



Law Officers' Department

Business Plan 2021



Foreword

I am pleased to present the Business Plan for the Law Officers' Department which sets out our objectives for 2021. The Business Plan has been agreed by the Department's Senior Management Team and has benefitted from input from our staff.

Looking back, 2020 was a very difficult year. The Covid-19 pandemic presented challenges unlike any other which have continued into 2021. The Department's business continuity plan was tested to its fullest extent but, thanks to the exceptional dedication of our staff, the Department continued to deliver our services to the high standards expected. I am also grateful to the Solicitor General, Matthew Jowitt QC, who volunteered to join the Department early to assist with the challenges raised by the pandemic.

I was delighted to note that the Lexcel assessor reported in her independent review for 2020/2021 that she found a *"truly supportive team culture"* within the Department. The assessor continued 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."*

Looking forward, pages 7-8 of the Business Plan summarise our key objectives and deliverables for 2021. In addition to our essential work of providing advice to safeguard Jersey's vulnerable children and adults, providing the independent prosecution service for the Island, and supplying legal advice to the Government, the States Assembly and the Crown, the Department has specific areas of work to focus on. These include continuation of the work on the consequences of Brexit, the Children's legislation programme, advice in relation to tax collection for Revenue Jersey, tackling financial crime and work arising from the Island's National Risk Assessment. We will also be implementing a new Case Management System and participating fully in the Courts Digital Project.

Pages 10-12 of the Business Plan summarise how we will develop our staff, our commitment to diversity and inclusion, and our measures concerning health, safety and wellbeing. Continuing and developing our supportive team culture is essential to meeting our objectives for 2021.

Finally, I would like to draw attention to the Be Heard employee engagement survey that was carried out across all Government and States Departments in the latter half of 2020. The survey results revealed that the Law Officers' Department is a happy place in which to work, with an employee engagement rating that is commensurate with an organisation with an outstanding commitment to workplace engagement. It is especially pleasing to have achieved these results during the difficult times of the pandemic.

Mark Temple QC
HM Attorney General



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Department	Law Officers' Department
Services covered	Civil Division Advice Commercial & Contentious Property Safeguarding Criminal Division Criminal Courts Economic Crime and Confiscation Unit Mutual Legal Assistance
Crown Officers	HM Attorney General Mark Temple QC HM Solicitor General Matthew Jowitt QC

1. Our purpose

Our Purpose

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

The **Attorney General** has overall responsibility for the Department and is 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.

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.

Our Values

We share the values of all States of Jersey employees:

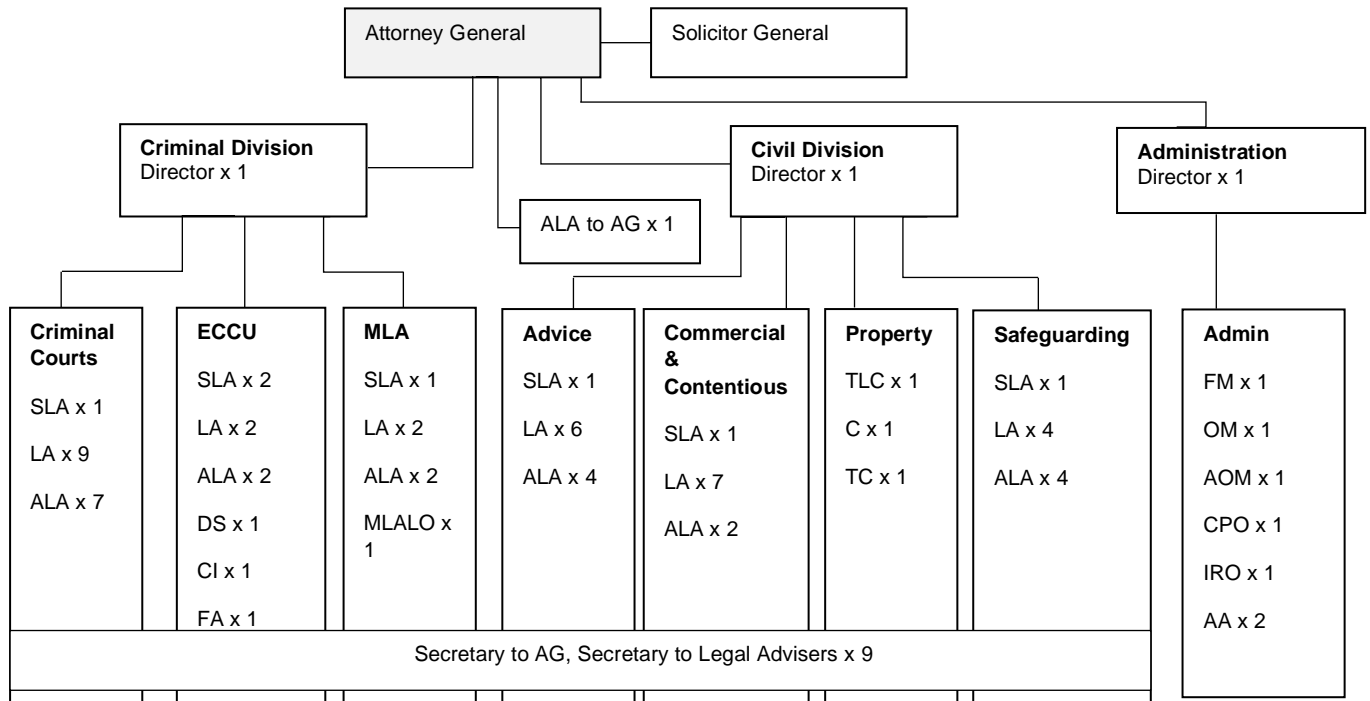
- We are respectful
- We are better together
- We are always improving
- We are customer focused
- We deliver

