

<p>CYPA 2001 s.23(1,2, 3 & 4)</p>	<p>CHAPTER 2 SERVICE PROVISION INTRODUCTION</p> <p>1 The Department must “safeguard and promote the welfare” of children who are: “suffering, or likely to suffer, significant harm, “in need”.</p> <p>The Act allows it to provide a range of services either directly or by arrangement with other providers in order to do that.</p> <p>2 The guiding principles for the provision of these services are:</p> <ul style="list-style-type: none"> a. partnership with parents, b. consultation with children, c. joint planning and agreement. <p>3 Whether the child(ren) continue to live in the family home or in accommodation by voluntary arrangement, the services are intended to assist and support the parent’s authority and control. The same thinking should apply when a child is in care of the Department, provided that it does not jeopardise his or her welfare.</p> <p>4 In either case there is a need to make plans for children in partnership with those who are important in the their life and the children themselves, subject to their understanding. And they need to be involved in planning reviews.</p>
<p>Children Act 1989 s.17(10)</p> <p>CYPA 2001 s.23(5)</p>	<p>DEFINITIONS</p> <p>5 The Manx Act and that of Parliament define a child “in need” in the same terms.</p> <ul 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, or 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. <p>6 “Disabled” means that he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed.</p>
<p>CYPA 2001 s.23(6)</p> <p>CYPA 2001 s.23(6)</p>	<p>7 Finally, there are definitions of:</p>

- a. "harm"
Ill-treatment or the impairment of health or development; and where the question of whether harm suffered by the child is significant harm turns on his health or development, his health and development shall be compared with what could be reasonably expected of a similar child.
- b. "health"
physical or mental health.
- c. "development"
physical, intellectual, emotional, social or behavioural development.
- d. "ill-treatment"
includes sexual abuse and forms of ill-treatment which are not physical.

DEFINING AND INTERPRETING "NEED"

- 8 The wide definition of 'need' in the Act reinforces the emphasis on preventive support and services to families. It has three categories:
 - a. a reasonable standard of health or development,
 - b. significant impairment of health or development,
 - c. disablement.
- 9 The Department has a duty towards all children defined as in need so each of the three categories must be included. It would not be acceptable for example, to confine services to children at risk of significant harm.
- 10 "Needs" include physical, emotional and educational needs taking account of age, sex, race, religion, culture and language. A plan to meet them must also take account the capacity of the current carer.
- 11 The definition of a child in need is in the Act. The Department will establish a process to set out explicit criteria and priorities based on good practice and research
- 12 In assessing individual need, the social worker should assess the existing strengths and skills of the family. The plan should be designed to help them overcome difficulties and enhance strengths.
- 13 Some needs will be intrinsic to the child; others may be a product of limited parenting skills; others may result from depleted or under-developed resources. The key issue is that they threaten the child's well-being and something can be done to address them.
- 14 In the following example most of the resources are directed towards supporting the parent because that appears to be the best way of helping the child's proper development. In other cases the resources will be directed largely towards the child him or herself. In yet

	<p>others they will be divided appropriately to create the most effective mix. It is important to stress of course that children should not necessarily be identified as in need because one or both parents are disabled.</p>
	<p><i>A chronically sick parent experiences degrees of intensity of pain during acute phases of her illness. At other times she finds it difficult to muster the energy for the simplest task.</i></p> <p><i>During the most painful periods (of which there is a forewarning) the Department organises short periods of foster care for the child. During the periods of lowest energy a home care worker and a package of voluntary support services provided at home offers the best answer.</i></p> <p><i>For the rest of the time a social worker visits periodically to provide emotional support and advice on the developing needs of the child.</i></p> <p><i>The chronic cycle of pain, low energy and comparative normality takes a heavy emotional toll. To cope with the worst effects of this occasional periods of counselling are also arranged.</i></p> <p><i>All these services are of course arranged in collaboration with the mother and the child.</i></p>
	<p>15 In the example the need for support is long term but that is not necessarily the case. Social problems, relationship problems, unemployment, bereavement, mental illness and many other factors may temporarily reduce the quality of care of children in the family. A package of support and prompt use of respite care, for example, may sustain the child's longer term well-being within the family.</p> <p>16 The Act envisages family support services being offered to members of a family of a child in need where the service is provided with a view to safeguarding and promoting the child's welfare. Any person who has parental responsibility or any other person with whom the child is living can be included if support to them safeguards or promotes the child's welfare.</p> <p>ASSESSMENT</p> <p>17 Good practice requires that assessment of need should be undertaken in an open way and involve the child, those caring for the child and other significant persons. Families with a child in need, however it arises, have the right to receive sympathetic support and sensitive intervention in their family's life.</p> <p>18 Good practice also demands that people should be treated as a whole rather than as collections of symptoms. Assessment of need under this Act may well coincide with needs, the duty to protect and support and the right to services arising from disability, mental illness, education or homelessness for example. Professional collaboration is required to make sure that both the assessment and</p>

