



Cambridge Office
Eastbrook, Shaftesbury Road
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To: All Chelmsford/Harlow and Colchester/Clacton Duty Scheme Members Re: Chelmsford/Harlow and Colchester/Clacton Schemes
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Response to consultation on merger of the Chelmsford/Harlow and Colchester/Clacton Duty Solicitor Schemes.

On 6th August, the Legal Aid Agency issued a consultation in response to Essex HMCTS confirmation that court business will be listed in recognition of Local Justice Areas (South Essex and North Essex). This is not a court or police station closure but given the significant impact of the court listing arrangements, it is deemed appropriate to consult scheme members on the options available.

The consultation was regarding the possible merger of the Chelmsford/Harlow and Colchester/Clacton Schemes.

The deadline for responses to the consultation was the 27th August 2021 and the timetable for the consultation exercise indicated that following consideration of responses, all affected parties would be notified of the outcome of the consultation by 10th September 2021. This letter is therefore intended as formal notification of the outcome of the consultation.

Thank you to everyone who has taken the time to respond to the consultation.

Summary of Responses

A total of 4 responses to the consultation were received from 4 different providers.

All respondents are current members of either the Harlow/Chelmsford scheme or Colchester/Clacton scheme. Therefore, all respondents would potentially be directly impacted by any changes arising from this consultation.

Option A - combine the Harlow/Chelmsford scheme with the Colchester/Clacton scheme

Respondents from 2 providers favoured option A which would result in a single combined Court Duty Rota covering the CJS areas of Chelmsford/Harlow and Colchester/Clacton.

Scheme Members would have access to North Essex Police Station and Court Duty work and would be required to service all the police stations and courts in the combined CJS area. The office postcode boundaries for the respective schemes would be combined.

One respondent stated that this option would save costs, assist with rota production and bring the scheme into line with court listing practice.

Option B - combine the Harlow/Chelmsford scheme with the neighbouring Scheme to the East

Respondents from 2 providers were in favour of option B which would result in a single combined Court Duty Rota covering the CJS areas of Chelmsford/Harlow and Colchester/Clacton.

Scheme Members would have access to North Essex Court Duty work and would be required to service all the courts in the combined CJS area. However, the existing Police Station rotas would remain unchanged and would not combine.

One respondent expressed concern regarding the travel time between Harlow and Clacton which can be well in excess of one hour, which for Police Station work could lead to unnecessary delay and expense in terms of mileage with the situation only slightly less acute for Colchester. They also expressed concern regarding the impact for any client subsequently charged; their travel time between Clacton and Harlow office would similarly be extended.

Another respondent made a similar point that this option would cause some difficulty, particularly in respect of travel between Clacton and Harlow (60 miles approx.) and could lead to unnecessary delay. They went on to point out that this is not a problem while providers are able to deal with matters remotely but when physical attendance is required providers may struggle with this.

Another respondent stated that some providers might favour Option B because they would be concerned about their ability to cover all North Essex Police Station Duty work.

They suggested such providers be allowed to opt out of the police station work they feel unable to cover as part of Option A.

Option C – no change to existing arrangements and duty scheme eligibility remains as currently set with separate schemes for Chelmsford/Harlow and Colchester/Clacton

No respondents expressed a preference for option C.

Decision

After careful consideration of the responses, the decision is to combine the Harlow/Chelmsford scheme with the neighbouring Scheme to the east (**option B**) to form a single combined Court Duty Rota covering the CJS areas of **Chelmsford/Harlow and Colchester/Clacton**. The existing Police Station rotas will remain unchanged and will not combine.

We have decided to implement option B as this will allow detainees from the Harlow, Chelmsford, Colchester and Clacton areas to continue to access local firms where possible and, for Court Duty work, it will align with current listing practice, ensuring a fair allocation of Court Duty work to providers across North Essex.

We will also implement the suggestion put forward by a respondent to this consultation and the consultation in respect of South Essex schemes that two North Essex Duty Solicitors are allocated Monday to Friday at the North Essex Central Remand Court sitting at Colchester Magistrates' Court and on Saturday at the North Essex Central Remand Court sitting at Chelmsford Magistrates' Court. This is supported by HMCTS who have advised that work volumes for overnight remands are such that this would be required to ensure prompt throughput of work.

Please note that this approach will not apply to GAP/NGAP/Breach/Miscellaneous Court work which will be listed at both Southend and Basildon Magistrates' Court.

No decision can meet the expressed desires of all those who provided feedback to the consultation, whilst also meeting the needs of clients and the LAA. It is considered the decision we have made provides the greatest fairness to all scheme members that are affected by this change.

The decision takes account of the concerns expressed concerning travel between Harlow in the west and Clacton in the east of the region.

From Friday 1st October 2021, membership of the Harlow/Chelmsford Court Duty scheme will be combined with the Colchester/Clacton Court Duty scheme. The existing Police Station rotas will remain unchanged and will not combine. Please ensure that you work from the updated rotas when they arrive.