



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 4

MEETING NEEDS

Meeting care and support needs of children

37 Duty to meet care and support needs of a child

- (1) A local authority must meet a child's needs for care and support if it is satisfied that conditions 1 and 2, and any conditions specified in regulations, are met (but see subsections (5) and (6)).
- (2) Condition 1 is that the child is within the local authority's area.
- (3) Condition 2 is that—
 - (a) the needs meet the eligibility criteria, or
 - (b) the local authority considers it necessary to meet the needs in order to protect the child from—
 - (i) abuse or neglect or a risk of abuse or neglect, or
 - (ii) other harm or a risk of such harm.
- (4) If the local authority has been notified about a child under section 120(2)(a), it must treat the child as being within its area for the purposes of this section.
- (5) The duty under subsection (1) does not apply to a child's needs to the extent that the local authority is satisfied that those needs are being met by the child's family or a carer.
- (6) This section does not apply to a child who is looked after by—
 - (a) a local authority,
 - (b) a local authority in England,

- (c) a local authority in Scotland, or
- (d) a Health and Social Care trust.

38 Power to meet care and support needs of a child

- (1) A local authority may meet a child's needs for care and support if the child is—
 - (a) within the local authority's area, or
 - (b) ordinarily resident in the authority's area, but outside its area, (but see subsection (4)).
- (2) If a local authority meets the needs of a child who is ordinarily resident in the area of another local authority under subsection (1), it must notify the local authority in whose area the child is ordinarily resident that it is doing so.
- (3) A local authority has the power to meet needs under this section whether or not it has completed a needs assessment in accordance with Part 3 or a financial assessment in accordance with Part 5.
- (4) This section does not apply to a child who is looked after by—
 - (a) a local authority,
 - (b) a local authority in England,
 - (c) a local authority in Scotland, or
 - (d) a Health and Social Care trust.

39 Duty to maintain family contact

- (1) This section applies to a child—
 - (a) who is within the area of a local authority,
 - (b) whom the local authority considers has needs for care and support in addition to the care and support provided by the child's family,
 - (c) who is living apart from the child's family, and
 - (d) who is not looked after by the local authority.
- (2) If the local authority considers it necessary in order to promote the well-being of the child, it must take such steps as are reasonably practicable to—
 - (a) enable the child to live with the child's family, or
 - (b) promote contact between the child and the child's family.