



Care of Children in Jersey Review Panel

Redress and Accountability Systems in Jersey

Witness: H.M. Attorney General

Friday, 19th March 2021

Panel:

Deputy R.J. Ward of St. Helier (Chair)

Deputy K.G. Pamplin of St. Saviour (Vice-Chair)

Deputy M.R. Higgins of St. Helier

Deputy M. Tadier of St. Brelade

Witnesses:

Mr. M.H. Temple Q.C., H.M. Attorney General

Ms. S. Roberts, Director, Civil Division

Mr. A. Le Sueur, Practice Director, Law Officers' Department

[14:02]

Deputy R.J. Ward of St. Helier (Chair):

Good afternoon, everybody, and welcome to what is the fourth or fifth public hearing - I have lost count - this afternoon with the Attorney General for the redress and accountability review from the Care of Children Review Panel. We will start off by introducing ourselves. It is important that we introduce ourselves simply for the transcript to help voice recognition when the transcript is made, so that is a good thing to do. I am Deputy Robert Ward, and I chair the Care of Children Review Panel.

Deputy K.G. Pamplin of St. Saviour (Vice-Chair):

I am Deputy Kevin Pamplin of St. Saviour and I am the vice-chair of this panel.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier of St. Brelade, and I am a member of the panel.

Deputy M.R. Higgins of St. Helier:

Deputy Mike Higgins, St Helier 3 ad 4, a member of the panel.

The Attorney General:

I am Mark Temple. I am the Attorney General. I have 2 colleagues with me as well. There is Sylvia Roberts who is the director of the civil division and also Alec Le Sueur ...

Deputy R.J. Ward:

Do they want to just introduce themselves? It literally helps with the transcript so if they can.

Director, Civil Division:

Sylvia Roberts, director of the civil division, so oversee all the civil law advice and litigation for the Government of Jersey.

Practice Director, Law Officers' Department:

I am Alec Le Sueur. I am the practice director of the Law Officers' Department.

Deputy R.J. Ward:

Let us get started then. We have been working to a set of criteria for this review where we are looking at accountability, complaints procedures and redress. Our questions will be around that area today. To start off with some generic questions from myself. How can a member of the public make a complaint in relation to the court system that you cover or whatever areas that you cover; what channels are open to members of the public when making any form of complaint?

The Attorney General:

If it is a complaint about the court system that would not come to me, that would go to the Judicial Greffe. But if it is a concern with a function of the Law Officers' Department then it comes to me. We have details of complaints procedures that are on our website. We have contact details on our website. We are in the phone book. That is how a complaint would come to us. I suppose I would add, most of our functions are not directly for members of the public so we are doing things for government departments, obviously we run the prosecution service - we are the prosecution service - but we are not, technically speaking, acting for someone who is the victim of crime. Obviously we take the victim's interests and concerns into account. They are central but, technically speaking, we are not acting for the victim of a crime when we are prosecuting. We are prosecuting criminality on behalf of the public but anyway that is how they would contact us. Our complaints procedures are all published.

Deputy R.J. Ward:

Is there a system that will track the number of complaints, is there a central register? They may be a small, it may be a large number, is there a timescale that is clear to complainants, be whatever it may be about, as to what is going to happen with their complaint, would you say? Are those areas that might need improvement?

The Attorney General:

Alec Le Sueur, who is on the meeting, he does keep a central register of complaints. There are not very many of them. The other thing I should mention is that I deal with complaints against members of the Honorary Police so again there are published procedures as to how that process is gone through. It is all set out in the 1999 law and the regulations. Also we keep records of those complaints as well.

Deputy R.J. Ward:

There are some questions specifically on that later, that Deputy Tadier will ask, so I will not jump into that area, if that is okay. We have covered most of the things. What sort of assistance is there ... one of the things we have looked at during this review, just the openness for any complaints procedure about any of the departments. If a member of the public thinks: "I was not dealt with well when I was involved" for whatever reason, right or wrongly, and we are not here to judge on the outcomes of those, just the procedures as much as anything, do you think there is assistance with people knowing their way around the system there or is it entirely from the website? Would there be a contact they can ring up and say: "Look, I have a complaint but I do not know what to do with it." Is there assistance there?

The Attorney General:

Just before I deal with that, I did not answer your question concerning timescales in our procedures. There are not timescales in our procedures. I would accept that that is something that we could look at and see if we can improve. Usually we would deal with a complaint pretty quickly. I am aware of one that has gone on for a long time but I certainly think we could look at having some timescales written into our procedures. Sorry, coming on to your other question about what assistance is there for complainants in navigating the complaints process. The first thing I would say is generally we are not dealing with members of the public in terms of complaints. There might be a complaint from another government department so they are a sophisticated type of complainant, they know what is involved. If there is a complaint coming in from a member of the public we do not directly offer them someone that they can turn to, to guide them through the process. There is no formal mechanism for that but if someone writes to me or contacts our office saying: "Look, I am not sure how to deal with this" then of course we would offer them advice and suggestions as to how they should go

about it. I would accept we do not have a formal mechanism for that but I would say we would be able to deal with it informally through advising on a specific case, advising a specific complainant.

Deputy R.J. Ward:

That is very helpful. I think in terms of complaints, because they are a particular type, that is just about as much as I have to ask on that area. Deputy Pamplin, do you want to start some of your questioning because I am conscious that some of the later questions are perhaps more pertinent to this one? Do you want to start that now?

Deputy K.G. Pamplin:

My area is around accountability of staff. You obviously direct who you want to answer them, if it is not you. Could you just give us a brief overview of the policies or procedures you have in place in order to hold staff, so that is right through the tier system, front line, senior management, to account for their actions? Let us use the scenario between staff colleagues before we get to the public side of things.

The Attorney General:

We have a mix of staff in the Law Officers' Department. The majority of staff are lawyers but some staff are non-lawyers. For lawyers we have a disciplinary code and a code of conduct that all lawyers are expected to adhere to. They are taken through it on induction when they join the Law Officers' Department. So there are those 2 written processes for lawyers. In respect of the non-lawyer staff, so for example the administrative staff, then there is the States of Jersey code of conduct and disciplinary process for those staff. Alec Le Sueur, who is the practice director, will correct me if I am wrong, but again those policies would be dealt with on induction when the member of staff joins the department.

Deputy K.G. Pamplin:

That would also cover, I guess, any interim staff or anybody filling in on a temporary basis. I guess in any form of role there is an induction process, can you talk us through that?

The Attorney General:

I think, Alec, you are best placed to deal with that question. Can you deal with that one?

Practice Director, Law Officers' Department:

Yes, certainly. All staff, interim or not, will go through our induction programme. We have an induction checklist, which will include going through the key policies and procedures and we follow all the S.E.B. (States Employment Board) codes of practice in that area. So everyone is accountable to have to follow the States of Jersey code of conduct. That will be for all staff and then, as the

Attorney General has said, for all lawyers or legal staff they also have to follow the code of conduct for lawyers in the department.

