

Date: 21 September 2022

TO: ALL MEMBERS OF THE BARNSTAPLE, EXETER, AND BRIDGWATER SCHEMES UNDER THE 2022
STANDARD CRIME CONTRACT

Dear Sir / Madam

**Response to Consultation with the Barnstaple, Exeter, and Bridgewater
scheme members regarding the Barnstaple Duty Solicitor scheme.**

On 11 August the Legal Aid Agency issued a consultation regarding possible
changes to the Barnstaple Duty Scheme.

The deadline for responses to the consultation was extended on the 24 August to
the 9 September and the timetable for the consultation exercise indicated that
following consideration of any responses, all affected parties would be notified of the
outcome of the consultation. This letter is the formal notification of the outcome of
the consultation.

Summary of Responses

A total of 19 responses to the consultation on proposed changes to the Barnstaple
Duty Solicitor Scheme were received.

Thank you to everyone who has taken the time to provide feedback on the
proposals.

There is no decision that can meet the needs of all those that have fed back on the
potential scheme changes and a decision has been made which provides the
greatest fairness to all scheme members that could be affected by any change.

The [consultation](#) set out two sets of proposed changes:

- Changes to Barnstaple Duty Scheme membership – Options 1 to 4; and
- Changes to Barnstaple police station rota – Options A to D

The consultation also asked whether consultees had alternative views to our
proposed options, acknowledging that none of the options above were without
issues.

The responses from consultation have been reviewed and the following key themes were received.

Travel

- It was felt that actual travel does not match google travel times and travel to Barnstaple is two hours plus each way. Also, a duty solicitor's home is often further away from Barnstaple than their office.
- That these extended travel times may mean individuals choose to go without representation.
- That the travel, especially during the night, when combined with the work for both Barnstaple and their home scheme, could be dangerous.

Capacity

- It was felt that Exeter and Bridgwater providers are not sufficiently resourced to service their own scheme and Barnstaple. Bridgwater already covers four police station custody units - Bridgwater, Taunton, Minehead and Weston-Super-Mare.
- The Barnstaple provider is sufficiently resourced to service the scheme, with back up called upon as and when needed.

Fees

- Respondents suggested that it might not be financially viable given the fees payable and the travel times to Barnstaple.
- There was a concern raised that if Exeter or Exeter and Bridgwater providers joined Barnstaple membership, the dilution of slots for the Barnstaple provider would mean the one remaining provider in Barnstaple would not be economically viable going forward.

Alternative suggestions

Consultees suggested the following alternative solutions:

- That the remaining provider on Barnstaple manages the rota, with Exeter providers acting as back-up.
- Barnstaple to be covered by duty solicitors who live within 30/45 minutes
- Barnstaple to be covered by volunteers.
- Hotel disbursement payable on overnight attendances.
- Increase the mileage rate of 45p per mile.

- Pay for travel over 5 hours.
- Barnstaple should be covered by all South West schemes to spread attendance.
- Close/move work from Barnstaple police station and magistrates' court.
- Remote advice. Though this was firmly rejected by the Appropriate Adults Services as part of their consultation response.

All respondents referred to the issues of travel and claiming for travel time when conducting police station work. A lot of the comments mirrored those received in the recent Government consultation as part of the Criminal Legal Aid Independent Review and these comments will be fed back to the Ministry of Justice Policy Team. The LAA has no power to pay travel for this area of work without changes to the Contract and Regulations and this would need full and proper consideration by that team.

We'd also not be in a position to pay hotel fees nor increase the mileage rate and pay extra travel as the LAA must operate within the restraint of the contract. Asking for volunteers and/or basing scheme membership on where fee earners live is felt to be unworkable for a number of practical reasons.

Finally, it is clear from the consultation that the provider in Barnstaple considers themselves able to cover the scheme. This provider currently covers the majority of the slots on the scheme and felt that it would be able to continue to do so and they have a number of fee earners, other than their Duty Solicitor, who are able to cover cases. They can also instruct local Accredited Representatives to undertake individual cases. Also, other providers in neighbouring schemes have suggested that the scheme membership remains as is and they will cover any excess cases as backup.

Decision

The LAA has carefully considered all responses received and, on the balance of all factors, is content with the suggestion from a number of consultees that we retain scheme membership as is with the single provider in Barnstaple, with cases that cannot be covered locally being deployed to those in neighbouring schemes as backup.

The LAA will continue to monitor how this impacts local providers, the police, and the availability of advice to clients in Barnstaple and if it results in unreasonable delays, we will need to consider other options. Contract Management will continue to liaise with the police and Providers in the area to ensure that this arrangement is working.

We acknowledge the responses from consultees on such issues as remuneration and the use of remote advice. We will continue to work with the Ministry of Justice

Policy Team and other justice system leads to explore opportunities for change in these areas in the medium/longer-term.

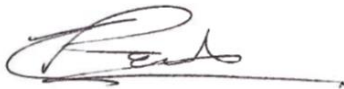
We would like to confirm that the LAA would not expect Providers in Exeter/Bridgewater who accept calls as backup attend within 45 minutes but would ask Providers to continue to endeavour to attend as soon as they are able. As now, Providers should agree an arrival time with the Police, and we accept that this will not always be within 45 mins due to the travel issues.

Whilst the scheme has one member, it will not be necessary to publish a rota for Barnstaple, but should this position change we will consider publishing future rotas for this scheme. Membership of the Barnstaple scheme will continue to be included in the scheme members lists published at [Duty solicitors: rotas, information and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/duty-solicitors-rotas-information-and-guidance).

Next steps

This will take effect from the start of the 2022 Standard Crime Contract on the 1 October 2022, with a review to take effect for the January 2023 rota (if necessary).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Louise Parcell', with a long horizontal flourish extending to the right.

Louise Parcell
Area Contract Manager