

2.11 The Deputy of St. Martin of the Minister for Home Affairs regarding the establishment of a formal agreement with Disclosure Scotland as part of the Rehabilitation of Offenders (Jersey) Law:

Following her oral answer on 26th February 2008 when the Minister informed Members that she would present a report on the operation of the Rehabilitation of Offenders (Jersey) Law. Would she also update Members with work being undertaken to establish a formal agreement with Disclosure Scotland explaining what form that agreement will take, how local employers and residents will be informed of its existence and how to access it?

Senator W. Kinnard (The Minister for Home Affairs):

The report on the operation of the Rehabilitation of Offenders (Jersey) Law 2001 will take the form of a guidance note to the public. My department has commenced work on this but there is a substantial amount of work involved in making sure that the guidance is both accurate and in a form which is easily understood. Guidance will cover how to access criminal records. However, it may not be necessary to establish any formal agreement with Disclosure Scotland for that purpose.

2.11.1 The Deputy of St. Martin:

I welcome the work being done but is the Minister in a position to say exactly when this report will come and why it will not be necessary to involve ourselves with a formal agreement with Disclosure Scotland?

Senator W. Kinnard:

This task, of course, is part of our department's ongoing workload which Members may be aware is considerable at present. Being held to a date for completion on the guidance note I do not think, really, is necessary or reasonable. It is being progressed and it is being done as soon as possible. In answer to the second part of the Deputy's question, we may not wish to tie our hands by entering into any formal agreement with Disclosure Scotland, although, clearly, they have been very helpful in helping people here in the Island seeking access to their criminal records. But the States may decide at a later date to adopt the scheme which is similar to the U.K.'s Vetting and Barring Scheme. Then it would be necessary instead to have a formal agreement with the Criminal Records Bureau, which is based in Liverpool, as this is the agency through which the Secretary of State, when interfacing with the new Safeguarding Authority, would act from October 2010. So if access to Disclosure Scotland can continue informally and a satisfactory service is achieved by that means in the interim, then this facility may better suit the Island in the longer term. It is just too soon to be definitive on this point but clearly it is a matter which will be resolved.

The Deputy of St. Martin:

Could I just press the Minister as to some date? Really, it would be reasonable to expect that some progress will be evident maybe within 2 months time.

Senator W. Kinnard:

I cannot give a date, we are, as I said, working on this as part of our workflow. Members must be aware that in Home Affairs our first priority, of course, is reacting to the needs of our frontline emergency services and report writing naturally takes second place. But it is very much on our agenda and it is something that is currently being worked upon and we intend to bring it forward as soon as possible. As I say, we do have some very helpful assistance from Disclosure Scotland in the Island at the moment which is assisting members of the public and also businesses.