



Law Officers' Department

Business Plan 2023



Foreword

I am delighted to present the Business Plan for the Law Officers' Department which sets out our objectives and deliverables for 2023.

Seven objectives and eleven specific workstreams for 2023 are set out in pages five to seven of the Plan. These include tackling financial crime and supporting the MoneyVal assessment which takes place in September and October this year, advice on the negotiation and implementation of Jersey's trading relationships, and advice on the extension of areas of activity regulated by the Care Commission.

Our objectives and workstreams are only achievable through the commitment of our staff and through our procedures. Pages nine and ten of the Plan detail two achievements concerning our people in October 2022 which we aim to build on in 2023.

Firstly, we were accorded Lexcel Accreditation again for excellence in practice management and client care by an independent assessor. People management was noted as an area with particularly high numbers of good practice. It was encouraging to receive comments such as: *"There is a very supportive culture in the department. The team spirit within the department appears to be extremely supportive. Everybody is happy to make time for colleagues and no barriers exist between management and the team."*

Secondly, we achieved accreditation by Best Companies as a very good organisation to work for. Best Companies is a specialist organisation for assessing employee engagement. Their survey found that we are in the top 10 Not-for-Profit organisations to work for. A link to the Law Officers' Department's profile on Best Companies' website is here.

[Best Companies | Law Officers' Department Jersey Company Profile](#)

Mark Temple KC

16 February 2023



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| Department | Law Officers' Department |
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| Crown Officers | HM Attorney General Mark Temple KC HM Solicitor General Matthew Jowitt KC |
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1. Our purpose

Our Purpose

The Law Officers' Department:

- provides legal advice to the Government, the States Assembly and the Crown;
- provides an independent public prosecution service for the Island;
- protects the interests of the Crown and Government in civil proceedings;
- helps safeguard children and adults at risk;
- enables the forfeiture and confiscation of the proceeds of crime;
- assists overseas law enforcement agencies;
- carries out the statutory and customary law duties of the Attorney General.

Our Values

We share the values of all States of Jersey employees:

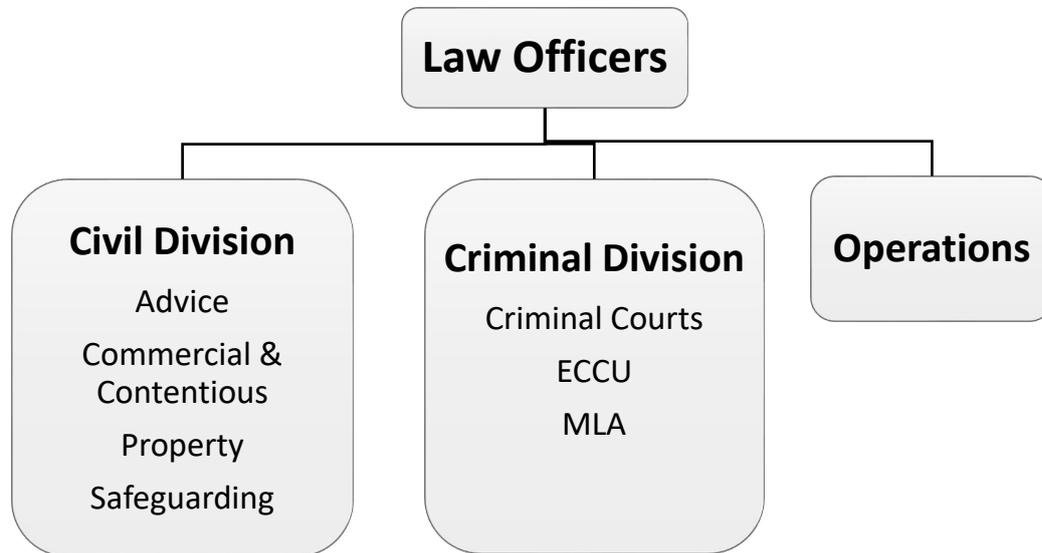
- We are respectful
- We are better together
- We are always improving
- We are customer focused
- We deliver

Our values are supported by a set of high-level behaviours, which guide us in our individual roles: collective core values and behaviours

All staff adhere to the States Employment Board's Standards of Public Service and the Department's lawyers follow a Code of Conduct which sets out the required high standards in the interests of justice and in relation to their duties as public officers.



