

Duty Solicitor Call Centre and CDS Direct Expansion

**Final Response to the Public Consultation
May 2007**

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1 Introduction and Background

1.1 This is the Legal Services Commission's final response to the public consultation on the proposals to expand the Duty Solicitor Call Centre from and CDS Direct from 31 October 2007.

1.2 This response to Consultation will cover:

- The background to the consultation
- A summary of the headline responses to the consultation
- A detailed response to the specific questions raised in the consultation
- The next steps following this consultation

1.3 This consultation 'Duty Solicitor Call Centre and CDS Direct Expansion' commenced on 20 March 2007 and closed on 1 May 2007. Two key changes were proposed to the current system:

- Firstly, from 1 October 2007 the expansion of the Duty Solicitor Call Centre to cover own client as well as Duty Solicitor work.
- Secondly, from 31 October 2007 the roll-out and expansion of CDS Direct to cover own client requests for advice for the following matters:
 - (a) Client detained in relation to a non-imprisonable offence;
 - (b) Client arrested on a bench warrant for failing to appear and being held for production before the court, except where the solicitor has clear documentary evidence available that would result in the client being released from custody in which case attendance may be allowed provided that the reason is justified on file;
 - (c) Client arrested on suspicion of:
 - (i) Driving with excess alcohol who is taken to the Police Station to give a specimen (Section 5 Road Traffic Act 1988);
 - (ii) Failure to provide a specimen (Sections 6, 7 and 7A Road Traffic Act 1988);
 - (iii) Driving whilst unfit/drunk in charge of a motor vehicle (Section 4 Road Traffic Act 1988).

(d) Client detained in relation to breach of police or court bail conditions.

1.4 The exceptions to this, whereby either a duty solicitor or own solicitor will be deployed by the Duty Solicitor Call Centre to attend are:

- (a) An interview or an identification procedure is going to take place;
- (b) The Client is eligible for assistance from an appropriate adult under the PACE Codes of Practice;
- (c) The Client requires an interpreter or is otherwise unable to communicate over the telephone;
- (d) The Client complains of serious maltreatment by the police;
- (e) The investigation includes another alleged offence which does not fall within paragraphs 2.4 (a) to (d) above;
- (f) You are already at the same Police Station, in which case you may attend the Client but may not claim more than the Police Station Telephone Advice fixed fee. If any of the above exceptions 1.4 (a) – (e) apply then you must endorse the reasons for attendance on file, otherwise your Claim will be limited to the Police Station Telephone Advice fixed fee.

These rules are clearly set out in the General Criminal Contact (Contract Specification, Part B8.2, paragraphs 17-18).

1.5 The consultation paper also set out the key objectives for the implementation of these proposals, namely:

- Achieving greater value for money.
- Ensuring the LSC greater control over Legal Aid expenditure under the forthcoming fixed fee regime.
- Affording the LSC access to complete management information on the number, location and nature of requests for publicly funded advice and areas for concern in police practices, which can be investigated and acted upon if necessary.

1.6 This response to consultation should be read in the context of the wider reform programme, which seeks to manage the risks of increases in expenditure and ensure a sustainable future for Legal Aid. The

Commission's final response to the wider consultation on Police Station Reforms is due to be published in June 2007.

2 Overview of the Consultation Responses

2.1 We have received 135 responses to the consultation. Four responses came from representative organisations. They were:

- The Law Society
- The Legal Aid Practitioners Group
- Liverpool Law Society
- Association of Major Criminal Law Firms

2.2 A number of questions were asked in the consultation. For ease of reference, these were:

- Do you have any amendments or alternatives to the proposal put forward in this paper?
- Is the scope of CDS Direct correct? In particular, could it be extended to cover other categories of case without detriment to the client or to his or her benefit? Do you have any suggestions for additional offences that should be included e.g. all summary only road traffic offences?
- Do you think that when a client has requested his or her own solicitor and has then been advised by CDS Direct, the requested solicitor should be notified of the matter? If so, what form should this notification take?
- Are there any other practical issues that should be addressed?
- A separate Regulatory Impact Assessment has been published alongside this document. We would welcome comments on this.