Deputy K.G. Pamplin:

Let us say when a member of the staff is found to be in breach of these policies and procedures what processes kick in and are in place to deal with this, if that is the case?

The Attorney General:

I will start first and then if you want to add anything, Alec, then please go ahead. Obviously there is a disciplinary process to go through. There would need to be a fair hearing for the member of staff before we could get to any finding of breach. There would be the disciplinary process to go through unless this member of staff accepted they were in breach and just wished to resign. But if there is a finding that the member of staff is in breach of the code of conduct or the disciplinary code, then there is obviously a range of sanctions available and those range from something that may be quite low level and informal in terms of an informal resolution whereby there is a meeting with that member of staff in saying: "Look, we have looked at this complaint and we think you could have done better" and we try and deal with it as a way of improving how they could have dealt with that, if it were to happen again. Then the sanctions would range all the way up to dismissal so that their employment is terminated. Then there would be an informal warning or a formal warning that is on their file, a final warning that if they were to do anything like this again then it would result in termination. So there are a range of sanctions that are available if there was a finding that they were in breach of what is expected of them as an employee.

[14:15]

Deputy R.J. Ward:

Obviously part of that process is somebody speaking freely and coming forward with something they feel uncomfortable about. There is a lot of talk about this at the moment across all areas of governance on the Island. Are you confident that there are things in place or is that still work in progress in terms of whistle-blowing, in terms of safe place, how those people can come forward? It must be difficult if you are a tightknit group, like your officers are, who work very closely together. What is there in place and I see Alec's hand.

The Attorney General:

Volunteering for this one.

Practice Director, Law Officers' Department:

We followed all the whistle-blowing training that came out across the States as a whole ... I want to say last year but it will be 2019 now. So we follow the whistle-blowing policy there. There is a relatively new anonymous line now so we have posters up by our photocopiers. I think everyone in the department is aware of what to do if they deemed it necessary to blow the whistle on anything. They are the official States of Jersey channels, which are well-publicised and well-known and totally anonymous, so it is not that anyone has to go behind anyone's back and is worried about their line manager finding out about something.

Deputy K.G. Pamplin:

How can you ensure that is done consistently? I guess by monitoring and calculating and learning as a department if anything comes up. It is an obvious question to ask but how can you ensure that it is all consistent?

Practice Director, Law Officers' Department:

There is only one way of reporting that, which is through the whistle-blowing procedure, through an anonymous website, and so it would be consistent. We have not had any reports of whistle-blowing so it is hard to say how we would compare one against another because nothing has come through to us as yet. But if it did, it would come through not directly to us, it would come indirectly through the States whistle-blowing helpline so we would have to be consistent with the States policy on that.

Deputy K.G. Pamplin:

I guess it is a sort of odd question to ask but if there is nothing coming forward would be part of the reflection to say; "Well, is that because it is not working?" and how can you reflect if there is nobody coming forward, which could be a good thing, but the flip side to that could be it is not working so how can you entirely reflect and check those things that could be tweaked or made better for staff?

Practice Director, Law Officers' Department:

We have 2 independent ways of measuring that. One we will come to later on, I hope. We can talk about our Lexcel standards that we adhere to and the assessment that we asked for, for the first time in 2019. We will probably talk about it later in more detail but the independent assessor comes in and interviews a random selection of staff that they choose. There would be feedback given in those assessments if something was not right. Then also we had the "Be Heard" engagement survey which I know all States Members have received now across the States the results of that. For the department there was very high engagement in the Law Officers' Department. Again, we would have signals in there if there was something to be concerned about in that area. But the majority of the results are green in the Law Officers' Department, if you look in detail at those scales. Nothing has come to us through 2 independent anonymous surveys. We also have supervision meetings as well. Part of Lexcel is every lawyer and assistant legal adviser has a monthly

supervision meeting, which are also opportunities to report things. It is not that they would sit in darkness without any communication channel. There are these formal supervision meetings once a month, appraisals once a year, the totally anonymous whistle-blowing policy and then the 2 other occasions, the Lexcel assessor who comes in once a year and the "Be Heard" survey, which we took part in last year. This year we want to do our own one just for the department to delve deeper into it because that was a really useful survey. There are a lot of opportunities where we would get the message if it were to be there.

Deputy R.J. Ward:

We have tried a lot to understand processes and it is very important that we understand the processes that exist and are changing. With regards to whistle-blowing, it must very difficult in a relatively small department where people are very close knit. Does part of the training within the whistle-blowing process enable ... for example, if somebody was to make a complaint or whistle-blow within a small department anonymously it could very quickly ... the consequences of that could easily come back to that person within a very small department. Does the training include how to deal with that sort of situation? I am not saying it has happened or will happen but do you think that could be an area that could be real conflict in the future or could be a problem in small departments? From what Deputy Pamplin said, it may discourage people to raise issues that ... it is a very difficult situation. I know it is a long question. It is those difficult situations that are the key to success, I think, for any policy.

Practice Director, Law Officers' Department:

I think you are right. In any small department that must be a difficulty but without, I think, they would go back to the Attorney General as head of the department. Unless the problem was with the Attorney General of course, that might be something else. But there is a procedure for that as well. We have the procedure to make complaints to the Lieutenant Governor about a law officer, so there is a procedure for that as well. I take your point but I do not think it would be an issue because the whistle-blowing would feed its way back to the head of the department, the Crown officer, which is the Attorney General, to handle.

Deputy K.G. Pamplin:

My original question has now flipped for any interaction that you cover with the public. I know you touched on that briefly with your first that you do not have so much direct but if there is a member of the public who has intercontact with anybody of your staff that you are responsible for, same questions really. How are the policies and procedures followed through? What are they for those circumstances?

The Attorney General:

It is a slightly unusual example but, say, for the second redress scheme, the Law Officers' Department has administered that redress scheme and that is somewhere where we have had direct contact with members of the public. The feedback has been positive about it, but under that scheme there are specific rules whereby members of the public can challenge initial assessments that are made by law officers as to whether someone is entitled to compensation or not. That is a specific example where we do have direct engagement with members of the public. If a member of the public has contact with us in some other way, in some other area, then they would be entitled to make use of the complaints process in the normal way, using those procedures that I have outlined earlier on. One thing I would say is that one has to be a little bit careful about how those are used because some of the functions that we carry out are, by their nature, controversial. We prosecute people. We have to make applications to take people's children away from them. Those are highly contentious and emotional situations. There are occasions where a member of the public who is affected by that, who might be a defendant, uses the complaints procedure inappropriately basically to try and undermine the prosecution process. So they are trying to attack us as prosecutors. I would just qualify that the complaints processes are there, yes, but they are not there to be abused as a way of getting people out of being prosecuted basically. That is quite an important qualification. You cannot use a disciplinary process as a means of undermining our functions as having to prosecute people.

