

Dear Circuit member,

A number of you are asking whether and when this circuit will be balloted regarding QASA. The short answer is yes. But not quite yet. At a Heads of Chambers meeting held at the end of January, there was a groundswell of opinion against registration for QASA in its current form. Some - but not all - spoke out. And some - but not all - have got back to me with the response of the individual members of their Chambers. Those on other Circuits will need a safer steer than an early and/or incomplete indication from our members as to our collective intention. Rick Pratt QC (Northern Circuit) has already indicated to his members and to the other Leaders the result of his ballot. I understand the CBA has obtained and published that result.

I have deliberately held any individual ballot in abeyance, pending

- 1) the outcome of rumours that there may yet be room for final tweaking of the QASA scheme and
- 2) the government's consultation paper on further amendments to criminal legal aid (including Price Competitive Tendering). I believe that consultation paper will be with us very soon.

My own view is that the real enemy of our publicly funded system is the proposed introduction of Price Competitive Tendering. I do not go into the detail here. I fear that an inadequate QASA scheme may be regarded as a convenient and necessary device deployed by the Ministry of Justice to reassure the public that genuine quality of representation is retained,

despite a proposed new system of tendering for criminal work driven by cost alone.

It would be unfortunate indeed if this profession voluntarily signed up to a flawed QASA in those circumstances.

If I am right that the QASA scheme may be used by the Ministry of Justice in that way, it would be preferable to wait and see exactly what it is the government envisages by way of PCT first. We can then properly consider all implications and agree on a united approach with a specific end result in mind. Our arguments may be better informed, focussed and targeted. That way we can have confidence that the landscape (and potentially the views of circuiteers) will not have changed before the registration periods are upon us.

Come what may, I would like to be in a position to reassure the Midland and Western Circuits that, should they refuse to register for QASA during their slot, those on our Circuit will not take advantage of the staged implementation of the scheme to take over work our colleagues may find themselves prevented from doing. I am in close communication with the other Circuit Leaders and we are in complete agreement about the way forward.

I will be circulating electronically a ballot paper containing two short questions to all criminal practitioners via Heads of Chambers on our Circuit shortly. I would be grateful if those Heads would help collate members' views and return them to me as a matter of urgency once the ballot has been distributed. I can

then report back to you and the other Circuit
Leaders the accurate picture across the breadth
of our Circuit.

Yours ever,

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Sarah

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