2.3 Of the 135 responses received, 84 did not specifically answer any of the questions set out in the consultation paper but made general comments. Of the 50 responses that answered at least one question posed in the paper, 30 also made supplementary comments.

2.4 The tone of the comments made was largely negative although seven of the responses received were in favour of the proposal. However, it should be noted first of all that some of the concerns raised were on issues not

relevant to this consultation but related to the wider reform programme for legal aid. Some respondents also misunderstood the purpose of the reforms, believing that CDS Direct would be providing all initial telephone advice, which is not the case as noted in the way ahead below.

2.5 As part of the consultation process the Commission met with some of the Representative bodies to discuss the proposals.

2.6 Key issues that arose from the consultation were:

- **Need for expansion** – many respondents felt that there was no proven need (or justification) to expand the system.
- **Client choice** – concern was expressed that the proposals would unnecessarily limit client choice. It was also suggested that CDS direct advisers would arguably be in breach of Practice Rule 1 if they sought to advise clients who had a previously instructed another adviser.
- **Vulnerable clients** – concern that the local knowledge and understanding of client history / background that individual firms have would be lost (potentially resulting in miscarriages of justice). Examples cited included clients with Mental Health issues that would not necessarily be known to the police or CDS Direct advisers.
- **Impact on firms** – concern that the proposals would break established client relationships which may have been developed over many years and reduce provider's income further.
- **Practical problems** - belief that the referral of every case to DSCC and then certain cases onto CDS Direct would actually drive costs up and add complexity. Concern that the existing system (which works well) would be destroyed. Belief that firms currently offer a greater service than they claim for e.g. by dealing with family and friends and that this may cease.
- **BME clients** – particular concern that clients whose first language is not English should not be denied access to a solicitor of choice when that solicitor may well speak their primary language.
- **Welsh Speaking Clients** – concern that Welsh speakers would not be able to access advice in their own language

2.7 The Commission's response to each of these areas is outlined in the following section.

3 The Responses to individual questions

The Responses

- 3.1 There was significant overlap in the responses to questions 1 & 4. Therefore the answers to these two questions have been grouped together for the purposes of this document.
- 3.2 Responses have also been grouped into the broad headings outlined in paragraph 2.6 (above). Examples of typical consultation responses are shown in italics. The Commission's response to each of the points is then addressed at the end of the section.

Question One: Do you have any amendments or alternatives to the proposals put forward in this paper?

Question Four: Are there any other practical issues that should be addressed?

Vulnerable clients

- 3.3 Many respondents expressed an opposition to the expansion; primarily owing to the impact that CDS Direct handling these calls could have upon their client's matter at the Police Station and on the reputations of the requested solicitors.

'Likely to cause great difficulty in that clients would be uncomfortable in discussing their confidential matters with a solicitor or representative with whom they have had no previous dealings'.

- 3.4 Concerns focused on clients with mental health or drugs related problems that may not be apparent to the police but a solicitor with a longstanding relationship with the client would know of and could take into consideration when providing advice – it was pointed out that a CDS Direct advisor would not have this advantage which could work to the detriment of the client.

'Familiar with the other needs of our clients, including problems connected with their mental health, drugs, family finance etc. We are familiar with the history of their offending including the position regarding any ongoing cases.'

- 3.5 Linked to this, many respondents emphasised the advantages of having local knowledge, the benefits its can bring to both the police and the client and how this would be lost by the use of a call centre.

'We know our clients, we know the officers, we know so much because we are local, and our clients request us because they trust us. How are you going to replicate that?'