2. Law Officers' Department Structure



See Appendix 2 for a full organisation chart.

3. Our key objectives and deliverables

| Key Objectives and Deliverables | | |
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| Key Objective | Key Deliverable | Lead Service |
| 1) To provide legal advice to the Government, States Assembly and the Crown | High quality and timely legal advice provided, including property transactions. | Civil Division: Advice Team; Commercial & Contentious Team; Property Team Criminal Division: Criminal Courts Team |
| 2) To provide an independent prosecution service for the Island | High quality and timely advice provided. Prosecutions in the Royal Court and Magistrate's Court carried out fairly, efficiently and effectively. | Criminal Division: Criminal Courts Team; ECCU |
| 3) To protect the interests of the Crown and the Government in civil proceedings | High quality and timely advice provided. Hearings in the Courts and Tribunals carried out fairly, efficiently and effectively. | Civil Division: Commercial & Contentious Team Safeguarding Team |



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| 4) To help safeguard children and adults at risk | High quality and timely advice provided. Proceedings in relation to children concluded expeditiously. Advice provided in relation to vulnerable adults or those who lack capacity and applications made to Court as appropriate. | Civil Division: Safeguarding Team |
| 5) To enable the forfeiture and confiscation of the proceeds of crime | High quality and timely advice provided to JFCU and forfeitures carried out fairly, efficiently and effectively. | Criminal Division: ECCU MLA |
| 6) To assist overseas law enforcement agencies | High quality and timely assistance provided. | Criminal Division: MLA |
| 7) To carry out the statutory and customary law duties of the Attorney General | Exercise disciplinary and other functions in relation to the Honorary Police. Ensure <i>Partie Publique</i> functions performed effectively. | Attorney General Civil Division: Safeguarding Team Advice Team |
| Specific for 2023 | | |
| Workstreams | Key Deliverable | Lead Service |
| 1) Continue to advise on the negotiation and implementation of Jersey's trading relationships, including the Trade Co-operation Agreement with the EU. | High quality and timely advice provided on international trade arrangements and their implementation to ensure Jersey can maximise the opportunities arising from new relationships while protecting its economy and constitutional position. | Civil Division: Advice Team |
| 2) Tackling financial crime and supporting the Moneyval assessment | High quality advice and investigations of financial crime to ensure Jersey complies with best practice and maintains the Island's reputation as a well-regulated international finance centre. Further expansion of the ECCU team in order to provide such advice and carry out investigations. High quality and timely advice on legislative reform and the preparation of documents to support the conduct of the review. | Criminal Division: ECCU MLA Civil Division: Advice Team Commercial & Contentious Team |
| 3) Advice in relation to amendments to children's legislation | High quality and timely advice provided in relation to children's legislation and implementing new statutory duties | Civil Division: Advice Team Safeguarding Team |
| 4) Advice and representation in connection with Art 2 ECHR inquests | High quality and timely advice provided in relation to Art 2 inquests | Civil Division: Commercial & Contentious Team Safeguarding Team |
| 5) Advice and representation in connection with TIEA notices and challenges | High quality and timely advice provided in relation to tax information exchange | Civil Division: Commercial & Contentious Team |



