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Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Mark Isherwood MS
Welsh Parliament
Cardiff Bay
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27 July 2021

Dear Mark,

Thank you for raising an important question on 15 June regarding the provision of care for people living with a learning disability and/or autism and specifically the six action plan being called for by the learning disability 3rd sector.

I thought it would be helpful if I set out our position and the work underway to strengthen specialised provision in Wales and the arrangements for safeguarding.

You may recall that during the previous government, we published a report in February 2020 of a comprehensive review of adult in-patient provision for individuals with a learning disability. All of the recommendations were accepted and work began by health boards, local authorities and regional partnership boards to implement the recommendations. Unfortunately, the pressures arising from the pandemic and consequential staff re-deployment within the NHS effectively prevented this work continuing.

Implementation of those recommendations has now restarted and my officials will be monitoring and supporting implementation at the local and national levels. Actions i, ii, iii, v and vi of the six put forward by the Third sector are already in train as part of the work to implement the review of adult in-patient provision. The action to strengthen advocacy services is being considered as part of the recovery planning for social care. I will be looking to report progress in the autumn.

In relation to the safeguarding and protection of our children and young people who access services that support, care, accommodate and/or education, there is a range of systems in place which for your ease of reference, I have attached as a separate brief for you.

Yours sincerely

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Deputy Minister for Social Services

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Safeguarding policy and assurance mechanisms for children and young people with a learning disability and/or autism in special educational and care settings.

i) Care Inspectorate Wales Inspection Function

Services that provide accommodation together with care and support for children in excess of 295 days in any 12 month period that falls within the previous 24 months are registered with Care Inspectorate Wales (CIW) under the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA), as care homes and are inspected annually by CIW.

Schools that provide care and support for under 295 days are not defined as care home services. However, these services are inspected by CIW every three years under The Children Act 1989 (section 87) and the National Minimum Standards for Residential Special Schools.

CIW inspections are based on their analysis of information about each service, which inform the key lines of enquiry followed up at inspection. These are directly linked to the legislative framework to assist CIW in identifying areas where improvement is needed and any subsequent enforcement action.

Where services provide care and support alongside education, CIW works closely with Estyn and safeguarding leads in local authorities. CIW have recently sent a joint letter with Estyn to chairs of regional safeguarding boards to ask how they are supporting independent schools to fulfil their safeguarding responsibilities.

CIW has also completed a review of local authority support for disabled children and their families; a national report will be published in the autumn and individual inspection reports for the four local authorities we inspected are published on our website.

ii) Estyn Inspection Function

Estyn is responsible for inspecting all maintained and independent schools in Wales¹. Safeguarding arrangements are considered during all inspection activity, which includes staff training. Any shortcomings identified will be included in the report and in correspondence with the school to ensure any safeguarding concerns are addressed.

On an ongoing basis Estyn carry out:

- A core inspection of each maintained and independent school during each inspection period (usually about every 6 years)
- Follow up work in maintained schools causing concern or independent schools who do not meet the Independent School Standards
- Annual monitoring inspections to independent schools approved to admit pupils with statements of SEN/ registered for Additional Learning Provision (from September 2021 onwards)
- Focused visits to independent schools where there is a concern about provision.

¹ This is a different position to England, where Ofsted and the Independent Schools Inspectorate share these responsibilities.