

Appendix 3K Suggested letter to be used for the duty solicitor not available report

Dear (Duty Solicitor)

DUTY SOLICITOR APPARENTLY NOT AVAILABLE

I attach three reports where the Commission's Call Centre were unable to contact you whilst on rota duty.

Can you please take the following action:

2. Confirm the reasons why you were unable to accept the calls.
3. Confirm, where appropriate, what action you propose to prevent reoccurrence.
4. Provide your quality representative, to whom I am also writing, with your report so that the quality representative may reply to me.

Yours sincerely

Regional Criminal Defence Service Manage

Appendix 3L Suggested letter to be sent for duty solicitor not available report when no further action proposed

Dear (Quality Representative)

DUTY SOLICITOR NOT AVAILABLE

Thank you for your letter of XXXX

I propose to take no further action at this stage. However, it is important to note that paragraph 5.4.d of the Duty Solicitor Arrangements does permit the suspension or removal of a duty solicitor that fails to accept rota cases.

Yours sincerely

Regional Criminal Defence Service Manager

Appendix 3M Questionnaire where non-duty solicitor to receive Call Centre calls April 2001

Questionnaire for completion by supplier where calls from the Duty Solicitor Call Centre are to be received by non-duty solicitors in the supplier's office

[See CDS Contract, Contract Specification Part B 8.2.5]

1	How will the members of your staff who have been trained to accept calls from the Call Centre be Identified e.g. job title?	
2	Please confirm that the relevant staff are directly employed by your supplier and not e.g. by a telephone answering service.	
3	Describe briefly the training which has been given to the staff members identified in 1 above and to any future staff who will undertake this role? How will this training be kept up to date?	
4	Please supply a draft of the procedure to be included in your office manual for handling calls from the Call Centre in compliance with CDS Contract Specification Part B. This must include how the staff referred to at 1 above will be aware of the availability of your duty solicitors and that your crime supervisor is informed if a case has to be handed back to the Call Centre.	

5	Describe your office's telephone arrangements so that a 24 hour service for receiving calls from the Call Centre is provided?	
6	What arrangements do you propose if the duty solicitor is already at the police station and is not available to take another duty solicitor case?	
7	What is the single telephone number to be used by your office to receive calls from the Call Centre?	
8	If more than one office is to be covered by the telephone number (see 7 above), will your staff have sufficient geographical knowledge of the area of the distant office to know when to accept a case?	
9	<p>Please confirm that the following records be kept of each call received from the Call Centre and available for inspection by the Commission:</p> <ul style="list-style-type: none"> i) time the call was received ii) time passed to the duty solicitor iii) the name of the duty solicitor iv) cases handed back to the Call Centre including the time of handing back? 	

Appendix 3N Explanation of sub-contracting to another supplier

5. The scenario is that a duty solicitor is accepting calls (both rota and panel) and providing initial advice (usually by telephone) then passing the matter to another duty solicitor in another supplier.
2. The following are relevant:
 - (a) CDS Contract Part B paragraph 8.27 allows the duty solicitor the ability to send a representative after initial advice has been given,
 - (b) Paragraph 4.14 of the Arrangements makes it clear (a) a DS can only be employed by one supplier (b) that supplier is responsible for submitting bills and the performance of that Duty Solicitor,
 - (c) Part B paragraph 8.4.1 says that representatives must be in the full or part time employ of the firm (although it could be argued that this paragraph relates only to rota not panel cases). It also confirms that duty solicitor may only be employed by one supplier,
 - (d) An accredited representative is defined in the contract as someone whose name is included on the Police Station Register and who is accredited.
3. From this the following can be assumed: If the call is passed to a representative or a duty solicitor in another supplier, they are in the full or part time employ of the original supplier. This together with paragraph 4.14 of the Arrangements means (a) the second supplier cannot bill the LSC for the work, this must be completed by the original supplier. Any payments between the suppliers are of no interest to the LSC (b) the contractual requirements such as mandatory attendance, performance standard (ringing client within 45 minutes, attending police station within 45) minutes, remain the responsibility of the original supplier.

