

Safeguarding Bill 2017 - summary and analysis of consultation responses

1 Introduction

- 1.1 The consultation on the Safeguarding Bill was issued by the Cabinet Office on 22 August 2017 and responses were received by the closing date of 3 October 2017.
- 1.2 Views were sought from everyone, but in particular from relevant stakeholders that include: Government Departments, Boards and Offices; the third sector; private sector organisations and voluntary agencies that provide services to children and vulnerable adults.
- 1.3 The purpose of the consultation was to consider and comment on the proposed content of a draft Safeguarding Bill which had been designed to strengthen the safeguarding arrangements in the Isle of Man for children and vulnerable adults.
- 1.4 One of the over-arching aims of the Programme for Government 2016-2021 is for a society that is both inclusive and caring and an outcome within the theme of 'Healthy and Safe Island' is to have improved the quality of life for children, young people, vulnerable adults and families at risk.
- 1.5 In order to achieve the commitment made in the Programme for Government 2016-2021, the Council of Ministers agreed on a number of actions to be taken, one of which was to put the Safeguarding Children's Board (SCB) and Safeguarding Adults' Partnership (SAP) on a statutory footing.

2 Responses

- 2.1 The consultation attracted 21 responses online as well as a further 10 received by post and email.
- 2.2 Online respondents were asked at the opening of the online consultation as to whether they would be happy for their results to be published (anonymously or not). 19 agreed for their results to be published and these are available on the [consultation hub](#).
- 2.3 One of the responses submitted online and published anonymously made an allegation of a current case involving a child in a care home who had been locked in a room for over 24 hours. This allegation has been taken extremely seriously and the Cabinet Office can confirm that it has been properly investigated.
- 2.4 Of the online responses:
 - 18 were individuals and 3 were organisations
 - 18 respondents felt there should be one Safeguarding Board for the Isle of Man

- 11 agreed with the proposed membership of the Board
 - 9 agreed that the Chairperson and lay members should be appointed by the Chief Secretary
 - 16 agreed with the stated objectives of the Board
 - 14 agreed with the stated functions of the Board
 - 18 agreed that the establishment of the Child Death Overview Panel, the Case Management Review Panel and the Safeguarding Panel should be a statutory obligation
 - 14 agreed that a person must supply information to the Board, if the request for information satisfies the conditions laid out in Clause 12 of the Bill
 - 18 agreed that there should be a statutory obligation requiring the Board and relevant safeguarding bodies to co-operate with each other
 - 20 agreed that that relevant safeguarding bodies must have regard to the need to safeguard children and vulnerable adults when undertaking their functions
- 2.5 Those who disagreed with the proposed membership of the Board were concerned about independence and objectivity, and the potential for conflicts of interest. Several comments also referred to the need for specialist expertise in education and social work.
- 2.6 Those who disagreed that the Chairperson and lay members should be appointed by the Chief Secretary, suggested alternatives such as public nominations, lay members being selected by the Chairperson, or using the Appointments Commission or other panel to select members. A suggestion was also made that the Council of Ministers carry out the selection process. Several respondents thought it was acceptable for the Chief Secretary to select members following appropriate advice.
- 2.7 In response to the question about objectives, several respondents suggested that the Board should be able to set its own objectives and be free from political interference. Respondents also suggested that the Board should examine and champion training and skills development, and publicise awareness of Safeguarding.
- 2.8 Additional functions highlighted by respondents included case management findings and lessons learned. Several respondents said that the Board should have the ability to publish without political interference.
- 2.9 Historic abuse and safeguarding in sport were suggested as additional committees. One respondent felt that it was important for children to have a voice, and another suggested that the ability to set up temporary sub committees could be useful.
- 2.10 Information and the difference between disclosure and confidentiality were raised as concerns. Cooperation between agencies was seen as vital by the majority of respondents although one respondent felt that safeguarding should be completely independent to avoid the potential for 'cover ups'.

