

*These notes refer to the Social Services and Well-being (Wales)  
Act 2014 (c.4) which received Royal Assent on 1 May 2014*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 38 – Power to meet care and support needs of a child***

133. **Section 38** confers a power on local authorities to meet the care and support needs of a child without necessarily having first completed a needs assessment or a financial assessment. This power is available, for example, where it is considered necessary to meet needs as a matter of urgency.
134. This power is also available in cases where an assessment has been carried out but the needs do not meet the eligibility criteria. In these circumstances, the local authority may nonetheless decide to meet the needs, even though they are not under a duty to do so.
135. If the local authority decides to exercise this power to meet the care and support needs of a child who is ordinarily resident in the area of another local authority, then it must notify that other authority that it is doing so.
136. This section does not apply if the child is looked after by a local authority in Wales. They are separately provided for in Part 6. Neither does the section apply to children looked after by a local authority in England or Scotland or by a Health and Social Care Trust in Northern Ireland.