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



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

2. Law Officers' Department Organisation Chart



Headcount: 88 individuals / 79.8 Full Time Equivalent (FTE)

Notes

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



3. Our key objectives and deliverables

Key Objectives and Deliverables		
Key Objective	Key Deliverable	Lead Service
1) To provide legal advice to the Government, States Assembly and the Crown	High quality and timely legal advice provided, including property transactions.	Civil Division: Advice Team; Commercial & Contentious Team; Property Team Criminal Division: Criminal Courts Team
2) To provide an independent prosecution service for the Island	High quality and timely advice provided. Prosecutions in the Royal Court and Magistrate's Court carried out fairly, efficiently and effectively.	Criminal Division: Criminal Courts Team; ECCU
3) To protect the interests of the Crown and the Government in civil proceedings	High quality and timely advice provided. Hearings in the Courts and Tribunals carried out fairly, efficiently and effectively.	Civil Division: Commercial & Contentious Team
4) To help safeguard children and adults at risk	High quality and timely advice provided. Proceedings in relation to children concluded expeditiously. Advice provided in relation to vulnerable adults or those who lack capacity and applications made to Court as appropriate.	Civil Division: Safeguarding Team
5) To enable the forfeiture and confiscation of the proceeds of crime	High quality and timely advice provided to JFCU and forfeitures carried out fairly, efficiently and effectively.	Criminal Division: ECCU MLA
6) To assist overseas law enforcement agencies	High quality and timely assistance provided.	Criminal Division: MLA
7) To carry out the statutory and customary law duties of the Attorney General	Exercise disciplinary and other functions in relation to the Honorary Police. Ensure <i>Partie Publique</i> functions performed effectively.	Attorney General Civil Division: Safeguarding Team Advice Team
Specific for 2021		
Workstreams	Key Deliverable	Lead Service
1) Provide continued advice regarding the Island's Covid-19 response	High quality and timely advice provided on Covid-19 issues to enable the Government to effectively protect the public and support the economic recovery following the pandemic.	Civil Division: Advice Team Commercial & Contentious Team Safeguarding Team
2) Continue to advise on the negotiation and	High quality and timely advice provided on international trade	Civil Division: Advice Team