the services which stem from it are as closely integrated as possible.

- 19 Needs arise in context and in specific areas. The following checklist covers the most important of them.
- a. health, (parent or child)
 - b. development,
 - c. disability, (parent or child)
 - d. communication difficulties
 - e. provision of sign language interpreter?
 - f. need for large print, tape or braille?
 - g. education,
 - h. religious persuasion, (parent or child)
 - i. racial origin, (parent or child)
 - j. cultural and linguistic background, (parent or child)
 - k. need for interpreter,
 - l. the degree to which existing needs are met by:
 - i. existing services,
 - ii. the community,
 - iii. the family themselves.
 - m. which services are best suited to the needs.
- 20 On the Island, with a comparatively small ethnic minorities population, individual minorities are unlikely to be reflected in composition of the Department's staff. It will need to compensate for that by identifying sources of advice and help so that the necessary experience, expertise and resources are available when needed. Care is needed to ensure that the terms such as 'black' and 'Asian' are not used as generic descriptions, implying that they are homogenous groups.

PLANNING A SERVICE FOR AN INDIVIDUAL CHILD

- 21 Once a need has been identified a plan for the best service provision will be required. This may simply amount to matching the need with an existing service in the community. A playgroup might provide a young mother with a much needed respite and a small child with developmental stimulation and experience.
- 22 Where the Department has to allocate resources to arrange a service - for example, a family aide for the family or a day nursery place for the child - the plan must identify:
- a. how long the service may be required,

<p>CYPA 2001 Schedule 2.5</p>	<ul style="list-style-type: none"> b. what the objective of the service should be, c. what else others are expected to do, d. the basis of the agreement with the parent or other carer, e. when the plan will be reviewed. <p>23 A child, not the subject of a care order, who is provided with a service while living at home is not 'looked after'. However if the Department is significantly involved with the family good practice means that the requirements in respect of 'looked after' children relating to Arrangements for Review may also apply to these children.</p>
<p>CYPA 2001 s.23(2)(b)</p>	<p>MEETING NEEDS</p> <p>24 The Department has a general duty to safeguard and promote the welfare of children in need. The Act says "it may provide" a range of services to achieve that aim and to promote their upbringing by their families. It is clear that good practice in discharging the general duty will make it necessary to do so.</p> <p>25 The Department cannot expect to meet every individual need. But it will map the extent of need on the Island as defined in the Act, and make decisions on priorities for service provision based on the result. It will ensure that a range of services is developed to meet the extent and nature of need it identifies.</p> <p>26 Some of the services likely to be needed or enhanced include:</p> <ul style="list-style-type: none"> a. day care provision for pre-school and school age children, b. a range of services designed to support and improve the strengths and skills of parents, c. a vigorous foster care service offering short term, longer term, or permanent placements, d. placements, day care and support which reflect the racial, cultural, linguistic and religious needs of children, e. residential accommodation, which should include some access to special forms of care. <p>27 These services may be provided from statutory, voluntary, volunteer and independent sources, facilitated and if necessary financed by the Department. It is important to develop packages of services appropriate to the assessed needs of individual children and their families and to think creatively about how resources might be welded together. These ideas are further developed in Chapter 3.</p> <p>28 The Department will monitor and evaluate services and publish up to date information in a form which will be useful to staff, families and service providers.</p>

CYPA 2001 s.23(6)

29 Systematic information on need, services and service gaps will assist the Department considerably in budgeting, deciding on priorities, allocating resources, staffing and recruitment in order to meet its obligations under the Act.

