



The Law Officers' Department

Annual Review 2021

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Introduction by HM Attorney General Mark Temple QC

The work of the Law Officers' Department in 2021 continued to be influenced by Covid-19. Workloads remained high due to the continued risk to many aspects of public life and services caused by the pandemic. The challenge was met by Department's staff who continued to provide timely, high-quality legal advice to the Government, States Assembly and the Crown, as well as providing an independent and effective prosecution service throughout 2021.

The Department provided legal advice concerning the implementation of the Trade Co-operation Agreement (TCA) which governs the future trading relationship between the UK and the European Union and came into effect at the beginning of 2021. This important work normally receives little public attention but was thrown into the spotlight with the arrangements in place to control fishing in the Bay of Granville attracting media headlines in May 2021.

In January 2021 a prosecution brought through the Economic Crime and Confiscation Unit (ECCU) achieved a fine of £550,000 and £50,000 of costs against a financial service business for failing to comply with the requirements of the Money Laundering (Jersey) Order 2008. In May 2021 ECCU also began asset forfeiture proceedings to secure £1.9 million in tainted property from the Abacha regime in Nigeria.

While these cases attract media headlines the work of every team in the Department deserves mention, as all provide an exemplary service evidenced by achieving independent Lexcel accreditation for the third year in a row for *'excellence in practice management and client care'*.

The Lexcel assessor's report from her 2021 inspection concluded that *"the Department continues to excel in employee engagement"* and demonstrates an *"exemplary commitment"* to its employees. The assessor reported that the Department's *"excellent reputation as an employer on the island"* is *"attracting a high calibre of staff"*.

I was particularly delighted to read in the assessor's report that *"the assessor was pleased to hear about a true team culture within the department with real support for staff at all levels from management down and also peer to peer support"*. I am extremely grateful to all the members of the Department, in every one of our teams, who have maintained the high levels of service expected of the Law Officers' Department and promoted the supportive team culture, especially during the difficult times of the pandemic.

In addition to providing a high level of service throughout the year, and notwithstanding the increased workload in 2021, I am pleased to report that the actual costs of the Department in 2021 were lower than in 2014, 2015 and 2019.

I trust that the Annual Review for 2021 illustrates the range and value of the work of the Law Officer's Department.

Mark Temple QC

HM Attorney General

About the Law Officers' Department

What we do

- Provide legal advice to the Government, the States Assembly and the Crown
- Provide an independent public prosecution service for the Island
- Protect the interests of the Crown and Government in civil proceedings
- Help safeguard children and adults at risk
- Enable the forfeiture and confiscation of the proceeds of crime
- Assist overseas law enforcement agencies
- Carry out the statutory and customary law duties of the Attorney General

Organisation

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** has nine Legal Advisers and assistants providing 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** consists of 10 Legal Advisers and assistants who provide 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** consists of nine Legal Advisers and assistants who provide 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** consists of three members of staff who 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 team consists of 14 Legal Advisers and assistants.

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. The team is expanding significantly in 2022 and currently consists of nine staff: six Legal Advisers and assistants, one Detective Sergeant, one civilian investigator and a forensic accountant.

The **Mutual Legal Assistance team** handles international requests and consists of five Legal Advisers and assistants and an MLA liaison officer.

The **Administration** team of 16, 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

See the Organisation Chart at Appendix 1

Law Officers’ Department Headcount by Division
(at 31 December 2021)



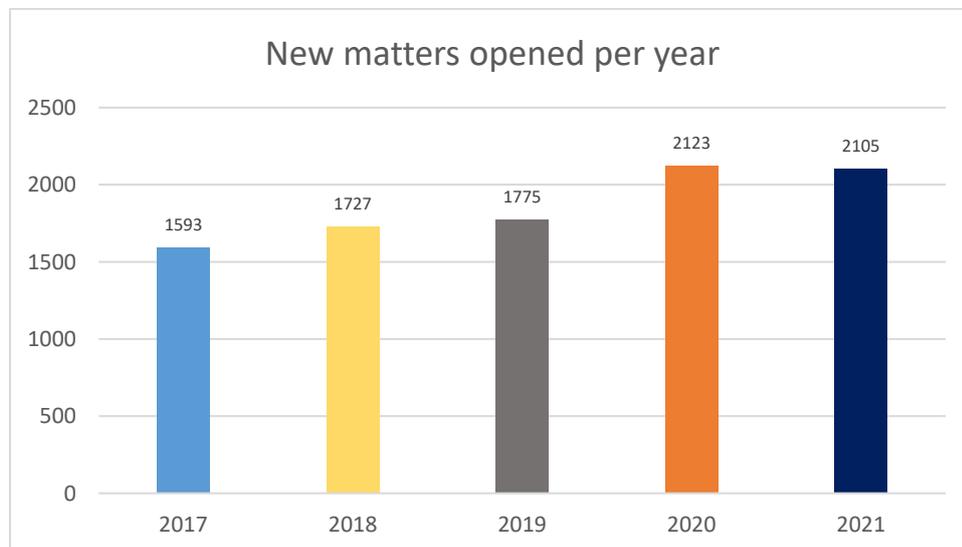
Our Code

All staff at the Law Officers' Department adhere to the Code of Conduct issued by the States of Jersey Human Resources Department. Furthermore, lawyers in the Law Officers' Department are also bound by the Departmental Code of Conduct for lawyers. This is found on the Law Officers' Department's web pages at www.gov.je/lawofficers and sets out the rules and standards applicable to lawyers which are appropriate having respect to the interests of justice and their duties as public officers.

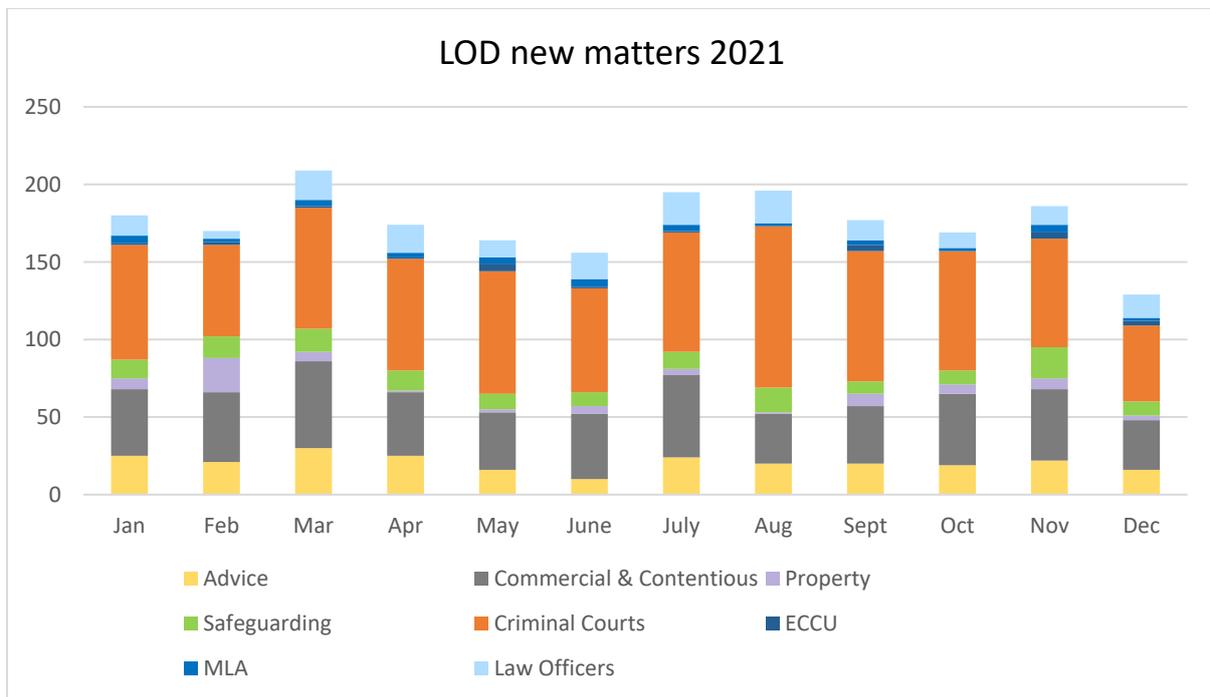
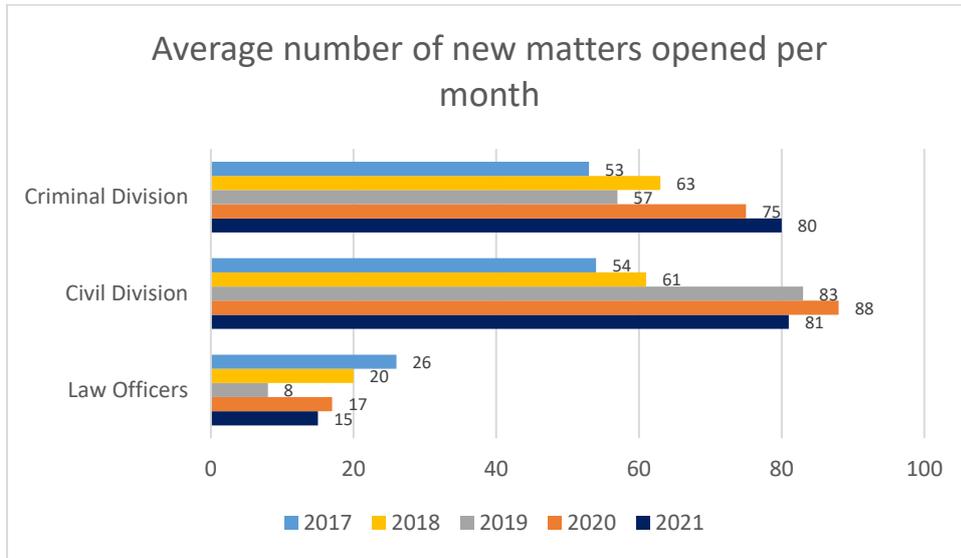
The work we do

New Matters

While the number of new matters opened during a year does not provide a full picture of the activity of the Law Officers' Department, as new matters can take from a few hours to many hundreds of hours to complete, the number of matters opened is a useful indicator of the volume of work undertaken by the Department in terms of the number of requests for legal advice and prosecution files opened. In 2021 2,105 new advice and prosecution files were opened at the Department, maintaining the same high level of 2020.



