



The Law Officers' Department

Annual Review 2020

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Introduction by HM Attorney General Mark Temple QC

The work of the Law Officers' Department in 2020 was, unsurprisingly, dominated by the response to the Covid-19 pandemic. The virus severely challenged many aspects of public services. However, the response to that challenge was in accordance with the law and democratic principles, in which the Law Officers' Department played a valuable part.

The outbreak of Covid-19 led to huge increases in urgent requests for advice to the Law Officers' Department. The Civil Division's Advice Team alone saw an increase in requests of over 150% in March 2020 over the same period in 2019. The Commercial and Contentious Team had similar work pressures, and their contributions to the Payroll Co-Funding Scheme and the £100 Spend Local initiative were rightly recognised in the Government's 2020 team awards. The Criminal Division also had to adapt quickly to remote working. The first remote prosecutions were carried out in the Magistrate's Court, with the Department's Crown Advocates and Legal Advisors adapting to the use of laptops, mobile devices and video conferencing technology for Court proceedings.

The speed at which the Department responded and worked with other parts of the public service, such as the Legislative Drafting Office, was impressive. For example, the Covid-19 (Enabling Provisions) (Jersey) Law 2020 (which empowered the States Assembly to legislate to deal with Covid-19 by Regulations and not by primary Laws) was conceived, drafted, approved by the States Assembly, sanctioned by Her Majesty in Council at Windsor Castle, registered by the Royal Court and came into force on 8 April 2020 - all in about two weeks.

Increased workloads were exacerbated by technological difficulties when staff logged on to the States' network from their homes. The pressure proved too much for the States' servers and initially our teams were unable to access systems for large parts of the normal working day. Coupled with the home-schooling duties for many of the Department's staff, this led to working patterns shifting to very late nights and early mornings when the systems were running more smoothly.

Against this unpromising backdrop the Government undertook the 2020 Be Heard employee engagement survey. I was delighted to see that the results showed that, despite the difficult times of the pandemic, employees said that the Law Officers' Department is a happy place in which to work, with an engagement rating that is commensurate with an organisation with an outstanding commitment to workplace engagement. Employees rated the support received from their managers and teams very highly, with staff wellbeing, client service and 'making a positive difference to the world we live in' receiving particularly high scores. The survey results echoed the findings of the Lexcel assessor: her independent review in October 2020 found a *"truly supportive team culture"* and that *"the department's approach to client care is excellent."*

It is not possible here to refer to the work of all teams who deserve mention. 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 within the Department during these most challenging times.

Mark Temple

HM Attorney General QC

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 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** is divided into four teams; Advice; Commercial and Contentious; Safeguarding; and Property.

The **Advice team** has 11 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.

From mid-2019 to the end of 2020 a fifth team was added to the Civil Division, consisting of a Legal Adviser and an Assistant Legal Adviser, to administer the **Redress Scheme** for the Government of Jersey. This scheme was designed to provide redress for people who, as children, were abused or suffered harm in a Government of Jersey Children’s Home or foster care or while accommodated at Les Chênes between 1945 and 2005 and was set up in response to the findings of the Independent Jersey Care Inquiry.

The **Criminal Division** is divided into three teams: the Criminal Courts Team; the Economic Crime and Confiscation Unit (ECCU); and the Mutual Legal Assistance Team.

The **Criminal Courts team** prosecutes cases before the Royal Court and the Magistrate’s Court, and gives advice to the States of Jersey Police, the Honorary Police, Customs and Government regulatory Departments and Tax. The team consists of 17 Legal Advisers and assistants.

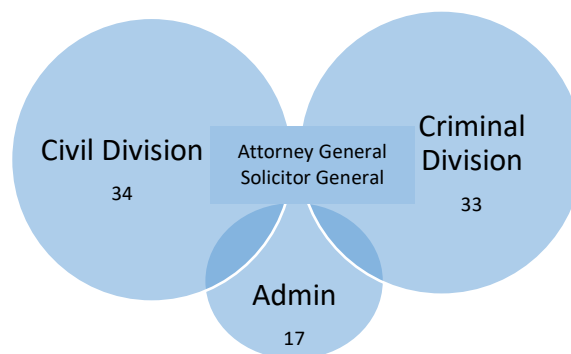
The **Economic Crime and Confiscation Unit** was established in October 2017 in order to ensure that the Island remains at the forefront of the fight against financial crime and money laundering. The team consists of nine staff: six Legal Advisers and assistants, one Detective Sergeant, one civilian 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 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 2020)



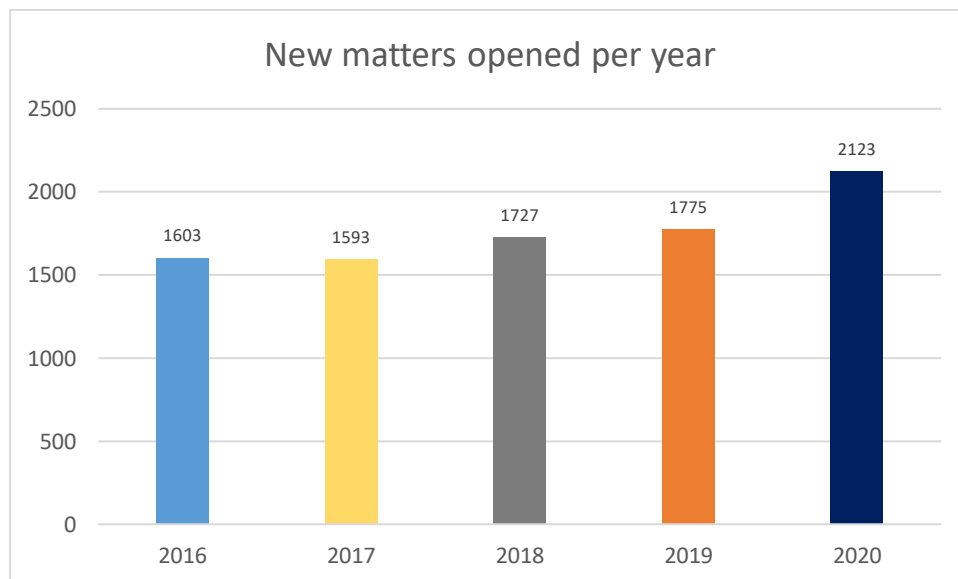
Our Code

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.

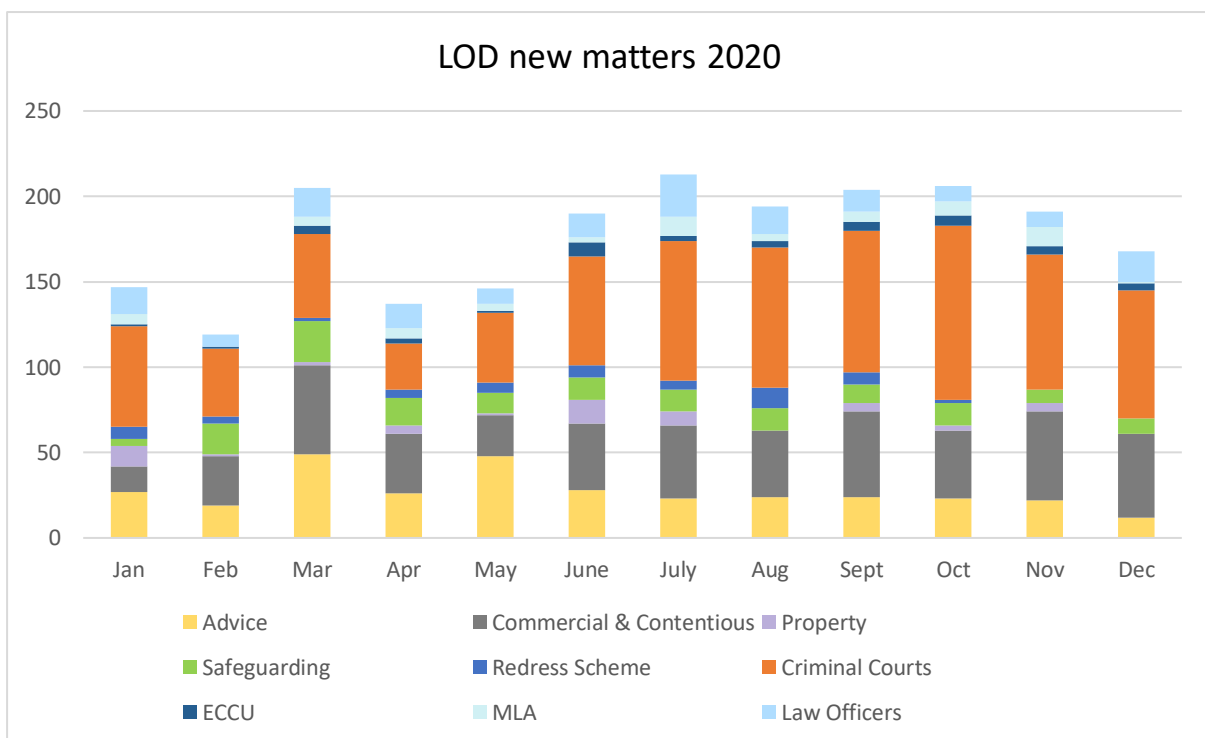
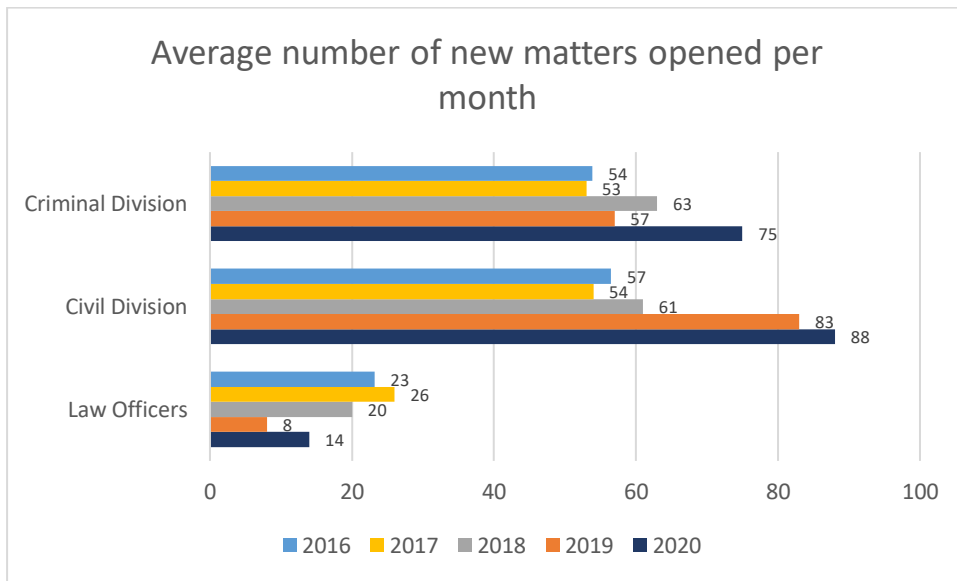
The work we do

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 2020 2,123 new advice and prosecution files were opened at the Department, the highest number of matters opened to date.



