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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Dyddiad / Date:</b>	07.08.23
<b>Pwnc / Subject:</b>	<b>Regulating special school residential services</b>

**Background information about Estyn**

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Tertiary Education and Research Act 2022 and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, all age schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

We support the purpose and general principles of regulating special school residential services. We believe that schools play a vital role in keeping children safe. However, we recognise the findings of the independent enquiry into child sexual abuse report<sup>1</sup> and understand that schools can also be places where harm can occur. We welcome all proposals which will strengthen safeguarding and ensure a consistent approach to services looking after vulnerable children.

We broadly support all proposals relating to the regulation of special school residential services. However, we would welcome increased clarity around the position within the proposal for residential special schools who offer short-term respite care for pupils to support families or short-term residential care as part of their life skills provision. It would be helpful to ensure that the provision of these services was captured by these regulations. In addition, the Regulations would benefit from being updated to fully reflect the ALNET Act, for example through any appropriate reference to individual development plans.

The statutory guidance broadly supports service providers to comply with requirements. However, we believe the guidance could be strengthened as follows:

- Include the following within the “List of Key Terms” used within the guidance:
  - ALN (additional learning needs)
  - ALNET (Additional Learning Needs and Education Tribunal (Wales) Act)
  - EWC (Education Workforce Council)
  - IDP (individual development plan)
  
- Include a link within “Useful Links” to:
  - [Additional Learning Needs and Education Tribunal \(Wales\) Act | GOV.WALES](#)
  - [Education Workforce Council](#)
  - [Independent School Standards \(Wales\) Regulations 2023 \(Draft\)](#)

To align the Regulations with the Welsh Government’s Cymraeg 2050: Welsh language strategy, 2021, it would be helpful to add an additional point to General requirements on service providers (Part 2) requiring the service provider to demonstrate a commitment to the strategy.

It would be helpful to refer to the changes that will need to be made to the [Independent School Standards \(Wales\) Regulations](#) which currently refer to the National Minimum Standards for Residential Special Schools 2003. There is an opportunity to rectify this as Welsh Government are also consulting on amending this legislation currently. It would be helpful to give further consideration about how the regulation of independent schools complements the regulation of special school residential services where they relate to the same provider. For example, it would be helpful to have similar expectations in relation to accommodation which crosses both the education and care provision. It would be helpful to have greater clarity about who takes enforcement action for an independent school which is also provides special school residential services – Welsh Government or CIW.

## Consultation questions

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<sup>1</sup> Home Office (2022) [IICSA: sexual abuse and exploitation of children in residential schools](#) [accessed 31/07/2023]

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please place a tick in the box:

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Please tell us who you are responding on behalf of. For example, is this your own response or is it sent on behalf of an organisation?

***This response is submitted on behalf of Estyn, the Office of His Majesty’s Inspectorate for Education and Training in Wales***

### Questions on chapter 1: The Regulated Services (Special School Residential Services) (Wales) Regulations 2023

Q1. Are ‘ <i>special school residential services</i> ’ as defined clear and appropriate?			
Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain:  Defining special school residential services as “the provision of accommodation together with care or nursing at a special school in Wales for pupils at the school” is generally appropriate for schools within the maintained sector. However, we, do not feel that the definitions within the legislation are clear enough. For example, it is not clear whether the current independent boarding schools who are now registered to provide ALP to pupils since ALNET would fall under this legislation. Would it be clearer if the legal definition were amended to read: “ <i>special school (“ysgol arbennig”)</i> means a school, whether or not maintained by a local authority, which is specially <b>and solely</b> organised to make additional learning provision for persons with additional learning needs”? Or it may be helpful to provide clarity about this particular issue in the statutory guidance? In addition, we do not feel that the position of the small number of special schools who provide short term respite and/or short-term care as part of their life skills provision is clear enough.			

### The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2023

PART 2: GENERAL REQUIREMENTS ON SERVICE PROVIDERS			
Q2. Are the requirements in this part of the draft Regulations right for providers of special school residential services? If you think there is anything missing or unnecessary, please explain within the box below.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>

Regulations: Please explain:

The draft regulations are clear and all requirements are clear and necessary to ensure that the service is provided with sufficient care, competence and skill.