Deputy K.G. Pamplin:

I think the fact that you are saying that, how do you think that is communicated? Is there a website with the advice information? Do you think there is room for improvement there, a conversation with the members of the public of the differences and how to go through those channels? Is there room for improvement there, do you think, in that?

The Attorney General:

As you have asked that question, I think probably there is some room for improvement in it because ... our policies do make clear if it is a complaint relating to a prosecution decision then it is going to get dismissed because this is something we have to do and you cannot use a disciplinary process to try and undermine our prosecution. Your avenue there is court. You challenge it in court. If we are wrong about prosecuting then you fight it in court and you get acquitted. We can have another look at them and see if we can improve the wording. I am more than happy to do that. In the same way that I mentioned about timescales. We will have a look at seeing if we can improve the wording in relation to timescales.

Deputy K.G. Pamplin:

Do you think part of the issue in this is across the board - we are asking the same sort of questions of everybody we are talking to - but the culture change and there is a way of doing things? We are

going through a process of change on our Island, the identity, the culture of how people accept and understand it all. Do you think that is a challenge for your department and your members of staff to go through that process of how people interact and communicate, dealing with very sensitive cases like you are describing?

The Attorney General:

Up to a point I would agree with that because we have always prosecuted people. That is nothing new what we are doing. In the same way, for a long time, we have dealt with applications concerning children or adult safeguarding as well. I do not think we are doing anything new. It is not to say though that we could not look at our processes to see if we have got a way of improving them. It is important though that we have gone through the Lexcel accreditation procedure where all our internal processes have been examined by an external independent body, who is an expert in assessing an organisation's procedures. Alec will correct me if I am wrong. I assume, Alec, they would have looked at our complaints processes.

Practice Director, Law Officers' Department:

Yes, indeed. That is one of the ones they look at.

The Attorney General:

We were evaluated, we got an excellent report, we got very positive feedback about it, but it is not to say that there is not room for further improvement. We can have a look at it and see if we can improve, and we will do that if we think there is scope for it. I can see from your perspective there are lots and lots of government departments, public organisations, each of which will have their own complaints processes. I suppose if you are an ordinary member of the public, navigating that process is maybe quite a challenge. I like to think that once they have got to our process then ours are relatively straightforward and, by in large, they are dealt with very, very quickly.

Deputy K.G. Pamplin:

That is all really helpful, thank you. Quickly on the areas of redress. What forms of redress are there in policy for any complaint which is upheld? If a member of staff complains against another member of staff, I think you touched on that in the procedures, but if in those rare occasions a member of the public has made a complaint about how something happened that fitted what you are describing what forms of redress have you got in place?

The Attorney General:

As I said there, they are set out in the disciplinary policies because you need to set out for your staff exactly what would happen with them if the complaint is upheld. They do range from an informal resolution with a meeting, an informal meeting and words of advice being given, through to an

informal warning, formal warning, final warning and then dismissal. Those are the forms of redress. They are all set out in the procedures. Sylvia, is there anything you want to add to that?

Director, Civil Division:

The only thing that I would add is that if following an investigation it was found that perhaps a member of staff had not been as courteous to a member of the public as we would like, then we would apologise for that and for any upset caused to that member of the public, as a result of that exchange. In relation to the redress scheme, we have specifically included the ability for the claimant to have an apology, and most applicants to the scheme have asked for an apology and that has been dealt with by the relevant Minister.

[14:30]

I do not know if it would be of interest to the panel just to hear one or 2 extracts from the feedback given by members of the public who have dealt with the redress scheme directly.

Deputy R.J. Ward:

That might be best sent to us in writing, if they are particularly long, but you are welcome to a couple if you want.

Director, Civil Division:

They are not long. What has been heartening to see is how many people who have dealt with the scheme in person, as opposed to through lawyers, have taken the opportunity to send comments back. One of the comments: "Thank you for your time and patience with me." One from somebody else: "I know loads of people who have applied to you. They have all said their offers were fair and none have appealed them. Of course, when making their applications everyone wants £1 million but that is never going to happen. Everyone has been happy with what they have been offered." And from another person: "Thank you again for all the work you have put in to gaining the answers I was looking for. It is really appreciated." Part of the exercise has involved with consent clearly looking at individuals, care records, and for some people it has been a process of clarifying some aspects of their past life going through this process as well, in terms of the time periods that they spent in different care homes, for example. I will not read any more but I thought it might be useful to give a flavour.

Deputy R.J. Ward:

That is really good because of context. Everything we do we are trying to put into context and that is really important.

Deputy K.G. Pamplin:

I think that rounded up where I wanted to end up really. We will dig into more elements of that later. Back to you, Chair.

Deputy R.J. Ward:

I think, Deputy Higgins, you want to start on the next set of questions? We are trying to share them through the panel here. Do you want to lead on those, Mike?

Deputy M.R. Higgins:

It was mentioned earlier that yourself and the Solicitor General are Crown appointments and you are accountable to the Crown. Can you explain the process by which you are accountable to the Crown?

The Attorney General:

I suppose the first thing is that if someone wants to complain about us then there is a complaints process, which is to the Governor. That is the first thing. In terms of how we hold our appointment as Crown appointees from the Crown, we are from the Crown in right of Jersey. If there is any issue around our loyalties I make clear it is the Crown in right of Jersey. So it is her interest in Jersey. I am not sure if that helps you with answering the question or not.

Deputy M.R. Higgins:

Let me go back and say that you mentioned if someone does have a problem and they do wish to make a complaint, is there a set process for them approaching Government House and saying: "I am not happy with the Law Officers' Department. Here is my case." Can you explain what happens then?

The Attorney General:

Yes, there is a set process. It is set out in a detailed written procedure. Again, it is available on the Law Officers' website, it may also be available on Government House website, I do not know. But it is a detailed procedure. They set out a written complaint to the Lieutenant Governor and then it is dealt with in accordance with our policy. I think it goes to a judge. I cannot remember specifically who deals with them but they are independent people who ... I do not know who they are and I have no connection with them, but it is dealt with independently. There would be exceptions, for example, in the policy if the complaint was about that I had decided to prosecute someone. That is one of my functions. You are not entitled to complain about me for prosecuting someone. In those circumstances the complaint would be dismissed. But ultimately it is similar with virtually all disciplinary or complaints processes. There is a stage whereby if it is something that is vexatious or trivial or just totally unjustified then that is dismissed at an early stage. If it is not, then it goes into

a formal process and there are ways of ... they would get my response to the complaint, they would consider it and then I believe they would decide whether or not to dismiss it or whether or not it goes forward. Then I think, from memory, there would be a process for having some sort of hearing if it was serious and it was to go further. Then there would be the range of sanctions that will be available in most disciplinary or complaints policies. Ultimately I can get dismissed.

