

7th December 2022

TO: ALL MEMBERS OF THE CARRICK/KERRIER/PENWITH SCHEME UNDER
THE 2022 STANDARD CRIME CONTRACT

Dear Sir / Madam

Response to Consultation with the Carrick/Kerrier/Penwith scheme members regarding the Carrick/Kerrier/Penwith Police Station Duty Solicitor scheme.

On 8th November the Legal Aid Agency issued a [consultation](#) regarding possible changes to the Carrick/Kerrier/Penwith Police Station Duty Solicitor Scheme.

The deadline for responses to the consultation was 29th November 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 4 responses to the consultation on proposed changes to the Duty Solicitor Scheme were received.

3 of these responses were on behalf of the 3 organisations whose Duty Solicitors, are members of the current scheme.

The 4th response came from a provider on a neighbouring scheme with an interest in the proposed changes as they are often asked to accept matters as back-up from that scheme.

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 the police station rota, removing the 3 sub-region rotas and replacing it with one 'West Cornwall' wide rota– Options 1 to 3
- Changes to the duration of rota slots and whether the scheme should operate as a panel during some period – Options A to C

The consultation also asked whether consultees had alternative views to our proposed options.

The responses from consultation have been reviewed and the following key themes were identified:

Current and recent numbers of Duty Solicitors

Consultees identified an error in the consultation, in which it was suggested that the number of scheme members has been consistent in the last couple of years, at 12 members, dipping down to 10 on the October rota and due to increase back to 12 in January.

The LAA accept that the figures were incorrect – the correct numbers should have been that there were:

- 12 Duty Solicitors since the start of the April 2020 rota through to the October 2021 rota
- 11 Duty Solicitors at the start of the April 2022 rota
- 8 Duty Solicitors at the start of the October 2022 rota
- There are 10 Duty Solicitors on the members list for the January 2023 rota

Demographic of scheme members

One Consultee also referenced concerns regarding the demographic of the current scheme membership – suggesting that there are no Duty Solicitors in West Cornwall aged under 40 and of the 10 x Duty Solicitors on the scheme from January 2023, only 2 are under 50.

Removal of 3 sub-region rotas

All of those who responded, agreed that the current division of the scheme into 3 sub areas, based on old local authority districts, should not continue.

All 4 responses from scheme members, all agreed that providers with post codes in the current Carrick/Kerrier/Penwith scheme becoming eligible for the resulting combined West Cornwall scheme

The 3 organisations whose Duty Solicitors are members of the Carrick/Kerrier/Penwith scheme, agreed with Option 3 with the requirement for 1 duty solicitor to be allocated a slot, Monday to Friday, and 2 on Saturday and Sunday.

The response from the non-scheme member, from a neighbouring scheme, suggested that it may be preferable to have 2x Duty Solicitors at any point. One could then attend to clients who may be taken to Camborne custody unit, while the other may attend to clients taken to Newquay.

Duration of slots

There was agreement that Option A should be adopted, with the rota operating for a 24-hour period.

Alternative suggestions

The two alternative suggestions from Consultees, were:

1) For the slots to operate between 1700-1700 rather than 0900-0900

The suggestion from the 3 organisations representing its scheme members, was that the rota should start at 1700 daily (as opposed to 0900am) with 2 x Duty Solicitors on call for each day of the weekend (commencing 1700 Friday and 1700 Saturday) and with 1 x Duty Solicitor to cover all other slots (1700 Sunday to end 1700 Friday).

There would then, be 4 x Duty Solicitors allocated for the weekend (2 x from Friday @ 1700 and 2 x from Saturday @ 1700)

The rota would be prepared on a 24-hour slot basis rather than the current weekly basis.

The organisations' view was that by commencing a slot in 1700 there was more likelihood of an individual Solicitor being able to cover any calls taken overnight the next day and this meant the peak times from Friday night were also covered by 2 x Duty Solicitors. Sunday night tends to be a quieter night hence the suggestion of then reverting to a single Duty Solicitor for that period.

1) To always require 2 duty solicitors

The suggestion from the member of the neighbouring scheme, was that 2 Duty Solicitors should be always required, to allow for the potential for some matters to be

taken to Newquay Police Station in addition to Camborne. With 21 miles between these locations, the need for the Duty Solicitor to move between the two, could cause delays for interviews. Always having two Duty Solicitors, would also allow each to act as the other's back up.

The Consultee suggested that Option 2 should be adopted, with a Duty Solicitor required for Camborne (with Penzance) and a Duty Solicitor required for Newquay (with Falmouth and Truro).

Decision

The LAA has carefully considered all responses received and, will amend the scheme to reflect **Option 3A (with suggested amendment)**:

- 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
- For the rota to operate for a 24-hour period; having accepted the suggestion from the 3 organisations whose Duty Solicitors are scheme members, this 24-hour period will run between 1700-1700 each day, 7 days a week.

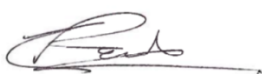
The LAA has also considered the requirements for Bank Holidays, which will be treated as weekends; with 2 Duty Solicitors required on those days also.

The LAA will continue to monitor how this impacts local providers, the police, and the availability of advice to clients in West Cornwall 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 (and neighbouring scheme) to ensure that this arrangement is working.

Next steps

This will take effect from the start of the January 2023 rota, with a review to take place within 3 months of that date.

Yours faithfully,



Louise Parcell
Area Contract Manager