



Legal Aid Agency

Birmingham Regional Office

Cannon House, 18, The Priory Queensway

Birmingham, B4 6BS

To: All Scheme Members of the Burton on Trent, Cannock and Rugeley, Tamworth and Stafford and Stoke on Trent and Newcastle under Lyme Scheme Areas

Dear Sir/Madam,

Response to Consultation with scheme members of the Burton on Trent, Cannock and Rugeley, Tamworth and Stafford and Stoke on Trent and Newcastle under Lyme Scheme Areas following HMCTS decision to list all overnight remand cases in Staffordshire at Northern Area Justice Centre from 1st April 2018.

On 5th February 2018, the Legal Aid Agency issued a consultation under paragraph 6.6 of the 2017 Standard Crime Contract Specification - Duty Solicitor Provisions, which states we may consult on a proposal to change the postcode boundaries in respect of a scheme following the closure of a magistrates' court. Although this is not a court closure, a consultation was deemed appropriate given the significant impact of the listing changes.

The consultation was regarding possible changes to the membership of Duty Solicitor schemes affected by the HMCTS decision to change listing patterns as outlined above.

The deadline for responses to the consultation was 16th February 2018 and the timetable for the consultation exercise indicated that following consideration of responses, all affected parties would be notified of the outcome of the consultation in the week commencing 26th February 2018. This letter is therefore intended as formal notification of the outcome of the consultation.

Thank you to everyone who has taken the time to respond to the consultation.

10 responses were received, some from individual Duty Solicitors and some a combined response reflecting the views of a firm overall. The majority of respondents ultimately favoured **Option B** over any other option.

Many respondents expressed concerns regarding the travel time and costs both for the defence and other users of the Criminal Justice System in each of the options under consideration. Respondents sought to minimise any additional costs.

No decision can meet the expressed desires of all those who provided feedback to the consultation, whilst also meeting the needs of clients, HMCTS and the LAA. A decision has therefore been made which will provide rationalised, efficient and effective Duty provision across the schemes under review, having given due consideration to the feedback received.

The number of Duty Solicitors required at each session has been agreed with HMCTS in line with their proposed listing arrangements. Given the significant changes to listing being introduced from April 2018 the LAA will maintain dialogue with HMCTS and Duty provision will be kept under review. Further changes to Duty numbers may be required in future should the availability of Duty Solicitors not meet demand from clients and ultimately impact the smooth running of the courts.

It has been decided that the following arrangements will be implemented:

All of the existing Burton On Trent, Cannock and Rugeley, Tamworth and Stafford Schemes (Staffordshire South Court Duty Rota) and the Stoke On Trent And Newcastle Under Lyme (Stoke On Trent Court Rota) schemes combine for the purpose of producing a CJS area wide rota for overnight remand work only.

Scheme Members will have access to their existing rotas for work that remains at those courts, but will also be required to service North Staffordshire Justice Centre on a rota basis to cover overnight remand cases.

A separate rota has therefore been established from the combined membership to cover overnight remand cases only at North Staffordshire Justice Centre

The rota requirements are as follows:

Overnight remand cases rota at North Staffordshire Justice Centre (Burton On Trent, Cannock and Rugeley, Tamworth and Stafford Schemes (Staffordshire South Court Duty Rota) and the Stoke On Trent And Newcastle Under Lyme (Stoke On Trent Court Rota) schemes)

1 Duty Solicitor would be required every day Monday to Friday.

2 Duty Solicitors would be required every Saturday and Bank Holiday.

Cannock Magistrates Court (Burton On Trent, Cannock and Rugeley, Tamworth and Stafford Schemes (Staffordshire South Court Duty Rota)

2 Duty Solicitors would be required on Wednesday (nominally GAP and NGAP).

2 Duty Solicitors would be required on Thursday (nominally Youth and DV GAP/NGAP)

2 Duty Solicitors would be required Friday (nominally GAP and NGAP).

North Staffordshire Justice Centre (Stoke On Trent And Newcastle Under Lyme (Stoke On Trent Court Rota) schemes)

1 Duty Solicitor would be required on Monday (Youths and PP)

2 Duty Solicitors would be required on Tuesday (GAP and NGAP)

1 Duty Solicitors would be required on Wednesday (DV)

2 Duty Solicitors would be required on Thursday (GAP and NGAP)

For clarity the Police Station rotas remain unchanged and separate rotas remain for the Northern Area Custody Facility and Watling Street Police Station.

Please note that the split of work outlined above (e.g. GAP/NGAP) is nominal – Duty Solicitors are available at court generally to service the needs of the court and unrepresented clients. It is expected that Duty Solicitors will divide the work fairly between themselves. The nominal splits above may be a helpful reference, but are not intended as an instruction as to the way work is to be divided.

Also, there can be no amendments to Remuneration Regulations or Contract arrangements – remuneration for Court Duty work will remain unchanged – travel and disbursements can only be claimed on a non-business day or when the solicitor is called back to court.

Please ensure that you work from the updated rotas when they arrive.

Next steps

- The changes detailed above will take effect on 1st April 2018.
- New rotas will be issued to cover the period 1st April – 30th September 2018.