



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 10

COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

CHAPTER 3

ADVOCACY SERVICES

181 Provision of advocacy services

- (1) Regulations may require a local authority to arrange for advocacy services to be made available to people with needs for care and support (whether or not those needs are being met by a local authority); this is subject to section 182.
- (2) “Advocacy services” are services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.
- (3) The regulations may specify—
 - (a) the persons, or description of persons, to whom advocacy services are to be made available;
 - (b) the circumstances in which advocacy services are to be made available;
 - (c) the persons, or description of persons, by whom advocacy services may, or may not, be provided.
- (4) The regulations must require a local authority to give publicity to its arrangements for making advocacy services available.

Changes to legislation: *Social Services and Well-being (Wales) Act 2014, CHAPTER 3 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

II S. 181 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

182 Provision of advocacy services: restrictions

- (1) Regulations under section 181 may not require advocacy services to be made available to a person—
- (a) for the purpose of making a complaint in respect of which a local authority is required to make arrangements for the provision of assistance to the person by virtue of regulations under section 173;
 - (b) for the purpose of making representations in respect of which a local authority is required to make arrangements for the provision of assistance to the person under section 178;
 - (c) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental health advocate to be available under section 130E of the Mental Health Act 1983;
 - (d) for purposes in respect of which a local authority is required to make arrangements for the provision of independent advocacy services under section ^{F1}332BB of the Education Act 1996^{F1}69 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018] or paragraph 6D of Schedule 17 to the Equality Act 2010;
 - (e) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental capacity advocate to be available under section 35 of the Mental Capacity Act 2005;
 - (f) for the purpose of making a complaint in respect of which the Welsh Ministers are required to arrange for the provision of independent advocacy services under section 187 of the National Health Service (Wales) Act 2006.
- (2) Where—
- (a) advocacy services are being provided for a person under section 15, 17, 35, 36, 37 or 38, and
 - (b) regulations under section 181 would (apart from this subsection) impose a requirement upon a local authority to make advocacy services available to that person in respect of the same matters,
- that requirement does not apply.

Textual Amendments

F1 Words in [s. 182\(1\)\(d\)](#) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [s. 100\(3\)](#), [Sch. 1 para. 24\(3\)](#); [S.I. 2021/373](#), [arts. 3, 4, 6, 7](#) (as amended by [S.I. 2021/938](#), [art. 2](#)); [S.I. 2021/1243](#), [art. 3](#) (with [arts. 4-23](#)) (as amended by [S.I. 2021/1428](#), [art. 2](#)); [S.I. 2021/1244](#), [art. 3](#) (with [arts. 4-21](#)) (as amended by [S.I. 2021/1428](#), [art. 3](#)); [S.I. 2021/1245](#), [arts. 3, 4](#) (with [art. 1\(4\)](#)); [S.I. 2022/891](#), [art. 3](#) (with [arts. 4-25](#)); [S.I. 2022/892](#), [arts. 2, 3](#) (with [arts. 4-18](#)); [S.I. 2022/893](#), [art. 4](#); [S.I. 2022/894](#), [art. 3](#); [S.I. 2022/895](#), [arts. 3, 4](#); [S.I. 2022/896](#), [art. 3](#) (with [arts. 1\(7\), 4-22](#)); [S.I. 2022/897](#), [art. 3](#) (with [arts. 1\(8\), 4-21](#)); [S.I. 2022/898](#), [arts. 2, 3](#)

Changes to legislation: Social Services and Well-being (Wales) Act 2014, CHAPTER 3 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I2 S. 182 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

F²183 Publicising advocacy services in care homes

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Textual Amendments

F2 S. 183 repealed (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 31](#); [S.I. 2017/1326](#), [art. 2\(3\)\(h\)](#), [Sch.](#) (with [art. 6](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))