

19th November 2013

3.8 Deputy M.R. Higgins of the Chief Minister regarding calls in the U.K. to create a criminal offence of failure to report suspected child abuse:

Would the Chief Minister support calls by the former Director of Public Prosecutions, Keir Starmer Q.C., for a change in the law to make it mandatory for all persons in authority or who have responsibility in relation to children, to report child abuse when they believe that a child has been abused or is about to be abused under a penalty of imprisonment or a fine and if not, why not?

Senator I.J. Gorst:

I would like to ask my Assistant Minister who sits on the Children's Policy Group that deals with these matters to answer this question.

Senator P.F. Routier (Assistant Chief Minister - rapporteur):

I am pleased that the Deputy has asked this question as I am asking the Children's Policy Group to work with the Independent Safeguarding Chair to consider whether legislation of this nature should be introduced in Jersey.

The Bailiff:

Deputy Higgins, do you want a supplementary?

3.8.1 Deputy M.R. Higgins:

Yes, perhaps the Assistant Chief Minister can give us a timetable when he can expect to report back or is it going to be after the next election or a year's time or next week or when, please?

Senator P.F. Routier:

It will be on our next agenda when we meet.

3.8.2 Deputy T.M. Pitman:

Given not only the decades of concealed child abuse at Haut de la Garenne, but in a week which has also seen the *Jersey Evening Post* fail in an attempt to block evidence from the Sharp Report into an abuse cover-up at Victoria College being used as evidence in a court case, does the Assistant Chief Minister feel it is now time for Jersey to really show the world that we have moved on from protecting institutions and, indeed, high-ranking public employees, to show that children are at the forefront of our thoughts and our efforts as they undoubtedly should be and that this would be a great way to do so?

Senator P.F. Routier:

There has been a considerable step-change in the way Jersey organises its safeguarding policies in recent years and I am pleased to be part of that work. Members will be aware that the Council of Ministers has also established an Adult Safeguarding Group as well as the Children's Group and we have appointed an Independent Safeguarding Chair. I think Members can feel hopefully reassured that things are a lot different now than what they were in the past and that we will be hopefully dealing with things in an appropriate manner.

3.8.3 Deputy R.G. Le Hérissier:

I wonder if the Assistant Chief Minister would inform the House whether he is personally in support of the proposed change to the legislation?

Senator P.F. Routier:

Since the suggestion was made by Mr. Keir Starmer, I have looked at the issues relating to that and I have to say that there is conflicting evidence. Certainly the Chief Executive of Action Aid does not think that it is an appropriate thing to do but that there are more important things like ensuring that

child protection is working and in place and to have a mandatory reporting system probably may not be appropriate. But we are going to look at all the evidence that is available across jurisdictions because I know that in Canada and Australia they do have that provision within their legislation, but we will look at all the evidence that we can find to see if it is appropriate for Jersey. I am not in a position today to say whether I support it myself.

3.8.4 Deputy S. Pitman of St. Helier:

Will this legislation apply to Jurats who formerly supported paedophiles in their former jobs and also Bailiffs who have allowed Jurats to sit who have supported paedophiles in their previous jobs?

Senator P.F. Routier:

I would imagine that if such legislation were progressed, that it would apply to all members of our community.

3.8.5 Deputy M. Tadier:

Does the Assistant Chief Minister at least acknowledge that presently there is an expectation that all persons in authority or who have responsibility in relation to children should report child abuse where they believe that a child has been abused or is about to be abused?

[10:45]

Senator P.F. Routier:

Yes, certainly. The people who work within the States bodies currently are expected to report all incidents which are likely to have involved abuse of children and adults. We are currently working on the memorandum of understanding for all States departments to sign up to and I expect that that will be carried out very soon so that all departments will have signed up to a memorandum of understanding.

3.8.6 Deputy M. Tadier:

Supplementary, please. Given the fact that the Assistant Chief Minister agrees with the principle of the question, does he agree that the only bit that needs to be resolved is what kind of punishment or recourse should be taken if somebody does not sign up to this or does not discharge that duty which we all agree is a normal thing to do?

Senator P.F. Routier:

As I said, if legislation is progressed, the penalties would be subject to review by and the advice of the Law Officers' Department as with any legislation which is progressed within our Island. No doubt the appropriate penalties will be assigned to the legislation, but I have to say that is if we progress that legislation. There are other ways of achieving what we all want, which is the protection of children.

3.8.7 Deputy M.R. Higgins:

I must say I am more concerned now than I was before I asked the question and the reason is that the Assistant Chief Minister will not give a commitment. He says he thinks in principle it is a good idea. He thinks that people should be making reports but what penalties are there if they do not make reports at the present time? We know that abuse has gone on in this Island in many of its institutions and we are going to have a Commission of Inquiry to look at many of the issues. There is still abuse going on. There are others who are not caught by the scheme. That is what annoys me. The Assistant Chief Minister talks about the Independent Safeguarding and Standards Panel. I am not even sure I have got any confidence in that panel. I am aware that we have got a written answer from the Chief Minister ...

The Bailiff:

Deputy, could you come to your question, please?

Deputy M.R. Higgins:

Yes, okay. The question is the Independent Safeguarding and Standards Panel he has mentioned has refused 2 serious case reviews that I am aware of, one regarding H.G, which the Chief Minister was putting forward - they did not think it was appropriate - and there is another one where the family should have the case reviewed. We are still failing people. Does the Assistant Chief Minister think that the Independent Safeguarding and Standards Panel is enough and will he answer what existing penalties there are for people who do not report abuse?

Senator P.F. Routier:

I am really disappointed in the approach and the line of questioning and the doubt that is put into people's minds about the ability of the Independent Safeguarding and Standards Panel to operate effectively. I believe that they are working very well and they do have procedures in place to ensure that both children and adults are being protected and they are carrying out their function appropriately. With regard to any penalties or things put in place where people are found to have been carrying out abuse, we have our court procedures which currently are in place but we are always monitoring that to see whether there are any adjustments that need to be made. I will leave it at that.

3.8.8 Deputy M.R. Higgins:

The Assistant Chief Minister has not answered the second part of the question, which is what penalties are in place at the present time for people in authority with responsibility for children who do not report their belief that child abuse is taking place? In other words, they do not report it, they just turn a blind eye.

Senator P.F. Routier:

I find it very difficult to answer that question because I believe that the processes that we have in place currently with all the multi-agency child protection schemes and the current working of our Adult Safeguarding Panel and our Children's Safeguarding Panel are working very well. I know the Deputy may be disappointed that he has not been able to convince them to carry out particular cases but they are independent and they make their judgments which they think are appropriate.

Deputy M.R. Higgins:

With respect, he still has not answered the question. The question was what penalties exist for members of the Civil Services or public service who fail to report child abuse where they believe it is taking place at the present time. What penalties do they face, anything? Will they be fired? Will they be reprimanded? What?

Senator P.F. Routier:

They would no doubt be reported to the States Employment Board and whatever available procedures are in place would be carried out by that board.