

	<h2 style="text-align: center;">CHAPTER 1</h2> <h3 style="text-align: center;">INTRODUCTION</h3>
	<h4 style="text-align: center;">THE LAW</h4>
<p>CYPA 2001 part 10, s.101</p>	<p>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.</p>
<p>Article 3</p>	<p>2 The section which covers the welfare of children accommodated in independent schools is Section 101 C&YPA 2001, which inserts Section 106A Education Act 1949 and is the same as Section 48 of the Education Act 2001 and is based on Section 87 of the Children Act 1989.</p>
<p>Education Act 1949 s.106A</p>	<p>3 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 and is due to be in force sometime in 2003.</p>
<p>Education Act 1949 s.106A</p>	<p>4 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.</p>
	<h4 style="text-align: center;">CONTENT</h4>
<p>Education Act 1949 s.101(6)</p>	<p>5 This volume provides guidance for proprietors and other people responsible for independent boarding schools on their duty to safeguard and promote the welfare of children in their schools.</p>
<p>Education Act 2001 s. 48</p>	<p>6 It also informs the Department of Health and Social Security of its duty to ensure that proprietors adequately carry out their welfare duty, of the powers to enable the Department to fulfil this responsibility, and of the action it should take if proprietors fail to carry out their duty adequately.</p>
<p>Education Act 1949 s.106A Education Act 2001 s.48</p>	<p>7 It gives guidance on the standards that the Department of Health and Social Security is expected to apply in carrying out its duties.</p> <p style="background-color: #e0e0e0; padding: 5px;">Some independent schools are designated children's homes or residential care homes and are not subject to the requirements of section 106A of the Education Act 1949. The guidance (<i>and Regulations</i>) relevant to children's homes are in Volume D of this series.</p>
	<p>8 The Education Act places a duty on the proprietor of an independent school to look after the welfare of boarders. It also gives the</p>

	<p>Department of Health and Social Security power to inspect.</p> <p>9 The Department of Health and Social Security's powers are additional to those which the Department of Education has to inspect schools under the Education Act 1949.</p>
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