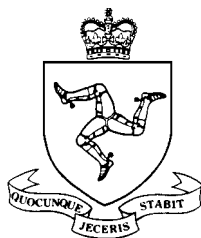


LEGISLATIVE COUNCIL Y Choonceil Slattyssagh



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS

**Tuesday 24th November 2020
at 10.30am**

PRESENT: President of Tynwald, The Lord Bishop, HM Attorney General, Miss August-Hanson, Mr Greenhill, Mr Henderson, Mrs Lord-Brennan, Mrs Maska, Mr Mercer, Mrs Poole-Wilson, Mrs Sharpe

1. Manx Care Bill 2020

Motion made – that this Bill be read a Second time.

– Mrs Sharpe

Motion carried.

Motion made – that Clauses 1, 2 and 3 do stand part of the Bill.

– Mrs Sharpe

Motion carried.

Motion made – that Clause 4 do stand part of the Bill.

– Mrs Sharpe

Amendment 1 moved.

– HM Attorney General

Amendment 1 carried.

Clause 4, as amended, carried.

Motions made – that

Clause 5

Clause 6

Clause 7

Clause 8

Clause 9

Clause 10

do stand part of the Bill.

– Mrs Sharpe

Motions carried.

Motion made – that Clause 11 do stand part of the Bill.

Amendment to Amendment 2 moved –

In the first line of Amendment 2, delete “subsection (2) and (3)” and substitute “subsections (2), (3) and (4)”.

– HM Attorney General

Amendment to Amendment 2 carried.

Amendment 2 (in its amended form) moved.

– HM Attorney General

Amendment 2 (in its amended form) carried.

Clause 11, as amended, carried.

Motion made – that Clause 12 and Schedule 1 do stand part of the Bill.

– Mrs Sharpe

Amendments 4, 5 and 6 moved.

– HM Attorney General

Amendments carried.

Clause 12 and Schedule 1, as amended, carried.

Motions made – that

Clause 13

Clause 14 and Schedule 2

Clause 15

Clause 16

Clause 17

Clause 18
Clause 19
Clause 20
Clause 21
Clause 22
Clause 23
Clause 24
Clause 25
Clause 26
Clause 27
Clause 28
Clause 29
Clause 30
Clause 31

do stand part of the Bill.

– Mrs Sharpe

Motions carried.

Motion made – that Clause 32 do stand part of the Bill.

– Mrs Sharpe

Amendment 3 moved.

– HM Attorney General

Amendment carried.

Clause 32, as amended, carried.

Motions made – that

Clause 33
Clause 34
Clause 35 and Schedules 3 and 4
Clauses 36, 37 and 38 and Schedule 5
Clause 39
Clause 40

do stand part of the Bill.

– Mrs Sharpe

Motions carried.

2. International Maritime Standards Bill 2020

Motion made – that this Bill be read a First time.

– Mrs Maska

Motion carried.

The Council adjourned at 11.41 am.

JONATHAN KING
Clerk of the Legislative Council
Cleragh y Choonecil Slattyssagh

MANX CARE BILL

CONSIDERATION OF CLAUSES

HM Attorney General to move —

AMENDMENTS TO CLAUSE 4

1. Page 14, line 29 for “*National Health Service Act 2016*” substitute “*National Health and Care Service Act 2016*” (HM Attorney General)

AMENDMENTS TO CLAUSE 11

2. Page 16, line 35 for subsection (2) and (3) substitute—

“(2) The Department must, by regulations, make provision as to the information to be provided by a relevant service provider in a case where an incident of a specified description, or a prescribed degree of severity, affecting a service user’s safety occurs in the course of the service user being provided with a health service or a social care service.

Tynwald procedure — approval required.

- (3) Regulations may set out a “duty of candour procedure” applicable to a relevant service provider and may in particular make provision about —
 - (a) the notification to be given by the relevant service provider;
 - (b) the apology to be provided by the relevant service provider to a service user or relevant person;
 - (c) the actions to be taken by the relevant service provider to offer and arrange a meeting with a service user or relevant person, including asking them whether they wish to receive an account of the incident referred to in subsection (2) or information about further steps taken;
 - (d) the actions which must be taken at, and following, such a meeting;
 - (e) an account of the incident referred to in subsection (2);
 - (f) information about further steps taken and any other information to be provided by the relevant service provider;
 - (g) the form and manner in which information must be provided;

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- (h) the circumstances in which the relevant service provider is to make available, or provide information about, support to persons affected by the incident;
 - (i) the keeping of information by the relevant service provider;
 - (j) steps to be taken by the relevant service provider —
 - (i) to review the circumstances leading to the incident; and
 - (ii) following such a review,
even if the service user or relevant person has advised that they do not wish to receive an account of the incident as mentioned in subsection (2) or information about further steps taken;
 - (k) training, supervision and support to be provided by a relevant service provider to any person carrying out any part of the procedure on behalf of the relevant service provider;
 - (l) a relevant person.
- (4) Regulations may provide for —
- (a) the making of a report on the duty of candour which must not mention the name of any individual or contain any information which, in the relevant service provider’s opinion, is likely to identify any individual; and
 - (b) the timing of such a report.
- (5) Regulations may, in respect of a report referred to in subsection (4), provide that it must include —
- (a) information about the number and nature of incidents to which the duty has applied;
 - (b) an assessment of the extent to which the relevant service provider carried out the duty;
 - (c) information about the relevant service provider’s policies and procedures in relation to the duty, including information about —
 - (i) procedures for identifying and reporting incidents; and
 - (ii) support available to staff and to persons affected by incidents,
 - (d) information about any changes to the relevant service provider’s policies and procedures as a result of incidents to which the duty has applied; and
 - (e) such other information as the relevant service provider thinks fit.
- (6) The relevant service provider must publish a report referred to in subsection (4) in such manner as the relevant service provider thinks appropriate.

- (7) “Apology” means a statement of sorrow or regret in respect of an incident referred to in subsection (2) and an apology or other step taken in accordance with the duty of candour does not of itself amount to an admission of negligence or a breach of a statutory duty.
- (8) “Relevant service provider” has the same meaning as in paragraph 7(11) of Schedule 1.” (HM Attorney General)

AMENDMENT TO CLAUSE 32

3. Page 24, after line 36 insert —
- “(6) The Minister for the Department shall, as soon as may be, move a resolution that the report be received by Tynwald.” (HM Attorney General)

AMENDMENT TO SCHEDULE 1

4. Page 30, after line 13 insert —
- “(11) Section 3 of the Statutory Boards Act 1987 does not apply to members of Manx Care.” (HM Attorney General)
5. Page 30, line 24 omit “(and accordingly section 3 of the *Statutory Boards Act 1987* does not apply)” (HM Attorney General)
6. Page 31, after line 29 insert —
- “(4) A meeting may be physical or virtual.” (HM Attorney General)