

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

**JUSTICE FRAMEWORK 2022-2029**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'JUSTICE FRAMEWORK 2022-2029' dated 7<sup>th</sup> April, 2022, they are of the opinion:-

1.  To approve the Justice Framework 2022-2029, in Appendix A, presented by the Committee *for* Home Affairs;
2.  To agree that the Justice Framework is a government policy framework, and to direct all Committees of the States to consider its principles and outcomes as part of any policy development, in line with the requirements of Rule 4 of the Rules of Procedure of the States and their Committees;
3.  To endorse the approach to identify and consider phasing of future justice actions requiring resourcing or cross-Committee involvement through the Government Work Plan;
4.  To recognise that all actions relating to improving justice, including those progressing under existing resources in line with a Committee's responsibilities, will be identified within the Justice Action Plan;
5.  To direct the Committee *for* Home Affairs, in consultation with other relevant Committees of the States, to publish at least once every political term a standalone publication setting out the progress in achieving the justice outcomes.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

JUSTICE FRAMEWORK 2022-2029

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

7<sup>th</sup> April, 2022

Dear Sir

**1. Executive summary**

- 1.1. □ All of government has a responsibility to keep our community safe and secure and to ensure there is fair and equal access to justice, to support victims and act early to prevent crime.
- 1.2. □ The Committee *for* Home Affairs ('the Committee') on behalf of the States of Deliberation ('the States') was given the responsibility to advise and co-ordinate justice policy matters, as part of the machinery of government reforms in 2016.
- 1.3. □ Justice in its modern, broadest terms (criminal, social and family) is a relatively new concept for Guernsey, which the Justice Framework 2022-2029 ('the Framework') (Appendix A) seeks to begin to define and shape by setting the focus and parameters within which justice activity should take place. It is an important step on the long journey to improve our justice system.
- 1.4. □ Guernsey is fortunate to be a low-crime jurisdiction and the community has high expectations that it continues to remain so. The Framework supports the outcome of remaining a low-crime jurisdiction. Retaining this reputation will continue to benefit our community in many ways, both here and on the global stage.
- 1.5. □ Improving our justice system will require greater integration of justice into all the work of government and for all Committees of the States, community partners and stakeholders involved in justice, to contribute and collaborate to achieve the intentions set out in the Framework.

- 1.6. □ The Committee views justice policy as being the actions government takes to ensure we live in a safe and fair society, which is just and inclusive. It sees it as a fundamental and important foundation of society that impacts everyone in the community, to one degree or another.
- 1.7. □ The Framework captures what justice in Guernsey means, most recently informed through the extensive work undertaken by the Justice Review, which included capturing the public's views on the justice system. It has equally been informed by consultation with Committees of the States and States' Members, and wider reviews of aspects of the justice system.
- 1.8. □ Improvements in our justice system will take time to deliver and will continue to evolve alongside changes in societal values. The Framework reflects the values of the community, as they are understood at this time through the insights available. Should those values change then the Framework will need to be updated to reflect the expectations of the community. However, the Framework will not be changed unless there are compelling and evidence-based reasons for it to do so, for example to respond to the not yet known longer-term impacts of Brexit and COVID-19.
- 1.9. □ The Committee recommends the States approve the Framework (Proposition 1) which will provide the parameters for all justice policy and justice related matters. The Framework responds to the understood values of the community at this time, and sets a realistic timeframe spanning two terms of government (2022-2029), in recognition of the breadth of work to improve justice within our small jurisdiction's capacity.
- 1.10. □ The Framework will provide government and justice agencies with the strategic parameters to which all matters of policy should give consideration, in line with the requirements of Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees<sup>1</sup> ('the Rules') (Proposition 2).
- 1.11. □ The Framework's development was informed by, and aligns with, the approach of the Government Work Plan 2021-2025 ('GWP')<sup>2</sup>. Future justice actions, where resourcing needs are identified and/or are cross-Committee in nature, that cannot be funded or resourced from within existing resources, will have to be considered for prioritisation through the GWP alongside all other government matters (Proposition 3), as agreed by the States. The Committee recognises that this consideration does not automatically mean the required funding or resources can be made available.

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<sup>1</sup> [The Rules of Procedure of the States of Deliberation and their Committees](#)

<sup>2</sup> [Government Work Plan 2021-2025 – Billet d'État XV of 2021](#)

- 1.12. □ Relevant actions will be captured in the Justice Action Plan ('the Action Plan'), which will be a 'live' document, reviewed regularly by the Committee in consultation with other Committees. It will respond to the States' decisions on the Framework and the GWP Refresh, in June 2022 (Proposition 4).
- 1.13. □ The Action Plan will show all the activity currently underway or planned that aligns to the justice outcomes, including drawing the links to work already in train such as the Review of Children Law and Outcomes action. It will set out how these actions will be prioritised, resourced and phased over this period, although given the timeframe and the need to respond to changing strategic needs there will be more certainty around those actions in 2022 to 2024. The first iteration of the Action Plan will be published as soon as possible following the GWP debate.
- 1.14. □ The Committee is recommending that it publishes an update on progress in realising the justice outcomes no less than once in every political term, as set out in Appendix A. (Proposition 5). The reporting will be consistent with our existing national statistics aligning with the United Nations Sustainable Development Goals (UNSDG) and the OECD Better Life Indices and the Regional Well-Being Index.
- 1.15. □ The Committee presents the Framework for approval in recognition that justice is a government-wide matter and it seeks the support of the States to proceed on this basis.

## **2. Introduction**

- 2.1. □ The evolution of justice policy in the Guernsey context began in 2012 through the work of the Criminal Justice Policy Working Group to develop a Criminal Justice Strategy<sup>3</sup>. The Criminal Justice Strategy started to identify the links between criminal justice and wider social policy, for example with mental health and wellbeing, family support, disability and inclusion.
- 2.2. □ Image 1 below summarises the main steps leading to the Framework's development.
- 2.3. □ The addition of justice policy to the Committee's mandate sought to ensure clearer political responsibility for managing the States' links with the judicial system, and for justice policy to be administered and co-ordinated by one committee.

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<sup>3</sup> [Developing a Criminal Justice Strategy p.1838 - Billet d'État XI of May 2012](#)

## Justice timeline 2013- 2021:

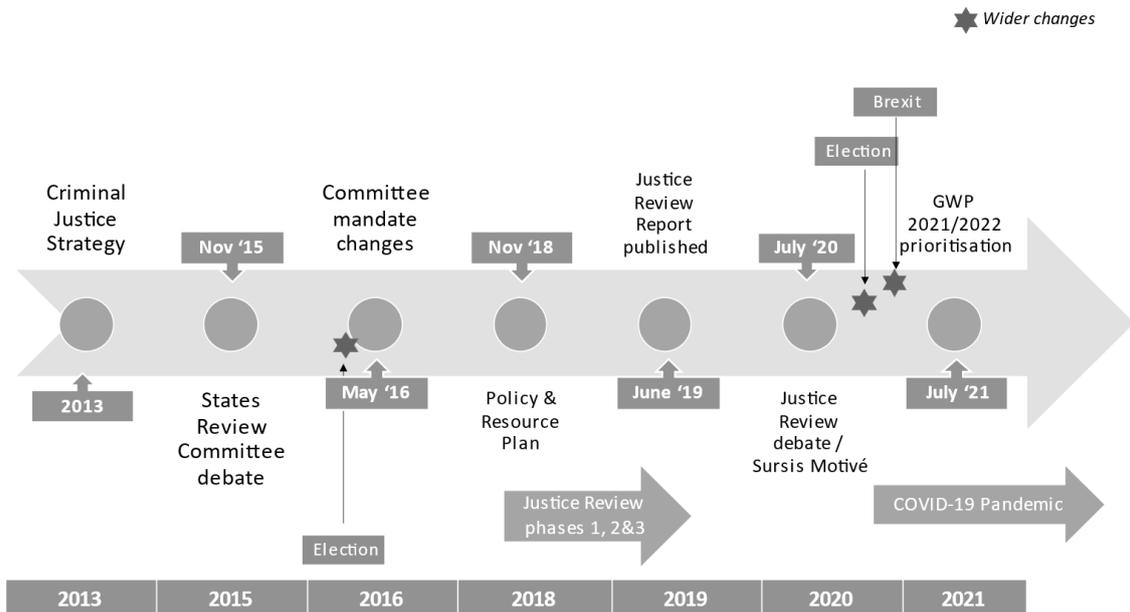


Image 1: A summary of the steps leading to the development of Guernsey's Justice Framework

### Criminal Justice Strategy 2013-2020

- 2.4.□ The Criminal Justice Strategy 2013-2020 set out the aspirations and desired outcomes for criminal justice matters in Guernsey. It was informed by consultation with a broad range of stakeholders. It identified ten areas of focus and short, medium and long-term action plans, which included sub-strategies such as the Drug and Alcohol Strategy.
- 2.5.□ The comprehensive strategy sought to 'underpin fully coordinated and effective service delivery within the justice system and add value to the States' strategic objectives'. It focused on youth and adult crime and made some links to social policy but not to the extent that it presented an integrated view of justice policy that included social and family justice.
- 2.6.□ It was expected that its development and delivery would be resourced by the Committee, in addition to existing responsibilities. An exception was made for dedicated coordinators for the Drug and Alcohol and Domestic Abuse strategies. It proved challenging to drive progress and resources often had to prioritise more immediate operational matters.