Assumptions in meeting needs

- 30 The overarching assumption in this Act is that, in general, families have the capacity to cope with their own problems, and to identify and draw upon resources in the community for support. Some families at a critical stage and others more permanently are not able to resolve their own difficulties. They are, or are in danger, of providing inadequate care for their children. As a consequence:
- a. If people look to social services for support and assistance they should receive a positive response which reduces any fears they may have of stigma or loss of parental responsibility or care of the child.
 - b. If you intervene early and constructively you can arrest and perhaps reverse damage to the child.
 - c. If you provide support and services to families you may avoid the need to take the child into long-term compulsory care.
 - d. Care and looking after children should be part of a positive array of services and options rather than the "last resort when all else fails"

SERVICES FOR CHILDREN WITH DISABILITIES

31 Within the general context of defining "in need" the Act makes a clear, positive and separate distinction of disability. The Department interprets that as a clear signal that it should provide services for children with disabilities so as to minimise the effect of their disabilities and give them the opportunity to lead lives which are as normal as possible.

32 These services are intended to help in the identification, diagnosis, assessment and treatment of children with physical or learning disabilities and those suffering from mental disorder. They should be supported and helped them to overcome limitations of mobility, learning and communication. This may include the funding and provision of equipment such as communication aids and interpreters.

A register of children with disabilities

33 The Department will keep a register of children with disabilities on the Island in order to help service planning and monitoring. It will explore the possibility of a joint register with the Department of Education to include children with special educational needs.

34 The existence and purpose of the register will be widely publicised with voluntary agencies, relevant professionals, parents and young people. And parents and children will be encouraged to participate.

<p>CYPA 2001 s.25(6)</p>	<p>the Department. They must negotiate and agree the appropriate accommodation and its use. The accommodated child is not in care (unless subject to a care order) but receiving a service. The parents may remove a child from accommodation whenever they wish to do so.</p> <p>41 Once a child reaches the age of 16 years the terms of the previous paragraph apply to him or her rather than to the parents. They can no longer remove the child without his or her explicit agreement.</p> <p>42 The Act makes no distinction between requirements applying to the provision of a series of pre-planned short-term placements and longer-term provision of accommodation. A voluntary arrangement remains that irrespective of its length.</p>
<p>CYPA 2001 s.2(6)</p>	<p>43 This subsection says: If a person has care of a child but does not have parental responsibility for him, he may do what is reasonable for the purpose of safeguarding or promoting the child's welfare.</p> <p>44 That applies equally to the Department. So if there is no one with parental responsibility and no suitable carer it will need to consider how best to ensure that someone adopts parental responsibility. This may mean assisting an appropriate person to obtain a residence order.</p> <p>Agreement and risk</p> <p>45 The emphasis is on partnership with the child's family to provide for the child's needs by voluntary arrangement. Services should build upon the family's strengths and help them address weaknesses. Parents are not required to give notice before withdrawing their children from voluntary arrangements so any service continues to be provided by agreement.</p> <p>46 The voluntary nature of service provision must not be allowed to obscure continuing assessment of risk to the child where risk of significant harm is suspected. If action to protect the him or her is indicated the fact that there is a voluntary service agreement of any kind should not stand in the way of implementing the child protection procedure and pursuing whatever action seems necessary as a result.</p>
<p>CYPA 2001 Schedule 2 paragraph 5(3) s.24(3)</p>	<p>Partnership</p> <p>47 Partnership requires informed participation. The Act requires that parents and children must be consulted during the decision-making process and notified of the outcome.</p> <p>48 The Department must establish a procedure for considering representations (including complaints) about the discharge of their functions in looking after children and has a duty to consult, so far as reasonably practicable, the child, parent, those with parental</p>