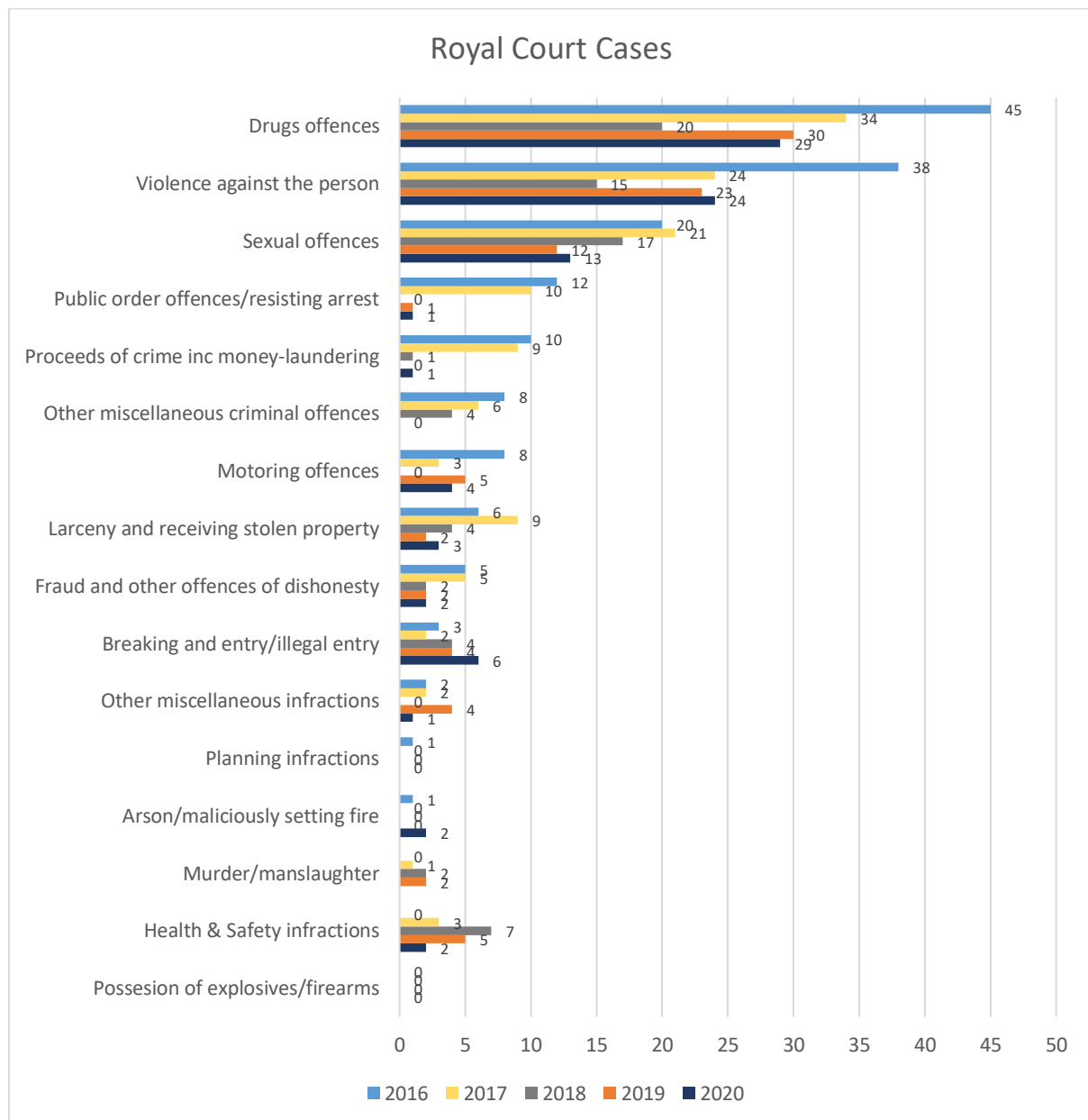
Broken down by files opened per month in the two divisions and directly by the Law Officers:



Criminal Division

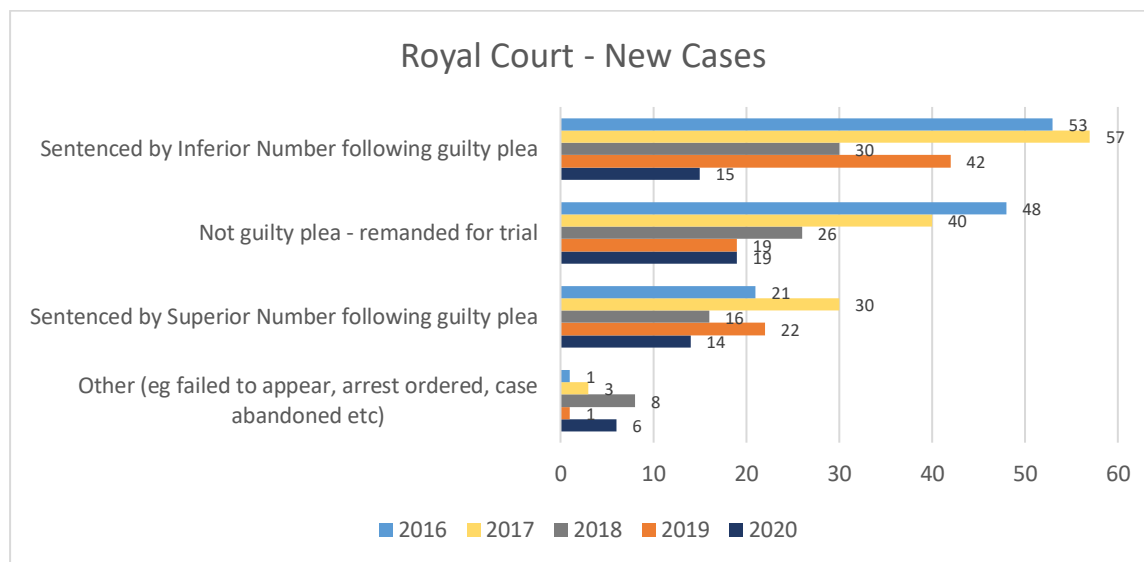
Criminal Courts Team

During 2020 a total of 88 new criminal prosecutions were committed from the Magistrate’s Court to the Royal Court or indicted directly to the Royal Court. Despite the disruption caused by the Covid-19 pandemic, this figure is in line with the 2019 figure of 90 cases, and higher than the 2018 figure of 76 cases. The figures reflect the move since 2018 to prosecute more cases in the Magistrate’s Court rather than the Royal Court (average number of Royal Court cases per year 2014 – 2017 was 167 cases).

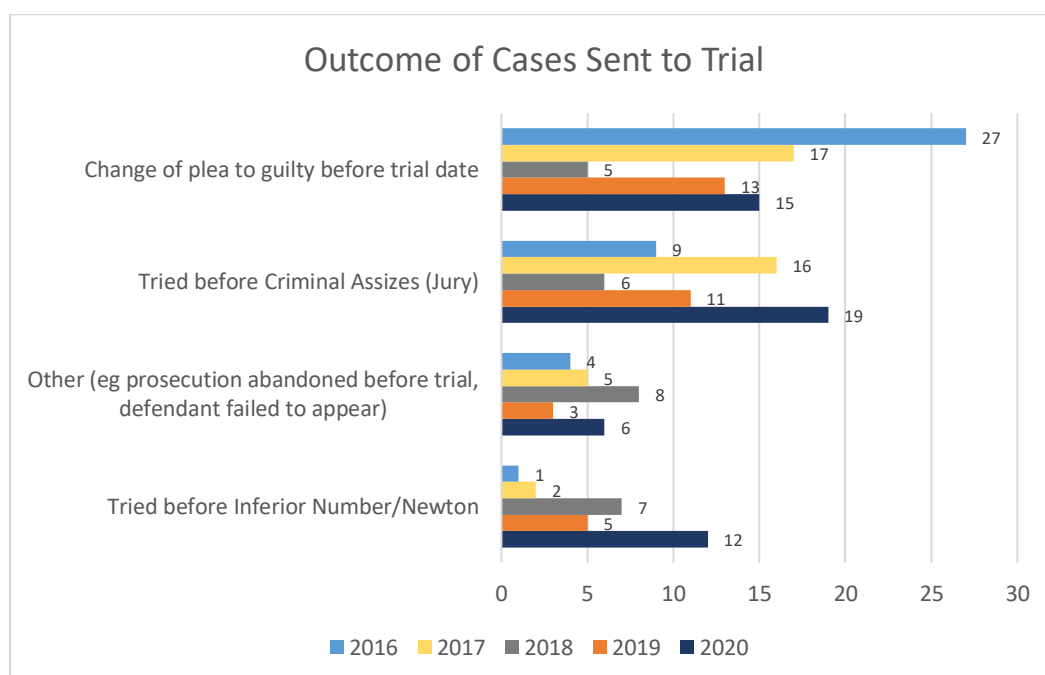


Note that it is the primary offence that is recorded in this chart. In 2020 for example there were a further 10 confiscations under the Proceeds of Crime (Jersey) Law 1999 that resulted from drugs and fraud prosecutions.

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

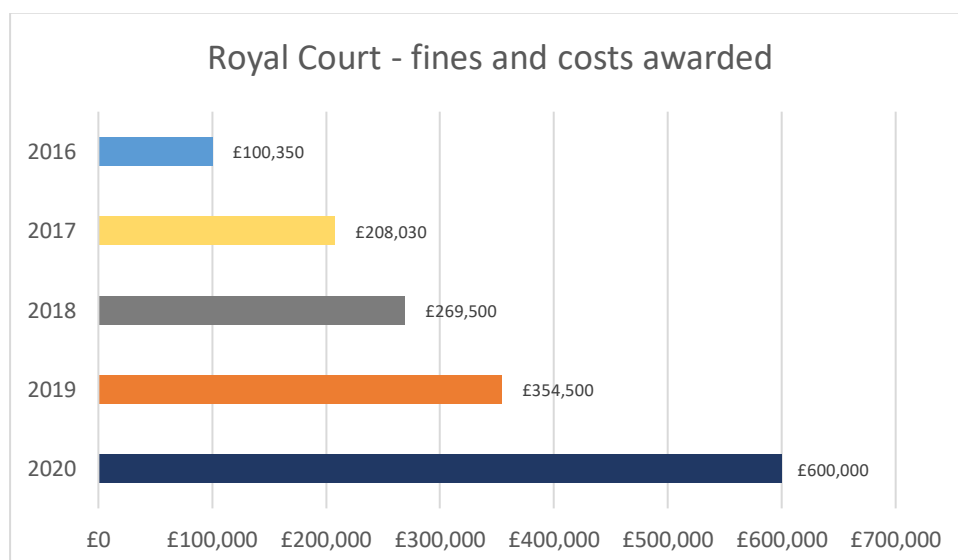


The outcome of the cases sent to trial were as follows:

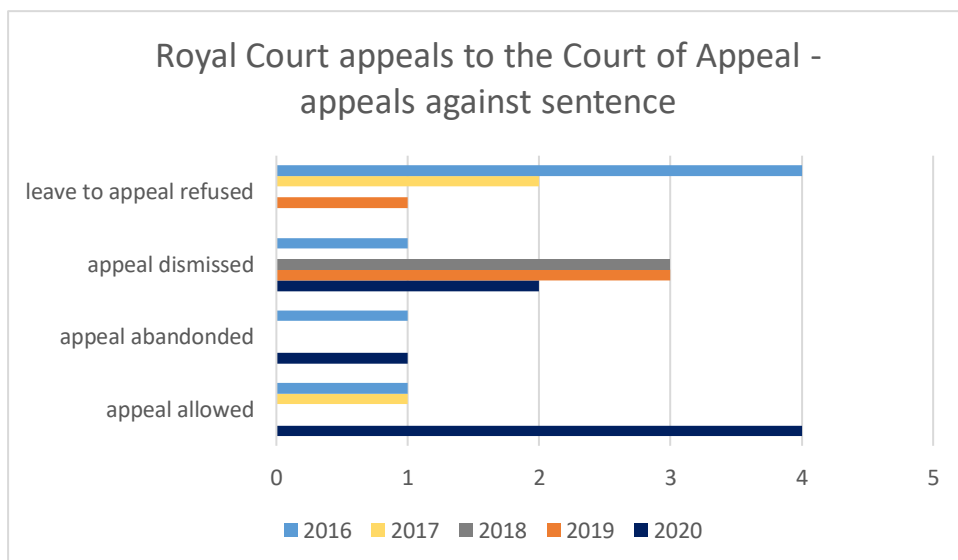
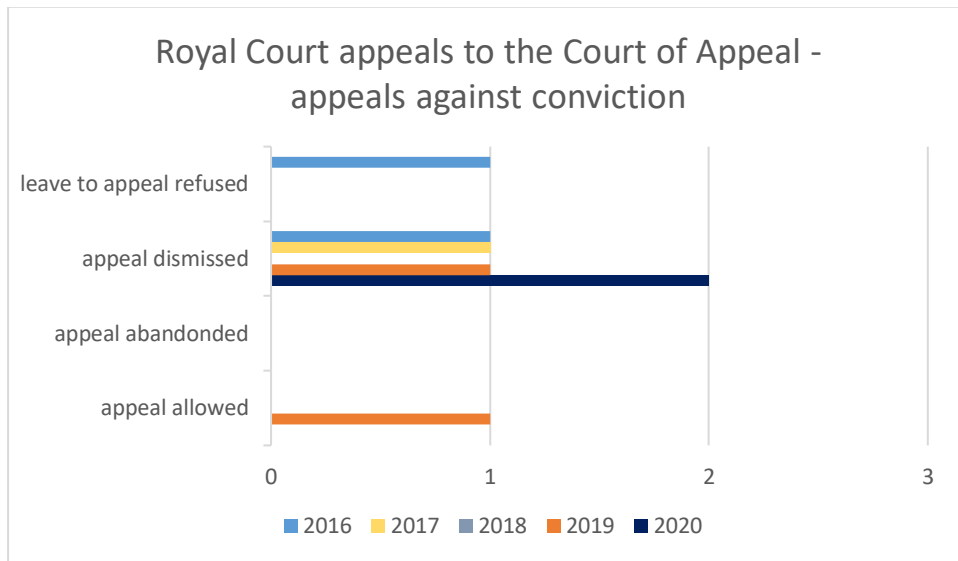


The most notable prosecution of the year was Operation Lion, a case which stemmed from a joint investigation conducted by the States of Jersey Police and the Jersey Customs and Immigration Service. It was the most complex drug-related and money laundering investigation ever undertaken by the Jersey authorities and involved requests for mutual legal assistance from the UK and many other jurisdictions around the world. The surveillance operation targeted numerous persons of interest and lasted several months. The operation culminated in the seizure of MDMA, cocaine and cannabis resin with a street value of up to £919,000, having been imported by boat at Bel Val Bay on 21 June 2019. Members of the Criminal Division were engaged in providing legal advice throughout the surveillance phase of the operation and provided the charging advice that led to eight defendants being indicted. Seven of the defendants ultimately pleaded guilty to various drug-trafficking and money laundering offences, some only following numerous and complex legal argument. They were sentenced by the Superior Number of the Royal Court on 23 September 2020 to sentences ranging between 2 years' imprisonment and 14 years and 3 months' imprisonment. The eighth defendant pleaded not guilty to various money laundering offences but was convicted following a 6-day Inferior Number trial in December 2020.