Deputy M.R. Higgins:

I know there was concern in the past, not so much with the office of the legal department but when the former Deputy Bailiff was removed I know there was great concern in the Island when that happened and a lot of misunderstandings about how that was done. I am just trying to understand what the process was. Moving on though, over the last 10 years are you aware of any complaints that have gone to Government House and what the results were of those?

The Attorney General:

I am not aware of one so far against me. I would not necessarily be told about it but I was aware of one against my predecessor, and I believe that was dismissed but I do not know.

Deputy M.R. Higgins:

I was just wanting an indication, a quantum, over the last 10 years or whatever.

The Attorney General:

I was Solicitor General from 2015 so the only complaint against a law officer that I am aware of in that time is one against Robert MacRae, and I believe that was dismissed.

Deputy M.R. Higgins:

I will move on to another topic. We have had a number of submissions that have explained the potential for conflicts between the role of the Law Officers' Department as Government legal advisers and the prosecution role. It is seen by many as being at the heart of the negative perception of the "Jersey Way". Can you tell us what your view is on this particular point?

The Attorney General:

I will answer that in quite a number of ways. The first thing I would say is judge us by our actions. We prosecute anyone, it does not really matter who they are. As you have seen, we have prosecuted an Assistant Minister and a Constable. We regularly prosecute the States Employment Board for health and safety breaches. The second thing I would say is we structure the department so as to manage and deal with conflicts and the need to maintain certain areas of our work confidential from other areas. We are structured as a criminal division and a civil division. There is a dividing line between those 2. Members of the civil division cannot access criminal division files

and vice versa. We have firewalls in place. More or less everyone is on different floors. We have different staff. Each division is managed by a different director so you have Sylvia who is the director of the civil division, on the meeting, but then Howard Tobias is the director of the criminal division, who is not with us on this meeting. That is a very important structural protection. The second point is that the Solicitor General and the Attorney General, we both have separate decision-making powers. The Solicitor General is able to exercise all the powers that I have if I were to have a conflict of interest. We can manage things between us in virtually all cases so that if there is a conflict then he can deal with one side and we do not talk to each other about it, we do not have access to each other's files about it, and then I deal with the other side. In some rare cases, if we think there is still a need for further separate representation then the matter can be dealt with the party hiring their own independent private law advice. That has happened on one or 2 occasions where, for example, there is a Scrutiny Panel and then there is a Government Minister. We are very alive to conflicts. As lawyers it is just one of the fundamental parts of our training as to how identifying conflict of interest and making sure that we do not breach those conflicts. We have a conflict policy which is written down and everyone is told and trained about the importance of it. Again that is something that Lexcel would have scrutinised when they came to assess us. I do accept it is an important and legitimate concern that people have.

Deputy M.R. Higgins:

I am going to come back to conflicts of interest in a moment, in another area. What I would just like to do is look at the conflict. What about, for example, because many people believe we should have a Crown Prosecution Service that is removed from the Government. In other words, you have a separate prosecuting body rather than officers who are so intimately involved with the Government when it comes to prosecutions. What is your view on that?

The Attorney General:

I do not agree with it. We are a small jurisdiction and we are not like England where they have a vast government legal department and a separate Crown Prosecution Service . Importantly in England, there are political law officers. We are not political. We are not elected. We pride ourselves on giving independent advice. You get the same advice if you are a Scrutiny member or a member of the Government. It is a different situation that we have to the one that there is in England.

Deputy M.R. Higgins:

Just coming on to the idea of the advice you are giving Government and then giving Scrutiny. I was on a Scrutiny Panel recently to do with Brexit and because of the time constraints it was agreed that the advice given to Government would also be given to Scrutiny. Why could that not be done as a general rule? Why should, for example, Ministers have different advice to the scrutineers? Equally,

is there not a case perhaps for one or the other party having independent advice so, in other words, the private sector could advise, whether it be Scrutiny or Government? I would like to know your views on this.

The Attorney General:

I know that is a question or a topic that does come up regularly. I understand why it is raised. The first thing I say is that giving legal advice is a sensitive process. We are dealing with sensitive issues and the relationship between client and lawyer is one that is recognised as being sensitive. It is protected by legal privilege and the reason for that is that clients should be able to communicate everything that they want to say to their lawyers, whether it is bad or not. If we give advice to Government about a particular topic the same principles apply. It is important that Government is able to tell us everything that is relevant to that topic that they are seeking our advice about, whether it is bad or not. It is important actually that they do tell us the bad bits. If we were just to routinely say Scrutiny can see that advice then that is just going to cause a lot of problems because Government are not going to tell us, they are not going to be honest with us about what the problems are, and we are not going to be able to give the sometimes hard legal advice that they probably need to hear, in the same way that we would be able to give that legal advice to Scrutiny. There is a reason for these protections.

[14:45]

Deputy M.R. Higgins:

There is something Deputy Tadier wants to ask.

Deputy M. Tadier:

It follows on from that. I tend to ask supplementaries more than the scripted ones but I guess, following on from that, what happens if, say, in the process of advising a Minister, and remember it could be a Minister of course who is a Constable as well, that you discover that the Minister has acted illegally or there is a chance that they may have broken a code of conduct so the Minister comes to yourself or the Solicitor General for advice as their lawyer - effectively, as lawyer for the Government - and says: "I have this issue. I have this course of action which I have taken" and then in the process of that you discover he or she has acted illegally or broken a code of conduct. Of course with one of your other hats on you may have to prosecute or bring the discharge of a complaint against that individual.

The Attorney General:

Yes, the first thing I would say is that that has never happened so far. I have been here coming up for 6 years, I have never had that situation come up so far. If it did happen, then I would have to

take steps to make sure that the Solicitor General could deal with any prosecution and I could carry on advising that particular Minister.

Deputy M. Tadier:

But would you have a duty to report the wrongdoing?

The Attorney General:

It would really depend on what the nature of the wrongdoing was. Probably not because there is client confidentiality. So in the same way that a lawyer who is advising a client about a difficult situation is bound by client confidentiality. Unless there is something that is really serious going on. You are asking a hypothetical and I stress that that has never happened.

Deputy M. Tadier:

The problem is a lot of things are hypothetical until they actually happen. We did not necessarily think we would be removing a Constable from office this week but it happened. What if you get asked the same question by a Minister privately and then you get asked the same question publicly by a non-Minister in the States?

The Attorney General:

I would give the same advice.

Deputy M. Tadier:

I understand that. Can I put a scenario to you, which has happened to me? It does not relate to yourself or the current Solicitor General. But I have been in the States 12 years so I will not tell you when it has happened. But I was given advice from an Attorney General privately about a proposal I was bringing. When it came to the States perhaps a week or 2 later, somebody asked a question, the same question I asked, and he gave the opposite answer, which he gave to me only a few weeks before. Of course I could not stand up and say I was told something different because that was privileged information. Obviously, that is problematic and I cannot necessarily evidence that, so I just say that at best as an anecdote, although it is true. The point is, why is information that is given to a Member to discharge his or her function, which would then be helpful to share with the rest of the Assembly, why is one privileged but the other can be given publicly in a public forum?

