

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 126 – Adults at risk***

362. **Section 126** places a duty on a local authority to carry out an investigation where it suspects that a person is an “adult at risk”.
363. An adult at risk is one who is experiencing or at risk of abuse or neglect, has needs for care and support and is unable to protect himself or herself against the abuse or neglect (or the risk of abuse or neglect) as a result of those needs. “Abuse” and “neglect” are defined in section 197(1) (interpretation), and for the meaning of “care and support” see section 4.
364. The local authority must make whatever enquiries it thinks necessary to help it decide whether action should be taken. Such action could include the provision of care and support under this Act or taking steps to protect the adult under other legislation, such as the Mental Health Act 1983 or the Mental Capacity Act 2005. The principles in sections 6 and 7 will apply to the way the local authority exercises its functions under this section. This means that it must, for example, have regard to the adult’s views, wishes and feelings as far as reasonably practicable.
365. If the local authority decides that action should be taken, it is expected that it will ensure that an action plan is drawn up. Subsection (3) provides that regulations made under section 54 (care and support plans) must provide for the conclusions of the local authority’s enquiries (for example, its decision to take the action recorded in the action plan) to be recorded as part of the adult’s care and support plan.