### Justice Review

- 2.7.□ In June 2018, the States identified Justice Policy as one of 23 priority areas through the Policy & Resource Plan<sup>4</sup> and funding was made available to progress the Justice Review ('the Review').
- 2.8.□ The Review sought to determine the breadth of what justice encompasses including the multiple agencies and organisations which contribute to it, directly and indirectly. It aimed to deliver transformational change in the justice system and so took a much wider view of justice policy. It was delivered in three phases and sought to capture the baseline position for justice, informed by the views of the public and stakeholders to formulate recommendations for change.
- 2.9.□ Each phase of the Review, as set out in image 2 below, was supported by independent expert advice and resource from external consultants. Phases 2 and 3 of the Review were combined and carried out independently by Do It Justice and Crest Advisory. The reviewers consulted and engaged a significant number of stakeholders including the public through a survey.
- 2.10.□ In line with Phase 1 recommendations, subsequent phases focused on “operation and efficacy” of the “core criminal justice agencies” making up the current justice system, which aim to:
- Stop unlawful behaviour and prevent it from happening again;
  - Impose penalties on those who break the law; and
  - Rehabilitate offenders.

**Justice Review phasing:**

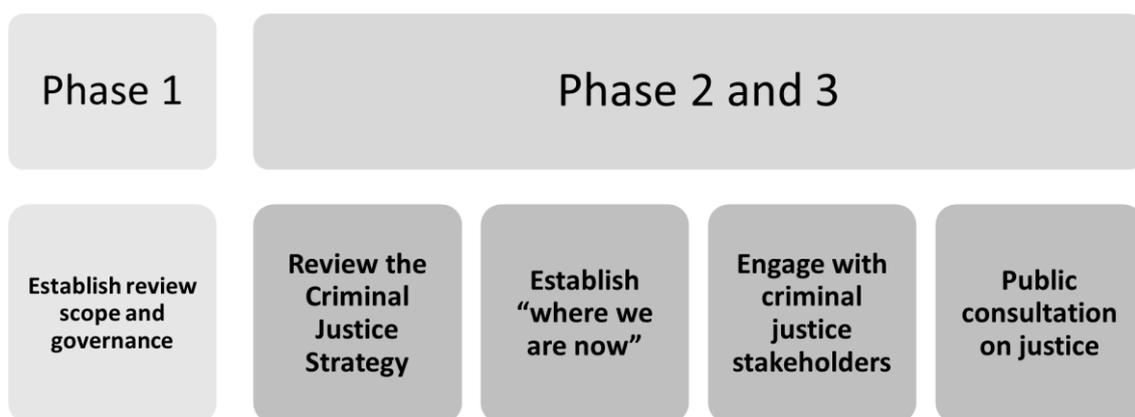


Image 2: Justice Review 2018 – 2020 phases

- 2.11.□ The public survey returned 739 responses and sought to measure the public’s experience and perceptions relating to crime and justice. Key findings included:

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<sup>4</sup> [The Policy & Resource Plan \(2017 Review and 2018 Update\) - Billet d’État XV of June 2018](#)

- 84% of respondents felt that crime was a small to medium sized problem in the Bailiwick; and
- Alcohol abuse (48.7%), domestic abuse (37%) and drug dependency (33.2%) were viewed as being the biggest issues affecting society.

2.12.□ The Justice Review Report<sup>5</sup> resulting from Phases 2 and 3 of the Review found that Guernsey’s justice system was not broken, but improvements could be made. It recognised that Guernsey is a low crime jurisdiction when compared to other jurisdictions, particularly in terms of serious crimes such as homicides which are very rare in Guernsey<sup>6</sup>. This is supported by the findings of the 2018 Bailiwick of Guernsey Law Enforcement inspection<sup>7</sup> and our crime deprivation indicators, which demonstrate a general trend of a reduction in violent crime, burglary, theft and criminal damage for the period 2018-2020.<sup>8</sup> All these indicators are significantly lower than in the UK.

2.13.□ The Justice Review Report identified several areas where improvements could be made to address, for example:

- Increasing numbers of repeat cases of domestic abuse;
- Public confidence in the justice system’s effectiveness and efficiency;
- The community have a relatively high fear of crime and perceive that crime is a medium-sized problem (almost half of those asked through the public consultation), which does not correlate to the levels of crime;
- Increasing the formal and informal diversion measures and alternative sentencing options available;
- Improving data and information capture and sharing to make better informed decisions; and
- The clarity of understanding of how the justice system operates and performs.

2.14.□ The Review advocated a holistic approach to justice delivery and it began to identify the wider links with social policy. It made 43 recommendations for change, some of which were far reaching and covered matters of societal change to policy, legislation and operational considerations. Several recommendations related to the development of a Framework which the Committee seeks to address through this Policy Letter.

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<sup>5</sup> [Justice Review Report – February 2020](#)

<sup>6</sup> [Guernsey Annual Better Life Indicators Report 2020](#)

<sup>7</sup> [Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services - Bailiwick of Guernsey Law Enforcement inspection 2018](#)

<sup>8</sup> [Guernsey Indicators of Poverty Report 2020](#)

2.15. □ In July 2020, the former Committee consulted politically with the States through ‘The Justice Review Report’ Policy Letter, considered by the States as a ‘green paper’ equivalent, under Rule 17(9) of the Rules.

### **Justice Review - Sursis Motivé 2020**

2.16. □ In relation to the Framework, the States directed<sup>9</sup> the Committee return to the States before December 2022 with:

“1. ... evidence-based proposals, in line with the Justice Review Report’s findings, for a Justice Framework that includes recommendations on:

- □ Minimising the harm done to our community by crime
- □ Prioritising measures to address financial crime, border security and cyber-security
- □ Preventing the criminalisation of vulnerable people
- □ Promoting diversion from the criminal justice system, and from formal criminal justice measures, wherever appropriate alternatives exist
- □ Rehabilitating offenders and restoring the harm done by their actions
- □ Reviewing sentencing law and outcomes, with a commitment to reform of the law governing appeals, in particular against criminal convictions
- □ Reviewing the operation and oversight of the criminal justice system
- □ Establishing a “whole Island” approach to justice and the prevention of crime.”

2.17. □ The development of the Framework was resourced through the GWP, as part of a number of recovery actions seeking to ‘keep the island safe and secure’ in response to the COVID-19 pandemic.

## **3. Strategic context**

3.1. □ Since the Review was presented to the States, the COVID-19 pandemic and the United Kingdom’s decision to leave the European Union have created a different strategic environment within which justice policy needs to sit. The longer-term impacts of these events are not yet fully known, but it is reasonable to expect that all jurisdictions will need to respond once they are better understood.

3.2. □ These considerations need to take place alongside the more fully understood threats posed by climate change to global stability and the more recent invasion of Ukraine by Russian forces. These external events will inevitably result in a need to reflect, possibly widen and refocus our government’s priorities to respond to any existential risks and issues that might arise from these situations. For

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<sup>9</sup> [Sursis Motivé – July 2020 - Justice Review Report](#)

example, from a justice perspective, there are current concerns around an increased risk of cyber-attacks as a result of the invasion of Ukraine, and so Guernsey needs to continue to be vigilant and focused on managing these potential risks to the Island and its community.

- 3.3.□ The requirement to maintain Guernsey's international reputation as a global finance hub that conforms to international standards and regulations are continually evolving in response to new threats and challenges. The aspects relating to maintaining our standards on financial and cyber-security, which will support Guernsey's upcoming MONEYVAL assessment in 2023, are of significant reputational importance but also act to keep the community safe and secure from these types of threats.
- 3.4.□ The impact of the pandemic on the Island's community and its priorities has been substantial. As well as addressing the financial implications of mitigating the impacts of COVID-19, it has equally impacted several other areas of government including health, education and the economy. From a justice perspective, through the pandemic and in particular the lockdowns, there was a marked increase in domestic abuse cases and it highlighted a need for emergency and temporary housing for vulnerable people.
- 3.5.□ In response to these additional strategic concerns and the need to rethink government's role, the Policy & Resources Committee took a different approach to prioritising the work of government. This culminated in the GWP, a plan for this term of government which focused on four priorities in the short to medium-term. It demonstrated exactly what actions would be taken and when to deliver the States' strategic aims and to the extent that it could, identified the resources needed to deliver those actions. The Committee has reflected on the change of approach to prioritising and resourcing government's work and used it to inform how it progressed the Framework and the related Action Plan.
- 3.6.□ It is widely recognised that justice policy is much broader than criminal justice and levels of crime are linked to wider social factors such as poverty, education, employment and mental health, which stretch across the mandates of other Committees.
- 3.7.□ The threats posed to the community from crime are ever changing so the States needs to remain vigilant and responsive. The progress made on protecting the Bailiwick from cyber and financial crime are examples of how we can address those existential threats to our safety and security. It is expected that an updated Cyber Security Strategy will be published in 2022.
- 3.8.□ The risk of greater inequality resulting from the pandemic is a matter of concern

for many jurisdictions<sup>10</sup> as they seek to address the challenges to improve living standards. Research suggests that increasing levels of income inequality and deprivation are associated with poorer health and social outcomes including substance use, violence and crime rates<sup>11</sup>.

