



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

2014 anaw 4

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

### **PART 1**

#### INTRODUCTION

##### *Overview*

- 1 Overview of this Act

##### *Key terms*

- 2 Meaning of “well-being”
- 3 Meaning of “adult”, “child”, “carer” and “disabled”
- 4 Meaning of “care and support”

### **PART 2**

#### GENERAL FUNCTIONS

##### *Overarching duties*

- 5 Well-being duty
- 6 Other overarching duties: general
- 7 Other overarching duties: UN Principles and Convention

##### *Well-being outcomes*

- 8 Duty to issue a statement of the outcomes to be achieved
- 9 Power to issue a code to help achieve the outcomes
- 10 Local authorities and the code
- 11 Issue, approval and revocation of the code
- 12 Power to help local authorities to comply with the code's requirements
- 13 Publication of information and reports

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Local arrangements*

- 14 Assessment of needs for care and support, support for carers and preventative services
- 15 Preventative services
- 16 Promoting social enterprises, co-operatives, user led services and the third sector
- 17 Provision of information, advice and assistance
- 18 Registers of sight-impaired, hearing-impaired and other disabled people

## **PART 3**

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing adults*

- 19 Duty to assess the needs of an adult for care and support
- 20 Refusal of a needs assessment for an adult

#### *Assessing children*

- 21 Duty to assess the needs of a child for care and support
- 22 Refusal of a needs assessment for a child aged 16 or 17
- 23 Refusal of a needs assessment for a child aged under 16

#### *Assessing carers*

- 24 Duty to assess the needs of a carer for support
- 25 Refusal of a needs assessment for an adult carer
- 26 Refusal of a needs assessment for a carer aged 16 or 17
- 27 Refusal of a needs assessment for a carer aged under 16

#### *Supplementary*

- 28 Combining needs assessments for a carer and a cared for person
- 29 Combining needs assessments and other assessments
- 30 Regulations about assessment
- 31 Part 3: interpretation

## **PART 4**

### MEETING NEEDS

#### *Deciding what to do following needs assessment*

- 32 Determination of eligibility and consideration of what to do to meet needs
- 33 Procedure for regulations under section 32
- 34 How to meet needs

#### *Meeting care and support needs of adults*

- 35 Duty to meet care and support needs of an adult
- 36 Power to meet care and support needs of adult

#### *Meeting care and support needs of children*

- 37 Duty to meet care and support needs of a child
- 38 Power to meet care and support needs of a child

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

39 Duty to maintain family contact

*Meeting support needs of a carer*

- 40 Duty to meet support needs of an adult carer
- 41 Duty to meet support needs of an adult carer: supplementary
- 42 Duty to meet support needs of a child carer
- 43 Duty to meet support needs of a child carer: supplementary
- 44 Supplementary provision about the duties to meet carer's needs
- 45 Power to meet support needs of a carer

*Meeting needs: exceptions and restrictions*

- 46 Exception for persons subject to immigration control
- 47 Exception for provision of health services
- 48 Exception for provision of housing etc
- 49 Restrictions on provision of payments

*Direct payments*

- 50 Direct payments to meet an adult's needs
- 51 Direct payments to meet a child's needs
- 52 Direct payments to meet a carer's needs
- 53 Direct payments: further provision

*Plans*

- 54 Care and support plans and support plans
- 55 Regulations about care and support plans and support plans

*Supplementary*

- 56 Portability of care and support
- 57 Cases where a person expresses preference for particular accommodation
- 58 Protecting property of persons being cared for away from home

**PART 5**

**CHARGING AND FINANCIAL ASSESSMENT**

*Charging for meeting needs*

- 59 Power to impose charges
- 60 Persons upon whom charges may be imposed
- 61 Regulations about the exercise of a power to impose a charge
- 62 Regulations disapplying a power to impose a charge
- 63 Duty to carry out a financial assessment
- 64 Regulations about financial assessments
- 65 Regulations disapplying the duty to carry out a financial assessment
- 66 Determination as to a person's ability to pay a charge
- 67 Duty to give effect of determination as to ability to pay a charge
- 68 Deferred payment agreements