Appendix 4A Police Station Advice In Indictable-Only Cases

GUIDANCE FROM THE CRIMINAL LAW COMMITTEE OF THE LAW SOCIETY

A non-solicitor who is registered with the Legal Services Commission but who had not obtained accreditation (a probationer representative) will not be paid by the Legal Services Commission for giving advice at a police station in an indictable-only case.

The Criminal Law Committee of the Law Society gives the following guidance to solicitors and their representatives.

6. Before a probationer representative accepts instructions to attend at a police station to give advice for which it is intended to claim from the Legal Services Commission, it is necessary for him/her to establish that the offence(s) under investigation are not indictable-only.
2. Solicitors and their representatives are already advised by the Law Society to obtain information on the telephone from the custody officer about the offence(s) under investigation. The custody officer should be asked to indicate the most serious matter being investigated and the most reasonable charge anticipated. The Metropolitan Police have already issued guidance to custody officers to give this information to solicitors and their representatives and they have also advised officers that if during the course of an investigation into an either way offence, new information comes to light which indicates that the matter may become an indictable-only offence, they will make that information known to the legal representative at the earliest opportunity. The Association of Chief Police Officers (ACPO) is considering whether to recommend that custody officers nationally are given similar advice.
3. When the investigation is continuing after the representative's first telephone contact with the police, the longer the delay before the representative attends the police station, the more up-to-date the information will be about the likely level of the suspected offence.
4. This should be balanced against the fact that the Law Society already advises that an immediate attendance on a suspect may be necessary if the suspect has already spent some time in custody, is vulnerable or complains of ill treatment and that adequate time must be left before the interview in order for the representative to prepare to attend the police station, and consult fully with the custody officer, investigating officer, client and any third party such as an appropriate adult or interpreter.
5. Where a probationary representative goes to the police to advise on an either-way case and the police subsequently decide to investigate on the basis of an indictable-only case then the Legal Services Commission will pay for advice and assistance from the probationary representative. However, if there is a suitable break in the interviewing it would be good practice for the solicitor having conduct of the case then to send a person authorised to advise in indictable-only cases.
6. The Legal Services Commission may request a copy of the custody record to ensure that it was reasonable for the probationary representative to have attended in the first place.
7. On arrival at the police station, the representative should immediately consult the custody record to confirm the information which he/she should already have received from the custody officer.

Appendix 4B Police Station Register Arrangements 2001.

LEGAL SERVICES COMMISSION POLICE STATION REGISTER ARRANGEMENTS 2001

The following Arrangements have been approved by the Legal Services Commission and come into effect on 2 April 2001 and will on that date replace the Commission's Legal Advice and Assistance at Police Stations Register Arrangements 2000.

Interpretation

1. In these Arrangements, unless the context otherwise requires:

"accredited representative" is a representative the name of whom is included on the police station register who gives legal advice at police stations having passed the relevant tests;

"application form" is the current form for applying for inclusion on the police station register issued by the Commission to the assessment organisation to be given to and completed by the applicant;

"assessment organisation" is an organisation approved by the Law Society to apply the relevant tests;

"certificate of fitness" is a certificate given by the supervising solicitor that the representative is of suitable character to provide legal advice at police stations and that the applicant should be so regarded by the police in accordance with paragraph 6.13 of the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers;

"Commission" means the Legal Services Commission at the current address of its Head Office in London;

"legal advice at police stations" means advice and assistance provided under section 13, Access to Justice Act 1999;

"police station register" is a listing of probationary and accredited representatives maintained by the Commission;

"probationary representative" is a representative who has not passed the relevant tests and the name of whom is included on the police station register. A probationary representative cannot give advice in connection with indictable only cases;

"relevant tests" are the tests undertaken by a probationary representative who must have satisfied an assessment organisation that he/she has passed the portfolio test covering the Part A and B cases, the written test and the critical incidents test the details of which have been prescribed by the relevant assessment organisation. Probationary representatives who have passed the Law Society's final examination or completed the Legal Practice Course, Fellows and members of the Institute of Legal

Executives who have passed the Institute's criminal law and litigation papers, solicitors without practising certificates and barristers are exempt from the written test;

"representative" is a probationary or accredited representative included on the police station register who gives legal advice at police stations and who falls within paragraph 2.2. A representative may include a person who is not a solicitor and a solicitor with a practising certificate who is not a duty solicitor;

"supervising solicitor" means the solicitor who is currently supervising the representative and who must be a current police station duty solicitor or, failing which, a solicitor who is acceptable to the Commission as meeting the Crime Category Supervisor Standard but not the Prison Law Supervisor Standard or the Criminal Cases Review Commission Supervisor Standard.