2.11 Additional comments included:

- *'It is good to see this being given statutory status.*
- *There should be no political interference and the findings of the members should be freely accessed and published, free from government scrutiny.*
- *I understand the need for confidentiality and sensitivity when dealing with Safeguarding issues, but I think that as much data as possible should be available to the public of [sic] the Board is to enjoy the full confidence of the general public.*
- *Please don't allow the protection of the child or vulnerable adult to be more about processes than safeguarding.*
- *it would be nice to see some publicity so that everyone gets a chance to see it. people who work in this area have training etc but the general population do not have a clue who to contact, what they should be looking out for and why it is necessary to report...We all need to know that sometimes calling for help can have a positive outcome.'*

3 Next Steps

- 3.1 Following the consultation, consideration has been given to all the feedback received. As a result changes have been made to the Safeguarding Bill, particularly clauses 4 (Relevant safeguarding bodies), 6 (Safeguarding Board) and clause 15 (Duty to safeguard children and vulnerable adults) have been revised. A new clause to deal with freedom of information has been inserted into Part 2 of the Bill.
- 3.2 Detail of the changes made, following the public consultation, are provided for in the table below.

Clause	Amendment
Clause 4(e) – Relevant Safeguarding Body	<p>Clause 4 provides the definition of a relevant safeguarding body. An amendment has been made to subsection (e) so that it refers to any other <u>body</u> providing services for children or vulnerable adults rather than any other <u>person</u>.</p> <p>Also, given that the Department of Infrastructure (DoI) is not a member of the Safeguarding Board, explicit reference to DoI as a relevant safeguarding body has been removed.</p>
Clause 6(2) – Safeguarding Board	<p>Clause 6 makes provision about the constitution of the Board. Clause 6(2) has been amended so that the Chief Secretary must now consult such persons as he considers appropriate, when appointing the Chairperson to the Safeguarding Board.</p>
Clause 6(3) – Safeguarding Board	<p>Clause 6(3) deals with the appointment of the other independent members of the Board. Two amendments have been made. Firstly,</p>

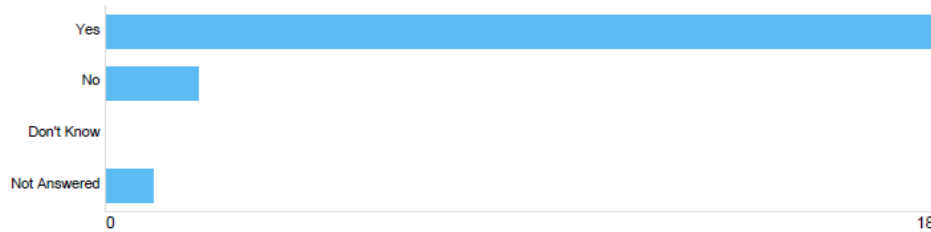
	<p>the Chief Secretary must now consult with the Chair when making such appointments. Secondly, the number of such appointments, rather than being fixed at 2, is now to be not less than 3 but no more than 5. This provides greater flexibility as to the number of independent members that might be on the Safeguarding Board.</p>
<p>Clause 15 – Freedom of Information</p>	<p>Clause 15 has been added to the Bill to make it clear that the Board is not a public authority for the purposes of the Freedom of Information Act 2015.</p>
<p>Clause 16 – Duty to safeguard children and vulnerable adults</p>	<p>Clause 16 has been amended to make it clear that the duty to safeguard does not apply to private individuals going about their daily lives.</p>

3.3 The Bill has been prepared for introduction into the Legislative Branches during November 2017.

Appendix A: Summary of online results

Question 5: Do you agree that there should be one Safeguarding Board for the Isle of Man?

Section 2 (6)



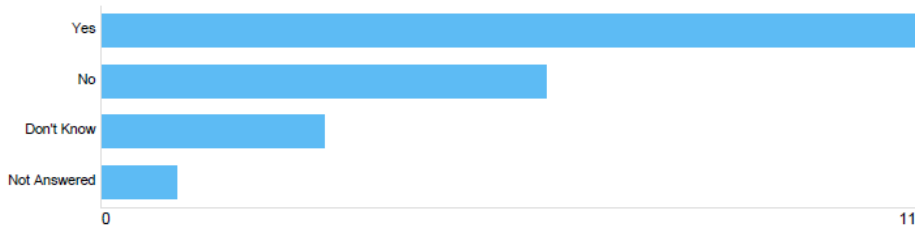
Option	Total	Percent
Yes	18	85.71%
No	2	9.52%
Don't Know	0	0%
Not Answered	1	4.76%

Any further comments?

There were 10 responses to this part of the question.

Question 6: Do you agree with the proposed membership of the Board?