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|---|---|---|
| 6) Further development and training of SoJP on frontloading of cases and on unused material | Timely and successful prosecutions with efficient use of resources | Criminal Division: Criminal Courts Team; ECCU |
| 7) Advice in relation to tax collection and other initiatives for Revenue Jersey | Increase in revenue for the Government of Jersey by taking legal action in relation to unpaid taxes | Civil Division: Commercial & Contentious Team |
| 8) Work on improving the arrangements for dealing with personal injury claims | Reduce risk to Government of Jersey as a result of PI claims | Civil Division: Commercial & Contentious Team |
| 9) Maintain the increased support provided to the Government in respect of immigration reform and casework | High quality advice provided to the Government to support post Brexit legislative development and an expected increase in casework, including by recruiting a specialist immigration lawyer | Civil Division: Advice Team |
| 10) Support the Our Hospital Project team to acquire land needed for construction of the new Hospital | High quality advice and representation | Civil Division: Property Team Commercial & Contentious Team |
| 11) Provide advice in connection with the extension of the areas of activity regulated by the Care Commission | High quality advice and representation | Civil Division: Advice Team |
| Financial / Operational | | |
| 1) Develop and improve more efficient processes using functionality of new Case Management System | New Case Management System developed and implemented (iCasework) | All |
| 2) Maintain efficiency savings established in MTFP2 and perpetuated through successive Government Plans | Keep within approved revenue budget expenditure limits | Accountable Officer |
| 3) Maintain Lexcel accreditation | Adhere to Lexcel Standards to achieve Lexcel accreditation for fifth year | All |
| 4) Digital engagement – continue to progress digital solutions | Full participation in the Courts Digital Project throughout 2023 in order to ensure success of the project for efficient use of the Courts and the Justice System (both in relation to prosecutions and to civil court cases) | SMT and relevant teams |



4. Monitoring progress and risk management arrangements

Monitoring Progress of delivery of the Business Plan

Management Information regarding meeting performance standards, as set out in the Service Level Agreement and the Service Standard established with instructing departments, can be obtained through the Department's practice management system, Prescient Plus and through the maintenance of records in the teams. Improved management information and KPI reporting is anticipated with the change of the Department's practice management system from Prescient Plus to iCasework in 2023.

It is expected that the Digital Courts project will improve the range of data available for reporting on Criminal Justice measures and Public Law children cases.

Financial performance is monitored through monthly variance reports of spend against budget, reviewed by the Accountable Officer, Finance Manager and regular reviews with the Treasury Department's Head of Finance Business Partnering.

Operational performance is managed through adherence to the Lexcel quality management framework and subject to an annual independent assessment.

Risk Management Reporting Arrangements

The Department's Senior Management Team reviews the departmental Risk Register each quarter. At year end, the Department's Accountable Officer completes a Governance Statement and Compliance Return for the Treasurer, which include details of any breaches or exemptions to the Public Finances Manual. These returns are reviewed by the Government's Internal Auditor.

The Practice Director attends regular meetings with the GoJ Head of Risk to review the departmental Risk Register or review other areas of risk (eg scanning emerging risks and how they translate in a local context, together with areas of corporate risk). The Practice Director also attends the quarterly Departmental Risk Group meetings.

The Accountable Officer, together with the Treasury & Exchequer's Finance Business Partner for the Non-Ministerial Departments, also signs off at year end a Statement of Comprehensive Net Expenditure, a Statement of Financial Position and a Statement of Accounting Compliance.

The Department also adheres to the comprehensive Lexcel Standards on Risk Management which are assessed annually by an independent, external assessor.

Non-Ministerial Departments Audit Committee

In response to a recommendation by the Comptroller and Auditor General, the Non-Ministerial Departments of the States of Jersey appointed an independent Audit Committee in 2022 to oversee their governance arrangements and use of resources. The Audit Committee oversees the Law Officers' Department together with the Bailiff's



Chambers, Judicial Greffe, Probation and After-Care Services, States Greffe and the Viscount's Department.

Marta Philips OBE is chair of the Committee, alongside Committee members Dr Helen Pernelet and Sarah Raynor. The Audit Committee members provide independent counsel, support and constructive challenge to the Accountable Officers of the Non-Ministerial Departments and provide assurance of the highest standards of corporate governance.

The Committee meets at least twice a year and is supported by a Committee Secretary appointed by the Non-Ministerial Departments.

5. Our service users

Service Users and Projected Demand for Services

Civil Division

Service users are Government ministers and officers of Government departments, members of the States Assembly and officers of the Crown.

Demand for services may increase during the Government Plan period depending on new legislation or increasing demand from the instructing departments for the Law Officers' Department's services. For example in the 2016 – 2019 Medium Term Financial Plan, additional resources were required following Ministerial Decisions relating to Children's Safeguarding, Adult Safeguarding, Brexit and the Redress Scheme. Additional resources will be required if Ministerial Decisions during the 2023 – 2026 Government Plan result in an increased workload for the Department.