LSC Response

- 3.6 The Commission does not consider that for the limited offences covered by CDS Direct, a local knowledge or familiarity with the advisor would offer any significant benefit to the client's case. In addition, the experience of handling duty work nationally has shown examples where locally accepted practice should be challenged to progress the provision of informed legal advice to clients.
- 3.7 As is currently the case we would continue to allow for clients to see a solicitor at the police station if one of the exceptions set out in Paragraph 1.4 above applies.
- 3.8 The Commission will ensure that telephone advice provided by CDS Direct will continue to be of a high standard. The quality of advice is monitored on an ongoing basis and will in future be required to demonstrate Peer Review 2 (Competence Plus) as a contractual requirement on CDS Direct providers.

Client choice

- 3.9 Some responses suggested that clients might refuse to speak to anyone other than their own solicitor and the question was asked what should happen in these circumstances?

'We will advise our clients in no uncertain terms of their right to representation of their choice and not to co-operate in any way with any proposal that impinges on that right.'

- 3.10 Concerns were also raised regarding the impact Rule 1 of the solicitors' practice rules would have on the system.

If a solicitor employed by CDS Direct agrees to advise a client who has in fact requested their own solicitor, it is our view that this could be seen as a breach of Practice Rule 1(b).

LSC Response

- 3.11 It should first of all be noted that Clients will continue to be able to name their own solicitor for attendance in the first instance. It is only if the matter falls within the scope of CDS Direct or if that solicitor is not contactable in a reasonable period of time that the requested provider will not provide the advise . This is not only in keeping with our statutory obligations, as noted below, but also in line with wider government policy to ensure that the legal system is as efficient as possible. We believe that these proposals benefit both clients, in ensuring their cases are dealt with as quickly as possible and, also therefore, the system as a whole.
- 3.12 Section 13 of the Access to Justice Act 1999, provides:
- ‘The Commission shall fund such advice and assistance as it considers appropriate-
- (a) for individuals who are arrested and held in custody at a police station or other premises’
- 3.13 Article 6 of the European Convention on Human Rights obliges the state to provide free legal assistance when the interests of justice so require if the individual does not have sufficient means to pay. This obligation does not extend to providing, for free, a specific legal representative.
- 3.14 The Commission considers that this policy complies with its statutory duties and its obligations under the Human Rights Act 1998.
- 3.15 The Commission has also considered Solicitors’ Practice Rule 1(b) and does not agree that the expansion of CDS Direct would put its advisors in breach of this rule. In any event, Rule 1(c) provides that a solicitor has a duty to act in the best interests of the client. If a conflict arises between Rule 1(b) and 1(c), the public interest in the in the individual receiving prompt legal advice by telephone in respect of the limited offences which CDS Direct deals with would make Rule 1(c) take precedence.

Impact on firms

- 3.16 A number of respondents stated that they would prefer to carry out this work themselves free of charge or for a minimal fee in order to preserve the relationship they have with their clients.

‘Should be referred to the own solicitor first to see whether the solicitor is prepared to take the call regardless of whether the government is prepared to pay anything for that call’.

3.17 The proposal was also regarded by many respondents as increasing financial pressure on Criminal Defence firms carrying out own solicitor work.

'Vigorously oppose a further cynical attempt to reduce criminal defence service income.'

'Jeopardising the financial viability of firms'

'Small firms will loose out as cannot have mobiles on in court - may not be contactable in 30 minutes'

LSC Response

3.18 As set out elsewhere in this paper the Commission's aims in expanding the Duty Solicitor Call Centre and CDS Direct services are broader than merely to achieve savings. It is, however acknowledged that savings to the fund will take place and the Commission has a statutory obligation to ensure that this is so.

3.19 Under the new system firms will continue to be able to provide advice to clients on a private fee paying (or pro bono) basis, it is only those clients who wish to receive publicly funded advice that will need to go via the Duty Solicitor Call Centre and CDS Direct system.

