



Legal Aid
Agency

Changes to Braintree Police Station Scheme and Post Code eligibility

Consultation Response

Braintree Police Station Duty Solicitor Scheme Consultation

Introduction and Background

Duty Solicitor Schemes

This consultation was in response to Essex Police's decision to close Braintree Police Station to Custody work and the subsequent impact on the associated Duty scheme.

It also looked to amend/refine the postcodes previously only eligible for a police station only scheme to ensure eligibility for both a Police Station and Court Duty scheme in the area in and around Braintree. No postcodes were intended to have eligibility for schemes *withdrawn* as part of this consultation (subject to the outcome of the existence of the Braintree Scheme consultation).

We tried to consider the impact on firms, clients and the legal aid fund as part of this consultation.

Response to Consultation

This consultation closed on 22nd August 2017.

We wish to thank all those providers who took time to respond to the consultation.

In total 4 written responses were received from individual Solicitors/Contract holding firms in addition to informal oral feedback from individual solicitors. Of the 4 responses 2 did not indicate a preferred option and two preferred Option 1. Details of comments received are set out below the original assessment of advantages and disadvantages below.

This consultation response is published on 7th September 2017 by David Williams, Contract Manager at the Eastern Regional Office.

This Consultation

This consultation paper comprised two sections:

Section 1 outlined the Police Station Custody closure and Duty Solicitor Schemes affected. In addition it also set out the current position with regard to eligible postcodes in Braintree as set out in the tender for the 2017 Standard Crime Contract.

Section 2 outlined the options identified to change the Duty Solicitor Scheme affected.

We are consulted on these proposals for 4 weeks from, from 25th July to 22nd August 2017

Section 1

Police Station Custody Closure and Duty Solicitor Schemes affected.

In Essex the Police station custody facilities for defendants is now closed at Braintree Police Station.

Detention and interviews of clients now primarily takes place at Chelmsford with the option for Colchester, Clacton or Harlow police stations to be used if required.

Braintree Police station currently has a Police station only scheme (i.e. with no associated court).

Braintree scheme is a 24 hour, 7 day a week scheme that currently has members from firms based across a wide geographical area in Essex (including Colchester, Chelmsford, Basildon, Harlow, Brentwood & Saffron Walden). Since April 2017 we have not issued a rota for the scheme (although the backup panel remains in place) as members were reporting that they were not receiving any work through the Defence Solicitor Call Centre (DSCC).

For all firms on the Braintree scheme it is an additional scheme (i.e. members are already members of another duty scheme).

As a result of this closure we needed to revise the Braintree Police Station scheme membership and consider if amendment was needed to the other affected schemes such as Chelmsford, where the majority of the work is being sent.

Post Code Changes and Scheme Eligibility

The 2017 Crime Contract Tender confirmed eligibility to Duty Schemes based on postcodes of contracts holder's offices. It subsequently came to light that a number of postcodes in Braintree have Braintree police station scheme as their only scheme. As all firms should be eligible for membership to at least one Court scheme/combined Police Station & Court scheme it is apparent we needed to amend the qualifying criteria. In addition should we choose to abolish the Braintree Scheme certain Postcodes will not have access to any schemes which will need to be rectified.

All postcode sectors are mapped into at least one Duty Scheme. The changes proposed here will not affect this. However, some solicitors would no longer be eligible for additional schemes as a result of the police station closure.

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 Eastern Region

Braintree Police Station Scheme

During the last full year of operation of Braintree Custody, 353 claims were submitted for Police Station work carried out under the Braintree scheme. Of these 188 were duty cases and 165 own client cases. These volumes are significantly lower than that found in the neighbouring schemes of Chelmsford/Harlow/Witham (3049 case, 1549 duty and 1500 own client) and Colchester/Clacton (2870 cases, 1304 duty and 1566 own client), The options below set out below present our suggested options to be commented upon but any additional consideration will also be taken into account before any decision is made.

As it is understood that the majority of work previously going through Braintree is now sent to Chelmsford, this is the major consideration of the advantages and disadvantages listed below but is acknowledged that some work will also be sent to Clacton, Colchester and Harlow.

