



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

PART 1

INTRODUCTION

Overview

- 1 Overview of this Act

Key terms

- 2 Meaning of “well-being”
- 3 Meaning of “adult”, “child”, “carer” and “disabled”
- 4 Meaning of “care and support”

PART 2

GENERAL FUNCTIONS

Overarching duties

- 5 Well-being duty
- 6 Other overarching duties: general
- 7 Other overarching duties: UN Principles and Convention

Well-being outcomes

- 8 Duty to issue a statement of the outcomes to be achieved
- 9 Power to issue a code to help achieve the outcomes
- 10 Local authorities and the code
- 11 Issue, approval and revocation of the code
- 12 Power to help local authorities to comply with the code’s requirements
- 13 Publication of information and reports

Local arrangements

- 14 Assessment of needs for care and support, support for carers and preventative services
- 15 Preventative services
- 16 Promoting social enterprises, co-operatives, user led services and the third sector
- 17 Provision of information, advice and assistance
- 18 Registers of sight-impaired, hearing-impaired and other disabled people

PART 3**ASSESSING THE NEEDS OF INDIVIDUALS***Assessing adults*

- 19 Duty to assess the needs of an adult for care and support
- 20 Refusal of a needs assessment for an adult

Assessing children

- 21 Duty to assess the needs of a child for care and support
- 22 Refusal of a needs assessment for a child aged 16 or 17
- 23 Refusal of a needs assessment for a child aged under 16

Assessing carers

- 24 Duty to assess the needs of a carer for support
- 25 Refusal of a needs assessment for an adult carer
- 26 Refusal of a needs assessment for a carer aged 16 or 17
- 27 Refusal of a needs assessment for a carer aged under 16

Supplementary

- 28 Combining needs assessments for a carer and a cared for person
- 29 Combining needs assessments and other assessments
- 30 Regulations about assessment
- 31 Part 3: interpretation

PART 4**MEETING NEEDS***Deciding what to do following needs assessment*

- 32 Determination of eligibility and consideration of what to do to meet needs
- 33 Procedure for regulations under section 32
- 34 How to meet needs

Meeting care and support needs of adults

- 35 Duty to meet care and support needs of an adult
- 36 Power to meet care and support needs of adult

Meeting care and support needs of children

- 37 Duty to meet care and support needs of a child
- 38 Power to meet care and support needs of a child

39 Duty to maintain family contact

Meeting support needs of a carer

- 40 Duty to meet support needs of an adult carer
- 41 Duty to meet support needs of an adult carer: supplementary
- 42 Duty to meet support needs of a child carer
- 43 Duty to meet support needs of a child carer: supplementary
- 44 Supplementary provision about the duties to meet carer's needs
- 45 Power to meet support needs of a carer

Meeting needs: exceptions and restrictions

- 46 Exception for persons subject to immigration control
- 47 Exception for provision of health services
- 48 Exception for provision of housing etc
- 49 Restrictions on provision of payments

Direct payments

- 50 Direct payments to meet an adult's needs
- 51 Direct payments to meet a child's needs
- 52 Direct payments to meet a carer's needs
- 53 Direct payments: further provision

Plans

- 54 Care and support plans and support plans
- 55 Regulations about care and support plans and support plans

Supplementary

- 56 Portability of care and support
- 57 Cases where a person expresses preference for particular accommodation
- 58 Protecting property of persons being cared for away from home

PART 5

CHARGING AND FINANCIAL ASSESSMENT

Charging for meeting needs

- 59 Power to impose charges
- 60 Persons upon whom charges may be imposed
- 61 Regulations about the exercise of a power to impose a charge
- 62 Regulations disapplying a power to impose a charge
- 63 Duty to carry out a financial assessment
- 64 Regulations about financial assessments
- 65 Regulations disapplying the duty to carry out a financial assessment
- 66 Determination as to a person's ability to pay a charge
- 67 Duty to give effect of determination as to ability to pay a charge
- 68 Deferred payment agreements

Charging for preventative services and assistance

- 69 Charging for preventative services and assistance

Enforcement of debts

- 70 Recovery of charges, interest etc
- 71 Creation of a charge over an interest in land
- 72 Transfer of assets to avoid charges

Reviews

- 73 Reviews relating to charging

PART 6**LOOKED AFTER AND ACCOMMODATED CHILDREN***Interpretation*

- 74 Child or young person looked after by a local authority

Accommodation duties

- 75 General duty of local authority to secure sufficient accommodation for looked after children
- 76 Accommodation for children without parents or who are lost or abandoned etc
- 77 Accommodation for children in police protection or detention or on remand etc