There is a clear requirement for the service provider to ensure that relevant policies and procedures are in place for the service. However, there is no consideration that residential special schools will already have educational policies in place. There is an appropriate recognition of the need for policies to be consistent with the statement purpose, but the document could be strengthened by adding further information about the need for consistency with the school, particularly when staff may work across both provisions. Clarity around safeguarding in relation to the position of the safeguarding leads within the school and residential provision is particularly relevant. It would be helpful in particular to ensure there is consistency of expectation with the updated Independent Schools Standards (Wales) Regulations.

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

Yes

### PART 3: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STEPS TO BE TAKEN BEFORE AGREEING TO PROVIDE CARE & SUPPORT

Q3. Are the requirements in this part of the draft Regulations right for providers of special school residential services? If you think there is anything missing or unnecessary, please explain within the box below.

Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Regulations: Please explain:

Part 3 of the regulations include appropriate guidance for providers of special school residential services. This also considers the individual's views, wishes and feelings as well as any adjustments the service provider may need to make to meet their additional needs.

It would be beneficial for the determination under paragraph 10(3) to consider the individual development plan or statement of special educational needs during the ALNET transition period. These plans should be incorporated into the personal education plans which will form part of the care and support plan.

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

Yes. The guidance broadly supports service providers in this aspect of the Regulations.

**PART 4: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STEPS TO BE TAKEN ON COMMENCEMENT OF THE PROVISION OF CARE AND SUPPORT**

Q4. Are the requirements in this part of the draft Regulations right for providers of special school residential services? If you think there is anything missing or unnecessary, please explain within the box below.

Agree

Tend to agree

Tend to disagree

Disagree

Regulations: Please explain:

It would be useful to include within the Regulations clarity on the need for a personal plan for short-term or respite care within a residential special school, whether or not the individual is a care experienced child.

Further, it would be beneficial to include within this section how the service provider will communicate the plan with the individual.

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

The guidance could be strengthened by adding more information on how the personal plan will be provided to the individual. The guidance currently states: "*copy of the personal plan is provided to the individual receiving the service and in a language and format appropriate to their needs, age and level of understanding. If there is a reason for not doing so this is documented.*" However, this could include a more explicit statement around consideration of the communication needs of the individual. For example, the need for an easy read or symbolised personal plan.

**PART 5: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE INFORMATION TO BE PROVIDED TO INDIVIDUALS ON COMMENCEMENT OF THE PROVISION OF CARE & SUPPORT**

Q5. Are the requirements in this part of the draft Regulations right for providers of special school residential services? If you think there is anything missing or unnecessary, please explain within the box below.

Agree

Tend to agree

Tend to disagree

Disagree

<p>Regulations: Please explain:</p> <p>The Regulations include appropriate requirements for providers in relation to the information to be provided to individuals. This includes beneficial recognition of the need to provide the information in a manner appropriate to enable the individual to understand.</p>			
<p>Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.</p>			
<p>Guidance: Please explain:</p> <p>Yes. The guidance is appropriate and we welcome the reference to use of the individual's preferred method of communication.</p>			

<p><b>PART 6: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STANDARD OF CARE AND SUPPORT TO BE PROVIDED AND AS TO ACCESS TO HEALTH SERVICES</b></p>			
<p>Q6. Are the requirements in this part of the draft Regulations right for providers of <i>special school residential services</i>? If you think there is anything missing or unnecessary, please explain within the box below.</p>			
<p>Agree <input checked="" type="checkbox"/></p>	<p>Tend to agree <input type="checkbox"/></p>	<p>Tend to disagree <input type="checkbox"/></p>	<p>Disagree <input type="checkbox"/></p>
<p>Regulations: Please explain:</p> <p>Yes. Part 6 of the Regulations are clear and appropriate for providers.</p>			
<p>Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.</p>			
<p>Guidance: Please explain:</p> <p>The guidance contains beneficial information for service providers around the needs to maintain ongoing health, development and well-being. The addition of examples is particularly useful.</p> <p>Guidance within Regulation 20 is useful for service providers and will strengthen the support they can offer the individual. This guidance could be further strengthened by referring to the specialists from within the education setting who may already have created valuable communication plans for support in this aspect.</p>			
<p><b>PART 7: REQUIREMENTS ON SERVICE PROVIDERS - SAFEGUARDING</b></p>			