## Health and the justice system

- 3.9. □ In 2017, the Committee *for Health & Social Care* published its ‘Partnership of Purpose: Transforming Bailiwick Health and Care’<sup>12</sup>, which set out a strategic direction for the transformation of health and care services in Guernsey and Alderney. It focused on prevention, early intervention and user-centred care. It recognised that the determinants of health and well-being were wide and influenced by many other factors such as how society itself is organised, the scale of health inequality, and other social and economic matters which government can influence through policy.
- 3.10. □ The Review’s findings included a recommendation that the Framework be aligned to the Partnership of Purpose, in the acknowledgement that there are links between health and justice particularly mental health, substance use and offending.
- 3.11. □ The links between health and justice were made more visible through the recently published Combined Substance Use Strategy for Guernsey and Alderney (2021-2026)<sup>13</sup>, informed by the Joint Strategic Needs Assessment of Substance Use (drugs, alcohol and tobacco) (JSNA)<sup>14</sup> and the Health and Justice Review (2020)<sup>15</sup>.
- 3.12. □ The JSNA found that from a public health perspective there is “considerable and wide-ranging harm caused by substance use in Guernsey and Alderney.” It highlighted the links between social and criminal justice when considering substance use and crime, for example:
- □ in 2018, perpetrators in 38% of assaults were under the influence of alcohol;
  - □ in 2017, for 48% of domestic abuse incident call outs the perpetrators had consumed alcohol; and

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<sup>10</sup> [Most people believe inequality has increased due to the pandemic - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>11</sup> [Justice in Scotland: vision and priorities 2017-2020](#); [Economic crises may trigger rise in crime \(unodc.org\)](#); [Newburn Social Disadvantage and Crime.pdf \(lse.ac.uk\)](#); [Improving Living Standards - Billet d’État XVI of 2020](#)

<sup>12</sup> [A Partnership of Purpose: Transforming Bailiwick Health and Care](#)

<sup>13</sup> [Combined Substance Use Strategy for Guernsey and Alderney - 2021-2026](#)

<sup>14</sup> [Joint Strategic Needs Assessment: Substance Use](#)

<sup>15</sup> [Review of the interaction of health and justice system in relation to the possession of drugs for personal use](#)

- in relation to custodial sentences; 38% of offences were drugs offences (April 2019). This was the most common offence committed and it was suggested that “this reflects the fact that most drugs which are used are either illegal substances or prescription medicines that have been obtained illicitly”.

3.13.  The Health and Justice Review, commissioned by the Committee *for* Health & Social Care, examined the interactions between the health and criminal justice systems. It focused on drug use and how alternative approaches to possession offences could be applied to promote individual health and wellbeing and community safety. These findings are being further considered through the ‘exploring alternative and non-punitive approaches to the possession and use of small quantities of illegal drugs’ recovery action, resourced under the GWP.

### **Government Work Plan 2021-2025**

3.14.  In July 2020, the States agreed the GWP setting out how this term of government will determine, develop and resource the most critical actions for government which:

- Respond to the COVID-19 pandemic;
- Manage the effects of Brexit and our international obligations;
- Deliver our recovery actions; and
- Re-shaping government.

3.15.  Of particular relevance to the Framework are the following GWP strategic outcomes:

- Young people can achieve their potential;
- A more cohesive and equal society;
- Needs are met, and people are safe and secure; and
- Effective community partnerships and increased civic participation.

3.16.  In response to the pandemic and in recognition of the longer-term impacts on the community, several justice related recovery actions are under the ‘Keep the Island safe and secure’ workstream. These were to be progressed in 2021-22 and included:

- The development of a Justice Framework;
- Explore alternative and non-punitive approaches to possession of small quantities of illegal drugs;
- Enhance domestic abuse services including piloting a Sexual Assault Referral Centre (SARC);
- Update the parole legislation; and

- Secondary legislation for sexual offences.

3.17.□ Given the international risks and obligations in and around financial and cyber-security, actions were prioritised and resourced under the ‘Managing the effects of Brexit and our international standards’ priority, as follows:

- Respond to emerging cyber-security requirements; and
- Maintain compliance with international financial crime requirements including preparation for MONEYVAL 2023

3.18.□ Several other actions progressing in 2021, within the GWP, have direct or indirect links to justice including, but not limited to:

- Matrimonial Causes Law and Domestic Proceedings Law reforms – in terms of removing fault and modernising this aspect of family justice;
- Review Children Law and Outcomes – in terms of improvements for children and young people across all aspects of justice, initially focusing on public family law;
- Progressing the Discrimination Ordinance – in terms of providing protection against discrimination and driving greater inclusion in the community.

3.19.□ Equally, as noted above, many aspects of government policy link to justice and many causal links are made between inequality in terms of employment, housing, income, health, education and justice. Improvements in these areas will, in all likelihood, contribute to the proposed justice outcomes. The Committee will make apparent any links through the Action Plan.

#### **4. The Justice Framework approach**

4.1.□ The Committee’s approach to developing the Framework has responded to the GWP approach to determining its priorities and allocating its resources. It has taken steps to align the Framework and the resulting actions to the GWP Refresh timeframe, as shown in image 3 below.

4.2.□ The Committee nominated Advocate Peter Harwood<sup>16</sup>, its non-voting Member to lead this work on its behalf and agreed to bring forward the Framework to the States as soon as possible.

4.3.□ The Framework was informed by the previous work carried out through the Review, various inspections and reviews of specific aspects of the justice system,

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<sup>16</sup> Advocate Harwood is an experienced lawyer, who has previously held the position of Chief Minister of Guernsey and who has a breadth of knowledge and experience of our justice system and on matters relating to justice.

and subsequent work undertaken by the Committee. In the absence of a comprehensive understanding of the community's values, the Committee has drawn on insights and data from various sources to inform a position on the community's values. Following the allocation of resources through the GWP, a draft Framework was prepared, informed by other jurisdictions' experiences and relevant international standards.

**Justice Framework approach:**



Image 3: Justice Framework development approach

4.4.□ In early 2022, the views were sought of other Committees, whose mandates are engaged by the Framework, such as education, inclusion and youth justice. It consulted more widely with States' Members through two virtual sessions, the first to provide the contextual background on how justice policy had evolved and the second to present the in-development Framework, prior to its finalisation. These sessions were informative and enabled the Committee to hear collectively from all States' Members in time to enable their views to be given due consideration before finalising the Framework.

4.5.□ States' Members were keen to understand what the scope and coverage of the Framework and any resulting actions would be, how they would be resourced and set out individually the areas which they wished to see addressed. The feedback reflected many of the matters already progressing under the GWP or identified for potentially taking forward to meet the justice outcomes, such as equality in family justice matters, sentencing and violence against women and girls. The timing of these consultations was aligned to the timeframe of the GWP to ensure the views shared could equally inform any decisions presented through the 2023 Refresh.

**5. Justice Framework 2022-2029**

5.1.□ The Committee recognises that justice policy is much more than addressing criminal offences and the legal processes that involves. The concept of justice is

a challenging one to set out as it can mean different things to different people. It is often informed at the individual level by people's moral views, experiences and beliefs, as well as at the community or government level.

- 5.2.□ Like many other areas of government policy, justice reforms are often introduced in response to changes in a society's values. For example, the equal rights movements in the 1960s and 1970s resulted in several new laws to enhance protection for individuals and began to see enhanced protection for women in domestic violence situations. There will always be a need to develop and evolve justice policy to meet changes in society and meet our international compliance obligations.
- 5.3.□ The Committee views justice policy as being the actions government takes to ensure we live in a safe and fair society, which is just and inclusive. It sees it as a fundamental and important foundation of society that impacts everyone in the community, to one degree or another. Justice in its broadest view encompasses many aspects of social policy which seek to ensure we have a good quality of life, including health and wellbeing, housing, education and skills and employment.
- 5.4.□ The Framework (Appendix A) proposes four pillars of justice:
  - Criminal;
  - Family;
  - Social; and
  - Procedural.
- 5.5.□ These pillars are defined, building on the proposals included in the Justice Review Report, jurisdictional comparison and the Committee's insights.
- 5.6.□ By including and broadening the understanding of justice to include social justice, it is equally important to recognise that societal change is long term in nature, and many social policy matters are not within the scope of the Committee's mandate. To successfully achieve the outcomes in the Framework, all Committees of the States, justice agencies and the public will need to work together.
- 5.7.□ The Framework will support the States in further building a safe, just and tolerant society through supporting the development of integrated and holistic justice policy. It recognises that Guernsey is a low crime jurisdiction and the changes being proposed are focused on improvements resulting from changes in best practice, such as the impact of Adverse Childhood Experiences, and societal shifts.
- 5.8.□ The Framework will:

- Set out an integrated approach to justice policy which recognises the relationship between social, family and criminal justice, and which embeds the concept of procedural justice;
- Propose to the States a set of justice outcomes and their targets that it should seek to achieve over a seven-year period (2022-2029), recognising that it will take more than one term of government to deliver against the Framework, possibly longer;
- Provide a suite of principles to inform all matters of government policy, in line with Rule 4. The suggestion being that the Framework provides the policy boundaries for all matters relating to justice that all Committees should consider when developing policy;
- Define justice policy in the Guernsey context including the different pillars and concepts;
- Provide the structure to support further integrating best practice to deliver better outcomes for our community;
- Help identify areas of greatest need and assist prioritisation within the Committee's service areas and policy resource, and the annual GWP Refresh with respect to cross-Committee actions;
- Enable effective monitoring and reporting on improvements in justice; and
- Confirm the governance arrangements for justice.