Duties of local authorities in relation to looked after children

- 78 Principal duty of a local authority in relation to looked after children
- 79 Provision of accommodation for children in care
- 80 Maintenance of looked after children
- 81 Ways in which looked after children are to be accommodated and maintained
- 82 Review of child's case before making alternative arrangements for accommodation
- 83 Care and support plans
- 84 Regulations about care and support plans
- 85 Contributions towards maintenance of looked after children
- 86 Children's homes provided, equipped and maintained by the Welsh Ministers

Regulations about looked after children

- 87 Regulations about looked after children
- 88 Regulations about conditions under which a child in care is allowed to live with a parent etc
- 89 Regulations about placements of a kind mentioned in section 81(6)(d)
- 90 Regulations about placements out of area
- 91 Regulations about the avoidance of disruption in education
- 92 Regulations about the placing of children with local authority foster parents and prospective adopters
- 93 Regulations providing for approval of local authority foster parents
- 94 Regulations about agency arrangements

Contact and visits

- 95 Promotion and maintenance of contact between child and family
- 96 Family visits to or by children: expenses
- 97 Duty of local authority to ensure visits to, and contact with, looked after children and other children
- 98 Independent visitors for looked after children

Review of cases

- 99 Appointment of independent reviewing officer
- 100 Functions of the independent reviewing officer
- 101 Referred cases
- 102 Review of cases and inquiries into representations

Leaving care, accommodation and fostering

- 103 Befriending, advising and assisting looked after children
- 104 Young people entitled to support under sections 105 to 115
- 105 Keeping in touch
- 106 Personal advisers
- 107 Pathway assessments and plans: general
- 108 Pathway assessments and plans: post-18 living arrangements
- 109 Support for category 2 young people
- 110 Support for category 3 young people
- 111 Cessation of duties in relation to category 3 young people
- 112 Support for category 4 young people
- 113 Cessation of duties in relation to category 4 young people
- 114 Support for category 5 young people and former category 5 young people
- 115 Support for category 6 young people and former category 6 young people
- 116 Supplementary provision about support for young persons in further or higher education
- 117 Charging for provision under sections 109 to 115
- 118 Information

Secure accommodation

- 119 Use of accommodation for restricting liberty

Children accommodated in certain establishments

- 120 Assessment of children accommodated by health authorities and education authorities
- 121 Assessment of children accommodated in care homes or independent hospitals
- 122 Visitors for children notified to a local authority under section 120 or 121
- 123 Services for children notified to a local authority under section 120 or 121

Moving looked after children to live outside the jurisdiction

- 124 Arrangements to assist children to live outside England and Wales

Death of a looked after child

- 125 Death of children being looked after by local authorities

PART 7**SAFEGUARDING***Adults at risk*

- 126 Adults at risk
127 Adult protection and support orders
128 Duty to report adults at risk
129 Abolition of local authority's power to remove persons in need of care and attention

Children at risk

- 130 Duty to report children at risk

Guidance

- 131 Guidance about adults at risk and children at risk

National Independent Safeguarding Board

- 132 The National Independent Safeguarding Board
133 Regulations about the National Board

Safeguarding Children Boards and Safeguarding Adults Boards

- 134 Safeguarding Children Boards and Safeguarding Adults Boards
135 Functions and procedures of Safeguarding Boards
136 Safeguarding Boards: annual plans and reports
137 Supply of information requested by Safeguarding Boards
138 Funding of Safeguarding Boards
139 Safeguarding Boards: supplementary
140 Combined Safeguarding Boards
141 Procedure for orders under section 140
142 Interpretation of Part 7

PART 8**SOCIAL SERVICES FUNCTIONS***Local authorities*

- 143 Social services functions of local authorities
144 Directors of social services

Codes

- 145 Power to issue codes
146 Issue, approval and revocation of codes
147 Departure from requirements in codes
148 Policy statements: requirements and ancillary powers
149 Directions to require compliance with codes of practice

Intervention by central government

- 150 Grounds for intervention
- 151 Warning notice
- 152 Power of Welsh Ministers to intervene
- 153 Power to require local authority to obtain advisory services
- 154 Power to require performance of functions by other persons on behalf of authority
- 155 Power to require performance of functions by Welsh Ministers or nominee
- 156 Power to direct exercise of other social services functions
- 157 General power to give directions and take steps
- 158 Intervention: duty to report
- 159 Directions
- 160 Duty to co-operate
- 161 Powers of entry and inspection

PART 9

CO-OPERATION AND PARTNERSHIP

Co-operation

- 162 Arrangements to promote co-operation: adults with needs for care and support and carers
- 163 Arrangements to promote co-operation: children
- 164 Duty to co-operate and provide information in the exercise of social services functions
- 165 Promoting integration of care and support with health services etc

Partnership arrangements

- 166 Partnership arrangements
- 167 Resources for partnership arrangements
- 168 Partnership boards
- 169 Guidance about partnership arrangements