The Attorney General:

For example, going back to the Brexit example that Deputy Higgins raised, with that situation I agreed that the advice could be shared with the Scrutiny Panels because Brexit was such a huge event, which has a fundamental effect on the Island in all sorts of areas. So it was an exception and it was appropriate that our advice is shared with the Scrutiny Panel. There is an ability for law

officers to agree that advice can be shared. But it is to be done in exceptional circumstances. That is really for the reasons that I set out earlier that it is important that people are able to come to us confidentially, tell us all the difficult information and sensitive information, and we can give the right advice. Otherwise, we risk giving the wrong advice. But, equally, they have a right to know that the confidentiality of what they have told us would be maintained and that we are not going to tell all these awkward facts to someone else.

Deputy M. Tadier:

I get that but let us take a scenario whereby a States Member, and this is hypothetical but it probably mirrors my experience, asks yourself or the Solicitor General for legal advice. It could be: "Is this form of words for a proposition human rights compliant?" and the advice is: "Yes" in private. Then somebody asks the same question in the States and the answer comes back as: "No" perhaps from the same person. Can you see it is really problematic democratically?

The Attorney General:

Yes, I can see that. I can see why you would be irritated by it. I think you would be well within your rights to take that point up with the person who had given you the advice and ask for an explanation as to why you got diametrically a different answer the second time the question was asked. Yes, I can see that is something known to you and ...

Deputy M. Tadier:

I am not trying to personalise this, but I was just trying to tease that out. I understand why legal advice generally is client-confidential, confidentiality exists. But it creates this kind of scenario for States Members when you have these different roles being provided in different capacities by perhaps the same individual. I am not sure how we get around that.

The Attorney General:

We do have a policy on conflicts of interest. If I am advising a Minister on one topic and then on the same topic a Scrutiny Panel is also wanting advice, then the normal thing is you get the S.G. (Solicitor General) advising one and the A.G. (Attorney General) advising the other. We are able to structure it in that way. That way, we do preserve the confidentiality of the advice. Because, if people get to a position where they think things that are told confidentially are just going to get out into the public, we are not going to be able to do our jobs, is the fundamental point.

Deputy M. Tadier:

Thanks for that. That is useful. Sorry if I have taken too much time, Chairman. I know we are trying to keep to a strict timetable.

Deputy M.R. Higgins:

I find it interesting. I just have one follow-up one before the chairman takes over this line of questioning. That is that the legal advice you give to the Government is not purely just legal advice, is it? I know that Attorneys in the past have given advice on how to go about things or maybe non-legal advice that is added to as well. Obviously, what you have given in terms of legal advice is privileged, but should the non-legal advice be covered by that?

The Attorney General:

In terms of what an Attorney has done in the past, it is difficult for me to comment on that. I tend to confine my role to giving legal advice. I do not tend to start telling people what to do on policy questions, which I accept are matters for you as politicians and for the Government and civil servants. I do not tend to talk to people about policy matters or offer opinions on policy matters. Perhaps the only exception to that is where it comes to justice, criminal justice and court proceedings. I am qualified to talk about these things so I would offer an opinion on that. In terms of, if someone is not giving legal advice, then really, yes, the statements they make are not technically covered by legal professional privilege. If they are not giving legal advice that is the answer.

Deputy M.R. Higgins:

Thank you. I will leave it at that and let Deputy Ward continue. Thank you.

Deputy R.J. Ward:

I was not sure which question you got up to there. Monty, you covered a part of the other questions. Perhaps I will touch on those 2 and then, Monty, we will come back to you for the stuff on the Honorary Police. Just a couple of things. One of the things in this area of our review is based around recommendation 7 and the "Jersey Way". What could you say the department learned from the findings of the Care Inquiry around that area? What changes have been made as a result? If you were given a magic wand where you could have unlimited time and resources for the department, which would be nice for all of us, what would you want to change in terms of transparency and accountability? Are there any areas that you could pick up on?

The Attorney General:

That is quite a question.

Deputy R.J. Ward:

It is, I know.

The Attorney General:

I was not expecting that one so I guess I will have to think on my feet. In some ways, I wish, if I had a magic wand, I could be much more open about what law officers do. I would like to be able to explain to many more people about what we do. It is really important and useful work. That is one thing, and I would like to be very open and transparent about what we do. That is something I would like. I have to accept though that the functions that we carry out are frequently difficult and controversial in the way that we previously discussed. So there are going to be limits about my ability to do that. I suppose the other thing I would add, and maybe this is going to be difficult to say, but I am not from Jersey. I am an import. So ...

Deputy R.J. Ward:

The question was not meant to catch you out. It is really important for context for this review. Because this is such a large area and I am pleased with the answer in terms of saying about more information of what goes on. Because that is one of the issues, people simply do not know what different departments do. Because of that, it does generate concern, particularly when they are involved with them in any way. When there is an outcome, which is not resolved in the way they want it to, because too often people are just left, and that is not a good position to be in. That was one of the questions around that.

The Attorney General:

I am really proud of the work that the department does. We have some fantastic people in the department. We do a lot of really important work. I would love to be able to explain it more to the public. Yes, I would love to be able to do that. But it can be difficult for me to do it.

Deputy R.J. Ward:

Mike, did you have a question that you want to put in? Then, after that question, Mike, I just say to Monty, we will come on to your questions regards the Honorary Police.

Deputy M.R. Higgins:

It is not so much a question, more an observation. I would ask the Attorney General if he would go back and have a look at something to do with the Care Inquiry. That was the advice given by the Attorney General and the advice given by the Solicitor General, one to the Chief Minister and one to the Minister for Home Affairs. To be honest, I do not think we would have had the situation where the chief of police was suspended and the whole furore over that. That is just an observation. I do wonder sometimes the conflict between your Chinese walls effectively between the 2 of you. Sometimes it can lead to maybe unforeseen or foreseen problems.

The Attorney General:

Is that quoted in the report, Deputy Higgins, which specific advice? Sylvia may be able to answer that.

Deputy M.R. Higgins:

What I would say is, it was not so much in what their comments were, it was the evidence that was given by the Attorney General to the Chief Minister at the time. Then, if you look at the advice that was given to the Minister for Home Affairs, I do not think we would have had that situation had it been dealt with properly. That is just an observation. I will leave it at that. I will come on to the next question though, and that is just one question. We have had some complaints regarding the Law Officers' Department regarding data protection and how well the department is managing data protection.

[15:00]

Can you tell us how religiously the department follows the Data Protection Law and preserving the rights of the individuals who are covered by it?

The Attorney General:

I believe we do. Alec is probably well placed to deal with this because you have closest involvement with this area. You are the data protection officer.

