

Introduction and Background

Duty Solicitor Schemes

This consultation is with regard to the Kendal Duty Solicitor Scheme, which over recent years has seen a declining number of members resulting in the Scheme becoming less viable as a stand-alone Scheme.

The Scheme is also impacted as a result of the 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 Scheme, the court closure 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 2nd March 2017 to 23th March 2017.

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

Section 1 – Court Closures and Duty Solicitor Schemes affected.

In the North West Region, the number of members of the Kendal Duty Solicitor Scheme has reduced over the years, and most recently has had only 2 members. The reduction in the number of members of the Scheme has resulted in this becoming unviable as a stand-alone Scheme long term.

Additionally, in the North West Region the following Magistrates' Court will be closed:

- Kendal

In addition the following changes will apply:

- It is envisaged that an alternative location within Kendal may deal with some cases. However, the matters which will be capable of being dealt with at this alternative location are likely to be minimal following a risk assessment of the cases.
- Cases not capable of being dealt with at the alternative location within Kendal will be heard at other Magistrates Courts, and which Court will be determined based upon the location that the offence was committed. It is envisaged that the vast majority of cases will be dealt with at the Magistrates Court in Barrow in Furness, with much smaller proportions of cases being dealt with at the Magistrates Courts in Lancaster or Carlisle.

As a result of these closures and the other changes, we need to revise the following scheme:

- Kendal

It is considered that there is a need to revise this Scheme as there will be no remaining Court open within this Scheme.

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 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 North West Region

Proposed Changes

Where significant revisions are required, we set out 2 Options reflecting two different general approaches, with explanations where appropriate of how each of those approaches will affect the different schemes.

At the end we indicate the option we favour.

Where schemes only require minor adjustments, we set these out and invite any comments or feedback you may have on these changes.

It may be the case that you consider different approaches appropriate for different schemes. Please make it clear in your response which Option/s and scheme/s you are referring to, and indicate your reasons for preferring these alternatives.

Lancashire CJS Area

Kendal Magistrates Court in this CJS area will close on a date to be confirmed by HMCTS.

Our proposal is as follows:

Option 1:

We merge the Scheme Kendal and Barrow in Furness Schemes, and the new Scheme Boundary becomes that of both areas. Firms who have an office and Contract Schedule in the postcode sectors qualifying for the Kendal or the Barrow in Furness Schemes will be included on the appropriate Police Station and Court rotas within this Scheme.

We will maintain the Police Station rotas for Kendal and for Barrow in Furness, and allocate rota slots amongst all members of the combined Scheme.

We will maintain the Court Duty Solicitor rota for Barrow in Furness Magistrates Court and will allocate slots amongst all members of the Combined Scheme.

We will maintain the Court Duty Solicitor rota for Kendal Magistrates Court until the date of closure, and thereafter will change the rota to a 'call in' arrangement for the alternative location within Kendal to reflect the envisaged very low numbers of matters.

Option 2:

We merge the Scheme Kendal and Barrow in Furness Schemes, and the new Scheme Boundary becomes that of both areas. Firms who have an office and Contract Schedule in the postcode sectors qualifying for the Kendal or the Barrow in Furness Schemes will be included on the appropriate Police Station and Court rotas within this Scheme.

We will maintain the Police Station rota for Barrow in Furness, and allocate rota slots amongst all members of the combined Scheme.

We will maintain the Police Station rota for Kendal Police Station, and allocate slots amongst all members of the Scheme but allow Scheme members to elect not to be included in this rota. Any decision to allow Scheme members to elect not to be included on the rota would be dependent upon a minimum number of members remaining included to provide coverage at a manageable level.

We will maintain the Court Duty Solicitor rota for Barrow in Furness Magistrates Court and will allocate slots amongst all members of the Combined Scheme.

We will maintain the Court Duty Solicitor rota for Kendal Magistrates Court until the date of closure, and thereafter will change the rota to a 'call in' arrangement for the alternative location within Kendal to reflect the envisaged very low numbers of matters.

Option 2 is preferred by the Legal Aid Agency as the vast majority of the cases which would have traditionally been dealt with at Kendal Magistrates Court will now be dealt with at Barrow in Furness Magistrates Court, and this therefore maintains access for providers to the work arising from their current area. This also allows firms who do not wish to be included to cover Kendal Police Station the ability to opt out of the particular rota subject to a minimum level of cover remaining available.

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

The LAA will review whether the increase in defendants at the court locations of Barrow in Furness, Lancaster and Carlisle will require additional Court Duty Solicitor on any specific days.