implementation of Jersey's trading relationships, including the Trade Co-operation Agreement with the EU.	arrangements and their implementation to ensure Jersey can maximise the opportunities arising from new relationships while protecting its economy and constitutional position.	
3) Tackling financial crime and preparation for the National Risk Assessment	High quality advice and investigations of financial crime to ensure Jersey complies with best practice and maintains the Island's reputation as a well-regulated international finance centre. High quality and timely advice on legislative reform.	Criminal Division: ECCU MLA Civil Division: Advice Team Commercial & Contentious Team
4) Advice in relation to the children's legislation programme	High quality and timely advice provided in relation to children's legislation	Civil Division: Advice Team Safeguarding Team
5) Further development and training of SoJP on frontloading of cases and on unused material	Timely and successful prosecutions with efficient use of resources	Criminal Division: Criminal Courts Team; ECCU
6) Advice in relation to tax collection and other initiatives for Revenue Jersey	Increase in revenue for the Government of Jersey by taking legal action in relation to unpaid taxes	Civil Division: Commercial & Contentious Team
7) Work on improving the arrangements for dealing with personal injury claims	Reduce risk to Government of Jersey as a result of PI claims	Civil Division: Commercial & Contentious Team
Financial / Operational		
1) Develop and improve more efficient processes using functionality of new Case Management System	New Case Management System developed and implemented (iCasework)	All
2) Maintain efficiency savings established in MTFP2 and perpetuated through GP1	Keep within approved revenue budget expenditure limits	Accountable Officer
3) Maintain Lexcel accreditation	Adhere to Lexcel Standards to achieve Lexcel accreditation for third year	All
4) Digital engagement – continue to progress digital solutions including the Courts Digital project	Full participation in the Courts Digital Project throughout 2021 in order to ensure success of the project for efficient use of the Courts and the Justice System (both in relation to prosecutions and to civil court cases)	SMT and relevant teams
5) Ensure continued service delivery in light of Covid-19 response	Maintain Business Continuity Plan and flexible working arrangements in line with the GoJ Safe Exit Strategy	SMT



4. Monitoring progress and risk management arrangements

Monitoring Progress of delivery of the Business Plan

Management Information regarding meeting performance standards, as set out in the Service Level Agreement and the Service Standard established with instructing departments, can be obtained through the Department's practice management system, Prescient Plus and through the maintenance of records in the teams. Improved management information and KPI reporting is anticipated with the change of the Department's practice management system from Prescient Plus to iCasework in 2021.

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

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

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

Risk Management Reporting Arrangements

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

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

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

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



5. Our service users

Service Users and Projected Demand for Services

Civil Division

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

Demand for services may increase during the Government Plan period depending on new legislation or increasing demand from the instructing departments for the Law Officers' Department's services. For example in the 2016 – 2019 Medium Term Financial Plan, additional resources were required following Ministerial Decisions relating to Children's Safeguarding, Adult Safeguarding, Brexit and the Redress Scheme. Additional resources will be required if Ministerial Decisions during the 2021 – 2024 Government Plan result in an increased workload for the Department.

The demand for advice required for the Covid-19 response and in relation to international trade is also expected to remain at a high level for 2021.

Criminal Division

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

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

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

With the increase in focus on Financial Crime in the Government Plan period, there may be a requirement to provide additional resources for this area of work.

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

6. Our people

This section outlines how we will develop our staff and their capabilities and our approach to equality and diversity.

In October 2020, the Law Officers' Department was awarded Lexcel accreditation for 'excellence in practice management and client care' for the second year running. The independent 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 concluded from her interviews with staff members that “the Department demonstrates an inspiring approach to promoting learning and self-development.”¹

The Department’s staff also took part in the Best Companies ‘Be Heard Employee Engagement Survey’ in 2020, achieving a score for the Department commensurate with a 2 Star accreditation, which “is made possible only through an ‘outstanding’ commitment to workplace engagement.”² The 2020 survey was the first Best Companies engagement survey undertaken by the Department, as part of a larger survey undertaken by all States Departments. In 2021 the Department will take a stand-alone employee engagement survey with the target to gain accreditation in line with the 2020 survey results.

Staff Development and Capability

The Department will support five staff members through the Jersey Law Course at the Institute of Law (three in their second year, two in their first year) in 2021. Details of the support available are provided in the Lexcel Standard 4.3a ‘LOD support for legal qualifications’.

In the Criminal Division, specialist advocacy skills training will be provided to legal advisers by Queen’s Counsel and experienced criminal practitioners and tutors. In the Civil Division, advocacy training will be provided by an Honorary Professor of Advocacy at Nottingham Law School. All newly qualified advocates will participate in the advocacy training arranged by the Bailiff’s Chambers.

Attendance at specific conferences and training events will be encouraged and supported where appropriate.