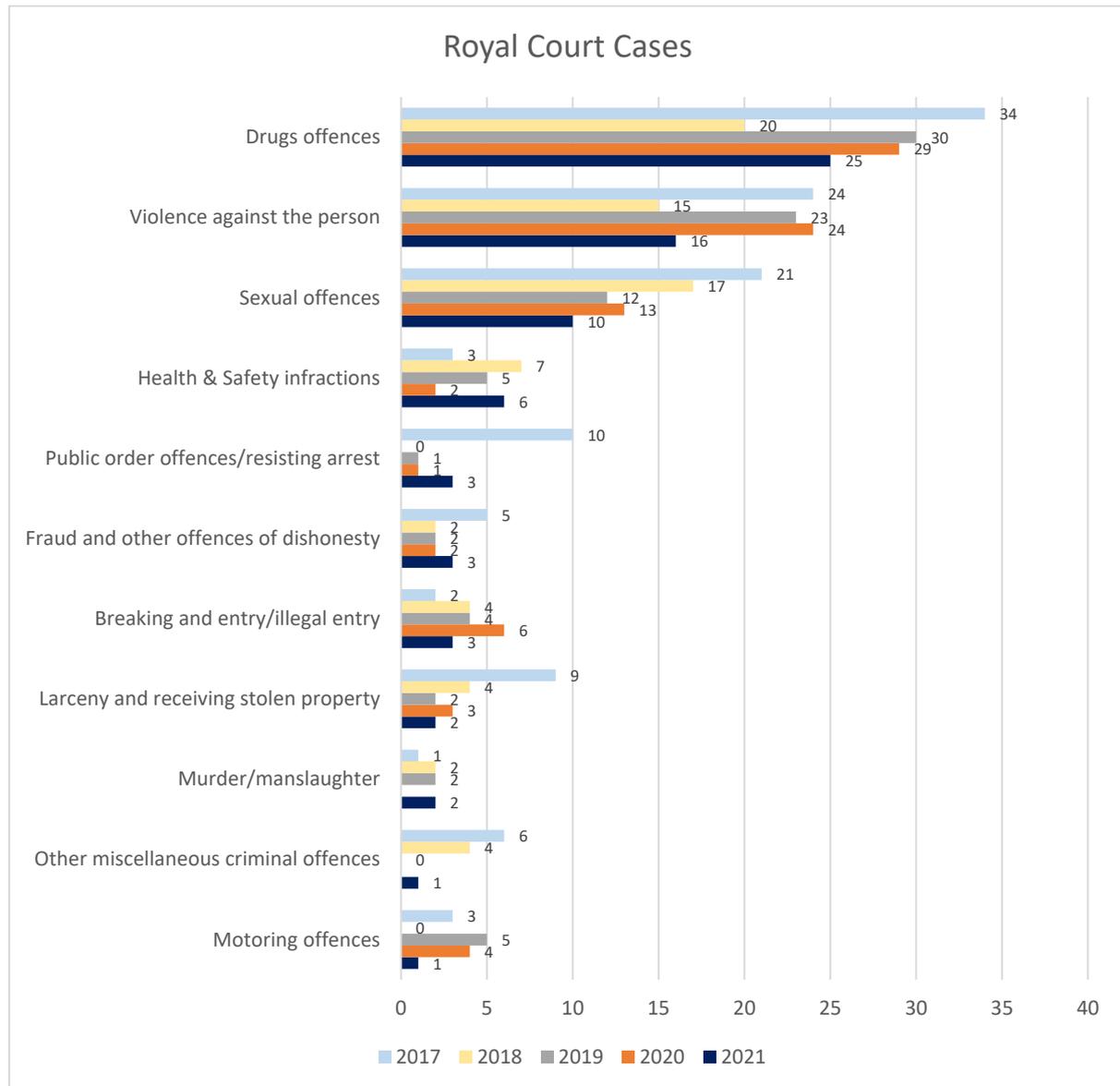
Broken down by files opened per month in the two divisions and directly by the Law Officers:



Criminal Division

Criminal Courts Team

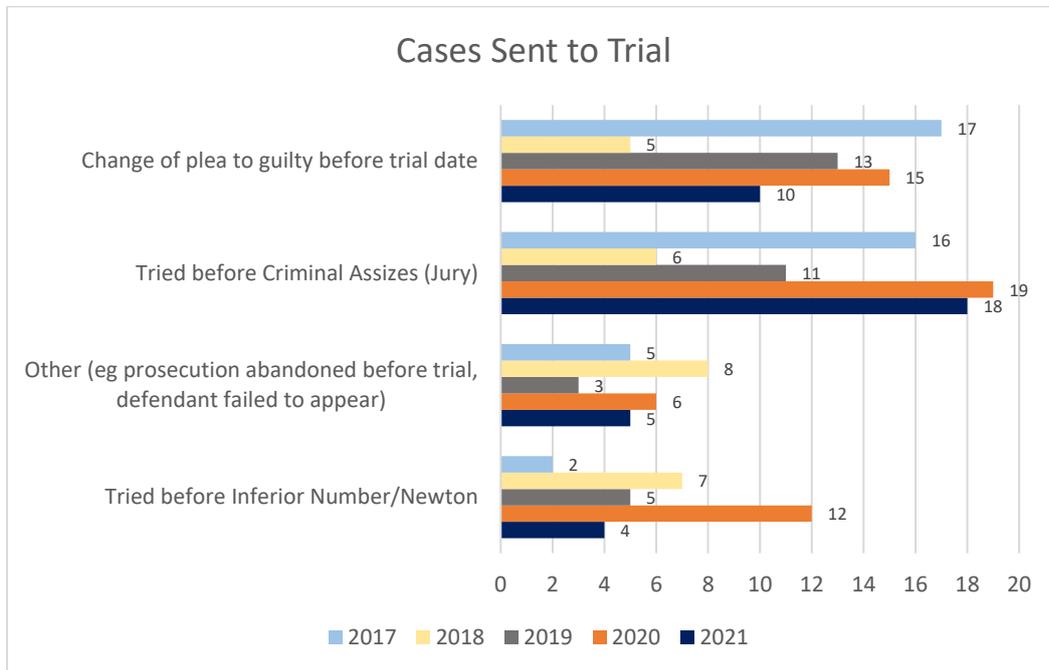
During 2021 a total of 72 new criminal prosecutions were committed or sent from the Magistrate’s Court to the Royal Court or indicted directly to the Royal Court. The figures reflect the move since 2018 to prosecute more cases in the Magistrate’s Court rather than the Royal Court.



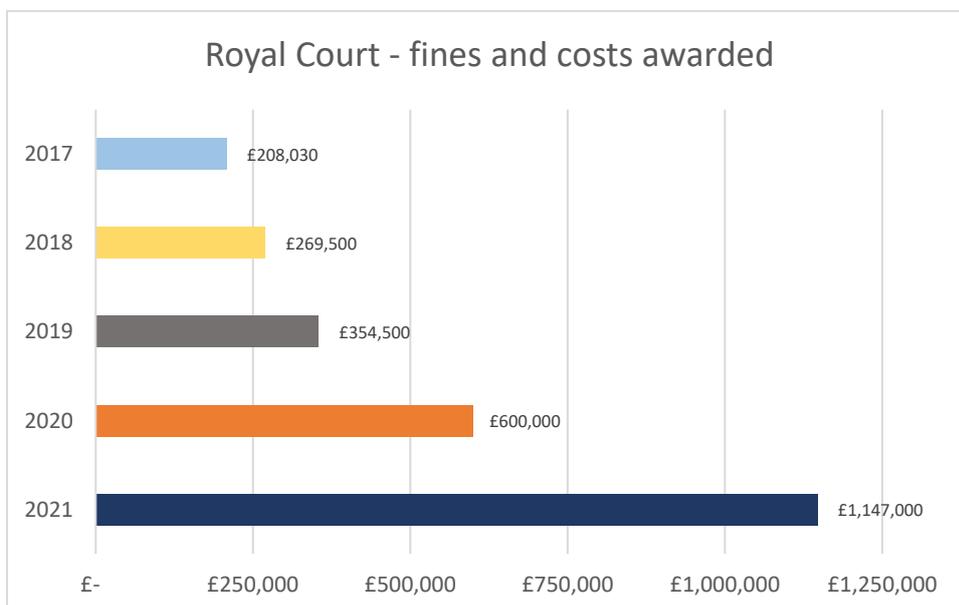
Note that it is the primary offence only that is recorded in this chart. For example, confiscations under the Proceeds of Crime (Jersey) Law 1999 that resulted from drugs and fraud prosecutions in 2021 are not shown in these figures.

New cases at the Royal Court were dealt with in the following manner:

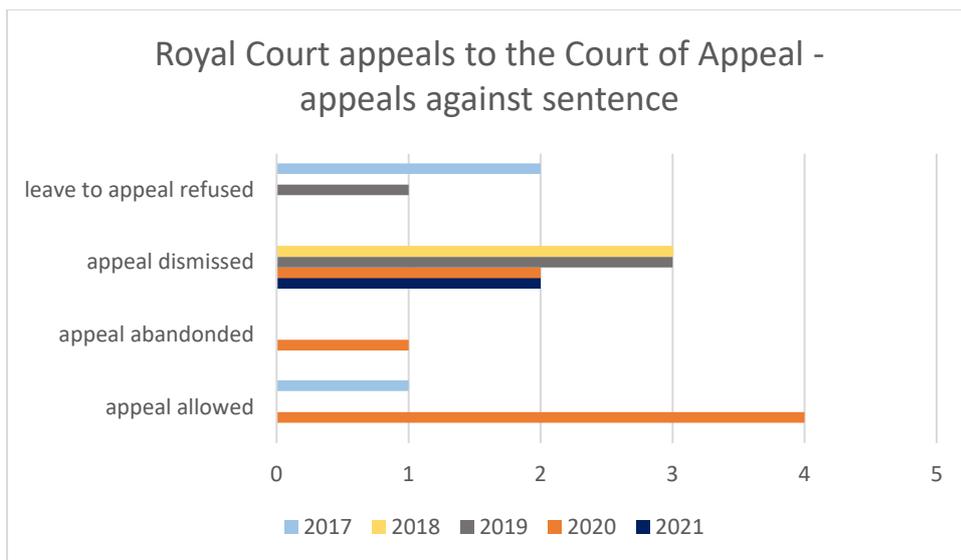
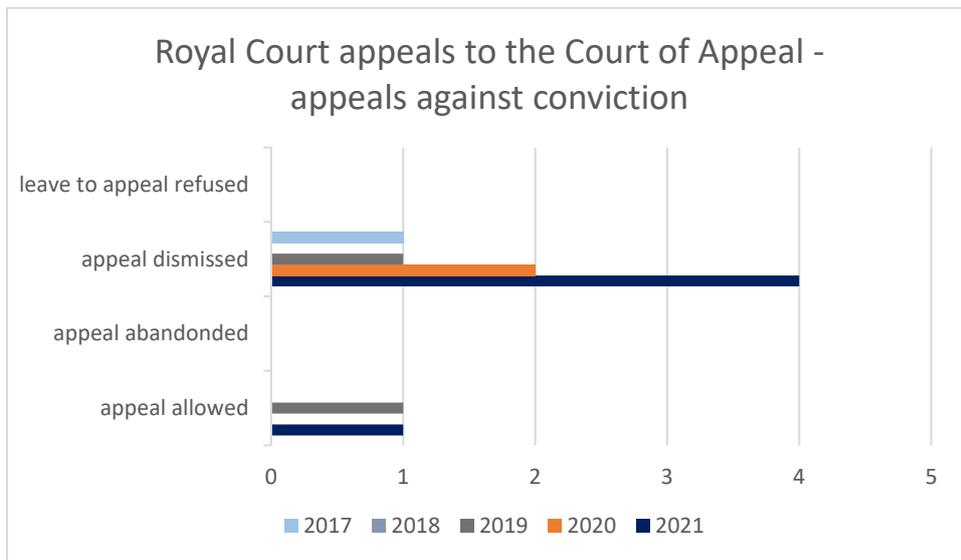
Cases sent to trial:



The amount of fines and costs awarded in the Royal Court each year varies according to the number of companies and individuals prosecuted during the year for offences which tend to attract fines, such as breaches of the Money Laundering Order or Health and Safety prosecutions, rather than custodial or other types of sentence. The high figure in 2021 was due to a significant fine for a breach of the Money Laundering Regulations and an increase in fines imposed on Health & Safety matters.



In 2021 there were five appeals against conviction from the Royal Court to the Court of Appeal and two appeals against sentence.



In addition to prosecuting cases in the Royal Court, the Criminal Courts team also advise the States of Jersey Police and the Honorary Police and prosecutes trials before the Magistrate’s Court, including those cases that start in the Magistrate’s Court before moving to the Royal Court.

The team also provides an out of hours call service and delivers training sessions to Centeniers, Police Officers and other professionals within the legal system.

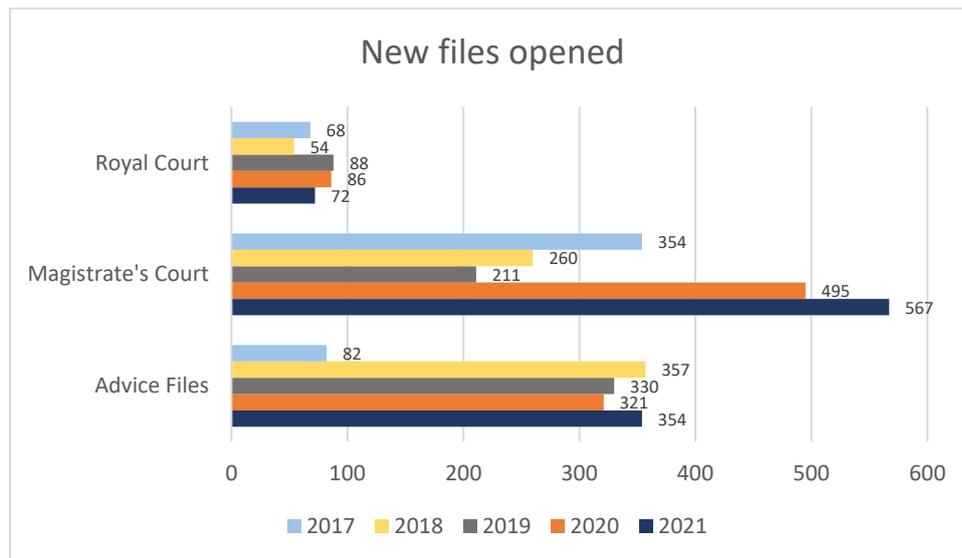
The breakdown of types of new cases is shown in the chart on the following page.

