

---

WELSH STATUTORY INSTRUMENTS

---

**2024 No. 388**

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

**PART 7**

**Requirements on service providers – safeguarding**

**Safeguarding - overarching requirement**

**23.** The service provider must provide the service in a way which ensures that individuals are safe and are protected from abuse, neglect and improper treatment.

**Safeguarding policies and procedures**

**24.—(1)** The service provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must ensure that their safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

- (a) act in accordance with their safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all individuals for whom care and support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

**Supporting individuals to manage their money**

**25.—(1)** The service provider must have a policy and procedures in place about supporting individuals to manage their money and must ensure that the service is provided in accordance with such policy and procedures.

(2) The policy and procedures which are required by this regulation to be in place must set out the steps to be taken—

- (a) to enable and support individuals to manage their own money and to protect individuals from financial abuse;

- (b) to ensure adequate oversight and monitoring of savings made by or on behalf of individuals including arrangements for keeping records of savings and passing on these records when the service provider ceases to provide accommodation and care and support to the individual.
- (3) Where an individual's money is held by the service provider for any purpose (apart from moneys held for the purpose of paying charges payable by the individual in accordance with any agreement with the service provider), the policy and procedures required by this regulation must provide—
  - (a) that the money is held in an account in the individual's name or in an account which enables clear demarcation of each individual's money;
  - (b) any such account is not used in connection with the management of the service.
- (4) The service provider must ensure so far as practicable that persons working at the service do not act as the agent of an individual.

### **The appropriate use of control and restraint**

- 26.**—(1) Care and support must not be provided in a way which includes acts intended to control or restrain an individual unless those acts—
- (a) are necessary to prevent a risk of harm posed to the individual or another individual, and
  - (b) are a proportionate response to such a risk.
- (2) Control or restraint must not be used unless it is carried out by staff who are trained in the method of control or restraint used.
- (3) The service provider must have a policy on the use of control or restraint and ensure that any control or restraint used is carried out in accordance with this policy.
- (4) A record of any incident in which control or restraint is used must be made within 24 hours.
- (5) For the purposes of this regulation, a person controls or restrains an individual if that person—
- (a) uses, or threatens to use, force to secure the doing of an act which the individual resists, or
  - (b) restricts the individual's liberty of movement, whether or not the individual resists, including by the use of physical, mechanical or chemical means.

### **Prohibition on the use of corporal punishment**

**27.** The service provider must ensure that persons working at the service use no form of corporal punishment at any time against any individual to whom accommodation is provided.

### **Deprivation of liberty**

**28.** An individual must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.

### **Interpretation of Part 7**

**29.** In this Part—

“improper treatment” (*“triniaeth amhriodol”*) includes discrimination or unlawful restraint, including a deprivation of liberty that is not authorised in accordance with the terms of the Mental Capacity Act 2005(1);

“neglect” (*“esgeulustod”*) has the same meaning as in section 197(1) of the 2014 Act.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---