Criminal Division

Service users are the States of Jersey Police, the Honorary Police, overseas law enforcement agencies and the Jersey Police Complaints Authority. Service users also include Government departments where advice on criminal matters and/or prosecutions are sought – eg Health and Safety, Social Security, Revenue Jersey, Trading Standards.

Demand for services is subject to levels of reported crime and requests from overseas jurisdictions and will fluctuate from year to year. Additional resources would be required if it became necessary to dedicate more resource to a particular area.

There has been an increase in work levels in the Criminal Courts team due to the Criminal Procedure (Jersey) Law 2018, specifically in relation to the service of the prosecution case in the Magistrate's Court.

With the increase in focus on Financial Crime in the Government Plan period, additional resources for this specialist area were approved in the 2022 Government Plan and recruitment is underway.

The Department does not provide legal advice to members of the public, private businesses or organisations.



6. Our people

In October 2022, the Law Officers' Department was awarded Lexcel accreditation for 'excellence in practice management and client care' for the fourth year running. The independent assessor singled out 'people management' as an area with a particularly high number of areas of good practice, commenting that:

- "The department's approach to learning and development and in particular the progression of its staff is exemplary."
- "The assessor feels that the department have, in the last couple of years, attracted an extremely high calibre of adviser to the department with a very niche, expert and diverse range of skills."
- "It is apparent to the assessor through interview evidence that the ability to be able to work fully flexibly has been extremely well received and there is real value placed upon this approach by the team members."
- "There is a very supportive culture in the department. The team spirit within the department appears to be extremely supportive. Everybody is happy to make time for colleagues and no barriers exist between management and the team."

In 2022 the Law Officers' Department also ran the first standalone staff engagement survey of a States Department: the Best Companies Be Heard Employee Engagement Survey.

The Department achieved Best Companies accreditation as a 'very good organisation' to work for and is profiled on the Best Companies website:

[Best Companies | Law Officers' Department Jersey Company Profile](#)

Themes from both the Lexcel assessment and the Be Heard survey include:

- The importance of good management
- The importance of flexible working
- The desire to 'give something back' to the community
- The importance of teamwork.

Each of these themes will be focussed on in 2023 in addition to the areas that are brought to the Department through the States of Jersey People Strategy, including Workforce Strategic Planning.



Health, Safety and Wellbeing

The health, safety and wellbeing of all staff at the Law Officers' Department is of paramount importance.

The Department follows the States of Jersey's Code of Practice on Health, Safety and Wellbeing which includes the requirement to have measures in place to:

- prevent work related injury or illness;
- provide a safe working environment;
- safeguard the mental health of employees at work; and
- encourage and support employees to take care of their own health, safety and wellbeing as well as that of their colleagues at work.

The Department actively monitors Health, Safety and Wellbeing performance and has controls in place in accordance with the nine key organisational risks that are reported on in the corporate Health and Safety Management Reporting System.

7. Our financial context

Financial Overview

Extract from the approved Government Plan 2023 – 2026, Service Level Analysis by Department: **Government Plan 2023 - 2026 Annex**

| Service Area | Income | Near Cash Expenditure | Net Revenue Expenditure |
|---------------------------------|------------|-----------------------|-------------------------|
| | £000 | £000 | £000 |
| Law Officers' Department | | | |
| Law Officers General | 237 | 10,007 | 9,770 |
| Court and Case Costs | 0 | 1,111 | 1,111 |
| | | | |
| Total: | 237 | 11,118 | 10,881 |



8. What will we do in 2023? Measuring progress against planned deliverables

| Objective | Deliverable | Service Lead | Completion Date | Intended Outcome | Success Measures |
|---|--|---|-----------------|---|--|
| Provide legal advice to the Government, States Assembly and the Crown | <p>Provide high quality independent legal advice in a timely manner that assists the Government to implement the Common Strategic Policy.</p> <p>Provide high quality independent legal advice in a timely manner to members of the Assembly and Scrutiny panels and others when requested.</p> <p>Adhere to the agreed performance measures as set out in the Service Standard for instructing departments.</p> | Civil Division: Advice Team; Commercial & Contentious Team; Property Team | Ongoing | Ensuring the best advice is provided in order that the Government can execute its Common Strategic Policy and that scrutiny of the Policy may take place for balance. | <p>Quantity of advice given (by number of matters)</p> <p>Timeliness of advice given (KPIs in Service Standard met)</p> <p>Quality of advice given (feedback from instructing departments)</p> <p>KPIs around the time taken to receive Royal Assent for legislation</p> |