Need for expansion

3.20 Many respondents expressed disagreement at the suggestion that case volumes would increase under fixed fees.

'It seems that the Legal Services Commission's fear is that solicitors will attend inappropriate cases in order to obtain a fixed fee... this must be something that can be controlled in a different way and would not reflect our experience of the responsible attitude that has been adopted by solicitors locally.'

LSC Response

3.21 Lord Carter, when compiling his report expressed a concern that the implementation of fixed fees would result in an increase in the volume of police station cases undertaken and therefore suggested that this policy be taken forward in order to mitigate this risk.

- 3.22 The introduction of fixed fees within the Scottish Legal Aid system also saw an increase in the number of cases. It has also been suggested that this pattern could follow in England and Wales.
- 3.23 The Commission considers that there is a risk of increased costs for the fund, particularly under a fixed fee environment, as providers may change the way in which they report cases or alternatively seek out those clients who do not currently request advice. We also believe that an expanded Duty Solicitor Call Centre and CDS Direct service can play an important role in monitoring and managing volumes in a fixed fee environment.

Practical problems

Police Action

- 3.24 Twenty-four respondents expressed concerns about the independence of police officers and the plan to increase their involvement in the selection of legal advisor.
- 3.25 Some feared that existing pressures on custody staff might lead to clients being discouraged from seeking legal advice, resulting in fewer clients taking up the right to free and independent advice at the police station.

'System relies on the police and how they will explain to detainees access to independent legal advice. I have no faith in the ability of the police to act independently or of the LSC to ensure that they do.'

Additionally concerns were raised as to whether the police would pass on a request for an own solicitor to the Duty Solicitor Call Centre.

'Fear of police abuse of system & not recording request for own solicitor'

LSC Response

- 3.26 The Commission is in close liaison with the Home Office and ACPO to ensure the smooth and effective implementation of this proposal.
- 3.27 The new system will give us access to complete management information on the volumes of publicly funded work (duty and own) being requested on a station-by-station basis. We will therefore be able to monitor the number and nature of requests and investigate any issues that this creates.
- 3.28 Additionally, we retain historic data on the ratio of own client versus duty solicitor work. We shall continue to monitor this and investigate any radical changes.
- 3.29 Furthermore, the Association of Chief Police Officers have suggested that this reform would have the effect of:

'Reducing time spent by custody staff calling individual law firms and awaiting their response.'

And will:

'Reduce hours wasted when chosen solicitors are proving difficult to contact'

They claim that this can have the effect that:

'Detained persons change their minds regarding obtaining legal advice due to the time lapse incurred waiting for solicitors to respond.'

Third Party Contact

- 3.30 Concerns were also expressed by ten respondents about how the system will work for friends and family members of clients.

'A significant proportion of own solicitor calls to the police station are by relatives and they will simply have huge difficulties in coping with a referral system in identifying what they really want.'

LSC Response

- 3.31 The Commission accepts that at present firms may receive requests for advice from various sources in own client matters. Under the expanded system we will require all requests for advice to be directed through the

DSCC if a claim is going to be made from public funds. We recognise however that there may be exceptional circumstances where this scenario might not be appropriate and we propose to discuss these situations in detail with representative bodies and the police in due course.

Attendance on Appointment

3.32 Concerns were raised about client surrendering at police station by appointment.

'Arrangements needed for when client wants to give himself in at the police station and wants own solicitor to go with him.'

LSC Response

3.33 The rules on circumstances in which an attendance at the Police Station is justified will remain unchanged. Therefore, the solicitor will be free to attend the Police Station but he will be required to inform the Duty Solicitor Call Centre after the event. It is anticipated that the large majority of these cases will be those, which are outside the scope of CDS Direct advice or fall within the exceptions that allow an attendance.

Remuneration

3.34 A further question was raised about remuneration levels and what work would actually be claimable.

'It is far from clear how it is intended that payment should be made for work to be carried out... if the call is referred direct to own solicitors the full telephone advice payment will fall due... If work is first undertaken by CDS Direct, but an interview or other exception then applies presumably it is intended that the reduced telephone fee should apply. If all the work is done by CDS Direct presumably there is to be no payment.'

