



Asiantaeth Cymorth
Cyfreithiol

Legal Aid
Agency

Introduction and Background

Duty Solicitor Schemes

This document is a response to the consultation and updated consultation issued in June and July 2017 respectively in response to HMCTS's announcement of magistrates' court closures currently served by a Duty Solicitor Scheme.

Details of the consultations can be found here -

<https://www.gov.uk/government/publications/duty-solicitor-scheme-boundary-consultations>

The consultations ran from 09/06/17 to 30/6/17 and 7/7/17 to 21/7/17.

The Consultation

The consultation paper comprised of two sections:

Section 1 outlined the Duty Solicitor Schemes affected by the request to merge the rotas.

Section 2 outlined the options identified to change the Duty Solicitor Schemes affected within this region.

Section 1 – Duty Solicitor Schemes affected

In the North Anglesey scheme, the following Magistrates' Court has closed:

- Holyhead Magistrates Court

In addition the following changes apply:

- Holyhead Magistrates court work has moved to Caernarfon Justice Centre.

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

- North Anglesey Duty Scheme
- Bangor & Caernarfon Duty Scheme

Section 2 – Proposed revisions to schemes in North Anglesey and Bangor & Caernarfon

The Proposed Changes Were:

As a result of the Holyhead Court closure, HMCTS are listing Anglesey Court matters in Caernarfon Justice Centre.

Option 1

To support this listing pattern, we proposed that the North Anglesey and Bangor & Caernarfon duty schemes were merged both for court duty work and police station matters.

Option 2

To support this listing pattern, we proposed that the Holyhead and Caernarfon court duty rotas were merged so that duty slots for the court are shared across all providers that qualified for the two schemes.

As part of this option, the police station rotas of North Anglesey and Bangor would continue to remain separate, meaning police station duty qualification remained as currently set.

Preferred option

Option 1 was preferred; to merge North Anglesey and Bangor & Caernarfon court schemes and also to merge the police station schemes. This option provided the solution that best fits the working practice of the courts and police without prejudicing the client.

Respondents were invited to comment on these proposals and, if not in support of the proposal, to offer an alternative suggestion. A non-response was deemed an acceptance of the preferred option.

Updated Consultation 7th July 2017

Two responses were received to the initial consultation, one in favour of option 1, one advocating no change to the current schemes. As part of these responses, representations were received from North Wales police requesting that the existing arrangements for the police station remain unchanged in order to assist with the efficient running of Caernarfon custody.

In light of these representations, we sought further comments regarding merging the police station schemes and did not offer a preferred option to this further consultation.

Responses to the Updated Consultation 7th July 17

Three providers responded to the further consultation.

One response supported the view put forward by the police that a merged scheme could put additional pressure on solicitors and the police having to deal with more cases with one duty solicitor rather than one from each existing scheme which may also lead to poor service to defendants as a result of any delays.

Two responses supported the merger of the police station scheme for the following reasons:

Caernarfon custody unit already processes cases from both schemes with no separate custody unit in Anglesey. A merged police station duty solicitor scheme would support this.

Back up may be called upon in the event that more than one duty solicitor is required at the same time. In both responses, it was felt that in practice it was rare that duty solicitors from both schemes were called at the same time.

The existing North Anglesey scheme is unsustainable at present comprising five duty solicitors from two providers.

A merged scheme would provide greater flexibility due to increased numbers of duty solicitors available in a single merged scheme which would assist with conflict issues.

Option to Be Taken Forward and Next Steps

Option 1 is to be taken forward. With regards to police station work, North Anglesey is deemed to be a fragile scheme in its present constitution and the scheme is potentially at risk. A merger will increase the number of duty solicitors thereby strengthening the position when it comes to conflict, diversity and membership. A larger pool of providers on one rota will allow for additional back up to be called for in busy times.

We will keep the position under review in conjunction with the police to ensure that duty solicitor provision is adequate under a merged scheme.

The court in Holyhead has already closed and cases are being heard in Caernarfon. A merged court rota will allow North Anglesey providers to access this work.

We will merge the schemes in conjunction with the January 2018 rota update.