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| <p>Provide an independent prosecution service for the Island</p> | <p>Remain independent and fair, delivering justice in every case, making decisions in accordance with the Code on the Decision to Prosecute.</p> <p>Adhere to agreed performance as set out in the Service Level Agreements with the States of Jersey Police. Create further SLAs for all other agencies to whom advice is provided.</p> <p>Through the Economic Crime and Confiscation Unit, investigate and prosecute complex Fraud and Money Laundering cases.</p> | <p>Criminal Division: Criminal Courts Team; ECCU</p> | <p>Ongoing</p> | <p>Protection of the public in a safe society.</p> <p>Prosecution of financial crimes including asset forfeitures under the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018.</p> | <p>Quantity of advice given / prosecutions (by number of matters) Timeliness of advice given (KPIs in Service Level Agreement met) Quality of advice given (feedback from SoJP, number of successful appeals) KPIs around the time taken for elements of the Criminal Justice system over which the Department has control.</p> |
| <p>Protect the interests of the Crown and the Government in civil proceedings</p> | <p>Civil proceedings conducted in the Royal Court of Jersey and other courts/tribunals.</p> | <p>Civil Division: Commercial & Contentious Team</p> | <p>Ongoing</p> | <p>The interests of the Government and Crown protected.</p> | <p>Quantity of cases (by number of matters) Quality of advice given (feedback from instructing departments, number of successful appeals)</p> |



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| Help safeguard children and adults at risk | Care proceedings concluded as expeditiously as possible. Advice in relation to Children's Legislation. | Civil Division: Safeguarding Team | Ongoing | Support for strategic policy: <i>we will put children first.</i> | Quantity of cases (by number of matters – children and adults) Quality of advice given (feedback from instructing department) Updated children's legislation in force. |
| Assist overseas law enforcement agencies | Assistance provided to investigatory authorities from overseas jurisdictions. | Criminal Division: Mutual Legal Assistance Team | Ongoing | High quality advice given in a timely manner. | Quantity of cases (by number of requests handled) KPIs in respect of timeliness of assistance given Quality of assistance (feedback from requesting jurisdictions) |
| Carry out the statutory and customary law duties of the Attorney General | Functions in relation to the Honorary Police complied with. <i>Partie Publique</i> functions performed effectively. | Attorney General Civil Division: Advice Team Safeguarding Team | Ongoing | Statutory duties complied with. | Timely compliance with all statutory functions |



