

June 07 Police Station Reforms: Boundaries, Fixed Fees and New Working Arrangements

Summary of the decisions for October 2007

This is a summary of Legal Services Commission ("LSC") response to the recent consultation on Police Station reforms. This summary focuses on the decisions which the LSC has taken as a result of the consultation and the proposals for October 2007 onwards. For information on providers' responses to the specific questions raised in consultation and the LSC's response, please view the full paper.

This summary is designed to provide an overview and you should not therefore assume that all you need to know is included in this summary. A full copy of the response can be accessed from the LSC's website or by copying the following link into your internet browser:

http://www.legalservices.gov.uk/docs/cds_main/PSResponse180607.pdf

Executive Summary

The LSC has taken the following decisions:

- Fixed fees will be introduced for all Police Station attendances from 1 October 2007.
 - The level of the fixed fee will depend on the area in which the work is delivered.
 - The fixed fee structure includes a mechanism to allow the most expensive cases to 'escape' and be paid at hourly rates once the threshold has been reached.
 - Police Station Boundary Areas will remain unchanged from current Duty Solicitor Schemes in the majority of areas.
 - The LSC are delaying the decision on introducing a Minimum Contract Threshold.
 - A further consultation on slot allocation from October 2007 is being conducted.
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Fixed Fees

- From 1 October 2007, the LSC will adopt the Fixed Fees model for police station attendances as featured in the consultation paper.
- A table of the fees and schemes is set out in **Annex A** (a copy of which is attached to this summary).

Fixed Fees - Rural Areas

- The Market Stability project highlighted a particular issue with the LSC claim data in rural areas.
- Central 'hub' police station in large towns are often serviced by providers both from the scheme in which the station is located and the surrounding 'satellite' schemes.
- In the majority of areas the location of the police station determines the scheme from which duty solicitors are deployed. However, a number of areas have been identified where it is the location of arrest that determines which duty solicitor attends.
- This mode of operating makes it difficult to assign police stations to specific schemes.
- In those areas where the LSC has identified this pattern of working, it has set a single fee for all schemes that deliver duty solicitor work at the central 'hub' police station. In effect, this will create a larger boundary area.
- There will be the option at local level to maintain separate rotas until the proposed introduction of Best Value Tendering (BVT) to avoid disproportionate cost.

Escape Mechanism for the Most Expensive Cases

- The most expensive cases will be paid under a system of hourly rates above the escape threshold, receiving the fixed fee for work below it.
- The LSC had originally suggested a harmonised rate for all police station work, removing the distinction between duty and own rates as well as social and non-social distinction. The LSC has decided not to implement this at this stage.

Boundary areas

- Police Station Boundary Areas will remain unchanged from current Duty Solicitor Schemes in the majority of areas (maps of the areas are at **Annex B** (parts 1, 2 and 3) and can be found on the LSC's website at:

http://www.legalservices.gov.uk/criminal/docs_for_consultation/police_station_reforms.asp

- The LSC now accept that until a mechanism such as BVT is in place which will enable suppliers to take on substantially higher volumes of work, the likely result of larger boundary areas would be to increase costs for all.
 - However, the LSC will be considering introducing increased boundary areas as part of BVT.
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Minimum Contract Threshold

- The LSC is delaying any decision on the introduction of a minimum contract size, until the conclusion of the further consultation on slot allocation from October 2007.
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Slot Allocation

- The LSC has decided that historic volume based slot allocation is not a viable option from October 2007.
 - The LSC has released a further consultation which closes on 2 August 2007.
 - The consultation proposes two alternative options:
 - Option A: to continue with current system; or
 - Option B: to freeze rotas as of 1 July 2007 and make no change to these until the proposed introduction of BVT.
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Moratorium

- A moratorium on new contracts will be in place from October 2007. This continues the existing moratorium announced in February and which runs until 30 September 2007.
 - The moratorium on duty slots is subject to further consultation.
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Working out of area: The Out of Area Rule

- The Carter Review proposed a provision for a firm to undertake a limited amount of out of area cases each year based on the previous year's allocation.
- However, the LSC has now decided to delay making a decision on this.

Other considerations

Niche Providers

- The LSC has appreciated that some niche providers might be adversely affected by the introduction of a minimum contract size.
- The LSC will announce whether any special arrangements should be made for these niche providers alongside its decision on a minimum contract size.

Market Entry

- Providers will only be able to access the market where local need dictates that additional supply is required. Outside of these circumstances, future competitions may offer the only opportunity for new providers to enter the market.

Diversity

- The LSC will require providers to comply with contracts that contain provisions regarding anti-discrimination policies, equality and diversity training and communication plans, and an obligation to report ethnicity information on both employees and clients.