Notes for the chart:

Royal Court files are cases that were sent from the Magistrate’s Court to the Royal Court;

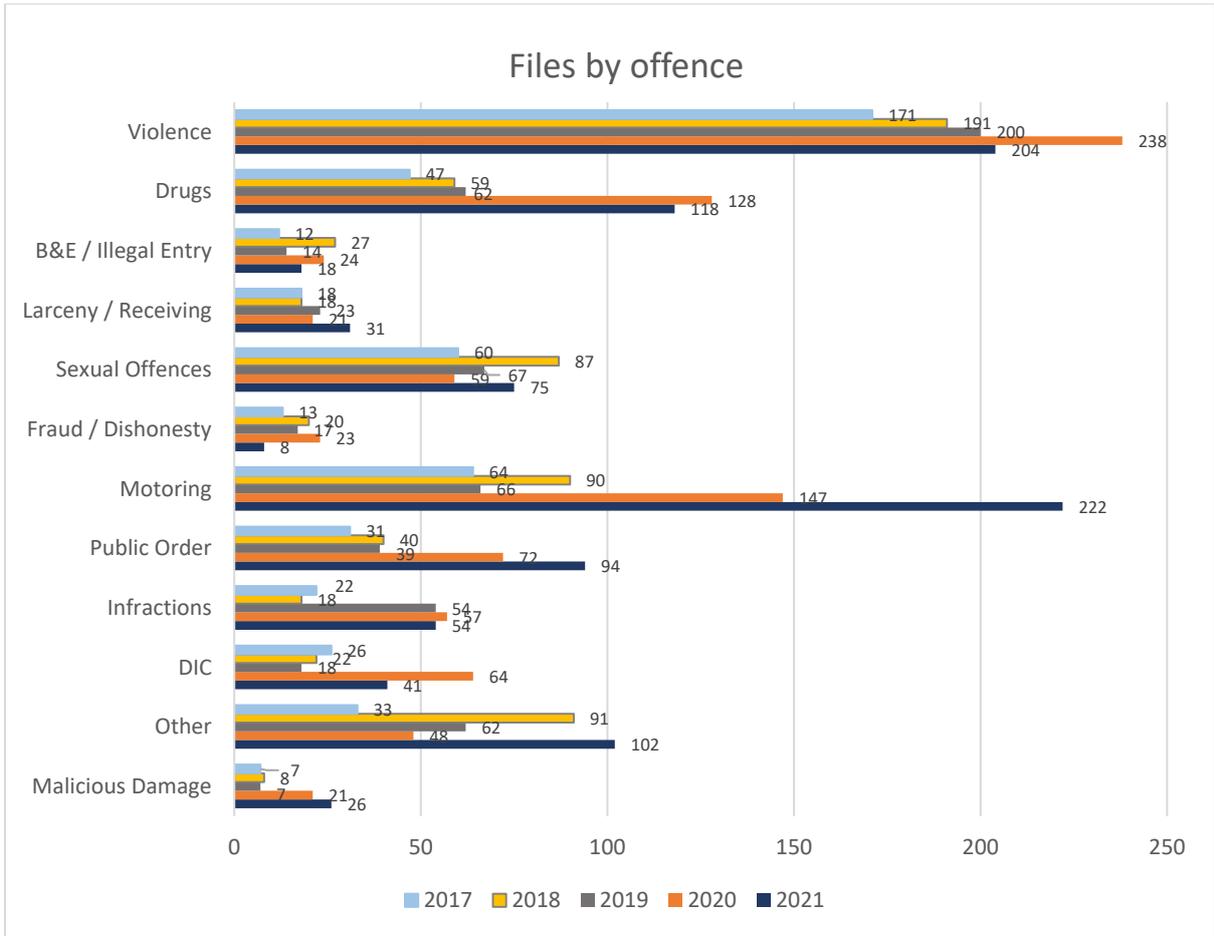
Magistrate’s Court files are cases that were completed in the Magistrate’s Court;

Advice files are matters that have come in for charging advice to be given by a Legal Adviser. Where advice is given to charge, the case may be prosecuted by a Legal Adviser or a Centenier.

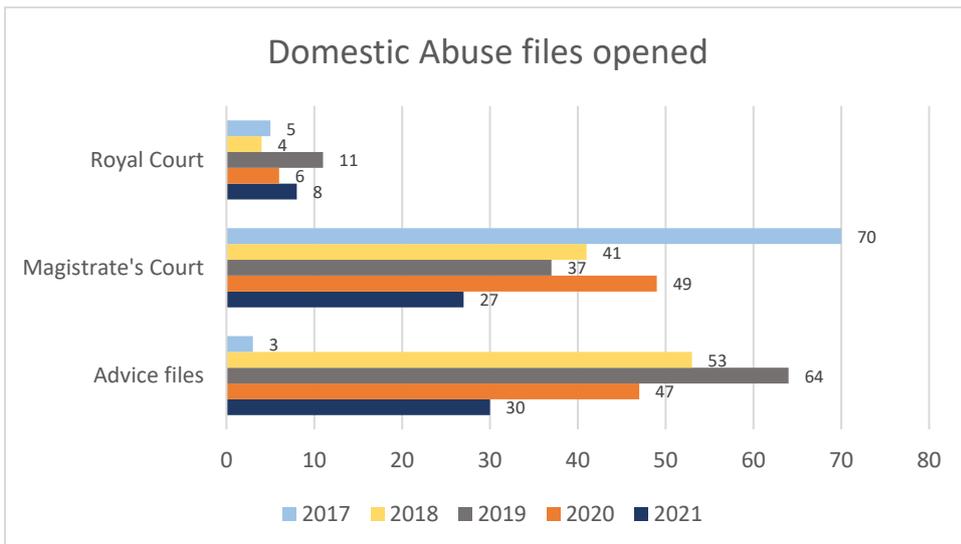


Since 2018 a process has been in place whereby more cases are reviewed by the Legal Advisers in the Criminal Division before charge is authorised by a Centenier. This way of working provides stakeholders with early legal advice in order to ensure that the two-stage test under the Code on the Decision to Prosecute is considered when a charging decision is required. As a result, cases which might not previously have been referred to the Criminal Division for advice are now in accordance with a list of offences agreed between the Criminal Division and various stakeholders. This approach has resulted in an increase in Advice files being opened since 2018 and fewer cases being discontinued once charge has been authorised.

The breakdown of all new files opened by offence (advice files, Magistrate’s Court and Royal Court):



Domestic Abuse files dealt with by the Law Officers' Department:



Commentary on Domestic Abuse

A process has been in place since 2018 whereby the Law Officers' Department requires the States of Jersey Police to seek advice at the earliest opportunity in relation to a number of offences, and specifically cases where Domestic Abuse was the allegation. Accordingly fewer cases are being discontinued post-charge at court.

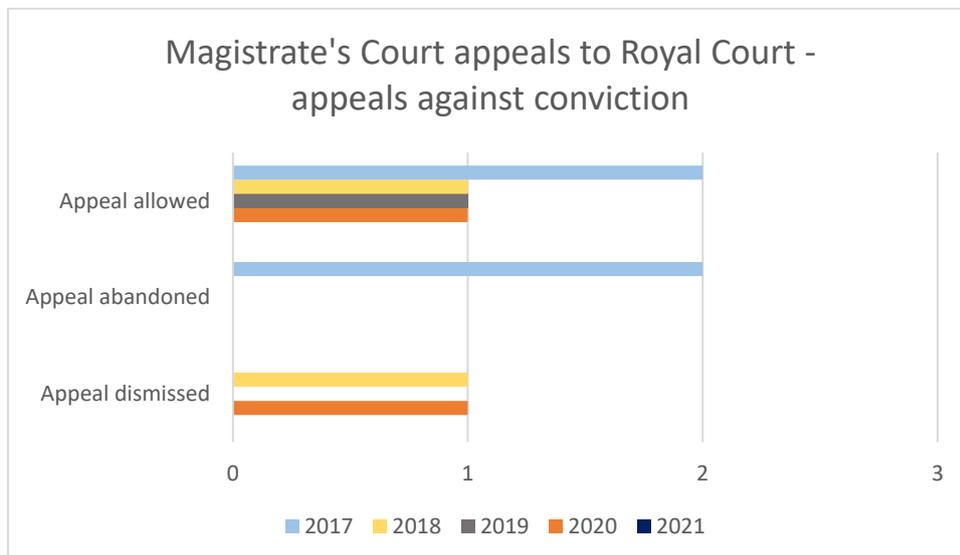
A number of factors have improved the prosecution of Domestic Abuse cases:

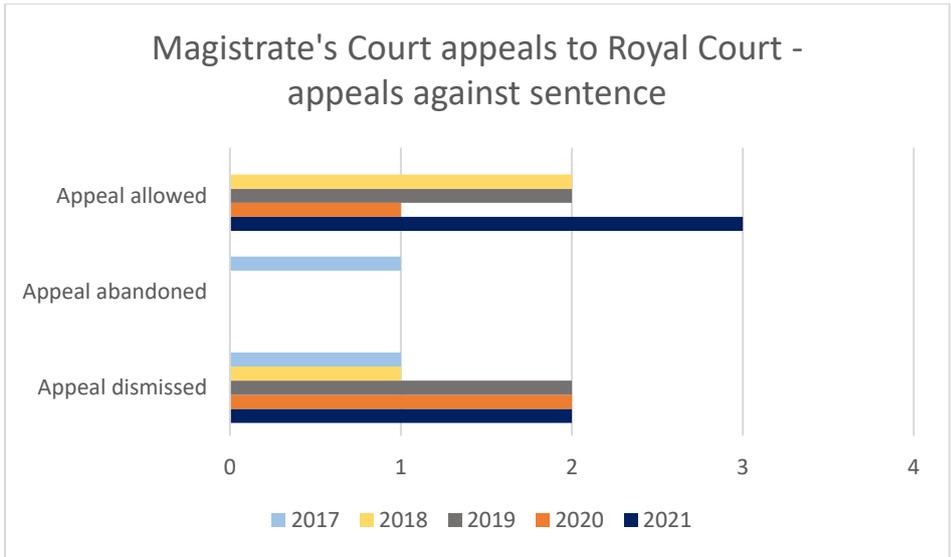
1. Restraining Orders
2. Independent Domestic Violence Advisor (IDVA) support
3. The Domestic Abuse Disclosure Scheme, known as "Clare's Law"
4. The Victim's Charter
5. Legal Advice

These factors, brought about by collaborative working, should be seen as a sign of success. In particular, there has been a significant reduction in complainants unwilling to support a prosecution as a result of IDVA support and special measures such as screens and videolink. The imposition of Restraining Orders on conviction has meant offenders are prohibited from contact with the complainant(s). In addition, the Adapt programme has provided educational support to those convicted of Domestic Abuse and has reduced re-offending.

