SCOTTISH STATUTORY INSTRUMENTS

# 2005 No.129

# CHILDREN AND YOUNG PERSONS

## The Intensive Support and Monitoring (Scotland) Regulations 2005

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| *Made - - - -* | *3rd March 2005* |
| *Laid before the Scottish Parliament - - - -* | *3rd March 2005* |
| *Coming into force - -* | *1st April 2005* |

The Scottish Ministers, in exercise of the powers conferred by sections 17, 31, 70(12), 70(13), 70(14), 70(17) and 103 of the Children (Scotland) Act 1995(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Intensive Support and Monitoring (Scotland) Regulations 2005 and shall come into force on 1st April 2005.

### Interpretation

**2.** In these Regulations–

"the Act" means the Children (Scotland) Act 1995;

"children's hearing" has the meaning given to that term by section 93(1) of the Act;

"crisis response service" means the service to be provided by or on behalf of the relevant local authority, by way of immediate support for the child under reference to the movement restriction care plan, which service shall include a telephone contact facility, accessible on a twenty four hours per day basis, for every day of the year, both by the child, by any person referred to within regulation 5(1), and by any other person identified in the plan as requiring such access;

"Elmo Tech" means Elmo Tech Limited, a company incorporated under the laws of Israel and having a place of business at 2 Harbazel Street, Tel Aviv, 61132 Israel;

(**1**) 1995 c. 36; the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46); sections 70(12), 70(13), 70(14) and 70(17) were inserted by the Antisocial Behaviour etc. (Scotland) Act 2004, asp 8, section 135.

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**2**); and "local government area" means the local government area (within the meaning of that Act) for which the council is constituted;

"movement restriction care plan" means the written plan prepared by the relevant local authority to address the immediate and longer term needs of the child with a view to safeguarding and promoting that child's welfare, which plan shall include details of the services to be provided relative to a supervision requirement with a movement restriction condition, to meet the care, education and health needs of the child;

"movement restriction condition" has the meaning given to that term by section 70(11) of the Act;

"relevant local authority" has the meaning given to that term by section 93(1) of the Act;

"relevant person" has the meaning given to that term by section 93(2)(b) of the Act;

"responsible local authority officer" means an officer of the relevant local authority authorised by it in relation to the arrangements concerned with a supervision requirement with a movement restriction condition, and a movement restriction care plan in terms of these Regulations; and

"supervision requirement" has the meaning given to that term by section 93(1) of the Act.

**Prescribed local government areas**

**3.** For the purposes of section 70(17) of the Act(**3**), the prescribed local government areas comprise the City of Edinburgh, Dundee City, East Dunbartonshire, Glasgow City, Highland, Moray and West Dunbartonshire.

**Considerations relating to imposition of movement restriction condition**

**4.**—(1) A children's hearing shall not impose upon a child, within a supervision requirement, a movement restriction condition, unless it is satisfied that the movement restriction care plan for the child, relative to that movement restriction condition, is adequate and appropriate, and has been agreed so far as practicable with the child and any relevant person.

(2) In considering for the purposes of paragraph (1) above whether the movement restriction care plan is adequate and appropriate the children's hearing shall consider, in particular–

(a) the provision of, or means of accessing, alternative accommodation to that specified in accordance with regulation 6(a), together with particulars of those persons who are to be notified, and by whom, when such accommodation is provided or accessed;

(b) the provision of a crisis response service;

(c) the arrangements which are to be made for evaluating the child's participation, progress and co operation in relation to the movement restriction care plan, and the provision which is to be made for regular written reports for consideration by the children's hearing; and

(d) the arrangements and timings for review of the child's needs relative to the supervision requirement with a movement restriction condition and for any necessary revision of the movement restriction care plan.

(**2**) 1994 c. 39.
(**3**) Section 70(17) was inserted by section 135 of the Antisocial Behaviour etc. (Scotland) Act 2004.

**Designation and functions of persons and arrangements for monitoring compliance with movement restriction condition**

**5.**—(1) Where a children's hearing imposes upon a child, within a supervision requirement, a movement restriction condition, the hearing shall designate–

(a) a responsible local authority officer; or

(b) any person employed or otherwise instructed by a local authority to carry out the functions set out in paragraph (2) below;

and

(c) in relation to monitoring compliance with regulation 7, any person whose services may, in that regard, by contract or otherwise, be secured.

(2) The person designated in terms of sub-paragraph (a) or (b) above (the "designated person") shall–

(a) monitor the child's compliance with all of the conditions contained in the supervision requirement, including their participation, progress and co-operation in relation to the movement restriction care plan; and

(b) review, at no more than weekly intervals the child's compliance with the matters referred to in paragraph 2(a) above, in conjunction with the child, and that having regard to such other information as may be obtained by the designated person from any relevant person, and any provider of services identified in the movement restriction care plan.

**Supervision requirement with movement restriction condition: prescribed conditions**

**6.** Where a children's hearing impose upon a child, within a supervision requirement, a movement restriction condition, the following are the prescribed conditions for the purposes of section 70(12) of the Act–

(a) the accommodation at which the child is required to reside;

(b) the days of the week during which the child is required to remain at that accommodation, and the period or periods when the child is required to remain there, which period or periods shall not exceed twelve hours in any one day;

(c) any address or location which the child is required not to enter;

(d) the duration of the movement restriction condition, which duration shall not exceed six months;

(e) the date or dates on which the movement restriction condition is to be reviewed, which review (or reviews) may however take place at any date within the duration of the movement restriction condition as the hearing may determine, but subject always to a review being carried out within three months of such condition first being imposed;

(f) any conditions relative to the arrangements for monitoring compliance with the conditions contained in the supervision requirement and in particular relative to the discharge of functions by the person designated in terms of regulation 5(1); and

(g) any conditions relative to the child's participation in, or co-operation with, services detailed in the movement restriction care plan.

**Methods of monitoring compliance with movement restriction condition**

**7.** The following methods of monitoring compliance of a child with the requirements of a movement restriction condition are prescribed for the purposes of section 70(14)(a) of the Act, and may be specified in the supervision requirement–