LSC Response

3.35 At present telephone fixed fees can be claimed for duty work referred by the DSCC and an acceptance fee can be claimed for work that is referred to private practice from CDS Direct. The position post 1 October 2007 is yet to be agreed following the recent 'Police Station Reforms' consultation. The Commission's final response on Police Station Reforms will clarify future payment arrangements.

Complexity of the System

3.36 Respondents also questioned whether the proposed system really was any simpler and more cost effective:

'The flowcharts in Appendix 2 and 3 make it clear that the proposed system is far more complex and bureaucratic than the current one.'

'It is also unclear how these proposals will in fact achieve 'greater value for money', since they will introduce a further layer of bureaucracy and complexity into a system which works adequately at present.'

LSC Response

3.37 The Commission believes that the system will not be unduly complex. We would refer practitioners to the current duty solicitor system that many respondents agree works well. The proposal is simply that the same can be undertaken for own solicitor work. The additional layers in the flowchart at Annex 3 of the Consultation Document are merely there to ensure that clients who request advice are not left without it. We anticipate that the vast majority of clients will be routed directly to their own solicitor via the expanded Duty Solicitor Call Centre.

3.38 There are three elements to the cost savings from Duty Solicitor Call Centre and CDS Direct expansion. These are:

- a) Provision of telephone advice. Within the Pilot, the cost per case of telephone advice was £22 compared to the current fixed fee paid to private practice of £30.25.
- b) Reduction in the contract price with the Duty Solicitor Call Centre service provider due to calls being deployed more quickly.
- c) The reduction in the number of cases where attendance would previously have occurred.

The six-month evaluation of the CDS Direct pilot explains each of these areas in more detail.

CDS Direct Contract Holders having access to other Firms' Clients

3.39 Some respondents also expressed concern at the advantageous position that CDS Direct contract holders would be in and questioned what action

the Commission would be taking to prevent them 'poaching' other firms' clients within their own locality.

We do not think it appropriate for a local firm to advise as CDS representatives to other firms' clients.

LSC Response

3.40 The LSC will monitor providers closely to ensure that they do not arrange attendance by their organisation directly but do refer cases back to the DSCC for deployment. There will also be a contractual provision, which will prohibit CDS Direct providers from inappropriately referring clients to their own firm.

Changes to the PACE Codes

3.41 Additionally we received a significant response to the proposed amendments to the PACE Codes.

'Inappropriate for any consultation to take place in respect of CDS Direct without the profession being involved in a fully informed debate on any amendments to section 58 or of the PACE Code'

LSC Response

3.42 The Commission is only able to request that changes are made to PACE. We are working closely with the Home Office, who have responsibility for PACE, to ensure that the changes made are appropriate.

Black, Minority or Ethnic (BME) clients

3.43 One representative body expressed concern about the impact that he changes would have on BME clients:

Very concerned about the impact that this proposal may have on ethnic minority clients and in particular those who do not have a good grasp of English.

LSC Response

3.44 Prior to the introduction of CDS Direct, clients whose first language was not English often needed to wait until a police interpreter was available before receiving any initial advice from a legal adviser.

- 3.45 CDS Direct has a contract with an external agency to provide three-way telephone conferencing with an interpreter and this has significantly improved the speed of initial advice to such clients. Furthermore, if a three-way telephone conference is unsuitable in a given case, then a duty solicitor or own solicitor will be able to attend under the terms of the exceptions to the CDS Direct scheme.

Welsh Language

- 3.46 One respondent also expressed a concern about the impact that the expansion could have upon the provision of advice to Welsh speaking clients in their preferred language.

LSC Response

- 3.47 Included in the tender documentation is:

"In order to meet the requirements of the Welsh Language Act 1993 and provide callers with advice and information in Welsh, the LSC is looking for suppliers able to provide a Welsh speaking service. Organisations able to offer this should indicate in their response whether they can secure the provision of Welsh speaking advisers and confirm that these advisers meet the specified quality requirements".

