

CHAPTER 1

INTRODUCTION

Children Act 1989
s.17, 18 & 19

CYPA 2001 s.22 &
23

CYPA 2001 s.22(1)
s.1(3)

CYPA 2001 s.22,
23(1)(b) & 23(5)

Children Act 1989
s.17(10)

CYPA 2001 s.2-4

- 1 This volume is intended to help the Department and other providers on the Island to develop services:
 - for families with children in need, and
 - day care services for young children
 in line with the philosophy and letter of the Act. It considers implications for policy, procedure and practice.

- 2 Unlike the Children Act 1989 of Parliament the Manx Act does not place an explicit duty on the Department to review and develop day care and other services for young children. But it has a general duty to promote:
 - the welfare of children,
 - their upbringing of children within their own family,
 - and authority to provide or promote a number of explicit services which will facilitate that. They include:
 - a. accommodation,
 - b. day care,
 - c. advice, guidance and counseling,
 - d. occupational, social, cultural or recreational facilities
 - e. home help,
 - f. assistance in traveling,
 - g. publishing information.

- 3 The Act's philosophy is that the best place for the child to be brought up is usually in his or her own family. Children in need (including those with disabilities) can be helped most effectively by the Department's providing a range and level of services appropriate to the child's needs and in partnership with parents. Both parents and child (at the level of his or her understanding) need the opportunity to make their wishes and feelings known and to participate in decision-making.

- 4 The Department has a duty to "safeguard and promote the welfare" of children in need which is defined in the same terms as in the Act of Parliament. This responsibility is contained within a general welfare duty to all children on the Island. In order to discharge its specific duty to children in need the Department will identify who they are, what their needs are and what services are required to meet them.

- 5 In considering the provisions of the Act and the implications for policies and practice it is important to bear in mind the concept of

parental responsibility set out in Part I. It includes:

- a. the acquisition and exercise of parental responsibility,
- b. the effect of court orders,
- c. the obligations and rights of parents,
- d. the impact of separation or divorce,
- e. the parents duty to contribute to their child's upbringing.

6 This volume is about family support and services; so foster care and residential accommodation are included in that context. More detailed guidance on both these services is the subject of separate volumes in this series. Child protection is also included as a family support issue but the Department has issued detailed guidance on this subject to its staff and others.

7 Although responsibility for implementation rests with the Social Services Division of the Department, the Act has implications for the Government and public bodies as a whole and cannot succeed without active and effective inter-departmental collaboration, especially with the health and education services and housing authorities.

8 The Department will therefore formulate its policy and provision in close collaboration with the Department of Education and with other departments as far their responsibilities impinge on the effective delivery of its responsibilities under the Act.

POLICY ISSUES

Planning

9 The Act places significant new responsibilities on the Department. In order to meet them it will review existing child care policies. In particular it will:

- a. establish Priorities in resource allocation,
- b. identify costed strategies,
- c. identify a service strategy in partnership with the voluntary and private sectors,
- d. work out an information strategy.

Children with disabilities

10 Children with disabilities should be given the opportunity to lead lives which are as normal as possible. So their services should be integrated with those provided for other children. And the Department will seek progressively to integrate the social care services and health services provided for them with the services provided by the Department of Education.

Family support

- 11 The Department will seek to give due weight to family support and partnership with parents in the spirit of the Act and to give it high priority in resource allocation and staff development.

Messages from research

- 12 It is important to the Department to develop its child care policies on sound evidence. It will use such evidence from as many sources as possible. Two valuable existing sources are the synopses *Patterns and Outcomes in Child Placements* and *Messages from Research* from the English Department of Health, both of which summarise extensive programmes of research focused respectively on child placement and child protection.

Welfare responsibilities

- 13 A key principle underpinning the Act is that the Department must act to protect children from the harm arising from family breakdown or abuse within the family. It must also avoid unwarranted intervention in families' lives or unnecessary weakening of family ties. To make judgements about that balance and to advise the courts appropriately it must:
- a. consider the wishes and feelings of the child, parents, and others with parental responsibility,
 - b. take account of other views it considers relevant,
 - c. consider the child's religious persuasion, ethnic origin and cultural and linguistic background.
 - d. promote and safeguard the welfare of the child (including those in care and looked after).

Co-ordination, collaboration and co-operation

- 14 The Department is primarily responsible for providing accommodation and other services to children at risk or in need. This may involve requesting the help and resources of another Department, for example for housing or education services.
- 15 The Act of course commits the whole Government to developing a range of services for children in need. The Department will seek to establish joint planning arrangements with the other Government departments and independent organisations. It will seek to ensure:
- a. that such requests can be given practical effect when they are made;
 - b. that there is an effective "fit" between services for children in need and those for all children;
 - c. that the Department can respond when evidence of need occurs under the responsibility of another service.

