

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

Technical Scrutiny point 1: This point is noted. We will ensure that the Regulations are amended prior to making to address this. The definition will simply reference the existing definitions contained within the Regulation and Inspection of Social Care (Wales) Act 2016.

Technical Scrutiny point 2: We consider that the fundamental difference between workers working under a contract of employment and workers who work under a contract for services is widely understood within the field of employment law. Therefore, further exploration of these terms has not been included in these regulations. No amendments are proposed.

Technical Scrutiny point 3: Even though the definition refers to 2 certificates, this is unlikely to be a problem in practice as it will be clear which type of certificate should be applied for. Even though there is a reference to 2 types of certificates either one may be required depending on the circumstances. A small alteration to the wording may assist the reader, but this is not an urgent amendment required to the regulations and will be reviewed at the earliest opportunity to amend.

Technical Scrutiny point 4: Although there are a number of uses of the word “individual” in different contexts in the regulations, we are satisfied that it is sufficiently clear when “the context indicates” that the word is not to be interpreted in accordance with the definition of “individual” in regulation 1(3). Therefore, no amendments are proposed.

Technical Scrutiny point 5: We are satisfied that there is well-established common law dealing with when a child’s views are to take precedence over a parent’s. We did not consider further explanation was required in these regulations. Therefore, no amendments are proposed.

Technical Scrutiny point 6: The term “supplies” will differ greatly depending on the circumstances and the type of care given. We believe the word will be interpreted as having its usual meaning in the context of care and support therefore no further explanation has been inserted. This is in line with the other regulations that use this phrase. Therefore, no amendments are proposed.

Technical Scrutiny point 7: This point is noted. We will ensure that the Regulations are amended prior to making to address this.

Technical Scrutiny point 8: This point is noted. We will ensure that the Regulations are amended prior to making to address this.

Technical Scrutiny point 9: The scale is commonly recognised within the field, as is the term “unstageable pressure damage”. This is in line with the other regulations that use this phrase. Therefore, no amendments are proposed.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<p>Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024</p>	<p>The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024</p>
<p>“mae i “gofal a chymorth” (“<i>care and support</i>”) a’r termau unigol “gofal” (“<i>care</i>”) a “cymorth” (“<i>support</i>”) yr un ystyr ag yn adran 3 o’r Ddeddf,” has been inserted into the definitions.</p>	<p>““care and support” (“<i>gofal a chymorth</i>”) and the individual terms “care” (“<i>gofal</i>”) and “support” (“<i>cymorth</i>”) have the same meaning as in section 3 of the Act;” has been inserted into the definitions.</p>
<p>In regulation 79(3)(b) “fel pe bai wedi ei fewnosod ar ôl (a)” will be replaced with “fel pe bai’r canlynol wedi ei fewnosod ar ôl paragraff (a)”.</p>	<p>In regulation 79(3)(b) “it were inserted after (a)” will be replaced with “after paragraph (a) there were inserted”</p>
<p>In regulation 82(a) ““ystyr “y Rheoliadau Gwasanaethau Maethu” (“<i>the Adoption Services Regulations</i>”) yw Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019;” will be replaced with “y diffiniad o “y Rheoliadau Gwasanaethau Maethu”” yn lle</p>	<p>In regulation 82(a) ““the Fostering Services Regulations” (“<i>y Rheoliadau Gwasanaethau Maethu</i>”) means the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019;” will be replaced with “the definition of “the Fostering Services Regulations””</p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making</p>	