

Submission by Sue du Feu, Jersey Legal Information Board

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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2. A brief introduction about you or your organisation

Jersey Legal Information Board is the research and development arm of the court service. Its flagship is its website www.jerseylaw.je which publishes all the laws and judgments of Jersey, together with other legal materials heavily used by the profession.

JLIB strategy is as follows:

- To make the law and legal processes more accessible
- To promote the better co-ordination of Jersey's justice system
- To support Jersey's position as a leading business centre

When JLIB was founded in 1999 it concentrated on providing information for the legal professional, and it remained thus for several years until the website had expanded to contain a comprehensive set of legal materials and an up-to-date search engine with which to retrieve data. Since then and in order to fulfil the first element of the strategy, JLIB has entered into a partnership with the Citizens Advice Bureau (CAB) to increase accessibility to the law and legal processes for citizens by delivering general advice to the public through the CAB website.

The second element – to promote the better co-ordination of Jersey's justice system – takes the form of funding feasibility studies, or progressing projects such as the Video link for courts and prison, and the automation of certain court processes which will provide cost-savings and efficiencies in a number of areas.

3. Your comments regarding Access to Justice in Jersey

Barriers to Accessing Justice

Legislation

Access to justice relies on eliminating barriers to use. Laws are written in a very high language inaccessible to most lay people. Added to that, most of the laws are in English, not translated into languages that more than 10% of the population speak, Portuguese and Polish. JLIB is sponsoring a project to translate old French laws into English in order to assist the public in a better understanding. Some have already been published and can be found here

<https://www.jerseylaw.je>

Even if it were possible to translate current legislation for minority groups who need access to the law, it may not help because of the language in which the law is written. However there is a solution. Each projet is accompanied by a report from the sponsoring department which describes what the law is intended to do. A hyperlink from the law to the report would increase accessibility for the average citizen. It would then be easier to translate into other languages. Some projets have amendments passed after the Assembly vote, but it would be a simple matter for the department to amend the report after the event.

Advice and Guidance

Advice on situations where legal processes are involved is published on various States of Jersey websites. JLIB attempts to bring it all together and channel it into the CAB website as research has shown it is the most trusted delivery mechanism for legal advice and guidance. (It was found that people did not trust the government site to tell them the truth.) It was also more heavily used (in a ratio of 30:1) than other sites including JLIB. The current project is to turn all the advice notes from 'civil service speak' to plain English, and identify where the gaps are. JLIB has provided funding for 3 years for this project.

Community Mediation

JLIB established the Community Mediation project some years ago for the CAB to administer. Despite a public launch and some follow-up fliers, take-up has remained low (5-6 mediations a year). The public remain largely unaware of the service or don't understand how it works. It is not expensive (£20 per party), and results obtained from the few that have reached settlement have been good; parties have been satisfied with the outcomes. More people could have access to justice for less expense if the take-up rate is increased. This may be achieved by higher profile advertising, possibly by some 20 second slots on local radio and a TV advert.

Industrial Tribunals

The Jersey Employment Tribunal website was badly designed and searching impossible, therefore judgments from the JET remained in 'practical obscurity', and only dedicated professionals would go to the trouble of finding judgments. Two years ago it was decided to incorporate them into the JLIB website and since then complaints have been made by members of the public who have taken part in a Tribunal hearing, and either feel that they are not getting jobs because prospective employers are searching for their names and finding the judgment, or because a witness's salary has been disclosed, or various perceived invasions of privacy. There is a concern that access to justice will be forestalled as claimants will be deterred from taking their cases to the Tribunal.

Recently a proposal has been made that the tribunal only publish full judgments when there is a

point of law, and redact others. The proposal is under discussion currently.

Legal Needs Survey

It is perhaps surprising that, to the best of JLIB's belief, a legal needs survey has never been carried out in Jersey, and it is proposed that such a survey should be carried out as part of the Access to Justice Review.

Since the mid-1990s, at least 26 large-scale national surveys of the public's experience of justiciable problems have been conducted in at least 15 separate jurisdictions, reflecting widespread legal aid reform activity. Twenty-four of these surveys fall within a growing Paths to Justice tradition (see <http://www.nuffieldfoundation.org/paths-justice-past-present-and-future-roadmap>), having firm roots in, and following the structure of, a landmark survey in England and Wales in 1997. This tradition recognises that law does not always provide the best context for problem solving, and sees the adoption of a neutral stance towards citizen experience and behaviour. The tradition is characterised by a focus on issues that may have a legal solution, but are not restricted to those familiar to lawyers or discussed in tribunals or civil courts. The aspiration is to observe the entire dispute pyramid, from everyday problems (whether or not they are understood as legal) to formal proceedings.

Undertaking a legal needs survey would tackle access to justice issues at the grass roots level, by finding out from citizens what their views of the justice system are, what their experience is of engaging with the justice system, and what suggestions they have for making improvements. Such a survey could conceivably be undertaken through JASS but would provide better data if conducted independently.

As a guideline, your comments should not normally exceed 3,000 words.

Once completed, this template should be emailed to 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.