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**Confidential**

Constable Karen Shenton-Stone  
Vice Chair  
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Dear Karen

**PAC COVID-19 Response Review**

Thank you for your letter dated 16 December 2021 and I attach answers to the preliminary questions asked in your letter.

Yours sincerely

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## **PAC Covid-19 Response Review – the Law Officers’ Department**

### **Questions on the Response to COVID-19**

#### Question 1.

How did your responsibilities as the Principal Officer to/Head of your department change during the COVID-19 Pandemic? What new responsibilities did you take on and what responsibilities did you hand over to other officers?

- a. How was this tracked?
- b. What new responsibilities did your department take on and what responsibilities did you hand over to other departments? How were these tracked?
- c. How did you work with other departments and key stakeholders to identify new areas of work to mitigate the impact of the pandemic?

Answer:

The responsibilities of the Law Officers continued throughout the Covid-19 response, namely:

- providing legal advice to the Government, the States Assembly and the Crown;
- providing an independent public prosecution service for the Island;
- protecting the interests of the Crown and Government in civil proceedings;
- helping safeguard children and adults at risk;
- assisting overseas law enforcement agencies and;
- titular head of the Honorary Police (in the case of the Attorney General).

During the pandemic response, frequent advice and attendance was required by the Emergencies Council, the newly formed Competent Authority Ministers, and the Council of Ministers.

In terms of working with other departments, the Criminal Justice Working Group (chaired by the Attorney General) met weekly throughout the early stages of the pandemic response, as a forum for all those departments and agencies involved in criminal justice to coordinate their responses.

Legal Advisers from the Civil Division worked closely with SPPP and the Legislative Drafting Office to fast track new legislation required and the Safeguarding team Legal Advisers worked closely with Children’s Services in order to continue essential services throughout the pandemic.

No responsibilities were handed over to other departments.

Question 2.

We know there has been a huge impact of COVID-19 response measures on departmental business as usual activities, including the secondment of staff to other departments to aid the response effort. Do you have a 'back-to-normal' recovery plan for your department?

- a. In respect of the secondment of Government staff to other departments to aid the response effort, how did you ensure disruptions to certain workstreams were prioritised in an objective and consistent way?
- b. What would you do differently next time?

Answer:

The Law Officers' Department did not second staff to other departments as all departmental staff were required to continue working in order to cover the responsibilities listed in answer to Question 1 above. As such there was not a 'back to normal' recovery plan.

If there were to be a next time, it is anticipated that Law Officers' Department staff would again remain working for the Department in order to carry out the essential functions of the Department.

Question 3.

How have you monitored the effects of the COVID-19 Pandemic on departmental business as usual activities and the disruptions to it?

- a. What tools were developed by your departments to monitor this?
- b. How do you minimise the impact on services and key deliveries?
- c. What decision making tools/approach did you use to decide on who should be seconded, and to where?
- d. How did you compensate for staff seconded to other departments to aid the response effort?

Answer:

The greatest effect of the pandemic on departmental business as usual was a huge increase in urgent requests for advice to the Law Officers' Department.

The volume of requests for advice is monitored and 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 recognised in the Government's 2020 team awards.

The greatest challenge for the Criminal Division of the Law Officers' Department was the requirement 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 unprecedented. For example, the Covid-19 (Enabling Provisions) (Jersey) Law 2020 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 approximately 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. Despite these challenging working conditions, the client service ethos remained, and according to the results of the Be Heard employee engagement survey that was carried out in the summer of 2020, employees rated the support received from their managers and teams very highly, with staff wellbeing and client service receiving particularly high scores. The survey results were backed up by the findings of the independent Lexcel assessor who carried out an assessment of the Department in October 2020 and reported a "truly supportive team culture" and that "the department's approach to client care is excellent."

#### Question 4.

Was any departmental authority changed during the Pandemic, including as a result of crisis management efforts, and if so, were they consistent with existing laws and regulations?

Answer:

In order to comply with Covid-safe measures, Parish Hall Enquiries were temporarily suspended during the height of the pandemic and the prosecution of some minor offences, such as the display of printed windscreen insurance discs (as these were no longer being printed), were also temporarily suspended. Otherwise no departmental authorities were challenged.

#### Question 5.

Who is responsible for monitoring the performance of services established in response to the COVID-19 Pandemic within your department?

- a. What and how have you documented lessons learnt?
- b. How do you intend to incorporate lessons learned from the performance of these services into the wider performance of your department?

Answer:

The Attorney General has written to the Bailiff regarding the Covid regulations for Court processes to see which of the new processes worked well and could be carried forward as the new business as usual. Subject to the answer of the judiciary, the Attorney General will carry out the same exercise in relation to the Honorary Police.

