

3.7 Deputy M.R. Higgins of the Minister for Health and Social Services regarding action taken in relation to a child protection matter:

Further to the Minister's meeting with former Deputy Pitman and his constituent and her response to my question on 17th June 2014, will she advise what action, if any, she took regarding the child protection matter discussed and whether she agrees with the view of the head of the children's service that a young child observing a sexual act at - and my question originally had - very, very close proximity does not represent a child protection issue?

The Deputy of Trinity (The Minister for Health and Social Services):

Again, I am not at liberty to discuss individual cases and it is entirely wrong for the Deputy to take out of context the comments of one individual in response to a multi-agency inquiry. I do take my responsibilities, as do my staff, with regard to child protection very seriously and, like the Deputy, seek the guidance and independence of a safeguarding chair in these matters. The matter had been reviewed independently by the former and present independent Safeguarding Chair. Both took advice from a variety of agencies, including the States of Jersey Police and Probation, to come to their decision.

3.7.1 Deputy M.R. Higgins:

The Minister is aware that a report was made to the Multi-Agency Child Protection Agency without the full facts and, therefore, any decisions they make can only be as good as the information they have been provided. They were not told of the content of the tape fully and the Data Protection Commissioner is trying to get your department to change its records because they are inaccurate. Is that not correct? Will you confirm that the Data Protection Commissioner is trying to get the records corrected?

The Deputy of Trinity:

I will not confirm that. As said by the Minister for Home Affairs, that is operational. If the Deputy believes he has any new evidence in the case, he should report it to the police, M.A.S.H. (Multi-Agency Safeguarding Hub) or to the independent Chair of the Safeguarding Panel. I understand that the Deputy was supposed to meet the Safeguarding Chair in January but he failed to turn up. If he was to arrange another meeting, I am sure that still can happen.

Deputy M.R. Higgins:

Sorry, I must give a point of information here. That meeting was to do with a totally different case.

The Deputy Bailiff:

It may well have been, but the answer you have been given is that this is an operational matter and if you have further information that ought to be disclosed you should disclose it to the police.

3.7.2 Deputy J.G. Reed of St. Ouen:

I would just like to ask the Minister whether she could confirm that indeed the head of Children's Services has ever expressed a view that a young child observing a sexual act at close proximity does not represent a child protection issue.

The Deputy of Trinity:

As I said in my original question, it could be taken out of context. It is a multi-agency approach to these very serious child protection issues, and that is the important thing. It is a multi-agency response.

3.7.3 Deputy M. Tadier:

If the Minister is saying it could be taken out of context, the statement has to be said first in order for it to be taken out of context. Therefore, is she conceding that the statement was said but that it is perhaps being taken out of context?

The Deputy of Trinity:

No, I am not saying that. What I am saying is any evidence that comes is a multi-agency response. It is not just down to one person, one department. It goes through the multi-agency approach and that includes being looked at by the previous Chair of the Jersey Child Protection Committee and the present independent Chair of the Safeguarding Panel.

3.7.4 Deputy G.P. Southern:

The question must be asked then: what did the head of Children's Services state about this particular act?

The Deputy of Trinity:

As I have said, this is operational and I have no intention of responding to that.

Deputy M. Tadier:

A point of business. Is it satisfactory to give an answer saying something is operational? Clearly, with the police that is a different matter. The Minister cannot interfere. But when it is a matter about something in her own remit from any other department, is it satisfactory to say it is operational; therefore, I cannot give an answer?

The Deputy Bailiff:

That is the Minister's answer. That is the answer she has given. It is a political matter as to what steps Members take after that. This is not a matter for the Chair. It is perfectly appropriate for a Minister to choose how he or she wishes to answer any question that has been put.

3.7.5 Deputy M.R. Higgins:

The Minister has obviously tried to evade and virtually we know that obviously the statement was made. Will she admit that ... has your department been contacted by the Data Protection Commissioner on this issue about your inaccurate records and records that have been passed on to the multi-agency child protection agency? Yes or no?

The Deputy of Trinity:

As I said, I cannot discuss individual cases. This is down to operation of an individual case and it is totally inappropriate for me to make any comment about that.

The Deputy Bailiff:

We have gone as far as we are going to go, therefore, on that question.