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WELSH STATUTORY INSTRUMENTS

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**2024 No. 388 (W. 68)**

**SOCIAL CARE, WALES**

**The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024**

*Made - - - - 18th March 2024*

*Coming into force 31st March 2024*

**THE SPECIAL SCHOOL RESIDENTIAL SERVICES  
(SERVICE PROVIDERS AND RESPONSIBLE  
INDIVIDUALS) (WALES) REGULATIONS 2024**

PART 1

General

1. Title, coming into force and interpretation

PART 2

General requirements on service providers

2. Requirements in relation to the provision of the service
3. Requirements in relation to the statement of purpose
4. Requirements in relation to monitoring and improvement
5. Requirements in relation to the responsible individual
6. Requirements in relation to the responsible individual where the service provider is an individual
7. Requirements in relation to the financial sustainability of the service
8. Requirements to provide the service in accordance with policies and procedures
9. Duty of candour

PART 3

Requirements on service providers as to the steps to be taken before agreeing to provide care and support

10. Suitability of the service

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#### PART 4

Requirements on service providers as to the steps to be taken on commencement of the provision of care and support

11. Personal plan
12. Review of personal plan
13. Records of personal plans
14. Provider assessment

#### PART 5

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

15. Information about the service
16. Service agreement

#### PART 6

Requirements on service providers as to the standard of care and support to be provided and as to access to health services

17. Standards of care and support - overarching requirements
18. Continuity of care
19. Information
20. Language and communication
21. Respect and sensitivity
22. Access to health and other services

#### PART 7

Requirements on service providers – safeguarding

23. Safeguarding - overarching requirement
24. Safeguarding policies and procedures
25. Supporting individuals to manage their money
26. The appropriate use of control and restraint
27. Prohibition on the use of corporal punishment
28. Deprivation of liberty
29. Interpretation of Part 7

#### PART 8

Requirements on service providers as to staffing

30. Staffing - overarching requirements
31. Fitness of staff
32. Supporting and developing staff
33. Compliance with employer's code of practice
34. Information for staff
35. Disciplinary procedures

#### PART 9

Requirements on service providers as to premises, facilities and equipment

36. Overarching requirement

37. Premises
38. Single occupancy and shared rooms
39. Premises – further requirements
40. Facilities and equipment

#### PART 10

#### Additional requirements on service providers in respect of premises - new accommodation

41. Application of Part 10
42. Additional requirements – en-suite bathrooms
43. Additional requirements – room sizes
44. Additional requirements – communal space
45. Additional requirements – outdoor space
46. Additional requirements – passenger lift

#### PART 11

#### Requirements on service providers as to supplies, hygiene, health and safety and medicines

47. Supplies
48. Hygiene and infection control
49. Health and safety
50. Medicines

#### PART 12

#### Other requirements on service providers

51. Records
52. Notifications
53. Notification of admission and discharge
54. Conflicts of interest
55. Complaints policy and procedure
56. Whistleblowing

#### PART 13

#### Requirements on responsible individuals for ensuring effective management of the service

57. Supervision of management of the service
58. Duty to appoint a manager
59. Fitness requirements for appointment of manager
60. Restrictions on appointing manager for more than one service
61. Duty to report the appointment of manager to service provider
62. Duty to report appointment of manager to the workforce and service regulators
63. Arrangements when manager is absent
64. Visits

#### PART 14

#### Requirements on responsible individuals for ensuring effective oversight of the service

65. Oversight of adequacy of resources
66. Other reports to the service provider
67. Engagement with individuals and others

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## PART 15

Requirements on responsible individuals for ensuring the compliance of the service

- 68. Duty to ensure there are systems in place to record incidents and complaints
- 69. Duty to ensure there are systems in place for keeping of records
- 70. Duty to ensure policies and procedures are up to date

## PART 16

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

- 71. Quality of care review
- 72. Statement of compliance with the requirements as to standards of care and support

## PART 17

Other requirements on responsible individuals

- 73. Support for staff raising concerns
- 74. Duty of candour
- 75. Notifications

## PART 18

Offences

- 76. Offences - service providers
- 77. Offences - responsible individuals

## PART 19

Service providers who are liquidated etc. or who have died

- 78. Appointment of liquidators etc.
- 79. Death of service provider

## PART 20

Regulations under section 21(5) of the Act

- 80. Designation of responsible individual by Welsh Ministers

## PART 21

Amendments to related regulations

- 81. Amendment of the Regulated Services (Annual Returns) (Wales) Regulations 2017
  - 82. Amendment of the Regulated Services (Penalty Notices) (Wales) Regulations 2019
- Signature

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SCHEDULE

1

PART 1 — Information and documents to be available in respect of persons working at the service

1. Proof of identity including a recent photograph.
2. Where required for the purposes of an exempted question in...
3. Where required for the purposes of an exempted question asked...
4. Two written references, including a reference from the last employer,...
5. Where a person has previously worked in a position whose...
6. Documentary evidence of any relevant qualification.
7. Where relevant, documentary evidence of registration with the workforce regulator...
8. A full employment history, together with a satisfactory written explanation...
9. Evidence of satisfactory linguistic ability for the purposes of providing...
10. Details of registration with or membership of any professional body...