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 relatively high figure from 2019 was due to substantial Health and Safety fines during the year and the 2020 figure is largely due to the Abu Dhabi Commercial Bank Jersey Branch prosecution (see ECCU section, page 16).



In 2020 there were two appeals against conviction from the Royal Court to the Court of Appeal and six 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 all 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.

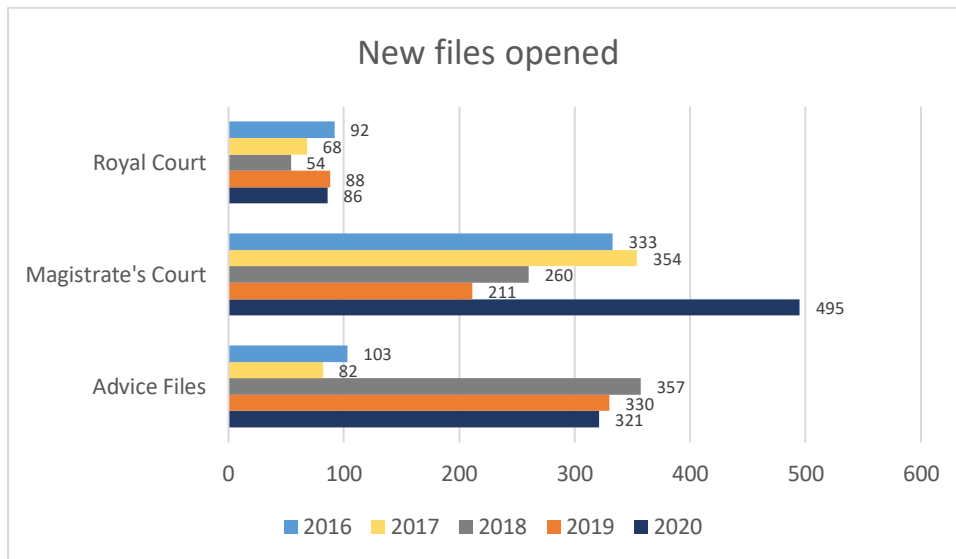
The breakdown of types of new cases is shown in the chart on the following page.

Notes for the chart:

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

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

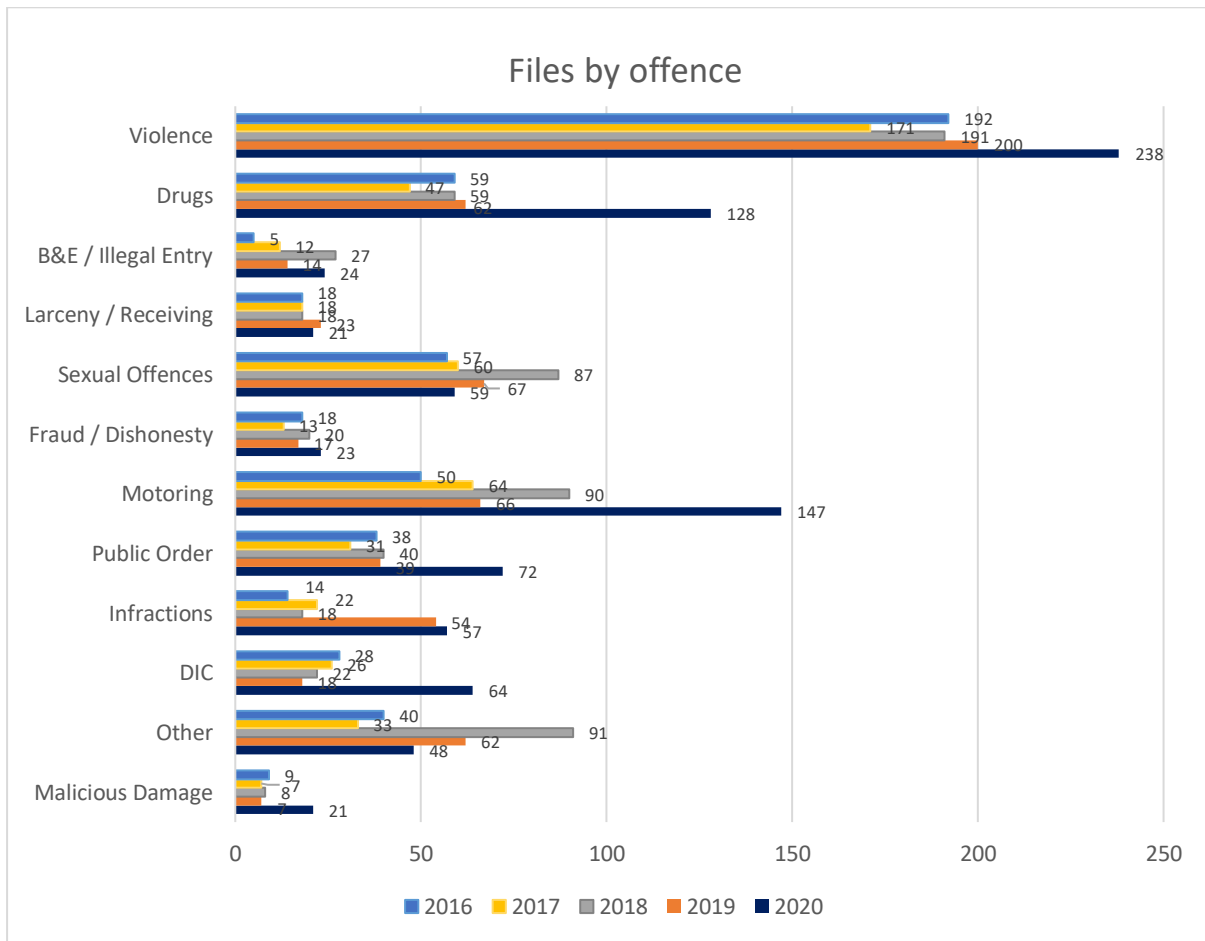
Advice files are matters that have come in for charging advice to be given by a Legal Adviser. Where advice is given to charge, the case may be dealt with by the Legal Adviser or, alternatively, the case is taken on by the Centenier.



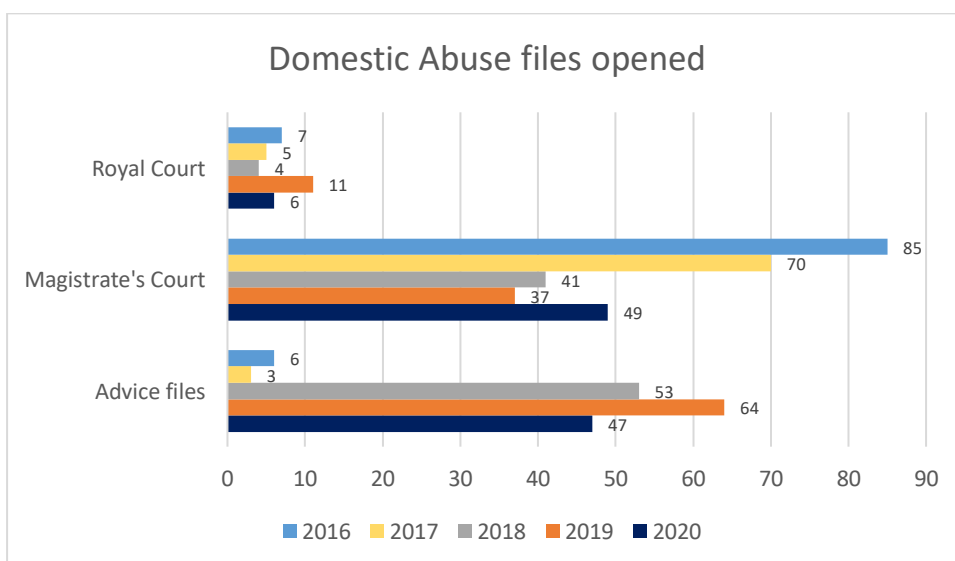
Since 2018 a process has been in place whereby more cases are reviewed by the Legal Advisers in the Criminal Division before charge is authorised by a Centenier. This way of working provides stakeholders with early legal advice in order to ensure that the two-stage test under the Code on the Decision to Prosecute is rigorously 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 in nearly all cases. This approach has resulted in an increase in Advice files being opened from 2018 and fewer cases being discontinued post charge.

One of the reasons for the increase in Magistrate's Court files opened in 2020 was the success of Operation Optical – involving approximately 12 young offenders committing many repeat offences. This placed a heavy workload on the Magistrate's Court Team who continued to perform to the highest standards while grappling with the initial difficulties of remote working and the Covid-19 response. A training programme was initiated for those Assistants with Rights of Audience in the Magistrate's Court resulting in three of the team regularly prosecuting Magistrate Court lists, which in turn has provided cover for absence and study leave.

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.

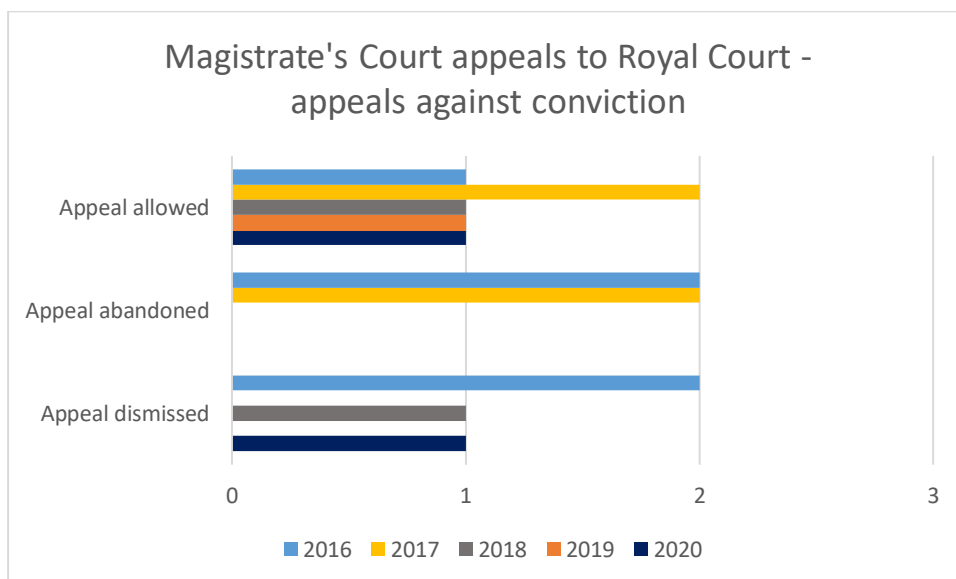
Although there was an increase in 2020 compared with 2019 figures, a number of factors have improved the prosecution of Domestic Abuse cases since the peak number in 2014:

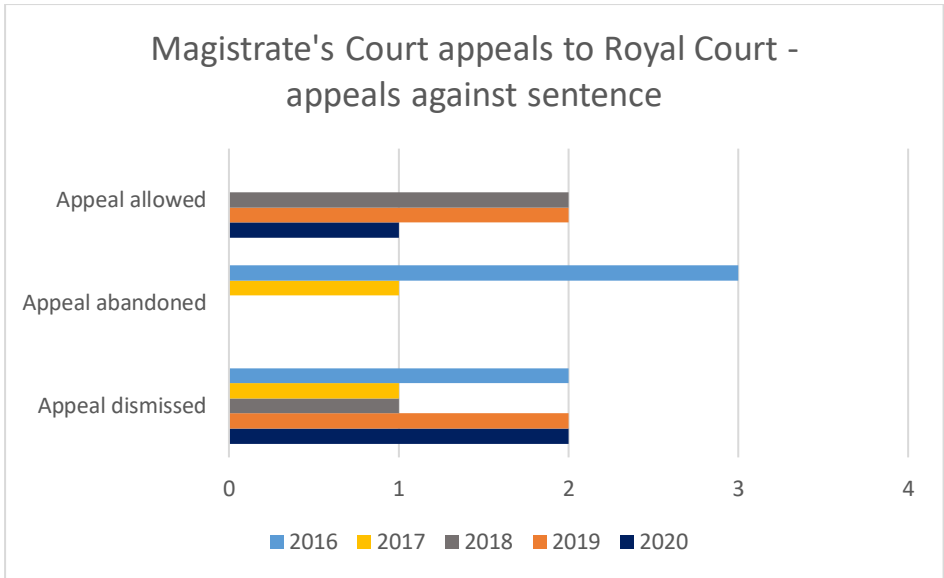
1. Restraining Orders
2. Independent Domestic Violence Advisor (IDVA) support
3. The Domestic Abuse Disclosure Scheme, known as "Clare's Law"
4. Legal Advice