Police Station Register

- 2.1 The Commission shall maintain a police station register of probationary and accredited representatives in respect of whom the Commission may pay remuneration to holders of a General Criminal Contract for giving legal advice at police stations.
- 2.2 The Commission shall register a representative on the police station register once an assessment organisation has certified that the representative has submitted sufficient details of the Part A portfolio cases to it which have been prescribed by the relevant assessment organisation and the representative has applied to the Commission for registration within three months of the certification by the assessment organisation.
- 2.3 The Commission shall not include an accredited or probationary representative on the police station register unless an application has been made on a properly completed application form provided by the assessment organisation and completed by the representative. Such representatives will be registered from the date the Commission receives a properly completed application form and the Commission will notify the representative of the date of registration.
- 2.4 The Commission shall record the representative as an accredited representative when it has been notified by an assessment organisation that the representative has passed the relevant tests.
- 2.5 Representatives are responsible for notifying the Commission of any change of address or other details recorded on the police station register and the Commission shall not be liable for the consequences of suspending a representative from the register where it has not received a certificate of fitness or has not been notified of a change of address.

Certificate of Fitness

- 3.1 The application form must include a certificate of fitness which must be signed by the supervising solicitor.
- 3.2 No person applying to be registered on the police station register as a probationary or accredited representative can be so registered without submitting to the Commission a properly completed application form incorporating a certificate of fitness properly completed.
- 3.3 The supervising solicitor must notify the Commission if he or she ceases to supervise the representative or satisfy the definition of supervising solicitor in paragraph 1 of these Arrangements.

- 3.4 The representative must notify the Commission if he or she ceases to be supervised by his or her supervising solicitor.

Suspension from the Police Station Register

- 4.1 The Commission shall:

- i) subject to any suspension under sub-paragraph iii), suspend a probationary representative from the police station register where it does not receive notification from an assessment organisation that the representative has passed one of the relevant tests (the passing of a test does not refer to a test from which the representative is exempt) within six months of the date of registration with the Commission;
- ii) subject to any suspension under sub-paragraph iii), suspend a probationary representative from the police station register where it does not receive notification from an assessment organisation that the representative has passed all the relevant tests within one year from the date of registration;
- iii) suspend a probationary representative from the police station register at the request of the representative for a minimum period of one month where the representative gives prior notice on one occasion only or, where prior notice is not given subject to the reason for suspension being for illness, pregnancy or loss of employment, for a minimum period of one month. Suspension will be for a maximum period of not more than three years from the date of suspension;
- iv) suspend a representative from the police station register if a certificate of fitness required under paragraph 6.2 is not received within 14 days;
- vi) suspend a representative from the police station register from the date of an order made by the Solicitors Disciplinary Tribunal under Section 43, Solicitors Act 1974 or a decision to suspend made under paragraph 6.3;
- vi) suspend a probationary or accredited representative where the supervising solicitor informs the Commission that he or she is no longer supervising the representative and the representative has not provided a certificate of fitness signed by another solicitor;

- 4.2 A representative (except for a solicitor with a practising certificate who does not undertake duty solicitor cases) who has been suspended from the Register shall not be treated as being registered and may therefore not be remunerated for legal advice at police stations.