#### Question 6.

How were self-assessment frameworks and Key Performance Indicators used to ensure that key services continued to operate?

- a. What worked well?
- b. What would you do differently?

Answer:

The Department's KPIs (published in the annual review and business plan) show that the Law Officers' Department continued to operate with a high level of service during the pandemic. This was achieved by the commitment and client service ethos of all staff at the Department.

Both the Employee Engagement survey and the independent Lexcel assessments of 2020 and 2021 testify to this, with the Lexcel assessor reporting: "During COVID lockdown in particular it was noted by staff that the management team and line managers commitment to staff welfare was (and continues to be) exemplary."

The Department was reasonably well equipped with laptops prior to the Pandemic to enable home working. However, in the initial stages of the Pandemic practical difficulties were experienced in relation to meetings of the Criminal Justice Working Group in that these had to be carried out using the speaker function on normal telephones. Due to the numbers of agencies involved there were difficulties with feedback on the telephone calls. The subsequent introduction of Microsoft Teams solved this (see Question 12 below).

#### Question 7.

What role did your communication with the Council of Ministers and the rest of the States of Jersey play in deciding on resource and staff reallocations? What level of consultation did you have with them?

- a. What level of responsibility as the head of your department did you have on how staff should be reallocated and what resources could be taken from your departments and applied to the COVID-19 responses? How was this decision making formalised?

Answer:

The Law Officers' Department did not second staff but as stated in previous answers, the Law Officers were heavily engaged with the Council of Ministers, the Competent Authorities Ministers, the Emergencies Council and the States Assembly, providing advice on matters such as the virtual attendance of States sittings and the Covid-enabling legislation.

#### Question 8.

Can you update us on how your department has responded to the recommendations made by the C&AG on the response to the COVID-19 Pandemic? Have any recommendations been implemented?

- a. Have any changes made to the operations or working practices?

Answer:

The C&AG recommendations issued to date on the Covid-19 response have not covered the operations or working practices of the Law Officers' Department.



#### Question 9.

What thought has been given to 'future proofing' services?

Answer:

The Department's successful response to the Covid19 pandemic was:

- 1) hampered by the lack of availability of essential IT services due to the overload on the States network and servers;
- 2) enabled by the supportive team culture and client service ethos of all Departmental staff;
- 3) enabled by the support provided by the Department's administration team which ensured that the legal advisers could function to the maximum capacity possible throughout the Covid response.

In order to 'future proof' services, in terms of removing the risk inherent in (1) above, the Department is changing its practice management system to a cloud-based provider, thereby removing the reliance on States servers. The Department also continues to digitalise at pace, adopting the practices of the Courts Digital project and remote working technologies.

In terms of (2) and (3) above, continued high levels of employee engagement are key, with a continuation of the flexible working and the 'true team culture and support' identified by the Be Heard survey and the independent Lexcel assessor. Staff welfare and the challenge of maintaining a supportive team culture needs to be considered if there are to be prolonged periods of working from home.

#### Question 10.

How did you work with Commercial Services to understand your department's procurement needs during the pandemic?

Answer:

The Department did not have any specific procurement needs, other than the requirement for sanitisers and cleaning equipment in the office. This could be procured through the usual channels, without taking up the time of Commercial Services. The Department had already commenced a programme of digitisation and only a handful of additional laptops were required, which were quickly sourced through Modernisation and Digital.

#### Question 11.

How have you measured, monitored, and reported on your performance, financial management (including value for money and cost benefit analyses) and impact on work programmes during the COVID-19 pandemic? What 3 things could be improved?

Answer:

All legal matters relating to Covid were labelled as such in the Department's practice management system in order to measure and monitor the work carried out. No additional costs were incurred by the Department to provide these services.

Question 12.

What would you do to improve how your department communicated with the rest of the States of Jersey and external stakeholders?

Answer:

It has not been reported from any quarter that communication with the Law Officers' Department was an issue during the pandemic response. During the course of the pandemic, Modernisation and Digital rolled out Microsoft Teams to the Law Officers' Department. This had an immediate positive impact in allowing virtual 'face to face' meetings to take place between Legal Advisers, stakeholders and other States Departments.

In terms of communicating with the Department's staff, the Senior Management Team met weekly and full minutes of each meeting were emailed to all staff immediately after each meeting. Regular Covid-19 response updates were sent by the Practice Director to all staff, and all Departmental operational Covid-19 communications have been saved in a digital folder in order to allow for scrutiny and a review of actions taken at any future date.