

Easy Read



Llywodraeth Cymru  
Welsh Government

# Changing the rules for special school residential services, care homes and service providers

We want to know what you think



This document was written by the Welsh Government. It is an easy read version of 'Regulating special school residential services'.

May 2023

# How to use this document



This is an easy read document. But you may still need support to read it. Ask someone you know to help you.



Words in **bold blue writing** may be hard to understand. You can check what the words in blue mean on **page 49**.



Llywodraeth Cymru  
Welsh Government

Where the document says **we**, this means **Welsh Government**. For more information contact:

**Email:** [CareHomeTeam@gov.wales](mailto:CareHomeTeam@gov.wales)



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# Introduction



We would like to make some changes to the rules for how **special school residential services** are run.



**Special school residential services** are schools where children can live whilst they get:

- Education
- Care or nursing
- Support

**This document includes:**

- **Chapter 1** - Special school residential services to be regulated by the law called Regulation and Inspection of Social Care (Wales) Act 2016
- **Chapter 2** - Changes to the care home rules
- **Chapter 3** - Making regulations to require extra information from service providers
- **Chapter 4** - Changes to guidance about following rules





Please read this document and answer the questions. You can answer as many questions as you like. There are 28 questions.



You do not have to answer any question if you don't want to.



Please send us your answers by **6 August 2023**.



**Please download this form and email to:**  
[CareHomeTeam@gov.wales](mailto:CareHomeTeam@gov.wales)



**Or print it and post it to:**

Care Home Policy Branch  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ



You can find all the information about this consultation on our website here: [www.gov.wales/regulating-special-school-residential-services](http://www.gov.wales/regulating-special-school-residential-services)

# The changes we want to make

## Chapter 1 - For special school residential services to follow the law called Regulation and Inspection of Social Care (Wales) Act 2016



Last year there was an investigation into the risk of children experiencing **sexual abuse** in **residential special schools** and other settings.



Child **sexual abuse** is when someone forces or persuades a child to take part in sexual activities. It includes things like touching, looking at sexual images, watching sex acts and taking part in sex acts.



The investigation said it would be best for **residential special schools** to be run to the same standards as care homes.



New standards would be put in place as part of the **Regulation and Inspection of Social Care (Wales) Act 2016** for residential special schools.



We would like to look at people's responses to this consultation and make the changes in **December 2023**.



Schools that provide accommodation for more than 295 days are already controlled in the same way as care homes.



Schools that provide accommodation only during term time are not controlled the same way. These schools are not covered by this law.



**Care Inspectorate Wales (CIW)** will be able to check these services too.



They will also be able to take action if they have any concerns.



The changes would apply to schools that provide care and accommodation for pupils with additional learning needs during school term time. These schools will be called **special school residential services**.



Additional learning needs is the new name for special educational needs. Sometimes older documents still use the term special educational needs.



The regulations would be called: **The draft Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2023**.

### Question 1:

Is it clear what special school residential services means?

Strongly agree



Agree



Disagree



Strongly disagree





Please add any other comments here:

## What the new regulations would mean for service providers



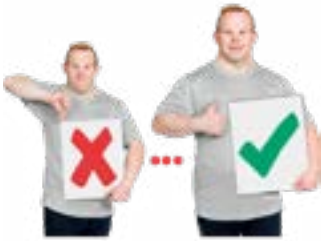
Service providers are individuals or organisations who run services.



If the changes take place service providers would need to do certain things.



These things are explained in parts 2 to 12 of the **draft Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2023**.



**Part 2 of the regulations** says that services providers would be responsible for checking and improving services. They would be responsible for finances. And they would need to act in an open way.

## Question 2:

**Do you agree that service providers should follow rules about these things?**

Strongly agree



Agree



Disagree



Strongly disagree







**Please add any other comments here:**



**Part 3 of the regulations** says that they would need to take steps to make sure their services are right for each person.

**Question 3:**

**Do you agree that service providers should have to follow rules about this?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
			

**Please add any other comments here:**



**Part 4 of the regulations** is about how the service provider will meet the person's needs. For example, putting together a personal plan.

**Question 4:**

Do you agree that service providers should have to follow rules about this?

Strongly agree



Agree



Disagree



Strongly disagree







Please add any other comments here:



**Part 5 of the regulations** is about providing information about the service. The information should be in writing and given in a way the person can understand.

**Question 5:**

**Do you agree that service providers should have to follow rules about this?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
			

**Please add any other comments here:**



**Part 6 of the regulations** is about the standards of care that will be provided. It is about making sure services are of a high quality. Plus, there are details about using health services and meeting other needs of each person.