Reinstatement

- 5.1 The Commission, having received the relevant notification, shall reinstate a probationary or an accredited representative who has been suspended from the police station register from the date when one of the following events takes place:
- i) where an assessment organisation informs the Commission that a representative has passed one of the relevant tests (the passing of a test does not refer to a test from which the representative is exempt) after six months but before one year from the date of registration subject to any period of suspension under paragraph 4.1(iii). Reinstatement shall take effect from the date the Commission is notified by the assessment organisation that the representative has passed one of the relevant tests but only for the balance of the probationary period of one year;

- ii) where all the relevant tests have been passed;
- iii) at the end of a period of suspension referred to in 4.1 iii) but only for the balance of the probationary period of one year;
- iv) where the representative has not submitted a certificate of fitness under paragraph 6.2 within the relevant period subject to the certificate being received by the Commission; or
- v) where a representative is suspended under paragraph 4.1 v) and permission has been given by the Law Society for the representative to be employed by the employing solicitor or the Commission has consented to a permanently suspended representative being reinstated under paragraph 6.4.

6.1 A representative must inform his or her supervising solicitor where the representative is under investigation for or has been charged with a criminal offence or is the subject of an investigation by the Office for the Supervision of Solicitors and the supervising solicitor must, in the light of any guidance issued by the Law Society, report the matter to the Commission.

6.2 Where a question arises as to the suitability of character of the representative to give legal advice at police stations the Commission may request the representative to obtain from the supervising solicitor a certificate of fitness which must be received by the Commission within 14 days of the request being issued.

6.3 If the Commission is not satisfied that, either before or after a certificate of fitness is received by it, the representative is fit to remain on the police station register the Commission may in respect of one or more of the grounds set out in paragraph 6.4 suspend a representative either for a period of up to 12 months or permanently from the police station register. On suspension the Commission may impose conditions which must be met before the representative is reinstated to the police station register. The Commission shall notify the supervising solicitor of any suspension.

6.4 A representative may be suspended where:

- i) he or she is in breach of a requirement of these Arrangements;
- ii) he or she is under investigation, faces an outstanding criminal charge or has been convicted of a criminal offence or is the subject of an investigation by the Office for the Supervision of Solicitors;
- iii) he or she does not demonstrate the level of competence required by the relevant tests;
- iv) he or she has not undertaken at least 12 police station cases annually involving attendance at the police station; or
- v) some other good reason arises.

6.5 The representative may, where suspended under paragraphs 6.3 and 6.4, appeal to a regional committee established under the Commission's Duty Solicitor Arrangements 2001 or a future version of those Arrangements.

6.6 All appeals shall be made in writing within 30 days of receipt of the decision against which the appeal is to be made, subject to the regional committee having discretion to accept an appeal outside that period for good reason. The appellant shall submit written representations

when giving notice of appeal. The Commission's staff may obtain and provide information relating to the appeal provided that the appellant receives a copy.

- 6.7 The Commission shall postpone a suspension until any appeal is heard unless it considers that there is good reason for suspending the representative prior to the appeal hearing which shall be notified to the representative.
- 6.8 On receipt of an appeal under paragraph 6.5 the Commission may reconsider its decision, but if it decides not to do so it shall refer the matter to the regional committee or to another regional committee if no suitable members of the regional committee are available to consider the appeal.
- 6.9 The regional committee shall normally consider appeals at the latest within three months of the date on which the appeal was received. The appellant shall have the right to make oral representations and the committee may, in any event, require personal appearance. The Commission may also be represented at the appeal.
- 6.10 Oral representations or written representations subsequently submitted include matters not mentioned in the written representations referred to in paragraph 6.6 above, the regional committee has discretion not to consider such additional matters unless the appellant has given 14 days notice to the Commission's staff and the regional committee.
- 6.11 The regional committee shall consider the application afresh in accordance with the relevant criteria in these Arrangements and the decision of the regional committee will replace the decision of the Commission.
- 6.12 The regional committee may allow an appeal subject to such conditions as it considers appropriate.
- 6.13 Appellants will be notified of the decision of the regional committee in writing. The regional committee shall provide reasons for its decision.
- 6.14 An application for reinstatement must be made in writing to the Commission. A representative cannot be reinstated to the police station register following permanent suspension without the consent of the Commission. An application for re-instatement against permanent suspension cannot be made for a period of one year from whichever is the later of the date of the decision of the Commission or an appeal decision by the regional committee.
- 7.1 The Commission shall approve forms for use in connection with the police station register.

