
WELSH STATUTORY INSTRUMENTS

2024 No. 388

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

PART 12

Other requirements on service providers

Records

51.—(1) The service provider must keep and maintain the records specified in Schedule 2 in respect of each place at which the service is provided.

(2) 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 who is looked after by a local authority, ensure that the records are delivered to the placing authority when the child leaves;
- (e) make the records available to the service regulator on request;
- (f) retain records relating to individuals 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);
- (g) ensure that individuals who use the service, and their parents and carers—
 - (i) can have access to their records, and
 - (ii) are made aware they can access their records.

(3) But a service provider is not required to provide access to the records relating to an individual under paragraph (2)(g) if—

- (a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to have access, or
- (b) providing access to the parent or carer would not be consistent with the individual's well-being.

Notifications

52.—(1) The service provider must notify the service regulator of the events specified in Part 1 of Schedule 3.

(2) The service provider must—

- (a) notify the placing authority in respect of any child who is looked after by a local authority, and the parent or carer of any other individual, of the events specified in Part 2 of Schedule 3;

- (b) notify the local authority for the area in which the service is situated of the events specified in Part 3 of Schedule 3;
 - (c) notify the appropriate police officer of the events specified in Part 4 of Schedule 3;
 - (d) notify the health board in whose area the service is situated of the events specified in Part 5 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 of admission and discharge

53.—(1) The service provider must notify, without delay, the local authority for the area in which the service is located of every admission of an individual into the service and every discharge of an individual from the service.

(2) The service provider is not required to notify the local authority in paragraph (1) if the individual is a child and that local authority is also the placing authority for the child.

(3) A notification under this regulation must be in writing and must state the individual's name and date of birth.

(4) Where the individual is a child the notification must also state—

- (a) 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⁽¹⁾,
- (b) whether the child is subject to a care or supervision order under section 31 of the Children Act 1989,
- (c) the contact details for—
 - (i) any placing authority, and
 - (ii) any independent reviewing officer appointed for the child's case, and
- (d) whether the child has a statement of special educational needs, an individual development plan or an EHC plan and, if so, details of the local authority with responsibility for maintaining the statement of special educational needs, the individual development plan or the EHC plan.

(5) In this regulation—

“EHC plan” (*“cynllun addysg, iechyd a gofal”*) has the meaning given in section 37(2) (education, health and care plans) of the Children and Families Act 2014⁽²⁾;

“individual development plan” (*“cynllun datblygu unigol”*) has the meaning given in section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽³⁾;

“statement of special educational needs” (*“datganiad anghenion addysgol arbennig”*) has the same meaning as in section 324 of the Education Act 1996⁽⁴⁾.

(1) 1989 c. 41.
 (2) 2014 c. 6.
 (3) 2018 anaw 2.
 (4) 1996 c. 56.

Conflicts of interest

54.—(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 special school residential service does not act as a medical practitioner for any individual for whom that service is provided.

Complaints policy and procedure

55.—(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 complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

Whistleblowing

56.—(1) The service provider must have arrangements in place to ensure that all persons working at the service 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.