

EXECUTIVE NOTE

THE INTENSIVE SUPPORT AND MONITORING (SCOTLAND) REGULATIONS 2006 (SSI 2006/ 15)

1. The above instrument was made in exercise of the powers conferred by the Children (Scotland) Act 1995, in particular section 70, and of all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

Policy Objectives

2. Part 12 of the Antisocial Behaviour etc (Scotland) Act 2004 introduced a number of provisions governing the use of Supervision Requirements in children's hearings. The Act introduced a new power for children's hearings to impose a Movement Restriction Condition (MRC) if a child meets certain criteria set out in section 70(10) of the Children (Scotland) Act 1995, namely that they are likely to injure themselves or others, or are likely to abscond and it is likely in that event that their physical, mental or moral welfare will be at risk. An MRC is a specific condition added to a Supervision Requirement restricting the child's movements. It also requires the child to comply with such arrangements for monitoring their movements as may be required. Monitoring is via an electronic monitoring service.

These policy objectives remain as set out in the Executive Note which accompanied the Intensive Support and Monitoring (Scotland) Regulations 2005 (SSI 2005/129), subsequently amended by the Intensive Support and Monitoring (Scotland) Amendment Regulations 2005 (SSI 2005/201).

Purpose of Regulations

3. The electronic monitoring service is currently provided by Reliance Monitoring Services, using devices manufactured by Elmotech Ltd. Following a competitive tendering exercise, Serco Ltd won the contract to provide the electronic monitoring service from 1st April 2006. Serco Ltd will be using devices manufactured by Premier Geografix Ltd (PGL). The PGL equipment works in the same way as the Elmotech equipment currently in use.

4. The purpose of these Regulations is to specify the new devices which will be used by Serco Ltd and in doing so they also revoke SSI 2005/129 as amended by SSI 2005/201. It was considered that in making provision for new devices, the opportunity should be taken to consolidate the provisions in the 2005 Regulations, in view of the significant amendments made to them by SSI 2005/201.

There is a change to the specification of the devices, which may be used for the purposes of remotely monitoring compliance with ISMS, as explained in paragraph 3 above. Aside from the change which is being made in respect of specified devices, there are no other changes in the content of these Regulations from that in SSI 2005/129 as amended by SSI 2005/201.

5. These Regulations will come into effect on **20 February 2006** to enable the newly specified devices to be used prior to the start of the new contract. This is part of the equipment swap-out arrangements agreed between the two companies. In order to ensure uninterrupted monitoring, each Elmotech tag and home monitoring unit will be removed from each child subject to an MRC that extends past 31st March 2006 and will be replaced by a

PGL tag and home monitoring unit. This will be done throughout March and will help ensure a smooth transition from the current contractor, Reliance Monitoring Services, to the new contractor, Serco Ltd. Reliance Monitoring Services will still be responsible for monitoring offenders until 31st March.

6. The Regulations, as amended, will be revoked on 16 April 2006, reflecting the limited timeframe for the continued use of the Elmotech devices, as those devices are specified in Regulation 8 and in the schedule of SSI 2005/129. This is to allow for the possibility, albeit unlikely, that Elmotech tags and equipment are not replaced by PGL equipment in time for the start of the new contract on 1st April 2006, and will ensure that all children subject to an MRC continue to be monitored electronically until the replacement is effected.

During this interim period, the 2005 Regulations as amended will continue in force as provided for in terms of Regulation 1(2).

Financial Effects

7. The Instrument has no financial effects on the budgetary allowance which was made to cover the first phase of Intensive Support and Monitoring and was set out in the Executive Note of 3 March 2005 which accompanied SSI 2005/129.

Other regulations

8. Similar regulations specifying the new electronic monitoring devices have also been made in respect of the movement restriction conditions of bail pilot (The Bail Conditions (Methods of Monitoring Compliance and Specification of Devices) (Scotland) Regulations 2006) and for use in The Restriction of Liberty Order (Scotland) Regulations 2006).

Scottish Executive Education Department
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