
WELSH STATUTORY INSTRUMENTS

2024 No. 388

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

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024.

(2) These Regulations come into force on 31 March 2024.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014⁽¹⁾;

“abuse” (“*camdriniaeth*”) means physical, sexual, psychological, emotional or financial abuse and for the purposes of this definition “financial abuse” (“*camdriniaeth ariannol*”) includes—

- (a) having money or other property stolen;
- (b) being defrauded;
- (c) being put under pressure in relation to money or other property;
- (d) having money or other property misused;

“adult” (“*oedolyn*”) means a person who is aged 18 or over;

“appointed manager” (“*rheolwr a benodir*”) means a person appointed to manage the service in accordance with regulation 58;

“care and support” (“*gofal a chymorth*”) and the individual terms “care” (“*gofal*”) and “support” (“*cymorth*”) have the same meaning as in section 3 of the Act;

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan under section 54 or section 83 of the 2014 Act;

“carer” (“*gofalwr*”) means a person with whom an individual who is an adult lives and who is the individual’s main carer;

“child” (“*plentyn*”) means a person who is aged under 18;

“child who is looked after by a local authority” (“*plentyn sy’n derbyn gofal gan awdurdod lleol*”) has the same meaning as in section 74 of the 2014 Act;

“DBS” (“*GDG*”) and “the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) mean the body established by section 87(1) of the Protection of Freedoms Act 2012⁽²⁾;

(1) 2014 anaw 4.

(2) 2012 c. 9.

“DBS certificate” (“*tystysgrif GDG*”) means the certificate referred to in paragraphs 2 and 3 of Schedule 1;

“DBS up-date service” (“*gwasanaeth diweddaru’r GDG*”) means the service operated by the Disclosure and Barring Service that provides relevant “up-date information” within the meaning given in section 116A(8)(b)(i) or (c)(i) of the Police Act 1997(3);

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(4);

“harm” (“*niwed*”) has the same meaning as in section 197(1) of the 2014 Act;

“individual” (“*unigolyn*”) means, unless the context indicates otherwise, the child or adult who is receiving care and support;

“parent” (“*rhiant*”) applies only in relation to an individual who is a child and who is not looked after by a local authority and means a person with parental responsibility for the child;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989(5);

“personal outcomes” (“*canlyniadau personol*”)—

- (a) in relation to an adult, means the outcomes that the adult wishes to achieve in day to day life;
- (b) in relation to a child, means—
 - (i) the outcomes that the child wishes to achieve, or
 - (ii) the outcomes that any persons with parental responsibility wish to achieve in relation to the child;

“personal plan” (“*cynllun personol*”) means the plan required to be prepared in accordance with regulation 11(1);

“persons working at the service” (“*personau sy’n gweithio yn y gwasanaeth*”) means an employee, volunteer or other persons working under the direction and control of the service provider;

“placing authority” (“*awdurdod lleoli*”) means—

- (a) in the case of a child who is looked after by a local authority or local authority in England, that local authority;
- (b) in the case of a child who is not looked after by a local authority or local authority in England—
 - (i) if the child is being provided with accommodation by a voluntary organisation, that voluntary organisation, and for the purpose of this definition “voluntary organisation” has the same meaning as in section 197(1) of the 2014 Act;
 - (ii) if the child is accommodated at the service under arrangements made by a local authority or a local authority in England (whether in the exercise of education functions within the meaning of section 579(1) of the Education Act 1996(6) or otherwise), that local authority;

“provider assessment” (“*asesiad darparwr*”) means the assessment which is required to be carried out by the service provider under regulation 14;

(3) 1997 c. 50.
 (4) 1996 c. 18.
 (5) 1989 c. 41.
 (6) 1996 c. 56.

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010⁽⁷⁾;

“responsible individual” (“*unigolyn cyfrifol*”) has the same meaning as in section 21(1) of the Act;

“service provider” (“*darparwr gwasanaeth*”) means a person registered as a provider of a special school residential service;

“service regulator” (“*rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions;

“special school residential service” (“*gwasanaeth preswyl ysgol arbennig*”) has the same meaning as in regulation 2 of the Regulated Services (Special School Residential Services) (Wales) Regulations 2023⁽⁸⁾;

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
- (b) persons engaged by the service provider under a contract for services, but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the statement of purpose for the place at, from or in relation to which the service is provided⁽⁹⁾;

“well-being” (“*llesiant*”) has the same meaning as in section 2 of the 2014 Act;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996 except for in the phrase “social care worker” (“*gweithwr gofal cymdeithasol*”)⁽¹⁰⁾;

“workforce regulator” (“*rheoleiddiwr y gweithlu*”) means Social Care Wales.

(4) In Parts 1 to 18, “the service” (“*y gwasanaeth*”) means the special school residential service which is provided at a specified location and for the purpose of this definition “specified location” means a location specified in a condition to the service provider’s registration as a place at which the service is to be provided.

(5) In Part 19, “the service” has the meaning given in regulation 78(2) of these Regulations.

(7) 2010 c. 15.

(8) S.I. 2023/1327 (W. 238).

(9) Regulation 3 of S.I. 2017/1098 (W. 278) requires a person who wants to provide a special school residential service to provide a statement of purpose for each place at which the service is to be provided.

(10) 1996 c. 18.