Adoption

- 170 Adoption service: joint arrangements

PART 10

COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

CHAPTER 1

COMPLAINTS AND REPRESENTATIONS ABOUT SOCIAL SERVICES

- 171 Complaints about social services
- 172 Complaints about social services: supplementary
- 173 Assistance for complainants
- 174 Representations relating to certain children etc
- 175 Representations relating to certain children etc: further provision
- 176 Representations relating to former looked after children etc
- 177 Further consideration of representations
- 178 Assistance for persons making representations

CHAPTER 2

COMPLAINTS ABOUT PRIVATE SOCIAL CARE AND PALLIATIVE CARE

- 179 Investigation of complaints about privately arranged or funded social care and palliative care
- 180 Independent advocacy services for complaints about privately arranged or funded palliative care

CHAPTER 3

ADVOCACY SERVICES

- 181 Provision of advocacy services
- 182 Provision of advocacy services: restrictions
- 183 Publicising advocacy services in care homes

PART 11

MISCELLANEOUS AND GENERAL

Miscellaneous

- 184 Research and provision of information
- 185 Adults in prison, youth detention accommodation or bail accommodation etc
- 186 Children in youth detention accommodation, prison or bail accommodation etc
- 187 Persons in prison, youth detention accommodation or bail accommodation etc
- 188 Interpretation of sections 185 to 187
- 189 Provider failure: temporary duty on local authority
- 190 Provider failure: exception to temporary duty
- 191 Provider failure: supplementary
- 192 Amendment of the National Assistance Act 1948

Supplementary

- 193 Recovery of costs between local authorities
- 194 Ordinary residence
- 195 Disputes about ordinary residence and portability of care and support

General

- 196 Orders and regulations
- 197 General interpretation and index of defined expressions
- 198 Power to make consequential and transitional provision etc
- 199 Commencement
- 200 Short title

**SCHEDULE 1 — CONTRIBUTIONS TOWARDS MAINTENANCE OF
LOOKED AFTER CHILDREN**

- 1 Liability to contribute

- 2 Agreed contributions
- 3 Contribution orders
- 4 Enforcement of contribution orders etc
- 5 Regulations
- 6 Service of contribution notice

SCHEDULE 2 — SOCIAL SERVICES FUNCTIONS

SCHEDULE 3 — INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED SOCIAL CARE AND PALLIATIVE CARE

PART 1 — NEW PARTS 2A AND 2B FOR THE PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

- 1 The Public Services Ombudsman (Wales) Act 2005 is amended as...
- 2 After Part 2 (investigation of complaints) insert— PART 2A
INVESTIGATION...
- 3 Until the coming into force of Part 5 of the...
- 4 After Schedule 3 (listed authorities) insert— SCHEDULE 3A
EXCLUDED MATTERS:...

PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO THE OMBUDSMAN

- 5 Local Government Act 1974
- 6 In section 29 (investigations: further provisions), in subsection (5), for...
- 7 In section 33 (consultation between Local Commissioner, the
Parliamentary Commissioner...
- 8 In section 34G (investigations: further provisions), in subsection (2),
for...
- 9 In section 34M (consultation with other Commissioners), in
subsection (7),...
- 10 Local Government Act 2000
- 11 Section 67 (consultation with ombudsmen) has effect, until the repeal...
- 12 In section 70 (investigations: further provisions), in subsection (2), in...
- 13 Public Services Ombudsman (Wales) Act 2005
- 14 In the heading to Part 2 (investigation of complaints), after...
- 15 In section 2 (power of investigation)— (a) in subsection (1),...
- 16 In section 4 (who can complain), in subsection (1)—
- 17 In section 7 (matters which may be investigated), in subsection...
- 18 In section 9 (exclusion: other remedies)— (a) in subsection (1),...
- 19 In section 10 (other excluded matters), in subsection (1), after...
- 20 In section 14 (information, documents, evidence and facilities), before
subsection...
- 21 In section 23 (special reports: supplementary)— (a) in subsection (1),...
- 22 Omit the italic cross-heading before section 25 (consultation and co-
operation)....
- 23 Omit sections 25 to 25B (consultation and co-operation).
- 24 Omit the italic cross-heading before section 26 (disclosure).
- 25 Omit sections 26 and 27 (disclosure of information).
- 26 Omit section 32 (protection from defamation claims).
- 27 In section 41 (interpretation), in subsection (1)—
- 28 In the heading to section 42 (former health care providers...
- 29 (1) Section 42 (former health care providers and social landlords:...
- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment
etc)...

Status: This is the original version (as it was originally enacted).

- 31 In the title to Schedule 2, after “MATTERS” insert “:...
- 32 Commissioner for Older People (Wales) Act 2006
- 33 In section 18 (power to disclose information), in subsection (1),...
- 34 In Schedule 4 (minor and consequential amendments), in paragraph 2,...
- 35 Government of Wales Act 2006
- 36 Welsh Language (Wales) Measure 2011