
WELSH STATUTORY INSTRUMENTS

2024 No. 388

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

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

2. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

Requirements in relation to the statement of purpose

3.—(1) The service provider must provide the service in accordance with the statement of purpose.

(2) The service provider must—

- (a) keep the statement of purpose under review, and
- (b) where appropriate, revise the statement of purpose.

(3) Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.

(5) If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.

(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—

- (a) the service regulator,
- (b) the individuals,
- (c) any placing authority, and
- (d) any parent or carer of an individual unless it is not appropriate to do so or would be inconsistent with the well-being of the individual.

(7) The service provider must provide the up-to-date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

Requirements in relation to monitoring and improvement

4.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of care and support provided by the service.

(2) Those arrangements must include arrangements for seeking the views of—

- (a) individuals,
- (b) any parent or carer, unless this is not appropriate or would be inconsistent with the individual's well-being,
- (c) any placing authority, and
- (d) staff,

on the quality of care and support provided by the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of care and support provided by the service, the service provider must—

- (a) take into account the views of those persons consulted in accordance with paragraph (2), and
- (b) have regard to the quality of care report prepared by the responsible individual in accordance with regulation 71(4).

Requirements in relation to the responsible individual

5.—(1) This regulation does not apply to a service provider who is an individual.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual—

- (a) is supported to carry out their duties effectively, and
- (b) undertakes appropriate training.

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 13 to 17, the provider must—

- (a) take such action as is necessary to ensure that the requirement is complied with, and
- (b) notify the service regulator.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 2 to 12, and
- (d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

Requirements in relation to the responsible individual where the service provider is an individual

6.—(1) This regulation applies where the service provider is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of the individual's duties as the responsible individual.

(3) During any time when the individual is absent, the individual must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 2 to 12, and
- (d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, the individual must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

Requirements in relation to the financial sustainability of the service

7.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The service provider must maintain appropriate and up to date accounts for the service.

(3) The service provider must provide copies of the accounts to the service regulator within 28 days of being requested to do so.

(4) The service regulator may require accounts to be certified by an accountant.

Requirements to provide the service in accordance with policies and procedures

8.—(1) The service provider must ensure that the following policies and procedures are in place for the service—

- Admissions and commencement of the service (see Part 3, regulation 10)
- Safeguarding (see Part 7, regulation 24)
- Supporting individuals to manage their money (see Part 7, regulation 25)
- Use of control or restraint (see Part 7, regulation 26)
- Staff support and development (see Part 8, regulation 32)
- Staff discipline (see Part 8, regulation 35)
- Infection control (see Part 11, regulation 48)
- Medication (see Part 11, regulation 50)
- Complaints (see Part 12, regulation 55)
- Whistleblowing (see Part 12, regulation 56).

(2) The service provider must have a policy in place on the prevention of bullying, procedures for dealing with an allegation of bullying and a procedure to be followed when any individual is absent without permission.

(3) The service provider must have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.

(4) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) to (3) is—

- (a) appropriate to the needs of individuals for whom care and support is provided,

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- (b) consistent with the statement of purpose, and
- (c) kept up to date.

(5) The service provider must ensure that the service is provided in accordance with those policies and procedures.

Duty of candour

9. The service provider must act in an open and transparent way with—
- (a) individuals who are receiving care and support,
 - (b) any parent or carer of those individuals, and
 - (c) any placing authority.