Appeals

A small number of appeals against conviction or sentence are typically made each year from the Magistrate's Court to the Royal Court, although in 2021 there were no appeals against conviction. The results of the appeals are shown below:





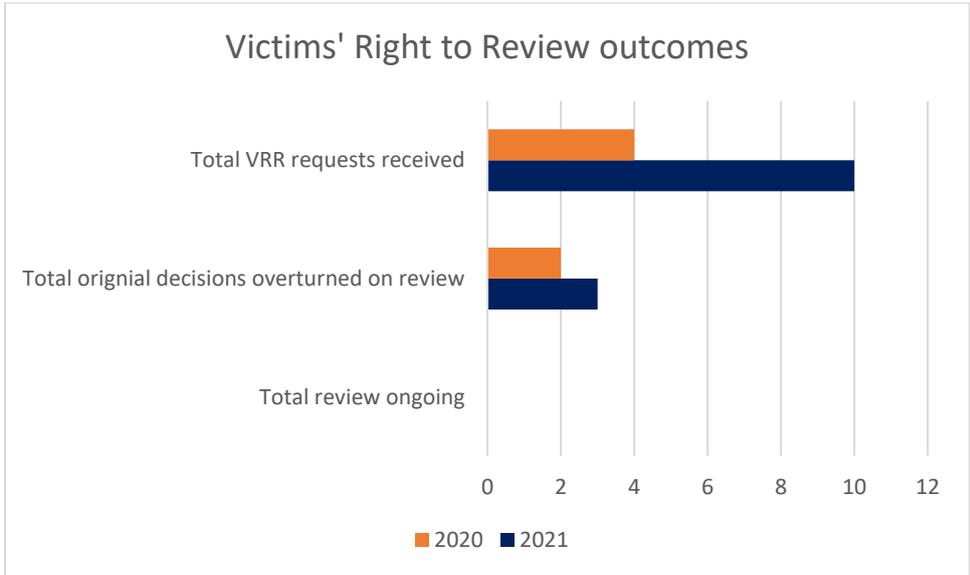
Victims' Right to Review

In September 2019 the Attorney General published guidelines on Victims' Right to Review a decision not to prosecute (VRRs).

Under the guidelines, a person is entitled to a review as a 'victim of a crime' if they are someone who has suffered harm including physical, mental or emotional harm or economic loss directly caused by an alleged criminal offence. This includes family members of a person whose death was directly caused by a criminal offence.

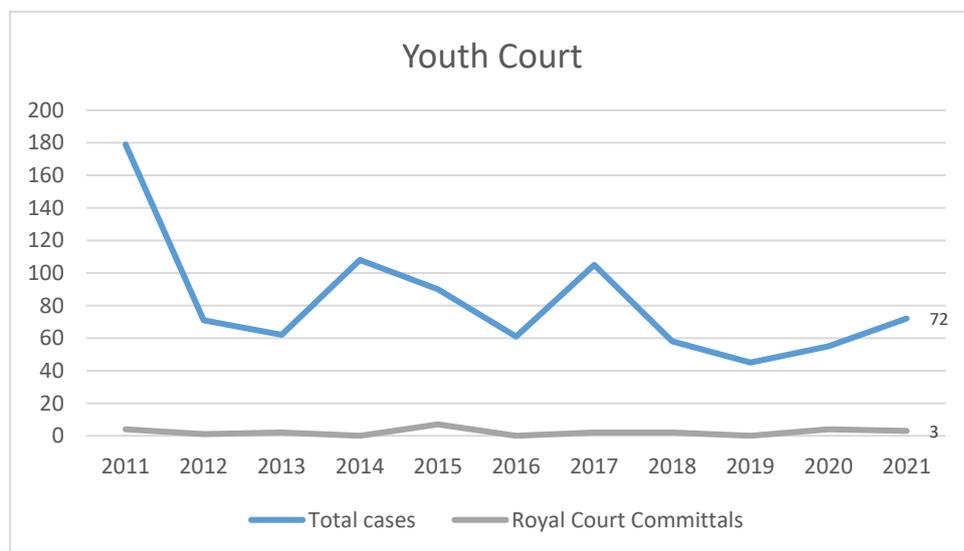
All decisions to prosecute are taken in accordance with the code on the decision to prosecute: [Code on the decision to prosecute \(Law Officers' Department\) \(gov.je\)](#)

The Victims' Right to Review Outcomes for 2020 and 2021 are set out in the table below:



Youth Court

Despite the general downwards trend to 2019, 2021 saw a continuation from 2020 in the rise in the number of cases coming before the Youth Court. The rise in offences was caused by a cohort of young offenders committing numerous offences over a prolonged period.



Economic Crime and Confiscation Unit

The Economic Crime and Confiscation Unit (ECCU) was established in the Law Officers' Department in October 2017 following an agreement by the Jersey Financial Crime Strategy Group in May of that year. ECCU is a multidisciplinary team of specialist legal advisers, police officers and investigators to ensure that the Island remains at the forefront of the fight against financial crime and money laundering.

Following a conviction secured by ECCU in December 2020, in February 2021 the Royal Court imposed a fine of £550,000 on LGL Trustees Limited (LGL), and awarded costs of £50,000, for failing to comply with the requirements of the Money Laundering (Jersey) Order 2008. The offences concerned a failure by LGL to recognise and respond to the risk that a structure set up and administered in Jersey might be used to embezzle funds from the public purse of an African country for the benefit of its rulers. In addition, LGL failed to properly identify and verify the controllers of one of its customers, namely the board members of the National Bank of Angola. Having failed to obtain the information at the outset of the business relationship as they were required to, they then failed to remedy this for another six years which was a further and separate breach of the ongoing monitoring requirements of the Money Laundering Order.

In May 2021 ECCU began asset forfeiture proceedings to secure £1.9 million in tainted property received by one of General Abacha's top lieutenants during the period he held office. The Royal Court recently ordered forfeiture of the funds in 2022 but the order is currently the subject of an appeal.

Also in May 2021, the Attorney General concluded work with the United States Department of Justice to secure the repatriation of just under \$1m to the US Treasury in the case of Ivan

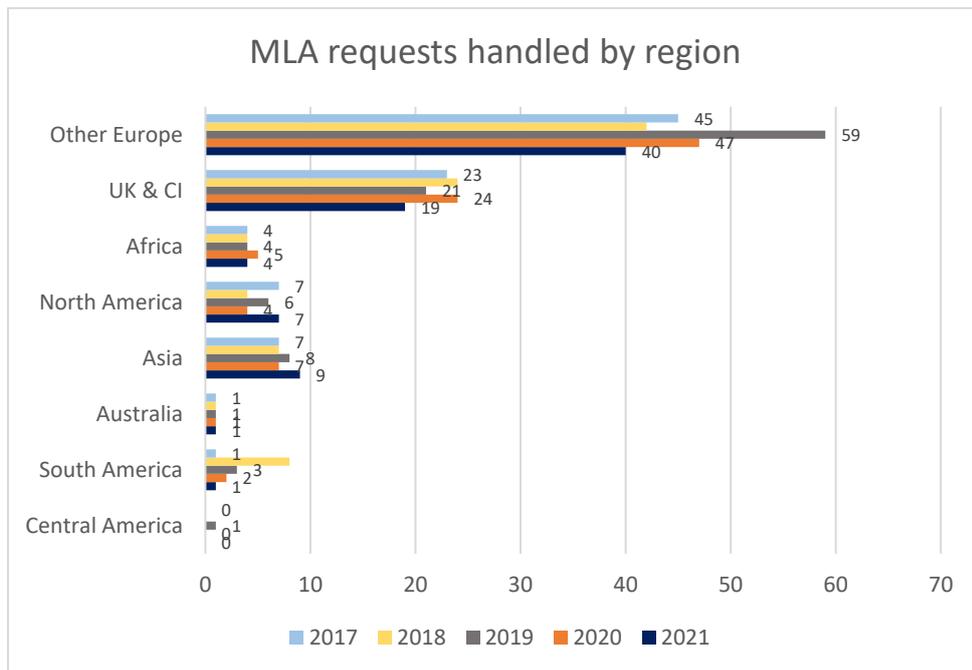
Scott Butler, an Alabama salesman convicted in the US of tax evasion. The work involved close cooperation between the Joint Financial Crime Unit of the States of Jersey Police and the Law Officers' Department's ECCU and Mutual Legal Assistance teams.

Altogether in 2021 ECCU opened two dozen new cases and continues to investigate serious and complex financial cases to protect the Island from financial crime and money laundering, the majority of these cases being investigations into allegations of overseas corruption, bribery and tax evasion.

Mutual Legal Assistance

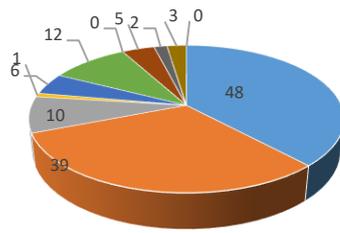
Assistance provided to foreign jurisdictions

The Criminal Division deals with Mutual Legal Assistance on behalf of the Attorney General. The work involved in this area includes gathering written and oral evidence for use in overseas criminal or civil asset recovery investigations and proceedings, as well as freezing and confiscating the proceeds of crime and drug trafficking. Confidentiality precludes us from reporting the details of individual Requests for assistance received from foreign jurisdictions during 2021 but it is possible to confirm that 81 Requests were handled during 2021 (this includes new Requests received during the year, as well as Supplementary Requests relating to old matters and pre-2021 Requests in respect of which action was taken during 2021).



A breakdown showing the offences in respect of which such Requests sought assistance appears below (note that more than one offence is cited in some cases):

2021 MLA requests handled by type of offence



- Fraud
- Money laundering
- Corruption
- Murder/Serious Assault
- Robbery/theft
- Other
- Insider trading
- Drug related
- Organised crime
- Counterfitting and forgery
- Kidnapping

How assistance was provided

Notes for the following charts:

Formal assistance – where assistance is rendered to a Requesting Authority pursuant to a Letter of Request, using the legislation referred to in the table above.

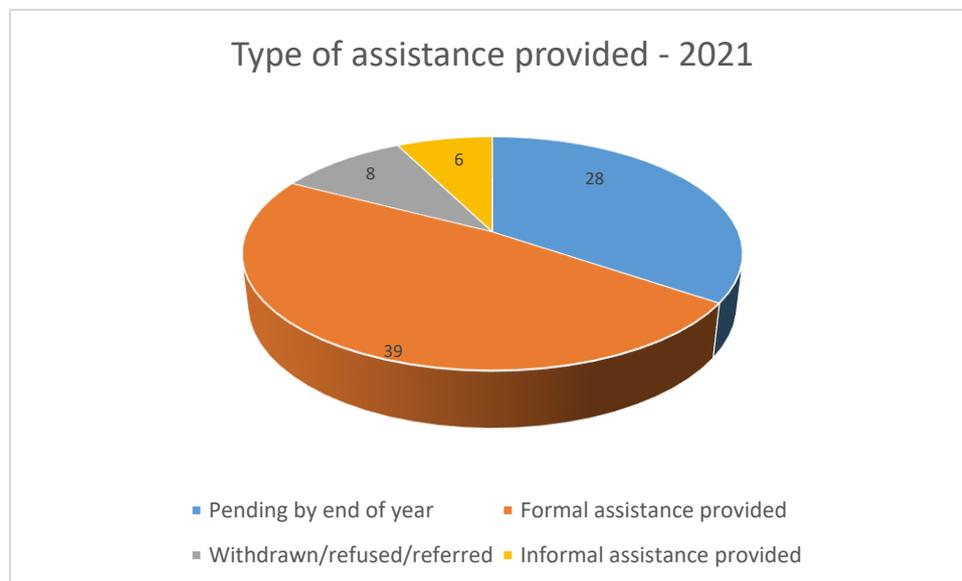
Informal assistance – where assistance is rendered pursuant to a Letter of Request, without recourse to our legislation, for instance, where a witness is willing to provide a statement on a voluntary basis.

Requests are occasionally **withdrawn** by the Requesting Authority in cases where our assistance is no longer required, for instance, where a defendant is acquitted.

Requests may be **referred** to another jurisdiction when it becomes clear the relevant evidence/witness is located there – for example UK bank / credit card records are typically located in the United Kingdom (even where the cardholder has a Jersey bank account). Where a request is received for UK credit card records we would inform the Requesting Authority and offer to re-direct the request as necessary.