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. 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

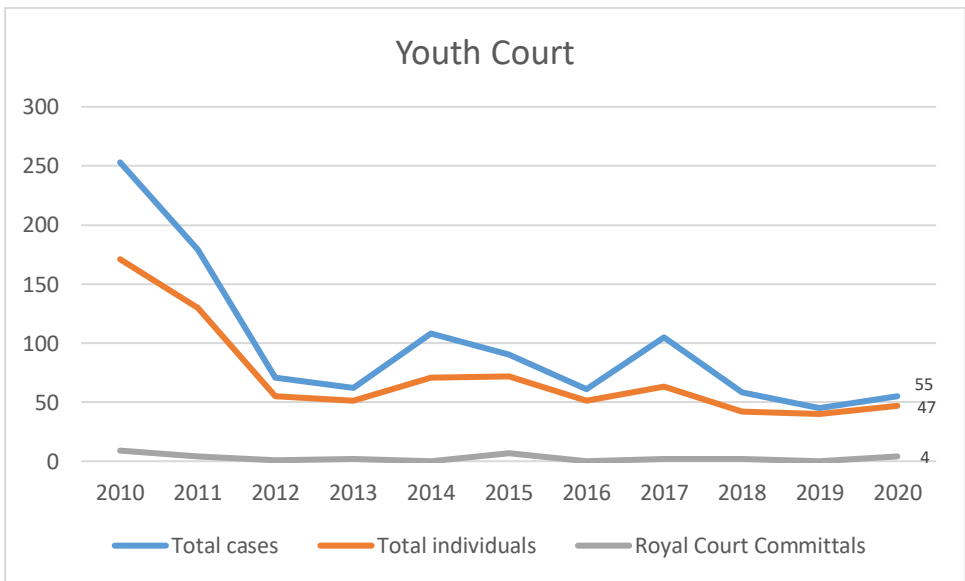
A small number of appeals against conviction or sentence are made each year from the Magistrate's Court to the Royal Court. The results of the appeals are shown below:





Youth Court

2020 saw a rise in the number of cases coming before the Youth Court but is following a trend in the reduction of cases over the last ten years.



Where a young person might previously have been prosecuted, the criminal justice partners, working collaboratively, try to divert young people from the system by looking at alternatives, including early intervention and deferred decisions. The result is fewer cases being charged for court, and, more importantly, better support being provided to the young people of Jersey.

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. The establishment of the Economic Crime and Confiscation Unit ensures that the Island remains at the forefront of the fight against financial crime and money laundering. The unit has a complement of nine posts including specialist financial crime lawyers, police officers and a forensic accountant.

Following the 2019 conviction secured by the team of Abu Dhabi Commercial Bank Jersey Branch for failing to comply with the requirements of the Money Laundering (Jersey) Order 2008, the bank was fined £475,000 in February 2020, with £25,000 costs awarded. This was the first major conviction under the Money Laundering (Jersey) Order 2008.

In 2020 the team secured the second major conviction under the Money Laundering Order with trust company LGL Trustees pleading guilty on 4 December to two related offences under Article 37(4) of the Proceeds of Crime (Jersey) Law 1999 for breaches of the Order. The offences concerned a failure by LGL to recognise and respond to the risk that a structure it 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.

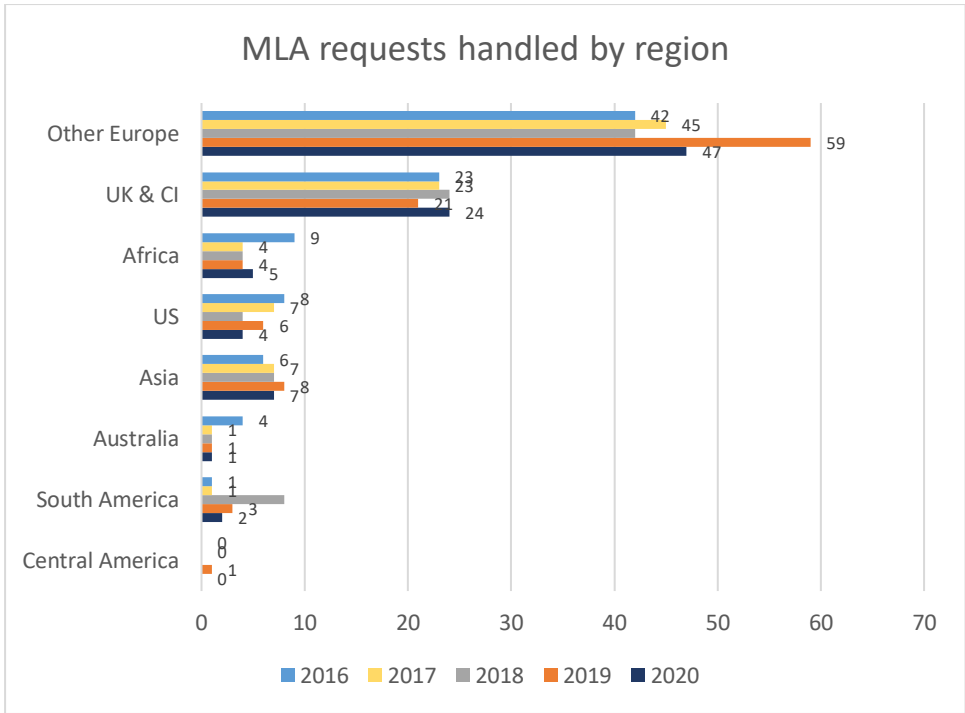
In Ellis [2020]JRC245 the Solicitor General resolved a very important point of principle in tax evasion cases in the Crown's favour: the entire contents of a bank account was vulnerable to forfeiture if it was opened or used as a tool or instrumentality to commit tax evasion reaffirming the strong public interest in discouraging use of accounts in Jersey for such activity.

The team continues to investigate serious and complex financial cases.

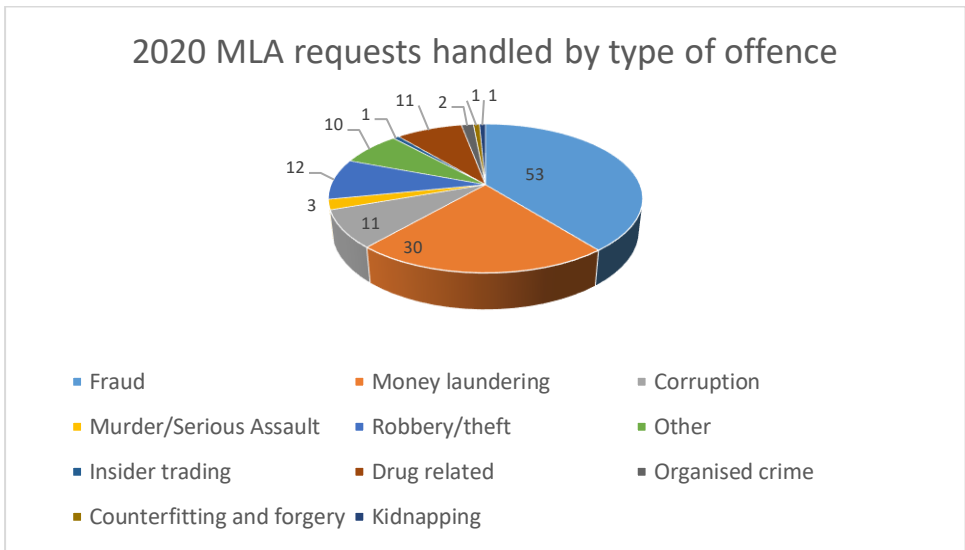
Mutual Legal Assistance

Assistance provided to foreign jurisdictions

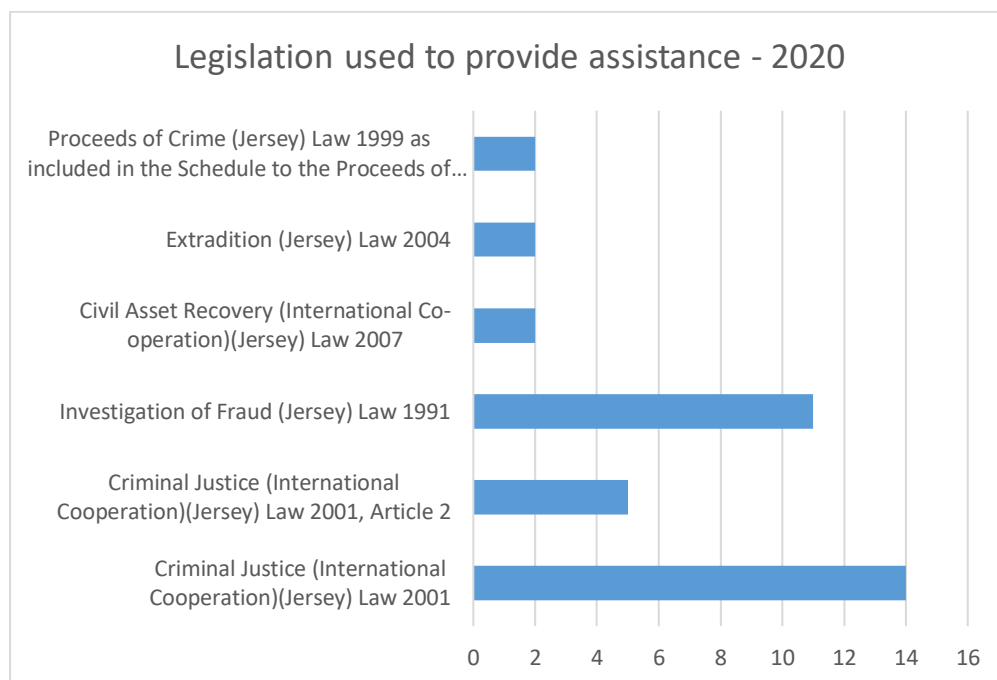
The Criminal Division deals with Mutual Legal Assistance on behalf of the Attorney General. Details of how to apply for assistance appear on the Law Officers' Department's web pages in English, French and Arabic at www.gov.je/LawOfficers. The work involved in this area includes gathering written and 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 2020 but it is possible to confirm that 90 Requests were handled during 2020 (this includes new Requests received during the year, as well as Supplementary Requests relating to old matters and pre-2020 Requests in respect of which action was taken during 2020).



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):



How assistance was provided



Requests for assistance dealt with during 2020

Notes for the chart on the following page:

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.

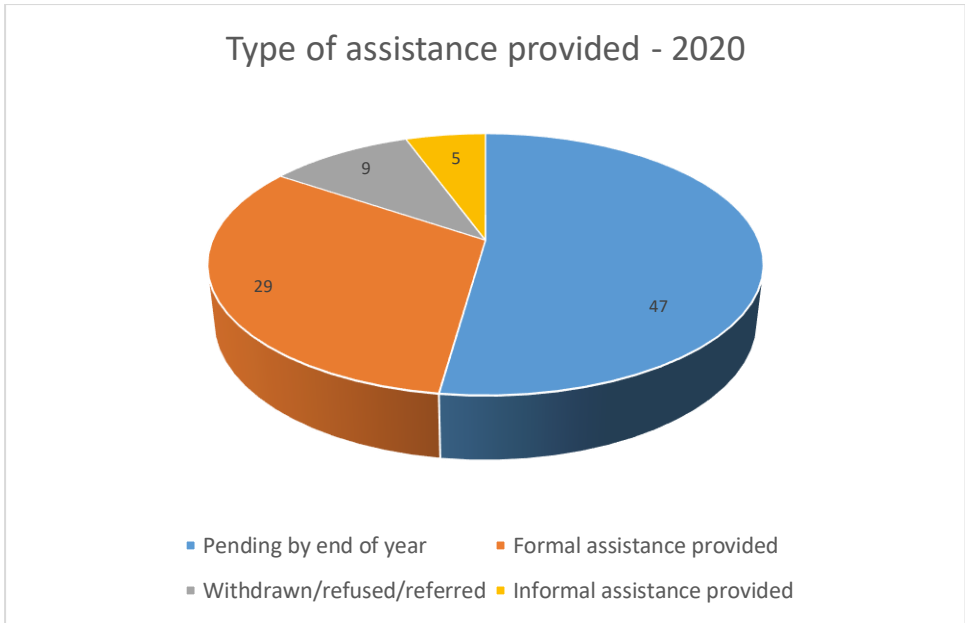
Informal assistance – where assistance is rendered pursuant to a Letter of Request, without recourse to our legislation. For instance, where a witness is willing to provide a statement on a voluntary basis or service of documents is effected on a Jersey resident on behalf of a foreign jurisdiction.