Q7. Are the requirements in this part of the draft Regulations right for providers of <i>special school residential services</i> and the persons accessing the service? If you think there is anything missing or unnecessary, please explain within the box below.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Regulations: Please explain:  Yes – however, as mentioned in Part 2, it may be useful to restate the need for clarity and consistency across policies and procedures relating to safeguarding within the residential setting and the school. All policies will relate to Wales Safeguarding Procedures, however there may be different safeguarding officers within each aspect of the provision. Clarity on ensuring staff are aware of which procedures will be followed at what time would be beneficial.			
Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.			
Guidance: Please explain:  Yes – the statutory guidance broadly supports service providers in this aspect. However, we believe that specific reference to the <a href="#">Reducing Restrictive Practices Framework</a> <sup>2</sup> would be beneficial within the guidance for Regulation 26.			

PART 8: REQUIREMENTS ON SERVICE PROVIDERS AS TO STAFFING			
Q8. Are the requirements in this part of the draft Regulations right for providers of <i>special school residential services</i> ? If you think there is anything missing or unnecessary, please explain within the box below.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Regulations: Please explain:  Yes. The requirements on service providers as to staffing are clear and detailed. We welcome the fact that a registered professional in 31 (10) is not required to register as a social care worker with Social Care Wales. We recognise that for a number of residential special schools, staff may work across both the school and the residential provision and therefore may hold registration with professional bodies such as the Education Workforce Council (EWC).			

<sup>2</sup> Welsh Government 2022 [Reducing Restrictive Practices Framework](#) [Accessed 31/07/2023]

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

Yes, the guidance is clear and appropriate.

**PART 9: REQUIREMENTS ON SERVICE PROVIDERS AS TO PREMISES, FACILITIES AND EQUIPMENT**

Q9. Are the requirements in this part of the draft Regulations right for providers of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree

Tend to agree

Tend to disagree

Disagree

Regulations: Please explain:

Regulations 36 to 40 are clear and appropriate. It would be helpful to check consistency of expectations around accommodation with the draft Independent School Standards (Wales) Regulations.

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

The guidance is broadly appropriate but could be strengthened by the addition of more specific reference to consideration of the individual's additional needs. For example, an individual who has PICA may need more consideration of the design and layout of the accommodation, including communal areas.

**PART 10: ADDITIONAL REQUIREMENTS ON SERVICE PROVIDERS IN RESPECT OF PREMISES – NEW ACCOMMODATION**

Q10. Are the requirements in this part of the draft Regulations right for providers of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree

Tend to agree

Tend to disagree

Disagree

Regulations: Please explain:

Yes – these represent appropriate Regulations for these providers. We recognise that Part 10 does not apply to existing premises of residential special schools currently in operation.



Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

The guidance is generally appropriate; however we feel that it could be strengthened by adding further guidance on what constitutes acceptable outdoor space. For example, whether the outdoor space used by the school would be appropriate to use if dedicated space around the residential provision was limited.

**PART 11: REQUIREMENTS ON SERVICE PROVIDERS AS TO SUPPLIES, HYGIENE, HEALTH AND SAFETY AND MEDICINES**

Q11. Are the requirements in this part of the draft Regulations right for provider of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Regulations: Please explain:

Part 11 is appropriate to ensure support is in place for the individuals.

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

The guidance is detailed and includes useful information for service providers in relation to this part of the Regulations. However, Regulation 49 could be further strengthened by including health and safety risks due to the individual's needs and risk management plans.