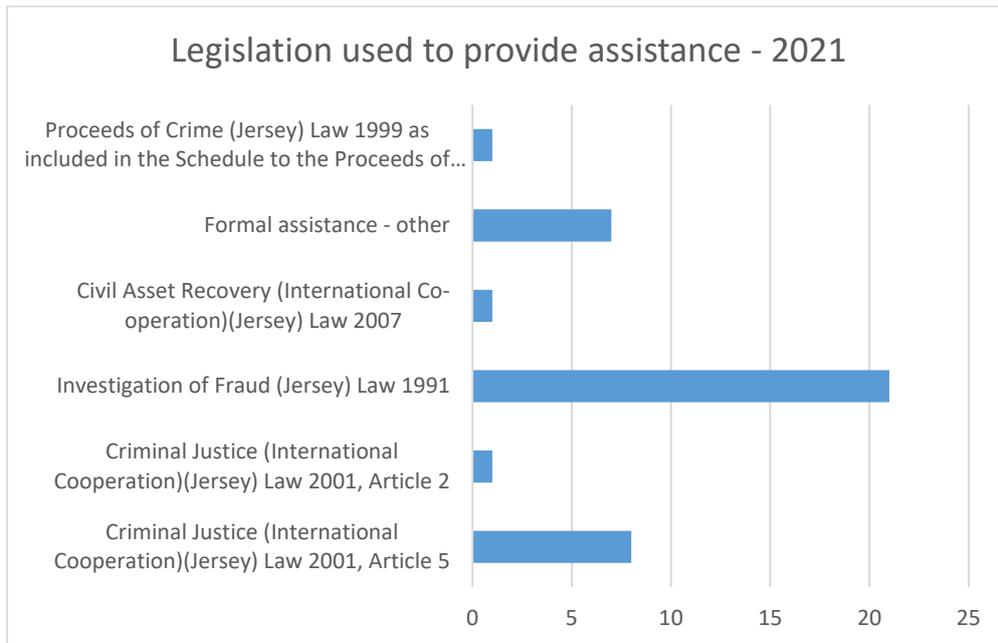
Requests are rarely **refused**. In some cases however it becomes impossible to assist for a variety of reasons. For instance, the Attorney General may refuse to assist in cases which are potentially politically motivated.

Of the 81 Requests handled, assistance was provided in respect of 45 of them during 2021. Seven were withdrawn and one was refused. The remaining 28 were pending by the end of the year.



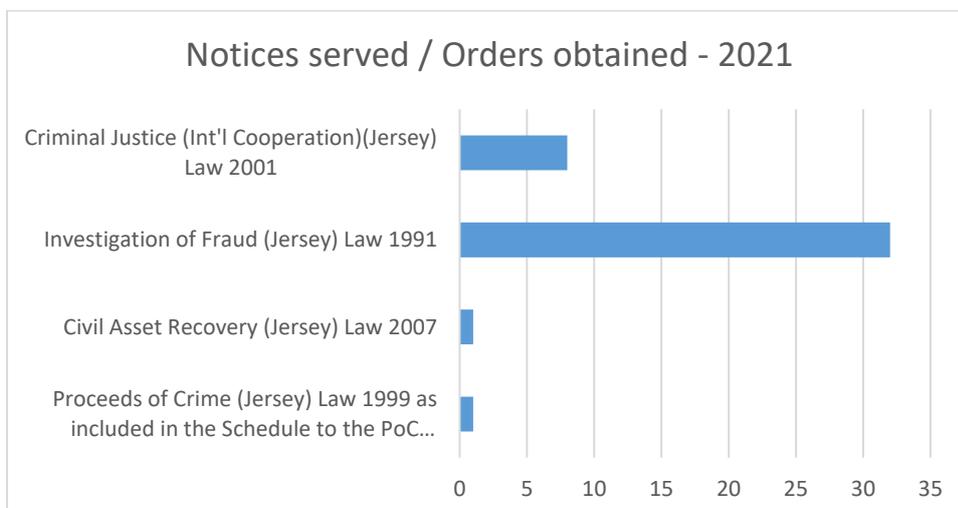
The following legislation was used to provide formal assistance during 2021:

- Investigation of Fraud (Jersey) Law 1991
- Criminal Justice (International Co-operation) (Jersey) Law 2001
- Civil Asset Recovery (Jersey) Law 2007
- Proceeds of Crime (Jersey) Law 1999 as modified and included in the Schedule to the Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 2008



Notices served / Orders obtained

The table below shows the number of Notices served/Orders obtained as a result of assistance provided (Orders being either *Saisies judiciaires*, those registering External Confiscation Orders or Property Restraint Orders).



The numbers in the above table includes Notices issued during 2021 where the matter remains live and has been brought forward to 2022.

Notices are issued by the Attorney General under the Criminal Justice (International Co-operation) (Jersey) Law 2001 Law for the production of documentary evidence to assist overseas authorities in criminal investigations and prosecutions. Documentary evidence is also obtained pursuant to Notices issued by the Attorney General under the Investigation of Fraud (Jersey) Law 1991 in cases concerning serious and complex fraud, wherever committed.

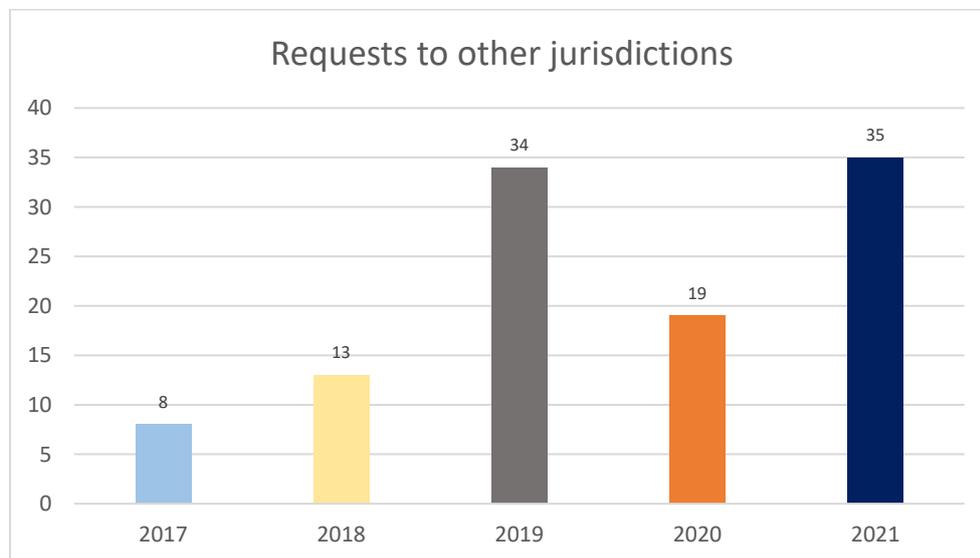
Requests are also received from overseas jurisdictions to restrain assets and to register and enforce External Confiscation Orders. Where a *Saisie judiciaire* is granted by the court the assets become vested in the Viscount until such time as either an External Confiscation Order is registered and enforced, or the *Saisie judiciaire* is varied or discharged.

Extradition Requests

During 2021 the Law Officers' Department received two Extradition requests, one of which was carried out in 2021, the other was brought forward into 2022.

Requests to other jurisdictions

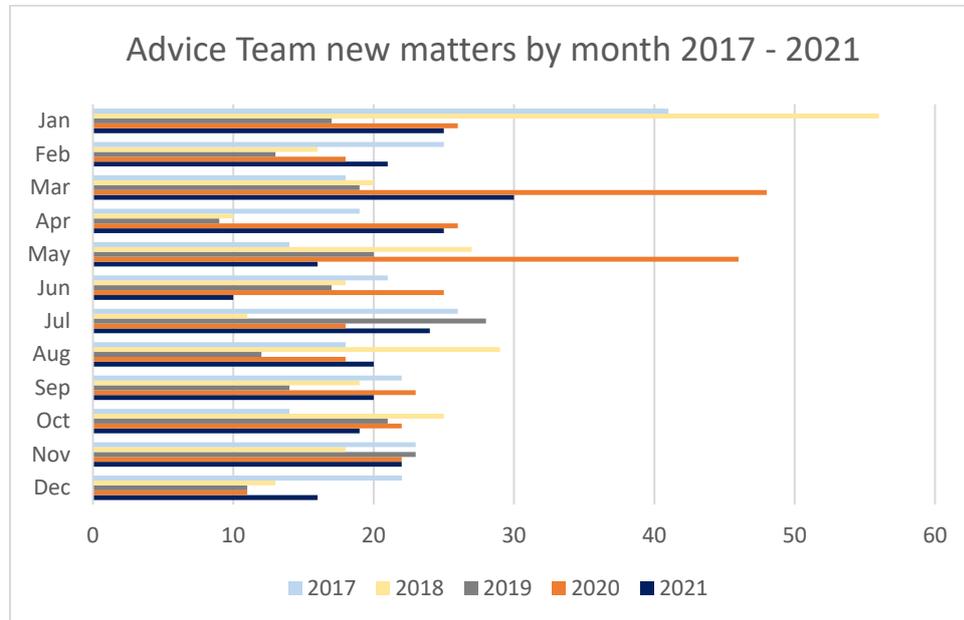
During 2021, 35 Requests were issued to other jurisdictions seeking assistance with respect to local investigations.



Civil Division

Advice Team

In 2021 the Advice Team opened an average of 21 new matters per month. The monthly breakdown of new matters is shown in the table below:



As well as the team's advisory work, at the beginning of 2021 the team was busy providing support to the Government to deliver a range of policy and legislative priorities.

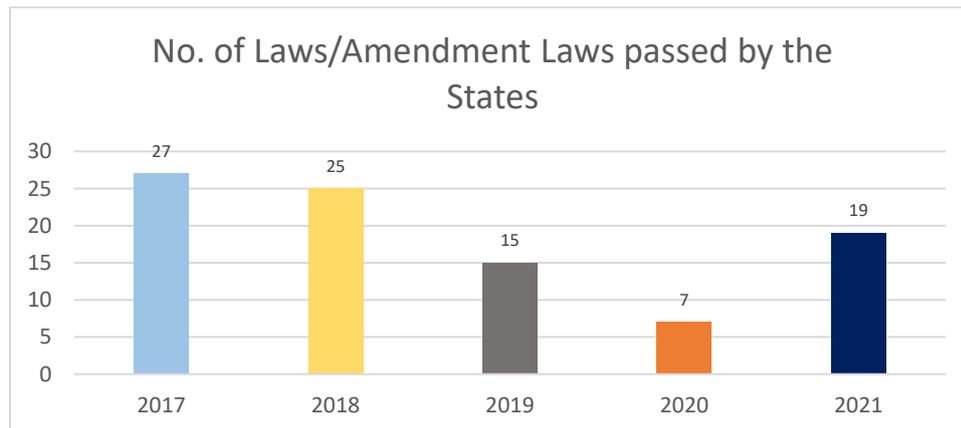
Following the provision of initial advice at short notice at the end of 2020, the team advised the Government and the relevant Scrutiny Committees in detail on the terms of the Trade Co-operation Agreement (TCA) governing the future trading relationship between the UK and the European Union which came into effect at the beginning of 2021. The Advice team subsequently worked with Government during the year on aspects of the implementation of the TCA, including in respect of the new arrangements it makes to control fishing in the Bay of Granville. The Advice team also worked on a range of issues relating to the extension to Jersey and implementation of international trade agreements with a number of countries outside of the EU.

The Advice team, together with other parts of the Civil Division, continued to support the Government and the Assembly in relation to issues arising from the Covid-19 pandemic and vaccination programme. This included work with the Government and the Legislative Drafting Office on the continuing development and implementation of legislative measures designed to reduce the rate of transmission of Covid, control travel and enable services to continue to be delivered in a Covid secure manner.

Throughout the year, the team also continued several important long-term projects including work on a range of secondary legislation and rules of court which enabled the commencement of all remaining provisions of the Criminal Procedure Law. The Advice team also completed its work with the Government and the UK Ministry of Justice to settle the Immigration (Jersey) Order 2021, which consolidated and enhanced the immigration legislation applicable in Jersey and made the law in this area much more accessible to the public.

During 2021, members of the Advice team continued to support the Government and Assembly members to bring important pieces of legislation and propositions to the Assembly. This included working to support the development of new arrangements for the conduct of public elections in 2022; and advising on a wide variety of projects to protect the interests of children and tackle domestic violence, and to promote the financial services industry. These and other measures were advanced with a view to their enactment before the elections in 2022.