- 3.48 At this stage of the tender process, we do not know what capacity suppliers can offer for providing Welsh speakers. However the Commission will ensure that clients will be able to receive advice in Welsh if that is their preference.

Question Two: Is the scope of CDS Direct correct? In particular, could it be extended to cover other categories of case without detriment to the client or to his or her benefit? Do you have any suggestions for additional offences that should be included e.g. all summary only road traffic offences?

- 3.49 Only six respondents were in favour of broadening the scope to include further offences. Those that were suggested were all summary only RTA offences the exception being where an interview is required.

'Should be extended to all summary road traffic allegations, notwithstanding that they may carry imprisonment, as the exception will cover the situation where an interview is required'

'I do not think solicitors should attend for interviews where the client is pleading guilty. Nor do I think that solicitors need to attend for bail backs where the client is merely going to be charged.'

I would argue that there is potential scope to extend the remit of CDS Direct within custody to include offences where the police have the option of issuing a fixed penalty notice in lieu of a charge or caution where there is no contention over the persons' guilt

3.50 The remaining respondents either expressed no opinion or were against the expansion of scope. However, the overarching response to this question was that the scope should not be widened to include additional offences.

'Our main concern is that the scheme will be widened'

LSC Response

3.51 At present there are no plans to broaden the range of offences covered by CDS Direct. The Commission will however investigate further the options suggested.

Question 3: Do you think that when a client has requested his or her own solicitor and has been advised by CDS Direct, the requested solicitor should be notified of the matter? If so, what form should this notification take?

3.52 Fifty-two respondents expressed a desire to be informed when advice is provided to one of their own clients for a number of reasons. These reasons are:

- To enable them to attend court when needed
- To enable them to maintain the own client relationship
- To allow any follow up work to be carried out

Suggestions on how this could be done included:

'Solicitor should be formally informed... In the form of a full report of the offence and circumstances together with details of advice given and any resulting action by the police/prosecutor'

'Own solicitors should be notified if a court attendance is necessary'

'Notification should be by an email to an address that can be notified in advance for each firm'

LSC Response

- 3.53 In light of the strength of opinion on this topic the Commission agrees that solicitors ought to be notified where a client has been bailed or held in custody to attend court. Under the pilot, this has been done by means of a fax to the solicitor's office. It is intended that this will continue under the expanded system.
- 3.54 In other cases, details will be provided once the client has contacted their chosen provider for any further action and when signed authority from the client has been provided to CDS Direct.

Question 5: A separate Regulatory Impact Assessment has been published alongside this document. We would welcome comments on this.

- 3.55 A summary of the responses to this question is provided in the Final Regulatory Impact Assessment.

4 The Way Ahead

- 4.1 The Commission found all the comments made in the consultation responses extremely helpful. However, it appeared that some of the concerns were raised about matters that were not in the consultation paper. For instance, many respondents seemed to be under the impression that CDS Direct would be providing all initial telephone advice. This is not the intention of the Commission. CDS Direct will only be providing telephone advice on limited matters within General Criminal Contact Specification Part B 8.2.17-18 as listed in the introduction of this paper.
- 4.2 The Commission has considered all of the responses and believes that this reform should go ahead.

Duty Solicitor Call Centre

- 4.3 On 1 October 2007 the Duty Solicitor Call Centre will expand to deal with all requests from the police station for publicly funded legal advice.