Appendix 4C Letter requesting additional information re: waiver request May 2001

APPLICATION TO JOIN DUTY SOLICITOR SCHEME

Thank you for your letter of

You are seeking a waiver of the requirement to join both the Police and Court scheme as required by paragraph 4.19 of the Duty Solicitor Arrangements 2001.

You are seeking to join the police/court scheme (delete as appropriate) but not the police/court scheme (delete as appropriate) on thelocal duty solicitor scheme.

I need more information before I can properly consider your request and ask you to submit additional information in order to help me.

[DELETE AS APPROPRIATE]

MEDICAL CONDITION

It would be helpful if I could have a letter from your General Practitioner advising why your medical condition would make it difficult for you to meet the needs of the police/court scheme.

CARING RESPONSIBILITIES

It would be helpful if you could provide further details of your caring responsibilities which could include:

- Details of the person requiring the care and why this is necessary
- Whether there are additional people providing this care and what is your involvement in the overall provision of care
- Whether the need for care is short or long term
- Why your caring responsibilities would make it difficult for you to join both the court and police station schemes

Please note that, as an alternative to seeking a waiver, in some circumstances we are able to take any particular caring responsibilities into account when preparing duty solicitor rotas. For example we can ensure that duties are not allocated on a particular day of the week or at weekends, or we can suspend your membership of a particular rota for a period (see paragraph 6.10 of the Duty Solicitor Arrangements).

In addition, rotas are usually prepared at least one month in advance which may assist when planning caring responsibilities.

Regional CDS Manager

Appendix 4D Letter notifying grant of waiver April 2001

Letter notifying grant of waiver

Dear

Application for waiver of paragraph 4.19 of Duty Solicitor Arrangements

Thank you for your letter of _____ requesting that paragraph 4.19 of the Duty Solicitor Arrangements 2001 for you to join both the police station and court schemes should not apply to you.

I have considered your request and agree to waive the requirement in paragraph 4.19 with the effect that you do not have to join the police station/court [delete as appropriate] scheme.

If the circumstances described in your request change it is essential that you advise me so that the waiver can be reconsidered.

Yours sincerely

Regional CDS Manager

Appendix 4E Letter accepting an application April 2001

Letter accepting an application

Dear

Duty Solicitor Scheme Application

Thank you for your letter ofapplying for membership of [insert name(s) of court/police station scheme(s)].

I am pleased to confirm that your application has been accepted. If the scheme for which you have been accepted includes a rota then you will be included on the next rota and/or your name will be added to the panel.

I am therefore taking the following steps (whichever are applicable to you) to:

- add your name as a duty solicitor to the relevant scheme(s)
- inform the Duty Solicitor Call Centre Service that you are a duty solicitor and that police station cases can be referred to you
- add your name to the next available rota(s)

I attach the Local instructions which set out below how the scheme have joined operates.

May I remind you that you need to obtain a badge to be used when acting as court duty solicitor. I can supply a badge if you need one.

You should ~~also~~ consider obtaining an identification card for use when visiting police stations. Such cards are available from the Criminal Law Solicitors' Association and the London Criminal Courts Solicitors' Association and I attach an application form.

Yours sincerely

Regional CDS Manager

Enclosures:

Local instructions

ID Application form

Appendix 4F Letter refusing an application April 2001

Example of a letter refusing an application

Dear

Duty Solicitor Scheme Application

Thank you for your letter ofapplying for membership of [insert name(s) of court/police station scheme(s)].

Your application has been carefully considered against the criteria in the Duty Solicitor Arrangements 2001 and I have come to the conclusion that your application does not meet the requirements of paragraph [insert relevant paragraph] in that:

[Reasons should be given for the refusal. The following are examples:

- i) You were not a duty solicitor between 1 January and 1 April 2001 and no evidence of successfully completing Parts 1 & 2 of Stage 1 of the Law Society's Criminal Litigation Accreditation Scheme has been provided. I recommend that you therefore apply to one of the assessment organisations approved by the Law Society.
- ii) The Commission normally requires duty solicitors to serve at both local police station and magistrates' court as a duty solicitor. You did not apply to join the [XXX court/police scheme] or show any exceptional reasons why this requirement should not apply.
- iii) XXX is a busy scheme (one handling more than 1,250 non-motoring cases per annum) and the Commission must therefore consider whether your office is readily accessible to the court. From the information you provided the cost of travel is £4 each way and the travelling time is approximately 45 minutes and I do not therefore consider that your office is readily accessible. The guidance that is applied to assess readily accessible is that:
 - the cost of travel by public transport from the court to the applicant's office which should generally not exceed £2.50 each way at peak times i.e. when the cost is greatest ;
 - the journey should generally not take more than 20 minutes by public transport;
 - the convenience of the journey including that it should generally not be necessary to change e.g. from one bus to another].

