

**MINUTES OF THE WEST YORKSHIRE CJS AREA DEFENCE
SOLICITORS MEETING**

10 SEPTEMBER 2007 AT LEEDS MAGISTRATES COURT

Present:	Julie Parkin	Regional CDS Manager (Chair)
	Riona O'Brien	CLS Direct
		Lester Morrill
		Sugare
		Kingsley Brookes
		Jordans
		Eaton Smith
		Henry Hyams
		David Ake
		Clarions
		Cousins Tyrer
		Roger Clapham
		Graham Stowe Bateson
		Stanley Hays
		Chaudhury Sols
		O'Garra
		Rahman Ravelli
		Chambers Sols
	Wendy Corbin	CDS Support (Minutes)

ITEM 1 – INTRODUCTIONS

Julie Parkin (JP) welcomed the solicitors and introduced the LSC staff present at the meeting.

JP confirmed her new role as Regional CDS Manager and outlined the responsibilities of the job, which include liaison with CJS partner agencies, particularly the courts, police and CPS.

Copies of the agenda pack were circulated.

ITEM 2 – CRIMINAL LEGAL AID REFORM UPDATE

JP drew attention to the Reforms in Brief handout in the agenda pack and discussed the latest position in the reforms programme, including the LSC's announcement on 5th September 2007 to terminate the General Criminal Contract with effect from 13 January 2008.

JP advised there will be a bid round for new Contracts. The bid round is expected to open towards the end of September 2007 and guidance on the process will shortly be published.

A discussion followed regarding the termination of the Contract. A number of concerns were raised about duty solicitor slot allocations and rotas. Queries were also raised about the communication of deadlines – JP advised that the website should be regularly checked to keep up to date.

Action: JP acknowledged the concerns raised and agreed to feedback solicitors' views to the CDS Policy Team.

ITEM 3 – OPERATIONAL UPDATE

Riona O'Brien (CDS Direct) briefed all present on the proposals for the DSCC and CDS Direct expansion. She confirmed that the expansion has been delayed until January and took questions from the floor.

- DSCC expansion has been delayed until 14 January 2008.
- CDS Direct expansion has been delayed until 21 January 2008.
- Custody officers will call DSCC if a client requests a named solicitor.
- DSCC will attempt to contact the solicitor for up to 2 hours before referring on to duty.
- Custody staff will receive training approximately 4-6 weeks before implementation, at their request.
- In circumstances where eligible work is taken on, without being instructed by DSCC, solicitors have to notify DSCC within 48 hours in order to justify a claim.

Riona was unable to answer a number of questions raised by the solicitors – these are attached as a separate Q&A document.

JP briefly covered the recently published CDS Act Amendments contained in the agenda pack. She confirmed that she is taking forward a suggestion from the Sheffield meeting that documentation provided for Working Families Tax Credit should be sufficient evidence for self-employed. A query was raised about why clients assessed as being eligible for other benefits (such as incapacity benefit) were not passported. The group also requested details about numbers of hardship applications made/granted.

Action: JP to refer queries on to National Courts Team for comment.

JP drew attention to the figures enclosed within the agenda pack.

The 'Monthly Two Day Performance Rate' showed court performance figures for the time taken to make a decision on Means Test applications in the region.

JP confirmed that the LSC, in conjunction with HMCS, are focussing on the poor performing courts to improve performance.

It was agreed that in future the agenda pack and any accompanying data would be circulated in advance of the meetings.

Action: LSC to ensure agenda pack forwarded to providers at least one week prior to next meeting.

ITEM 4 - REPORT FROM DEFENCE SOLICITORS ON SCHEME PERFORMANCE AND ANY ISSUES ARISING

A general discussion followed regarding operational performance across the CJS including that of CDS Solicitors, the Police, the CPS and the Courts.

All agreed that the court performance in respect of decision turnaround times for Means Test Applications had improved significantly, as the court now sends e-mail confirmation. However, another issue has arisen around the time it takes to receive the representation order, which is required to get e.g. prior authority. JP agreed to take back a suggestion that the courts include details of order number and scope within the e-mail, which will be sufficient authority to undertake necessary work/apply for prior authorities.

Action: JP to refer queries on to National Courts Team for comment.

During the discussion a number of questions were raised, which are covered in the attached Q&A document.

ITEM 5 - DUTY SOLICITOR ARRANGEMENTS

JP confirmed the decision had been taken to continue with the existing Duty Solicitor Rota arrangements (one slot for one solicitor, with the slot belonging to the solicitor's firm).

JP also confirmed that a three-month rota would be issued from October 2007.

The existing General Criminal Contract will be terminated with effect from 13 January 2008.

For those firms that have been awarded a new General Criminal Contract on 14 January 2008, a further six-month rota will be issued.

Firms should notify John Robinson (Duty Solicitor Rota Co-ordinator, Newcastle office) at the earliest opportunity about any duty solicitor amendments effective from October.

ITEM 6 - CJS LIAISON

JP drew attention to her Stakeholder Engagement Plan and confirmed her intention to engage with the wider CJS, including the Police and Courts.

A discussion followed as to how best to liaise with stakeholders and on which key issues such as delays within the Criminal Justice System. Examples were provided by those present on the sorts of issues giving rise to delays e.g. solicitors being told to attend police stations at a certain time but being kept waiting.

JP is looking into the cost drivers as part of the wider system reform in the run up to BVT.

Action: Defence solicitors to feedback areas/police stations of concern for JP to focus on.

Police Station and Court Costs were provided as part of the agenda pack - It was agreed these were very useful and should be included in future agendas.

Concern was expressed at the average costs in light of the fixed fees. JP pointed out the calculations were not straight forward as the figures include items such as CDS 7's, exceptional cases etc.

Concern was also expressed that practises in certain areas increased costs and that the fixed fee regime rewarded these inefficiencies.

JP stated she was already contacting the police at a local level and that other offices had done so and that the police seem interested in helping. The attendees were quite clear – they needed to see results. They were concerned that they/we do not have sufficient influence to effect change and this was something that should have been addressed sooner. They stated they were the ones who would suffer under a fixed fee regime and that fixed fees would be unsustainable without it.

JP informed those present that she had recently had a meeting with West Yorkshire Police and had raised the issue about solicitors struggling to obtain information about clients on bail/post charge. The police have offered to look at secure e-mail if there is sufficient take up.

Action: JP will keep providers informed on progress.

ITEM 7 - FUTURE MEETINGS

A discussion took place regarding the format, frequency and location of future meetings.

It was agreed that further meetings would be welcomed and that they generally should be held on a quarterly basis and the location should remain at Leeds for now, but be subject to review. It was further agreed that the meeting would be open to all West Yorkshire CDS Solicitors.

It was agreed that the next meeting would be held at the end of November/early December. The exact date and location is to be confirmed.

ITEM 8 - ANY OTHER BUSINESS

No further business was raised.

There being no further business the meeting was closed.