9. Monitoring Service Performance – Our Key Performance Indicators

| KPI Description | Baseline 2020 | Baseline 2021 | Baseline 2022 | Reporting frequency |
|---|---|--|---|---------------------|
| Civil Division | | | | |
| Provide initial advice within 20 working days of receipt of full file. | Civil Division: Compliance: 94.5% Median: 2 days Advice Team: Compliance: 96.3% Median: 3 days C&C Team: Compliance: 92.7% Median: 3 days Property Team: Compliance: 94.3% Median: 7 days Safeguarding Team: Compliance: 92.3% Median: 2 days | Civil Division: Compliance: 91.8% Median: 2 days Advice Team: Compliance: 89.5% Median: 2 days C&C Team: Compliance: 91.4% Median: 3 days Property Team: Compliance: 93.7% Median: 5 days Safeguarding Team: Compliance: 96.9% Median: 1 day | Civil Division: Compliance: 90.8% Median: 2 days Advice Team: Compliance: 85.6% Median: 3 days C&C Team: Compliance: 94.1% Median: 1 day Property Team: Compliance: 93.7% Median: 5 days Safeguarding Team: Compliance: 95.1% Median: 1 day | annual |
| Royal Assent Memoranda completed and forwarded to the Privy Council via the States Greffe within 10 days of their receipt by the Department after being adopted | Compliance: average 17 days | Compliance: average 17 days | Compliance: average 8 days | annual |
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| Criminal Division – Criminal Courts | | | | |
| Initial review of the case carried out by the Lawyer Responsible within 28 days of receipt of the full file. | Compliance: 56.4% Median: 25 days | Compliance: 80.8% Median: 16 days | Compliance: 87.1% Median: 7 days | annual |
| | | | | |
| Criminal Division - MLA | | | | |
| Urgent cases: initial review within seven days of receipt of Request | Compliance: 50% | Compliance: 100% | Compliance: 100% | annual |
| Urgent cases: where actionable without further reference to the Requesting Authority, action taken within 14 days of receipt of the Request | Compliance: 100% | Compliance: 100% | Compliance: 100% | annual |
| Priority cases: initial review within 21 days of receipt of Request | n/a | n/a | Compliance: 83% | annual |
| Priority cases: actioned within 42 days of receipt of Request | n/a | n/a | Compliance: 75% | annual |
| Standard cases: initial review within 21 days of receipt of Request | n/a | n/a | Compliance: 100% | annual |
| Standard cases: actioned within 60 days of receipt of Request | n/a | n/a | Compliance: 94% | annual |

Appendix 1

The Law Officers' Department provides advice to the Government, States Assembly, Crown, assists overseas law enforcement agencies and is the prosecution service for the Island

The **Attorney General** has overall responsibility for the Department and is titular head of the Honorary Police.

The **Solicitor General** deputises for the Attorney General and gives advice on his own account.

The Law Officers' Department consists of the Civil Division and the Criminal Division supported by a small Administration team.

A Director manages each division. The **Civil Division**, headed by Advocate Sylvia Roberts, is divided into four teams; Advice; Commercial and Contentious; Safeguarding; and Property.

The **Advice team** provides advice regarding the following: international treaties, and trade, customs and immigration, European Law, sanctions, statutory interpretation, extension of UK legislation to Jersey, drafting of Orders in Council and Rules of Court, legislation projects, human rights, penalty review of draft legislation, drafting of Royal Assent memoranda, and public law advice.

The **Commercial and Contentious team** provides advice in respect of contracts and contractual disputes, employment and discrimination claims, data protection and freedom of information, planning, personal injury claims, tax, general civil litigation and applications for judicial review.

The **Safeguarding team** provides advice to the Children's Service about the care and protection of children in the Island, and deal with applications for public law orders in relation to children. The Team also provides advice to Health and Community Services in relation to vulnerable adults and those who lack mental capacity. The Team also assists the Attorney General in carrying out his functions as designated Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction.

The **Property team** advise on all property related matters and who deal with conveyancing work on behalf of the Public of the Island and the Crown.

The **Criminal Division**, headed by Howard Tobias, is divided into three teams: the Criminal Courts Team (CCT); the Economic Crime and Confiscation Unit (ECCU); and the Mutual Legal Assistance Team (MLA).

The **Criminal Courts team** prosecutes cases before the Magistrate's and Youth Courts, the Royal Court and Court of Appeal (Criminal Division), and gives advice to the States of Jersey Police, the Honorary Police, Customs, and numerous Government regulatory Departments.