Section 2 (6)



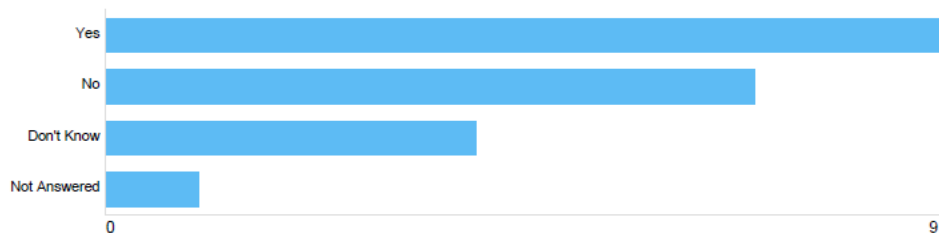
Option	Total	Percent
Yes	11	52.38%
No	6	28.57%
Don't Know	3	14.29%
Not Answered	1	4.76%

Any further comments?

There were 12 responses to this part of the question.

Question 7: Do you agree that the Chairperson and lay members should be appointed by the Chief Secretary?

Section 2 (6)



Option	Total	Percent
Yes	9	42.86%
No	7	33.33%
Don't Know	4	19.05%
Not Answered	1	4.76%

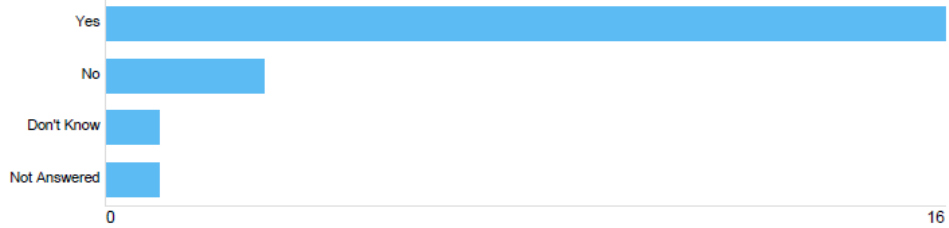
Question 8: If you do not agree that the Chairperson and lay members should be appointed by the Chief Secretary then what alternative would you suggest?

Part 2, Clause 6

There were 11 responses to this part of the question.

Question 9: Do you agree with the stated objectives of the Board?

Section 2 (7)



Option	Total	Percent
Yes	16	76.19%
No	3	14.29%
Don't Know	1	4.76%
Not Answered	1	4.76%

Any further comments on this clause?

There were 7 responses to this part of the question.

Question 10: Are there any other objectives that you feel should fall to the Board?

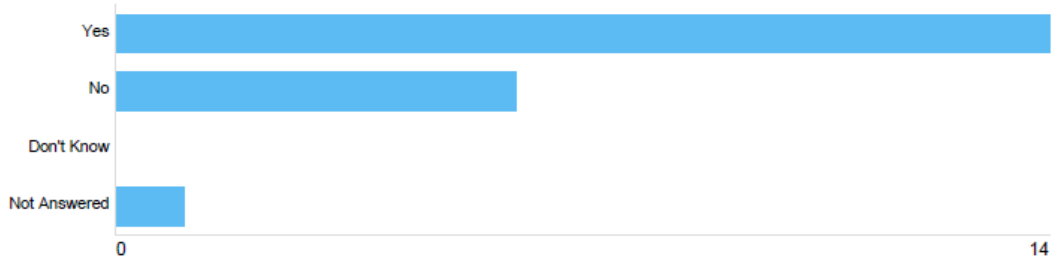
Section 2 (7)

There were 7 responses to this part of the question.



Question 11: Do you agree with the stated functions of the Board?

Part 2 Clause 8



Option	Total	Percent
Yes	14	66.67%
No	6	28.57%
Don't Know	0	0%
Not Answered	1	4.76%

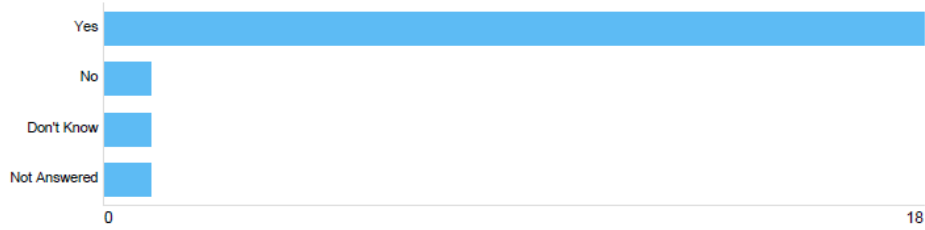
Question 12: Are there any other functions which you think should be included in the scope of the Board's role in safeguarding?

