

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 27 – Refusal of a needs assessment for a carer aged under 16

85. **Section 27** provides that the local authority's duty to assess a carer aged under 16 does not apply if the carer refuses the assessment and the local authority is satisfied that the carer has sufficient understanding to make an informed decision about the refusal of an assessment.
86. Similarly, the duty to assess a carer's needs does not apply where a person with parental responsibility for a carer aged under 16 refuses a needs assessment for the carer. The effect of such a refusal is overridden, however, if the carer has sufficient understanding to make an informed decision about the refusal of the assessment and does not agree with the refusal. In such circumstances the local authority continues to be under a duty to assess the carer's needs.
87. A local authority is also required to undertake a needs assessment for a carer under 16, notwithstanding the refusal of the person with parental responsibility for the carer where it is satisfied that not having the assessment would be inconsistent with the carer's well-being.
88. Where the duty to assess a carer's needs has been discharged by a refusal, the duty is re-engaged if the carer subsequently asks for an assessment and the local authority is satisfied that the carer has sufficient understanding to make an informed decision about having an assessment. The duty to assess is also re-engaged if a person with parental responsibility for the carer subsequently asks for an assessment, or if the local authority is satisfied that the needs or circumstances of the carer, or any person with parental responsibility for the carer, have changed.