

TO: ALL MEMBERS OF THE CARRICK/KERRIER/PENWITH MAGISTRATES' COURT DUTY AND POLICE STATION SCHEME

Introduction and Background

Duty Solicitor Schemes

This consultation is a result of concerns raised by the Carrick/Kerrier/Penwith scheme members, regarding the sustainability of maintaining 3 sub-rotas (Carrick, Kerrier & Penwith) for the Police Station, within this one scheme.

Currently, the Police Station rota consists of three daily rotas, operating between 0900-0900, with one duty solicitor allocated to each of these sub-rotas. These three sub-rotas reflect the division of Cornwall into smaller local government districts (Penwith and Kerrier districts are largely seen as West Cornwall and Carrick district as Central). The remaining 3 administrative districts of Cornwall (Restormel, North Cornwall and Caradon) have already been combined into one East Cornwall scheme.

Providers with post codes within the Carrick/Kerrier/Penwith scheme, are entitled to be included on this scheme and are allocated slots across each of these sub-rotas. Referrals are made to the sub-rota in which the offense took place, with the custody centre being in Camborne, within the Kerrier district.

The numbers of scheme members have been consistent, with 12 members on the scheme over the last couple of years, dipping down to 10 on the October 2022 rota, but due to increase back up to 12 for January 2023.

Scheme members have suggested that with other demands on their capacity, including the Magistrates Court Duty rota, it would be preferable to consider reducing the number of duty solicitors required each day, and having one rota covering the whole of West Cornwall. There can also be instances in which, with individuals taken to Camborne (Kerrier) custody, there can be confusion when allocating cases to the correct sub-rota.

This consultation seeks to determine the favoured approach among scheme members, with a view to implementing any changes in time for the January 2023 rota.

The Magistrate Court Duty arrangements for this scheme, are not subject to consultation and are intended to remain unchanged.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the options identified to change the Duty Solicitor Schemes affected within your local region.

Section 2 includes data from the Duty Solicitor Call Centre (DSCC) demonstrating:

- the volume of rota incidents in the 12 months leading up to 30 September 2022
- broken down into each of the sub-rotas
- between 0900-1700 and 1700-0900 for each weekday
- with Saturday & Sunday separated from weekdays

We are consulting on these proposals for **3 weeks**, from **8th November**.

Responses should be sent by email to: john.facey@justice.gov.uk

Section 1 - Proposed revisions to schemes in the Carrick/Kerrier/Penwith scheme

Proposed Changes

Where significant revisions are required, we set out multiple Options reflecting 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.

Devon & Cornwall CJS Area – Carrick/Kerrier/Penwith Duty Scheme

Providers are asked to select their favoured Option from 1 to 3 and then their favoured Option from A to C.

For example, selecting Option 2 and A would then indicate a preference for removing the sub-division in the scheme, requiring 2 duty solicitors for each rota period, and each rota period being 24 hours.

Our proposals are as follows:

Option 1: Make no changes to the current Carrick/Kerrier/Penwith Duty Scheme

Option 2: Remove the sub-divisions in the scheme, with providers with post codes in the current Carrick/Kerrier/Penwith scheme becoming eligible for the resulting combined West Cornwall scheme.

This scheme will then require 2 duty solicitors to be allocated slots, across each 24-hour period.

Option 3: Remove the sub-divisions in the scheme, with providers with post codes in the current Carrick/Kerrier/Penwith scheme becoming eligible for the resulting combined West Cornwall scheme.

This scheme will then require 1 duty solicitor to be allocated a slot, Monday to Friday, and 2 on Saturday and Sunday

Option A: For the rota to operate for a 24-hour period, between 0900-0900 each day, 7 days a week.

Option B: For the rota to operate as a panel between 0900-1700 Monday to Friday, and as a rota between 1700-0900 on those days, and from 1700 on Friday to 0900 on Monday.

Option C: For the rota to operate as a rota between 0900-1700 Monday to Friday, and as a panel between 1700-0900 on those days, and from 1700 on Friday to 0900 on Monday.

Options 3 and A are preferred by the Legal Aid Agency as it represents a more sustainable and effective way to administer and provide access to justice for potential clients within those scheme areas, considering the volumes seen in the last 12 months.

The number of duty solicitors required could be further reviewed in time for either the April or October 2023 rotas, to determine if that number is appropriate.

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

Section 2 – Data from the DSCC regarding rota incidents in the Carrick/Kerrier/Penwith scheme

This data relates to the period 1st October 2021 to 30th September 2022 inclusive.

The data sets out the volume of rota incidents, separated out into each of the sub-rota areas.

