

4. BILLS FOR SECOND READING

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

Mr Ashford to move:

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

The Speaker: Item 4, Bills for Second Reading, and firstly I call on Mr Ashford to move the Children and Young Persons (Amendment) Bill 2019.

Mr Ashford: Thank you, Mr Speaker.

I am pleased to stand today to move the Second Reading of the Children and Young Persons (Amendment) Bill 2019.

The purpose of this Bill is to amend the Children and Young Persons Act 2001 by inserting provisions for the review of child deaths in the Island and for the analysis of information in relation to such deaths. Hon. Members will be aware that the statutory requirement for the review of child deaths was originally included in the Safeguarding Act 2018, a proposed function of the Safeguarding Board being to review such information as may be prescribed in relation to deaths of children in the Island and in such circumstances as may be prescribed. However, as the primary function of the review of child deaths relates more to public health than safeguarding, it was decided that those provisions of the Safeguarding Act 2018 would not be brought into operation, the intention being to instead amend the Children and Young Persons Act 2001, which I am seeking to do today.

Hon. Members will have observed that this Bill inserts provision into the Children and Young Persons Act 2001 requiring arrangements to be made for the analysis of information about child deaths to be undertaken and for such arrangements to be made with a body outside the Island. Best practice states that for meaningful analysis of information to enable the identification of any potential public health or safeguarding issues which may be affecting children, there should be a review of 60 child deaths per year. The Island only has around four to five child deaths per year; therefore, to keep in line with current best practice, arrangements for the analysis of information about child deaths will be made with the Merseyside Child Death Overview Panel.

Hon. Members will be aware that a key outcome of the Programme for Government is 'to have improved the quality of life for children, young people and families at risk'. Making it a statutory requirement for the review of child deaths in the Island and the analysis of information in relation to such deaths is an important part of ensuring that we safeguard and promote the welfare of all children in the Island.

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

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

Mrs Corlett: Mr Speaker, I beg to second.

The Speaker: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I would like to thank the Minister for bringing this Bill forward. I will be honest – it was not entirely what I was expecting when I saw this title on the legislative programme.

The only question I have at the moment about the detail of the Bill is in respect of the child death reviews, where it says:

The child death review partners must make arrangements for the review of each death of a child ...

I just want to be clear that this is not intending to review every single child death on the Island. There will be, I would imagine, some guidelines or circumstances as to when this would be considered appropriate.

One thing I briefly want to talk about is the Combined Action Plan for Children and Young People. That Combined Action Plan, which was laid before the last sitting of Tynwald, states that the Independent Reviewing Officer (IRO) – who is part of the Safeguarding and Quality Assurance Unit – should be set down in statute, and the Minister committed to doing this with an amendment to the Children and Young Persons Act. I do not see that in this Bill. We are also supposed to be making provisions for corporate parenting and aftercare, and again they are not included in this Bill.

Reading through the Government response to that Action Plan, there are references to there being two Bills in the legislative programme this year amending the Children and Young Persons Act, but unfortunately that is not the case; there is only one Bill listed in that legislative programme. In last month's Tynwald as well there was a Select Committee talking about accommodation for vulnerable young people and the Council of Ministers repeated these commitments and made further commitments, including benchmarking for service standards. Again, none of this is included in this Bill.

My question for the Minister is: all of these commitments that are supposed to be coming forward are not here, and yet there is no second Bill included in the legislative programme, so where are those other changes? Where are they coming? When are they coming? Is this phantom second Bill real? Is the legislative programme inaccurate? I think we need some information on this and I would be very grateful if the Minister could provide us with an update.

The Speaker: Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Does the Minister agree with me that there are multiple parts for the Government's legislation programme – for instance, there are the public Bills that will be introduced into the Branches this year, behind that there are Bills that are in drafting this year for introduction in subsequent years, and then there is even a medium-longer-term planning Bill – and that is the perfectly simple answer to the question that is being asked?

And does the Minister agree with me that already Government has an incredibly ambitious legislative programme of 34/35 Bills and things have got to be prioritised? It is my understanding that the Department of Health and Social Care is making an awfully good attempt at catching up on some legislation, but not everything can be done at once and the Bills that the Hon. Member has mentioned in terms of corporate parenting and in terms of the IRO are perfectly prioritised immediately behind adoption and mental capacity and the other Bills that this Hon. House and the Court believe are important.

The Speaker: I call on the Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

In response really to what the Minister has just confirmed – and he has talked about various pieces of legislation – I just want reassurance from the Minister that he is ensuring that the correct information is in each of these pieces of legislation as they come forward. One of the concerns I have is the age of children and young persons and vulnerable people and capacity, so I just want to make sure that whilst he is working on legislation they are looking across the board and not just within his Department; obviously it affects other Departments as well.

