

DSCC and CDS Direct Expansion
Brief Notes of Meeting with Professional Bodies on 1st August 2007

Present

Greg Powell LCCSA
Richard Miller LAPG and TLS

John Sirodcar LSC
Kieron Devey LSC
Kate Tomms LSC

Imran Khan MOJ

Apologies: Andrew Bishop, Rodney Warren, Alice Mutasa

Update re Go Live Dates
DSCC Go Live – own client work

Unaffected and will take place at 0900 on 1st October 2007

CDS Direct – own client if within scope of CDS Direct

A minor change does need to be made to Code C of PACE to take into account the expansion of CDS Direct. These will be taken forward via affirmative regulations after the Parliamentary recess, which could slightly push back our implementation date - although we expect any delay to be relatively minor.

Previous Actions

AP 1 – Closed – LSC were clear that S15 of AJA concerned representation matters not investigations.

AP 2 – closed - summary has been sent to professional bodies. RM wished a copy.

AP3 – closed – no reason to handle VHCC cases any differently from non VHCC cases so far as this issue is concerned.

AP 4 – open – JS explained current thinking was to relax the time from 30 minutes to 2 hours before a case converts from own client to duty. JS suggested that this was a significant movement to meeting the professional bodies

concerns. He added that final decision on any extension of this time limit rested with Commissioners and Ministers – [they need to be satisfied that the system is not only fair to practitioners, but also fair to all stakeholders involved with the smooth operation of the CJS at the police station.]

AP5 – open - script has been forwarded to professional bodies. GP wished the suggested process to change so that if a detainee requests a named adviser, dialogue between the client and the adviser should take place before any decision is made as to whether the adviser will accept that client on a private paying basis. JS agreed to consider but suggested that this process would be very cumbersome, would not be agreed by ACPO and would delay advice to the vast majority of clients

AP6 – closed – we will proceed as set out in the LSC's response to consultation. Therefore, expansion of DSCC covering own client work will not be phased. Professional bodies suggested that this was regrettable.

AP7 – Closed – Ability to log cases after the event (in the exceptional circumstances in which this will be permissible), will be available by e mail, fax and telephone

AP8 – open – those cases that will be allowed to be logged after the event are currently only where the adviser is already at the police station. Professional bodies were very concerned about the issue of 3rd party referrals especially where appropriate adults were involved and asked LSC to consider again.

AP9 – Closed – no other exceptional cases that could be logged after the event were to be permitted

AP10 – Open – JS to consider script

AP11 – Closed – LSC were confident that issues raised would be covered.

New Actions

AP 1- JS to provide a further update at end of August re CDS Direct go live for own client work if within scope

AP2 – JS to send Richard Miller copy of background write up re DSCC and CDS Direct expansion

AP3 – JS to confirm relaxation from 30 minutes before conversion to duty

AP4 – JS to consider revised process to allow dialogue between client and advice if named adviser is chosen before any decision is made re public funding

AP5 – JS to consider issue of 3rd party referrals again.

AP6 – JS to consider script for cases where named adviser is chosen but CDS Direct deal because it is within scope

AP7 – KT to consider issue where named adviser is selected and the case converts to duty, that if other cases are live, consolidating the cases with the original named solicitor may well be desirable and LSC needs to be clear whether this permits an additional started fee

AP8 – JS – to make clear in briefings to providers that the scope of CDS Direct is not all own client work rather just that within the scope of CDS Direct

AP9 – JS – to note professional bodies view that if go live date for expansion of CDS Direct to cover own client telephone advice only cases is delayed, the national expansion must still take place 3 months after the revised go live date