PART 2 — Interpretation of Part 1

11. For the purposes of paragraphs 2 and 3 of Part...

SCHEDULE

Records to be kept by the service provider

2

1. In respect of each individual, records of—
2. A record of any charges by the service provider to...
3. A record of all medicines kept in the service for...
4. A record of all money or other valuables deposited by...
5. A record of the following events that occur in the...
6. A record of every fire practice, drill or test of...
7. A record of all complaints made by individuals or their...
8. A record of all persons working at the service, which...
9. A copy of the duty roster of persons working at...
10. A record of any furniture brought by an individual into...
11. A record of any of the following events that occur...
12. A record of all visitors to the service, including the...

SCHEDULE

3

PART 1 — Notifications to the service regulator

1. Any revision to the statement of purpose, 28 days prior...
2. Service provider (individual or organisation) changes their name.
3. Where the service provider is a body corporate, any change...
4. Where the service provider is an unincorporated body, any change...
5. Where the service provider is an individual, the appointment of...
6. Where the service provider is a body corporate or partnership,...
7. Where the service provider is a partnership, death of one...
8. Where the service provider is a partnership, any change in...
9. Expected absence of the responsible individual for 28 days or...
10. The unexpected absence of the responsible individual, no later than...
11. Unexpected absence of the responsible individual for 28 days or...
12. Return from absence of the responsible individual.
13. The responsible individual ceases, or proposes to cease, being the...

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14. Any abuse or allegation of abuse in relation to an...
  15. Service provider, responsible individual or the appointed manager convicted of...
  16. Any allegation of misconduct by a member of staff.
  17. Any occurrence of category 3 or 4 pressure damage or...
  18. Serious accident or injury to an individual.
  19. The outbreak of any infectious disease.
  20. Any incident reported to the police.
  21. Any events which prevent, or could prevent, the provider from...
  22. Where accommodation is provided, the death of an individual and...
  23. Any request to a supervisory body in relation to the...
  24. The premises are, or are proposed to be, significantly altered...
  25. Additional premises are, or are proposed, to be acquired.
  26. Any proposal to change the address of the principal office,...
  27. Any referral to the DBS pursuant to the Safeguarding Vulnerable...
  28. Where the service provider, responsible individual or appointed manager is...
  29. Instigation and subsequent outcome of any child or adult protection...
  30. Any allegation that an individual accommodated by the service has...
  31. Any incident of sexual or criminal exploitation of an individual...
  32. Any incident where an individual goes missing or has an...
- PART 2 — Notifications to the placing authority in relation to a child who is looked after by a local authority and to a parent or carer in relation to other individuals
33. Any abuse or allegation of abuse in relation to the...
  34. Serious accident or injury to the individual.
  35. Any occurrence of category 3 or 4 pressure damage or...
  36. The outbreak of any infectious disease.
  37. Any incident reported to the police relating to the individual...
  38. The death of the individual while accommodated by the service...
  39. An allegation that the individual has committed a serious offence...
  40. Any incident where the individual goes missing or has an...
  41. Any record of control or restraint in relation to the...
  42. Instigation and subsequent outcome of any child or adult protection...
  43. Any incident of sexual or criminal exploitation or suspected sexual...
- PART 3 — Notifications to the local authority in whose area the service is situated
44. Death of an individual and the circumstances.
  45. Any incident of sexual or criminal exploitation or suspected sexual...
  46. Any incident where an accommodated individual goes missing or has...
- PART 4 — Notifications to the appropriate police officer
47. Any incident of sexual or criminal exploitation or suspected sexual...
- PART 5 — Notifications to the health board in whose area the service is situated
48. The outbreak of any infectious disease.
  49. The death of an individual and the circumstances.
- SCHEDULE
- 4
  1. The appointment of a manager in accordance with regulation 58(1)...
  2. The expected absence of the appointed manager for 28 days...

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3. The unexpected absence of the appointed manager, no later than...
  4. The unexpected absence of the appointed manager for 28 days...
  5. Return from absence of the appointed manager.
  6. Interim arrangements where the appointed manager is absent for longer...
  7. Someone other than the appointed manager is proposing to manage...
  8. The appointed manager ceases, or proposes to cease, managing the...
- Explanatory Note