

CDS Direct – A Revised Consultation Paper for the Legal Services Commission regarding the Coverage of the Pilot Sites

This paper supplements the Commission's consultation paper issued on 4 May 2004 for which the consultation period closed on 16 June 2004. This paper builds on the original consultation paper and proposes a change in the coverage of the pilot sites as a result of the responses received.

The consultation period closes on 30th November 2004. Responses should be sent to

John Sirodcar
CDS Policy Team
12 Roger Street
London
WC1N 2JL
DX 328 Lon Chancery Lane

E Mail: john.sirodcar@legalservices.gov.uk

Please note that responses to this consultation may be published. If you want your reply to remain confidential, please mark it accordingly.

Proposed Change to Coverage of Pilot Sites

The majority of respondents agreed that indictable only cases should be excluded from the pilot. The Commission agrees and intends to exclude such cases from the pilot.

A number of respondents also suggested that London is too large an area to be covered by a pilot. In addition, it has been suggested that London should be excluded to avoid any confusion regarding competitive tendering in London. The Commission agrees that London region should not be included as originally intended.

It was also suggested that non indictable only cases where the time of interview was known at the time the request for legal advice is made should be excluded from the pilot. The Commission agrees and will exclude such cases from the pilot.

The Commission is aware that a pilot of a new Community Justice centre is to take place in Liverpool and believes that this court should be excluded from the pilot to avoid confusion for suppliers.

The point was also made during consultation that the Commission should be aware of local issues in other localities before an invitation to tender is produced. The Commission agrees and is also aware that some dissatisfaction exists following the restriction of certain cases to telephone only advice following the changes to the General Criminal Contract in May 2004. The Commission therefore intends to include within the CDS Direct pilot, on a national basis, those cases restricted to telephone only advice.

The Commission is also aware that some confusion exists regarding the provision of immigration advice to clients detained at the police station and, indeed, has recently met with The Law Society and representatives of the Home Office to start to provide some clarity in this area. This Commission therefore intends that such cases, on a national basis, will be covered by the CDS Direct pilot. This will ensure that advice is provided in a consistent manner and that suppliers are not contacted until such time as an interview is arranged concerning the investigation of a criminal offence.

Summary

The Commission intends that the CDS Direct pilot should cover:

- Liverpool region (all schemes) and Boston scheme for all police station duty solicitor work excluding indictable only cases and those cases where the time of interview is known at the point that the request for a duty solicitor is made. London region will not be included in the handling of all duty solicitor work as proposed in the consultation paper but will be included in scope for those cases limited to telephone only advice. The new Community Justice Centre in Liverpool should be excluded from the pilot.
- All duty solicitor work nationally (including London region) where the matter is restricted to telephone advice only i.e. Driving with excess alcohol; Client detained for non imprisonable offence; Warrant. If the exceptions permitted by the General Criminal Contract for attendance, such as to attend an interview, apply then the matter will be referred to a crime supplier in the usual way by the Duty Solicitor Call centre.
- The provision of immigration advice for clients detained at the police station until an interview for a criminal offence is to take place.

Question

Do you agree with the proposed changes to the coverage of the CDS Direct pilot?