

2.3 Deputy T.M. Pitman of the Minister for Education, Sport and Culture regarding access to the Sharp Report:

Given the requirement of the Code of Conduct to be as open as possible, will the Minister clarify why he is preventing an elected Member of the States from receiving a full copy of the Sharp Report in support of researching the proposition?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

I can advise all Members that the report is exempt from release under paragraph 3.2.1(b) of the Code of Practice on Public Access to Official Information, i.e. on the grounds that the information concerned in this report was given in confidence on the understanding that it would be treated as confidential. Members will be aware that the information contained in the report is of a highly sensitive nature, as it relates to the indecent assault of pupils at Victoria College about 15 years ago. Thank you, Sir.

2.3.1 Deputy T.M. Pitman:

Supplementary, Sir? Holding the report in my hand, is it not incredible, does the Minister not agree, and what kind of message does it put out that an elected Member has to acquire an official report from a U.K.-based website campaigning against child abuse to acquire an official report, as I say? What does that look like to the members of the public I ask the Minister?

The Deputy of St. John:

I have no comment to make on that, other than that for my department to put something into the public domain would be an illegal act. I cannot lay my department open to court action on that basis. I have no comment as to the availability of that report, perhaps illegally from other quarters. Thank you.

2.3.2 Deputy M. Tadier:

Deputy Pitman's question raises fundamental principles about access to information for States Members who are there to represent the public. Nonetheless, does the Minister not acknowledge the fact that this report was done for the States of Jersey, albeit confidentially, that any Member who sought that information should in the first instance be asked to sign a confidentiality agreement and then be given a copy of the said report. Rather than having to go to a U.K. website, which I understand the Minister cannot answer for.

The Deputy of St. John:

I have some sympathy with this question in this respect. I have been working with Deputy Pitman to try to find a way for him to have access to this report through the Scrutiny system, which has an assumption of confidentiality, as I understand it, although that has changed slightly from my previous life in the Scrutiny system some 4 or 5 years ago. I do agree with the Deputy that there seems to be a gap in the ability for a States Member to carry on in the normal course of their duties, whether it be in the Scrutiny system or on the Executive side. I would support an approach, perhaps through Privileges and Procedures, to put something in place whereby Members can indeed have access to highly confidential documents providing there is some sort of confidentiality agreement. So, yes, I would in general support that.

2.3.3 Deputy M. Tadier:

Sir, may I have a supplementary? Those are fine words, but this already exists to my knowledge. There was nothing to stop the Minister for Education, Sport and Culture releasing this document to any said Deputy - which I take was Deputy Pitman - to get him to sign a confidentiality agreement and then to give the said Deputy that document. What is being implied, of course, by the Minister, maybe he could confirm this, is that he does not trust the Deputy to receive that information. Can the Minister provide clarification of that fact?

The Deputy of St. John:

I would absolutely refute the fact or the assertion that I do not trust the Member completely and utterly. It may be that there is a gap, as I have already said. I am not aware that there is an ability for a Member who is not part of Scrutiny to follow a process of signing confidentiality agreements on sensitive documents. There may be. But my understanding was that that was not what the Deputy required. He required me to give it to him without any confidentiality agreements and my department would be breaking the law if I were to do that.

2.3.4 Deputy T.M. Pitman:

I hope the P.P.C. (Privileges and Procedures Committee) Chairman is watching now; the code is apparently irrelevant when it suits. What I would say to the Minister, and I respect what he says, but is it not absolutely absurd. I have this document. There is one page missing. I am going to have to keep asking questions now, which could just be sorted out between elected politicians. So, can the Minister give me some assurance that he is going to follow up those words that he said and push for something to be sorted out? Otherwise I am going to keep coming back week after week, just to get the information on a child protection proposition.

The Deputy of St. John:

I would be very happy to attend with the Deputy on the Privileges and Procedures Committee to see what can be obtained or arranged. Yes, Sir.