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.

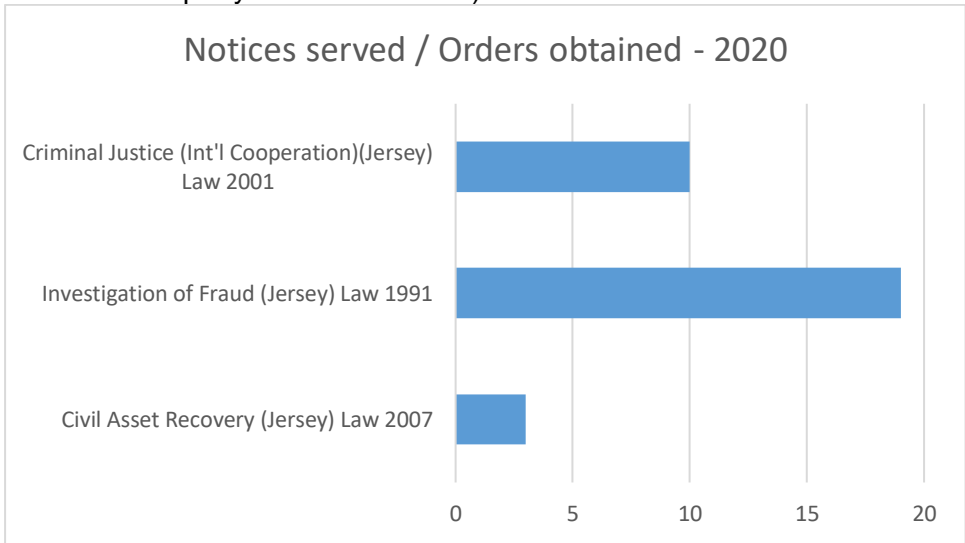
Requests are rarely **refused**. In some cases however it becomes impossible to assist for a variety of reasons. For instance, the Attorney General may refuse to assist in cases which are potentially politically motivated.

Of the 90 Requests handled, assistance was provided in respect of 34 of them during 2020. Seven were withdrawn, one was refused and one was referred to the correct jurisdiction. The remaining 47 were pending by the end of the year.



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).



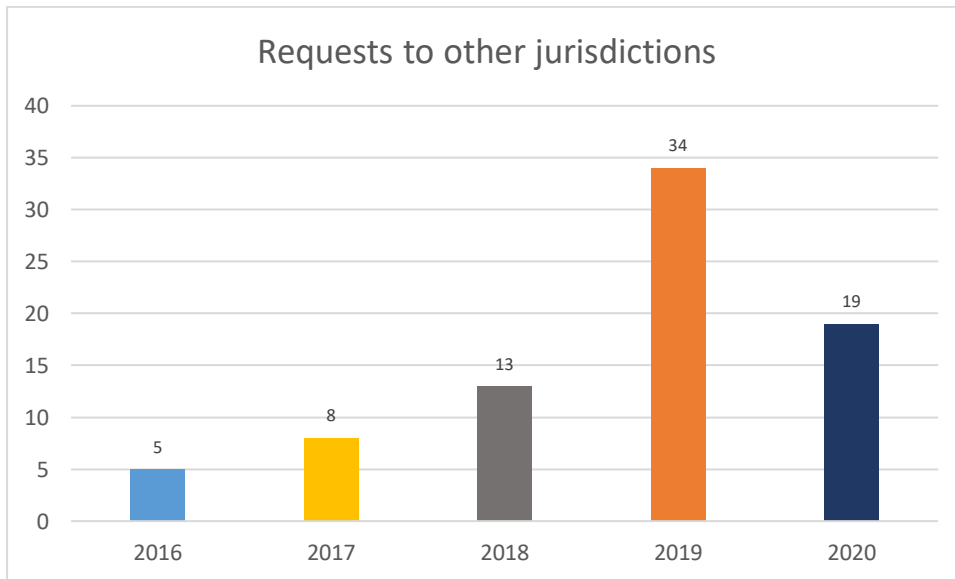
The numbers in the above table includes Notices issued during 2020 where the matter remains live and has been brought forward to 2021.

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.

Requests to other jurisdictions

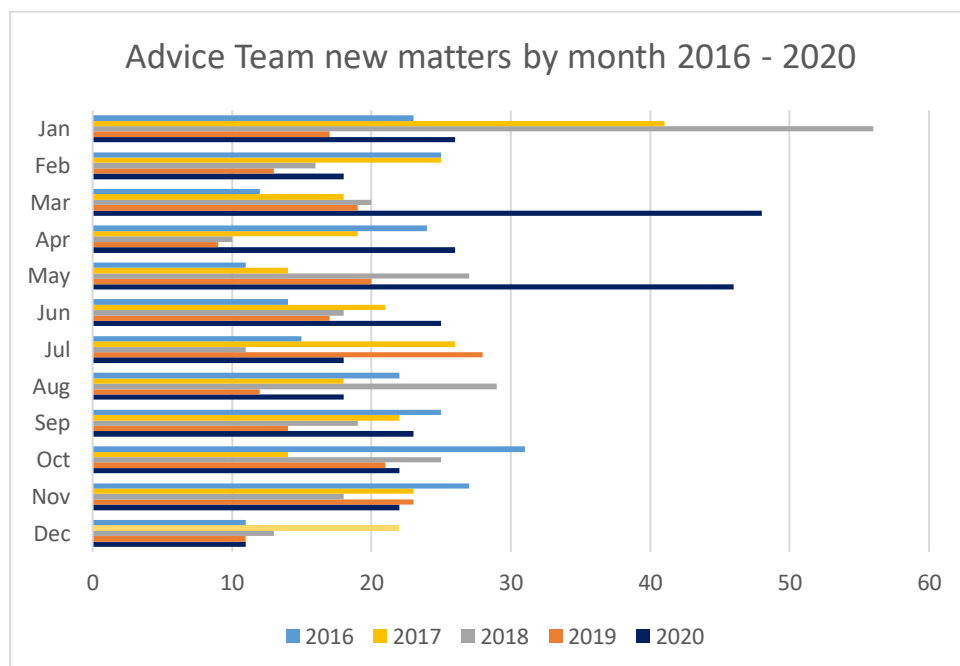
During 2020, 19 Requests were issued to other jurisdictions seeking assistance with respect to local investigations.



Civil Division

Advice Team

In 2020 the Advice Team opened an average of 25 new matters per month, a significant increase on 2019 (average 17 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 2020 the team was busy providing support to the Government to deliver a range of policy and legislative priorities, and to prepare for the withdrawal of the UK from the European Union. The Advice team advised on the content of the Withdrawal Agreement and on a number of legislative amendments required to ensure that Jersey's statute book continued to function after the UK left the EU on 31 January 2020 and entered the transition period on 1 January 2021.

Following an already busy January and February due to the number of advice files being opened for a range of new international trade matters arising as a consequence of Brexit, the outbreak of the Covid-19 pandemic led to a further significant increase in requests for advice in March, April, May and June, with March alone seeing a 152% increase in advice requests over 2019.

The Advice team, together with colleagues in the wider Civil Division, worked closely with the Government, the Legislative Drafting Office, and stakeholders on a wide range of matters arising from the onset of the pandemic from February 2020 onwards. This included advising on the legislative approaches that might be used and on the content and implementation of emergency legislation to reduce the rate of transmission of covid, control travel and enable services to continue to be delivered in a covid secure manner.

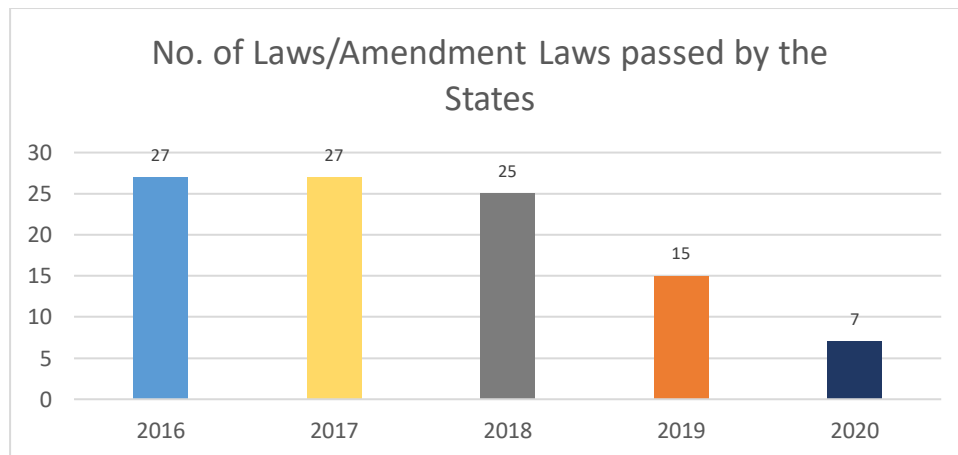
The Advice team advised on all stages of the negotiations for the Trade Co-operation Agreement that established the UK's and Jersey's new trading relationship with the EU after

1 January 2021, including by providing advice for the Government and the Assembly for the purposes of emergency meetings to consider that Agreement in late December 2020.

Throughout the year, the team also continued several important long-term projects. In particular, work continued on a range of secondary legislation and rules of court, which enabled the commencement of further provisions of the Criminal Procedure Law and supported the courts to maintain continuity of service during the pandemic. The Advice team also completed its work with the Government to review the international agreements that are extended to Jersey to enable a comprehensive database to be published on the Jersey Legal Information Board website.

During 2020, members of the Advice team continued to support the Government to bring important pieces of legislation and propositions to the Assembly. This has included contributing to the implementation of the Limited Liability Companies (Jersey) Law 2019 and to other legislative projects delivering benefits for the financial services industry.

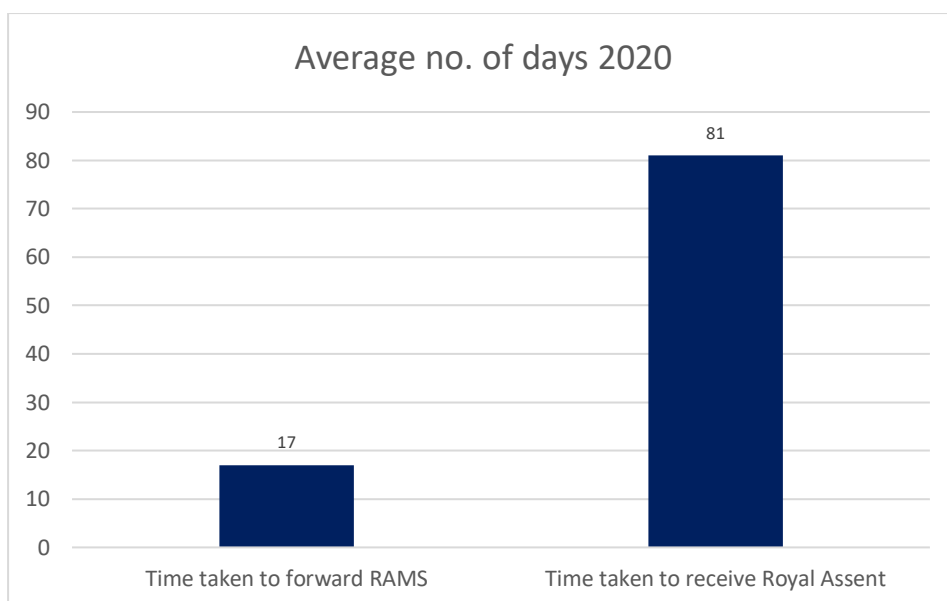
Laws



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 days of their being received by the Law Officers after being adopted.

With the exceptional circumstances of 2020, the time taken to forward RAMs increased to 17 days, an increase from the average of 11 days taken in 2019. The average time taken to receive Royal Assent in 2020 was 81 days, just three days longer than in 2019.

However, when primary legislation was urgently needed it was expedited. Notably, the Covid-19 (Enabling Provisions) (Jersey) Law 2020 (which allowed the States Assembly to pass legislation to deal with Covid-19 by Regulations and not by primary Laws) was conceived, drafted, approved by the States Assembly, sanctioned by Her Majesty in Council at Windsor Castle, registered by the Royal Court and came into force on 8 April 2020 - all in about two weeks.



