



Legal Aid
Agency

TO: ALL MEMBERS OF THE BARNSTAPLE, EXETER, AND BRIDGWATER SCHEMES UNDER THE 2022 STANDARD CRIME CONTRACT

****24 August 2022 – Deadline for response extended by 1 week to 5pm, Friday 9 September 2022. The times of the court duty slots at Barnstaple magistrates' court added to page 6. DSCC data on the Barnstaple Police Station Scheme set out in a new Annex A at end of consultation (pages 8 & 9)****

****11 August 2022 – Amendment made to page 6 below to clarify the existing police station rota arrangements****

Introduction and Background

This consultation is on changes to the Barnstaple Duty Scheme from the October 2022 rotas (the first rotas under the 2022 Standard Crime Contract).

The consultation is in response to a reduction in Duty Solicitors on the Barnstaple Duty Scheme from the October 2022 rotas.

Any changes to the Barnstaple Duty Scheme from this consultation will take effect from the October 2022 rotas.

Travel times to Barnstaple from towns and cities in Devon and neighbouring counties

The travel times listed below use the shortest route and assume good travel conditions. However, we recognise that travel to Barnstaple for individual Providers and Duty Solicitors within a Duty Scheme may be longer.

	Devon		
	Plymouth	Exeter	Torquay
Travel time to Barnstaple by car (mins)	106	68	86
Mileage to Barnstaple (miles)	96.4	43.8	73.5
Google maps calculation	Click	Click	Click

	Cornwall			
	Newquay	Camborne	Liskeard	Bodmin
Travel time to Barnstaple by car (mins)	113	126	90	87
Mileage to Barnstaple (miles)	89	103	56.8	69
Google maps calculation	Click	Click	Click	Click

	Somerset		
	Taunton	Bridgwater	Weston super Mare
Travel time to Barnstaple by car (mins)	62	70	87
Mileage to Barnstaple (miles)	49.4	59.1	76.4
Google maps calculation	Click	Click	Click

Provider and Duty solicitor numbers in Barnstaple and neighbouring Duty Schemes

The following table provides information on the Scheme membership for the neighbouring schemes for the October 2022 rotas:

Scheme	Number of Providers	Number of Duty Solicitors
Barnstaple	1	1
Exeter	4	15
Plymouth	8	21
Torbay & Teignbridge	3	8
Bridgwater (Weston-Super-Mare / Sedgemoor/ Taunton Deane combined)	7	18
Carrick / Kerrier (Camborne) / Penwith	2	8

Consultation Timetable:

We are consulting on these proposals for **4 weeks**, from **Thursday 11 August 2022**. Responses should be sent by email to Louise Parcell (louise.parcell@justice.gov.uk) and John Facey (john.facey@justice.gov.uk) **by 5pm on Friday 9 September 2022**.

Our intention is to respond to the consultation by Friday 16 September 2022.

Duty Solicitor Schemes affected.

Subject to the proposed options (below), the following Duty Schemes are affected by this consultation.

- Barnstaple
- Exeter
- Bridgwater

Please note all postcode sectors are mapped into at least one Duty Scheme. The changes proposed here will not affect this.

Determining Eligibility for revised Duty Schemes

The Postcode Tool at [Crime Contract 2022 tender - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/crime-contract-2022-tender) sets out the Duty Scheme eligibility for each postcode sector under the 2022 Standard Crime Contract. The Postcode Tool will be updated following the outcome of this consultation.

Proposed revisions to Duty Schemes

The consultation sets out two sets of proposed changes:

- Changes to Barnstaple Duty Scheme membership – **Options 1 to 4**; and
- Changes to Barnstaple police station rota – **Options A to D**

We set out explanations, where appropriate, of how each of the approaches will affect the different Duty Scheme(s).

Please set out in your response which option you prefer in respect of each change:

- **Options 1 to 4** in respect to Barnstaple Duty Scheme membership; and
- **Options A to D** in respect of changes to Barnstaple police station rota

It may be the case that you consider different approaches appropriate for different Duty Schemes. Please make it clear in your response which Option(s) and Duty Scheme(s) you are referring to and indicate your reasons for preferring these alternatives.

Consultation Options

Changes to Duty Scheme membership

The LAA recognises that travel to Barnstaple from all Duty Schemes in Devon and the surrounding counties is significant, and that there will be many instances where travel is longer than set out in the above tables because of traffic conditions. Travel to Barnstaple is on rural single carriageway A roads, and may be affected by holiday and agricultural traffic, or whether the travel is during the day or overnight.

On that basis, the options for changes to membership of the Barnstaple Duty Scheme have been limited to the two nearest Duty Schemes:

- Exeter Duty Scheme – travel to Barnstaple is approximately 70 minutes.
- Bridgwater Duty Scheme – travel to Barnstaple is between approximately 60 minutes and 90 minutes.