### **Justice Framework vision**

5.9.□ The Committee is proposing that the Framework's vision is:

‘An inclusive and responsible community where everyone feels safe and secure and individuals' rights are protected’.

5.10.□ The Committee recognises that this vision is aspirational, and sets the States on a long term transformational journey. It is understood that many aspects of future justice policy will require careful consideration by all justice stakeholders, as well as further public debate. This would be expected of a modern and progressive jurisdiction whose justice system should reflect wider societal changes.

5.11.□ The vision has been informed by those of other jurisdictions and reflects the direction of travel many are taking in terms of justice policy. It recognises the wider social factors which influence justice and demonstrates a commitment to equality and inclusion, as recommended by the Justice Review Report.

### **Justice outcomes**

5.12.□ The Framework includes seven outcomes that the States should seek to achieve

over the current and next terms of government (2022-2029). The outcomes were initially informed by the Scottish Government's 'Justice in Scotland: Vision and Priorities 2017-2020'<sup>17</sup>. These were reviewed by the Committee and in response to the experience of the impact of the pandemic and wider justice concerns being publicly debated, 'Outcome 7, Violence against women and girls is reduced and support for victims and survivors increased', was included. The Committee has been keen to demonstrate a response to the increasing instances of domestic abuse locally and recent global concerns and awareness raised around sexual violence, such as through the high profile 'Me Too' movement<sup>18</sup>. The outcomes were also amended to align with the GWP outcomes.

5.13. □ The Framework's outcomes are:

1. □ We live in a safe, equal and resilient community. We experience low levels of crime and low levels of fear of crime and victims and witnesses are supported.
2. □ We have high levels of confidence in the justice institutions and processes.
3. □ Prevention and early intervention improve wellbeing and life chances, delivering the right interventions at the right time, with a focus on improving outcomes for young people.
4. □ Our system and interventions are proportionate, fair, and effective.
5. □ We experience low levels of reoffending.
6. □ Modern affordable person-centred public services that are efficient and cost- effective, and which prioritise individuals above process.
7. □ Violence against women and girls is reduced and support for victims and survivors increased.

5.14. □ The GWP aligned its monitoring approach to the United Nations Sustainable Development Goals (UNSDG)<sup>19</sup> and where possible linked its targets and measures to UNSDG indicators and measures, alongside the OECD Better Life Indices and the Regional Well-Being Index<sup>20</sup>. The Committee is proposing that existing metrics are used to monitor and report on progress of delivering the justice outcomes where they exist. Where new metrics are needed the Committee will identify the most efficient and effective route to establishing these. This approach will reduce the impact on available capacity to monitor and report on progress, increase alignment with existing national statistics reporting, while ensuring sufficient assurance and visibility to oversee and track progress in this area.

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<sup>17</sup> [Justice in Scotland: vision and priorities 2017-2020](#)

<sup>18</sup> [me too. Movement \(metoomvmt.org\)](#)

<sup>19</sup> [THE 17 GOALS | Sustainable Development \(un.org\)](#)

<sup>20</sup> [OECD Better Life Indices and the Regional Well-Being Index](#)

5.15.□ It is not expected that these outcomes will need to be changed over the next seven years but the Committee will advise the States should there be a pressing need to do so.

### **Justice Framework principles**

5.16.□ To support how the matters of justice policy are determined the Framework includes ten guiding principles. These principles are equally relevant to any policy matter that has a touch point with justice, including the broader social justice matters, and should be given due regard by all Committees of the States when developing policy. The Committee is therefore recommending that these principles are used as guiding principles, in line with the requirements of Rule 4.

5.17.□ The principles are:

- 1.□ Justice responses are proactive and preventative.
- 2.□ A collective long-term approach to deal with the complex factors that contribute to crime and family breakdown in the Bailiwick.
- 3.□ Understand public perception of the justice system, providing clarity for complainants, victims, witnesses and others involved in it about what to expect.
- 4.□ Balance the respective responsibilities of individuals, the community and the States in response to threats to safety, security and social order.
- 5.□ Foster cultural change to ensure that a responsible, tolerant and inclusive approach to justice matters is supported by, and reflected in, wider society.
- 6.□ A justice system is fair, proportionate and accessible to all, and should have at its heart a joined-up approach to improving equality and inclusivity.
- 7.□ Policy should focus on supporting people rather than processes and addressing the underlying causes of crime and social disorder.
- 8.□ A whole-community approach to supporting complainants, victims, offenders, and all those impacted by the justice system.
- 9.□ Restore the harm caused to victims of crime including through the application of the proceeds of crime for the benefit of victims and/or the wider community.
- 10.□ Serious criminal activity will be targeted.

### **Defining justice policy**

5.18.□ The Committee suggests justice is where:

‘People are included and treated fairly and reasonably by the agencies which provide justice including the legal system which punishes those who commit crimes.’

- 5.19. □ The Committee recommends that Guernsey adopts four justice pillars, defined as follows:

**Criminal Justice:**

‘The regulation of criminal activity through efficient, effective and fair process that holds criminals accountable for their illegal acts and helps them to stop offending, whilst protecting the innocent and restoring the harm caused to victims of crime.’

**Family Justice:**

‘Support for families, parents and relationships that helps them avoid disputes as far as possible and which enables them to resolve disputes quickly should they arise, with minimum conflict and pain caused for all of those involved, particularly children.’

**Social Justice:**

‘Promotion of fair and indiscriminate access to the benefits of society, ensuring equality of opportunity and rights at all social and political levels.’

**Procedural Justice:**

‘Prioritises treating people with respect; actions and decisions are transparent and made neutrally and people understand how they were reached; and provides opportunity for all parties to have a voice.’

- 5.20. □ In establishing these definitions, the Committee has decided to follow the example of other jurisdictions, particularly the UK to ensure the Island models best practice. The Committee has also referred to the Justice Review Report and applied its insights to reflect the Guernsey context.

## **6. Justice Action Plan**

- 6.1. □ The Framework, once agreed by the States, will be used to prioritise and phase justice actions into an indicative seven-year plan. The Action Plan will demonstrate how the actions meet the requirements of the justice outcomes. The first iteration of the Action Plan will be published following the GWP debate in June 2022. Where resourcing needs are identified and/or are cross-Committee in nature, and that cannot be funded or resourced from within existing resources, those resourcing requirements will have to be considered for prioritisation through the GWP, alongside all other government matters, as agreed by the States. The Committee recognises that this consideration does not automatically mean the required funding or resources can be made available, and it is important for the States to be cognisant of that point.
- 6.2. □ The actions for 2022/23 will be those delivered through the Committee together

with those agreed by the States through the GWP Refresh. It will involve working with relevant Committees of the States where mandates are engaged.

- 6.3. □ The Action Plan will remain a 'live' document, reviewed regularly by the Committee, in consultation with other relevant Committees, and amended and updated as needed to respond to and reflect identified risks, opportunities, dependencies and/or constraints such as resources (specifically legislative drafting resources). The actions progressed will reflect government-wide priorities and needs, and assist the delivery of the justice outcomes, agreed under the Framework.
- 6.4. □ The Action Plan will be funded and resourced, where possible, through existing resources available to the Committee and service areas unless the States agrees to prioritise the actions through the GWP. Each iteration of the Action Plan will be published after the annual GWP debate to reflect any changes, if required. The Action Plan will set out clearly how each action will be resourced and when it will proceed. At this stage, it is recognised that the Action Plan will need to respond to resource availability and manage expectations on pace of action through actively prioritising and phasing the actions according to the level of existing resources available.
- 6.5. □ The approach the Committee is taking in relation to the Action Plan is set out in image 4 below. It shows the different inputs and outputs, the main steps in between, how it links to the GWP and informs the Framework. As with many considerations, resourcing (both people and money) is an important determining factor in the pace of delivery. The Committee recognises that the critical significance of the actions needs to be the most important consideration in its prioritisation, as the States already has to manage many competing and critical priorities within its existing resource levels.
- 6.6. □ The Action Plan will not be an exact duplicate of the GWP, it will include broader improvements and changes being progressed through service areas, not reflected in the GWP, but which will contribute to the justice outcomes. It will in effect provide an integrated plan for justice that sets out clearly to the community the actions government is taking to improve justice, within existing resources.
- 6.7. □ It would be expected that many of the actions set out will require some form of cross- Committee, cross-sector involvement, for example with partners in the third sector, the judiciary and the public. The progression of the Domestic Abuse Strategy and Sexual Referral Assault Centre pilot is a live example of partnership working to deliver justice outcomes. This reflects that improvements in justice are wider than policy or legislation changes and all organisations involved in justice have an important role to play in delivering change.

