

1st September 2016

To all Duty Solicitors on Bradford, Halifax, Leeds and Wakefield & Pontefract Magistrates' Court Duty Schemes
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Dear Duty Solicitor

Consultation response on duty solicitor arrangements following closure of Calderdale and Wakefield Magistrates' Courts

Further to my letter dated 15th July 2016 this is the Legal Aid Agency's response to the consultation regarding the closure of Calderdale and Wakefield Magistrates' Courts on 30th September 2016.

Calderdale

This closure will impact on the Bradford Magistrates' Court Duty Solicitor Scheme, as after this date cases will be dealt with at Bradford Magistrates' Court. It is worth noting that there is no intention that Halifax work will be listed separately at Bradford; cases will be listed and heard in accordance with anticipated plea and not where the offences were committed.

Wakefield

This closure will impact on the Leeds Magistrates' Court Duty Solicitor Scheme, as after this date cases will be dealt with at Leeds Magistrates' Court. It is worth noting that there is no intention that Wakefield work will be listed separately at Leeds; cases will be listed and heard in accordance with anticipated plea and not where the offences were committed.

The options set out in the consultation were:

Calderdale

Option 1 – Amend the scheme boundaries for the Bradford Magistrates' Court Duty scheme allowing Duty Solicitors who are currently members of the Calderdale Magistrates' Court Duty scheme to become members of the Halifax Magistrates' Court Duty scheme from 1st October 2016.

Option 2 – Make no change to the scheme boundaries in place at present, ie Court Duty at Halifax will cease to exist after 30th September 2016 and providers currently eligible for membership of the Bradford Magistrates' Court Duty Scheme will continue to access duty slots on the Bradford Court Duty rota along with any extra slots as a result of the change from 1st October 2016.

Wakefield

Option 1 – Amend the scheme boundaries for the Leeds Magistrates' Court Duty scheme allowing Duty Solicitors who are currently members of the Wakefield Magistrates' Court Duty scheme to become members of the Leeds Magistrates' Court Duty scheme from 1st October 2016.

Option 2 – Make no change to the scheme boundaries in place at present, ie Court Duty at Wakefield will cease to exist after 30th September 2016 and providers currently eligible for membership of the Leeds Magistrates' Court Duty Scheme will continue to access duty slots on the Leeds Court Duty rota along with any extra slots as a result of the change from 1st October 2016.

Summary of responses received

Calderdale

Three responses were received, all of which confirmed a preference for Option 1, and two of these included a request that the current Calderdale Police Station Duty Scheme arrangements be unchanged.

Wakefield

Five responses were received. Three of these confirmed a preference for Option 1 and two proposed an alternative approach which included the maintenance of separate duty solicitors for Leeds and Wakefield/Pontefract providers or a weighting of slots allocated on a combined rota, according to membership of the provider's original scheme.

We have considered the alternative proposed. A weighted scheme would not be cost effective to devise and manage on an ongoing basis. Similarly, having rotas for both Leeds and Wakefield/Pontefract in operation at the same time would not be cost effective or efficient. In addition this would not be possible in practice as HMCTS have confirmed cases will not be listed separately.

Membership of a specific duty scheme does not convey a guaranteed volume of work and conversion rates from duty matters to full representation do vary.

Consultation Outcome

Calderdale

As detailed above, the consultation responses received expressed a preference for Option 1. We will therefore take the necessary steps to implement this option.

Wakefield

As detailed above, the majority of respondents expressed a preference for Option 1. For this reason and due to the rationale detailed above, we plan to implement Option 1 and we will therefore take the necessary steps to implement this option.

Impact on affected Duty Solicitor Schemes

Calderdale

The Duty Scheme members currently eligible for the Calderdale Magistrates' Court Duty Scheme will be automatically eligible to undertake court duty work at Bradford Magistrates' Court from 1st October 2016.

Wakefield

The Duty Scheme members currently eligible for the Wakefield Magistrates' Court Duty Scheme will be automatically eligible to undertake court duty work at Leeds Magistrates' Court from 1st October 2016.

Where appropriate, we will increase the number of duty solicitor slots during this rota period and will monitor performance closely.

Duty solicitor work at Bradford and Leeds Magistrates' Courts is remunerated at the rates set out in the 2013 Criminal Remuneration Regulations and travel time/expenses may only be claimed where the Duty Solicitor is called out or called to return on a day that is not a normal business day.

All providers are reminded of the need to comply in full with the duty requirements set out in 2010 Standard Crime Contract Sections 6 and 10; and in particular the need to ask to be released by the Court when appropriate (paragraph 10.12 refers).

For the avoidance of doubt police station duty rotas will not be impacted by these changes.

Rota Publication

The Bradford and Leeds rotas operational from 1st October 2016 will be issued to reflect the closure of Calderdale and Wakefield Magistrates' Courts.

Further Enquiries

Should you have any queries or need to discuss this consultation response further you should contact your local Contract Manager at the Leeds Regional Office.