



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 4

### MEETING NEEDS

#### *Direct payments*

#### **51 Direct payments to meet a child's needs**

- (1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting a child's needs for care and support under section 37, 38 or 39.
- (2) But regulations under subsection (1) may not require or allow payments to be made unless conditions 1 to 4 are met.
- (3) Condition 1 is that the payments are to be made to a person ("P") who is—
  - (a) a person with parental responsibility for a child who has needs for care and support, or
  - (b) a child who has needs for care and support.
- (4) Condition 2 is that—
  - (a) where P is an adult or a child aged 16 or 17, P has, or the local authority believes that P has, capacity to consent to the making of the payments;
  - (b) where P is a child aged under 16, the local authority is satisfied that P has sufficient understanding to make an informed decision about receiving direct payments.
- (5) Condition 3 is that the local authority is satisfied that—
  - (a) making the payments is an appropriate way of meeting the child's needs,
  - (b) the well-being of the child will be safeguarded and promoted by the making of the payments, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) P is capable of managing the payments (either by himself or herself or with the support that is available to P).
- (6) Condition 4 is that P has consented to the making of the payments.
- (7) A payment under this section is referred to in this Act as a “direct payment”.