



# Legal Aid Agency

**Birmingham Regional Office**

**Cannon House, 18, The Priory Queensway**

**Birmingham, B4 6BS**

To: Scheme Members of the Shrewsbury, Telford, Redditch,  
Kidderminster, Worcester and Hereford Scheme Areas

Dear Sir/Madam,

**Response to Consultation with members of the Shrewsbury, Telford, Redditch, Kidderminster, Worcester and Hereford scheme areas following HMCTS decision to list all overnight remand cases at Kidderminster Magistrates Court from 1<sup>st</sup> April 2018.**

On 5<sup>th</sup> 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 16<sup>th</sup> 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 26<sup>th</sup> 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.

27 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.

Many individual Duty Solicitors and firms also expressed a desire to see separate Duty rotas run at the court daily, one for each of the current schemes, to replicate current arrangements in the new location.

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. Anticipated workload does not require 3 Duty Solicitors to attend Kidderminster Magistrates Court daily and as a result the suggestion above cannot be justified on economic grounds. Given the significant changes to listing being introduced from April 2018 the LAA will, however, 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 Redditch, Kidderminster, Worcester Schemes (Worcester Court Duty Rota), Telford and Shrewsbury Scheme (Shropshire Court Duty Rota) and Hereford Schemes will combine to produce a CJS area (West Mercia) wide Rota for overnight remand work only.

Scheme Members will have access to their existing rotas for work that remains at the relevant courts, but will also be required to service Kidderminster Magistrates Court on a rota basis to cover overnight remand cases.

The **Kidderminster Overnight Remand Rota** requirement is as follows:

- 2 Duty Solicitors will be required on Monday
- 2 Duty Solicitors will be required on Tuesday
- 2 Duty Solicitors will be required on Wednesday
- 2 Duty Solicitors will be required on Thursday
- 2 Duty Solicitors will be required on Friday
- 2 Duty Solicitors will be required on Saturday

Other Court Duty requirements are as follows:

### **Worcester Court Duty Rota**

#### Redditch

- 1 Duty Solicitors will be required on Monday (GAP and NGAP)

#### Kidderminster

- 2 Duty Solicitors will be required on Tuesday (nominally GAP and NGAP)

#### Worcester

- 1 Duty Solicitor will be required every other Wednesday (Youths)
- 2 Duty Solicitors will be required every Thursday (nominally GAP and NGAP)

## **Hereford Court Duty Rota**

### Hereford

- 1 Duty Solicitor will be required every other Tuesday (Youths)
- 2 Duty Solicitors will be required on Wednesday (nominally GAP and NGAP)

## **Shropshire Court Duty Rota**

### Telford

- 2 Duty Solicitors will be required on Tuesday (nominally GAP and NGAP)
- 1 Duty Solicitors will be required on Wednesday (nominally GAP and NGAP) and a further Duty Solicitor will be required every other Wednesday (Youths)

For clarity the police station rotas remain unchanged and separate rotas remain for Shrewsbury Police Station and Telford Central 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 1<sup>st</sup> April 2018.
- New rotas will be issued to cover the period 1<sup>st</sup> April – 30<sup>th</sup> September 2018.