



**Your Ref:**

**Our Ref:** MT/KLeM/101-05.2020006

18 May 2020

Deputy Robert Ward  
Mount View  
Bellozanne Road  
St Helier  
Jersey  
JE2 3JW

Dear Deputy Ward

Redress and Accountability Systems in Jersey

Thank you for your letter of 1 May requesting details of the Law Officers' Department's complaints and disciplinary policies.

I have set out below answers to your questions, and would be pleased to answer any follow up questions or provide any further details requested by your deadline.

The Law Officers' Department adheres to the Lexcel Client Care Standard for complaint handling. Lexcel is a recognised set of quality standards established by the England and Wales Law Society, covering the seven areas of legal practice management: Structure and Strategy; Financial Management; Information Management; People Management; Risk Management, Client Care and; File and Case Management. In 2019 the Department applied for Lexcel accreditation, submitting its policies and procedures for scrutiny by an independent UK assessor who visited the Department, interviewed staff and reviewed cases. The review included an examination of the Department's complaints procedure and the assessor concluded that the Department complied with the all the Lexcel Standards with the result that the Department was awarded Lexcel accreditation at its first attempt in October 2019. Lexcel is concerned with continuous improvement and the Department will be reviewed again in September this year when the all the Standards, including the complaints procedure will be assessed and reviewed again to ensure that the Department has maintained the high standards required for Lexcel accreditation.

I have attached a copy of 'Lexcel Standard 6.5 – Client Care – complaints procedure' which gives an overview of the Department's complaints procedure and links to further documents. The paper refers to the Lexcel Standard 6.3 regarding Service Level Agreements, and for ease of reference I have copied out the relevant sections from these Service Level Agreements:

Service Standards for the Law Officers' Department Civil Division instructing departments:

*Complaints*

- 1) *If the Department is dissatisfied with either the quality or the timeliness of the advice, then this should be raised with the relevant Senior Legal Adviser in the first instance if the advice has been*

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*provided by a Legal Adviser. If the dissatisfaction relates to the work of a Senior Legal Adviser the complaint should be made to the Director of the Civil Division.*

- 2) *All lawyers employed in the LOD are required to abide by the Code of Conduct which is available to view on the States of Jersey website, where the procedure for dealing with complaints about alleged breaches of the Code is also found.*

#### Service Level Agreement for the Criminal Division with the States of Jersey Police:

##### *Escalation*

- 1) *In the event that SOJP is dissatisfied with either the quality or the timeliness of advice from a Legal Adviser, it should be raised in the first instance with the Head of the Magistrate's Court Team, Susie Sharpe. If the dissatisfaction relates to the work of a Crown Advocate, it should be raised in the first instance with the Director of the Criminal Division, Howard Tobias.*
- 2) *All lawyers employed in the LOD are required to abide by the Code of Conduct which is available to view on the States of Jersey website, where the procedure for dealing with complaints about alleged breaches of the Code is also found.*

'Lexcel Standard 6.5 – Client Care – complaints procedure' also provides links to the Department's pages on the gov.je website where the Codes of Conduct are set out and the procedure for making a complaint against a member of staff, a lawyer working in the Department or a law officer:

<https://www.gov.je/Government/NonexecLegal/LawOfficers/Pages/LODDisciplinaryProcedure.aspx>

This web page also includes the disciplinary procedure for lawyers working in the department:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/LD%20LOD%20Disciplinary%20Policy%20and%20Procedure%2020160805%20ALS.pdf>

These codes of conduct, complaints procedures and disciplinary procedures are all available to the public on the gov.je website.

All staff at the Department are also subject to the same Disciplinary policies **and procedures** as other Civil Service staff employed by States Employment Board. These policies are available on the States Intranet.

The Disciplinary Code for lawyers requires all complaints to be referred to me in the first instance. In addition the Practice Director maintains a record of complaints received and the outcome. In accordance with the Lexcel Standards, the complaints are reviewed by the Senior Management Team annually to determine whether there are any systemic issues which should be addressed. The register of complaints will be also reviewed as part of the Lexcel assessment process which, as set out earlier, includes an Annual Maintenance Visit and a reassessment every three years.