Total volumes of ‘open events’¹ i.e., including rota events, own client matters and back up calls, broken down into different time periods:

- 0900-1700
- 1700-0900
- Weekdays from weekends

1) Number of rota events (referrals to Duty Solicitor)

Number of Rota Events				
Month	CARRICK (TRURO & FALMOUTH)	KERRIER (CAMBORNE)	PENWITH (PENZANCE)	Total Average per day
Oct-21	45	54	30	4
Nov-21	38	57	27	4
Dec-21	25	47	27	3
Jan-22	33	51	32	4
Feb-22	41	37	32	4
Mar-22	30	42	25	3
Apr-22	44	52	30	4
May-22	39	39	30	3
Jun-22	41	48	36	4
Jul-22	43	63	29	4
Aug-22	42	52	20	4
Sep-22	56	50	27	4

¹ This data cannot be separated into rota events, own client and backups while also split into time periods

2) Breakdown of number of open events (including backups and own client), by time and sub-rotas

CARRICK (TRURO & FALMOUTH)						
Month	No. Opened Events Weekdays 09:30 - 17:30	Average per day	No. Opened Events Weekdays 17:30 - 09:30	Average per day	No. Opened Events Weekend	Average per weekend
Oct-21	24	0.8	28	0.9	14	2.8
Nov-21	20	0.7	27	0.9	14	3.5
Dec-21	20	0.6	19	0.6	7	1.6
Jan-22	25	0.8	17	0.5	14	3.1
Feb-22	27	1.0	29	1.0	26	6.5
Mar-22	29	0.9	27	0.9	14	3.5
Apr-22	25	0.8	26	0.9	19	4.2
May-22	21	0.7	24	0.8	29	6.4
Jun-22	24	0.8	34	1.1	16	4.0
Jul-22	30	1.0	23	0.7	22	4.4
Aug-22	21	0.7	27	0.9	28	7.0
Sep-22	34	1.1	35	1.2	16	4.0

KERRIER (CAMBORNE)						
Month	No. Opened Events Weekdays 09:30 - 17:30	Average per day	No. Opened Events Weekdays 17:30 - 09:30	Average per day	No. Opened Events Weekend	Average per weekend
Oct-21	25	0.8	24	0.8	29	5.8
Nov-21	35	1.2	35	1.2	17	4.3
Dec-21	24	0.8	27	0.9	28	6.2
Jan-22	21	0.7	26	0.8	26	5.8
Feb-22	25	0.9	27	1.0	20	5.0
Mar-22	23	0.7	42	1.4	10	2.5
Apr-22	18	0.6	23	0.8	33	7.3
May-22	23	0.7	24	0.8	22	4.9
Jun-22	33	1.1	33	1.1	22	5.5
Jul-22	32	1.0	39	1.3	31	6.2
Aug-22	21	0.7	40	1.3	23	5.8
Sep-22	24	0.8	33	1.1	24	6.0

PENWITH (PENZANCE)						
Month	No. Opened Events Weekdays 09:30 - 17:30	Average per day	No. Opened Events Weekdays 17:30 - 09:30	Average per day	No. Opened Events Weekend	Average per weekend
Oct-21	15	0.5	20	0.6	15	3.0
Nov-21	12	0.4	18	0.6	10	2.5
Dec-21	15	0.5	18	0.6	12	2.7
Jan-22	17	0.5	25	0.8	14	3.1
Feb-22	20	0.7	13	0.5	21	5.3
Mar-22	18	0.6	11	0.4	16	4.0
Apr-22	15	0.5	17	0.6	6	1.3
May-22	17	0.5	15	0.5	10	2.2
Jun-22	26	0.9	19	0.6	12	3.0
Jul-22	16	0.5	22	0.7	11	2.2
Aug-22	16	0.5	13	0.4	8	2.0
Sep-22	18	0.6	13	0.4	12	3.0

TOTAL ACROSS THREE AREAS						
Month	No. Opened Events Weekdays 09:30 - 17:30	Average per day	No. Opened Events Weekdays 17:30 - 09:30	Average per day	No. Opened Events Weekend	Average per weekend
Oct-21	64	2.1	72	2.3	58	11.6
Nov-21	67	2.2	80	2.7	41	10.3
Dec-21	59	1.9	64	2.1	47	10.4
Jan-22	63	2.0	68	2.2	54	12.0
Feb-22	72	2.6	69	2.5	67	16.8
Mar-22	70	2.3	80	2.6	40	10.0
Apr-22	58	1.9	66	2.2	58	12.9
May-22	61	2.0	63	2.0	61	13.6
Jun-22	83	2.8	86	2.9	50	12.5
Jul-22	78	2.5	84	2.7	64	12.8
Aug-22	58	1.9	80	2.6	59	14.8
Sep-22	76	2.5	81	2.7	52	13.0