

#### 4. CONSIDERATION OF COUNCIL AMENDMENTS

##### 4.1. Children and Young Persons (Amendment) Bill 2019 – Council amendments considered

Mr Ashford to move.

**The Speaker:** Item 4 is Consideration of Council Amendments.

I call on Mr Ashford to move that the Children and Young Persons (Amendment) Bill 2019 amendments from Legislative Council be approved.

**Mr Ashford:** Thank you, Mr Speaker. As discussed this morning, I would like permission to take the whole lot together.

As Hon. Members will recall, 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.

There have been several amendments come forward from Legislative Council and the Department is fully supportive of those.

Firstly, Mr Speaker, if I may address the proposed amendment to clause 5 of the Bill, the purpose of clause 5 is to insert a new section 68B into the Children and Young Persons Act 2001. Subsection (7) of 68B makes provision for the child death review partners to report on what they have done resulting from the arrangements that they have made for the review of child deaths, the analysis of information of reviewed deaths and how effective those arrangements have been in practice.

The proposed amendment is for 'the Department' substitute 'the Cabinet Office' and would have the effect of requiring the Cabinet Office rather than the Department of Health and Social Care to cause such reports to be laid before Tynwald. The rationale behind the change is straightforward: firstly to recognise the role of the child death review partners as a partnership that is cross-governmental; and secondly, it recognises the imminent transfer of Public Health – which will lead on and co-ordinate the work of the review partners and link into the Merseyside Child Death Overview Panel – to the Cabinet Office. This amendment was brought forward in the other place with the full agreement of the Department.

Secondly, it is proposed that a new clause 1 be inserted into the Bill. The purpose of this clause is to insert a new clause 68F into the Children and Young Persons Act 2001.

Clause 68F, which mirrors section 16 of the Safeguarding Act 2018, has the effect that the child death review partners in performing their functions are not to be public authorities for the purposes of the Freedom of Information Act 2015. Further, clause 68F makes it clear that information held by a partner, in its capacity as such, is absolutely exempt information for the purposes of the Freedom of Information Act 2015.

As Hon. Members will recall, the functions of the child death review partners are functions that originally were to have been undertaken by the Safeguarding Board. The Safeguarding Board is not a public authority for the purposes of the Freedom of Information Act 2015. It therefore makes sense that the child death review partners are similarly excluded.

The inclusion of this new clause 1 will strengthen the Bill and therefore I ask the House to accept the insertion of the new clause 1 as written on the Order Paper.

Lastly, Mr Speaker, it has been proposed that a new clause 2 be inserted into the Bill. The effect of this clause is to insert a new clause 68G into the Children and Young Persons Act 2001.

Clause 68G will require the Cabinet Office to ensure that the child death review partners have access to legal, professional and other services necessary for the proper performance of their functions. This clause effectively mirrors section 10, entitled 'Support for the Board and other associated bodies' of the Safeguarding Act 2018 and it will ensure that each partner is appropriately supported so that it is able to effectively discharge its functions.

Mr Speaker, the Department fully supports the insertion of clause 2 into the Bill and asks the House to accept the insertion of this clause 2.

I therefore wish to move the amendments in relation to clause 5, new clause 1 and new clause 2 be approved by the House.

**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:** Hon. Member for Douglas Central, Mr Thomas.

**Mr Thomas:** Thank you very much, Mr Speaker.

I would like to thank each of the Hon. Members of Council who engaged so fully with the Safeguarding Chair, as well as with the Departments involved.

I just wanted to put on the record in the House of Keys that Mrs Lord-Brennan made some excellent points about the interactions (**A Member:** Hear, hear.) between Safeguarding and the Child Death Review Panel both here and across, and they are on record in the Legislative Council. They are more full term but they are very important about the future.

Most importantly, Mrs Lord-Brennan raised the point at the Second Reading that Public Health needs a firmer statutory base for its operations. Subsequent to the transfer of functions into the Cabinet Office, that is a project for the transformation work stream in health and care, and at that time, when we are actually putting that in place, we will tackle some of the issues that Mrs Lord-Brennan raised – quite properly, but then conceded in Second Reading in the Legislative Council that it was premature to move an extra amendment at this point, but on the assurance that Cabinet Office is now giving we will look at that more profoundly when Public Health is reviewed in the coming months.

**The Speaker:** Mr Hooper.

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

Just specifically on new clause 1, I would just like to get some confirmation from the Hon. Minister who is moving it in respect of statistical information.

I fully understand exempting the Safeguarding Board from the Freedom of Information Act makes sense, and equally exempting some of the specific functions of the Government Departments that have taken over the role of the Child Death Review Panel again makes sense. But the exemption in the Freedom of Information Act originally was very specific to the Safeguarding Board and its own activities. I am slightly concerned that the way this amendment is worded could inadvertently prevent the disclosure of anonymised statistical data under the Act. I just want to make sure that that is firstly not the intention, and secondly not the effect of the amendment.

**The Speaker:** Mover to reply.

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

Firstly, taking Mr Hooper's point, it most certainly is not the intention and it is not going to be the effect either. The plan, the whole point of the death review partnerships and partnering with Merseyside, is to be able to get an accurate statistical view and that the statistics can be public, so it is certainly not the intention – they will be published by the death review partners.

In relation to the Hon. Member for Douglas Central, Mr Thomas, I will keep it very brief by saying I fully agree with him. He is very good at creating work for himself, Mr Speaker, and I think he has done so again in the Cabinet Office this morning, which I fully support. It is

important, as the comments were made in Legislative Council, that we start moving towards public health having a more refined remit and being more legislatively based.

I would like to put on record again my thanks to the Members of Legislative Council (**Mr Robertshaw**: Hear, hear.) for the work that they have undertaken in relation to this Bill. It shows scrutiny at its best, Mr Speaker.

**Mr Robertshaw**: Hear, hear.

**The Speaker**: The question I put to the House is that the Legislative Council amendments 1, 2 and 3 to the Children and Young Persons (Amendment) Bill 2019 be approved. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

Hon. Members, that completes the business before the House this morning. We will, then, stand adjourned until next Tuesday, 18th February, in Tynwald Court.