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

Orders in Council

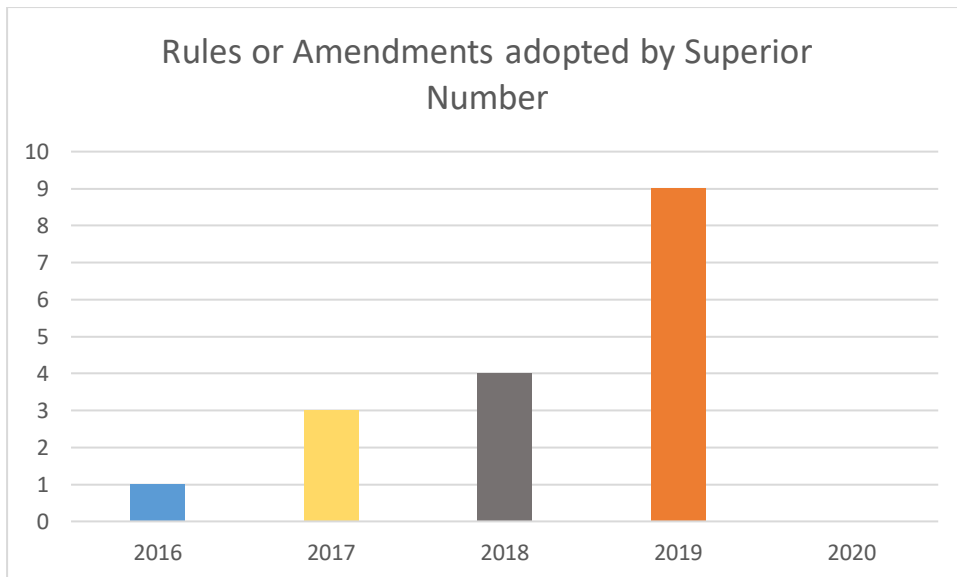
During 2020, two Orders in Council extending UK Acts of Parliament (by agreement and with modifications) were registered by the Royal Court. The Communications (Jersey) Order 2020 made provision for the extension of UK legislation relating to TV licences and the Immigration (EU Withdrawal) (Jersey) Order 2020 made essential amendments to Jersey's immigration legislation to account for the UK's withdrawal from the EU. 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 MoJ and assists in the process for remitting the Orders through the official channel for registration by the Royal Court.

Proposals to prepare a consolidated Order in Council in respect of immigration legislation, which will make immigration legislation much more accessible, were substantially progressed during 2020. A proposition to approve a draft consolidation Order in Council was lodged with the Assembly in September 2020 but was withdrawn at Scrutiny's request in view of other pressures on the Assembly at the end of the year. The Proposition has since been re-lodged and approved in 2021.

Rules of Court

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.

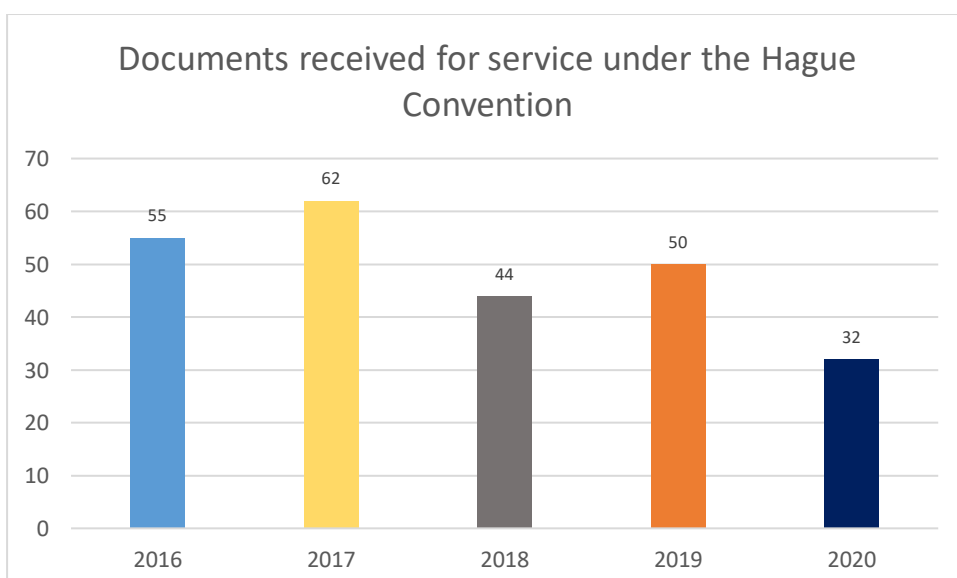
Between 2016 and 2020 the number of Rules or Amendments to Rules adopted by the Superior Number was as follows:



There was an increase in the number of Rules of Court adopted during 2019, in part due to the implementation of parts of the Bail Law and Criminal Procedure Law leading to the introduction of new or amended rules. In 2020 no rules were enacted because work to implement parts of the Criminal Procedure Law was rescheduled and a comprehensive set of new Criminal Procedure Rules was started.

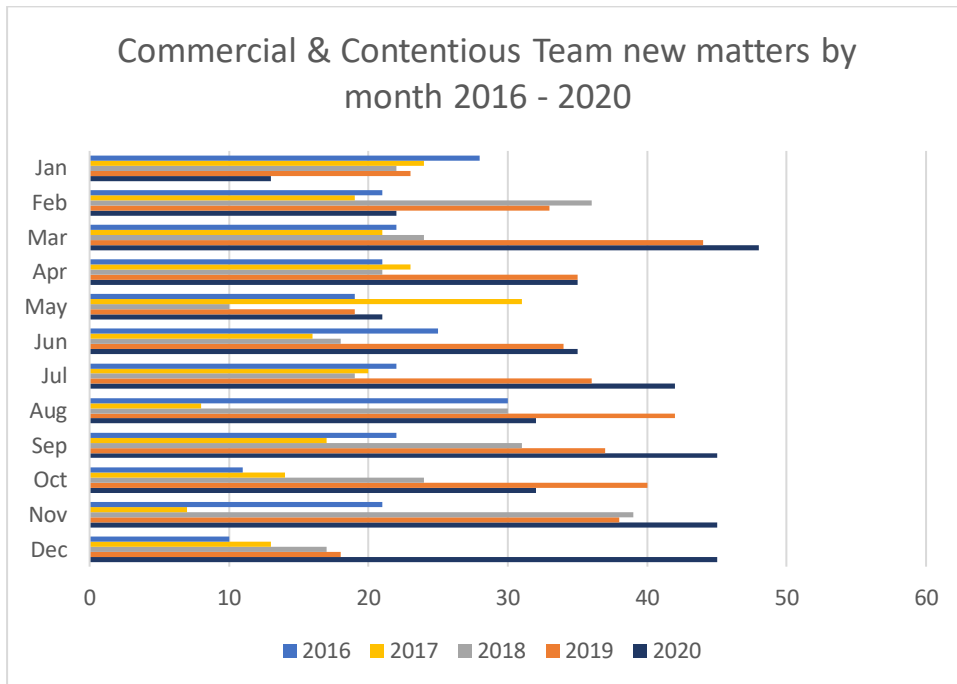
Hague Convention – service of documents

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 2020 the Commercial and Contentious team opened an average of 39 new matters a month. The monthly breakdown of new matters is shown in the table below:



Commercial / Projects/ Advisory work

During 2020, the Commercial and Contentious team continued to provide advice in respect of numerous high profile commercial and public law matters.

The team advised on a broad sweep of advisory work, including contractual/procurement issues and legal advice supporting significant Government of Jersey programmes/initiatives.

As a result of the pandemic and a sharp rise in requests for advice in the early months of lockdown, members of the Commercial and Contentious Team were co-opted into carrying out several pieces of important, complex and time critical advice work.

Tax and International

In relation to tax matters, there has been a significant increase in activity including high profile legislation (such as the move from Prior-Year Basis to Current-Year Basis Taxation), various compliance related advices. A specialist Legal Adviser was recruited in September 2020. The team has worked closely with policy officers and the Legislative Drafting Office in the development of legislation in tax matters.

On the theme of joint working, a team Legal Adviser continued to lead on the National Risk Assessment project, alongside colleagues from the Criminal Division, the States of Jersey Police, the JFSC and the wider Government of Jersey.

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. Government of Jersey debt collection was temporarily suspended during the Covid pandemic, and the 2020 results are a fraction of a typical year. Up until the start of the pandemic, 23 summons were sent for the Petty Debts Court and one for the Royal Court, resulting in 18 cases before the Petty Debts Court. The value of the summons issued was £268,000 and the value of the cases before the Court was £182,000.

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.

Matters of note from 2020 included:

- a) breach of contract litigation;
- b) advice to the Minister for Planning and Environment and senior officers on several high profile/sensitive matters;
- c) representation at various Tribunals/administrative appeals;
- d) judicial review/applications for leave relating to various matters including a challenge to the Government Payroll Co-Funded Scheme.

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.

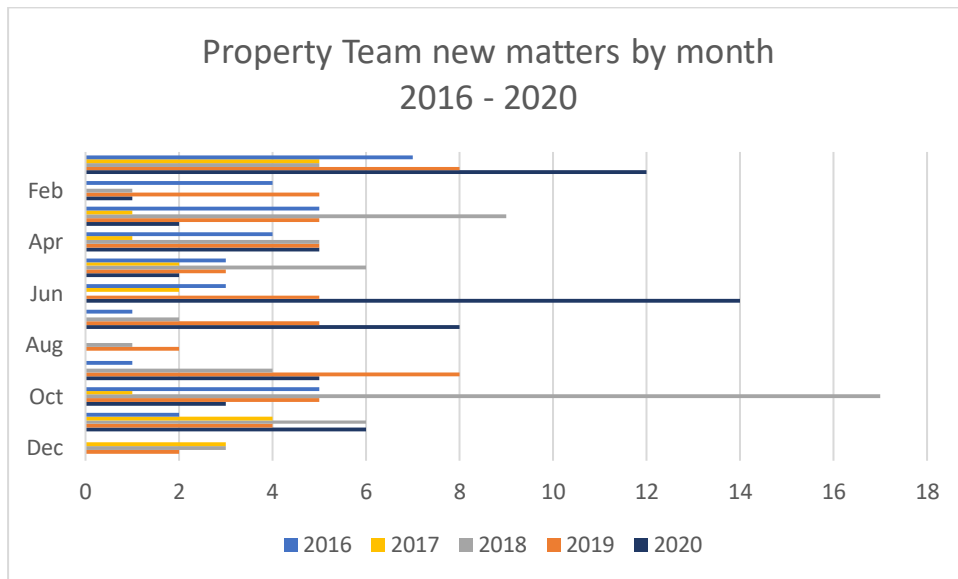
Employment and Discrimination

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. The team recruited an additional specialist lawyer from the private sector during 2020.

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



While the number of property purchases and sales was significantly affected by Covid, the team was busy with a variety of other property related legal work. The Property team worked on reviewing the land ownership and boundaries of properties adjoining the foreshore around the Island, consulting a variety of sources of information in order to assist Jersey Property Holdings with their review of the foreshore policy. The Property team also completed work on the lease of various properties to Jersey Heritage including Archirondel Tower, Seymour Tower, Icho Tower, L'Etacquerel Fort, Leicester Fort, La Crête Fort, Corbière Radio Tower, La Rocco Tower and various other historic sites.

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

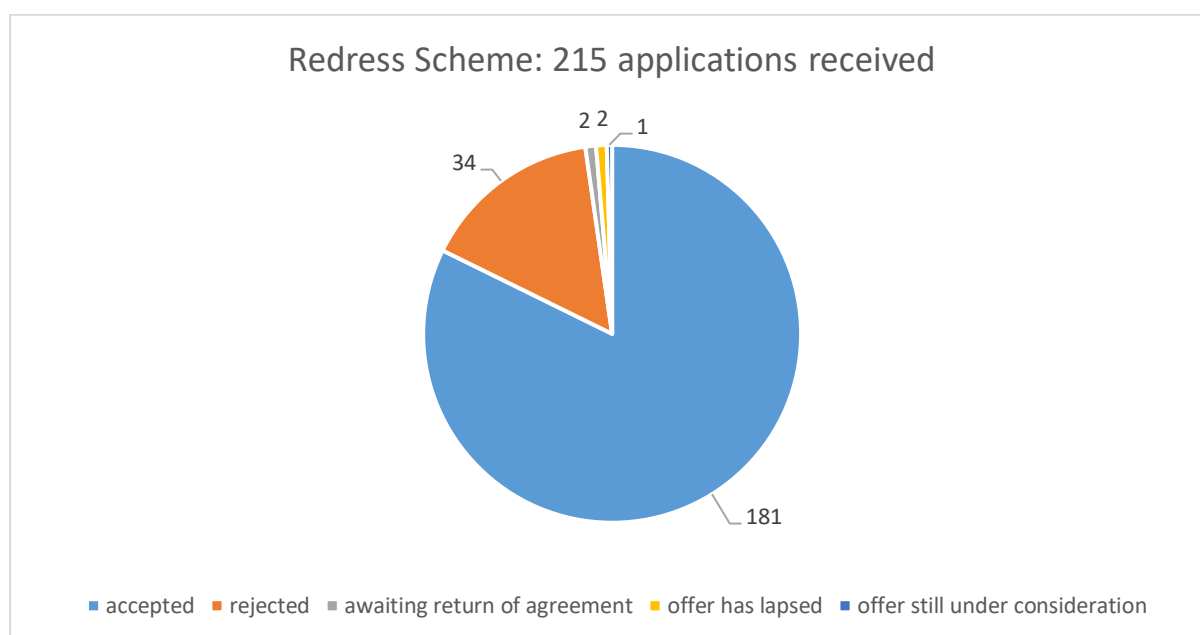
Transactions	2016	2017	2018	2019	2020
Property sales (inc sale of rights)	33	20	5	11	0
Property purchases	3	9	3	1	0
Deeds of arrangement	5	3	5	8	1
Party to contracts	4	10	8	5	3
JEC contract leases	1	0	0	1	0
Other contract leases	3	9	10	4	3
Gift, cession and transfers	8	3	7	7	2
Exchange and counter-exchange	0	0	0	1	0
Mortgages secured by simple conventional hypothec	0	0	0	0	0
Mortgages registered as judicial hypothecs	11	4	0	2	1
Rembours (reimbursements of States loans)	24	15	14	14	9
Gross Values					
Sales completed on behalf of the Public or the Crown	£8,355,460	£6,365,675	£1,628,488	£694,288	0
Purchases completed on behalf of the Public or the Crown	£641,500	£1,162,210	£969,976	£168,000	0
New loans registered – judicial hypothec	£691,500	£135,900	0	£7,800,000	0
JEC leases annual receipts	£990	0	0	£99	0
Crown leases annual receipts	£99	0	£100	£130	£6,000
Public leases annual receipts	£443,753	£4,926	£135,448	£22,338	£99
Considerations on deeds of arrangements	£4,500	£10,000	£32,500	-	£75,000