**PART 12: OTHER REQUIREMENTS ON SERVICE PROVIDERS**

Q12. Are the requirements in this part of the draft Regulations right for providers of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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<p>Regulations: Please explain:</p> <p>These requirements are appropriate.</p>
<p>Does the statutory guidance adequately support service providers in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.</p>
<p>Guidance: Please explain:</p> <p>The guidance is useful. However, guidance refers for Regulation 51 refers to “All records are secure, up to date and in good order”. At the end of the paragraph, this links to Regulation 51(3)(f) and (g). Regulation 51 (3) does not exist.</p> <p>It may be beneficial within the guidance to make explicit reference to the legal framework of GDPR.</p>

<p><b>PART 13: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING EFFECTIVE MANAGEMENT OF THE SERVICE</b></p>			
<p>Q13. Are the requirements in this part of the draft Regulations right for responsible individuals of <i>special school residential services</i>? If you think there is anything missing or unnecessary, please explain within the box below.</p>			
<p>Agree <input checked="" type="checkbox"/></p>	<p>Tend to agree <input type="checkbox"/></p>	<p>Tend to disagree <input type="checkbox"/></p>	<p>Disagree <input type="checkbox"/></p>
<p>Regulations: Please explain:</p> <p>The requirements on responsible individuals for ensuring effective management of the service are clear.</p>			
<p>Does the statutory guidance adequately support service providers and responsible individuals in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.</p>			
<p>Guidance: Please explain:</p> <p>The guidance is broadly appropriate, but guidance for Regulation 59 may benefit from the addition of consideration that the manager has experience in working with the particular learning needs of the individuals, as well as the type of care being provided.</p>			

<p><b>PART 14: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING EFFECTIVE OVERSIGHT OF THE SERVICE</b></p>			
<p>Q14. Are the requirements in this part of the draft Regulations right for responsible individuals of <i>special school residential services</i>? If you think there is anything missing or unnecessary, please explain within the box below.</p>			

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Regulations: Please explain: Yes.			
Does the statutory guidance adequately support service providers and responsible individuals in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.			
Guidance: Please explain: The guidance would benefit from inclusion within guidance for Regulation 65 explicit comments about the consideration of inspection reports by Estyn from the linked special school.			

<b>PART 15: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING COMPLIANCE OF THE SERVICE</b>			
Q15. Are the requirements in this part of the draft Regulations right for responsible individuals of <i>special school residential services</i> ? If you think there is anything missing or unnecessary, please explain within the box below.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Regulations: Please explain: The Regulations give clear guidance on a range of requirements to ensure continued compliance of the service.			
Does the statutory guidance adequately support service providers and responsible individuals in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.			
Guidance: Please explain: The guidance is appropriate. We welcome the guidance in relation to ensuring staff have individual access codes to show who has made amendments to records. This would be particularly relevant if staff from both the residential and the education aspects of the provision were updating records.			

PART 16: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR MONITORING, REVIEWING, AND IMPROVING THE QUALITY OF THE REGULATED SERVICE

Q16. Are the requirements in this part of the draft Regulations right for responsible individuals of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Regulations: Please explain:

Requirements are appropriate.

Does the statutory guidance adequately support providers and responsible individuals in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

The guidance could be strengthened by including monitoring the outcome of inspection reports for the special school by Estyn.

PART 17: OTHER REQUIREMENTS ON RESPONSIBLE INDIVIDUALS

Q17. Are the requirements in this part of the draft Regulations right for responsible individuals of *special school residential services*? If you think there is anything missing or unnecessary, please explain within the box below.

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Regulations: Please explain:

Requirements are appropriate.

Does the statutory guidance adequately support providers and responsible individuals in how they may comply with the requirements in this part? If you think there is anything missing or unnecessary, please explain within the box below.

Guidance: Please explain:

N/A

PART 18: OFFENCES

Q18. Is the approach taken in relation to offences within the draft Regulations sufficient and proportionate? If not, please explain below.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain:

We agree that this approach is sufficient and proportionate considering the vulnerable learners within the provision.

#### PART 19: SERVICE PROVIDERS WHO ARE LIQUIDATED ETC OR WHO HAVE DIED

Q19. Are the requirements placed on appointed persons and personal representatives reasonable? If not, please explain below.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain:

We recognise that this part will not apply to the current residential schools in Wales, due to the local authority operation. However, we welcome any attempt to future proof the regulations in the event of new independent providers.

#### PART 20: DESIGNATION OF RESPONSIBLE INDIVIDUAL BY WELSH MINISTERS

Q20. Are the circumstances in which responsible individuals may be designated by the Welsh Ministers, rather than the service provider, sufficient and appropriate? If not, please explain below.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain:

The circumstances for the designation of RI are appropriate.