### Question 6:

Do you agree that service providers should have rules about things like this?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 7 of the regulations** is about how each person will be kept safe and protected from **abuse**.

**Abuse** is when someone hurts you or treats you badly.

### Question 7:

Do you agree that service providers should have to follow rules about things like this?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 8 of the regulations** is about staffing and what is required of staff.

**Question 8:**

Do you agree that service providers should have to follow rules about staffing?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:





**Part 9 of the regulations** is to do with rules about the buildings used and equipment.

**Question 9:**

Do you agree that service providers should have to follow rules about buildings and equipment?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 10 of the regulations** gives further rules about buildings, rooms and spaces.

**Question 10:**

**Do you agree that service providers should have to follow rules about these things?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**



**Part 11 of the regulations** is about supplies, health and safety and medicine.

**Question 11:**

**Do you agree that service providers should have to follow rules about these things?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**



**Part 12 of the regulations** is about record keeping, making complaints and reporting issues.

**Question 12:**

Do you agree that service providers should have to follow rules about these things?

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



Please add any other comments here:

## Duties of responsible individuals



A **responsible individual** is a person who is responsible for the service and makes sure it runs well.



**Parts 13 to 17 of the draft Special School Residential Services (Service Providers and Responsible Individuals) (Wales)** set out what is required of the responsible individual.



**Part 13 of the regulations** is about the responsible individual's role of managing the service. The person will be registered with Social Care Wales. They are the overall responsible person.

### Question 13:

Do you agree with this?

Strongly agree



Agree



Disagree



Strongly disagree



**Please add any other comments here:**



**Part 14 of the regulations** is about the responsible individual's role to make sure the service is run well and check it follows rules. They must also make reports about the service and find out people's views.

**Question 14:**

**Do you agree that responsible individuals should follow rules about things like this?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**



**Part 15 of the regulations.** This is about making sure the rules are followed, complaints are followed up on and records are kept.

**Question 15:**

Do you agree that responsible individuals should follow rules about things like this?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:





**Part 16 of the regulations** is about checking the service and improving it when needed. The responsible individual will make a report every year.

**Question 16:**

Do you agree that responsible individuals should follow rules about these things?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 17 of the regulations** is about other requirements on the responsible individual. For example, supporting staff who report issues, being open and honest and reporting issues themselves.

### **Question 17:**

**Do you agree that responsible individuals should follow rules about these things?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**



**Part 18 of the regulations of the draft Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2023** is about service providers and responsible individuals who fail to follow the rules.



It says failing to follow the rules is an offence. This means breaking the law. Offence is another word for crime.

Part 18 says:



- In some cases it will **only** be seen as an offence if someone is harmed or is at risk. Or if there has been a loss of money, property, or a theft.



- Even if a service provider or responsible individual has not committed an offence, the service could lose their registration. Or the responsible person could lose their position.



### Question 18:

Do you think these steps are enough? Are they fair?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 19 of the regulations** talks about the steps that have to be taken if a service provider goes out of business or if the service provider dies.

It talks about who has to be told.

### Question 19:

Do you think these steps are right?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:



**Part 20 of the regulations** is about choosing a responsible individual. It says that service providers should do this. But in some situations, Welsh Ministers can do this.

### Question 20:

Do you think that it is right that in some situations Welsh Ministers should choose the responsible individual?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:

**There are some other changes we want to make to the rules:**



- We want to include special school residential services in rules about registration and annual returns. An annual return is a report with important information about the service. This includes information about staffing, training and facilities.



- We want them to follow rules about how to register as a service and about making changes to services.



- We would like them to complete an annual return. This would contain information such as staffing, training and the services being run.

**Question 21:**

**Do you agree with these ideas?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**



## Question about protected characteristics



**Protected characteristics** are to do with a law called The Equality Act 2010.

This law says that many people are treated unfairly for a number of reasons. For example, because of their age, disability, gender, sexual identity and other things.

These are called **protected characteristics**. The law says more needs to be done to make sure people are treated fairly.



### Question 22:

Do you think the changes will have any positive effects on groups with **protected characteristics**? Please tell us what you think here:



### Question 23:

Do you think the changes will have any negative effects on people with **protected characteristics**?  
Please tell us what you think here:



We would also like to ask you if you think these changes would have any effect on the use of the Welsh language.



For example, do you think the rules will make a difference to pupils being able to speak Welsh at special school residential services.



### **Question 24:**

**What effects would there be? And how could positive effects be increased and negative effects be reduced?**

## Chapter 2 - Changes to rules about care homes



We would like to make 2 changes to the rules about care home.



