

**4. BILLS FOR THIRD READING**

**4.1. Children and Young Persons (Amendment) Bill 2019 –  
Third Reading approved**

Mr Ashford to move:

*That the Children and Young Persons (Amendment) Bill 2019 be read a third time.*

**The Speaker:** Item 4, Bills for Third Reading.

First up is the Children and Young Persons (Amendment) Bill 2019, and again I call on Mr Ashford to move.

**Mr Ashford:** Thank you, Mr Speaker.

Hon. Members, I am pleased to move the Third Reading of the Children and Young Persons (Amendment) Bill 2019.

I would like to start by thanking all Hon. Members for the consideration given to the Bill at the clauses stage.

During the clauses stage a question was asked by the Hon. Member for Ramsey, Mr Hooper in relation to clause 68B of the Bill. The question posed by the Hon. Member was essentially: if the child death review partners have asked a person or organisation to take action as a result of a child death review and that person responds to the child death review partners stating they do not intend to take action and give their reasons why they do not intend to do so, what can actually be done to enforce it; and are there any powers to compel that person to take the action proposed by the child death review partners? I am more than happy to clarify this very important point and I would like to thank the Hon. Member for Ramsey, Mr Hooper for speaking with me over the last week.

Clause 68B of this Bill, 'Child death reviews', makes provision with regard to child death reviews in much the same way as does section 16M of the Children Act 2004 (of Parliament). It sets out that where child death review partners identify that it would be appropriate for a person to take action in relation to a matter identified in their review, that person must be informed.

Like the Children Act 2004, in circumstances where a person informed responds to the child death review partners stating they do not intend to take action on any part of it, clause 68B does not make provision for the child death review partners to take further steps against that person to compel them to do so.

However, Mr Speaker, in practice it is anticipated that child death review partners would be exercising this power, requesting that a person take action, mainly in respect of: public bodies that specifically deal with children, many of whom are of course a child death review partner themselves as defined in clause 68A; and also, of course, third sector organisations, particularly those providing child-related services.

In the unlikely event a Government Department responded and indicated they did not intend to take action and the child death review partners being dissatisfied with that response, the Council of Ministers, should they so wish, could direct that they do so.

Were a third sector organisation to respond indicating they would not be taking action, and the child death review partners being dissatisfied with that response, subject to the severity of the issue at hand consideration would need to be given as to that organisation being able, fit and proper to carry on providing child-related services.

Hon. Members will be aware that the Regulation of Care Act 2013 regulates and standardises, amongst other services, child-related services, providing the Department with regulatory and monitoring functions, empowering the Department to make minimum standards for those providing child-related services, requiring those who manage or carry on child-related services

to be registered and, importantly, providing the Department with the power to suspend, cancel or amend a person's registration or issue a compliance notice.

Thus, in circumstances where a provider of child-related services is requested to take action by the child death review partners and explains that it does propose to do so, to the extent that failure to do so is contrary to their registration under the Regulation of Care Act 2013, the Department can and will take action accordingly.

I am most grateful to the Hon. Member for Ramsey for raising this question and while, at the moment, the Department is content with the provisions provided for in clause 5 of this Bill, the Department will commit to keeping the matter under review; and, should issues emerge, as Hon. Members will be aware, there are further amendments to the Children and Young Persons Act 2001 proposed at a later date, in relation to which I have already made pledges.

Lastly on this point, Mr Speaker, Hon. Members will be aware that under clause 68B(7) the child death review partners are required to lay reports before Tynwald regarding what they have done as a result of the arrangements under clause 68B and how effective the arrangements have been in practice. Such reports will include information detailing where a person decided not to implement an action proposed by the child death review partners and the reason why.

Turning to the remainder of the Bill, Mr Speaker, as Hon. Members have heard during the previous Readings, the purpose of this Bill is to place the review of child deaths and the analysis of information regarding such deaths on a statutory footing. The Children and Young Persons Act 2001 is the most appropriate piece of primary legislation in which to provide for child death reviews and this Bill therefore amends the Children and Young Persons Act 2001 accordingly.

In closing, I would like to thank the Hon. Member for Douglas Central, Mrs Corlett for seconding all the clauses and also at Second Reading as well.

Mr Speaker, with that, I beg to move that the Children and Young Persons (Amendment) Bill 2019 be read for the third time.

**The Speaker:** I call on the Hon. Member for Douglas Central, Mrs Corlett.

**Mrs Corlett:** Thank you, Mr Speaker. I beg to second.

**The Speaker:** In which case, I will put the question that the Children and Young Persons (Amendment) Bill 2019 be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.