Practice Director, Law Officers' Department:

I am indeed, yes. I can assure Deputy Higgins that we follow all the rules absolutely to the letter. Any complaints that go up to the Information Commissioner, we did have one last year that the complaint was not upheld. We had followed all the correct procedures and the correct policy and the correct part of the law. It goes back a bit to what the Attorney General was saying at the beginning, often people feel aggrieved and they think that we have some involvement in it and they want to find something that we have done, which we have not done, or found some information that we have, which we do not have. So we will have people looking for things that do not exist and then we get criticised for not supplying things, which we do not have. So far, any problem that has been raised with the O.I.C. (Office of the Information Commissioner) has been resolved.

Deputy M.R. Higgins:

There may be others including taking 14 months to provide a subject access request and information. I will leave it at that as well. I will hand over to Deputy Tadier who is dealing with the next section.

Deputy M. Tadier:

I am wondering whether the chairman might like to take this.

Deputy R.J. Ward:

Yes, I was going to. I called the wrong person there. Just a couple of questions on the Honorary Police. As you maintain oversight of the Honorary Police, can you explain the oversight you have in relation to complaints processes against the Honorary Police?

The Attorney General:

Yes. There are really 2 areas where I have an involvement. The first is where it relates to policing activities. That is all dealt with in accordance with the 1999 Police (Complaints and Discipline) Law and the Regulations under it. That provides a detailed process for how complaints are dealt with. As I said, like with other complaints and disciplinary processes, complaints can come in directly from the public to me, most usually they come in via the Constable, or I could just become aware of it through other means. So there are 3 areas where the complaints come in. There is a test in the law, which sets out how I can deal with the complaints. I can only dismiss a complaint if, on the facts, it just could not amount to either a criminal offence or an offence against the code. So that means that most offences I cannot deal with informally. Most offences have to be dealt with formally.

Deputy R.J. Ward:

Can I just interrupt you there? Is that because it is more of an escalation process coming up to you?

The Attorney General:

No, it is not.

Deputy R.J. Ward:

That is interesting because ... sorry. Please go on, sorry.

The Attorney General:

That is fine. The process in the law and the regulations is quite a complex one. It is quite cumbersome. I would welcome it being more streamlined. There is a new law that is being drafted. I am not convinced it is any more streamlined but there we are. It has other advantages. But, as a decision of the States, in order for a complaint to be dismissed, it has deliberately set a really high level so that I cannot dismiss things. Most things do have to go through a formal process. Whether that is what a complainant wants, they may not always want that, but it has to go through quite a long formal process. So, almost always, I have to refer it or I have to ask the Constable to ask the chief officer to appoint someone as an investigator. He has someone from the Professional Standards Department of the police who investigates these complaints in detail. He collects the evidence. He interviews the complainant. He interviews the officers and any witnesses. He then

produces a report. The report is sent to me and I think it also goes to the Constable. Then I take a decision based on that report. I usually act in accordance with the conclusions of that report. If the report says it is serious, then there would be a disciplinary hearing, which goes on from that.

Deputy R.J. Ward:

Sorry, you triggered something that came out of yesterday's hearing as well. We have looked at the oaths, for example, that are taken by the Honorary Police and other members of all sorts of areas that are 24-hour. Is the behaviour that you may be investigating both on duty and off duty? Would it be behaviour that is linked to the role of the Honorary Police or is it just behaviour in general, so something they have done? We live in a world of social media at the moment and it is an absolute minefield. So an off-duty comment or something like that, would that extend to that? Because I think us understanding the width of that ...

The Attorney General:

That is an important point that you have raised. Generally, these complaints relate to on-duty functions, so someone has been stopped by a member of the Honorary Police and they do not like the way they have been dealt with. Generally, they do relate to that. But also the complaints can relate to the way an officer has behaved when off duty. So, for example, on social media. Is that something that is an offence against discipline in terms of how it would affect the public's perception of the Honorary Police? In my view, it could. So, if someone is using social media in a way that brings discredit on to the Honorary Police, then in my view that would engage the disciplinary process. In the same way that police officers have to accept that there are certain limits on their right to freedom of speech because they are police officers. So I think the Honorary Police fall to be treated in the same way. That is something that in fact I have a draft of a policy in relation to the use of social media, which I am hoping to send to the Honorary Police for comments pretty soon.

Deputy R.J. Ward:

I was just going to ask, do you think there is a need for a change.

The Attorney General:

Definitely there is. It does need to be introduced.

Deputy R.J. Ward:

That is great. Those are all of the questions that I had regards the Honorary Police oversight. Deputy Higgins, do you want to take your other question there? You have 2 lots coming up there.

Deputy M.R. Higgins:

I will just take the next section in turn. We have already discussed conflicts of interest to an extent. One of the problems with being a law officer is that many of you, who have come through private practice, and within the Island, I do not know what your background is so I do not know if you have been with local firms or not. You have, okay. But the point is, if you are dealing with cases, which deal with people who you acted for when you were in private practice, whether it be a company or it be an individual, how do you deal with those types of conflict when they are coming up to you in other ways?

The Attorney General:

Then I do not get involved in them. If I have some confidential information in my head or knowledge, which arises from my having acted for someone in private practice, then I would not be doing anything in relation to that party if there is some sort of adversarial action that I have to take against them.

Deputy M.R. Higgins:

All right.

The Attorney General:

The Solicitor General would have to deal with that.

Deputy M.R. Higgins:

I am with you. What about a conflict of interest in the sense that some of your staff have been there a very, very long time and may have acted for departments in the past? The impression has been given that perhaps they should not be dealing with a case today because there were concerns expressed in the past about how departments were advised and so on. Would that constitute a conflict of interest?

The Attorney General:

I doubt that it would. It is really the key test of a conflict of interest is whether you know something, by reason of you acting as that person's lawyer in the past, which would give you an insight or some sort of advantage, or a perception of advantage by a member of the public, as against that party if you were acting against them in a subsequent capacity. That is the real core of it. So, if someone had acted for a department in the past and then is asked to advise again the same department, and maybe the department did not like the advice the last time, I am not sure that really amounts to a true conflict. Sylvia might offer a view on this as well. But my inclination is that we would see whether this was just a personality issue that could be dealt with by having a different person acting. The legal advice has to be the right advice. That is the most important issue. Not the personality. Sylvia, is there something that you would want to add to what I have just said?

Director, Civil Division:

No. I agree with what you have said. I would also want to add that if a department has received advice from a lawyer within my team and disagrees with the advice, then within our service standards it is open to the department to ask for that advice to be reviewed by somebody else. We have had occasions where that happens. So the person's supervisor will review it and, if the department is still not happy, it would come to me. That does not happen very often but it has happened. So there is that avenue open if the department is dissatisfied.

Deputy M.R. Higgins:

Thank you. I will move on to the next section, which is to do with your role with regards the legal profession. In your submission, you said that all complaints against legal professionals must first be referred to you and that the practice director maintains a record of all complaints. These are reviewed annually to see whether there are any systemic issues that have arisen. Could I just ask you, can you detail what this review entails and how these findings are acted upon by the Law Officers' Department?

