

# Submission by Malcolm Ferey, Chief Executive Jersey Citizens Advice Bureau Ltd.

## Comments regarding Access to Justice in Jersey

This is an optional form, which you can use in order to submit written comments to the Access to Justice Review, should you choose to do so.

Your comments should address matters contained within the Terms of Reference of the Review, which can be found on the States Assembly website from the link below.

[Read the Access to Justice in Jersey: Review document](#)

It should concentrate on issues where you have an interest, experience or expertise and provide factual information of which you would like the review to be aware.

### 1. About you and/or the organisation which you represent

|                            |                                                             |
|----------------------------|-------------------------------------------------------------|
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| Date of this submission    | 27 May, 2014                                                |

### 2. A brief introduction about you or your organisation

I am Malcolm Ferey, my career background is that after a period of time working in the finance industry, where I gained a qualification in financial planning, I moved into the Civil Service and worked at the Social Security Department, having responsibilities for Fraud and Compliance. After obtaining a qualification in Data Protection law, I went on to become the Department's Data Protection Officer.

I took up the position of Chief Executive at the Jersey Citizens Advice Bureau in November, 2010. Jersey Citizens Advice Bureau is a charity that provides free, confidential and impartial advice to help people resolve their problems. Advice is available to everyone, on any issue.

Our clients' case studies are recorded and frequently used (anonymously) to campaign for policy changes that benefit everyone. All Citizens Advice Bureaux are members of Citizens Advice, the national organisation, which provides information systems, training and support.

In 2013 we recorded 12,289 client contacts and 'Legal' issues accounted for around 9.5% of this total with 1,174 recorded issues in our third biggest advice area. We also assisted 199 clients with legal aid applications and 150 of our clients attended our free legal clinics in this year.

### 3. Your comments regarding Access to Justice in Jersey

## **Legal Aid**

The system of legal aid in the UK has been substantially reduced following cuts made in April 2013, and as a Bureau, we are keen to ensure that the Jersey legal aid system does not suffer the same fate.

See this link for the national response to the cuts [http://www.citizensadvice.org.uk/\\_/press\\_20130604](http://www.citizensadvice.org.uk/_/press_20130604)

Locally, from comments that we have received from our clients, one theme that regularly arises is that clients find that the lawyer who was allocated to the case because they were next on the rota did not have the necessary knowledgebase to be able to effectively represent them. In other jurisdictions, such as Guernsey, it is possible to request a lawyer within a particular area of specialism and perhaps we can learn from this model and consider implementing something similar locally.

It is clear that smaller law firms find it the most difficulty to accommodate the current system of legal aid and perhaps measures need to be considered that would allow lawyers working in small firms to have a proportionally reduced presence on the Tour de Rôle. Alternatively, a model of government funding for legal aid cases would help alleviate the financial pressure on smaller firms.

## **Courts**

It is fair to say that most people find attending court to be a confusing and slightly intimidating process. Whilst this is largely a by-product of the judicial machine, I feel that much of the anxiety surrounding this could be alleviated by de-mystifying the process and making more information available in 'video clips' format with someone explaining the relevant court procedures and layout for each aspect of the court service. This approach would help to familiarise users with both the surroundings and process prior to a court appearance, thus making the whole experience less stressful.

In relation to the Petty Debts Court, the cap on jurisdiction of £10, 000.00 (ten thousand pounds) was set some 14 years ago and we believe it is time to review this cap with a view to increasing it.

## **Alternative Dispute Resolution.**

In respect of Tribunals, and in particular, the Employment Tribunal, we feel that this element of access to justice works well, with the only comment being the time that it takes to set-up a Tribunal can appear to be lengthy. Also, the Jersey Employment Tribunal itself, would benefit from investment in their IT infrastructure, in particular, bringing their website up-to-date.

In relation to community mediation, this part of our service works well but despite my best efforts, we find it is an under-used facility and any opportunities to highlight the fact that mediation can be an effective way to resolve disputes need to be explored.

## **Honorary Police Service**

We find that, by and large, the system of policing by the Honorary Police is cost effective and efficient. There have been reservations by some of our clients concerning the professionalism of the Honorary Police in some situations. However, most people accept that having the ability to have low-level crime cases dealt with at Parish Hall level is preferable to being taken through the court system. This belief is even more prevalent when considering young people and first offenders.

Once completed, this template should be emailed to [A2JR@gov.je](mailto:A2JR@gov.je) or printed and posted to Access to Justice Review, Chief Minister's Department, Cyril Le Marquand House, St. Helier, Jersey, JE4 8QT.

The deadline for the submission of comments is Friday 20 June 2014.