I think that it is important to note that the role of the department is to provide advice to Ministers, members of the Assembly, the Government of Jersey and others. We do not therefore, unlike, other departments, provide a service directly to members of the public. If a complaint against a member of staff was upheld then that member of staff might face disciplinary action pursuant to SEB policies leading to dismissal. In addition if the individual is a Jersey Advocate or Ecrivain or is otherwise legally professionally qualified they might face action by the relevant professional body or by the Royal Court in the most serious of cases.

We consider that continued adherence to Lexcel policies and procedures (and the external verification of that), in addition to responding effectively to comments and complaints made both by officers within the Government and by members of the public are important in our overall governance arrangements and in ensuring we continuously improve as a department. Customer feedback questionnaires are

sent out on a small selection of concluded cases in the Civil Division and a summary of the feedback is provided to the Senior Management Team.

You will be aware of the recent C&AG report on Non- Ministerial departments which was published in December 2019 (R.148/2019). It is noteworthy that the C&AG did not find any significant weaknesses in the governance arrangements within this Department. Nevertheless I agree with Recommendation 10 which states as follows:

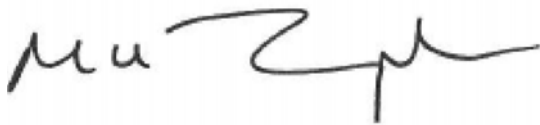
*“Consider options for enhanced oversight of the governance of Non-Ministerial Departments that does not impinge on their operational independence, including through establishment of an advisory Audit Committee that –*

- reports to the Accountable Officers for Non-Ministerial Departments; and*
- provides assurances on internal control to the Treasurer of the States in the context of his wider responsibilities for the public finances of Jersey. “*

The work on establishing a suitable arrangement which provides for independent oversight while respecting the independence of this Department is a key element in enhancing the oversight of governance of the Law Officers’ Department.

If you require any further information, please let me know.

Yours sincerely



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<b>Lexcel Standard</b>	<b>6. Client Care</b>
File	6.5 Complaints Procedure
Policy Owner	Practice Director
Version No.	2
Effective date	24 June 2019
Next review date	30 June 2020

## Requirement

6.5	<p>The department must be encompassed by the organisation's complaints handling procedure or have a procedure particular to the department, which should include:</p>	<ul style="list-style-type: none"> <li>a. the definition of what the organisation regards as a complaint</li> <li>b. informing the client at the outset of the matter, that in the event of a problem they are entitled to complain</li> <li>c. the name of the person with overall responsibility for complaints</li> <li>d. providing the client with a copy of the organisation's or department's complaints procedure, if requested</li> <li>e. once a complaint has been made, the person complaining is informed in writing: how the complaint will be handled; and in what time they will be given an initial and/or substantive response</li> <li>f. recording and reporting centrally all complaints received from clients</li> <li>g. identifying the cause of any problems of which the client has complained, offering any appropriate redress, and correcting any unsatisfactory procedures.</li> </ul>
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## **Compliance**

The Law Officers and all staff at the Law Officers' Department are committed to providing the highest quality service in respect of the duties required of them on behalf of the Crown or in advising the States Assembly and Government.

A complaint may be expressed as dissatisfaction with the service provided by a member of staff of the Department or a breach of the States of Jersey Code of Conduct by any member of staff, or a breach of the Code of Conduct for Lawyers by a lawyer working in the Department.

The Codes of Conduct are set out on the following page on the gov.je website, 'Code of conduct, disciplinary procedure and complaints procedure for the Law Officers' Department':

<https://www.gov.je/Government/NonexecLegal/LawOfficers/Pages/LODDisciplinaryProcedure.aspx>

Complaint handling is included in the Service Standard for Civil Division instructing departments and in the Service Level Agreement for the Criminal Division with the States of Jersey Police. See Lexcel Standard 6.3 Service Level Agreements.

The Attorney General has overall responsibility for complaints made regarding staff in the Department.

A complaint against Her Majesty's Attorney General or Her Majesty's Solicitor General is handled in accordance with the following procedure, as set out on gov.je:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Law%20Officers%27%20Complaints%20Procedure%2020160805%20ALS.pdf>

Client complaints are recorded in a secure matter in the Department's Practice Management System, Prescient Plus and brought to the attention of the Senior Management Team by the Practice Director if there are underlying causes of complaints which require action.