Laws



The Attorney General has a duty to report to the Privy Council following the adoption of primary legislation by the States so that Royal Assent may be sought and to draw to the attention of the Privy Council any features of that legislation which might affect the interests of the Crown. This duty is fulfilled by the submission of a Royal Assent Memorandum (“RAM”) in respect of each draft Law to the Ministry of Justice via His Excellency the Lieutenant Governor. Each RAM is prepared by the Law Officers’ Department expeditiously, with the aim to complete the RAMs and forward them to the Privy Council via the States Greffe within 10 working days of their being received by the Law Officers after being adopted.

In 2021 the time taken to forward RAMs was 11 working days. The average time taken to receive Royal Assent in 2021 was 79 days, two days less than in 2020.

At the time of publication of this review, all Laws have received Royal Assent.

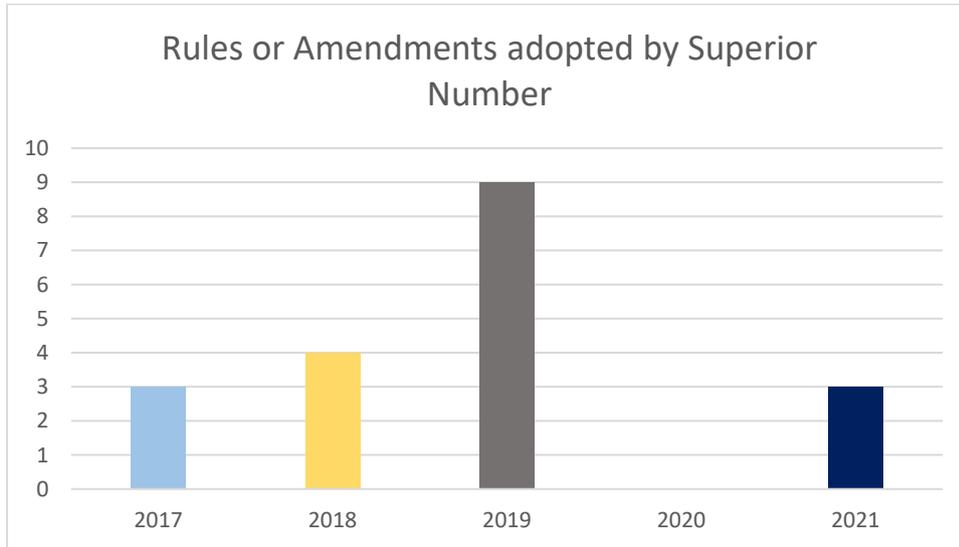
Orders in Council

During 2021, one Order in Council extending UK Acts of Parliament (by agreement and with modifications) was registered by the Royal Court. The Immigration (Jersey) Order 2021 made provision for the re-extension of UK Immigration legislation and the extension of some additional legislation in a consolidated form. The purpose of this was to make Jersey immigration legislation much more accessible. A proposition to approve a draft consolidation Order in Council was lodged with the Assembly and approved. The Law Officers’ Department is responsible for drafting the text of such Orders in Council and does so in consultation with Legal Advisers in the relevant UK lead department and in the Ministry of Justice and assists in the process for remitting the Orders through the official channel for registration by the Royal Court.

Rules of Court – civil and criminal

Rules of Court are made by the Superior Number of the Royal Court under powers contained in the Royal Court (Jersey) Law 1948 or powers conferred on it by other legislation. The drafting function belongs to the Judicial Greffe, but the Law Officers' Department assists with the discharge of that function.

Between 2017 and 2021 the number of Rules or Amendments to Rules adopted by the Superior Number was as follows:

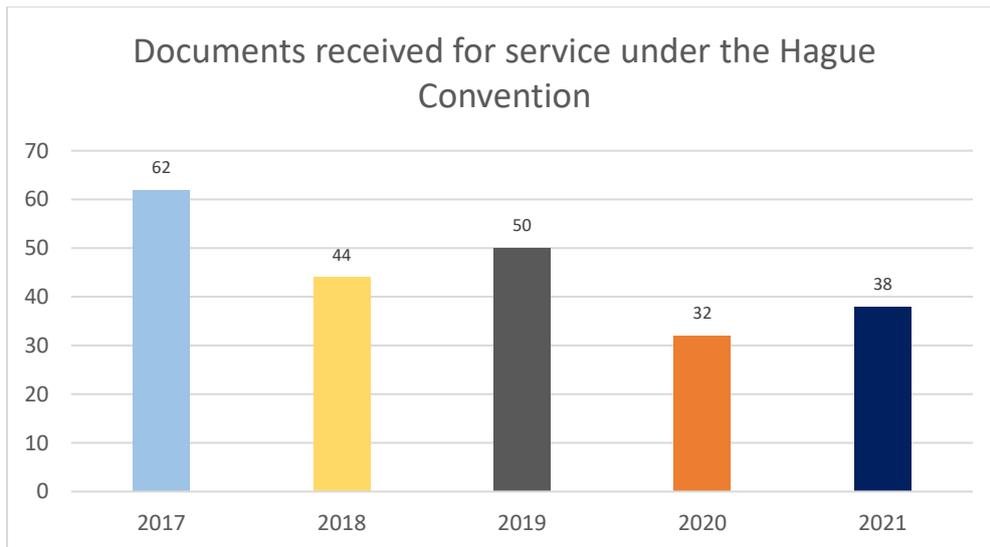


The relatively high figure for 2019 was due to the implementation of parts of the Criminal Procedure (Bail) Law 2017 and Criminal Procedure (Jersey) Law 2018, leading to the introduction of new or amended rules.

In addition to the civil procedure rules, the Advice team took forward work with the newly established Criminal Procedure Rules Committee established under the Criminal Procedure Law. This work culminated in the enactment of the Criminal Procedure (Jersey) Rules 2021, which are the first comprehensive set of criminal procedure rules to be made to support the conduct of criminal proceedings in Jersey.

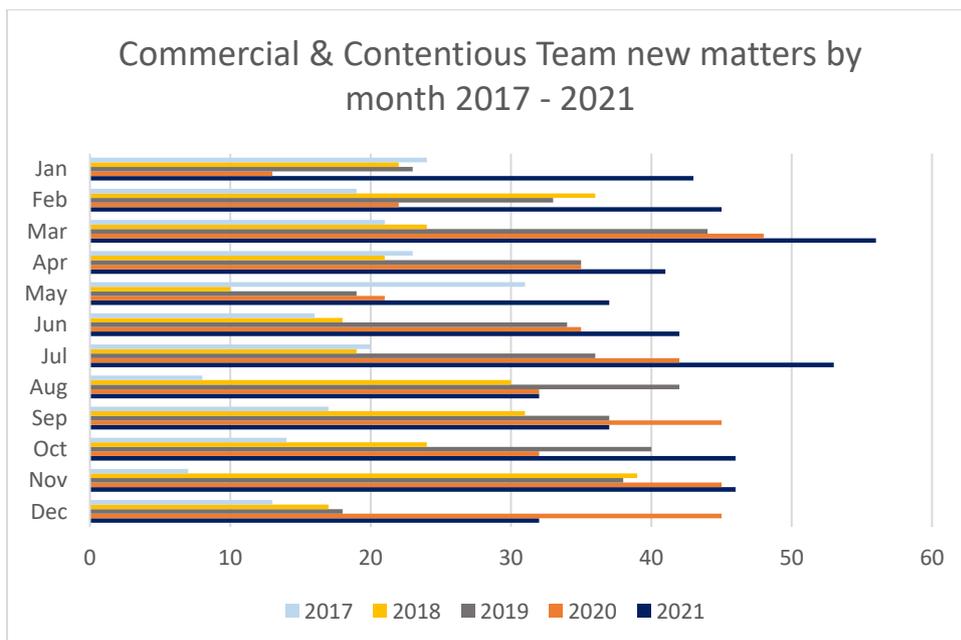
Hague Convention – service of documents

The Advice Team is also responsible for the administration of requests from overseas authorities for the service of judicial documents under the 1965 Hague Convention on the Service of Documents. The number of documents received for service is shown in the table below:



Commercial and Contentious Team

In 2021 the Commercial and Contentious team opened an average of 43 new matters a month. The monthly breakdown of new matters is shown in the table below:



Commercial / Projects/ Advisory work

During 2021, the Commercial and Contentious team continued to provide advice in respect of commercial and public law matters, including contractual/procurement issues and legal advice supporting significant Government of Jersey programmes/initiatives.

Tax and International

This area is diverse, busy and continues to grow, working closely with Revenue Jersey on legislative development, compliance and TIEA (tax information exchange agreement) related work.

Debts

The Department also has the responsibility to process debt collection through the courts on behalf of Government of Jersey Departments. Members of the Commercial and Contentious Team, as well as advocates from elsewhere in the division, operate a rota system of appearing in the Petty Debts Court. Members of the team are responsible for regularly liaising with the Debts Service regarding issues and answering any legal or procedural queries that arise. With the continuation of the Covid-19 pandemic in 2021, Government of Jersey debt collection remained similar to 2020 levels, with 13 summons sent out and 11 cases before the Court. The value of the summons issued was £445,000 and the value of the cases before the Court was £295,000.

Contentious matters

The Commercial and Contentious team has conduct of all civil litigation matters (excluding safeguarding cases) for the Department. Team members are on the record for a wide spectrum of contentious work involving the Government of Jersey. Examples in 2021 included advising on commercial settlements, judicial review proceedings and Royal Court and Petty Debt Court advocacy in hearings such as: admission and disciplinary matters for members of the Jersey Bar, a human rights claim in respect of the exercise of police powers, an eviction case involving a commercial tenant and a Royal Court case involving the Connétable and Procureurs of a parish.

Healthcare law

The team advises the Minister for Health and Social Services in clinical negligence claims and other health-related and insurance matters. The team has a dedicated Legal Adviser (with support at Assistant Legal Adviser level), who works closely with colleagues in the Health and Community Services Department, insurers and medical defence organisations.

Employment and Discrimination

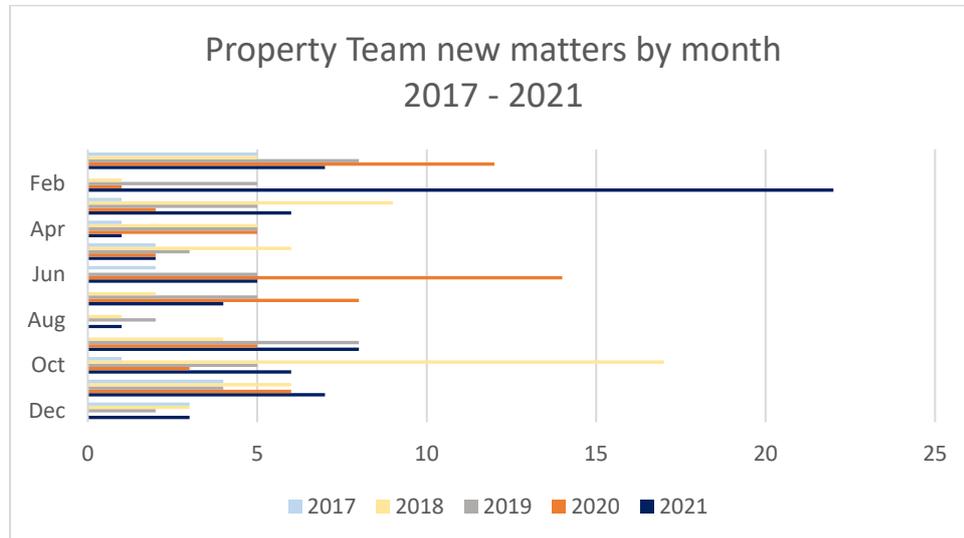
The employment/discrimination team continues to be heavily committed, acting for the States Employment Board (SEB) and representing it (where necessary) at the Jersey Employment and Discrimination Tribunal.

Information law and Data Protection

The Commercial and Contentious team continued to provide legal support to the States Central Freedom of Information Unit. It also provided legal advice on subject access requests and data sharing.

