

**North West Regional Office**  
5<sup>th</sup> Floor, Boulton House  
17-21 Chorlton Street  
Manchester M1 3HY

To: All Firms with Duty Solicitors on  
the Oldham and Tameside  
Schemes

Date: 12 August 2016

Dear Duty Solicitor,

## **Response to Consultation – Duty Solicitor Scheme**

This letter is the Legal Aid Agency's response to the consultation in respect of changes proposed to Duty Solicitor Schemes in the North West as a result of the closure of Oldham Magistrates Court and of Chadderton Police Station.

### **Background**

The consultation ran for 2 weeks from 27<sup>th</sup> July 2016 and closed on 10<sup>th</sup> August 2016.

The proposals outlined in the consultation attempted to keep changes to schemes to a minimum whilst taking into account the likely impact on levels of service to clients from solicitors whose offices will no longer be local to the court dealing with their matter, alongside maintaining fair and reasonable access to Duty Solicitor work for all firms whose offices are located within the affected Scheme boundaries.

In the event that you have any queries regarding the contents of this response, please address these to [CMCrimeQuery@legalaid.gsi.gov.uk](mailto:CMCrimeQuery@legalaid.gsi.gov.uk)

### **Summary of Responses**

A total of 2 responses to the consultation on proposed changes to the Duty Solicitor Schemes in the North West as a result of the closure of Oldham Magistrates Court and of Chadderton Police Station were received.

Both were from firms whose Duty Solicitors are members of the affected Schemes.

One respondent considered that the proposal made by the Legal Aid Agency was appropriate, and offered no other alternative solutions.

“The merging of the two schemes into one makes perfect sense, in view of the fact that there will be no more operational policing carried on within the Oldham division and the re-channelling of Court work into the one location...”

“In terms of wider ‘end-user’ considerations, in the minority of those cases that may require an ongoing engagement with the initial duty solicitors firm, there are fairly well established public transport links enabling the majority of residents of Tameside to travel to an office in Oldham and vice versa, within a reasonable time...”

One respondent considered that the proposal made was not appropriate, and suggested that the two Scheme areas of Oldham and Tameside should remain separate.

“...The Oldham Police Station Scheme has been running for some time without a working police station for the purposes of duty solicitor interviews, and the source location of the work has been identified by the police at Ashton and the Courts. There appears to be no good or sufficient reason that this cannot continue...”

“...It is common for Magistrates Courts, currently and in the past, to identify specific days or specific Courtrooms when or where categories of work can be dealt with...”

“...By reason only of the merging the rotas there is the real probability that not only do Oldham people have to travel to and from Courts and police stations some distance away, they will not be able to access legal advice in their own town...”

## **Decision**

After careful consideration of the responses received, and the points raised within the same, the Legal Aid Agency have decided to proceed with the changes as proposed. As such the membership of the Oldham Scheme and the Tameside Scheme will be merged and the new Scheme boundary will be changed to encompass all postcodes currently allocated to the Schemes.

All postcode sectors are mapped into at least one Duty Scheme. The changes detailed here will not affect this.

In reaching this decision, consideration has been given to the needs of clients to receive the assistance of a Duty Solicitor in a timely manner, and further the requirements placed upon Duty Solicitors under the 2010 Standard Crime Contract to attend at the Police Station within 45 minutes where required.

Travel times and distances have been reviewed, and all firms whose Duty Solicitors are members of the Oldham Scheme have offices within 45 minutes travel time of Ashton Under Lyne Police Station.

Additionally, since the temporary closure of the Custody Facility at Chadderton Police Station, all clients arrested within the area of the Oldham Scheme have been taken to Ashton Under Lyne Police Station. This has not resulted in issues for the Duty Solicitor from the Scheme when requested to attend Ashton Under Lyne Police Station to assist clients.

The Legal Aid Agency consider that clients should continue to have the choice to instruct a Solicitor of their choosing, and the clients ability to instruct a solicitor from their local area will not be affected by this decision.

We have also considered the impact of any ongoing representation of the client at Court where a client is charged with an offence, and HMCTS have indicated that the work will be dealt with at Tameside Magistrates Court. However, the implementation of the Single Justice Area with effect from September 2016 will mean that cases will not be listed on a strict geographical basis in any event, and as such the Court will not list cases from Oldham and Tameside into separate days or courtrooms. In addition, we have considered the current sending path to Crown Courts in the area.

It is acknowledged by respondents that the Duty Solicitor Schemes provide a potential source of new clients, and we have been mindful that access to this work should be as fair as is possible across geographical areas, whilst remaining within the required distances for travel times.

Accordingly, the Legal Aid Agency consider that to maintain the separate Schemes would unfairly restrict Oldham members access to new work through the Duty Solicitor rota, and to merge the Schemes will provide access to work on a fair basis for providers across the geographical area.

As the work from Oldham Magistrates Court will be undertaken at Tameside Magistrates Court, an increase in the volume of cases dealt with at the Court is to be expected. However, it has been confirmed by HMCTS that the maximum number of matters listed into a session, particularly on the busier TSJ sessions will not be increased.

As such, and after carefully considering the average number of clients assisted by a Duty Solicitor each day, we have decided that no increase to the number of Duty Solicitors on duty each day will be required. This will continue as it is currently, with 1 Duty Solicitor per day at Tameside Magistrates Court.

In making this decision, the Legal Aid Agency is of course aware that the stated preference of all firms cannot be accommodated. It is the unfortunate nature of any consultation process that not all respondents will be satisfied with the outcome, however it is the Legal Aid Agency's view that, in the given circumstances, to proceed as outlined is the best course of action.

## **Next Steps**

The Scheme boundaries will be merged with effect from 1 October 2016 and will create a new Scheme. To assist providers in determining which Scheme(s) they are eligible to join, the postcode sectors providing access to work within each scheme, which can be found here <https://www.gov.uk/guidance/duty-solicitors-rotas-information-and-guidance> , and will be updated in accordance with this decision.

Yours faithfully

**Carolyn Schofield**  
**Area Contract Manager**