



Legal Aid
Agency

**TO: ALL MEMBERS OF THE WESTMINSTER MAGISTRATES' COURT
AND WEST LONDON (HAMMERSMITH) COURT SCHEMES**

Introduction and Background

This consultation is being conducted in advance of the next Crime Contract tender in order to simplify the magistrates' court scheme rota arrangements in place for extradition work.

Since the merger of the Westminster magistrates' court and West London (Hammersmith) court schemes on 1 October 2019, members of the West London (Hammersmith) court scheme who were not at that time also members of the Westminster magistrates' court scheme, have not been allocated any slots for extradition work at Westminster magistrates' court.

This consultation is being undertaken in order to gauge views on correcting this anomaly.

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.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the Duty Solicitor Scheme(s) 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 **3 weeks**, from **4 February 2021**.

Responses should be sent by email to Paul.Benjamin@justice.gov.uk by 5pm on **25 February 2021**.

Our intention is to respond to the consultation by **5 March 2021**.

Section 1 – Duty Solicitor Schemes affected.

At present members of the Westminster magistrates' court scheme can apply to be included on the extradition rota operating out of Westminster magistrates' court.

The Westminster magistrates court scheme merged with the West London (Hammersmith) court scheme on 1 October 2019.

Despite the merger of these two schemes, members of the former West London (Hammersmith) court scheme, who were not at that time also members of the former Westminster magistrates' court scheme, have not been able to opt for inclusion on the extradition rota operating out of Westminster magistrates' court.

This consultation seeks views in relation to correcting this anomaly.

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 court schemes.

Proposed Changes

We set out explanations, where appropriate, of how each of the approaches will affect the different scheme(s).

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.

The merged Westminster and West London (Hammersmith) court scheme(s)

The Westminster magistrates' court scheme merged with the West London (Hammersmith) court scheme on 1 October 2019.

As a result, we would like to consult with relevant scheme members on proposed revisions to rota arrangements for extradition matters dealt with at Westminster magistrates' court. We have set out below the options we are consulting on.

The expectation is that the current scheme and rota arrangements will remain in place until the end of the 2017 Standard Crime Contract. However, if you wish to suggest introducing revised arrangements before then, please take the time to feed this back as part of your consultation response.

Consultation Options

Our proposals are as follows:

Option 1:

We maintain the current arrangements whereby only members of the Westminster magistrates' court scheme prior to the merger with the West London (Hammersmith) court scheme on 1 October 2019 can opt to be included on the rota for extradition matters undertaken at Westminster magistrates' court.

This option would prevent members of the former West London (Hammersmith) court scheme from being included on the rota for extradition matters undertaken at Westminster magistrates court, despite the fact that the Westminster magistrates' court and West London (Hammersmith) court schemes merged in on 1 October 2019.

This option makes it more difficult for the Duty Solicitor Team to allocate rotas for the Westminster and West London court schemes and for extradition matters. It also excludes members of the West London (Hammersmith) court scheme from opting to be included on the extradition rota.

Option 2:

We give all members of the merged Westminster magistrates' court and West London (Hammersmith) court scheme the option of being included on the rota for extradition matters undertaken at Westminster magistrates court.

Under this option, although members of the merged Westminster magistrates' court and West London (Hammersmith) court scheme could opt for inclusion on the extradition rota, the overall number of extradition and non-extradition rota slots would continue to be allocated equally among all members as they are now. This option would simply mean that members of the West London (Hammersmith) court scheme would not be excluded from the extradition rota as they currently are.

For example, as at 3 February 2021 there are 437 extradition slots and 589 non-extradition slots, making 1,026 slots in total. These are currently allocated equally across all 412 Westminster magistrates' court and West London (Hammersmith)

court scheme members. There are currently 39 members of the Westminster magistrates' court scheme who have not opted for extradition slots and there are currently 47 members of the West London (Hammersmith) court scheme who could not opt for extradition slots. These 86 members that are not members of the extradition rota still receive an equal allocation of slots as those members who are on the extradition rota, it is just that their allocation of slots does not include extradition slots.

Our Preference:

Option 2 is preferred by the Legal Aid Agency. The reasons for this are:-

- It ensures that West London (Hammersmith) court scheme members can opt for inclusion on the extradition rota. This seems absolutely right given that they are already on the merged Westminster magistrates' court and West London (Hammersmith) court scheme.
- Opting for inclusion on the extradition rota would not give fewer non-extradition rotas slots to scheme members because the overall allocation of slots would be equal, regardless of whether the member opts for extradition slots. It would therefore not encourage providers to opt for extradition work simply to get more slots.
- Option 1 is not the Agency's preferred option because the compilation of the current rotas is overly complex and time-consuming.

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



Mike Forrester
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