- 6.8. □ Once established those leading the actions will consult, where appropriate, with the relevant stakeholders including the public to inform the proposals for change.

#### Justice Action Plan approach:

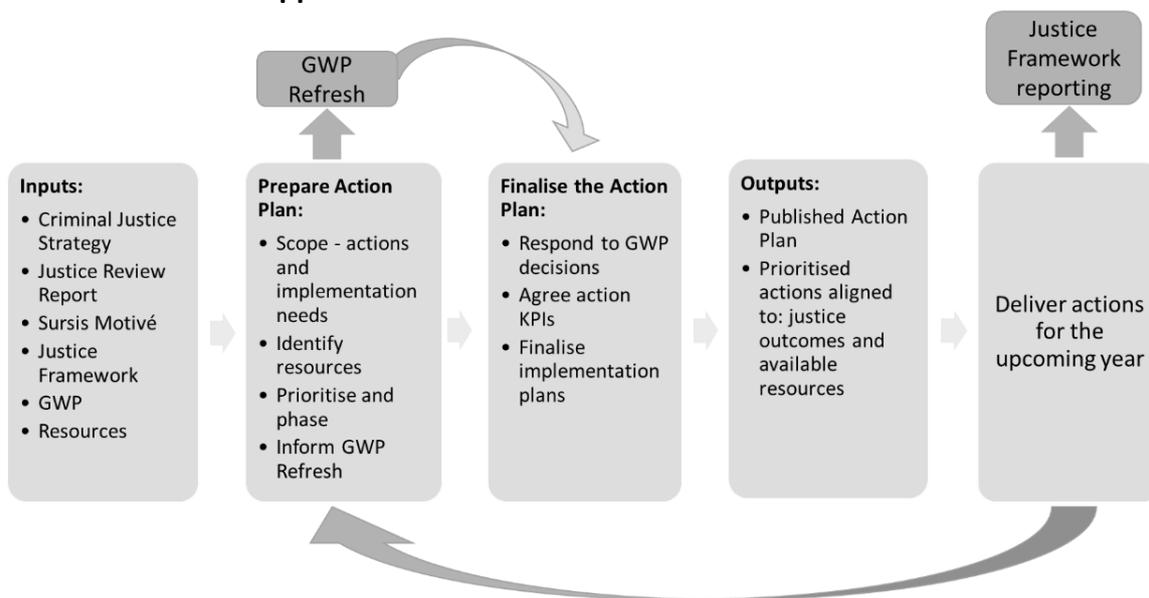


Image 4: An illustration of the Committee's approach to co-ordinating the Justice Action Plan.

#### Actions progressed since 2020

- 6.9. □ While the pandemic drew widely upon the Committee's service areas and slowed down the pace of progress of the justice actions, some activity was possible. For example, Law Enforcement promoted the Appropriate Adult scheme in 2020, to recruit more volunteers to provide support to detained persons, including children, who require this type of safeguarding support<sup>21</sup>. In 2020, of the 1,300 detained people, 18% had some difficulties that were supported by an Appropriate Adult.
- 6.10. □ The actions resourced through the GWP (section 3 above) are progressing at pace and reports on progress will be brought to the States this year. In addition, the Committee can confirm that the laws governing the grounds for appeal in criminal matters are being reviewed by the Guernsey Bar, who intend to report back to the Committee by the end of 2022 on amendments required to the current legislation. The changes identified will require policy and legislative drafting resource to complete.
- 6.11. □ The Committee is mindful that several of the GWP actions progressing this year will require ongoing resource once considered by the States, potentially: to seek further decision from the States; and/or draft and enact the necessary

<sup>21</sup> [We Need You! - Guernsey Police](#)

legislation to give effect to the change in policy; and then for those changes to be implemented by service areas. The Committee has highlighted this in its consideration of the GWP refresh this year.

6.12. □ Other GWP actions are also contributing to improvements in the justice system, including the Top-10 priority Review Children Law and Outcomes which is focusing on removing delays in decision making for children and young people. Future phases of that programme of work will consider other improvements in other areas including youth justice and private family law, subject to approval in the GWP Refresh.

6.13. □ Improvements, outside the mandate of the Committee, are being made to enhance the efficiency of the courts and modernise its processes through the digitalisation of the courts transformation project, a capital funded project, under the Reshaping Government GWP priority. This action will also enable improved collation of data and statistics to inform government policy in criminal and social justice areas, a need identified in the Review.

## **7. Governance, monitoring and reporting**

7.1. □ The Committee will monitor and report on progress against the Framework in line with its responsibilities for co-ordinating and advising the States on all matters relating to justice. Reporting on justice as defined in the Framework fully engages the Committee's mandate but does not impact on the accountabilities of sponsoring Committees undertaking activity where relevant to their mandates.

7.2. □ The Committee will encourage a cross-Committee approach to progressing actions where more than one Committee is involved.

7.3. □ Progression of some actions may also fall to those with accountability for justice matters outside government such as the judiciary or the third sector.

7.4. □ Updates on the Framework will be provided at least once in a political term to report on progress in achieving the outcomes. This approach reflects that the impacts of some policies are not evident for some time. It would be expected that some improvements will be seen in those measures that capture the impact of operational changes and improvements, as these are often more immediate. Action progress will continue to be reported through the GWP and updates to the Action Plan.

7.5. □ As noted in paragraph 5.14, the UNSDGs and our current national statistics will be used to monitor and track progress. Improvements in data collection across the system will also support improved monitoring and reporting on justice to inform future decision making.

## 8. Compliance with Rule 4

8.1.  Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

8.2. The following information is provided in conformity with Rule 4(1):

- a)  The Propositions accord with the States' objectives and policy plans to maintain a safe, inclusive and equal community. The Justice Policy Framework's development was resourced through the GWP in 2021/2022 and the strategic context is further explained in section 3.
- b)  The Framework is informed by the significant consultation undertaken with justice stakeholders during the Review (2018-2020). Subsequent consultation with Committees whose mandates touch on justice matters and wider engagement with States Members on the Framework have taken place in 2022.
- c)  The Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- d)  No additional resource requirements have been identified for the development of the Framework and its ongoing monitoring and reporting will be met from existing resources. At this time, justice actions requiring funding or resources are expected to be met by the Committee and service areas from existing resources, except where they are considered for prioritisation through the annual GWP Refresh, as set out in section 6.

8.2.  For the purposes of Rule 4(2):

- a)  It is confirmed that the Propositions relate to the responsibility of the Committee *for* Home Affairs for advising the States on justice policy matters and crime prevention including aspects relating to social and criminal justice policy such as domestic abuse, as set out in its mandate; and
- b)  It is confirmed that each of the Propositions have the unanimous support of the Committee.

Yours faithfully

RG Prow  
President

SPJ Vermuelen  
Vice-President

SE Aldwell

LJ McKenna  
AW Taylor

P Harwood  
Non-States Member

# Justice Framework 2022-2029

Appendix A

Enhancing Our Safe, Inclusive,  
Just and Tolerant Community



Committee for  
Home Affairs



States of  
Guernsey

# Justice Framework

## VISION

**An inclusive and responsible community where everyone feels safe and secure and individuals' rights are protected.**

## OUTCOMES

### OUTCOME 1

We live in a safe, equal, and resilient community. We experience low levels of crime and low levels of fear of crime and victims and witnesses are supported.

### OUTCOME 2

We have high levels of confidence in the justice institutions and processes.

### OUTCOME 3

Prevention and early intervention improve wellbeing and life chances, delivering the right interventions at the right time, with a focus on improving outcomes for young people.

### OUTCOME 4

Our system and interventions are proportionate, fair, and effective.

### OUTCOME 5

We experience low levels of reoffending.

### OUTCOME 6

Modern affordable person-centred public services that are efficient and cost-effective, and which prioritise individuals above process.

### OUTCOME 7

Violence against women and girls is reduced and support for victims and survivors increased.

# PRINCIPLES

- 1** Justice responses are proactive and preventative.
- 2** A collective long-term approach to deal with factors contributing to crime and family breakdown.
- 3** Understand public perception of the justice system, providing clarity for complainants, victims, witnesses and others involved in it about what to expect.
- 4** Balance the respective responsibilities in response to threats to safety, security and social order.
- 5** Foster cultural change to create a responsible, tolerant and inclusive approach to justice matters.
- 6** Our justice system should be fair, proportionate and accessible to all.
- 7** Policy should focus on supporting people rather than processes and addressing the underlying causes of crime and social disorder.
- 8** A whole-community approach to supporting complainants, victims, offenders, and all those impacted by the justice system.
- 9** Restore the harm caused to victims of crime including through the application of the proceeds of crime for the benefit of victims and/or the wider community.
- 10** Serious criminal activity will be targeted.



# Introduction

The purpose of the States of Guernsey's first Justice Framework ('the Framework') is to guide and coordinate activity to improve our justice system over the next seven years, 2022-2029. It is intended to provide some focus, while being sufficiently broad enough to respond to the evolving needs of the community within that period. It sets out how to begin the journey towards reaching the States' vision for justice to build **'an inclusive and responsible community where everyone feels safe, secure and individuals' rights are protected'**.

