

Statutory Document No. 20XX/XXXX

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*Manx Care Act 2021*

## **CHILDREN AND YOUNG PERSONS ACT 2001 (AMENDMENT) REGULATIONS 2021**

*Approved by Tynwald:*

*Coming into operation in accordance with regulation 2*

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The Department of Health and Social Care makes the following Regulations under section 39 of the Manx Care Act 2021.

### **1 Title**

These Regulations are the Children and Young Persons Act 2001 (Amendment) Regulations 2021.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on [TBC]<sup>1</sup>.

### **3 Amendment of the Children and Young Persons Act 2001**

After section 97 (appeals to the High Court) insert –

#### **«97A Complaints about social services for children**

- (1) The Department shall by regulations make provision about the handling and consideration of complaints made under the regulations about the provision of services under the Children and Young Persons Act 2001 by –
  - (a) the Department;
  - (b) Manx Care in discharging the functions the Department has under the Children and Young Persons Act 2001 on behalf of the Department under section 13 of the Manx Care Act 2021; and
  - (c) any person with whom Manx Care has entered into an agreement under section 17 of the Manx Care Act 2021 in

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<sup>1</sup> Tynwald procedure – approval required under section 39 of the Manx Care Act 2021.

- discharging any of Manx Care's functions under the Manx Care Act 2021.
- (2) Regulations under subsection (1) shall provide for a complaint to be considered by —
- (a) the Department;
  - (b) Manx Care; or
  - (c) another person or body.
- (3) The Department shall by regulations make provision about the handling and consideration of complaints made under the regulations—
- (a) where persons are not satisfied with the outcome of an investigation of a complaint made under regulations made under subsection (1); and
  - (b) in other circumstances.
- (4) Regulations under subsection (3) shall provide for a complaint to be considered by the Health and Social Services Independent Review Body constituted under section 26A of the Social Services Act 2011.
- (5) Regulations under subsections (1) and (3) may, without prejudice to the generality of those subsections, make provision about —
- (a) the persons who may make a complaint;
  - (b) the complaints which may, or may not, be made under the regulations;
  - (c) the persons to whom complaints may be made;
  - (d) complaints which need not be considered;
  - (e) the period within which complaints must be made;
  - (f) the procedure to be followed in making, handling and considering a complaint;
  - (g) matters which are excluded from consideration;
  - (h) the making of a report or recommendations about —
    - (i) a complaint or complaints;
    - (ii) the handling and consideration of complaints, and such a report may be required to be laid before Tynwald;
  - (i) the action to be taken as a result of the complaint;
  - (j) action which may be taken to improve —
    - (i) the handling and consideration of complaints; or
    - (ii) the provision of services referred to in subsection (1), as a consequence of a complaint or otherwise.

- (6) Regulations under subsections (1) and (3) may require any person or body who handles or considers complaints under the regulations or any other person or body to make information available to the public about the procedures to be followed under the regulations.
- (7) The regulations may also—
- (a) provide for different parts or aspects of a complaint to be treated differently;
  - (b) require the production of information or documents in order to —
    - (i) enable a complaint to be properly considered; or
    - (ii) monitor the handling and consideration of complaints;
  - (c) provide for a complaint made to one person or body to be referred to another person or body;
  - (d) authorise the disclosure of information or documents relevant to a complaint to a person or body —
    - (i) who is considering a complaint under the regulations;
    - (ii) to whom a complaint has been referred; or
    - (iii) for the purpose of monitoring the handling and consideration of complaints,and any such disclosure may be authorised notwithstanding any rule of common law that would otherwise prohibit or restrict the disclosure.
- (8) The regulations may make provision about complaints which raise both matters falling to be considered under the regulations and matters falling to be considered under other statutory complaints procedures, including in particular provision for—
- (a) enabling such a complaint to be made under the regulations; and
  - (b) securing that matters falling to be considered under other statutory complaints procedures are treated as if they had been raised in a complaint made under the appropriate procedures;
- and in this subsection “statutory complaints procedures” means procedures established by or under any enactment.
- (9) Regulations under subsection (1) or (3) may make such supplemental, incidental, consequential, transitional or saving provisions as are considered to be necessary or expedient by the Department.».

**MADE**

*Minister for Health and Social Care*

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations amend the Children and Young Persons Act 2001 by inserting new section 97A into that Act.

New section 97(1) requires regulations to be made about the handling and consideration of complaints about the provision of certain services under Children and Young Persons Act 2001 by certain persons or bodies. Regulations under section 97A(1) must also specify the persons or bodies who are to consider those complaints (see section 97A(2)).

New section 97A(3) requires regulations to be made about the handling and consideration of complaints: (a) where persons are not satisfied with the outcome of an investigation of a complaint made under regulations made under section 97A(1) of that Act; and (b) in other circumstances. Regulations under section 97A(3) of the Children and Young Persons Act 2001 shall provide for such a complaint to be considered by the Health and Social Services Independent Review Body constituted under section 26A of the Social Services Act 2011.

The rest of new section 97A specifies other regulation-making powers in relation to complaints made under section 97A(1) or (3).