The Attorney General:

Sorry, Deputy Higgins, could you clarify if those are complaints against members of private practice firms?

Deputy M.R. Higgins:

Private practice.

The Attorney General:

Alec, do you want to deal with your records of these?

Practice Director, Law Officers' Department:

Yes. I do not hold the private practice firms, I hold the ones that come in, complaints against lawyers working in the Law Officers' Department, so I can speak about that.

Deputy M.R. Higgins:

If you could please, yes.

Practice Director, Law Officers' Department:

I keep a register of any complaints coming in. I can give you the numbers against lawyers. We had 2 in 2020, 3 in 2019 and one in 2018. As part of our Lexcel procedures we have to have an analysis of data that has come in and one of them is to look at our complaints register and to see if there are

any trends or underlying things happening that we should make changes to. With so few coming in, there often are not a great deal of trends we can pick up. But we have made changes to procedures from some of the complaints we have had. Others, the complaints are not upheld. As we said at the beginning, quite often we get complaints about people in the prosecution process who do not like being prosecuted. We still register it as a complaint, it follows our procedure and then it gets dismissed because it is not the right channel for those complaints. One of the questions was maintaining what the register looks like.

[15:15]

If I jump to that, I keep the date of the complaint, who made the complaint, who it was made against, the nature of the complaint, the action taken, the outcome, and then the date of resolution. I have 2 versions, that has all the details on it. But the one I present to the senior management team is an anonymised version. I also need to send that version to the Lexcel assessor in making the Lexcel assessment every year.

Deputy M.R. Higgins:

Thank you for that.

Deputy R.J. Ward:

Mike, can I just interrupt? Sometimes I am conscious that in these hearings we use terms like Lexcel and this is a public hearing. I certainly, even in the question, there were some synonyms that I had to sort out. Could you just really briefly explain what the Lexcel is? Sorry to interrupt you, Mike, but I just think it is important to understand.

Practice Director, Law Officers' Department:

I intended to speak longer about it later on, but just a brief overview. Lexcel is a set of quality standards established by the England and Wales Law Society. What it is about is excellence in legal practice management and client care. That is their strapline. It is about continuous improvement. There are 7 areas: structure and strategy; finance; management of information; people management; risk; client care; and file and case management. They have a set of policies and procedures against each of these and we have to demonstrate that we have these policies in place. An inspector comes over, interviews a random set of staff that they have chosen to check that they are in place, wants to see 30 of our matters to check again that they are in place. That is what Lexcel is all about. It is very onerous, very good.

Deputy R.J. Ward:

That is a very good summary, thank you.

Deputy M.R. Higgins:

Onerous and very good. Seems to be a contradiction. However, can I just ask you again, you explained when you have made your submission that you send out customer feedback questionnaires on concluded civil division cases. The feedback is sent to the senior management team. Can you explain how this feedback is presented and how the findings, if any, are acted upon?

The Attorney General:

That is probably more for Sylvia or possibly again Alec.

Director, Civil Division:

If I could come in first with that please? I collate all the feedback from any customers about any aspect of the work of the civil division. Often people will send in unsolicited comments and I read out some of the unsolicited comments from applicants to the redress scheme earlier. In addition, often officers within government departments will unilaterally decide to send in comments. In addition, as part of our service standards, periodically I review the list of closed files and go through them at random, selecting closed files and send out a standard-form questionnaire to the officer in the government department who has been the main contact on that file. Sometimes people do not send the forms back and sometimes they do. When they do, this is all fed into a table of customer satisfaction responses, which I maintain and then discuss periodically with the A.G. and S.M.T. (senior management team). One of the recurring themes from the feedback is that people are very positive about the service and the advice received from the civil division. They particularly value prompt and timely responses and we work hard to make sure that we do keep on top of the work and respond in a reasonably timely way. Obviously, sometimes that can be a challenge because of the volume of queries that come to us. Some matters cannot be dealt with as quickly as others because of the complexity involved. But we do have a system and again this is part of our Lexcel standards whereby we allocate work to a named legal adviser quickly and efficiently. The officer who is the contact on that file will receive an email, often from our admin support staff when they open the file, informing them of the case number, of the name of the legal adviser allocated to deal with the file, and of the person to whom any queries or complaints should be addressed, if they have any in relation to that particular matter.

Deputy M.R. Higgins:

Thank you. In fact that comes to the end of my section. On to you, Chairman.

Deputy R.J. Ward:

We have a few more questions on the C. and A.G. (Comptroller and Auditor General) report. Deputy Pamplin, you were going to lead on some of these, are you all right with that?

Deputy K.G. Pamplin:

I was indeed. This is the final section for everybody playing at home. In your submission, you explained that you were considering how to implement the C. and A.G.'s recommendations arising from the non-ministerial government departments report. Could you update us what progress you have made in that regard and any issues arising from that?

The Attorney General:

Yes, of course. The main one was recommendation 10, which was to consider options for an enhanced oversight of the governance of the non-ministerial departments that does not impinge on their operational independence, including through the establishment of an audit committee with various functions. We got a response from the Government to that, which was broadly supportive. Then the P.A.C. (Public Accounts Committee) also responded, which was supportive. What we have done since - Sylvia has done most of the work on this - is we have drafted up a set of terms of reference for the audit committee and we have shared those with other non-ministerial departments, as many as possible. There are one or two where I am not sure whether it is really appropriate for them for example the Governor's office or the chief pharmacist or the Dean. But certainly with the Judicial Greffe, Viscounts, probation service and I think Bailiff's Chambers as well, we have shared it with all of them. We had a meeting recently, a couple of weeks ago, we have had some back and forth on it, but now we have reached agreement on the terms of reference. We are still to have a final meeting just to confirm it. That is next month. Then we will be recruiting, advertising for independent assessors, members of the audit committee, and hopefully it will now go forward.

Deputy K.G. Pamplin:

That sounds encouraging. Do you have a timeline on that? I know you said meeting in a month's time.

The Attorney General:

The meeting will be next month just to confirm the final terms of reference. Then, Sylvia, what would you say the timeline would be from there?

Director, Civil Division:

We should be able to progress relatively quickly from then because the intention is to have an advert for independent members ready for discussion at the April meeting as well, so that we can then go forward and appoint the 3 independent members to this panel. Allowing for a reasonable timescale for that, I would have thought that by September this is going to be up and running and we will be having our first meeting of this committee. Obviously, going forward, it will be meeting on a regular basis. It is a significant step forward.

Deputy K.G. Pamplin:

Good to hear. It has been mentioned a few times, and I wanted to go into a bit more detail about the Lexcel client care standard. Could you just elaborate a bit more for us what was undertaken in order to accredit the department under that standard? What was the standard achieved? Where else do you go, whatever levels are there to aim for?

