



**Isle of Man**

*Ellan Vannin*

**CHILDREN AND YOUNG PERSONS  
(AMENDMENT) BILL 2019**



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# CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL 2019

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## Explanatory Memorandum

1. This Bill is promoted by Mr. Ashford MHK. It amends the Children and Young Persons Act 2001 (“the 2001 Act”) to make provision about child death reviews in the same way as do sections 16M to 16O and 16Q of the Children Act 2004 (of Parliament) (inserted by the Children and Social Work Act 2017 (of Parliament).
2. *Part 1* comprises *clauses 1 and 2*, which are introductory and will give the resulting Act its short title and provide for its commencement by an appointed day order made by the Council of Ministers.
3. *Clauses 3 to 8* insert the new sections into the 2001 Act.
4. *Clause 3* introduces the insertions.
5. *Clause 4* inserts a new section 68A which defines the concept of the “child death review partners”.
6. *Clause 5* inserts a new section 68B which provides for child death reviews. The clause provides that where a review makes recommendations to a person, the person must either comply with it or explain to the child death review partners why it proposes not to do so.
7. *Clause 6* inserts a new section 68C, which deals with the supply and use of information in connection with child death reviews.
8. *Clause 7* inserts a new section 68D which deals with funding and the provision of resources for the purposes of child death reviews.
9. *Clause 8* empowers the child death review partners to have regard to guidance issued by the Secretary of State in England under the corresponding provisions mentioned in paragraph 1 of this Memorandum.
10. *Clause 9* repeals provisions, contained in sections 8(4)(b) and 9(1) of the Safeguarding Act 2018 which will be redundant on the coming into operation of the Act resulting from this Bill.
11. An assessment of the financial impact of the changes made by the Bill has been made by the Department of Health and Social Care.
12. In the opinion of the member moving the Bill, its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.





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## CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL 2019

1 **A BILL** to amend the Children and Young Persons Act 2001 so as to provide for  
2 reviews in respect of the deaths of children and young people; and for  
3 connected purposes.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 4 **PART 1 – INTRODUCTORY**

#### 5 **1 Short title**

6 The short title of this Act is the Children and Young Persons (Amendment) Act  
7 2019.

#### 8 **2 Commencement**

9 (1) This Act comes into operation on such day or days as the Council of  
10 Ministers may by order appoint.

11 (2) An order under subsection (1) may make incidental, consequential and  
12 supplemental provision.

13 Tynwald procedure — laying only.

### 14 **PART 2 — AMENDMENT OF THE CHILDREN AND YOUNG 15 PERSONS ACT 2001**

#### 16 **3 Children and Young Persons Act 2001 amended**

17 Drafting

18 The *Children and Young Persons Act 2001* is amended in accordance with this  
19 Part.

1 **4 Child death reviews – interpretation of Part 7A: section 68A inserted**

2 Drafting

3 After section 68 (but before the cross-heading for Part 8) insert—

4 **“PART 7A – CHILD DEATH REVIEWS**

5 **68A Interpretation**

6 P2004/31/16Q(2)

7 In this Part “the child death review partners” means —

- 8 (a) the Department
- 9 (b) the Department of Education, Sport and Culture;
- 10 (c) the Department of Home Affairs;
- 11 (d) the Isle of Man Constabulary; and
- 12 (e) such other persons as may be specified in an order
- 13 made by the Cabinet Office.

14 Tynwald procedure for an order under paragraph (e) — approval

15 required.”.

