

19th July 2019

To all Duty Solicitors on Northallerton & Richmond and York & Selby Schemes

Dear Duty Solicitor

Duty Solicitor Schemes

This consultation is in response to the HMCTS announcement that Northallerton Magistrates' Court closed on 31st May 2019, following their consultation launched on 14th March 2019, with the outcome published on 28th June 2019.

HMCTS have confirmed, via the above consultation, that all general Crime work will move to York Magistrates' Court and all road traffic will move to Harrogate Magistrates' Court, effective from 1st October 2019. There will be no separate listing of Northallerton and York cases at York Magistrates' Court.

We have tried to keep changes to Duty Solicitor 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 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 geographic area.

We are consulting on these proposals for 4 weeks, from Friday 19th July to Friday 16th August 2019.

Responses should be sent by email to richie.leech@justice.gov.uk with the heading marked *Northallerton & Richmond Duty Solicitor Scheme Consultation Response*.

Section 1 –Duty Solicitor Schemes affected and rationale.

Following the closure of Northallerton Magistrates' Court on 31st May 2019, it has been necessary to consult to determine the long-term arrangements for the Northallerton Duty Scheme work. Temporary arrangements have been in place since 1st June 2019 and will remain in place until 30th September 2019.

HMCTS will move all Northallerton Crime work to York Magistrates' Court with effect from 1st October 2019, which affects three Duty Solicitor Schemes – Northallerton & Richmond, York & Selby and Centralised North Yorkshire.

HCMTS have also confirmed Northallerton work will not be listed separately at York Magistrates' Court and will be integrated into the general lists to make the most of Court capacity. Duty Solicitors will therefore be required to pick up any case, and not just those from a specific geographic area.

Northallerton Police Station remains open at present and was not subject to the HMCTS consultation.

Determining Eligibility for revised Schemes

To assist providers in determining which Scheme(s) their Duty Solicitors are eligible to join they should use the postcode tool, which can be found here <https://www.gov.uk/guidance/duty-solicitors-rotas-information-and-guidance>

The tool will be updated in accordance with this consultation and the outcome of it.

Section 2 – Proposed Changes

Option 1 – The Northallerton & Richmond Scheme would become a Police Station only scheme, with an amended post code tool boundary to allow for Northallerton and Richmond postcodes to join the York & Selby Court Duty scheme (this would have the effect of an additional 1 member added to the York & Selby Court Duty Scheme and not the York & Selby police station Duty Scheme). All Darlington postcodes on the Northallerton & Richmond scheme would continue to cover Northallerton Police Station only scheme and their own home Court scheme of Darlington.

Centralised North Yorkshire scheme will be comprised of North Yorkshire Court Duty scheme members for York, Harrogate, Scarborough and Skipton.

Option 2 – Create one merged scheme of York, Selby, Northallerton & Richmond. All Duty Solicitors would become members of one scheme and cover the Police Station and Court rotas in each area.

Option 3 – All current Northallerton & Richmond Scheme members will be allocated proportionate slots on the York & Selby Scheme Court rota as per the current temporary arrangements. This would be 1 slot every Tuesday, as demand dictates only 1 additional slot is required to ensure coverage for the additional Northallerton work integrated into York. This would mean both York & Selby Scheme members and Northallerton & Richmond Scheme members would deal with all Duty matters at York Magistrates' Court with no distinction on which cases they dealt with – as set out above, HMCTS will not be listing cases separately. Northallerton & Richmond would become a Police Station only scheme.

Our preferred option is Option 1 which would allow Providers to continue to service duty work on their “home” schemes, whilst ensuring the York & Selby scheme membership only increases by one.

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

Please ensure your final response is sent to richie.leech@justice.gov.uk by 5pm on Friday 16th August and marked *Northallerton & Richmond Duty Solicitor Scheme Consultation Response*.

We will aim to confirm the outcome of the consultation in week commencing **19th August 2019**, to allow the changes to be made prior to the publication of the **1st October 2019** rotas at the beginning of September.

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

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

Richie Leech
Contract Manager