

Ministry of Justice

Legal aid for inquests: changes to fee schemes

A response by the Association of Personal Injury Lawyers

June 2026



Introduction

APIL welcomes the expansion of non-means tested legal aid for bereaved families at inquests involving public authorities. We have long called for the financial means assessment to be abolished for inquests, as we believe all bereaved families should have access to non-means tested legal aid for representation at inquests.

Legal representation provides families with the necessary support and advice to ensure that they are able to understand the inquest process and engage properly in the investigation into their loved one's death. This means that bereaved families get answers, and from a wider societal point of view, proper recommendations can be made to ensure that the same mistakes do not happen again. Bereaved families should have access to legal advice before an inquest and representation during the hearing, as representation is vital to ensure that there is a level playing field between the parties involved.

While we welcome the expansion of legal aid, we have practical concerns about its implementation and its real impact. The funding and resources provided to the Legal Aid Agency should be increased to allow for the reform to be introduced smoothly and to have a real impact for bereaved families. The legal aid application process should also be improved to avoid unnecessary delays and to make it more attractive for firms.

We recommend further consideration of the remuneration rates proposed. The rates should be competitive and reflect current costs. If not, there is a risk that equality of arms is not achievable. We believe that more flexibility needs to be introduced in the process when considering legal aid fees and remuneration. A mechanism should be established to allow for uplifts or markups depending on the complexity of the case.

1. We propose to move to a single fee scheme for inquest legal help. Do you agree?

Yes / No / Unsure / No preference

1.1 Please give reasons for your choice:

Yes, APIL agrees. The move to a single fee scheme will improve consistency and fairness as rates will be consistent across all areas of law. This proposal also has the potential to improve the application process and reduce the administrative burden for billing.

2. We propose that the single fee scheme for inquest legal help be based on the current claims against public authorities (CAPA) fees (set out in table 1 in part 1, and table 7(a) in part 2 of schedule 1 of the Remuneration Regulations.). Do you agree?

Yes / No / Unsure / No preference

2.1 Please give reasons for your choice:

While the CAPA rates are higher than the current legal help fees for clinical negligence, we are concerned that the proposed fees remain low and do not reflect the complexity or time required for inquest work.

We strongly recommend the introduction of a mechanism to allow for uplifts or markups to fees and remuneration in complex cases. There must be flexibility within the process to account for case complexity.

3. Subject to a successful Bill amendment to the Merits Regulations, we propose to amend schedule 4 of the Remuneration Regulations to include fee rates for non-advocacy work alongside existing rates for advocacy work for a family member who receives legal aid under other legal services. Do you agree?

Yes / No / Unsure / No preference

3.1 Please give reasons for your choice:

Yes, APIL agrees. The proposal will simplify the billing for legal aid, which can improve the process for legal representatives and families. -

4. We propose that for non-advocacy work under amended schedule 4, we replicate the hourly rates in table 7(a) in part 2 of schedule 1 of the Remuneration Regulations for claims against public authorities. Do you agree?

Yes / No / Unsure / No preference

4.1 Please give reasons for your choice:

As above, we believe that further consideration is needed regarding the rates. We are concerned that the proposed rates are outdated and have not kept up with inflation or the commercial costs of private practice. Consideration must also be given to the time and work required for complex cases. The impact of the proposals might not be felt to the full extent if bereaved families cannot find a legal representative available to do this work due to the level of fees.

5. As inquest legal aid scope is expanded, we intend to closely monitor the impact of the proposed changes to our remuneration arrangements on market capacity for inquest legal aid. What indicators should be considered in order to do this?

We suggest collecting data on the number of bereaved families who get representation that would otherwise have gone unrepresented or relied on pro bono support. The coroner statistics should also be updated to measure whether there has been an increase in representation. This is a key measure that would assess the success of the expansion of legal aid. A further suggestion is to collect data on the proportion of cases where families have specialist representation compared to the state, which will be key to draw conclusions regarding whether equality of arms has improved.

6. When considering taking on inquest legal aid work, what factors (other than remuneration) might act as:

- a) an incentive, or
- b) a barrier to your firm?

For each factor, please explain why.

a)

1. One of the benefits of legal aid funding is that inquest costs are recovered from the state. If funding for the inquest is arranged privately through a Conditional Fee Agreement, it is extremely difficult to recover those costs from the defendant. Legal aid funding provides certainty and ensures that the bereaved families damages are not reduced.

b)

1. Applying for and maintaining a legal aid contract is onerous for firms as it requires extensive paperwork and supervision structures. We understand it is important that requirements are in place to ensure that firms offering legal aid have accredited practitioners who are specialist in these cases, but the process could be streamlined.

2. The complexity of applying for legal aid for a claim is another barrier. The billing process once legal aid has been granted, should also be simplified.

3. As mentioned above, the fees and hourly rates do not reflect inflation or the commercial costs of private practice.

Any queries related to this response should be directed to:

Ana Ramos

Legal Policy Officer

ana.ramos@apil.org.uk