



Legal Aid Agency

Birmingham Regional Office

Cannon House, 18, The Priory Queensway

Birmingham, B4 6BS

To: All Scheme Members of the Birmingham and Black Country Duty Solicitor Schemes

Dear Sir / Madam,

Re: Consultation on changes to the membership of the Birmingham and Black Country Police Station and Court Duty Schemes resulting from a consultation held on 13th July 2016 regarding the decision of HMCTS to close Sandwell Magistrates Court and list cases on a Black Country wide basis and to close local Police Stations in favour of a centralised Custody Suite at Oldbury. As outlined below this consultation, which seeks to change the postcode boundaries of the two schemes was not possible at the point at which these changes took place.

This letter constitutes formal notice, under paragraph 6.60 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 Police Station/Magistrates Court.

Please note: the changes proposed will not impact the arrangements under the existing 2017 Standard Crime Contract.

This letter will deal specifically with proposed changes to the scheme boundaries affected by the closure of Sandwell Magistrates Court and the custody blocks at Police Stations in Walsall, Dudley and Smethwick.

The Background

Following the closure of Sandwell Court, HMCTS moved to a system of Black Country wide listing. At that time there were four separate Black Country Court Duty schemes (Dudley, Wolverhampton, Sandwell and Walsall) and also multiple Police Station schemes. The opening of the Oldbury Custody Block and the simultaneous closure of many smaller Police Stations across the region resulted in the LAA also

having to consider a Black Country wide Police Station Duty scheme to cover the Oldbury Custody Block and remaining Wolverhampton Police station. It was therefore considered that a move to a single Black Country Duty Solicitor rota for both Police Station and Court would best fit with the new listing practice and custody arrangements which were taking place at the same time and at short notice.

The LAA therefore consulted on the necessary changes to the Court and Police Station Rotas to accommodate these operational changes. A face to face consultation event was held on 13th July 2016. At that meeting the LAA proposed that a single 'Black Country Rota' be established both for Court Duty and Police Station. In both cases, the combined schemes would comprise the existing members of the separate schemes operating within the Black Country.

There was general agreement that the consolidation of the schemes was a sensible option which would give a fair allocation of work to providers across the Black Country.

The changes were implemented on 5th September 2016.

At the time of the Consultation the tender for the 2017 Standard Crime Contract was about to open. This meant that, any change to the LAA "Postcode Tool" by which eligibility for scheme membership is determined, was not possible. The existing schemes were simply combined without any overall boundary changes and were later re-named.

The Consultation

The situation outlined above has created an anomaly in the operation of the Black Country and Birmingham Duty schemes, as this change inadvertently gave these postcodes access to both of the largest schemes in the region. This was not intended. Providers within these postcodes have historically had access to the Walsall Duty Solicitor schemes by virtue of the Duty Solicitor Regulations of a previous Contract which decided scheme access by travel times by public transport to Police Stations and Courts— those rules are no longer in force. As outlined above, this anomaly could not be addressed in 2016, therefore we are now consulting on a proposal to change scheme boundaries in preparation for the next tender.

There are two postcodes which currently give access to both the Birmingham and Black Country schemes

B42 1xx

B20 3xx

This is a unique circumstance that is not reflected in other schemes across the West Midlands CJS Area.

We are seeking to address this anomaly and give single rota allocation to these postcodes bringing them in line with schemes access across the rest of the West Midlands CJS Area.

Scheme members from Birmingham and the Black Country Police and Court Duty Schemes are invited to respond.

Existing scheme arrangements will continue for the duration of the current 2017 Standard Crime Contract. Thereafter, following the outcome of this consultation, any new arrangements will be applied from the next Standard Crime Contract.

You are invited to submit any comments regarding the proposals, or put forward any alternative suggestions in writing, marked “**Black Country/Birmingham Duty Scheme Consultation**” in the subject box by email to:

Emma.Archer@justice.gov.uk by **5pm on Friday 13th February 2021.**

The timetable for this consultation exercise is as follows:

Stage	Duration	Start/end date
Consultation Period	3 weeks	25th January 2021 to 13th February 2021
Consideration and of responses	1 week	15th February 2021 to 19th February 2021
Notification of any changes		No later than 19th February 2021
Change to Post-Code Tool	Latest 1st March 2021	
Date changes would take effect	Start date of the next Standard Crime Contract.	

Proposed Changes

Please find below the Options for consideration for the proposed changes to the existing Birmingham and Black Country Court and Police Station schemes.

OPTION 1

- **ALLOCATE THE B42 1xx and B20 3xx POSTCODES TO THE BIRMINGHAM DUTY SOLICITOR ROTA ONLY.**

The majority of these postcode areas are within the Birmingham City Council area and are largely considered part of Birmingham. Very small areas of the B42 1xx fall under Sandwell, which is a Metropolitan area that forms part of the Black Country; so overall these postcodes are Birmingham and firms located within them should therefore form part of the Birmingham Rota. Both postcodes are also located close to both Perry Barr Custody Suite, which is where Birmingham detainees are taken following arrest and Birmingham Magistrates Court.

The Postcode Tool would be amended to show that firms located in B42 1xx and B20 3xx would be eligible for the Birmingham Duty Solicitor rota only.

OPTION 2

- ALLOCATE THE B42 1xx and B20 3xx POSTCODES TO THE BLACK COUNTRY DUTY SOLICITOR ROTA ONLY.

The majority of these postcode areas are within the Birmingham City Council area, but small areas of the B42 1xx do fall under Sandwell, which is a Metropolitan area that forms part of the Black Country.

The Postcode Tool would be amended to show that firms located in B42 1xx and B20 3xx would be eligible for the Black Country Duty Solicitor rota only.

OPTION 3

- ALLOCATE THE B42 1xx POSTCODE TO THE BLACK COUNTRY DUTY SOLICITOR ROTA ONLY AND ALLOCATE THE B20 3xx POSTCODES TO THE BIRMINGHAM DUTY SOLICITOR ROTA ONLY.

The majority of these postcode areas are within the Birmingham City Council area, but small areas of the B42 1xx do fall under Sandwell, which is a Metropolitan area that forms part of the Black Country. The B42 1xx postcode is the most geographically remote of the two postcodes to the Perry Barr Custody Suite and Birmingham Magistrates Court, therefore if the geographical area is to be split across the two rotas this is the logical method for allocation.

The Postcode Tool would be amended to show that firms located in B42 1xx would be eligible for the Black Country Duty Solicitor rota only and firms located in B20 3xx would be eligible for the Birmingham Duty Solicitor rota only.

It may be that you consider a different approach appropriate for these schemes and if this is the case please make it clear in your response. To assist our assessment please fully explain the reasoning behind your preference in your response or indicate your reasons for preferring any other alternative suggestion.

Emma Archer
19th January 2021