

<p>CYPA 2001 s.26(3)(c)</p> <p>CYPA 2001 Schedule 2, 5 CYPA 2001 s.1 CYPA 2001 s.1(4)</p> <p>Article 3</p> <p>CYPA 2001 s.23(5)(c) CYPA 2001 s.23(6)</p> <p>CYPA 2001 s.23(5)</p> <p>CYPA 2001 s.23(6)</p>	<p>CHAPTER 1</p> <p>INTRODUCTION</p> <p>THE LAW</p> <ol style="list-style-type: none"> 1 The Children and Young Persons Act covers both private and public law relating to children. Private law concerns legal action in which all parties to it are private citizens; public law concerns legal action in which one of the parties is the State. 2 The Isle of Man is a signatory of the United Nations Convention on the Rights of the Child (1995), and has a Human Rights Act 2001, which is largely the same as the Human Rights Act 1998 (Act of Parliament). 3 Courts on the Island have regard to the decisions of the European Court of Human Rights. When that Court looks at rights under the European Convention on Human Rights it considers the UN Convention. The UN Convention underpins much UK legislation in relation to children, lending additional strength to, for example, the principle that primary consideration should be given to a child's best interests. 4 There are only two specific references to children with disabilities in the Act: <ol style="list-style-type: none"> a. as part of the definition of children in need, and b. in the provision of accommodation. 5 The Act defines a category of children in need for whom the Department should provide services to safeguard and promote their welfare. A child is in need if: <ol style="list-style-type: none"> a. "he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services under this Part of the Act, b. his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services, or c. he is disabled." 6 The Act mirrors the National Assistance Act 1948's definition of disability, stating that: "disabled means blind, deaf, dumb, suffering from a mental disorder of any kind or substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed". 7 The Act requires that in providing accommodation for children "unless it would not be reasonably practicable or consistent with his welfare, the Department shall secure that where the child is disabled,
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CYPA 2001 s.23(2)

the accommodation is not unsuitable to his particular needs”

GENERAL PRINCIPLES

- 8 The Children Act provides a framework for a new approach to providing services to children with disabilities. It offers children with disabilities looked after by the Department or other agencies, the benefit of those powers and duties which it has in respect of all children whom it looks after.
- 9 The Act provides new safeguards for children with disabilities which they did not enjoy previously. Requirements such as having to review the case of a child who has been living away from home, having to give consideration to his or her welfare and to consult the child and his or her parents before decisions are taken apply to children with disabilities as well as to other children in need.
- 10 This is without any loss of any special provisions that applied to children with disabilities prior to implementation of the Act.
- 11 The Department has a clear duty to provide services to children with disabilities. It ensures that a specific policy on integration of services meets its general duties and powers towards children and families under the Act. Policies will take account of the wishes and views of the local community, including user groups. Every effort will be made to work in team and multi-agency structures to avoid the creation of segregated services.
- 12 Treating children with disabilities as children first is paramount. All staff involved in providing a service to a child with disabilities should be aware of arrangements relevant to the provision of services for people with disabilities.
- 13 Work with many children with disabilities requires particular experience and expertise. The Department will endeavour to ensure that the necessary advice, expertise and resources are available to their staff.
- 14 The Department is not obliged to provide all the services which may be needed. It may arrange with voluntary organisations or other persons to provide services.
- 15 The Act also states that any public authority may, in the exercise of its statutory functions, cooperate with the Department in providing services for children in need specified in section 23.

CONTENT

- 16 Provisions concerning children with disabilities are considered within the wider range of provisions under the Act. This guidance does not contain anything that is not contained within other volumes in the

	<p>series. Brief summaries and explanations in the context of working with children with disabilities are provided to make clear the approach to working with children with disabilities.</p> <p>17 The following subjects are covered.</p> <ul style="list-style-type: none">a. The assessment and planning process,b. Planning services in partnership with parents and children,c. Working with the community,d. Services to children living with their families,e. Working with education services,f. The role of child health services,g. Accommodation as a service,h. Foster placements,i. Residential care for children with disabilities,j. Complaints procedures,k. Child protection and court orders,l. Transition to adulthood.
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