Section 2 (8)

There were 9 responses to this part of the question.

Question 13: Do you agree that the establishment of the Child Death Overview Panel, the Case Management Review Panel and the Safeguarding Panel should be a statutory obligation?

Part 2 Clause 9



Option	Total	Percent
Yes	18	85.71%
No	1	4.76%
Don't Know	1	4.76%
Not Answered	1	4.76%

Any further comments?

There were 5 responses to this part of the question.

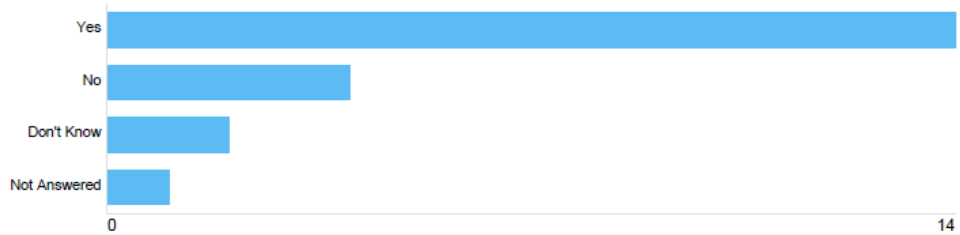
Question 14: Are there any other committees/sub committees that should be established by the Act?

Any further comments?

There were 10 responses to this part of the question.

Question 15: Do you agree that a person must supply information to the Board, if the request for information satisfies the conditions laid out in Clause 12 of the Bill?

Part 2 Clause 12



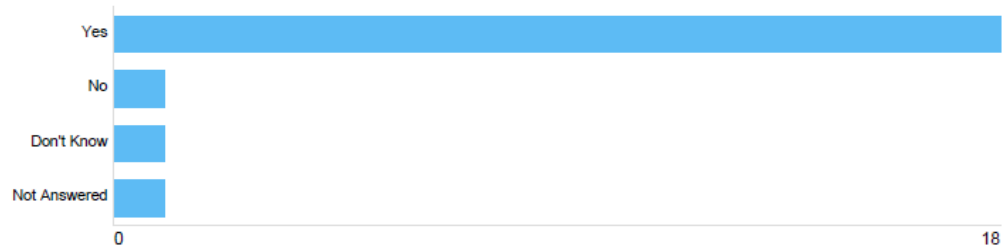
Option	Total	Percent
Yes	14	66.67%
No	4	19.05%
Don't Know	2	9.52%
Not Answered	1	4.76%

Any further comments?

There were 3 responses to this part of the question.

Question 16: Do you agree that there should be a statutory obligation requiring the Board and relevant safeguarding bodies to cooperate with each other?

Part 2 Clause 14



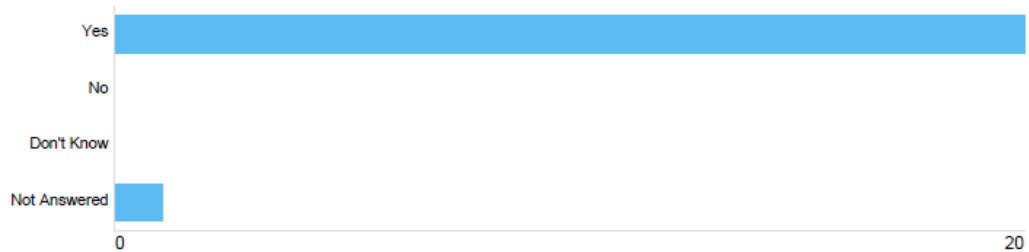
Option	Total	Percent
Yes	18	85.71%
No	1	4.76%
Don't Know	1	4.76%
Not Answered	1	4.76%

Any further comments?

There were 6 responses to this part of the question.

Question 17: Do you agree that relevant safeguarding bodies must have regard to the need to safeguard children and vulnerable adults when undertaking their functions?

Part 2 Clause 15



Option	Total	Percent
Yes	20	95.24%
No	0	0%
Don't Know	0	0%
Not Answered	1	4.76%

Any further comments?

There were 2 responses to this part of the question.

Question 18: Do you have any other comments in respect of the Safeguarding Bill?

Safeguarding Bill

There were 13 responses to this part of the question.