The LAA acknowledges these travel issues may apply to members of the Exeter and Bridgwater Duty schemes, however, the LAA also needs to balance that against ensuring sufficient membership to service the Barnstaple Duty Scheme.

The second half of this consultation sets out options (options A to D) for changes to the Barnstaple police station rota to provide some mitigation, but the LAA recognises that these options do not change the underlying travel.

Option 1

The Barnstaple and Exeter Duty schemes are merged into a single Duty Scheme.

The full membership of the Barnstaple and Exeter Duty Schemes would become members of a single Duty Scheme and all members would serve on both the Barnstaple and Exeter police station and magistrates' court rotas.

Option 2

The full membership of the Exeter Duty Scheme joins the Barnstaple Duty Scheme.

The Barnstaple police station and magistrates' court rotas would be covered by the combined membership of the Barnstaple and Exeter Duty Schemes.

The Exeter police station and magistrates' court rotas would continue to be covered only by the membership of the Exeter Duty Scheme.

Option 3

The full membership of both the Bridgwater Duty Scheme and the Exeter Duty Scheme joins the Barnstaple Duty Scheme.

The Barnstaple police station and magistrates' court rotas would be covered by the combined membership of the Barnstaple, Bridgwater, and Exeter Duty schemes.

The Bridgwater police station and magistrates' court rotas would continue to be covered only by the membership of the Bridgwater Duty Scheme. The Exeter police station and magistrates' court rotas would continue to be covered only by the membership of the Exeter Duty Scheme.

The Bridgwater Duty Scheme covers a large geographical area. Some places within it take much the same time to travel to Barnstaple as it takes to travel from Exeter to Barnstaple. However, other places, such as Weston super Mare, take longer to travel to Barnstaple.

In this option, all places within the Bridgwater Duty Scheme would join the Barnstaple Duty Scheme, including those where it takes longer travel to Barnstaple than it takes to travel from Exeter to Barnstaple. This would include, for example, Weston super Mare from where it takes approximately 90 minutes to travel to Barnstaple, compared to approximately 70 minutes from Exeter.

Option 4

Part of the membership of the Bridgwater Duty Scheme and the full membership of the Exeter Duty Scheme joins the Barnstaple Duty Scheme.

The Barnstaple police station and magistrates' court rotas would be covered by the full membership of the Barnstaple and Exeter Duty Schemes and the partial membership of the Bridgwater Duty Scheme.

The Bridgwater police station and magistrates' court rotas would continue to be covered only by the membership of the Bridgwater Duty scheme. The Exeter police

station and magistrates' court rotas would continue to be covered only by the membership of the Exeter Duty Scheme.

The Bridgwater Duty Scheme covers a large geographical area. Some places within it take approximately the same time to travel to Barnstaple as it takes to travel from Exeter to Barnstaple. However, other places, such as Weston super Mare, take longer to travel to Barnstaple.

In this option, only those areas within the Bridgwater Duty Scheme that take approximately the same time to travel to Barnstaple as it takes to travel from Exeter would join the Barnstaple Duty Scheme. This would exclude, for example, Weston super Mare from where it takes approximately 90 minutes to travel to Barnstaple, compared to approximately 70 minutes from Exeter.

Changes to Barnstaple police station rotas

The Barnstaple police station rota is currently one slot per day (13:00 to 13:00) Monday to Thursday, with a weekend slot covering Friday 13:00 to Monday 13:00

Below are four options on changes to this rota. With all options the LAA would not expect Providers to attend Barnstaple police station within 45 minutes but would still expect them to make best endeavours to attend within 45 minutes of the time agreed with the police.

No specific changes to the Barnstaple magistrates' court rota are proposed in this consultation. Currently there is generally one slot every other Tuesdays and two slots every Friday (**the slots run from 9.30am to release**). We will, however, discuss with HMCTS whether it is feasible to make any changes to the court rotas to assist Duty Solicitors that will serve on the amended Barnstaple Duty Scheme from the October 2022 rotas.

Option A

The Barnstaple police station scheme would operate as a panel during the winter months (October to March rotas) when it is less busy and as a rota during the summer months (April to September rotas) when attendances are more frequent.

Panel schemes offer Providers more flexibility as they are not mandated to attend, unlike when operating on a rota. Individuals must still use their best endeavours to accept a reasonable number of panel calls (paragraph 9.49 of the Standard Crime Contract Specification).

There is a risk under this option that clients at the police station do not receive the appropriate level of legal assistance during the winter months and we would therefore need to monitor the impact of running the police station scheme as a panel.

Option B

The Barnstaple police station scheme would operate as a rota during the day and as a panel overnight when it is less busy.