Redress Scheme Team

A temporary new team was created in July 2019 consisting of a Legal Adviser and an Assistant Legal Adviser in order to administer the Redress Scheme that had been established in response to findings of Independent Jersey Care Inquiry. This scheme was designed to provide redress for people who, as children, were abused or suffered harm in a Government of Jersey Children's Home or foster care or while accommodated at Les Chênes between 1945 and 2005. The Law Officers' Department played an integral role with SPPP in designing the scheme which aimed to provide an appropriate balance between damages for those who suffered abuse and the costs of administration of the Scheme. The Redress Scheme closed to new applications at the end of August 2020.

The scheme handled 215 applications, resulting in settlement agreements with a total value of £1,758,000. Legal fees of administering the scheme were £175,000, under 10% of the money paid to applicants. The Department received positive feedback from the scheme applicants.

The applications were handled as follows:

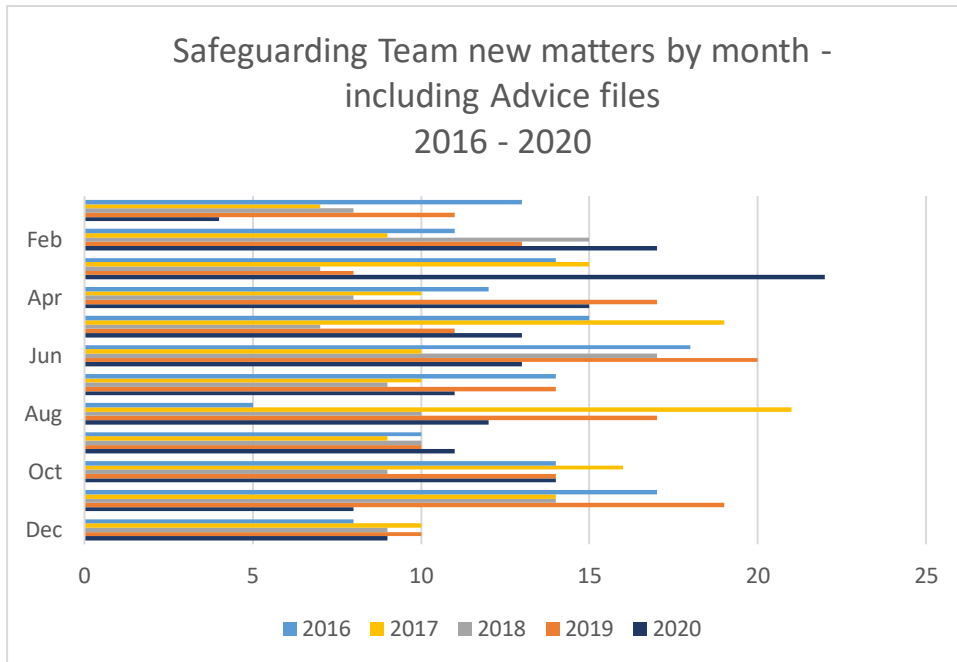


The Redress Scheme Team has now been disbanded and no further costs are being incurred on administration of the scheme.

Safeguarding Team

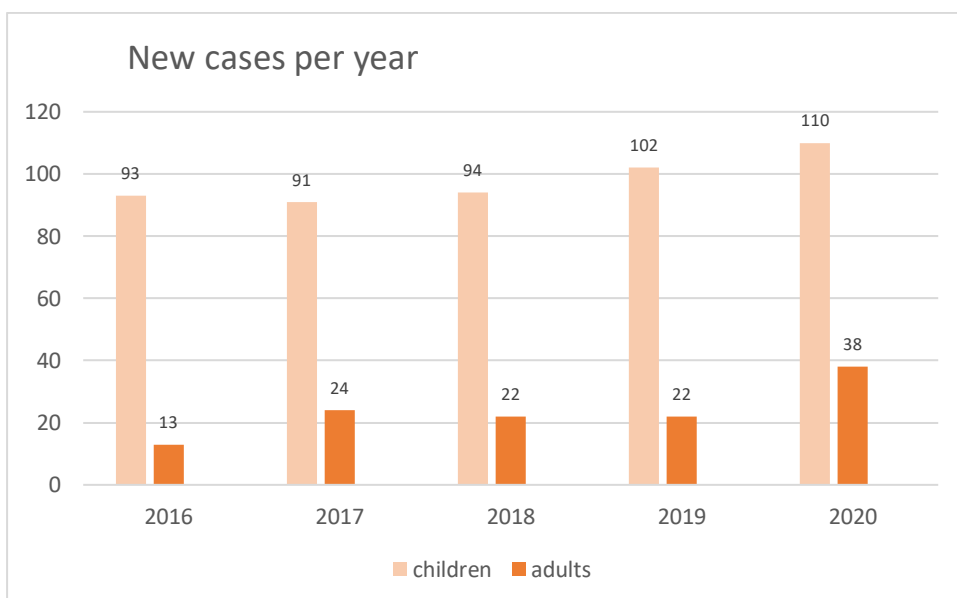
The team provides advice, primarily to the Health and Community Services department, in relation to adult social care and safeguarding, as well as to Children, Young People, Education & Skills in relation to children's safeguarding matters. The team acts for the Children's Service in applications for 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. In common with colleagues across the Civil Division, the Safeguarding team

provided advice to the Government on a range of matters arising from the Covid-19 pandemic. This advice was typically required within tight timeframes and in the midst of fluctuating circumstances as the impact of the pandemic unfolded.



There was a significant increase in referrals relating to specific children in 2016 and this figure has continued to increase from 2017 to 2020.

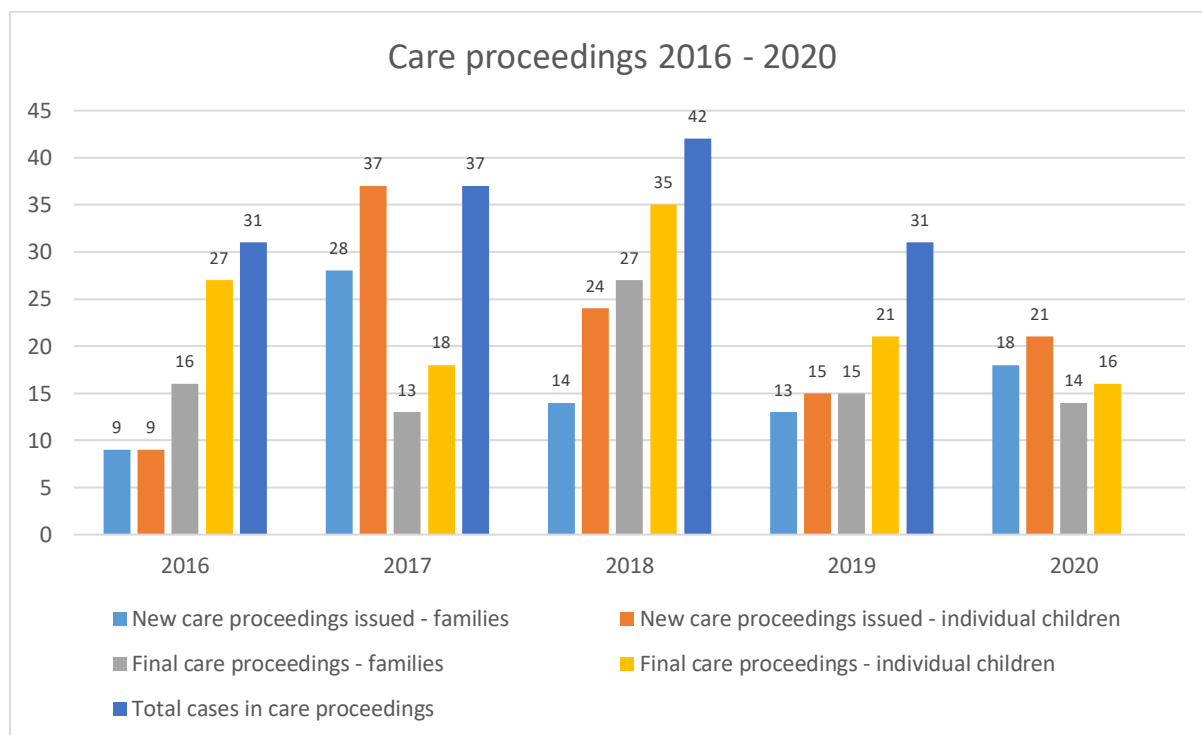
The following chart also shows new referrals for adult cases, which have been formally recorded since 2016 and again show a significant increase to 2020:



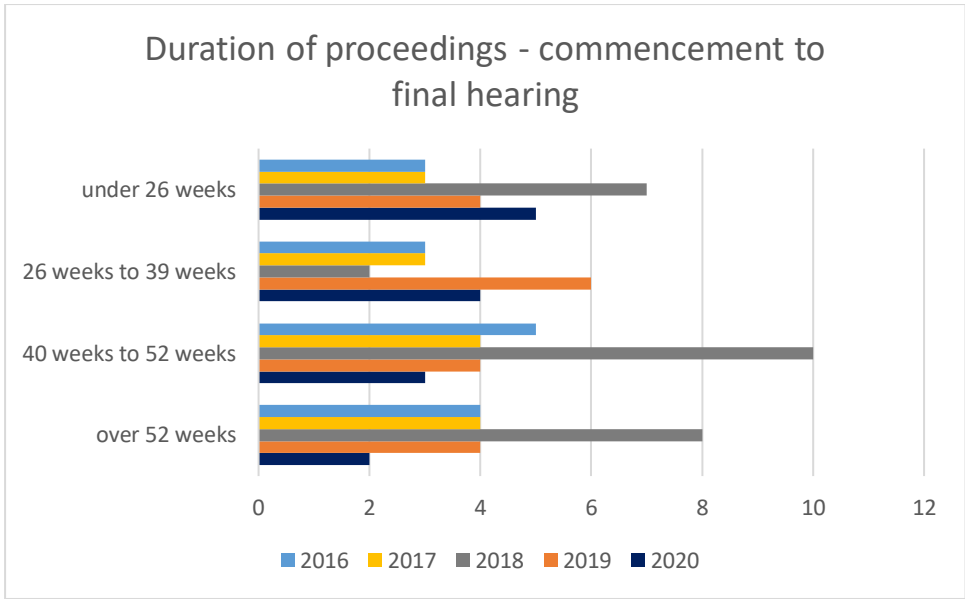
Since 2016 the Children’s Service have adopted a pre-proceedings process designed to avoid court proceedings. The process is triggered when the Children’s Service is considering issuing

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 2020 there were five new cases in pre-proceedings, and three carried forward from 2019 (a total of 12 children) of which three resulted in proceedings being issued, six were stepped down and three continued in to 2021. This means that the process has continued to be successful in avoiding the need for some children to be made subject to care proceedings.

