

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY
R.G. LE HÉRISSEIER OF ST. SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY 17th JUNE 2008

Question

What checks are currently carried out on the backgrounds of care workers employed in residential and nursing homes? What liaison exists with the appropriate professional bodies in the UK?

Answer

All care home owners in the charitable and private sectors (and this includes directors of companies, trustees and members of management boards and accountable managers, are subject to Police records vetting as per the Nursing and Residential Homes (Jersey) Law 1994. This is possible because Article 18 of the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002 refers explicitly to the '*the registered person*'.

Deficiencies in the law – we need to remind ourselves that the law was drafted over 14 years ago now – do not make it possible currently for care home managers in the charitable and private sectors (as defined in the above paragraph) to obtain Police record checks for their staff. The States of Jersey, therefore, cannot enforce a requirement by which care home owners in the charitable and private sectors vet their staff.

The Deputy has asked me an oral question concerning the regulation of care workers in care and residential homes and I would like to quote from my proposed reply to him, which is relevant here; *The States of Jersey has made available law drafting time in 2009 so that a new law – currently described as the Regulation of Care Law – can be introduced. This will increase the level of quality control and vigilance – and indeed, training and qualifications – which are required if the care of patients and clients is to be protected and seen to be protected. The Regulation of Care Law will be informed by best practice from the mainland, and by the outcome of the consultation process which was completed a few weeks ago now.*

My Department is currently working with the States of Jersey Police to determine whether it is possible to bring about Police vetting in the shorter term – either through a minor amendment to the existing law or by myself exercising my powers of decision making as Minister for Health and Social Services.

Finally, as to care workers employed in those residential and nursing homes which are directly provided by the Health and Social Services Department, Police checks are undertaken as a matter of routine and have been since 2002. The Deputy may well be aware that the Minister for Home Affairs is working on behalf of the States of Jersey to implement a vetting system which takes account of the Bichard Inquiry recommendations.