

2005 No. 201

CHILDREN AND YOUNG PERSONS

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

<i>Made</i> - - - -	<i>31st March 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>31st 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(13) 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) Amendment Regulations 2005 and shall come into force on 1st April 2005.

Amendment of the Intensive Support and Monitoring (Scotland) Regulations 2005

2.—(1) The Intensive Support and Monitoring (Scotland) Regulations 2005(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (Interpretation), omit the following definitions—

- (a) “crisis response service”;
- (b) “movement restriction care plan”.

(3) For regulation 4, substitute—

**“Arrangements for monitoring compliance with a movement restriction condition:
movement restriction care plan**

4.—(1) The arrangements for monitoring compliance with a movement restriction condition imposed upon a child within a supervision requirement shall include the preparation by the relevant local authority of a movement restriction care plan, as provided for in paragraphs (2) to (4) below, which plan shall be agreed, so far as is reasonably practicable, between the relevant local authority, the child, and any relevant person.

(2) A movement restriction care plan shall, so far as is reasonably practicable, address the immediate and longer term needs of the child with a view to safeguarding and promoting the child’s welfare, and shall be recorded in writing, as also shall be any matters relating to that plan or its review.

(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); section 70(13) was inserted by the Antisocial Behaviour etc. (Scotland) Act 2004, asp 8, section 135.
(b) S.S.I. 2005/129.

(3) The matters which are to be set out by the relevant local authority within a movement restriction care plan shall include details of the services which are to be provided relative to a supervision requirement with a movement restriction condition, to meet the care, education and health needs of the child and, 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, being a 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 24 hours per day basis, for every day of the year, both by the child, by any person designated in accordance with regulation 5(1), and by any other person identified in the plan as requiring such access; and
- (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.

(4) The relevant local authority shall also set out, within the movement restriction care plan, the arrangements for review of the plan by the authority, including in particular the date or dates when the plan is to be reviewed, subject always to such review taking place within three months of the plan being completed, or within three months of the children's hearing imposing, within a supervision requirement, a movement restriction condition, whichever date is the later.

(5) The relevant local authority shall provide the Principal Reporter with a copy of the movement restriction care plan upon its completion, together with any revised version thereof which may from time to time be prepared by the authority, and a brief report setting out the circumstances of, and the reasons for, such revision.”.

(4) In regulation 6 (Supervision requirement with movement restriction condition: prescribed conditions), omit paragraph (e).

HUGH HENRY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
31st March 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions in the Intensive Support and Monitoring (Scotland) Regulations 2005 (“the principal Regulations”) relating to the arrangements for monitoring compliance with a movement restriction condition contained in a supervision requirement.

Regulation 4 of the principal Regulations is substituted by a new regulation 4, which sets out the arrangements for monitoring compliance, under reference to the movement restriction care plan, details of which, together with those relating to the crisis response service, are now contained within regulation 4, rather than in the interpretation provisions of the principal Regulations.

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