

TO: ALL MEMBERS OF THE LEEDS & WAKEFIELD, BRADFORD & CALDERDALE AND KIRKLEES MAGISTRATES' COURT DUTY SCHEMES

Introduction and Background

Duty Solicitor Schemes

This consultation is in response to HMCTS' confirmation of changes to the operation of Saturday and Bank Holiday courts based at Leeds Magistrates' Court from 1 October 2020. This change affects Saturday courts only.

The Saturday and Bank Holiday Court is currently served by the Leeds & Wakefield, Bradford & Calderdale and Kirklees Duty Solicitor Schemes.

For the avoidance of doubt, the following areas are *not* affected by this consultation:

- Monday to Friday Duty Solicitor Rota operations at Leeds Magistrates' Court
- Bank Holiday Duty Solicitor Rota operations at Leeds Magistrates' Court
- Police Station Duty Solicitor Schemes

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 court dealing with their matter.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the revised operations at Leeds Magistrates Court and the Duty Solicitor Schemes affected.

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

We are consulting on these proposals for **three** weeks, to **Thursday 10th September 2020**.

Responses should be sent by email to: DutySolQueries@Justice.gov.uk

Section 1 – Changes to operation at Leeds Magistrates Court on Saturdays and the Duty Solicitor Schemes affected.

HMCTS have advised that from 1 October 2020, the current process of listing across four court rooms on Saturdays will cease.

From this date, three court rooms will be in operation on a Saturday, rather than the current four.

This will affect Duty Solicitors attending at Leeds Magistrates' Court on Saturdays from the following Duty Solicitor Schemes:

- Leeds & Wakefield,
- Bradford & Calderdale
- Kirklees.

For the avoidance of doubt, HMCTS have advised that on Bank Holidays four court rooms will be in operation and the current arrangements will continue unchanged. Two court rooms are allocated to Leeds & Wakefield members, one court room is allocated to Bradford & Calderdale members and one court room is allocated to Kirklees members. There is one Duty Solicitor in each court room. Where possible, HMCTS allocate work to the court rooms by origin.

All postcode sectors are mapped into at least one Duty Scheme. The changes proposed here will not affect this.

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 revisions to schemes in the West Yorkshire Region

Proposed Changes

Where significant revisions are required, we set out 2 options reflecting two different general approaches, with explanations where appropriate, of how each of those approaches will affect the different schemes.

At the end we indicate the option we favour.

Where schemes only require minor adjustments, we set these out and invite any comments or feedback you may have on these changes.

It may be the case that you consider different approaches appropriate for different schemes. Please make it clear in your response which option(s) and scheme(s) you are referring to, and indicate your reasons for preferring these alternatives.

Our proposals for dealing with Saturday Duty Solicitor rotas are as follows:

Saturdays - Option 1:

The current, separate rotas for Saturday courts are combined into one West Yorkshire wide rota.

All work, regardless of origin, will be allocated across the three court rooms. There will be one Duty Solicitor in each court room.

This option will provide equal access to all Saturday work to all duty solicitors across the Leeds & Wakefield, Bradford & Calderdale and Kirklees areas.

This option would be more straightforward to set up but volumes of work may change for some providers.

Saturdays - Option 2:

The current, separate rotas for Saturday and Bank Holiday courts are split into two rotas:

The first will include duty solicitors from Leeds & Wakefield and Kirklees. Duty Solicitors will be allocated to cover two court rooms each Saturday.

The second will include duty solicitors from Bradford & Calderdale. Duty Solicitors from this rota will be allocated to cover one court room each Saturday.

Where possible, HMCTS will allocate work to the court rooms by origin under this option. There will be one Duty Solicitor in each court room.

The rationale for this option is that HMCTS have indicated that a higher proportion of work each Saturday has come from the Leeds & Wakefield areas.

For **Saturday Duty Solicitor Rotas, Option 2** is preferred by the Legal Aid Agency as this structure reflects Monday to Friday operations, is similar to current rota operation and it aims to give a similar allocation of work to providers as the current rota, based on HMCTS' indications.

Respondents are invited to comment on these proposals and, if not in support of the proposals, to offer an alternative suggestion.