



Legal Aid
Agency

Changes to Braintree Police Station Scheme and Post Code eligibility

A Consultation

Braintree Police Station Duty Solicitor Scheme Consultation

Introduction and Background

Duty Solicitor Schemes

This consultation is in response to Essex Police's decision to close Braintree Police Station to Custody work and the subsequent impact on the associated Duty scheme.

It also looks to amend/refine the postcodes previously only eligible for a police station only scheme to ensure eligibility for both a Police Station and Court Duty scheme in the area in and around Braintree. No postcodes will have eligibility for schemes *withdrawn* as part of this consultation (subject to the outcome of the existence of the Braintree Scheme consultation)

We have tried to consider the impact on firms, clients and the legal aid fund as part of this consultation and would welcome any input or suggestions.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the Police Station Custody closure and Duty Solicitor Schemes affected. In addition it also sets out the current position with regard to eligible postcodes in Braintree as set out in the tender for the 2017 Standard Crime Contract.

Section 2 outlines the options identified to change the Duty Solicitor Scheme affected.

We are consulting on these proposals for 4 weeks from, from 25th July to 22nd August 2017

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

Section 1

Police Station Custody Closure and Duty Solicitor Schemes affected.

In Essex the Police station custody facilities for defendants is now closed at Braintree Police Station.

Detention and interviews of clients now primarily takes place at Chelmsford with the option for Colchester, Clacton or Harlow police stations to be used if required.

Braintree Police station currently has a Police station only scheme (i.e. with no associated court).

Braintree scheme is a 24 hour, 7 day a week scheme that currently has members from firms based across a wide geographical area in Essex (including Colchester, Chelmsford, Basildon, Harlow, Brentwood & Saffron Walden). Since April 2017 we have not issued a rota for the scheme (although the backup panel remains in place) as members were reporting that they were not receiving any work though the Defence Solicitor Call Centre (DSCC).

For all firms on the Braintree scheme it is an additional scheme (i.e. members are already members of another duty scheme).

As a result of this closure we need to revise the Braintree Police Station scheme membership and consider if amendment is needed to the other affected schemes such as Chelmsford, where the majority of the work will be sent.

Post Code Changes and Scheme Eligibility

The 2017 Crime Contract Tender confirmed eligibility to Duty Schemes based on postcodes of contracts holder's offices. It has subsequently come to light that a number of postcodes in Braintree have Braintree police station scheme as their only scheme. As all firms should be eligible for membership to at least one Court scheme/combined Police Station & Court scheme it is apparent we need to amend the qualifying criteria. In addition should we choose to abolish the Braintree Scheme certain Postcodes will not have access to any schemes which will need to be rectified.

All postcode sectors are mapped into at least one Duty Scheme. The changes proposed here will not affect this. However, some solicitors would no longer be eligible for additional schemes as a result of the police station closure.

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 Eastern Region

Proposed Changes

Where significant revisions are required, we set out 3 Options reflecting different general approaches, with explanations where appropriate of how each of those approaches will affect the schemes and members of the scheme.

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.

We are not consulting on the principles behind the closure of Braintree custody as this was a decision made by Essex Police.

We are asking for your responses to four specific questions.

- 1) Which is your preferred option (1, 2 or 3)?
- 2) Are there any factors that we have not taken into account that we should consider prior to making any changes?
- 3) Are there any factors we have considered that we should not have done before making any changes?
- 4) Is there anything else that is relevant that should be taken into account before any changes are made?

Braintree Police Station Scheme

During the last full year of operation of Braintree Custody, 353 claims were submitted for Police Station work carried out under the Braintree scheme. Of these 188 were duty cases and 165 own client cases. These volumes are significantly lower than that found in the neighbouring schemes of Chelmsford/Harlow/Witham (3049 case, 1549 duty and 1500 own client) and Colchester/Clacton (2870 cases, 1304 duty and 1566 own client), The options below set out below present our suggested options to be commented upon but any additional consideration will also be taken into account before any decision is made.

As it is understood that the majority of work previously going through Braintree is now sent to Chelmsford, this is the major consideration of the advantages and disadvantages listed below but is acknowledged that some work will also be sent to Clacton, Colchester and Harlow.

Option 1) Close Braintree scheme. Firms with Braintree as an additional scheme would not obtain membership of any additional scheme(s) or slots and work to be picked up by membership of which ever police station scheme the clients are detained at. This will maintain the current situation since April 2017.

- Advantages
 - Simple – requires no amendment to other schemes in Essex.
 - Relatively few duty cases were previously claimed through Braintree, so only a minimal impact on firms is expected.
- Disadvantages –
 - Firms on Braintree but not Chelmsford will see a small reduction in cases.
 - Extra travel for clients to see their solicitor if they live nearer Colchester than Chelmsford.

Option 2) Keep scheme open, re-issue rota and reinforce need for police inform DSCC if case is one that would previously be allocated to Braintree.

- Advantages
 - Keeps access to slots for current firms.
- Disadvantages
 - Artificial - keeps scheme open in name only, past experience has shown firms still likely to miss slots, additional admin burden for Police and DSCC.

Option 3) Close Braintree scheme but allow Braintree firms not on Chelmsford scheme access to Chelmsford.

- Advantages
 - Stops firms losing cases from closure of Braintree.
- Disadvantages

- Chelmsford firms will lose cases that previously Colchester/Brentwood firms would not have had access to.
- Greater additional travel for firms and clients
- Large impact for relatively small number of cases.

Our preferred option is currently Option 1

Postcode Eligibility

At present a number of postcodes in and around Braintree are eligible for only the Braintree Police Station Scheme. All postcodes should have access to both a Police Station and a Court scheme.

A number of neighbouring/nearby postcodes have access to both the Chelmsford/Harlow/Witham scheme and the Colchester/Clacton scheme.

We intend to add the postcodes below to both these schemes as it is not considered to make a significant difference and should rationalise the current eligibility criteria. This doesn't affect the postcodes of any current provider locations.

At present the postcodes below only have access to the Braintree Police station scheme.

CM7 1	CM7 2	CM7 4	CM7 5	CM77 6
CO10 7	CO9 1	CO9 2	CO9 3	CO9 4

We intend to for the postcodes in Braintree:

CM7 1	CM7 2	CM7 4	CM7 5	CM77 6
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to be eligible for both the Chelmsford/Harlow/Witham scheme and the Colchester/Clacton scheme

We intend to for the postcodes the postcodes in Halstead:

CO9 1	CO9 2	CO9 3	CO9 4
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to be eligible for the Colchester/Clacton scheme only and

We intend for the postcode in Sudbury:

CO10 7
to be eligible for the Bury St. Edmunds scheme Only

Do you agree these postcodes should eligible for membership on the suggested schemes?

Are there any other additional postcodes you believe are not currently eligible for both a Police Station and Court scheme and would require mapping onto other schemes?

Summary

Whichever options are decided upon, implementation of the new membership rules for the revised schemes would come into place from start/mid September 2017.

Following the closure of this consultation on 22nd August we intend to review any responses, consider them in conjunction with the proposed and any new options and confirm the outcome by the start/mid September 2017.

Impact Assessment/Equality Impact Assessment (IA/EIA)

Consideration has been given during the preparation of this consultation paper to Impact Assessment/Equality Impact Assessment considerations. No issues in relation to the EIA or IA were identified that have not been addressed in the paper, therefore, it was considered disproportionate to publish a separate IA/EIA.

If you believe that there are issues of IA or EIA that should be considered please include these as part of your response to the consultation.