As above, Panel Schemes offer Providers more flexibility as they are not mandated to attend, unlike when operating on a rota. Individuals must still use their best endeavours to accept a reasonable number of panel calls (paragraph 9.49 of the Standard Crime Contract Specification).

There is a risk under this option that clients at the police station do not receive the appropriate level of legal assistance overnight and we would therefore need to monitor the impact of running the police station scheme as a panel.

Option C

This option is a combination of option A and option B.

Option D

This option is the existing arrangements for the Barnstaple police station rota (one slot per day, 13:00 to 13:00, 7 days per week).

Our Preference

We do not have any preferences with the above options and recognise that all the above proposals have drawbacks and that members will have differing views on the proposals depending upon how each of proposals may affect them. We would therefore welcome responses and any alternative suggestions on how best to ensure cover for the Barnstaple Duty Scheme.

Our principal aim is to ensure that clients can access timely legal assistance, that the Police are able to operate effectively and that the market remains sustainable.

Please set out in your response which option you prefer in respect of each change:

- **Options 1 to 4** in respect to the Barnstaple Duty Scheme membership; and
- **Options A to D** in respect of changes to the Barnstaple police station rota

Respondents are invited to comment on these proposals and, if not in support of the proposals, to offer alternative suggestions.

If you have any queries or wish to discuss the above consultation please contact your Contract Manager, however written responses are required and should be sent by email Louise Parcell (louise.parcell@justice.gov.uk) and John Facey (john.facey@justice.gov.uk) **by 5pm on Friday 9 September 2022.**