16 **5 Child death reviews: section 68B inserted**

17 P2017/16//24

18 After section 68A (inserted by section 4 above) insert—

19 **“68B Child death reviews**

20 P2004/31/16M and drafting (subsections (6)) to (8))

- 21 (1) The child death review partners must make arrangements for the
- 22 review of each death of a child normally resident in the Island.
- 23 (2) The child death review partners may also, if they consider it
- 24 appropriate, make arrangements for the review of a death in the
- 25 Island of a child not normally resident there.
- 26 (3) The child death review partners must make arrangements for the
- 27 analysis of information about deaths reviewed under this section.
- 28 (4) The purposes of a review or analysis under this section are —
- 29 (a) to identify any matters relating to the death or deaths that
- 30 are relevant to the welfare of children in the Island or to
- 31 public health and safety, and
- 32 (b) to consider whether it would be appropriate for anyone to
- 33 take action in relation to any matters identified.



- 1 (5) Where the child death review partners consider that it would be  
 2 appropriate for a person to take action as mentioned in subsection  
 3 (4)(b), they must inform that person.
- 4 (6) A person informed under subsection (5) of action which it is  
 5 appropriate for the person to take must either—  
 6 (a) take the action; or  
 7 (b) explain to the child death review partners why the person  
 8 does not propose to take the action (or any part of it).
- 9 (7) The child death review partners must, at such intervals as they  
 10 consider appropriate, prepare and publish a report on—  
 11 (a) what they have done as a result of the arrangements under  
 12 this section, and  
 13 (b) how effective the arrangements have been in practice.  
 14 The Department must cause a report under this subsection to be  
 15 laid before Tynwald.
- 16 (8) For the sake of clarity, arrangements under subsection (3) must  
 17 include arrangements made with a body outside the Island.”

## 18 6 Information: section 68C inserted

19 P2017/16/25

20 After section 68B (inserted by section 5 above) insert—

### 21 “68C Information

22 P2004/31/16N

- 23 (1) Any of the child death review partners may, for the purpose of  
 24 enabling or assisting the performance of functions conferred by  
 25 section 68B, request a person to provide information specified in  
 26 the request to—  
 27 (a) the child death review partner or any other child death  
 28 review partner, or  
 29 (b) another person or body.
- 30 (2) The person to whom a request under this section is made must  
 31 comply with the request.
- 32 (3) The child death review partner that made the request may enforce  
 33 the duty under subsection (2) against the person by making an  
 34 application to the High Court for an injunction.
- 35 (4) The information may be used by the person to whom it is  
 36 provided only for the purpose mentioned in subsection (1).”

**7 Funding: section 68D inserted**

P2017/16/26

After section 68C (inserted by section 6 above) insert—

**“68D Funding**

P2004/31/16O

(1) The child death review partners may, with the consent of the Treasury, make payments towards expenditure incurred in connection with arrangements under section 68B—

- (a) by making payments directly, or
- (b) by contributing to a fund out of which payments may be made.

(2) The child death review partners may provide staff, goods, services, accommodation or other resources to any person for purposes connected with arrangements under section 68B.”.

**8 Guidance: section 68E inserted**

P2017/16/28

After section 68D (inserted by section 7 above) insert—

**“68E Guidance**

P2004/31/16Q(1) adapted

The child death review partners are to have such regard as they consider appropriate to guidance issued by the Secretary of State under section 16Q of the Children Act 2004 (of Parliament).<sup>1</sup>”.

**PART 3 — CONSEQUENTIAL AMENDMENTS****9 Safeguarding Act 2018 amended**

Drafting

- (1) The *Safeguarding Act 2018* is amended as follows.
- (2) In section 8(4)(b) omit “children or”.
- (3) In section 9(1) omit paragraph (b) (but not the word “and” following it).

<sup>1</sup> 2004 c. 31: section 16Q was inserted by section 28 of the Children and Social Work Act 2017 (of Parliament) (c. 16).





IN THE KEYS

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**CHILDREN AND YOUNG PERSONS (AMENDMENT)  
BILL 2019**

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A **BILL** to amend the Children and Young Persons Act 2001 so as to provide for reviews in respect of the deaths of children and young people; and for connected purposes.

Leave to introduce given by the Council of Ministers on 26 September 2019.

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MR ASHFORD

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OCTOBER 2019