The Framework recognises that achieving our vision for justice will take time and it will require partnership working amongst all States' Committees, justice agencies, the third sector and the public.

The Framework has been developed by the Committee *for* Home Affairs, which, since 2016, has had responsibility for justice policy. Justice policy in its broadest sense includes criminal, family and social justice and is a relatively new concept for the Island.

The wide-ranging review of Guernsey's justice system (culminating in the Justice Review Report in 2020<sup>1</sup>) has informed the Framework. The contents of this document build on the extensive

consultation undertaken as part of the Justice Review ('the Review') with various stakeholders, including the public, and is informed by the more recent consultation with States' Members and responsible Committees. The Framework reflects and responds to the significant events the States have had to manage over recent years, such as the COVID-19 pandemic, as well as the UK's exit from the European Union.

The development of the Framework was resourced through the Government Work Plan<sup>2</sup>, the action plan for government, in 2021. It aligns most closely to the following strategic outcomes for this term:

-  **Young people can achieve their potential;**
-  **A more cohesive and equal society;**
-  **Needs are met, and people are safe and secure; and**
-  **Effective community partnerships and increased civic participation**

# Purpose

The Framework begins to define and shape what justice means to Guernsey by:

- providing the vision of the kind of just society that Guernsey should continue to strive towards to build a safe community, where people feel protected and have fair and equal access to public services, where victims are supported and criminal activity is prevented;
- setting out **seven outcomes** to define what justice improvements should be achieved;
- including **ten principles** to guide the delivery of justice or in the development of policies that relate to justice;
- setting out an integrated approach to justice policy which recognises the relationship between social, family and criminal justice, and introduces the concept of procedural justice; and
- defining justice policy from Guernsey's perspective to help identify which areas are more pressing to address.

# Justice Action Plan

Relevant actions to deliver the justice outcomes will be captured in a **Justice Action Plan** which will be a 'live' document, reviewed frequently to ensure it responds to relevant States decisions, needs, available resources and priorities. The Justice Action Plan will show all the activity underway or planned that aligns to the justice outcomes, including drawing the links to work already in train such as the Review of Children Law and Outcomes action. It will set out how

these actions will be prioritised, resourced and phased over this period. The pace of progress on the actions will be reliant on available resources which is dependent on the other priorities of the States. The Justice Action Plan will be informed by the decisions on the allocation of the lead Committee's resources and the annual review of the Government Work Plan.

# Concept of Justice

Justice is not only about law enforcement and addressing criminal activity. It is widely understood that levels of crime are closely linked to social and health factors, such as poverty, education, housing, employment, substance use (the use of drugs and alcohol) and mental health.

The Review found that a high proportion of people involved in the criminal justice system were reported to have mental health conditions and disorders<sup>3</sup>. Equally, there are links with substance use and criminal activity<sup>4</sup>. In 2017, the States recognised that substance use is a health issue and should be led by health services.

Such health matters may relate to wider social factors such as income inequality and levels of poverty which are themselves associated

with poorer social outcomes, including rates of crime<sup>5</sup>. Equally, the impact of Adverse Childhood Experiences<sup>6</sup>, on those who commit crimes and future offending is much better understood and is broadly sought to be addressed by many governments through different policy solutions<sup>7</sup>.

Justice policy is not only concerned with these wider factors as determinants of crime rates. Impacts on the mental health of victims and witnesses is also an important consideration. The effects on individuals, particularly children, relating to criminal and family law proceedings are also a justice matter. For example, living with someone who has gone to prison or who has a serious mental health illness, as well as losing a parent through divorce are recognised as highly stressful and potentially traumatic events which in themselves can lead to offending<sup>8</sup>.



## The Framework categorises the wider determinants of justice policy into four 'pillars' of justice:

### 1 CRIMINAL JUSTICE

'Criminal justice is the regulation of criminal activity through efficient, effective and fair process that hold criminals accountable for their illegal acts and helps them to stop offending, whilst protecting the innocent and restoring the harm caused to victims of crime.'

### 2 FAMILY JUSTICE

'Family justice is the support for families, parents and relationships that helps them avoid disputes as far as possible and which enables them to resolve disputes quickly should they arise, with minimum conflict and pain caused for all of those involved, particularly children.'

### 3 SOCIAL JUSTICE

'Social justice is the promotion of fair and indiscriminate access to the benefits of society, ensuring equality of opportunity and rights at all social and political levels.'

### 4 PROCEDURAL JUSTICE

'Procedural justice prioritises treating people with respect, whereby actions and decisions are transparent and made neutrally and people understand how they were reached; and provides opportunity for all parties to have a voice.'

Each of these pillars of justice relate to one another and all have a role to play in order to move towards the justice vision. However, these pillars are also distinct and may be supported by specific services, across many areas of government and the community such as the third sector and the courts.

One concern relating to family justice is family breakdown, which 'often refers to the breakdown of parental relationships' and may lead to the need to access the family justice system<sup>9</sup>. Domestic abuse, however, whilst often concerning relationships and contributing to their breakdown, is a criminal offence that should be properly dealt with under the criminal justice system.

Procedural justice is not tied to any specific public service or system but is a form of best

practice that may be applied in criminal, family and social justice contexts. It considers the experience of those who encounter the justice system, how they are treated and how processes and procedures may need to change to become more inclusive and fairer. It may be a simple matter of ensuring that certain justice services are understood by its users through clear and accessible communication.

Whilst negative perceptions of the justice system do not necessarily mean that its processes really are unfair, ensuring fair and just procedures can play a significant role in preventing and deterring criminal activity, and minimising, where possible, the negative effects on mental health. Procedural justice seeks to address these issues by ensuring fair and accessible processes for all members of the community.

# Starting Point

Guernsey has generally been considered a low-crime jurisdiction, when compared to other jurisdictions, particularly in terms of serious crimes such as homicides, which are very rare in Guernsey<sup>10</sup>. This is supported by the findings of the 2018 Bailiwick of Guernsey Law Enforcement inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services<sup>11</sup>. Equally, the 'Indicators of Poverty Report' for 2019 found that the crime rates for crimes most associated with deprivation, i.e. violent crime, burglary, theft and criminal damage, are significantly lower than in the UK<sup>12</sup>.

Since 2020, additional areas for improvement have been identified to reflect changes in international standards and Guernsey's own social and economic position. Since the publication of the Review, the UK has officially left the EU and the world saw the onset of the COVID-19 pandemic. Both events continue to put

a significant pressure on the States of Guernsey's resources, whilst creating new needs for the community, or exacerbating existing ones. At this stage, the resourcing constraints will impact the pace of change delivered under the Framework but this situation may change over time.

We know that the COVID-19 pandemic impacted different aspects of justice, for example during the lockdowns we saw an increase in reported domestic abuse cases and a greater need for emergency and temporary housing for vulnerable people. We do not yet know what the longer term impacts of the pandemic will be but it is possible that it may, in some cases, worsen the circumstances linked to increases in crime; for example, inflation, substance use and social inequality.

Whilst the Review identified some areas for change, many of the identified areas were found to be supported by existing policies and strategies of the States such as the Children & Young People's Plan<sup>13</sup>. Similarly, a significant number of the Review's recommendations are already being addressed by a number of different actions prioritised in the Government Work Plan: for example, the actions to:

- ⦿ **'enhance domestic abuse services in line with the updated domestic abuse strategy (including a three-year pilot of a Sexual Assault Referral Centre)'**
- ⦿ **'explore options for alternative and non-punitive approaches to the possession and use of small quantities of illegal drugs' actions.**



# Objective

As a community, Guernsey is striving to become more inclusive and equal and is taking important steps in this direction through enhancing protection for individuals such as progressing the Discrimination Ordinance<sup>14</sup> and changes to the sexual offences legislation<sup>15</sup>.

The Framework seeks to address those wider justice challenges where they continue to be needed as follows:

- The need to maintain low levels of crime in an ever-changing social, economic and political environment on both a national and international scale;
- Public confidence in the justice system's effectiveness and efficiency and understanding of how it operates and performs;
- The community has a relatively high fear of crime and perceive that crime is a medium-sized problem, which does not correlate to the levels of crime;
- Move from penal to preventative approaches that recognise wider social determinants that bring people into contact with the justice system;
- The need to modernise and provide cost-effective justice services, with better data and information sharing;
- A need to maintain a fair and accessible system with proportionate responses to different kinds of criminal activity and to ensure victims and witnesses are supported;

- Addressing re-offending and intergenerational patterns of offending<sup>16</sup>;
- The relatively high instances of domestic abuse and sexual violence in the community and how to better support victims; and
- Recognise and respond to the effect of, and minimise the occurrences of, Adverse Childhood Experiences.

Each of these challenges have shaped the different justice outcomes and principles, detailed below.

Like many areas, best practice in delivering justice is always developing and evolving to meet changes in society. Our ambitions as a small jurisdiction do not always marry to our risk and the available funding and resources. This provides unique circumstances within which the States need to determine their priorities. It is important to keep our justice framework under review so that it can continue to adapt and change to meet the community's expectations, our international compliance requirements and ensure we have a well-functioning justice system, as prioritised against government's other pressures within our capacity to deliver.

