

2005 No.129

CHILDREN AND YOUNG PERSONS

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

<i>Made</i> - - - -	<i>3rd March 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>3rd March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

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(a), 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 Harbazeel Street, Tel Aviv, 61132 Israel;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(b); 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;

(a) 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.

(b) 1994 c.39.

“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^(a), 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.

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) Section 70(17) was inserted by section 135 of the Antisocial Behaviour etc. (Scotland) Act 2004.

- (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—

- (a) radio and electronic monitoring of the child's presence at or absence from the accommodation at which they are required to reside, or any address or location which they are required not to enter, by means of a regular radio signal transmitted by a transmitter device attached to the child with the transmitted signal received by a radio receiving and monitoring service located at such accommodation address or location, with the relevant information received and processed by said radio receiving and monitoring device periodically passed by telephone line to a central computer at a monitoring centre; and
- (b) radio and electronic monitoring of the child's presence at or absence from the accommodation at which they are required to reside, or any address or location which they are required not to enter, by a mobile receiver which receives radio signals transmitted by transmitter device attached to the child,

but the method of monitoring referred to in paragraph (b) above shall not be used unless it is not reasonably practicable to use the method described in paragraph (a) above.

Specified devices which may be used for the purpose of monitoring compliance with requirements of a movement restriction condition

8. The devices listed in the Schedule to these Regulations are specified for the purposes of section 70(14)(b) of the Act, and may be used for the purpose of monitoring the compliance of a child with the requirements of a movement restriction condition.

Variation of designation

9.—(1) A children's hearing which has designated a person to monitor compliance with a movement restriction condition imposed within a supervision requirement shall, where that person is no longer within the provision made under regulation 5, vary the designation accordingly.

(2) Where, in terms of paragraph (1) above, a children's hearing vary the designation, it shall also, at the same time, notify the child in respect of whom the restriction was made of that variation, together with such other persons including any provider of services as may be affected by that variation.

St Andrew's House,
Edinburgh
3rd March 2005

CATHY JAMIESON
A member of the Scottish Executive

SCHEDULE

Regulation 8

SPECIFIED DEVICES

Specified for the purposes of section 70(14)(b) of the Act are the following devices:–

Devices manufactured and sold by Elmo Tech:

- (a) EMS200HA Small Transmitter, model number TX-500-EP-2;
- (b) EMS200HA Large Transmitter, model number TX-500-2;
- (c) EMS200HA Home Monitoring Receiver Unit Type I, model number HMRU 500i-EU;
- (d) EMS200HA GSM Cellphone Home Monitoring Receiver Unit, model number HMRU 610;
- (e) EMS200HA Activator Unit, model number MRD;
- (f) EMS200HA Alert & Activator Unit, model number MRD-RF-2;
- (g) EMS200HA Mobile Unit, Model number MBU 510;
- (h) EMS 2000i Voice Verification Platform;
- (i) Small transmitter, model number TX-700-2;
- (j) Large transmitter, model number TXL-700-2;
- (k) E3 Receiver: DCU -2010-2;
- (l) Data Extension Unit Repeater, model number iDEU-800-2;
- (m) Manual Reset device, model number MRD RF-700-2;
- (n) Mobile Unit, model number MU-800-2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under the Children (Scotland) Act 1995, as amended by the Antisocial Behaviour etc. (Scotland) Act 2004, regulate the arrangements for monitoring compliance with a supervision requirement with a movement restriction condition, as defined within section 70 of the 1995 Act.

Regulation 3 prescribes those local government areas to which the Regulations are to apply. As at 1st April 2005 these comprise the City of Edinburgh, Dundee City, East Dunbartonshire, Glasgow City, Highland, Moray and West Dunbartonshire.

Regulation 4 details the considerations for a children's hearing, in relation to which it must be satisfied, before imposing upon a child, within a supervision requirement, a movement restriction condition. These focus on the adequacy and appropriateness of the movement restriction care plan, as defined within regulation 2, which is to be made for the child.

Regulation 5 sets out the arrangements for monitoring compliance with a movement restriction condition, where such condition is imposed upon a child, within a supervision requirement, and designates persons in respect of the functions specified.

Regulation 6 prescribes the conditions which are to be imposed by the children's hearing, to the extent that it considers necessary, when imposing a movement restriction condition upon a child.

Regulation 7 sets out what monitoring methods may be used.

Regulation 8 and the Schedule specify what devices may be used for monitoring.

Regulation 9 makes provision in relation to the variation of the designation of those persons who can monitor compliance with a movement restriction condition.

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