

Introduction and Background

Surrey 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 closures 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 the area specified.

We are consulting on these proposals for 3 weeks, from Friday 3rd February to Friday 24th February 2017.

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

Section 1 – Court Closures and Duty Solicitor Schemes affected.

In Surrey, the following Magistrates' Court will be closed:

- Redhill

In addition the following changes will apply:

- Guildford Magistrates' Court will remain open but all remand work will be heard at Staines Magistrates' Court. The proposed schedule of work is attached to this consultation paper and confirms that NON CPS/SJB, GAP, NGAP and DV work will be retained at Guildford.
- Staines Magistrates Court will deal with GAP and NGAP work and all remand work from the Surrey County.

As a result of this closure and the other changes indicated, which take effect from 1 April 2017, we need to revise the following Schemes, in the same order as shown above:

- Redhill
- Guildford
- Staines

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 Surrey

Proposed Changes

There will be two court rotas in Surrey covering each of Guildford and Staines Magistrates' Courts.

The proposal is to combine the Scheme membership lists of Redhill and Guildford. The Duty Solicitors from this combined list will be rota'd for slots at Guildford Magistrates' Court. The Court schedule is attached to this document, as is the draft rota. As all remand work across Surrey will be heard at Staines Magistrates' Court from Monday to Saturday, an additional slot will be rota'd at Staines and will be allocated to a member of this combined list to deal with all remand clients arrested in Surrey excluding Staines.

Scheme members of the Staines Scheme will be allocated rota slots in accordance with the draft rota which is attached. The members of this list will deal with all Staines clients.

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 Surrey

Redhill Magistrates' Court in this CJS area will close on 31st March 2017.

This closure 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.

Duty Solicitors to be allocated from the combined Redhill and Guildford members lists:

	Guildford	Staines
Monday	1 Duty Solicitor – Call in	1 Duty Solicitor
Tuesday	2 Duty Solicitors	1 Duty Solicitor
Wednesday	2 Duty Solicitor	1 Duty Solicitor
Thursday	1 Duty Solicitor	1 Duty Solicitor
Friday	1 Duty Solicitor	1 Duty Solicitor
Saturday	1 Duty Solicitor	

Duty Solicitors to be allocated from the Staines members lists:

	Staines
Monday	1 Duty Solicitor
Tuesday	2 Duty Solicitor
Wednesday	1 Duty Solicitor
Thursday	1 Duty Solicitor
Friday	1 Duty Solicitor