

Date: 25 July 2022

To: All Firms with Duty  
Solicitors on Lincolnshire  
Schemes

Dear Sir / Madam,

**Response to Consultation with the Lincolnshire schemes members regarding the Skegness police station scheme.**

On 26<sup>th</sup> May the Legal Aid Agency issued a consultation regarding possible changes to the Skegness Duty Scheme.

The deadline for responses to the consultation was 17<sup>th</sup> June 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. Apologies for the delay issuing this, which was due to the complexity and variety of responses received, all of which required full consideration. This letter is the formal notification of the outcome of the consultation.

**Summary of Responses**

A total of six responses to the consultation on proposed changes to the Skegness 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 scheme changes and a decision has been made which provides the greatest fairness to all scheme members that are affected by this change.

The consultation offered 5 options for the scheme –

- Option 1; the LAA merge Skegness with the Boston scheme
- Option 2; the LAA merge membership for Skegness for all of Lincolnshire but operate the Skegness scheme as a rota only in the Summer months. In other periods it will operate as a panel scheme.
- Option 3; similar to option 2, but Skegness would operate as a panel during night-time hours and a rota during the day-time.
- Option 4; the LAA merge Skegness more widely than just Boston but not the whole Lincolnshire county.

- Option 5; a hybrid of the various options above.

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

Regarding the options presented, none of them were strongly favoured by the respondents. One preferred option 1, others ruled it out.

Option 2 was ruled out by some but preferred by one. They made the point that the LAA would have to relax the rule requiring them to attend within 45 minutes.

As a variant of option 2, option 3 was not accepted by respondents.

Respondents felt that option 4 was not feasible, however one felt it could work but only if it was not mandated.

Option 5 was felt to be too vague and therefore not accepted by any.

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.

When asked for other options, other than the issues above (increased fees, paying travel), respondents suggested that the police should consider more remote advice and/or closing Skegness custody suite and relocating the work to Boston – both of which are out of the LAA's control, but Contract Management will continue to liaise with Lincolnshire Police regarding this feedback.

Several respondents suggested that the LAA consider a PDS presence in Skegness.

## **Decision**

After careful consideration of the responses received, and the points raised within the same, the Legal Aid Agency have decided to proceed with an amended Option 2.

Option 2 required all Lincolnshire scheme members to be members of the Skegness scheme for a rota in the summer months. However, having considered the responses we feel it more appropriate to limit that to those members of the Skegness, Boston, and Lincoln Schemes.

In other periods, Skegness will operate as a panel scheme, with panel membership being made up of those 3 schemes. A panel allows greater flexibility for Providers. The Contract requires that they use their best endeavours to accept cases offered through a panel, but it is acknowledged that this might delay a case being accepted.

Lincolnshire Police have been made aware of this response and hope that with extended membership for Skegness, this will alleviate delay, pressure on individual firms and be a viable option for most. A panel in winter does cause concerns regarding delays obtaining legal advice but they accept this gives greater flexibility to providers and they will monitor how this works in practice.

In this instance, we consider Summer to run from April to September, however, as the LAA require a month's notice to publish a refreshed rota the earliest this can take effect is early August. This is an interim measure to ensure the immediate continued effective operation of the Skegness scheme and we will keep this under review.

We would like to confirm that the LAA would not expect Providers to 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.

#### **Next steps**

- Option 2 proposed in the consultation document will take effect on Monday, 15 August 2022.
- New rotas will be issued to cover the period 15 August to 30 September 2022, thereafter a panel will operate for the Skegness scheme.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'E. Annable', with a stylized flourish at the end.

**Elaine Annable**  
**Area Contract Manager**

elaine.annable@justice.gov.uk