# Outcomes

A long term view is taken to delivering improvements in the justice system, with the Framework providing the structure for actions to be initiated during 2022-2029. We will seek to begin to achieve the following outcomes, some of which we expect will take much longer to deliver:

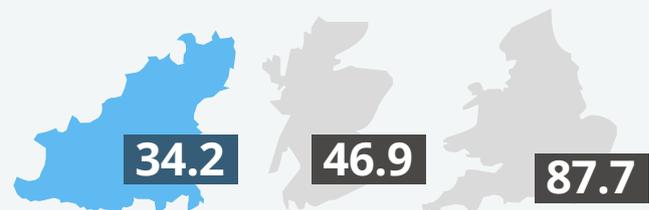
## Outcome 1

**We live in a safe, equal and resilient community. We experience low levels of crime and low levels of fear of crime. Victims and witnesses are supported. The time for victims to see justice done is reduced.**

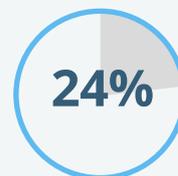
Support will be delivered to the community to ensure that we are safe, social inclusion is promoted and to help build greater community resilience and active participation. We will maintain security and experience low levels of all forms of crime; financial, criminal, and cyber, and confiscation of the proceeds of crime will act as a deterrent for criminal activity. The fear of crime will be low in the community. Victims and witnesses of crime will be supported to manage and recover from their trauma.

There will always be a need to maintain low crime rates to ensure our resilience. We will continue to be vigilant and respond to social changes and changes in criminality. Over time we will evolve our policies and legislation to meet the community's expectations and meet international standards and regulations.

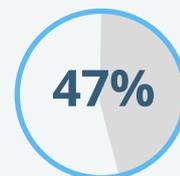
Despite the Island's low-crime rate, the community has a relatively high fear of crime and believe that crime is a medium-sized problem. Additionally, there is a growing understanding of the wider factors that lead to criminal activity and the needs of victims, such as access to mental health services to repair harm cause by psychological trauma. Many of these aspects are addressed in detail by multiple outcomes. Outcome 1 is the highest-level commitment to these wider factors, which acknowledges the importance of social inclusion.



**The review found that Guernsey's rate of crime per 1,000 population was lower than Scotland, England and Wales.<sup>17</sup>**



**Of respondents to the 2018 Crime and Justice Survey indicated that they were worried about becoming a victim of crime.<sup>18</sup>**



**Almost half of the respondents believed crime was a medium sized problem, and 16% that it was a big problem.<sup>19</sup>**

## Outcome 2

### We have high levels of confidence in the justice institutions and processes.

We need to build greater public confidence in the justice system and ensure the community believes those who commit crimes will be suitably brought to justice in a fair, proportionate, timely and effective manner and in the context of appropriate sentencing guidelines.

We recognise that public perception affects public confidence in the justice system, and that it is an important consideration to help maintain our low-crime rate and reduce the reported high levels of fear of crime. Research suggests that people who feel they have been treated fairly are more likely to comply with rules (and therefore not commit a crime) and to perceive those enforcing these rules as having legitimate authority<sup>20</sup>.

Incorporating procedural justice will help to improve the perceptions about fairness of the system and enable those who come into contact with the justice system to feel valued and respected, based on their individual needs. This will in turn lead to improved public confidence in the justice system.

2018 data indicates that:



**23% of all crimes resulted in the victim not proceeding with further police action<sup>21</sup>**

Since 2013 public confidence that the justice system is effective in:

**Bringing people who have committed crimes to justice has decreased from 65% in 2013 to 56% in 2018.**

**65%**



**56%**

**50%**



**43%**

**In dealing with cases promptly and efficiently decreased from 50% in 2013 to 43% of in 2018.<sup>22</sup>**

## Outcome 3

**Prevention and early intervention improve wellbeing and life chances, delivering the right interventions at the right time, with a focus on improving outcomes for young people.**

A greater emphasis will be given to prevention and early interventions working across Committees and community agencies supporting children, young people, and adults. An initial focus will be on supporting vulnerable young people through progressing those aspects that align closely with the amendments to the Children Law and improvements in the family justice system (subject to prioritisation decisions). Alignment with public health oriented approaches to justice will be strengthened, in line with the Combined Substance Abuse Strategy. Greater support will be given to those who are vulnerable and at risk of harm including those with substance abuse and mental health issues. Where applicable, more health oriented approaches will be taken.

Improvements in justice are wider than changes to the criminal justice system. We will work together, in line with existing policies and strategies of the States to address the wider health and social factors that link to justice. These are not only important in reducing levels of crime but also improving the experience of all who come into contact with the justice system, including victims and witnesses.

We know that preventing abuse and neglect of children and young people will improve their outcomes and life chances. The Committee *for* Home Affairs will continue to work alongside the Committee *for* Health & Social Care, in line with the Children & Young People's Plan, which focusses on improving the welfare and needs of children including ensuring they are kept safe, youth offending is reduced and services are trauma informed.

Minimising the negative effects of family breakdown on children are equally important, as it is widely understood that adversarial approaches to family disputes can have a negative effect on the welfare of children.

The current review of the Children (Guernsey and Alderney) Law, 2008 will help inform any wider system changes needed to better support families.

Similarly, early intervention and prevention measures to support people with substance use addictions are proven to be effective in reducing crime and reoffending, as well as improving the wider outcomes for these vulnerable people. This Framework aligns with the intentions of the Combined Substance Use Strategy which seeks to prevent substance use across the community<sup>23</sup>.

Findings from the Justice Review public survey:



**Some individuals felt that the justice system had detrimental effects on their wellbeing.<sup>24</sup>**

**94% respondents believed children who commit crime should be given support.<sup>25</sup>**



## Outcome 4

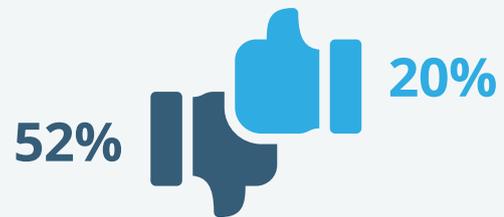
### **Our system and interventions are proportionate, fair, and effective.**

The system will respect individuals' rights and seek to ensure that the community, working with all of its members, is a fair, accessible, and safe place. Where interventions are needed, a balanced approach will be taken to ensure proportionality, in line with other agreed States policies and with due consideration to social justice and the wider determinants of health. Our justice system will operate effectively and deliver better outcomes for individuals and the community.

The Review found that the community expects that responses to criminal activity are proportionate. This will always be a significant challenge, as individuals have different opinions on whether certain criminal activity warrants harsher or less harsh responses. A similar issue is in finding the correct balance of the different rights of individuals involved in the justice system. Based on the insights available on the community's values, improvements will be made in those areas of greatest concern.

Action to improve the justice system which makes it fairer and more effective is needed, whether through:

- ① **Improvements or extension of existing services;**
- ② **or wider changes to legislation to provide a more balanced response which drives better outcomes for individuals, the victims and wider society.**



**52% of respondents were 'not very' or 'not at all' confident that the Bailiwick's criminal justice system as a whole is fair to all, compared with 20% who were 'very confident' or 'fairly confident'.**



**51% of respondents disagreed with the statement 'the punishment for committing a crime is the same no matter who you are', whereas 35% agreed.<sup>26</sup>**

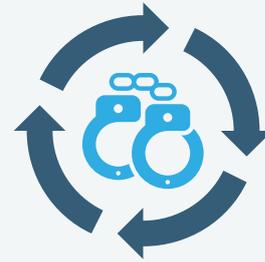
## Outcome 5

### **We experience low levels of reoffending.**

Those convicted of a crime will be further supported to be rehabilitated and re-integrated back into community life. Individuals with complex needs and young offenders will be supported through a multi-agency approach and will be encouraged not to reoffend.

There are many steps that can be taken to further support and rehabilitate those who offend. Recent developments in understanding and best practice will be taken into consideration. It is important those who have served their sentence can reintegrate back into the community and be productive members of society.

Addressing these wider factors is also about supporting ex-offenders so they do not return to the same conditions which may have led them to offending in the first place and lead to reoffending. This may involve providing resources that could help them to find employment, address childhood trauma or prevent them falling into poor living conditions. The Committee for Home Affairs will work with other Committees of the States that are leading improvements in these areas.



**In 2020, an estimated 20% of all convicted adults were reconvicted within two years of the start of their original sentence.<sup>27</sup>**



**Respondents to the Review public survey felt that all those who have committed youth crime, preventing reoffending with support to change behaviour was more important than doing so through the justice system.<sup>28</sup>**

## Outcome 6

### **Modern affordable person-centred public services that are efficient and cost-effective, and which prioritise individuals above process.**

The cost and resource implications of the justice system will be modelled and targeted interventions made to reduce demand on the system. Overall offending and reoffending rates will have reduced, as will Legal Aid costs. Justice services will be more streamlined and efficient, reducing the time, costs and improving outcomes for those within the services.

The continued modernisation of the justice system is an important aspect to ensure that services are focused on the individual and are delivered effectively and efficiently. Digitalised services play an important role in ensuring the accessibility of services, including online resources. Future improvements should build on the work underway to digitalise the courts, police and probation services. Digitalisation

will also support collection of better data and insights to inform improvements, and enable improved sharing of information.

