



Isle of Man

Ellan Vannin

AT 7 of 2020

**CHILDREN AND YOUNG PERSONS
(AMENDMENT) ACT 2020**



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**Isle of Man***Ellan Vannin*

CHILDREN AND YOUNG PERSONS (AMENDMENT) ACT 2020

<i>Signed in Tynwald:</i>	<i>5 June 2020</i>
<i>Received Royal Assent:</i>	<i>5 June 2020</i>
<i>Announced to Tynwald:</i>	<i>5 June 2020</i>

AN ACT 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.

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:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Children and Young Persons (Amendment) Act 2020.

2 Commencement

- (1) This Act comes into operation on such day or days as the Council of Ministers may by order appoint.
- (2) An order under subsection (1) may make incidental, consequential and supplemental provision.

Tynwald procedure — laying only.

PART 2 – AMENDMENT OF THE CHILDREN AND YOUNG PERSONS ACT 2001

3 Children and Young Persons Act 2001 amended

Drafting

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

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

Drafting

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

PART 7A – CHILD DEATH REVIEWS

68A Interpretation

P2004/31/16Q(2)

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

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

Tynwald procedure for an order under paragraph (e) — approval required. **22**.

5 Child death reviews: section 68B inserted

P2017/16//24

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

68B Child death reviews

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

- (1) The child death review partners must make arrangements for the review of each death of a child normally resident in the Island.
- (2) The child death review partners may also, if they consider it appropriate, make arrangements for the review of a death in the Island of a child not normally resident there.
- (3) The child death review partners must make arrangements for the analysis of information about deaths reviewed under this section.
- (4) The purposes of a review or analysis under this section are—

- (a) to identify any matters relating to the death or deaths that are relevant to the welfare of children in the Island or to public health and safety, and
 - (b) to consider whether it would be appropriate for anyone to take action in relation to any matters identified.
- (5) Where the child death review partners consider that it would be appropriate for a person to take action as mentioned in subsection (4)(b), they must inform that person.
- (6) A person informed under subsection (5) of action which it is appropriate for the person to take must either—
- (a) take the action; or
 - (b) explain to the child death review partners why the person does not propose to take the action (or any part of it).
- (7) The child death review partners must, at such intervals as they consider appropriate, prepare and publish a report on—
- (a) what they have done as a result of the arrangements under this section, and
 - (b) how effective the arrangements have been in practice.
- The Cabinet Office must cause a report under this subsection to be laid before Tynwald.
- (8) For the sake of clarity, arrangements under subsection (3) must include arrangements made with a body outside the Island. **22**.

6 Information: section 68C inserted

P2017/16/25

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

68C Information

P2004/31/16N

- (1) Any of the child death review partners may, for the purpose of enabling or assisting the performance of functions conferred by section 68B, request a person to provide information specified in the request to—
- (a) the child death review partner or any other child death review partner, or
 - (b) another person or body.
- (2) The person to whom a request under this section is made must comply with the request.

- (3) The child death review partner that made the request may enforce the duty under subsection (2) against the person by making an application to the High Court for an injunction.
- (4) The information may be used by the person to whom it is provided only for the purpose mentioned in subsection (1). **22**.

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. **22**.

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).¹”.

9 Freedom of information: section 68F inserted

Drafting

After section 68E (inserted by section 8 above) insert—

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

“68F Freedom of information

Drafting (see 2019/

- (1) The child death review partners, in performing their functions under this Part, are not public authorities for the purposes of the *Freedom of Information Act 2015*.
- (2) In section 7(6) of that Act, for “or the Safeguarding Board” substitute—
 - ☐ the Safeguarding Board, or any of the child death review partners, within the meaning of section 68A of the *Children and Young Persons Act 2001*, in performing their functions under Part 7A of that Act. ☐.
- (3) Information held by a public authority which relates to the functions performed by the child death review partners under this Part is absolutely exempt information for the purposes of the *Freedom of Information Act 2015*.”.

10 Support for the work of the child death review partners

Drafting

After section 68F (inserted by section 9 above) insert—

“68G Resources

Drafting

The Cabinet Office must ensure that each child death review partner has access to such legal, professional and other services as are reasonably necessary for the proper performance of its functions.”.

PART 3 — CONSEQUENTIAL AMENDMENTS**11 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).

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