

# **SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 3 – Meaning of “adult”, “child”, “carer” and “disabled”***

3. **Section 3** defines certain key terms for the purposes of the Act. Subsection (4) defines a carer as a person who provides or intends to provide care for an adult or disabled child (disability being defined in subsection (5) by reference to the Equality Act 2010). The general premise is that professional carers who receive payment should not be included within the scope of the definition (see subsection (7)). However, local authorities are afforded a wide discretion to treat a person as a carer if they consider that, in the context of the caring relationship, it would be appropriate for a person to be treated as a carer (see subsection (8)). This would, for example, enable a local authority to treat a person as a carer in cases where the caring relationship was not principally a commercial one.
4. A person cannot be a carer if that person is detained in prison or youth detention accommodation, or is residing in approved premises after having been convicted of an offence (see section 187(1)). Approved premises are those used to accommodate persons granted bail in criminal proceedings or for use for, or in connection with, the supervision or rehabilitation of persons convicted of offences (see section 188(1) of this Act, which defines ‘approved premises’ by reference to section 13 of the Offender Management Act 2013).