

2.13 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the progress of the draft Sexual Offenders Law:

Will the Minister provide an update on the progress of the Draft Sexual Offenders Law and advise who it is proposed will be responsible for deciding who should be included on the sexual offenders' register, who will be carrying out risk assessments and how the process will be monitored?

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

I expect to have the final draft of the Sex Offenders Law this week. Preliminary consultation with the courts, police and probation has already been taking place. Once it has been reviewed by the Council of Ministers there will be a short general consultation period with a view to lodging the report and proposition in July for debate in September. It is perhaps more accurate to refer to persons becoming the subject to notification requirements rather than the existence of the sex offenders' register. It is the court, and most usually it will be the Royal Court, that decides on conviction of a relevant offence whether the individual should be subject to a notification requirement which will not normally be for less than 5 years. Persons subject to notification requirements will have to notify the police of their presence on the Island, their address and other requirements. Specialist public protection police officers will be preparing risk assessments and carrying out home visits to offenders. They will work closely with their colleagues in probation, the prison service, Health and Social Services as well to provide information and assessments for the courts and appropriate levels of supervision according to risk. Monitoring of the process will take several forms. Specialist trained public protection officers will carry out the sensitive and stressful work in accordance with A.C.P.O. standards. They will be supervised by higher ranking officers who will review risk levels, monitor home visits, review actions and risk management plans. Her Majesty's Inspector of Constabulary will carry out regular inspections. Other agencies will also be involved in the M.A.P.P.A. (Multi Agency Public Protection Arrangements) and risk assessment. The Chief of Police must also present an annual report to the Minister setting out the action he has taken in assessing and managing sex offenders and there is a full appeals' process in the law.

2.13.1 The Deputy of St. Martin:

Is the Minister aware that police officers are already visiting Jersey residents even though the Sexual Offenders Law or the register is not in place? Does she not think it really rather inappropriate for officers to be calling round on people before the criteria is set?

Senator W. Kinnard:

Yes, Sir, I do. We must also be aware, of course, that the Probation Service has been involved in managing sex offenders in the community for some time and what States of Jersey Police are doing is trying to scope the level of the work that is going to be necessary when this very close, careful risk assessment is to take place. We have always had the ability on a voluntary basis for sex offenders to agree to receive supervision and so I do support every effort the police are making in this attempt to try and scope the work appropriately ahead of time, so that we are absolutely ready once the law comes into place.

2.13.2 Senator S. Syvret:

Would the Minister agree with me that simply referral upon conviction of itself is not a sufficiently comprehensive measure to ensure safety for children in society and that there are cases where people may not have been convicted, Ian Huntley, for example, who nevertheless did propose a profound and dangerous risk to children? Will the Minister undertake to ensure that any person who is found perhaps guilty of a disciplinary offence may relate to inappropriate sexual conduct or behaviours are notified to List 99?

Senator W. Kinnard:

Those matters will be dealt with in the new system that will be taking over from List 99, which is the new arrangements for the vetting and barring arrangements due on the back of the Ian Huntley situation that the Senator mentions. The Safeguarding of Vulnerable Persons Act is due to come into force in the United Kingdom in 2009 and we in Jersey have an interdepartmental working group working to ensure that we are able to link into those new arrangements when they come on board but, at present, obviously those people who are deemed to be inappropriate to work with children are, indeed, already placed on List 99 because that is the list that exists.

2.13.3 Deputy of St. Martin:

Can I thank the Minister for her answers and I do understand that it is a very delicate law we are dealing with. However, what I would ask is whether it is possible that when the papers come out for a consultation, people are given ample time between the time the law is lodged and before we debate it because, bearing in mind, there is a summer period and people are on holiday.

Senator W. Kinnard:

That is why I have said that my purposes are to lodge the proposition in July and debate in September and I would think that gives ample time for Members to review the legislation.

2.13.4 Deputy J.A. Hilton of St. Helier:

In the latest report issued, the performance report issued in the last couple of weeks, the Chief Officer talks about 26 people living in Jersey with convictions of sex offences who are considered high or very high risk offenders. Is the Minister able to assure us that these people are already being monitored in the community?

Senator W. Kinnard:

Obviously I cannot go into details but the police, when they are aware that there are individuals who are high risk in the community, do obviously keep aware of those individuals and their whereabouts, but clearly they cannot monitor them in absolutely the close, important prescriptive way that the law sets out until we have the legislation in place, but everything that we can possibly do to ensure the safety of the community is being done.