CDS Direct

- 4.4 CDS Direct will be expanded as intended to cover all request for publicly funded advice for the following offences:
- (a) Client detained in relation to a non-imprisonable offence;
 - (b) Client arrested on a bench warrant for failing to appear and being held for production before the court, except where the solicitor has clear documentary evidence available that would result in the client being released from custody in which case attendance may be allowed provided that the reason is justified on file;
 - (c) Client arrested on suspicion of:
 - (i) Driving with excess alcohol who is taken to the Police Station to give a specimen (Section 5 Road Traffic Act 1988);
 - (ii) Failure to provide a specimen (Sections 6, 7 and 7A Road Traffic Act 1988);
 - (iii) Driving whilst unfit/drunk in charge of a motor vehicle (Section 4 Road Traffic Act 1988).
 - (d) Client detained in relation to breach of police or court bail conditions.

Unless one of the following exceptions apply and the sufficient benefit test applies:

- (a) An interview or an identification procedure is going to take place;
- (b) The Client is eligible for assistance from an appropriate adult under the PACE Codes of Practice;

- (c) The Client requires an interpreter or is otherwise unable to communicate over the telephone;
- (d) The Client complains of serious maltreatment by the police;
- (e) The investigation includes another alleged offence which does not fall within paragraphs 17(a) to (d) above;
- (f) You are already at the same Police Station, in which case you may attend the Client but may not claim more than the Police Station Telephone Advice fixed fee. If any of the above exceptions apply then you must endorse the reasons for attendance on file, otherwise your Claim will be limited to the Police Station Telephone Advice fixed fee.

(General Criminal Contact Specification Part B 8.2.17-18)

- 4.5 The expanded CDS Direct service will be rolled out in two geographical phases. As mentioned earlier however, the expanded DSCC service will begin deploying own client work from 1 October 2007.
- 4.6 The initial phase of CDS Direct expansion will cover all requests for telephone only advice within **Greater Manchester, West Midlands and West Yorkshire** CJS areas from 31 October 2007 and for the rest of the country from 31 January 2008.

Basis for phased areas

- 4.7 As set out above, the Commission intends to implement an expanded CDS Direct service in two geographical phases. The decision to phase implementation in this way was taken in light of practical concerns raised by representative bodies and other consultation respondents.
- 4.8 We consider this a prudent step, particularly as some providers expressed concern that the addition of own client work to the CDS Direct Service in one tranche may jeopardise delivery of police station telephone only advice.
- 4.9 The phased implementation will allow the Commission and other stakeholders time to ensure that the process, particularly the own client elements, are tried and tested before the full national roll out. In particular it will provide an opportunity for the Police, CDS Direct and local providers and their representatives to raise any issues that were not identified within the consultation process. This will ensure that our working practices can be refined so that national implementation achieves the best possible outcome.
- 4.10 In determining the areas for phase one of CDS Direct expansion the Commission had the following aims:

- The areas to be large enough to identify potential for improvement but not too large so as to negate the benefits of phasing (i.e. less than 20% of the total investigations work.)
- Implementation to be across whole CJS Areas
- Phase One to cover more than one single CJS Area

4.11 With these aims in mind the Criminal Justice Areas were then ranked in terms of:

- Population of the area
- Population density of the area
- Volume of Criminal Investigation claims
- Value of Criminal Investigations claims

4.12 The Criminal Justice Areas with the highest overall ranking from this process were:

Criminal Justice Area	Population %	Density	Value %	Volume %
London	14%	45.6	27%	20%
West Midlands	5%	28.3	7%	7%
Greater Manchester	5%	19.4	6%	6%
West Yorkshire	4%	10.2	4%	5%
Thames Valley	4%	3.6	3%	3%
Lancashire	3%	4.6	3%	3%
Sussex	3%	3.9	3%	3%
Hampshire	3%	4.2	2%	3%
South Wales	2%	5.7	3%	3%
Kent	3%	4.2	3%	3%

4.13 On the basis of the above the areas that we selected for the first phase were West Midlands, Greater Manchester and West Yorkshire.

Next Steps

4.14 In order to facilitate these changes, we will be consulting on changes to the General Criminal Contract in June 2007, with a view to them being included in the October round of changes.

4.15 A final Regulatory Impact Assessment has been published alongside this document.