Property Team

In 2021 the Property team opened an average of six new matters a month. The monthly breakdown of new matters is shown in the table below:



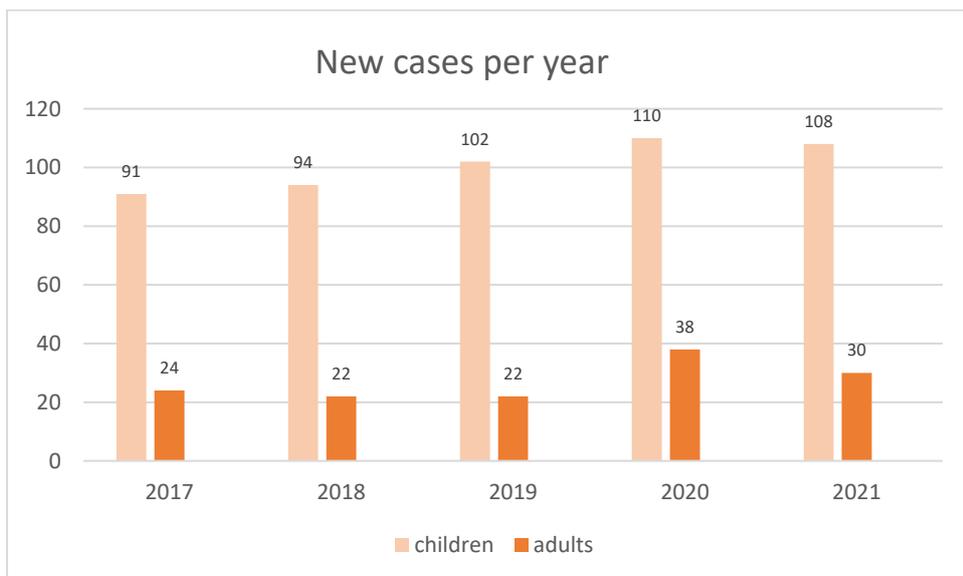
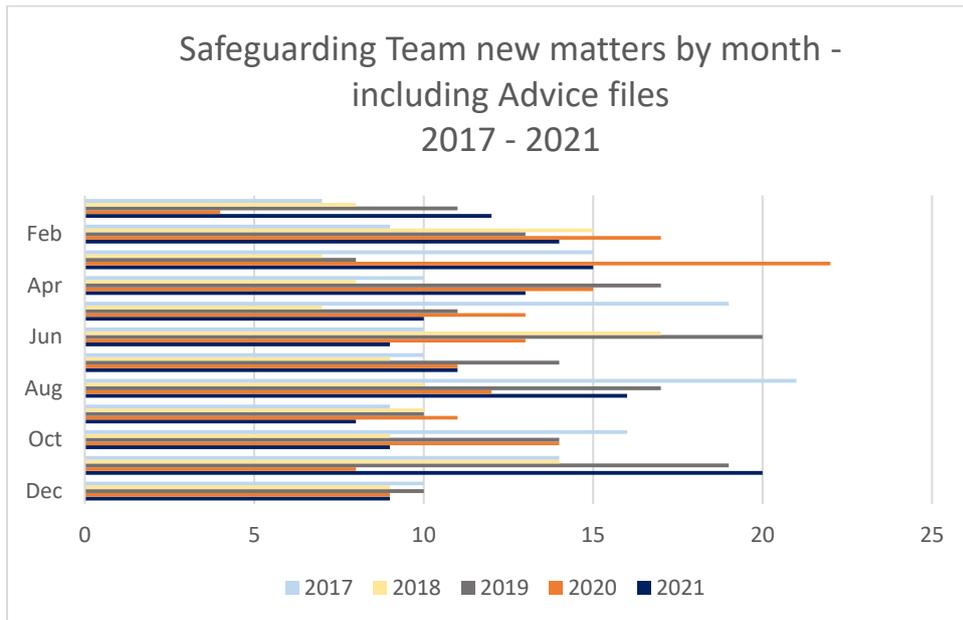
During 2021, an extensive amount of work was carried out by the Property team on the new Hospital Project, in addition to continuing to progress transactions on behalf of the Crown and other GoJ departments. At the start of the year, the team carried out research and prepared reports relating to the various areas of land which will be required for the preferred Access Route to the new hospital and then from March to December, the Property Team processed and completed a total of 19 contracts of purchase of land and properties required for the development of the new Hospital at Overdale, with a spend of £23,628,000. Other significant transactions completed by the team during 2021 were the sale of four town properties to a charitable trust and the sale of the remainder of The Willows site to Andium Homes in order to permit the redevelopment of the former Limes site by Andium into 127 new residential units for social housing.

The Property Team completed the following transactions before the Royal Court:

Transactions	2017	2018	2019	2020	2021
Property sales (inc sale of rights)	20	5	11	0	10
Property purchases	9	3	1	0	21
Deeds of arrangement	3	5	8	1	2
Party to contracts	10	8	5	3	2
JEC contract leases	0	0	1	0	0
Other contract leases	9	10	4	3	1
Gift, cession and transfers	3	7	7	2	1
Exchange and counter-exchange	0	0	1	0	0
Mortgages secured by simple conventional hypothec	0	0	0	0	0
Mortgages registered as judicial hypothecs	4	0	2	1	0
Rembours (reimbursements of States loans)	15	14	14	9	10
Gross Values					
Sales completed on behalf of the Public or the Crown	£6,365,675	£1,628,488	£694,288	0	£1,831,202
Purchases completed on behalf of the Public or the Crown	£1,162,210	£969,976	£168,000	0	£24,640,000
New loans registered – judicial hypothec	£135,900	0	£7,800,000	0	0
JEC leases annual receipts	0	0	£99	0	0
Crown leases annual receipts	0	£100	£130	£6,000	0
Public leases annual receipts	£4,926	£135,448	£22,338	£99	£45,000
Considerations on deeds of arrangements	£10,000	£32,500	-	£75,000	0

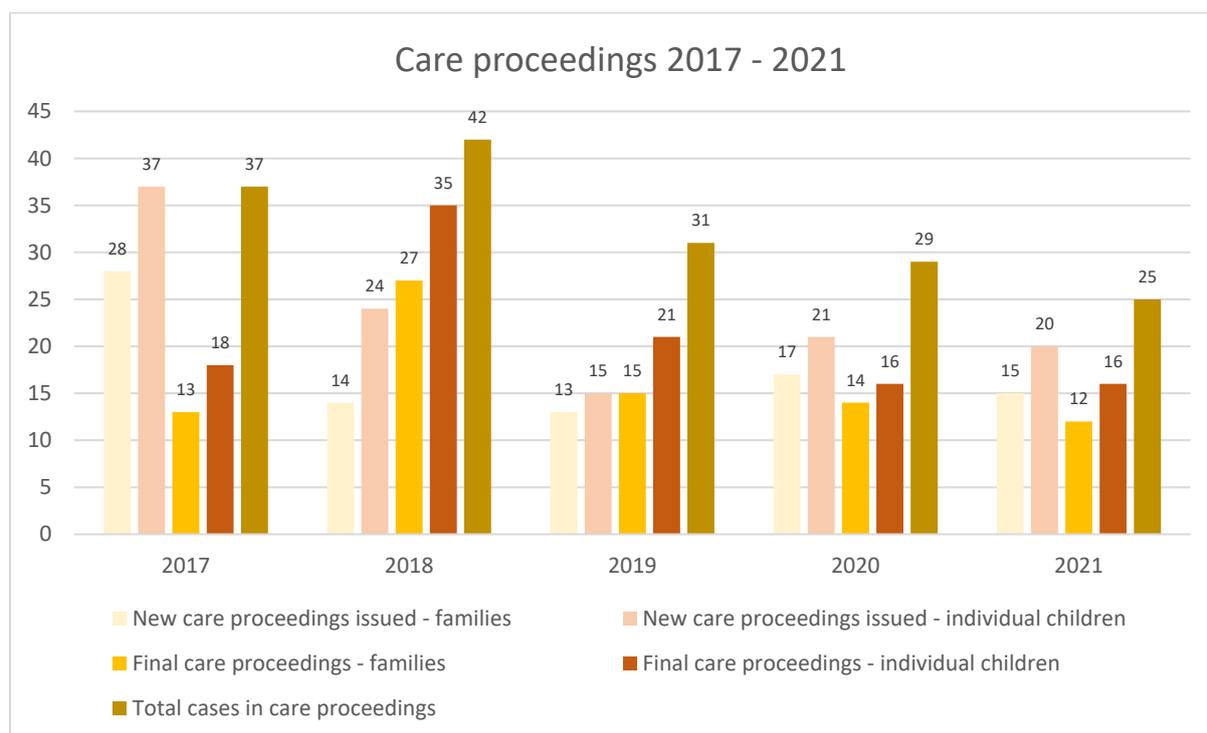
Safeguarding Team

The team provides advice, primarily to the Health and Community Services department, in relation to adult social care and safeguarding, as well as to Children, Young People, Education & Skills in relation to children’s safeguarding matters. The team acts for the Children’s Service in applications for various public law children’s orders and for adult social services in relation to mental health and capacity issues. These matters can be extremely urgent and time-consuming. Given that these cases concern vulnerable children and adults, they are of vital importance.

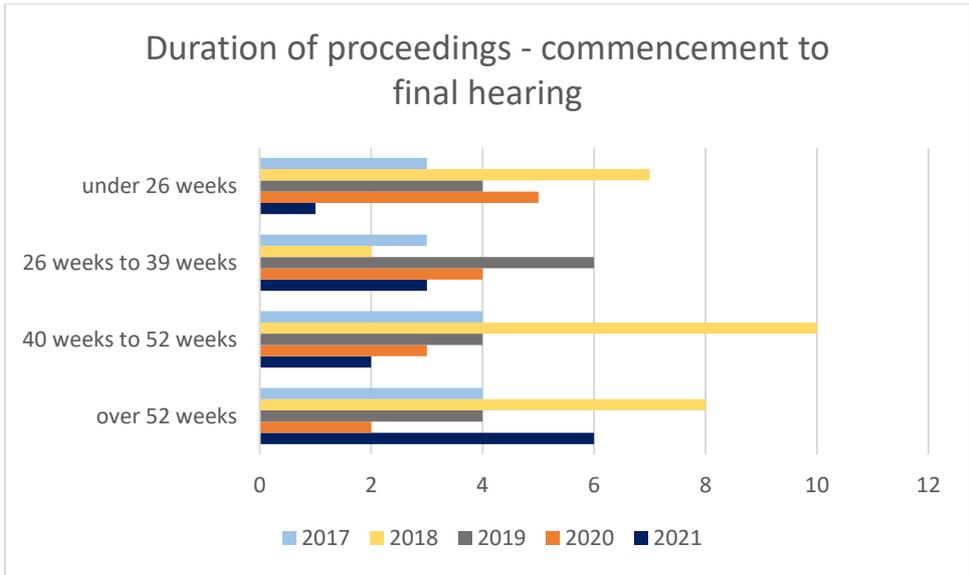


Since 2016 the Children’s Service have adopted a pre-proceedings process designed to avoid court proceedings. The process is triggered when the Children’s Service is considering issuing care proceedings and is designed to ensure that the child and family are clear about the nature of the concerns and about what is expected of them to avoid care proceedings being issued. During 2021 there were seven cases in pre-proceedings, none of which resulted in proceedings being issued in the year; five were stepped down and two continued in to 2022. This means that the process has continued to be successful in avoiding the need for some children to be made subject to care proceedings.