This outcome ties into several other outcomes, such as those seeking to reduce reoffending, which could reduce the numbers of those being processed by the courts and ultimately being kept in prison.



## Outcome 7

### **Violence against women and girls is reduced and support for victims and survivors increased.**

The actions within the Domestic Abuse Strategy will be progressed and will reduce acts of domestic abuse and sexual violence, focusing on reducing offences against women and girls. All victims of domestic and sexual abuse will feel better supported and have greater access to services. The Sexual Assault Referral Centre pilot will have been completed and a decision made about its permanence.

The Committee for Home Affairs is updating its Domestic Abuse Strategy, in line with this Framework, and it is likely to recommend it incorporates sexual violence within its scope for the first time. This will provide a stronger, more joined up approach for the planned development of new and existing services.

Recent history has demonstrated that there is an increasing and concerning level of domestic abuse and sexual violence, and that support for victims could be improved. This worrying trend is similar to that experienced in other jurisdictions who also have responded to focus on prevention and protection. While reporting these crimes has increased, we know that these crimes often go under-reported<sup>29</sup> and often victims do not always proceed with the case to its conclusion.



**Domestic abuse was ranked the third most important issue impacting on society in the Bailiwick in the Review's public survey, according to 37% of respondents.<sup>30</sup>**



**The number of domestic abuse incidents recorded by the police in Guernsey in 2020 was 780, an increase of 8% on the previous year.<sup>31</sup>**

# Principles

The Framework's principles provide guidance to how the outcomes and vision should be achieved. They provide a consistent set of standards and expectations to be considered and met regardless of which organisation is making improvements to the justice system. This is particularly important from a justice perspective as there are multiple agencies, both inside and external to government, crossing several service areas and Committees mandates that contribute to delivery of justice in Guernsey.

The principles will be adopted by the States as part of their responsibility to ensure that all future policy gives consideration to these guiding principles and aligns to them where necessary.

The principles are:

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## 1. **Justice responses are proactive and preventative.**

Justice policies should ensure that the justice system is no longer the default response to crime and family breakdown. The emphasis should be on responses that are proactive and preventative in the long term, rather than reactive and punitive in the short term.

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## 2. **A collective long-term approach to deal with factors contributing to crime and family breakdown.**

Justice policies should be underpinned by a genuinely collective long-term approach to deal with the complex factors that contribute to crime and family breakdown in the Bailiwick. The States should work in partnership with an agreed purpose, with clarity about shared outcomes and respective responsibilities towards achieving them.

**3. Understand public perception of the justice system, providing clarity for complainants, victims, witnesses and others involved in it about what to expect.**

Justice policies should ensure that there is clarity for complainants, victims, witnesses, and others involved in the justice system about what to expect from it. This should include examining and understanding perceptions of the public and those who come into contact with the system about its proportionality, consistency, fairness, and costs.

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**4. Balance the respective responsibilities in response to threats to safety, security and social order.**

Justice policies should seek to balance the respective responsibilities of individuals, the community, and the States, and should seek to strike the right balance in responses towards different types of threats to safety, security and social order.

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**5. Foster cultural change to create a responsible, tolerant and inclusive approach to justice matters.**

Justice policies should seek to foster cultural change to ensure that a responsible, tolerant, and inclusive approach to justice matters is supported by, and reflected in, wider society.

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**6. Our justice system should be fair, proportionate and accessible to all.**

Justice policies should ensure that the justice system is fair, proportionate and accessible to all, and should have at its heart a joined-up approach to improving equality and inclusivity.

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**7. Policy should focus on supporting people rather than processes and addressing the underlying causes of crime and social disorder.**

Justice policies should shift the emphasis of policy to people rather than processes, i.e. to supporting victims, witnesses, and all parties in family breakdowns, and to addressing the underlying causes of crime and other forms of social disorder both systemically and in individual cases.

**8. A whole-community approach to supporting complainants, victims, offenders, and all those impacted by the justice system.**

Justice policies should facilitate whole-community approaches to supporting complainants, victims and to reintegrating people who have served their sentences, and to supporting all those involved with the family justice system.

**9. Restore the harm caused to victims of crime including through the application of the proceeds of crime for the benefit of victims and/or the wider community.**

Justice policies should seek to restore the harm caused to victims of crime using restorative approaches, where appropriate, and by applying the proceeds of crime confiscated for this purpose. The proceeds of crime should be used for the benefit of victims and their families, and also the wider community.

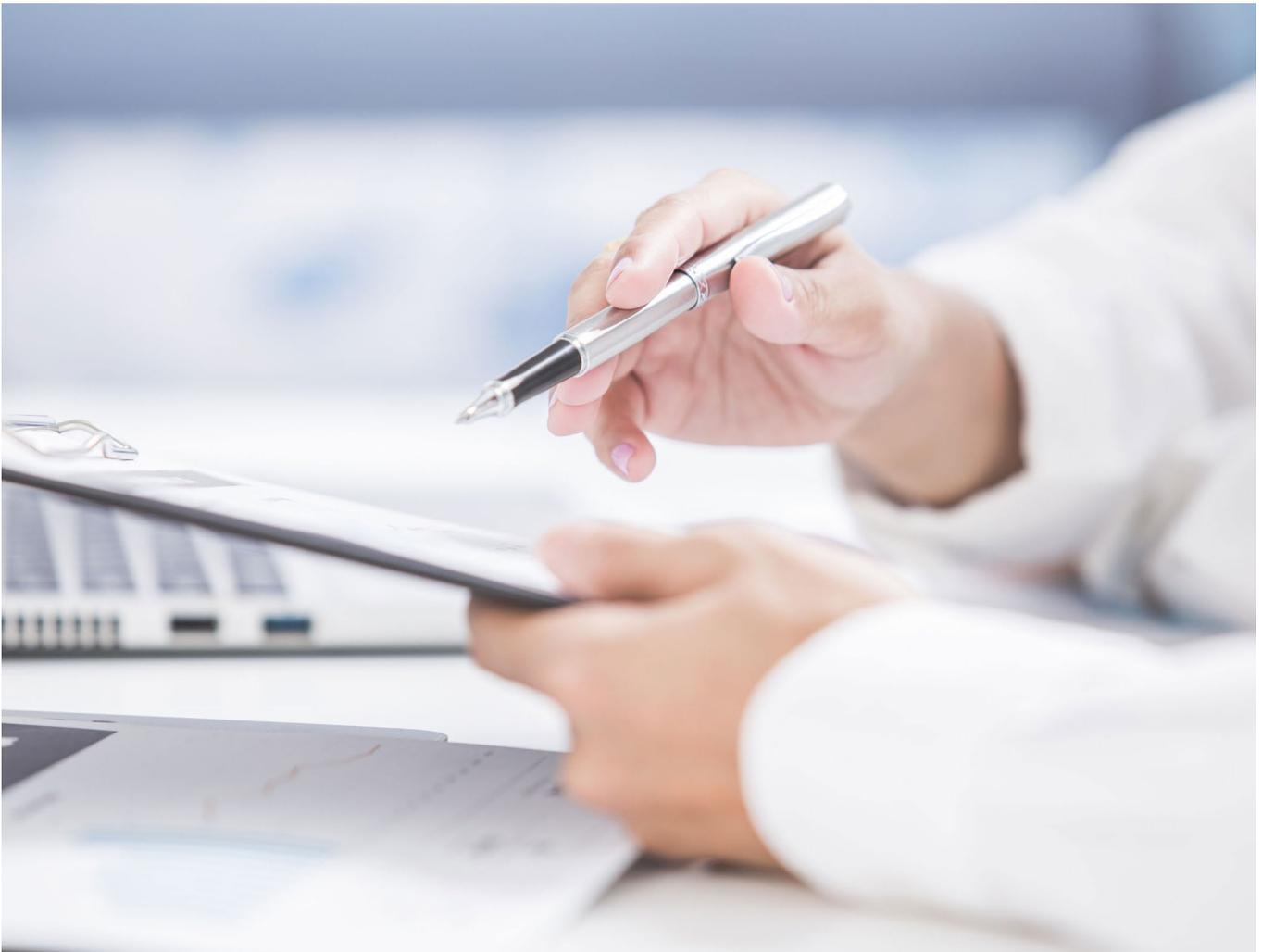
**10. Serious criminal activity will be targeted.**

Justice policies should continue to demonstrate an intolerance for criminal activity, whether local or global, by pursuing, investigating, and disrupting serious criminal activities, denying them the benefit of their criminal activity, including recovering any domestic or international proceeds that it has raised.

# Monitoring Progress

In order to quantify and demonstrate the effectiveness of any improvements to the justice system, each of the Framework's outcomes will have clear targets and measures that are recognised by individuals across the justice system and beyond. Progress will be reviewed regularly and will draw from our existing data sources to make the most effective use of resources. Where gaps are identified we will work with service areas to establish the right targets and measures.

Updates on the Framework will be provided at least once in a political term to report on progress in achieving the outcomes. The reporting will reflect the United Nations Sustainable Development Goals, the OECD Better Life Indices and the Regional Well-Being Index, adopted as the means to report on strategic activities by the States through the Government Work Plan.



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For further information on the Justice Framework  
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