Practice Director, Law Officers' Department:

Thank you for asking that question. There is a whole section on client care in the Lexcel standards, among the 7 standards that I said earlier. I do not have the whole detail of it in front of me. But they are all about providing client service, making sure that matters are supervised; that clients are informed of progress as the matters progress; and that clients are happy with the outcomes of them. As I say, the way that Lexcel works, we have to submit these policies in advance to Lexcel and then an assessor will come over, review the policies in detail, and interview 25 staff that the assessor chooses herself. So we have no say to put favourite people forward. She can choose anyone in the department and ask them about our policies to see that they really are put in place. Then she will review matters to see again are there supervision notes on the matters, are there file notes, is everything up to date, are the clients being kept informed of progress. You asked what we get as a result of that. She will identify areas of best practice, areas that need improvement, and give a final recommendation for accreditation or not. In our initial year in 2019, we were recommended for accreditation. Then again the follow-up one we had 2020, we were again recommended for accreditation. In particular, she pulled out client care as an area of good practice. This is a quote from her last report: "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 go over and above the expected standard of care when dealing with client departments." So that was the 2020 summary. She also pulled out in 2019 as well, she also identified client care as an area of good practice and her comment there was: "Staff seem proud to be working for the department and are proud of each other's abilities, dedication and compliance with departmental service-level agreements with government departments, which result in the Law Officers' Department's excellent internal and external reputation." So those are 2 comments on client care. In Lexcel, one of their mantras is continuous improvement. So it is not something that we can rest on our laurels with, we continually have to look for improvement. So that is what we will be doing for the 2021 assessment, which will take place in September this year.

Deputy K.G. Pamplin:

How do all these processes that we have outlined today, including the ones you have just done, work alongside the other departments that you come into contact with in the day-to-day operations of the Law Officers' Department, be it the Judicial Greffe, be it the Government, et cetera?

Practice Director, Law Officers' Department:

With the government departments, perhaps Sylvia would like to talk about this, we have service standards, so service level agreements with the other departments. Sylvia, do you want to talk about how that works?

Director, Civil Division:

The service standards have been circulated to the directors general of all of the departments and they are invited to comment on any aspect of them if they wish to do so. As part of the service standard, I meet periodically with the directors general to discuss any general feedback about how satisfied or dissatisfied they are with the service that the civil division is providing to them and any general comments about areas that we could improve. It is also an opportunity to discuss any issues that are coming down the line that might affect us in terms of significant changes to the workload or significant new areas of development where they may need access to legal advice going forward.

Deputy K.G. Pamplin:

That wraps up our area of questions and we are 2 minutes shy, so I get to ask a bonus if that is all right, Chair.

Deputy R.J. Ward:

I was just going to ask if anyone has any questions, so carry on.

Deputy K.G. Pamplin:

Mr. Attorney General, this is a Care of Jersey Review Panel. The remit of this panel in the round is to hold the Government to account on the recommendations of the Care Inquiry, so this specifically is around that particular recommendation, the "Jersey Way", as we have mentioned, and accountability. But, as you see it, as the Attorney General, from the Care Inquiry, what has this given you as a department to move forward, based on the journey that the Island has been through? What more is yet to be done, do you think, to constructively move your world forward, you are responsible for, if you are able to answer those questions?

The Attorney General:

I was not Attorney General at the time the Care Inquiry reported. It was dealt with largely by my predecessor. In fact I acted for victims of abuse, so technically I had a conflict.

[15:30]

But, from my perspective, slightly removed in the way that I have outlined, it has had a significant impact in terms of, certainly the whole of Government. As far as this department is concerned, perhaps less so, but it was still a very important event for the department. It showed that the public spotlight was on the department just as much as perhaps any other areas of Government. Certainly, there was some evidence from at least former law officers that was considered by the Inquiry. It showed overall it was a stimulus, it showed that there was no room for complacency in terms of what we do. Whether one can say that our decision to go with getting Lexcel, for example, was caused by the Care Inquiry, I am not sure one could be as blunt as that. But certainly the Care Inquiry showed that there is a need for all areas of government really to improve. My experience from coming into the department in 2015 to where it is now is we really have improved quite significantly. In terms of whether the Care Inquiry has played a part in that, I think it has played some part. It certainly acted as a stimulus in the way that I have suggested. It is probably better that I ask Sylvia to comment on that point though, because I know she did have more involvement in the Care Inquiry than I did.

Director, Civil Division:

Thank you. One of the positive outcomes of the Inquiry is the recognition of the significance of the work that we undertake in terms of safeguarding and protecting vulnerable children. That is where I started my career personally, so it has always been a subject that is dear to my heart. So it was very positive to see the importance of that work put in the spotlight and the Inquiry has led to an increase in resources in that area of the department. As well as in another area of the department where we have a lawyer who is assisting with the development of legislative change in response to the Committee of Inquiry. We have also had a direct role in implementing the redress scheme, which would not have been set up but for the findings of the Inquiry. It has been positive to be involved in that and to see that being well-received and to see that has delivered swift redress for certain individuals, certainly swifter and more timely than going through a court process. It has achieved the objective of ensuring that a greater proportion of money is put in the hands of the victims as opposed to lawyers. That has been a positive thing and it would not have happened but for the Inquiry. In administering the redress scheme, we have had to look time and again back to the various findings of the Inquiry, into passages of the evidence and so on.

Deputy K.G. Pamplin:

Thank you for the answers and it a good point to end the hearing. I will hand back to the Chair. Thank you.

Deputy R.J. Ward:

I was just going to ask, before we go, if you have any questions for us. It is an important point of any hearing to ask if there are any questions coming from yourselves about what we are doing, et cetera, or if there are any questions from anyone else on the panel.

The Attorney General:

No. The questions that I would ask, an invitation that if you want further information from us then please ask for it. I assume you are going to publish a report. If you want us to look at it, if there anything that you are doubtful about it, then we are happy to comment on it. I assume you will be publishing a report?

Deputy R.J. Ward:

Yes, absolutely we will. Key findings and recommendations, we are all evidence-based, so, yes. If that is everything, unless someone else ...

Deputy M.R. Higgins:

Could I just ask one thing? I had put in the chat, is it possible for us to have a copy of your policy on conflicts of interest please?

The Attorney General:

Yes, we can share that with you.

Deputy M.R. Higgins:

Thank you.

Director, Civil Division:

Could I ask very quickly: will you be providing a transcript of this hearing that we could be provided with please?

Deputy R.J. Ward:

Yes, the transcripts come back, it is Friday, so it will probably be Monday now. But, yes, and they are all in the public domain. A chance to plug the Scrutiny website, you can go to the Scrutiny website and see everything that is available there and all the submissions as well. With that, I would just say we are only a few minutes over, which is great. Thanks to everybody for your participation this afternoon and for the answers given. I will call the hearing to an end. Thank you very much.

[15:36]