



Legal Aid
Agency

legal aid – fair access to justice

North West Regional Office
5th Floor, Boulton House
17-21 Chorlton Street
Manchester M1 3HY

To: All Firms with Duty Solicitors on the Bury, Rochdale/Middleton, Bolton, Salford and Wigan Police Station Schemes

Date: 17th July, 2017

Dear Duty Solicitor,

Response to consultation – Bolton Police Station 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 decision by Greater Manchester Police that Bolton Police Station will no longer be used as a custody facility, save in exceptional circumstances, from 1st August, 2017. The Bolton Police Station Duty Solicitor Scheme was no longer viable in its current form as a result of that decision.

Background

The consultation ran for 4 weeks, from 12th June 2017 and closed on 10th July, 2017.

The proposals outlined in the consultation attempted to keep changes to affected 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 as local to the Police Station 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 them to Dominic.Geelan@legalaid.qsi.gov.uk

Summary of Responses

A total of 2 responses were received to the consultation on proposed changes to the Duty Solicitor Schemes in the North West as a result of the closure of Bolton Police Station to custody cases from 1st August, 2017.

The responses were from firms whose Duty Solicitors are members of the affected schemes.

One respondent supported the proposal made in **option 1** by the Legal Aid Agency i.e.

Option 1:

We merge the Bolton Police Station Duty Solicitor Scheme and Salford Police Station Duty Solicitor Scheme, and the new Scheme boundary becomes that of both areas. Firms who applied for slots on the July 2017 rota and who have an office and Contract Schedule in the postcode sectors qualifying for the Bolton or Salford Police Station Duty Schemes will be included on the merged Bolton/ Salford scheme and included on the rota.

The second respondent supported the proposal made in **option 2** by the Legal Aid Agency and asked that the Agency did not adopt the “one size fits all” approach in option 1 i.e.

Option 2:

We merge the Bolton Police Station Duty Solicitor Scheme and Bury, Middleton and Rochdale Police Station Duty Solicitor Scheme, and the new Scheme boundary becomes that of both areas. Firms who applied for slots on the July 2017 rota and who have an office and Contract Schedule in the postcode sectors qualifying for the Bolton or Bury, Middleton and Rochdale Schemes will be included on the merged Bolton/ Bury, Middleton and Rochdale Scheme and included on the rota.

Decision

After careful consideration of the responses received, the Legal Aid Agency has decided to proceed with the changes as proposed in option 1. As such the membership of the Bolton and Salford Police Station Duty Solicitor Schemes will be merged and the new Scheme boundary will encompass all postcodes currently allocated to those Schemes. The current arrangements for the Bolton Magistrates' Court Duty Scheme will remain unchanged.

Option 1 was preferred by the Legal Aid Agency as, having regard to the way Greater Manchester Police will re-direct Bolton arrests, it is likely that the majority will be directed to Swinton Police Station after 1st August, 2017. Bolton and Swinton Police Stations are also the most proximate geographically

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 the requirements placed upon Duty Solicitors under the 2010 Standard Crime Contract to attend at the Police Station within 45 minutes, where required.

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

Next Steps

The Scheme boundaries will be merged with effect from 1st August, 2017 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>, will be updated in accordance with this decision.