

To all Duty Solicitors on the Eastbourne, Hastings, Worthing and Chichester Court Duty Schemes

For Information Duty Solicitors on Brighton and Crawley Court Duty Schemes

Introduction and Background

Sussex Duty Solicitor Schemes

This consultation is in response to HMCTS's announcement of magistrates' court closures currently served by a Duty Solicitor Scheme.

Details of the consultation can be found here -

www.gov.uk/government/consultations/proposal-on-the-provision-of-court-and-tribunal-estate-in-england-and-wales

We have tried 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.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the court closures and Duty Solicitor Schemes affected.

Section 2 outlines the options identified to change the Duty Solicitor Schemes affected within your local region.

We are consulting on these proposals for 3 weeks, from Friday 10th February to Friday 3rd March 2017.

Responses should be sent by email to SEcontractmanagers@legalaid.gsi.gov.uk

Although Eastbourne and Chichester buildings have not yet closed there is currently no work undertaken at these sites and work has been permanently moved as outlined below.

Section 1 – Court Closures and Duty Solicitor Schemes affected.

In the Sussex Region, the following Magistrates' Courts are due to close and work is being heard at alternative sites:

- Eastbourne
- Chichester

As a result of this we need to revise the following schemes:

- Eastbourne
- Hastings
- Worthing
- Chichester

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

Determining Eligibility for revised Schemes

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> , will be updated in accordance with this consultation.

Section 2 – Proposed revisions to schemes in the Sussex Region

Proposed Changes

The proposal is to combine the membership lists of Hastings and Eastbourne. The duty solicitors from this list will be allocated slots on the Hastings rota and there will no longer be an Eastbourne rota. Slots will also be allocated to deal with Hastings and Eastbourne clients at Brighton. The proposed rota is attached for this scheme and will be called the Hastings and Eastbourne Scheme.

The proposal is to combine the membership lists of Worthing and Chichester. The duty solicitors from this list will be allocated slots on the Worthing rota and there will no longer be a Chichester rota. Slots will also be allocated to deal with Worthing and Chichester client's at Crawley. The proposed rota is attached and thee scheme will be called the Worthing and Chichester Scheme.

If the rota states that the slot is call-in then travel and disbursements are claimable. The remaining slots are classed as attendance and travel and disbursements are not claimable unless the Duty Solicitor is released by the court and called back to return.

We are committed to reviewing these revisions after 3 months, if not before, to ensure that the number of solicitors allocated is sufficient to cover demand.

Please be aware that Standard Crime Contract Specification Part B rule 10.17 confirms *“Where Advice and Assistance and/or Advocacy Assistance is provided by the court Duty Solicitor acting as such under this Class of Work, all work undertaken during the court Duty Period must be submitted in a single Claim at the court Duty Solicitor rates set out in the **Criminal Remuneration Regulations.**”*

The Regulations confirm *‘Travelling hourly rates are only payable where the Duty Solicitor is called out (including being called to return) to the Court from the Office or attends on a day that is not a Business Day. Reasonable travel expenses may also be claimed where relevant.’* (Criminal Remuneration Regulations 2013, Schedule 4, 4.1).

CJS Area/County Sussex

Eastbourne and Chichester magistrates' courts in this CJS are due to close and work has already been moved to alternative sites.

These closures should not impact on the existing Scheme boundaries and no changes are envisaged or proposed, as there will be no change to membership of these schemes.

Respondents are invited to comment on this proposal and, if not in support of the proposal, to offer an alternative suggestion.

Hastings & Eastbourne

Duty solicitors to be allocated from the combined Hastings and Eastbourne members list:

	Hastings Court	Brighton Court
Monday	1 Duty Solicitor – call in Video Link	1 Duty Solicitor Remand
Tuesday	1 Duty Solicitor Bail Duty weeks 1,2&4	1 Duty Solicitor Remand
Wednesday	1 Duty Solicitor GAP/NGAP	1 Duty Solicitor Remand
Thursday	1 Duty Solicitor GAP/Sentencing	1 Duty Solicitor Remand
Friday	1 Duty Solicitor Bail (breach/non-police)	1 Duty Solicitor Remand
Saturday		1 Duty Solicitor Remand

Worthing & Chichester

Duty solicitors to be allocated from the combined lists of Worthing and Chichester:

	Worthing	Crawley	Brighton
Monday	1 Duty Solicitor Bail/Sentencing/Non- police fines	1 Duty Solicitor Remand	
Tuesday	2 Duty Solicitors GAP/NGAP	1 Duty Solicitor Remand	
Wednesday		1 Duty Solicitor Remand	
Thursday	1 Duty Solicitor Bail/Youth 1 Duty Solicitor – Call in Custody Duty/Youth	1 Duty Solicitor Remand	
Friday	1 Duty Solicitor Bail/GAP/Non-Police	1 Duty Solicitor Remand	
Saturday			1 Duty Solicitor Remand