
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 210

CHILDREN AND YOUNG PERSONS

**The Children’s Hearings (Scotland) Act 2011
(Movement Restriction Conditions) Regulations 2013**

Made - - - - 18th June 2013

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 150(1) of the Children’s Hearings (Scotland) Act 2011⁽¹⁾ and sections 17 and 31 of the Children (Scotland) Act 1995⁽²⁾, and all other powers enabling them to do so.

In accordance with sections 150(3) and 197(2) of the Children’s Hearings (Scotland) Act 2011 a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Children’s Hearings (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013 and come into force on the same day as section 150 (movement restriction conditions: regulations etc.) of the Act.

(2) The Intensive Support and Monitoring (Scotland) Regulations 2008⁽³⁾ are revoked.

(3) Regulation 5(c) of the Restriction of Liberty Order etc. (Scotland) Regulations 2013⁽⁴⁾ is revoked.

Interpretation

2. In these Regulations—

“the Act” means the Children’s Hearings (Scotland) Act 2011;

“child’s plan” is construed in accordance with regulation 3;

“relevant person” includes a person who is to be treated as the child’s relevant person by virtue of a decision under section 81(3) (determination of claim that person be deemed a relevant

(1) 2011 asp 1.

(2) 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 was amended by schedule 2, paragraph 9 of the Adoption and Children (Scotland) Act 2007 (asp 4) and prospectively by schedule 5, paragraph 2(4) of the Children’s Hearings (Scotland) Act 2011. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(3) S.S.I. 2008/75.

(4) S.S.I. 2013/6.

person), 160(4)(b) (appeal to sheriff against relevant person determination) or 164(6) (appeals to sheriff principal and Court of Session: relevant persons) of the Act;

“responsible local authority officer” means an officer of the implementation authority authorised by it in relation to the arrangements concerned with a compulsory supervision order or an interim compulsory supervision order which contains a movement restriction condition, and a child’s plan.

Monitoring arrangements: child’s plan

3.—(1) The monitoring arrangements imposed as part of a movement restriction condition contained within a compulsory supervision order or an interim compulsory supervision order must include the preparation by the implementation authority of a child’s plan.

(2) The implementation authority must endeavour to agree the child’s plan with the child and any relevant person in relation to the child.

(3) A child’s plan must, so far as is practicable, address the immediate and longer term needs of the child with a view to safeguarding and promoting the child’s welfare.

(4) A child’s plan, and any matters relating to that plan or its review, must be recorded in writing.

(5) That requirement may be satisfied by a child’s plan, its review or any such matter, being in electronic form which is—

- (a) sent by electronic means, and
- (b) capable of being reproduced in legible form.

(6) The matters set out by the implementation authority in a child’s plan must include details of the services to be provided relative to a compulsory supervision order or interim compulsory supervision order which contains 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(1)(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 implementation authority, by way of immediate support for the child under reference to the child’s plan, which service must 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 4(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 cooperation in relation to the child’s plan, and the provision which is to be made for regular reports.

(7) The implementation authority must 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 or a sheriff, as the case may be, imposing a compulsory supervision order or interim compulsory supervision order which contains a movement restriction condition, whichever date is the later.

(8) The implementation authority must provide the Principal Reporter with a copy of the child’s plan upon its completion, together with any revised version of the plan 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.