<p>Children Act 1989 Schedule 2 paragraph 10</p> <p>CYPA 2001 s.22(1)</p> <p>CYPA 2001 Schedule 2 paragraph 8</p>	<p>responsibility and other relevant people before making any decision about a looked after child. Good practice suggests that this procedure should be extended to any service provided to children in need.</p> <p>Partnership or compulsion</p> <p>49 The key principle is that a court order should not be made unless the court considers this to be the most effective way of safeguarding or promoting the child's welfare. This places emphasis on action to reduce the need for children to be in care.</p> <p>50 When an Emergency Protection Order/Interim Care Order is granted, the Act gives the Department power to apply for the exclusion from the family home of an adult, who is deemed to be a risk to the child.</p> <p>51 These are fine judgements with continuing implications for training, staff support and supervision. The Act sets out the principle but no amount of written guidance can substitute for skilled professional analysis of the individual circumstance based on knowledge, experience and research. That is the basis on which the viability and value of a voluntary arrangement against potential risk and the best interests of the child can be established.</p> <p>In need, away from home but not looked after</p> <p>52 The Act of Parliament says: Every local authority shall take such steps as are reasonably practicable where any child within their area who is in need and whom they are not looking after is living apart from his family:</p> <ul style="list-style-type: none"> a. to enable him to live with his family; or b. to promote contact between him and his family, <p>if, in their opinion, it is necessary to do so in order to safeguard or promote his welfare.</p> <p>53 There is no direct equivalent in the Manx Act but the paragraph sets out a reasonable principle on which to build good practice in keeping with the spirit of the Act. It is, to an extent, incorporated in the Children and Young Person Act as follows: "In exercising its functions under this Act, the Department shall seek, so far as practicable, to promote the upbringing of children by their families; and for this purpose "family", in relation to a child, includes any individual who has parental responsibility for him and any person with whom he has been living."</p> <p>Aftercare</p> <p>54 The care provided by a good parent does not cease at any arbitrary point. It changes to meet the different needs of a child over time. It continues to be available to a young adult, away from the family home but in need of support and advice from time to time. In acknowledgment of this the Act gives the Department continuing</p>
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CYPA 2001 s.101

responsibility towards young people aged 16 to 20 who were, while still a child:

- a. looked after by the Department;
 - b. accommodated in a children's home.
 - c. accommodated for a consecutive period of 3 months (which can begin after 16 years of age) in:
 - i. a residential care home,
 - ii. a nursing (or mental nursing) home.
 - d. privately fostered,
- but who are no longer looked after, accommodated or fostered.

55 The Department will provide support, advice and assistance to anyone in this position under the age of 21 years who needs it. This aftercare service will include advice, general help and moral support, financial assistance in exceptional circumstances and specific financial assistance in connection with employment, education or training.

56 Planning aftercare services for individual children will help the child to adjust during the transition from child to adult and will allow the Department and other responsible agencies to arrange in good time any new service that may be required.

Children looked after in independent schools

57 The Department has a welfare duty in respect of a child accommodated in an independent school. This requires them to take reasonable steps to enable them to decide, whether the child's welfare is adequately safeguarded and promoted while staying in the accommodation.

A separate volume of guidance on independent schools (Volume E) covers this in more detail.

PUBLICISING SERVICES

58 Good practice implies that people who might benefit from the services the Department can offer to support children in need should be widely known about. The Department intends to publicise the services and regularly update the information. The publicity will cover the services directly available from the Department and those to which it has access provided by others on the Island. As far as possible, publicity will encourage parents to seek help by expressing information in a positive and non-stigmatising way.

59 The Department will welcome discussion with relevant groups about how best take account of the information needs of ethnic minorities' cultural and linguistic needs and the needs of those with sensory disabilities.

CYPA 2001
Schedule 3

CHARGING FOR SERVICES

- 60 The basis for charging for maintenance is set out in the Schedule. The Department will ensure that its policy and practice on charging for contributions towards the cost of accommodating a child is clearly stated and understood by staff, and that information about the policy is made available to all concerned. In the Manx Act, unlike its Parliamentary counterpart, there is no power to charge directly for other services for children in need or at risk.