You have the right of appeal against this decision to refuse your application. If you wish to exercise this right you should write to this office within the next 30 days explaining the grounds on which you wish to appeal the decision.

Alternatively you may take action to remedy any reasons for the refusal and then submit a fresh application.

Yours sincerely

Regional CDS Manager

Appendix 4G Resources to assist in determining public transport times

May 2001

Public Transport Resources

NATIONAL RESOURCES

Trains

Timetable only	www.railtrack.co.uk/travel	Click on "Timetable"
Times and Prices (can be slow)	Www.thetrainline.com	Click on "Buy Tickets" You may need to register
Times and Prices	National Rail Enquiries 08457 484950	Ticket Price: Ask for Standard Day Return

Buses

Links to local bus services	Www.pti.org.uk	Click on "Local Bus" tab, then select area by clicking on map.
Local timetable and fare information	Traveline 0870 608 2 680	When prompted, dial 1 for local travel information

AREA SPECIFIC RESOURCES

Buses

Norfolk & Suffolk	www.travelineeastanglia.com	Search for best routes by place name
Suffolk TraveLine	08459 583358	Service Run by Suffolk County Council
Cambridge area bus timetables	www.stagecoach-cambus.co.uk	Stagecoach homepage For prices call nat.traveline

APPENDIX 4H An example letter explaining the geographical requirements for joining a second or subsequent scheme.

Dear

DUTY SOLICITOR ARRANGEMENTS

To summarise the position, your firm has two offices relevant to duty solicitor matters: one in the area of the Ipswich local duty solicitor scheme and one in the area of the Bury St Edmunds local duty solicitor scheme. You have duty solicitors who are members of both schemes and wish this to remain the position.

In order to answer your letter, it is necessary to consider the position prior to 2 April 2001 and how the Duty Solicitor Arrangements 2001 may have changed the position.

The office at which a duty solicitor can be based

For firms with more than one office, you ask why your duty solicitors cannot be based at more than one office. In your situation, this would mean that your duty solicitors could be based at your Ipswich office when applying to join the Ipswich scheme and your Bury St Edmunds office when applying to the Bury St Edmunds scheme.

You will be aware that the above was usually not possible under the 2000 Duty Solicitor Arrangements (paragraph 32(1)(b)) for court schemes that had an attendance scheme because the solicitor was required to state at which office he was normally in attendance. For courts that had a call in scheme, the applicant could use another office from which to base their application (paragraph 32(1)(c) of the 2000 Arrangements).

The position was considered when drafting the 2001 Arrangements but it was decided that for busy schemes (where the court handles more than 1250 non-motoring offences per annum), no change should be made. The reasoning was that members of the public should not have to travel from one town to another when there was an adequate number of duty solicitors in the town that the relevant duty scheme was serving. In addition if such a change was agreed and a firm with 50 duty solicitors based at an office in another town were to open a small office in Ipswich, where one duty solicitor was based, they could apply for and must be granted 51 sets of slots on the local scheme.

It was therefore decided to include paragraph 4.8 in the 2001 Arrangements. This is similar to the 2000 Arrangements and requires a duty solicitor to nominate one office at which he/she is normally based and that this office should be considered when applying to join an additional busy scheme under paragraph 4.10.b.i

For less busy schemes, where difficulty in arranging duty solicitor cover may arise more frequently, a different office can be considered under paragraph 4.10.b(ii). This again is similar to the position under the 2000 Arrangements.

In summary the requirements were not significantly changed when the 2001 Arrangements were introduced.

What criteria regarding distance are relevant to clients?