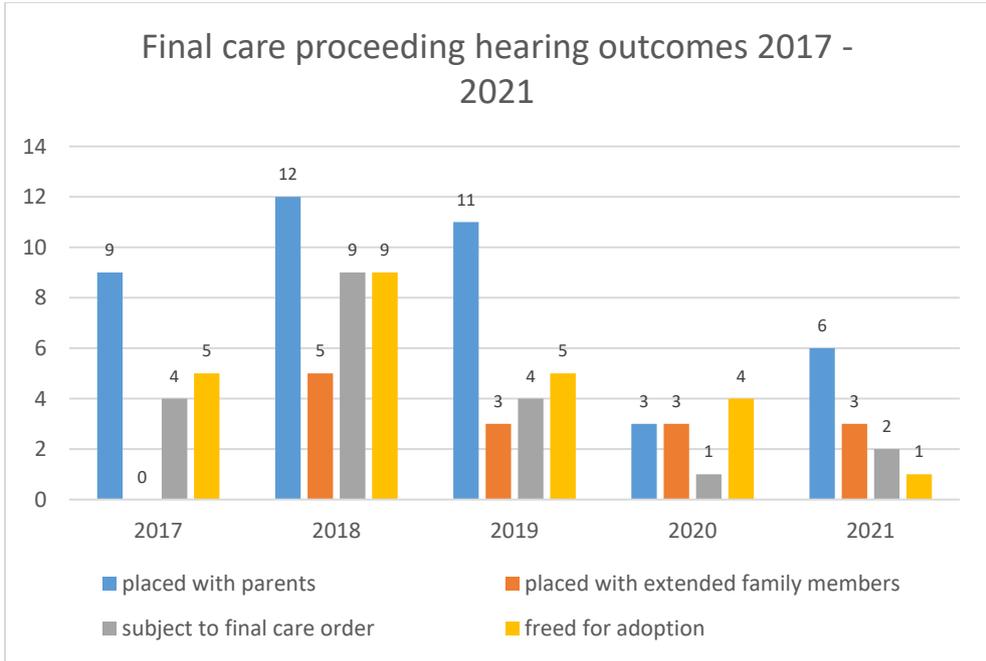
The following table shows the number of new care proceedings, final care proceedings and total cases in care proceedings each year since 2017:



Of the 12 final hearings (of all types of proceedings), the shortest period in proceedings (ie from the date of the application to the last day of the last hearing) was 24 weeks and the longest was 97 weeks. The average period in proceedings was 52.8 weeks. This compares with an average in 2020 of 32 weeks, in 2019 of 35.8 weeks, 2018 of 42 weeks and 2017 of 46 weeks. In some cases the time taken to assess parents and other family members for their suitability as caregivers takes a significant period of time. The following table shows the duration of the proceedings which led to final hearings from 2017 to 2021:



The outcome of a final care proceeding hearing will be the decision to place children either with their parents, extended family members, in the care of the States, or to be freed for adoption. The final care proceeding outcomes since 2017 are shown in the following table:

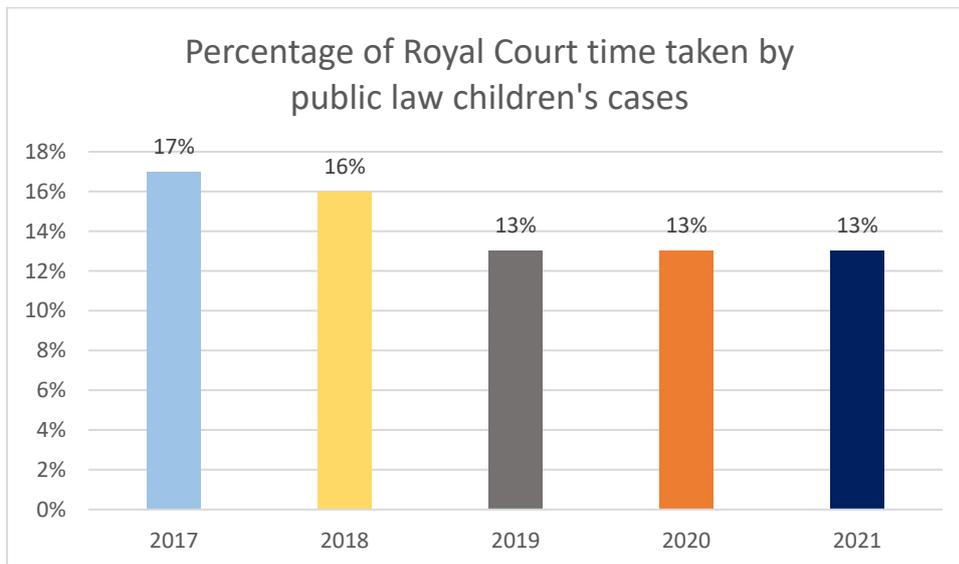


The following table shows the number of Care Orders and Supervision Orders made from 2017 to 2021:

Year	Care Order	Supervision Order
2017	8 (including 3 with a freeing for adoption order)	9 (including 1 extension)
2018	11 (including 4 with a freeing for adoption order)	6
2019	8 (including 4 with a freeing for adoption order and 2 with a residence order)	5
2020	4 (including 3 with a freeing for adoption order)	4 (including 2 with a residence order and 1 extension)
2021	3 (including 1 with a freeing for adoption order)	5 (including 2 with a residence order)

Children’s public law cases require a significant amount of court and preparation time, often at very short notice.

The following table shows the percentage of Royal Court time taken by public law cases in the last five years:



Lexcel Accreditation

Lexcel is the Law Society of England and Wales' legal practice quality mark which provides a framework of standards for 'excellence in practice management' requiring more than 50 best practice policies to be documented and complied with in the following seven areas:

- 1) Structure and Strategy
- 2) Financial Management
- 3) Information Management
- 4) People Management
- 5) Risk Management
- 6) Client Care
- 7) File and Case Management.

Accreditation is only received after an independent assessment has been carried out by a Lexcel appointed assessor who reviews the organisation's policies and procedures, interviews staff and scrutinises open and closed matters to ensure that the documented policies are put into practice. The Law Officers' Department applied for, and received, accreditation for the first time in 2019. Accreditation needs to be reapplied for each year and follow up assessments took place in October 2020 and 2021, with the assessor looking for maintenance of the high standards achieved in the first year and evidence of continuous improvement.

Following the 2021 assessment, the Department was again awarded Lexcel accreditation for 'excellence in practice management and client care'.

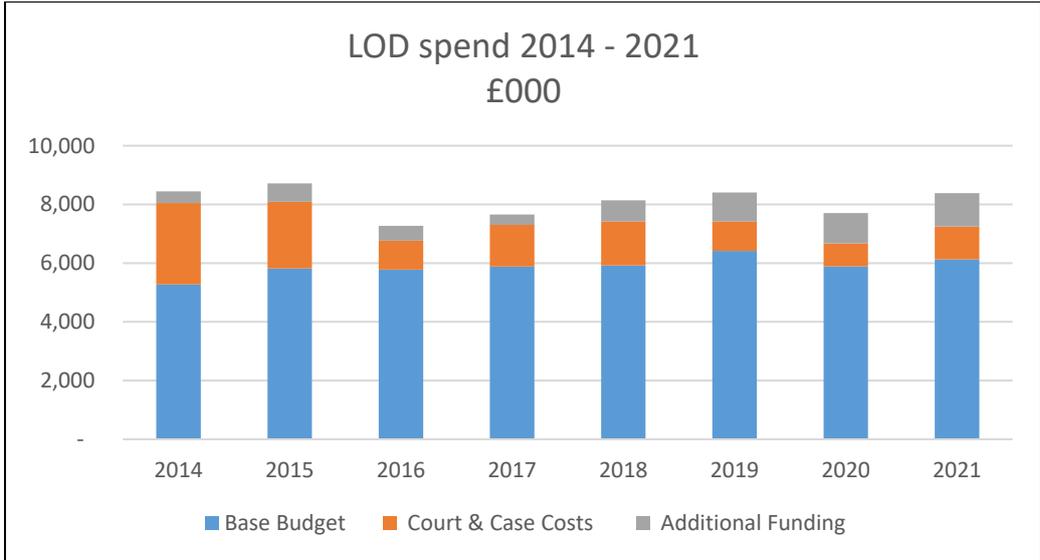
The Lexcel assessor concluded in her 2021 report that, *"the department continues to excel in employee engagement"* and demonstrates an *"exemplary commitment"* to employees. The department's approach to flexible working since Covid was singled out as being *"hugely popular"* and it was noted that the department's *"excellent reputation as an employer on the island"* is *"attracting a high calibre of staff"*.

The assessor highlighted twelve areas of good practice in her report and four suggestions for best practice. The majority of the areas of good practice identified were in the People Management section, with Mrs Thompson noting from the staff interviews that *"the assessor was pleased to hear about a true team culture within the department with real support for staff at all levels from management down and also peer to peer support"*.

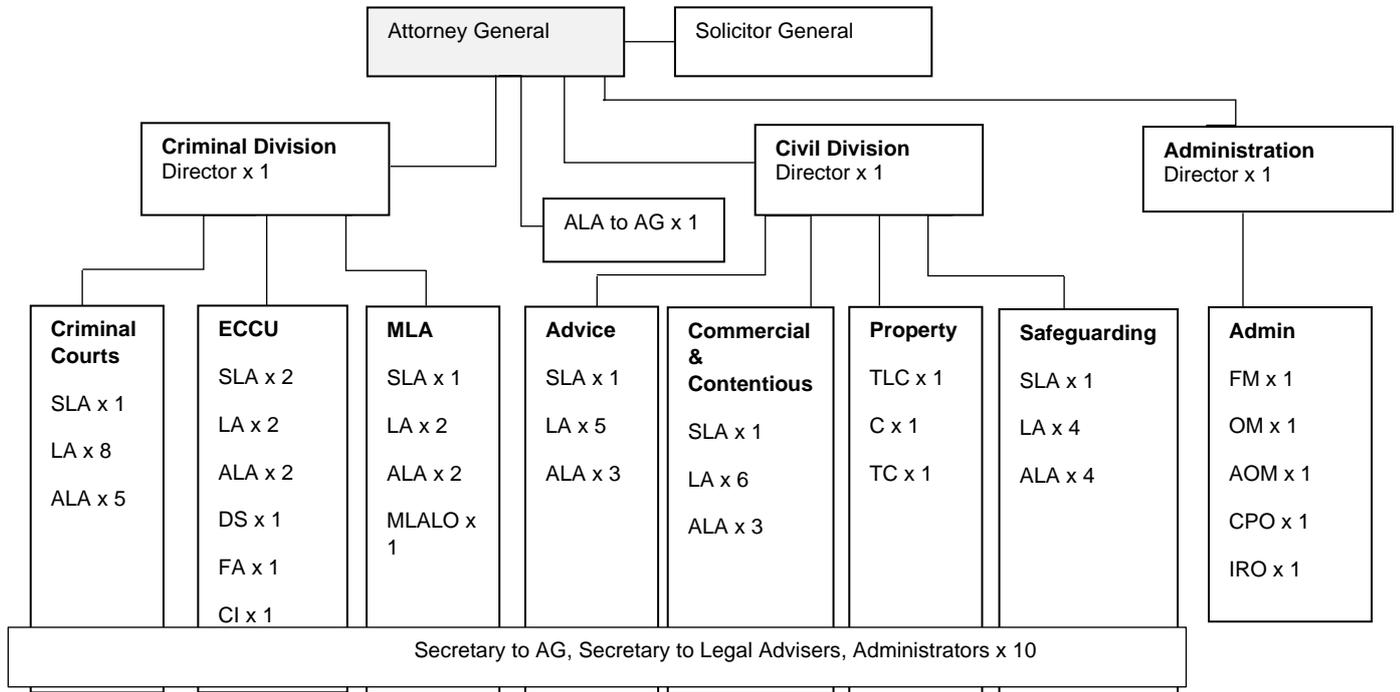
Financial resources

As a non-ministerial department, the Law Officers' Department receives funding from the States and adheres to the Public Finances Manual as set out by the Treasurer of the States under the Public Finances (Jersey) Law 2019.

The savings commitment made for the Medium Term Financial Plan (2016 – 2019) has continued into the subsequent Government Plans for 2020 and 2021. As can be seen in the following chart, the actual costs of the Department in 2021 were lower than in 2014, 2015 and 2019, notwithstanding the increased workload.



Appendix 1 – Law Officers’ Department Organisation Chart 2021



Notes

Headcount in this chart is by individual, not by 'Full Time Equivalent' (FTE). The headcount was correct at 31 December 2021 and does not include vacancies.

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: Financial 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
 SG: Solicitor General
 SLA: Senior Legal Adviser
 TC: Trainee Conveyancer
 TLC: Team Leader - Conveyancing