The Special school residential services (Miscellaneous Amendments) (Wales) Regulations 2023

Q21. Is the proposed approach (consultation document paragraphs 46-51) in relation to registration and variation of registration, annual returns and penalty notices sufficient and proportionate?

Agree

Tend to agree

Tend to disagree

Disagree

Please explain:

We agree that this approach is sufficient and proportionate.

### Other Questions

The Welsh Government is interested in understanding whether the proposals in this consultation document will have an impact on groups with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Q22. Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?

It is not expected that the proposal will have a positive or negative impact on groups with protected characteristics.

Q23. Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?

It is not expected that the proposal will have a positive or negative impact on groups with protected characteristics.

We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on

- i) opportunities for people to use Welsh and
- ii) treating the Welsh language no less favourably than English.

Q24. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

There is currently no mention of Welsh language support and care within the Regulations which could have a detrimental effect on Welsh speaking individuals within the home.

To align the Regulations with the Welsh Government's Cymraeg 2050: Welsh language strategy, 2021, it would be helpful to add an additional point to General requirements on service providers (Part 2) requiring the service provider to demonstrate a commitment to the strategy.

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.

The guidance could be further strengthened by clarifying the cross-border arrangements where an individual is placed in residential educational provision in Wales from an English local authority.

It would be helpful to refer to the changes that will need to be made to the [Independent School Standards \(Wales\) Regulations](#) which currently refer to the National Minimum Standards for Residential Special Schools 2003. There is an opportunity to rectify this as Welsh Government are also consulting on amending this legislation currently. It would be helpful to give further consideration about how the regulation of independent schools complements the regulation of special school residential services where they relate to the same provider. For example, it would be helpful to have similar expectations in relation to accommodation which crosses both the education and care provision. It would be helpful to have greater clarity about who takes enforcement action for an independent school which is also provides special school residential services – Welsh Government or CIW.

## Questions on Chapter 2: Proposed changes to The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, as amended (“the Service Provider Regulations”)

The registration of four-bedroom care homes (with the advantage of avoiding the requirements in Part 13, such as having en-suite facilities)

Q 25 Do you agree with the proposal to amend the Service Provider Regulations to ensure that the requirements of Part 13 apply where additional bedrooms (including converted rooms) are added after the initial registration?

Agree

Tend to agree

Tend to disagree

Disagree

Please explain:

We believe that the strengthening of this proposal will help to ensure the buildings continue to offer appropriate accommodation for the individuals in residence.

Exemption for local authority run intermediate care services

Q 26 Do you agree with the proposal to use the regulation-making power under section 2(3) to ensure that local authority Intermediate Care services are not treated as a care home service despite Schedule 1 of the 2016 Act?

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain: Yes, we welcome the recognition that there are differences between the two services which require distinct regulations.			

**Question on Chapter 3: Draft Regulations to require additional information to be published on the register of service providers.**

Register of Service Providers (Prescribed Information and Miscellaneous Amendments) (Wales) Regulations 2023			
Q 27 Do you agree with the requirements in the draft Regulations to make it a mandatory requirement for Welsh Ministers (in practice, CIW) to publish a telephone number and email address for each service?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain: We agree that it is important for services to be contactable by parents, carers and professionals. In a very few cases there may be occasions where individuals are within a residential provision and their location needs to remain confidential for safeguarding reasons. However, we recognise that it is possible to share contact information without compromising this. This should be appropriately addressed in the privacy impact assessment.			

**Question on Chapter 4: Proposed amendments to the Statutory Guidance for Service Providers and Responsible Individuals on meeting Service Standard Regulations (version 2, April 2019).**

Statutory Guidance for Service Providers and Responsible Individuals on meeting Service Standard Regulations			
Q 28 Do you agree with the amendments to the Statutory Guidance for Service Providers and Responsible Individuals on meeting Service Standard Regulations			



Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain:

The inclusion within the guidance of the United Nations Convention on the Rights of Persons with Disabilities, alongside the reference to the United Nations Convention on the Rights of the Child is welcomed. Further, ensuring that all terminology and legislation is up to date is essential to ensure the guidance is fit for purpose.