Clients who instruct a duty solicitor frequently ask that duty solicitor to continue to represent them. In this situation it is not reasonable to expect a client to travel a significant distance to visit the solicitor's office. Many clients are in receipt of benefits and it is important to minimise any cost and inconvenience. The Arrangements must be designed with the client's needs as central.

The 2000 Arrangements provided that applicants must be able to reach police stations within 45 minutes. For court schemes, paragraph 32(1)(a) of the 2000 Arrangements provided that, for an attendance scheme (which applied to most busy courts) the applicant must be "reasonably accessible for the convenience of defendants". For less busy courts the 2000 Arrangements provided that the applicant must be "reasonably accessible" under paragraph 32(1)(c)..

If reverse linking i.e., a requirement to join both the court and police station schemes, was in place then 45 minutes to reach the police station was not relevant. The "reasonably accessible" was less demanding than the "reasonably accessible for the convenience of defendants" as with the latter, public transport cost/time would be considered

In the 2001 Arrangements the requirements are very similar under paragraph 4.10. For busy schemes the requirement is to be "readily accessible" and for less busy schemes to be "accessible".

Guidance has been developed for the criteria to reach a busy court:

- The cost of travel by public transport from the court to the applicant's office should generally not exceed £2.50 each way (or £5 return) at peak times i.e. when the cost is greatest, and
- The journey should generally not take more than 20 minutes each way including walking to and from the station or bus stop, and
- The convenience of the journey including that it should generally not be necessary to change e.g. from one bus to another and that the public transport service shall be reasonably frequent

on which the Law Society were consulted and no objections raised. This guidance is not stricter than that used by local committees previously and, indeed, the guidance now provides a more objective assessment of the criteria.

No guidance has been developed for the criteria to reach a less busy court.

In summary the requirements were not made more demanding when the 2001 Arrangements were introduced.

Requiring applicants to join both the court and police station scheme

You will be aware that prior to April 2001, local committees could seek the approval of regional committees to introduce reverse linking. One of the aspects that regional committees considered was whether reverse linking would reduce the number of duty solicitors on that scheme so as to make the scheme unviable. If this was the case, approval would not be given.

There are many benefits in requiring applicants to join both the court and police station and this is now a requirement under paragraph 4.19 of the 2001 Arrangements. No objections were received to this proposal from the profession's representative bodies.

Our Regional offices will consider, as regional committees used to, whether this requirement will reduce the number of duty solicitors on that scheme so as to make the scheme unviable. If this were to be the case, the requirement will be waived to applicants to that scheme.

In summary, for those schemes that had, with regional committee approval, already introduced this requirement no change took place when the 2001 Arrangements were introduced. For those schemes that had not introduced this requirement, the LSC has introduced the requirement from 2 April 2002.

The effect on existing duty solicitors

Section 8 of the 2001 Arrangements details how the requirements will apply to existing duty solicitors. No duty solicitors will be removed until April 2002.

Suppliers need to consider:

- (a) When a duty solicitor is a member of more than one scheme, whether they will for the more distant scheme(s) meet the requirements of paragraph 4.10 b of the 2001 Arrangements. For your firm, as the Ipswich and Bury St Edmunds schemes are both busy, this means the three criteria shown above ie the cost of travel not exceeding £2.50 each way etc..
- (b) If the answer to (a) is no, whether to base their membership on a different office if the firm has more than one office (but your duty solicitors can only identify one office for membership of "busy" schemes) and how this affects their position. For your firm, this would be to decide whether to remain on the Ipswich or Bury St Edmunds scheme

I need to consider whether the introduction of the requirement to normally serve on both the court and police station schemes would reduce the number of duty solicitors on the Bury St Edmunds scheme so as to make the scheme unviable. If this were to be the case, the requirement will not apply to applicants to that scheme. In many instances, it will not be possible to complete this action until suppliers have decided, if they have more than one office, which office for each duty solicitor to elect under 4.8 of the 2001 Arrangements. I also appreciate that suppliers will need this information in order to make their decision.

In conclusion, I am sorry that this letter is lengthy but the situation is complex and I wished to explain the position in full.

Yours sincerely

Regional CDS Manager