
WELSH STATUTORY INSTRUMENTS

2017 No. 1264

The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017

PART 15

Other requirements on service providers

Records

59.—(1) The service provider must keep and maintain the records specified in Part 1 of Schedule 2 in respect of each place at, from or in relation to which the service is provided.

(2) Where the service provider is registered to provide a care home service, a secure accommodation service or a residential family centre service, the service provider must in addition keep and maintain the records specified in Part 2 of Schedule 2 in respect of each place at which such a service is provided.

(3) The service provider must—

- (a) ensure that records relating to individuals are accurate and up to date;
- (b) keep all records securely;
- (c) make arrangements for the records to continue to be kept securely in the event the service closes;
- (d) in the case of records about a child accommodated in a care home service provided wholly or mainly for children, ensure that the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate;
- (e) make the records available to the service regulator on request;
- (f) retain records relating to adults for three years from the date of the last entry;
- (g) retain records relating to children for fifteen years from the date of the last entry, unless the records are returned to the placing authority in accordance with sub-paragraph (d);
- (h) ensure that individuals who use the service—
 - (i) can have access to their records; and
 - (ii) are made aware they can access their records.

Notifications

60.—(1) The service provider must notify the service regulator of the events specified in Parts 1 and 2 of Schedule 3.

(2) Where the service provider is providing a care home service for children, the provider must—

- (a) notify the placing authority of the events specified in Part 3 of Schedule 3;
- (b) notify the local authority for the area in which the home is situated of the events specified in Part 4 of Schedule 3;

- (c) notify the appropriate police officer of the events specified in Part 5 of Schedule 3;
 - (d) notify the health board in whose area the home is situated of the events specified in Part 6 of Schedule 3.
- (3) The notifications required by paragraphs (1) and (2) must include details of the event.
- (4) Unless otherwise stated, notifications must be made without delay and in writing.
- (5) Notifications must be made in such manner and in such form as may be required by the service regulator.

Notification with respect to children admitted into, or discharged from, a place at which accommodation is provided to children

- 61.**—(1) This regulation applies where the service provider is registered to provide—
- (a) a care home service which provides accommodation to children (referred to in this regulation as “a children’s care home service”), or
 - (b) a secure accommodation service.
- (2) In this regulation, references to “the accommodation” are references to the place at which a children’s care home service or a secure accommodation service is provided.
- (3) The service provider must notify, without delay, the local authority for the area in which the accommodation is located of every admission of a child into the accommodation and every discharge of a child from the accommodation.
- (4) The service provider is not required to notify the local authority in paragraph (3) if that local authority is also the placing authority for the child in question.
- (5) A notification under this regulation must be in writing and must state—
- (a) the child’s name and date of birth;
 - (b) whether the child is provided with accommodation under section 76 or 77 of the 2014 Act or, in the case a child placed by a local authority in England, whether the child is provided with accommodation under section 20 or 21 of the Children Act 1989;
 - (c) whether the child is subject to a care or supervision order under section 31 of the Children Act 1989;
 - (d) the contact details for—
 - (i) the child’s placing authority; and
 - (ii) the independent reviewing officer appointed for the child’s case; and
 - (e) whether the child has a statement of special educational needs or an EHC plan and, if so, details of the local authority with responsibility for maintaining the statement of special educational needs or for the EHC plan.
- (6) In this regulation, “EHC plan” has the meaning given in section 37(2) (education, health and care plans) of the Children and Families Act 2014⁽¹⁾.

Notification with respect to the death of a child accommodated in a secure children’s home

- 62.**—(1) This regulation applies where a child to whom a secure accommodation service⁽²⁾ is provided dies.

(1) 2014 c. 6.

(2) A secure accommodation service is a regulated service under the Act (see section 2(1)(b) of the Act). Paragraph 2 of Schedule 1 to the Act defines “a secure accommodation service” as the provision of accommodation for the purpose of restricting the liberty of children at residential premises in Wales where care and support is provided to those children.

(2) Any requirements imposed by this regulation apply to the service provider of the secure accommodation service which was providing accommodation to the child at the time of the death.

(3) If this regulation applies, the service provider must without delay notify—

- (a) the appropriate office of the service regulator;
- (b) the placing authority;
- (c) the local authority in whose area the secure accommodation service is located;
- (d) the Local Health Board in whose area the secure accommodation service is located;
- (e) the Prisons and Probation Ombudsman for England and Wales (“the PPO”); and
- (f) the child’s parent or person who has parental responsibility for the child.

(4) The service provider must allow the PPO to investigate the death by—

- (a) granting the PPO access to—
 - (i) the premises of the service, and
 - (ii) the service’s documents and records;
- (b) allowing the PPO to take away from the premises copies of any documents or records accessed under sub-paragraph (a)(ii) provided that the PPO has secure arrangements for doing so; and
- (c) if they consent, allowing the PPO to interview in private any children, parents (or persons with parental responsibility) or relatives, or persons working at the service.

(5) A notification under this regulation—

- (a) must include details of—
 - (i) the circumstances of the death;
 - (ii) the other persons, bodies or organisations (if any) who or which the service provider has notified or proposes to notify; and
 - (iii) any actions the service provider has taken or proposes to take as a result of the death;
- (b) must be made or confirmed in writing.

(6) In this regulation, references to PPO include a person appointed by, or working on behalf of, the PPO for the purposes of an investigation under paragraph (2).

Conflicts of interest (including prohibitions)

63.—(1) The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

(2) The service provider must ensure that a person having a financial interest in the ownership of a care home service does not act as a medical practitioner for any individual for whom that service is provided.

Complaints policy and procedure

64.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints;
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person;

- (c) ensuring that appropriate action is taken following an investigation;
 - (d) keeping records relating to the matters in sub-paragraphs (a) to (c).
- (3) The service provider must provide a summary of complaints, responses and subsequent action to the service regulator within 28 days of being requested to do so.
- (4) The service provider must—
- (a) analyse information relating to complains and concerns; and
 - (b) having regard to that analysis, identify any areas for improvement.

Whistleblowing

65.—(1) The service provider must have arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about matters that may adversely affect the health, safety or well-being of individuals for whom the service is provided.

- (2) These arrangements must include—
- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
 - (b) establishing arrangements to enable and support people working at the service to raise such concerns.
- (3) The provider must ensure that the arrangements required under this regulation are operated effectively.
- (4) When a concern is raised, the service provider must ensure that—
- (a) the concern is investigated;
 - (b) appropriate steps are taken following an investigation;
 - (c) a record is kept of both the above.