Care homes with more than 4 people living there need to have extra facilities. These include bedrooms with toilets and showers and extra space in bedrooms.



Smaller care homes with less than 4 people do not have to have these extra facilities. This is because they are more like family homes.



Some care home providers start with less than 4 people and then increase the number of bedrooms afterwards. These providers do not follow the rules of having extra facilities.



We want to make sure that providers who increase their bedrooms follow the same rules.



We think it is important that they **do** have to follow these rules. This is to make sure services are of a high standard.

### Question 25:

Do you agree with our idea to make sure service providers have to follow new rules if they want to care for more people?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:

## Question about short-term local authority care services



Some local authorities provide short term care with accommodation. The service helps people recover after an illness.



We do not think these short term care accommodation should need to follow these rule changes.



The law says that these services should follow the same rules as care homes. But we want these services to follow the same rules as home support services. These services are sometimes called 'home care' services.



We want to change the rules to allow these services to follow the same rules as home care services.



This is because it is practical for them to follow these rules when services are short term.

**Question 26:**

**Do you agree that these services can follow the same rules as home care services?**

**Strongly agree**



**Agree**



**Disagree**



**Strongly disagree**



**Please add any other comments here:**

## Chapter 3 – Asking service providers for extra information



There is a register of all service providers in Wales kept by **Care Inspectorate Wales**.



They use the register to provide important information about service providers.



At the moment, service providers do not have to give a phone number or an email address if they do not want to.



We want to change this so that service providers **must** give a phone number **and** an email address.



We think this is important and will make sure services can be contacted easily.









It will also help make sure people have a choice about how to contact them if they have additional needs.

**Question 27:**

**Do you agree that service providers should provide a phone number and email address for each service?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
			

**Please add any other comments here:**

## Chapter 4 – Changing the guidance about following the rules



Service providers and responsible individuals are given guidance on how to understand and follow the **Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017**.



Guidance means advice. The guidance gives more information on what is meant by the regulations.



The guidance was made over 4 years ago.



We think the guidance needs to be updated. It needs to show changes to laws that have taken place.



Also, we have made changes to the language we use. For example, we use words that focus more on people's strengths and are more helpful.



We use words like **co-produce** rather than consult more.

**Co-produce** means that people who use services have equal involvement in saying how services should run.



The new guidance talks more about giving people choice and control.



We have talked more about people's personal beliefs being recognised.



And talked more about staff and checks staff must go through to make sure they are fit to work in health and social care.

## Question 28:

Do you agree with our changes to the guidance for service providers and responsible individuals?

Strongly agree



Agree



Disagree



Strongly disagree



Please add any other comments here:

# More information about you

**Name:**

**Organisation you work for (if relevant):**

**Email:**

**Phone number:**

**Address:**

We may publish people's answers in a report or on the internet.  
If you do not want your answers made public, please tick here:

Are the answers in this form yours or the organisations' you work for?

Yes

No

Would you like us to email you to say we have received your responses?

Yes

No

# How we use your information



We use your information by following a law called **UK General Data Protection Regulation (UK GDPR)**.



Our staff will be able to see your answers. Sometimes we ask other organisations to help us understand people's answers. So, they may see your information too.



We normally publish a report showing the kinds of things people said.



Sometimes this means people's personal details are included. Please tell us if you do not want your personal information included.



If you are in our report the information could be available for a long time.



But information that is not published is only kept for 3 years.



The data protection laws give you the right to:

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- Make us change any mistakes in the information about you.
- Ask us not to use the information in some cases.
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- Move the information about you somewhere else in some cases.
- Complain to the Information Commissioner's Office.

If you would like to know more about how your information is kept and used please contact us at:

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Cathays Park  
Cardiff  
CF10 3NQ



**Email:** [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

You can also contact the **Information Commissioner's Office**:



**Post:** Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF



**Phone:** 01625 545745 or 0303 123 1113



**Website:** <https://ico.org.uk>



# Hard words

## Abuse

Abuse is when someone hurts you or treats you badly.

## Co-produce

This means that people who use services have equal involvement in saying how they should run.

## Protected characteristics

These are to do with a law called The Equality Act 2010.

This law recognises that many people are treated unfairly for a number of reasons. For example, because of their age, disability, gender, sexual identity and other things.

These are called protected characteristics. The law says more need to be done in society to make sure people in these groups are treated fairly.

## Sexual abuse

Child sexual abuse is when someone forces or persuades a child to take part in sexual activities. It includes things like touching, looking at sexual images, watching sex acts and taking part in sex acts.