The Speaker: Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr Speaker.

I would just like the Hon. Minister to bring a bit of clarity after the intervention of the Minister for Policy and Reform, who does not always bring complete clarity around the timings of actions.

Echoing the points made by my hon. friend Mr Hooper, there were some clear commitments made by the Minister to actually take some timely and serious action around those issues that were agreed unanimously in the other place just over a week ago. The Minister also pledged to make himself personally accountable to Tynwald for progress by a regular – I think six months was the first one – update on progress. So I felt very comfortable from the statements that the Minister made; I feel slightly less comfortable now when we are talking about effectively three elements of the Government's legislative programme and all the visibility around one. So I would just like the Minister to reiterate his personal commitment and bring some real clarity to this situation, because when we talk about a legislative programme which extends beyond September 2021 one wonders whether there is a real commitment to address these matters.

The Speaker: Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr Speaker.

I just want to follow on from my colleague from Ayre and Michael. Unfortunately the Policy and Reform Minister has really put doubt over this now because he has talked there about priority. As my colleague has just said, this particular Bill was given priority in the other place ... and said that those changes that are desperately needed for that Committee report will be brought forward as a matter of urgency. Suddenly the Cabinet Minister has just turned around and said it has now become a priority and this seems to have slipped down that priority within a space of two weeks. I hope that the Health Minister can reassure us today that those recommendations that did go through the other place unanimously will be taken forward and brought forward as a matter of urgency, as promised by the Health Minister in the other place.

Thank you.

The Speaker: I call on the mover to reply.

Mr Ashford: Thank you, Mr Speaker.

Turning to each of the Hon. Members who spoke in turn, firstly Mr Hooper – in relation to his first point about the death of a child, obviously there will be guidelines in place about when they are reviewed, but as I said in my opening remarks, in the Island we suffer roughly around about four to five child deaths a year, so to be perfectly honest I do not see it being a big problem in reviewing all of them if required to do so, not in the same way as it would be say in a jurisdiction the size of the UK – or even some of the smaller local authority areas, which is the way it is split out in the UK – where you would end up spending your entire time trying to manage the numbers.

In relation to the other points that Mr Hooper made, which were around the Combined Action Plan and obviously the guidelines of corporate parenting, Hon. Members are fully aware how long it can take with a Bill, from drafting instructions, to a Bill coming forward and to it then going into the Branches. This specifically deals with the child death review panel, which was a pledge that was made at the time of the Safeguarding Act, and that is the purpose of this Bill. This is not something that has just suddenly come along; this was something that this place and another place were told was coming forward well over 18 months ago, so that is no different.

Tying in the comments from Mr Hooper, Mr Baker and Mr Callister, Mr Baker is quite right, it has only been a couple of weeks – and that is the whole point. I said that we would be doing the other changes through, again, an amendment to the Children and Young Persons Act, and they will come forward. Around about the drafting instruction stage at the moment is my

understanding of where that particular piece of legislation is, and when that comes forward it will include everything that I pledged.

Mr Baker is quite correct, Mr Speaker, I stated quite clearly in Tynwald Court that we will give six-monthly updates because it is important that we keep the faith of elected Members who supported all the amendments that I moved, and the first of those reports will be laid either before March or April's Tynwald. As part of that report it will include where we are in the legislative programme with those particular amendments because, as I made a clear commitment in Tynwald Court, it will lay out where we are against each of the recommendations, be they the recommendations accepted as they were or the recommendations as amended, and that pledge still stands. I hope that reassures Hon. Members, but what we are dealing with here today is a specific piece of legislation pledged to get the death review panels – which is an important part of our legislative programme – in place, so I do not particularly want to get convoluted but I will give the pledge again here and now that on the other amendments to the Children and Young Persons Act I stand by exactly what I said in Tynwald Court and they will progress accordingly.

The other thing I should point out, of course ... There was reference to the fact about the legislative programme I think from Mr Hooper. It has got to be remembered that the legislative programme was out and published before we had the debate in Tynwald Court, so there was no way, with some of the amendments, that what we have pledged to do could have been included in the legislative programme. The legislative programme, from my understanding of timings, was published beforehand. But it is a pledge and I agree with Minister Thomas, there is a lot of legislation to be caught up on in DHSC, including exceptionally important ones like mental capacity, like adoption, that are starting, slowly but surely, to move forward.

It is all about priorities, but as I have made clear pledges in Tynwald Court, we will bring forward those changes to the Children and Young Persons Act and those pledges stand.

The Speaker: I beg to move.

Mr Ashford: I beg to move, Mr Speaker.

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