

2008 No. 75

CHILDREN AND YOUNG PERSONS

**The Intensive Support and Monitoring (Scotland)
Regulations 2008**

<i>Made</i>	- - - -	<i>4th March 2008</i>
<i>Laid before the Scottish Parliament</i>		<i>5th March 2008</i>
<i>Coming into force</i>		<i>1st April 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17, 31, 70(12), (13), (14) and (17) and 103 of the Children (Scotland) Act 1995(a) and all other powers enabling them to do so.

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Intensive Support and Monitoring (Scotland) Regulations 2008 and come into force on 1st April 2008.

(2) The Intensive Support and Monitoring (Scotland) Regulations 2006(b) are revoked.

Interpretation

2. In these Regulations—

“the Act” means the Children (Scotland) Act 1995;

“children’s hearing” has the same meaning as in section 93(1) of the Act;

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

“movement restriction condition” has the same meaning as in section 70(11) of the Act;

“Serco Geografix” means Serco Geografix Limited, a company incorporated under the Companies Acts under number 3522659 and having its registered office at Serco House, 16 Bartley Wood Business Park, Bartley Wood, Hook, Hampshire, RG27 9UY;

“relevant local authority” has the same meaning as in section 93(1) of the Act;

“relevant person” has the same meaning as in section 93(2)(b) of the Act;

(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 17 is prospectively amended by schedule 2, paragraph 9 of the Adoption and Children (Scotland) Act 2007 (asp 4); sections 70(12), (13), (14) and (17) were inserted by the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) section 135; see section 103(2) for a definition of “prescribed”.

(b) S.S.I. 2006/15.

(c) 1994 c.39; section 2 was amended by Schedule 22, paragraph 232(1) of the Environment Act 1995 (c.25).

“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 child’s plan in terms of these Regulations; and

“supervision requirement” has the same meaning as in section 93(1) of the Act.

Prescribed local government areas

3. For the purposes of section 70(17) of the Act, all local government areas are prescribed.

Arrangements for monitoring compliance with a movement restriction condition: child’s 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 child’s plan, as provided for in paragraphs (2) to (4), which plan shall be agreed, so far as is reasonably practicable, between the relevant local authority, the child, and any relevant person.

(2) A child’s 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.

(3) The matters which are to be set out by the relevant local authority within a child’s 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 7(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 child’s 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 child’s plan, and the provision which is to be made for regular written reports.

(4) The relevant local authority shall also set out, within the child’s 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 3 months of the plan being completed, or within 3 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 child’s 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.

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); and

- (c) in relation to monitoring compliance in accordance with regulation 8, any person whose services may, in that regard, by contract or otherwise, be secured.
- (2) The person designated in terms of paragraph 1(a) or (b) (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 child’s plan; and
 - (b) review, at no more than weekly intervals, the child’s compliance with the matters referred to in paragraph 2(a), in conjunction with the child, and 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 child’s plan.

Variation of designation

6.—(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), a children’s hearing varies the designation, it shall also, at the same time, notify the child in respect of whom the movement restriction condition was made of that variation, together with such other persons including any provider of services as may be affected by that variation.

Supervision requirement with movement restriction condition: prescribed conditions

7. Where a children’s hearing imposes 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 12 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 6 months;
- (e) 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 any person designated in terms of regulation 5(1);
- (f) any conditions relative to the child’s participation in, or co-operation with, services detailed in the child’s plan;
- (g) any contingency arrangements relative to paragraphs (a) and (b) which the children’s hearing considers necessary to specify when imposing a movement restriction condition; and
- (h) any planned respite care arrangements for the child which the children’s hearing considers necessary to specify when imposing a movement restriction condition.

Methods of monitoring compliance with movement restriction condition

8. 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 the child is required to reside, or any address or location which the child is 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 service 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 the child is required to reside, or any address or location which the child is 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) shall only be used if it is not reasonably practicable to use the method described in paragraph (a).

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

9. 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.

KENNY MACASKILL

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
4th March 2008

SCHEDULE

Regulation 9

SPECIFIED DEVICES

The following devices, manufactured by Serco Geografix and sold under the Serco Geografix name, are specified for the purposes of section 70(14)(b) of the Act—

- (a) Personal Identity Device, model number PID 501;
- (b) Site Monitoring Unit, model number SMU 001;
- (c) Field Management Unit 2, model number FMU 2;
- (d) Monitoring Officers Transmitter 2, model number MOT 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under the Children (Scotland) Act 1995, regulate the arrangements for monitoring compliance with a movement restriction condition within a supervision requirement. They revoke the Intensive Support and Monitoring (Scotland) Regulations 2006.

Regulation 3 prescribes that these Regulations apply to all local government areas.

Regulation 4 sets out the arrangements for monitoring compliance with a movement restriction condition, under reference to a child's plan.

Regulation 5 makes provision in regard to the designation and functions of persons to monitor compliance with a movement restriction condition.

Regulation 6 makes provision in regard to the variation of the designation of those persons who can monitor compliance with a movement restriction condition.

Regulation 7 prescribes the conditions which may be imposed by the children's hearing when imposing a movement restriction condition upon a child.

Regulation 8 sets out the monitoring methods which may be used.

Regulation 9 and the Schedule specify the devices which may be used for monitoring.

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