Option 1) Close Braintree scheme. Firms with Braintree as an additional scheme would not obtain membership of any additional scheme(s) or slots and work to be picked up by membership of which ever police station scheme the clients are detained at. This will maintain the current situation since April 2017.

- Advantages
 - Simple – requires no amendment to other schemes in Essex.
 - Relatively few duty cases were previously claimed through Braintree, so only a minimal impact on firms is expected.
- Disadvantages –
 - Firms on Braintree but not Chelmsford will see a small reduction in cases.
 - Extra travel for clients to see their solicitor if they live nearer Colchester than Chelmsford.

Consultation responses

- Two responses were received expressing an opinion on this option both expressing the view that this option is their preferred solution and as the fairest was of redistributing work from Braintree.

Option 2) Keep scheme open, re-issue rota and reinforce need for police inform DSCC if case is one that would previously be allocated to Braintree.

- Advantages
 - Keeps access to slots for current firms.
- Disadvantages
 - Artificial - keeps scheme open in name only, past experience has shown firms still likely to miss slots, additional admin burden for Police and DSCC.

Consultation responses

- One response was received expressing an opinion on this option. The respondent expressed the view that this option is unlikely to work in practice and the additional administrative burdens are undesirable.

Option 3) Close Braintree scheme but allow Braintree firms not on Chelmsford scheme access to Chelmsford.

- Advantages
 - Stops firms losing cases from closure of Braintree.
- Disadvantages
 - Chelmsford firms will lose cases that previously Colchester/Brentwood firms would not have had access to.
 - Greater additional travel for firms and clients
 - Large impact for relatively small number of cases.

Consultation responses

Two responses were received regarding option 3. Both expressed the view that any additional solicitors added to the Chelmsford would unfairly dilute the scheme and give a competitive advantage to firms by increasing their scheme access soon after the crime tender that was disproportionate.

In addition concern was expressed that as the Chelmsford scheme includes access to the Harlow Police Station work that levels of travel would be unsustainable and an unwarranted burden on the legal aid fund.

Postcode Eligibility

At present a number of postcodes in and around Braintree are eligible for only the Braintree Police Station Scheme. All postcodes should have access to both a Police Station and a Court scheme.

A number of neighbouring/nearby postcodes have access to both the Chelmsford/Harlow/Witham scheme and the Colchester/Clacton scheme.

We intend to add the postcodes below to both these schemes as it is not considered to make a significant difference and should rationalise the current eligibility criteria. This doesn't affect the postcodes of any current provider locations.

At present the postcodes below only have access to the Braintree Police station scheme.

CM7 1	CM7 2	CM7 4	CM7 5	CM77 6
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CO10 7	CO9 1	CO9 2	CO9 3	CO9 4
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We intend to for the postcodes in Braintree:

CM7 1	CM7 2	CM7 4	CM7 5	CM77 6
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to be eligible for both the Chelmsford/Harlow/Witham scheme and the Colchester/Clacton scheme

We intend to for the postcodes the postcodes in Halstead:
CO9 1 CO9 2 CO9 3 CO9 4
to be eligible for the Colchester/Clacton scheme only and

We intend for the postcode in Sudbury:
CO10 7
to be eligible for the Bury St. Edmunds scheme Only

Consultation Responses

No responses were received regarding the suggested post code amendments

Other Consultation Responses

A view was also expressed in one consultation response about the desirability of having certain postcodes in Braintree giving access to both the Colchester/Clacton and Chelmsford/Harlow scheme. This was not considered as part of this consultation as it not a change required by the closure of Braintree custody and it would be unfair to make an unforced change to the duty postcode this early in the contract.

Consideration will be given, however, as to the desirability of this for next crime tender or if further custody changes make this advantageous.

Conclusion

It has been decided to implement the proposal to abolish the Braintree scheme as set out in Option 1. This will take effect from 1st October 2017.

The postcode changes will also take effect from 1st October 2017.