not agree with the methodology employed by the MOJ analysts, or with the way they have assembled and viewed the evidence submitted to RoCLA. We might still feel that the data available about the actual cost of delivering legal aid services is lacking. But this is a significant step forward and once finalised it will mean that fees in these two areas of legal aid will be based on an analytical framework. This means that for the first time in forever (sorry) we can have a debate with government based on something concrete, objective, measurable and, potentially, challengeable, particularly as the evidence and data bases grow.

It also means that this first foray by the MOJ into setting financially viable fee levels can be replicated across other areas of legal aid, which makes this consultation important for all legal aid practitioners, not just those doing these two areas of law. And, as set out in the foreword, this is the first step and there will [should?] be more to come in the next few months through the next stage of the Spending Review. We therefore urge all members to read the consultation document, think about what it might mean to your organisation, and consider submitting a response or feeding thoughts into our response. It would be particularly valuable if members could do some level of modelling of the proposed fees against their current caseloads to determine how your remuneration levels will change. We know this process doesn't translate well across all areas of legal aid because of the myriad different fee schemes in place, but any form of modelling would be instructive to our response. Particularly useful would be an accompanying analysis of how your organisation might change as a result: recruitment, salary levels, training, employee benefits, infrastructure investment, case mixes, case volumes, expansion plans – what, if anything, would your organisation consider doing with increased fees?

The nuts and bolts

The consultation opens today (24 January) and runs for 8 weeks, **closing on 21 March**.

Subject to any potential changes, the government plans to implement increases by the end of Autumn 2025.

The consultation is broken down into:

- **Chapter One:** Increases to civil legal aid fees for Housing and Immigration work

Explains the background, current fee structure and the proposed fee increases covered by consultation questions 1-8.

- **Chapter Two:** Improving the experience of legal aid processes

This chapter is designed to set out '*first steps in exploring potential areas for improvement in the experience of civil legal aid processes, both for providers and users*'. This is more of an exploration of two specific issues raised during RoCLA – remote provision and office requirements – rather than a consultation exercise on specific proposals. As these issues are explored in the context of LAA civil contract requirements, or the role of the LAA in setting and monitoring service delivery more generally, we would urge all practitioners to provide feedback to questions 9-14.

- **Chapter Three:** Conclusion and next steps
- **Questionnaire**

The consultation questionnaire has 14 questions (some of which have sub-questions) set out on pages 31-33.

- **Annex A** – Methodology for arriving at the proposed fee levels and the 10% uplift

We urge you to read this section and not to respond solely based on the proposed increases. As noted above, it is as important to understand how the MOJ calculated the proposed fee levels as it is to gauge the potential impact of the proposed fee increases. Any thoughts or feedback that members have on the MOJ's methodology and assumptions would be extremely useful as we prepare our response to the consultation and develop our thinking about viability across all areas of legal aid.

- **Annex B** – Fee increases to specific fees

This Annex sets out every housing and immigration fee table from The Civil Legal Aid (Remuneration) Regulations 2013, showing current fees, proposed new fees, and the percentage uplift. The minimum uplift is 10% but for some components the uplift is as much as 42%. You will also note that the MOJ has attempted to harmonise the fees payable for different types or levels of work, or different activities, which partially explains the wide range of different percentage uplifts.

How to respond

Respond online at:

<https://www.gov.uk/government/consultations/civil-legal-aid-towards-a-sustainable-future>

Otherwise, please send your response by 21 March 2025 to:

Civil Legal Aid Reform Policy Team Ministry of Justice Eligibility, Civil and Family
Legal Aid Policy 102 Petty France London SW1H 9AJ

Email: civillegalaidreform@justice.gov.uk

Please contribute to LAPG's response

Contributions from members, whether they undertake housing or immigration work or other areas of legal aid, will be vital in developing our response to this crucial consultation. If you would like to work with us to help prepare LAPG's response please contact our Director of Legal Aid Policy, [Kate Pasfield](#).

Publication of Last Set of RoCLA Reports

Along with the consultation, the MOJ has today published a range of reports arising from RoCLA and clarified that the final report will be published by the end of March. The reports, due to be [published here](#) today, can be summarised as follows:

The [Data Publication Deep Dives on Housing & Debt, and Immigration & Asylum](#), published alongside the consultation on increases to Housing and Immigration fees. They summarise key descriptive information about solicitors, barristers, and providers who undertake housing & debt or immigration & asylum legal aid work.

The [Overarching Summary report](#) draws together the evidence gathered from each RoCLA work stream. This report summarises evidence into themed conclusions, setting out some key challenges facing the legal aid system.

The [User Experience Literature Review](#) complements the findings of the

previously published user research reports, and contextualises the research amongst the broader evidence base.

The [Analysis Summary Report](#) sets out the responses received to the Review of Civil Legal Aid Call for Evidence (which closed on 21 February 2024).

The [Data Publications: Deep Dive reports for other categories of law](#), which will be published by March 2025.

So there we have it legal aiders, an actual set of proposals from government to actually increase fees across whole categories of civil legal aid, along with actual statements that there could be more to come. Let's not get carried away yet on that last bit as every Minister on the telly, wireless and socials is keen to tell us about the challenging fiscal climate. But this is such positive news. Please do send us your thoughts on these proposals and, as stated above, any views you have on the applicability to other areas of legal aid.

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Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)



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