

3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the States of Jersey Police Force's duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies:

Can the Minister explain to Members whether the States of Jersey Police Force has a duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies and if not, why not?

Senator B.I. Le Marquand (The Minister for Home Affairs):

Yes, the States Police have a duty to report any child protection concerns or issues fully and accurately to the appropriate States bodies and as they currently do for the Multi-Agency Safeguarding Hub. In relation to the matter to which this line of questioning relates, which dates from 2011, States Police did that by a strategy meeting held on 6th January 2012 which was attended by a number of agencies, some of which were already well aware of the issues which the Deputy wishes to raise.

3.8.1 Deputy M.R. Higgins:

Thank you. I am pleased that the Minister has mentioned that meeting because I have copies of the minutes to it and I can tell him that he is mistaken. Basically, in the minutes, although it mentions a sexual act took place - I will not name the individual - it says here: "Went to the police legal adviser straightaway. There was not anything illegal in the footage viewed by the police. There was no criminal offence as a sexual act in front of a 2 year-old is not a criminal offence so no police investigation." There was no other explanation whatever about what went on, including the fact that the gentleman concerned who was engaged in the act was explaining to the child, at very close proximity, what he was doing. Does the Minister think that is giving full and accurate information to the child protection body?

Senator B.I. Le Marquand:

I see absolutely nothing in those minutes which contradicts what I have already said.

3.8.2 Deputy J.A. Hilton:

This matter is obviously causing extreme frustration to Deputy Higgins and this is why I am asking this question. In answer to a previous question to the Minister for Health and Social Services, we understand the police, social workers, the former Chair and present Chair of the Safeguarding Board jointly made a decision. Given that the questioner alleges only one professional viewed the tape which allegedly involved grossly inappropriate behaviour in front of a young child, does the Minister agree with me that maybe this is an occasion when his intervention is appropriate?

Senator B.I. Le Marquand:

No, I do not. I do not know many professionals saw the tape in question. I do know that it was seen by the police and, contrary to what Deputy Higgins said previously, they looked at the whole of the tape and looked at the details to which he was referring, although I do not have details of all of that. It is a matter in which they have correctly performed their duties and passed on information appropriately.

3.8.3 Deputy T.A. Vallois of St. Saviour:

Could the Minister confirm under the child protection policy all child abuse investigations should be jointly undertaken by qualified police and Children's Service personnel in accordance with the Home Office guidance booklet? Would the Minister be able to confirm whether that is the case and whether that has been reviewed because the child protection policy states that it is 2008?

Senator B.I. Le Marquand:

The position here is that the States of Jersey Police, as I said in answer to questions last time, took advice as to whether what they had seen on the tape constituted a criminal offence. They were advised that it did not and, indeed, the minutes, which Deputy Higgins read out today, confirmed that. They therefore had no further basis of pursuing an inquiry further.

3.8.4 Deputy M. Tadier:

On that basis, does the Minister believe that there is a compelling argument for a change in the law so that the event described by Deputy Higgins, and perhaps understood by the Minister to have taken place, could in future be considered a criminal offence?

Senator B.I. Le Marquand:

There could well be a case for it to be a criminal offence to commit an overt sexual act in front of a child, that I would accept, but there is not at the moment.

The Bailiff:

Deputy Higgins, do you wish a final question then?

3.8.5 Deputy M.R. Higgins:

I find it remarkable the Minister keeps on referring to there was no criminal offence but he does not talk about it being a child protection matter. The point is the police officers saw the tape and did not make any reference whatsoever to child protection concerns and, I might add, that other Children's Officers who were at that meeting had not seen the tape and also made no comment about it being a child protection matter so I wonder about the quality of child protection in this Island. What I ask the Minister just finally, does he think that the police should have given the full information ... in fact, no, sorry, the question I was going to ask is the police have been asked to change and provide full information to this panel and my understanding is they have refused to date to provide correct information about what was on the tape and what took place so the panel is fully informed. Will the Minister tell me whether the police have now corrected their records, advised all the parties who were on the multi-agency body and also the court that acted on the information that it was given, have all been fully informed of the events that have taken place and that the records are now fully correct?

Senator B.I. Le Marquand:

I have already said that the group that met in January was fully and properly informed as to the issues.