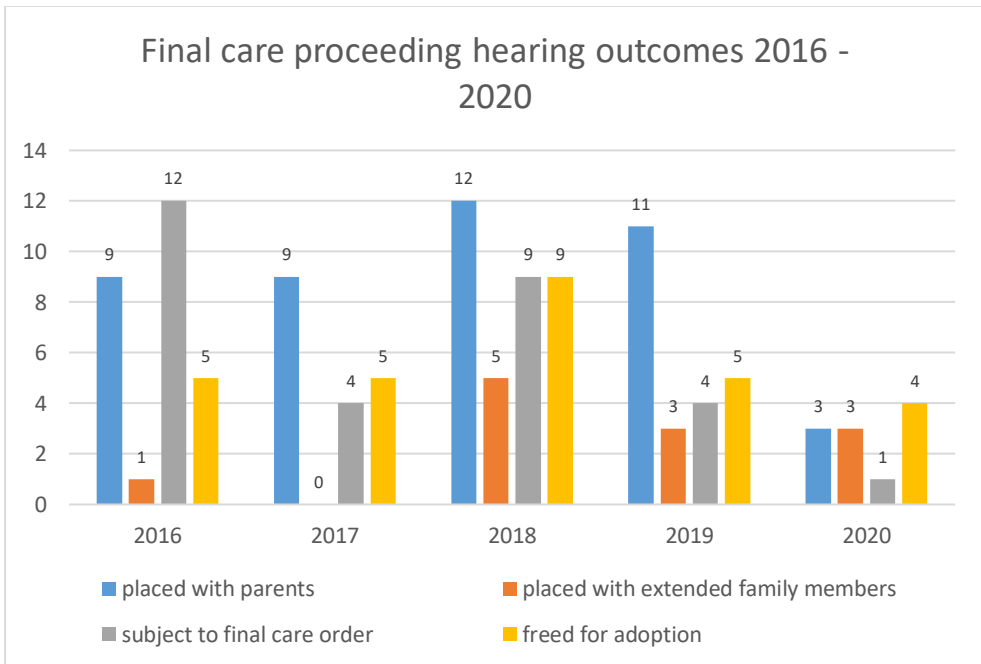
The following table shows the number of new care proceedings, final care proceedings and total cases in care proceedings each year since 2016:



Of the 14 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 six weeks and the longest was 73 weeks. The average period in proceedings was 32 weeks. This compares with an average in 2019 of 36 weeks, 2018 of 42 weeks, 2017 of 46 weeks and 2016 of 45 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 2016 to 2020:



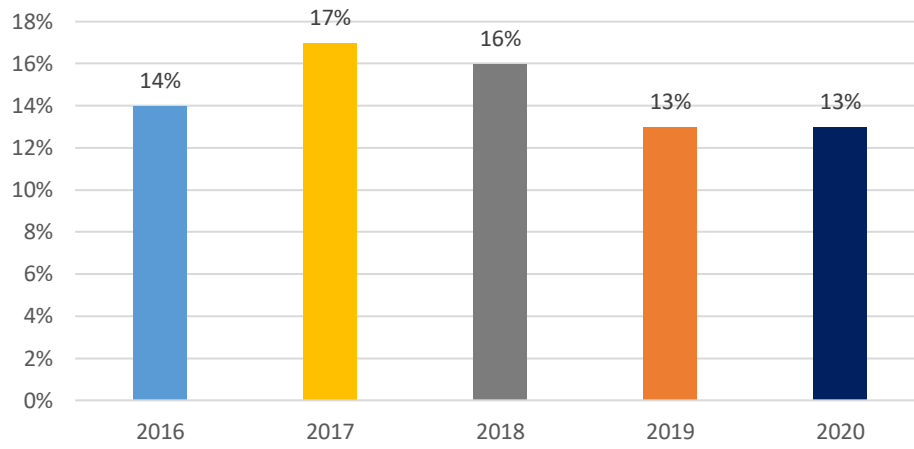
The outcome of a final care proceeding hearing will be the decision to place children either with their parents or extended family members, or for the children to remain subject to a final care order, or to be freed for adoption. The final care proceeding outcomes since 2016 are shown in the following table:



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:

Percentage of Royal Court time taken by public law children's cases



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 a second assessment took place in October 2020, with the assessor looking for maintenance of the high standards achieved in the first year and evidence of continuous improvement.

Following the 2020 assessment, the Department was again awarded Lexcel accreditation for 'excellence in practice management and client care'.

The Lexcel assessor concluded in her 2020 report that, *"the department's approach to client care is excellent. Files are very well managed and the Directors should be proud that employees recognise that their colleagues often go over and above the expected standard of care when dealing with client departments."*

The assessor highlighted twelve areas of good practice in her report and five suggestions for best practice. Commenting on the Department's response to the Covid-19 pandemic, the assessor noted: *"the organisation has adapted extremely well to the current Coronavirus crisis and has executed their business continuity plan very well."*

The assessor singled out 'people management' as an area with a particularly high number of areas of good practice, commenting that she found *"the Department being led exceptionally well"* and that she *"was pleased to hear during the course of the interviews of the supportive team spirit within the Department and of there being a truly supportive team culture."* The assessor reported that she *"was pleased to hear from employees who recently joined the Department about the robust interview process"* and concluded from her staff interviews that *"the Department demonstrates an inspiring approach to promoting learning and self-development."*

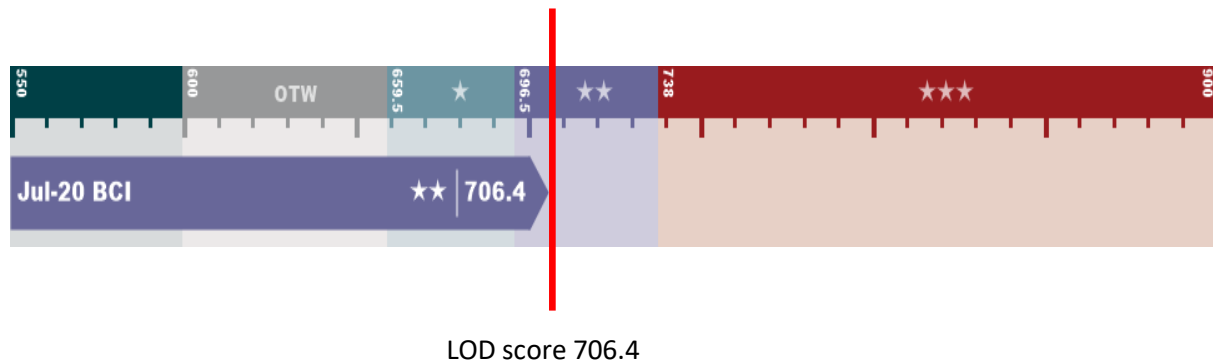
Be Heard Employee Engagement Survey

In the summer of 2000 the Department's staff also took part in the Best Companies 'Be Heard Employee Engagement Survey' that was conducted across all Government and Non-Ministerial Departments. The anonymous survey asked probing questions on areas such as support from line managers and team members, values, motivation, work pressure, leadership

skills, clarity of what is expected of employees and the importance of flexible working to members of staff.

The Law Officers’ Department had a 65.82% take up of the survey, compared with an industry benchmark of 56.07% and the overall Government of Jersey take up of 55.81%.

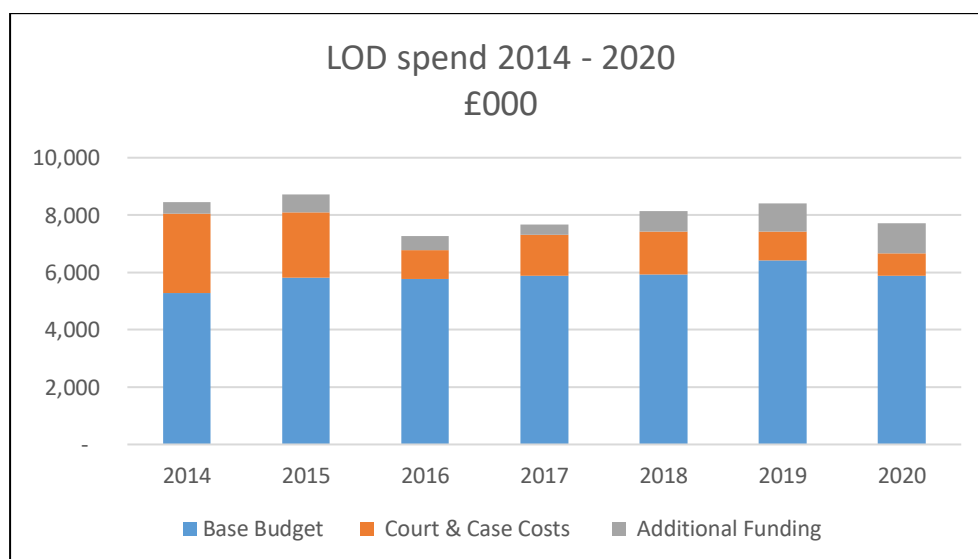
As illustrated in the following chart, the Department achieved an overall engagement score commensurate with a 2 Star accreditation, which “is made possible only through an outstanding commitment to workplace engagement.”¹



Financial resources

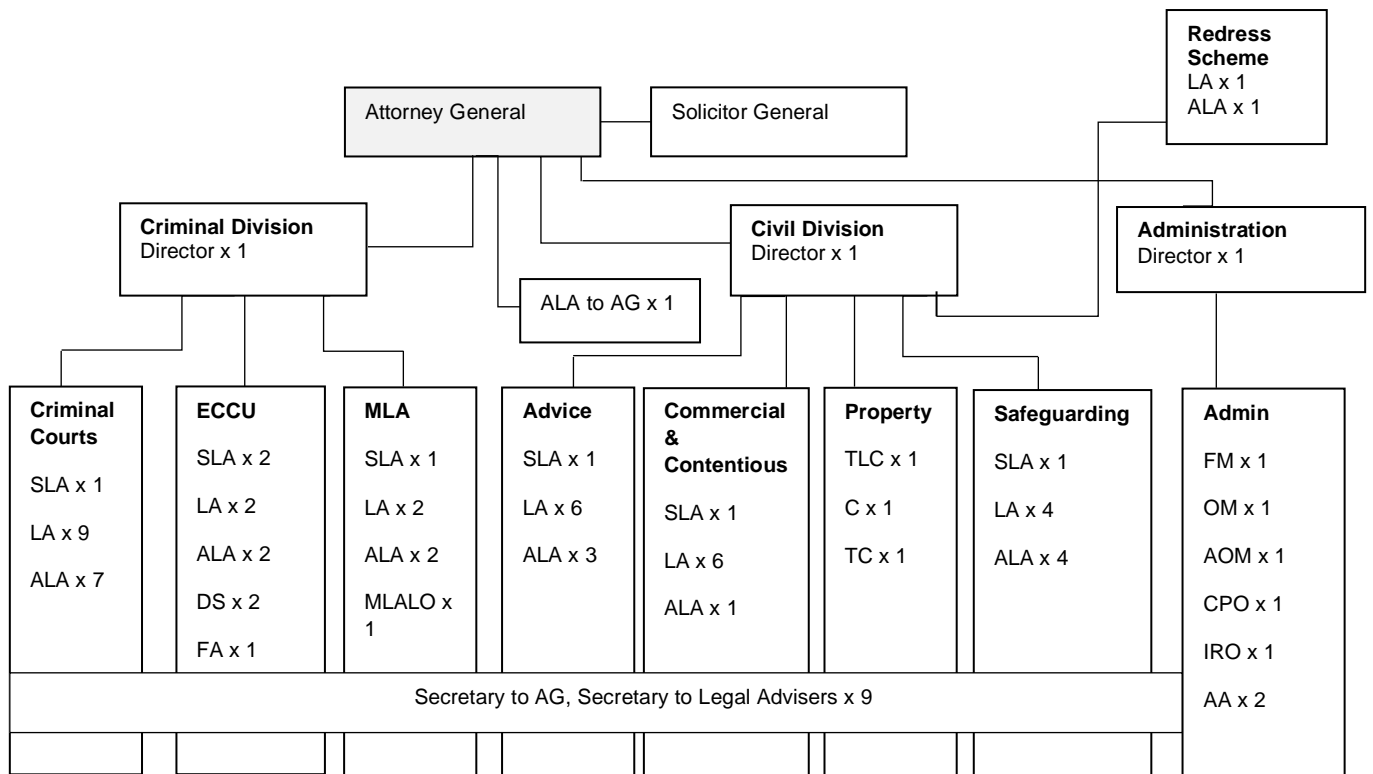
As a non-ministerial department, the Law Officers’ Department receives funding from the States and adheres to the Public Finances Manual as set out by the Treasurer of the States under the Public Finances (Jersey) Law 2019.

The savings commitment made for the Medium Term Financial Plan (2016 – 2019) continued into the first Government Plan (2020 – 2023). As can be seen in the following chart, the actual spend of the Department was at the same level in 2020 as it had been in 2017, and below the spend in 2014 and 2015, notwithstanding the significantly increased workload since that time.



¹ '2 star' definition from Best Companies UK website, 2021.

Appendix 1 – Law Officers’ Department Organisation Chart 2020



Notes

Headcount in this chart is by individual, not by 'Full Time Equivalent' (FTE). The headcount was correct at 31 December 2020 and does not include authorised vacancies.

- AA: Administration Assistant
- AG: Attorney General
- ALA: Assistant Legal Adviser
- AOM: Assistant Operations Manager
- C: Conveyancer
- 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