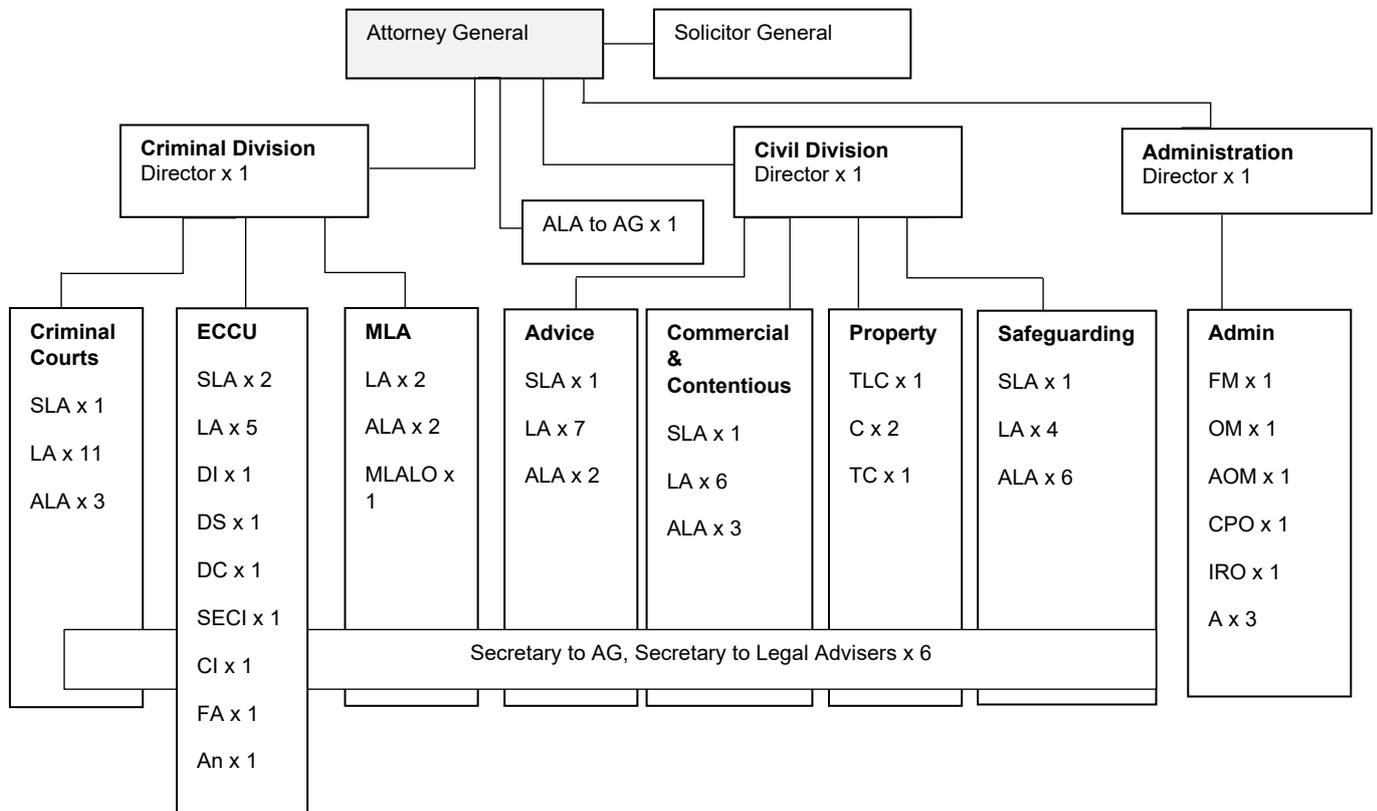
The **Economic Crime and Confiscation Unit** was established in October 2017 in order to ensure that the Island remains at the forefront of the fight against financial crime and money laundering. Further resources were added to the team in 2022 and a growth bid in the 2023 – 2026 Government Plan will see a further expansion of the team.

The **Mutual Legal Assistance team** handles international requests for assistance.

The **Operations** team headed by Alec Le Sueur supports the Law Officers and legal staff, in order that the functions of the Law Officers can be carried out efficiently and effectively and in line with the Public Finance Manual and Codes of Practice.



Appendix 2



Headcount: 90 + 8 vacancies (headcount, not FTE)

Notes

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|---|--|
| A: Administrator An: Analyst AG: Attorney General ALA: Assistant Legal Adviser AOM: Assistant Operations Manager C: Conveyancer CI: Civilian Investigator CPO: Court Proceedings Officer DS: Detective Sergeant ECCU: Economic Crime and Confiscations Unit FA: Forensic Accountant | FM: Finance Manager IRO: Information and Records Officer LA: Legal Adviser MLA: Mutual Legal Assistance MLALO: Mutual Legal Assistance Liaison Officer OM: Operations Manager SECI: Senior Economic Crime Investigator SG: Solicitor General SLA: Senior Legal Adviser TC: Trainee Conveyancer TLC: Team Leader – Conveyancing |
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