

5<sup>th</sup> October 2018

To all Duty Solicitors on Barrow-in-Furness, Kendal & Windermere and Lancaster Duty Schemes
---

Dear Duty Solicitor

## **Duty Solicitor Schemes**

This consultation is in response to concerns raised over the future viability of the Barrow-in-Furness, Kendal & Windermere Duty Solicitor Scheme, following a reduction in members.

We have tried to keep changes to 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 local to the Police Station/Court dealing with their matter.

## **This Consultation**

This consultation paper comprises two sections:

Section 1 outlines the Duty Solicitor Schemes affected and rationale behind the decision to consult.

Section 2 outlines the options identified to change the Duty Solicitor Schemes affected within your local region.

**We are consulting on these proposals for 3 weeks, from Friday 5<sup>th</sup> October to Thursday 25<sup>th</sup> October.**

**Responses should be sent by email to [karl.ford@justice.gov.uk](mailto:karl.ford@justice.gov.uk) with the heading marked *Barrow-in-Furness, Kendal & Windermere and Lancaster Duty Solicitor Scheme Consultation Response*.**

## **Section 1 –Duty Solicitor Schemes affected and rationale.**

Following the loss of members within the Barrow-in-Furness, Kendal & Windermere Duty Solicitor Scheme, concerns have been raised about the viability of the scheme, particularly in relation to Kendal Police Station, whereby rota slots are 24hr for both Barrow-in-Furness and Kendal Police Stations, with associated travel from Barrow to Kendal.

As such the decision has been made to consult to protect the long-term viability of the Barrow-in-Furness, Kendal & Windermere scheme, and to protect against any further loss of members in the long term.

## 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 Changes

### 1 Barrow-in-Furness, Kendal & Windermere Duty Solicitor Scheme

**Option 1** – Make no changes and continue with the rota in its current format.

**Option 2** – Create one merged scheme of Barrow-in-Furness, Kendal & Windermere and Lancaster. All Duty Solicitors would become members of one scheme and cover the Police Station and Court rotas in each area. Current rotas indicate that this would result in a scheme membership of 17 members of the combined Scheme.

**Option 3** – Create a separate Kendal Police Station only scheme, with an amended boundary encompassing Lancaster Providers, via the Postcode tool (Barrow-in-Furness Providers would remain as they currently are by having access to the Kendal Police Station Rota). Kendal Providers would still maintain and keep access to Barrow-in-Furness Court through the Postcode tool. The membership of the Barrow-in-Furness and Lancaster schemes would remain as 6 members and 11 members respectively (as per current member lists) with a Kendal Police Station Scheme membership of 17 members from all 3 schemes.

**Our preferred option is Option 3 which would allow Providers to continue to service duty work on their “home” schemes, whilst ensuring the Kendal Police Station scheme has sufficient members to maintain its viability.**

In addition, if you have any other suggested options that you feel we should consider, we would be grateful for your views.

Please note, subject to the outcome of this consultation, it is our intention to re-issue the affected rotas with effect from 12<sup>th</sup> November 2017 and to include Duty Solicitor applicants who have already submitted CRM12s for membership of the affected Schemes. Please see paragraphs 6.56 and 6.57 of the 2017 Standard Crime Contract Specification.

**Please ensure your final response is sent to [karl.ford@justice.gov.uk](mailto:karl.ford@justice.gov.uk) by 5pm on Thursday 25<sup>th</sup> October 2018 and marked *Barrow-in-Furness, Kendal & Windermere and Lancaster Duty Solicitor Consultation Response*. We will aim to confirm the outcome of the consultation in week commencing 5<sup>th</sup> November 2018, to allow the changes to be made for 12<sup>th</sup> November 2018.**

Please be aware that 2017 Standard Crime Contract Specification paragraph 10.18 confirms “*Where Advice and Assistance and/or Advocacy Assistance is provided by the court Duty Solicitor acting as such under this Class of Work, all work undertaken*

*during the court Duty Period must be submitted in a single Claim at the court Duty Solicitor rates set out in the **Criminal Remuneration Regulations.***

The Regulations confirm *'Travelling hourly rates are only payable where the Duty Solicitor is called out (including being called to return) to the Court from the Office or attends on a day that is not a Business Day. Reasonable travel expenses may also be claimed where relevant.'* (Criminal Remuneration Regulations 2013, Schedule 4, 4.1).

Kind Regards

A handwritten signature in black ink, appearing to be 'Karl Ford', written in a cursive style.

**Karl Ford**  
**Area Contract Manager**