Following a break due to the Covid-19 response in 2020, in-house training sessions will continue with the Non-Ministerial Departments in 2021.

All managers will be expected to attend the Team Jersey management training sessions and all staff are expected to attend the Team Jersey ‘colleague’ training sessions.

Diversity and Inclusion

We value diversity and are committed to ensuring a safe, supportive inclusive working environment, free from bullying and harassment where our people feel valued as individuals and able to express and be themselves.

We will do this by:

- promoting agile working and practices that support diversity, attract and retain talent and support increased wellbeing;
- supporting the ‘I Will’ programme;

¹ Lexcel assessment report, October 2020

² Best Companies UK website, 2021.



- embedding the organisation values and behaviours and ensuring these are role modelled by the department leadership team;
- holding to account those who do not meet the required standards of behaviour;
- providing training where necessary to raise awareness of equality and diversity and ensure compliance to organisational standards;
- ensuring that all recruitment and appointment procedures are unbiased and provide interviews for all disabled applicants who meet the essential criteria for the role; and
- following SEB's People Strategy to address the gender pay gap in the Department.

Health, Safety and Wellbeing

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

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

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

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



7. Our financial context

Financial Overview

Extract from the approved Government Plan 2021 – 2024, Part 2 Service Level Analysis by Department: Government Plan 2021 - 2024 Annex

Service Area	Income	DEL	Net Revenue Expenditure	Non Cash Net Revenue Expenditure	Total 2021 Net Revenue Expenditure
	£000	£000	£000	£000	£000
Law Officers' Department					
Law Officers General	288	7,619	7,331	0	7,331
Court and Case Costs	0	1,121	1,121	0	1,121
	<u>288</u>	<u>8,740</u>	<u>8,542</u>	<u>0</u>	<u>8,542</u>

Efficiencies

The Law Officers' Department undertook efficiency savings and restructuring in the 2016 – 2019 Medium Term Financial Plan (MTFP2), which enabled spend for each year of MTFP2 to be reduced below the 2015 spend of £8.7m. Approximately £1m was taken off the Department's budget during this period. At the same time as reducing costs, the Department increased headcount significantly in response to increasing demand and a wider range of services provided (additional resources for Children and Adult Safeguarding, the creation of the Economic Crime and Confiscation Unit and work on Brexit and international trade). Investment in the Department's staff has resulted in a reduction in the amount of work being externalised which has been the main contributor to the savings achieved. The level of spend in 2020 was still below the Department's spend in 2015.

Having achieved these significant efficiency savings, it is not envisaged that there will be scope for further reductions in expenditure in the Government Plan 2021 – 2024.



8. What will we do in 2021? Measuring progress against planned deliverables

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



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



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

9. Monitoring Service Performance – Our Key Performance Indicators

KPI Description	Baseline 2020	Reporting frequency
Civil Division		
Provide initial advice within 20 working days of receipt of full file.	Civil Division: ³ Compliance: 94.5% Median: 2 days	biannual

³ Source: completed fields in P+ reviewed 27 Jan 2021



	<p>Advice Team: Compliance: 96.3% Median: 3 days</p> <p>C&C Team: Compliance: 92.7% Median: 3 days</p> <p>Property Team: Compliance: 94.3% Median: 7 days</p> <p>Safeguarding Team: Compliance: 92.3% Median: 2 days</p>	
Royal Assent Memoranda completed and forwarded to the Privy Council via the States Greffe within 10 days of their receipt by the Department after being adopted	Compliance: average 17 days	annual
Criminal Division – Criminal Courts		
Initial review of the case carried out by the Lawyer Responsible within 28 days of receipt of the full file.	Compliance ⁴ : 56.4% Median: 25 days	biannual
Criminal Division - MLA		
Urgent cases: initial review within seven days of receipt of Request	Compliance: 50%	biannual
Urgent cases: where actionable without further reference to the Requesting Authority, action taken within 14 days of receipt of the Request	Compliance: 100%	biannual
Non-urgent cases: initial review within 30 days of receipt of Request	Compliance: 75%	biannual
Non-urgent cases: action taken within 90 days of receipt of the Request (excluding any delay in reply from the Requesting Authority)	Compliance: 80%	biannual

⁴ Source: data on Advice files entered into P+ matter 103-02.20200001, reviewed 26 Jan 2021

