

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 12th APRIL 2016**

Question

What mechanisms are there for people who are dissatisfied with the work of the Crown Officers, the Judiciary, and the legal system in general, to (a) complain, or (b) express their dissatisfaction, and to whom should such complaints be made? How can such mechanisms be strengthened and made more accessible to ordinary members of the public in Jersey?

Answer

The following mechanisms are in place:

Bailiff / Deputy Bailiff

Complaints in respect of the alleged misconduct of the Bailiff and Deputy Bailiff are made in writing to the Lieutenant Governor in accordance with the Bailiff Complaints Procedure.

The Bailiff Complaints Procedure is available on the gov.je website at:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Bailiff%20Complaints%20Procedure%2020150901%20JR.pdf>

The Code of Conduct for the Members of the Judiciary of Jersey referred to in the Bailiff Complaints Procedure is available on the gov.je website at:

<https://www.gov.je/Government/NonexecLegal/JudicialGrefe/Pages/CodeConduct.aspx>

Judiciary

Complaints in respect of the alleged misconduct of any Commissioner of the Royal Court, the Magistrate, the Assistant Magistrate, any Relief Magistrate, any Ordinary Judge of the Court of Appeal, the Judicial Greffer, the Deputy Judicial Greffier and any officer of the Judicial Greffe who is authorised to discharge the judicial function of the Judicial Greffer are made in writing to the Bailiff in accordance with the Judicial Complaints Procedure.

The Judicial Complaints Procedure is available on the gov.je website at:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Judicial%20Complaints%20Procedure%2020150901%20JR.pdf>

The Code of Conduct for Members of the Judiciary of Jersey referred to in the Judicial Complaints Procedure is available on the gov.je website at:

<https://www.gov.je/Government/NonexecLegal/JudicialGrefe/Pages/CodeConduct.aspx>

Attorney General and Solicitor General

Complaints in respect of the alleged misconduct of the Attorney General and Solicitor General are made in writing to the Lieutenant Governor in accordance with the Law Officers' Complaints Procedure.

The Law Officers' Complaints Procedure is available on the gov.je website at:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Law%20Officers%27%20Complaints%20Procedure%2020150904%20ALS.pdf>

Other Complaints Mechanisms

Lawyers working in the Law Officers' Department

Complaints in respect of the alleged misconduct of lawyers working in the Law Officers' Department are made in writing to the Attorney General in accordance with the Law Officers Department Disciplinary Procedure and Code of Conduct for Lawyers:

The Law Officers' Department Disciplinary Procedure is available on the gov.je website at <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/LD%20LOD%20Disciplinary%20Policy%20and%20Procedure%202014-07-08%20BJL.pdf>

The Law Officers' Department Code of Conduct for Lawyers is available on the gov.je website at <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/LD%20Code%20of%20Conduct%20for%20lawyers%2020140708%20BJL.pdf>

Advocates and Solicitors of the Royal Court of Jersey

Complaints in relation to alleged professional misconduct and poor service of members of the Law Society of Jersey are made in writing in accordance with The Law Society of Jersey (Disciplinary Proceedings) Rules 2010 and the Law Society of Jersey Code of Conduct.

Information on making a complaint can be found on the Law Society of Jersey website at <http://www.jerseylawsociety.je/public/complaints/>.

The Law Society of Jersey (Disciplinary Proceedings) Rules 2010 are available on the jersseylaw.je website at

[http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f07%2f07.570.40_TheLawSocietyofJersey\(DisciplinaryProceedings\)Rules2010_RevisedEdition_1January2011.htm](http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f07%2f07.570.40_TheLawSocietyofJersey(DisciplinaryProceedings)Rules2010_RevisedEdition_1January2011.htm)

The Law Society of Jersey Code of Conduct is available on the Law Society of Jersey website at <http://www.jerseylawsociety.je/lawyer/code-conduct/code-conduct/>

Legal System in General

The States Assembly confirmed, following P.92/2013¹, that the Chief Minister is responsible for justice policy and resources. The Proposition explained that:

¹ <http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.092-2013.pdf>

“This means that the Chief Minister has –

(i) democratic responsibility within the executive branch of government for the components of the overall justice system...(e.g. the overall criminal, civil, family and administrative justice system; the courts, tribunals, access to justice and legal aid);

(ii) responsibility for safeguarding human rights, data protection, legal services, constitutional reform, and strengthening democracy, as part of the overall justice and constitutional affairs portfolio;

(iii) responsibility for the Legislation Advisory Panel.

Any dissatisfaction with the legal system in general should therefore be addressed to the Chief Minister.

P.92/2013 further explained that:

“...this clarification of the Chief Minister’s responsibility for overall justice policy and resources is not intended to affect the existing framework within which relevant offices and arm’s-length bodies perform their functions; and therefore does not suggest that the Chief Minister has responsibility for individual cases, operational or administrative matters, legal or constitutional advice provided by officers of the Crown, or day-to-day resource management – all of which remain the responsibility of the relevant offices and arm’s-length bodies. The States Assembly will wish to recognise the importance of maintaining the independence of the courts and the prosecution and data protection authorities as part of upholding the rule of law.”

As such, any matters falling outside the Chief Minister’s responsibility should be addressed using the complaints mechanisms set out above or addressed to the relevant office.

In accordance with his responsibility the Chief Minister has established an Access to Justice Review², chaired by Senator P.F. Routier M.B.E. Details of the Review can be found at <https://www.gov.je/CrimeJustice/AccessToJusticeReview/Pages/index.aspx>.

The Review is still open to submissions from the public who have experience of access to justice in Jersey. Details on how to provide a submission can be found at <https://www.gov.je/CrimeJustice/AccessToJusticeReview/Pages/CommentAccessJustice.aspx>.

² http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.158-2013.pdf?_ga=1.237864512.1902697789.1436360890