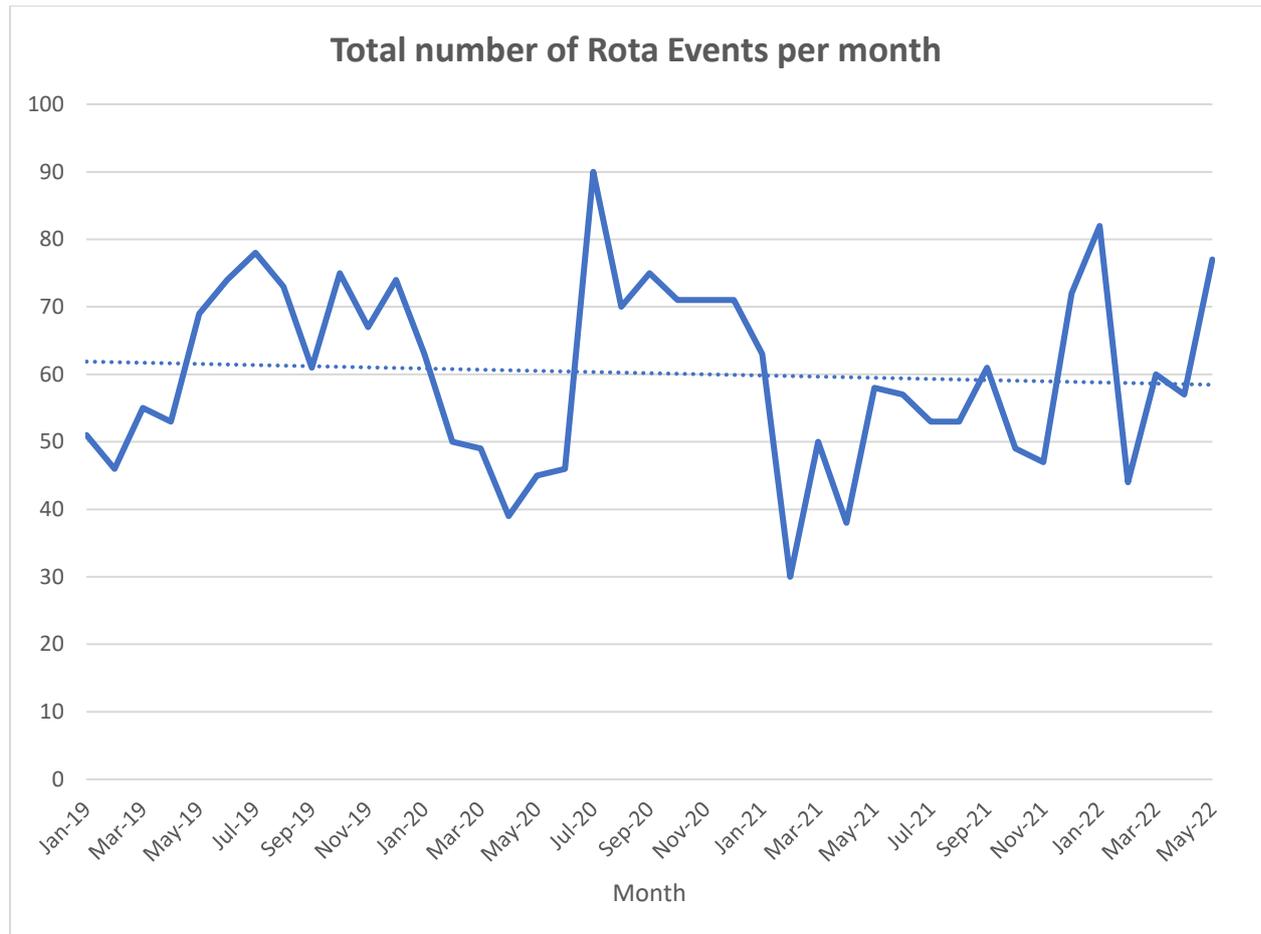
Legal Aid Agency

Annex A: DSCC data regarding Barnstaple scheme

The data presented in the two graphs below, covers the period from January 2019 to May 2022 inclusive.

Graph (1) – Total number of Rota Events per month

'Rota events' are requests for a duty solicitor (i.e., excluding own client matters and back up requests) and this data sets out the level of historic demand for duty solicitors on the Barnstaple scheme, through each month since January 2019.

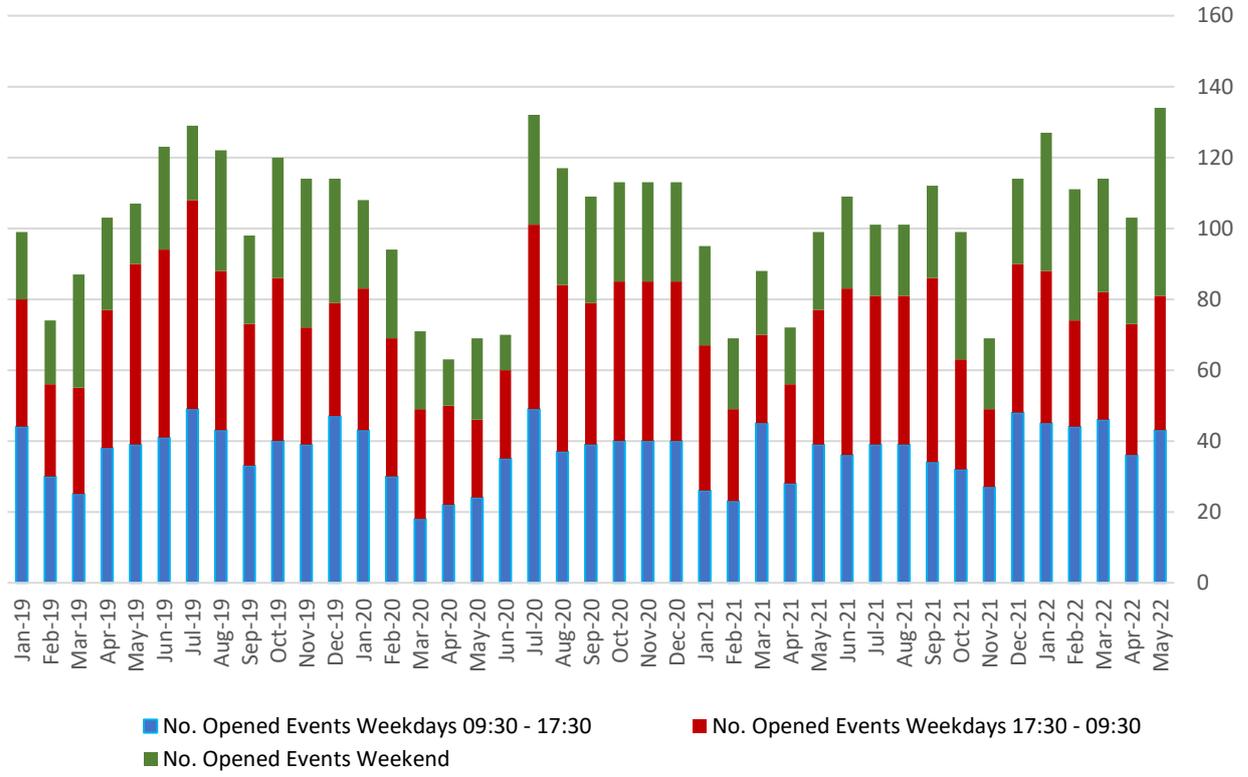


Graph (2) – Number of 'Opened Events' at different times of the day, per month

'Opened events' represent the number of cases that DSCC have opened on their system during those periods of weekdays 9:30-17:30, 17:30-9:30 and then at weekends.

This data has not been split by request type (e.g., duty solicitor or own client) but can be read along side the data in graph (1).

Number of 'Opened Events' at different times of the day, per month



The DSCC does not hold data on the numbers of defendants detained in custody.