*Charging for preventative services and assistance*

- 69 Charging for preventative services and assistance

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Enforcement of debts*

- 70 Recovery of charges, interest etc
- 71 Creation of a charge over an interest in land
- 72 Transfer of assets to avoid charges

### *Reviews*

- 73 Reviews relating to charging

## **PART 6**

### **LOOKED AFTER AND ACCOMMODATED CHILDREN**

#### *Interpretation*

- 74 Child or young person looked after by a local authority

#### *Accommodation duties*

- 75 General duty of local authority to secure sufficient accommodation for looked after children
- 76 Accommodation for children without parents or who are lost or abandoned etc
- 77 Accommodation for children in police protection or detention or on remand etc

#### *Duties of local authorities in relation to looked after children*

- 78 Principal duty of a local authority in relation to looked after children
- 79 Provision of accommodation for children in care
- 80 Maintenance of looked after children
- 81 Ways in which looked after children are to be accommodated and maintained
- 82 Review of child's case before making alternative arrangements for accommodation
- 83 Care and support plans
- 84 Regulations about care and support plans
- 85 Contributions towards maintenance of looked after children
- 86 Children's homes provided, equipped and maintained by the Welsh Ministers

#### *Regulations about looked after children*

- 87 Regulations about looked after children
- 88 Regulations about conditions under which a child in care is allowed to live with a parent etc
- 89 Regulations about placements of a kind mentioned in section 81(6)(d)
- 90 Regulations about placements out of area
- 91 Regulations about the avoidance of disruption in education
- 92 Regulations about the placing of children with local authority foster parents and prospective adopters
- 93 Regulations providing for approval of local authority foster parents
- 94 Regulations about agency arrangements

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Contact and visits*

- 95 Promotion and maintenance of contact between child and family
- 96 Family visits to or by children: expenses
- 97 Duty of local authority to ensure visits to, and contact with, looked after children and other children
- 98 Independent visitors for looked after children

### *Review of cases*

- 99 Appointment of independent reviewing officer
- 100 Functions of the independent reviewing officer
- 101 Referred cases
- 102 Review of cases and inquiries into representations

### *Leaving care, accommodation and fostering*

- 103 Befriending, advising and assisting looked after children
- 104 Young people entitled to support under sections 105 to 115
- 105 Keeping in touch
- 106 Personal advisers
- 107 Pathway assessments and plans: general
- 108 Pathway assessments and plans: post-18 living arrangements
- 109 Support for category 2 young people
- 110 Support for category 3 young people
- 111 Cessation of duties in relation to category 3 young people
- 112 Support for category 4 young people
- 113 Cessation of duties in relation to category 4 young people
- 114 Support for category 5 young people and former category 5 young people
- 115 Support for category 6 young people and former category 6 young people
- 116 Supplementary provision about support for young persons in further or higher education
- 117 Charging for provision under sections 109 to 115
- 118 Information

### *Secure accommodation*

- 119 Use of accommodation for restricting liberty

### *Children accommodated in certain establishments*

- 120 Assessment of children accommodated by health authorities and education authorities
- 121 Assessment of children accommodated in care homes or independent hospitals
- 122 Visitors for children notified to a local authority under section 120 or 121
- 123 Services for children notified to a local authority under section 120 or 121

### *Moving looked after children to live outside the jurisdiction*

- 124 Arrangements to assist children to live outside England and Wales

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Death of a looked after child*

- 125 Death of children being looked after by local authorities

## **PART 7**

### **SAFEGUARDING**

#### *Adults at risk*

- 126 Adults at risk  
127 Adult protection and support orders  
128 Duty to report adults at risk  
129 Abolition of local authority's power to remove persons in need of care and attention

#### *Children at risk*

- 130 Duty to report children at risk

#### *Guidance*

- 131 Guidance about adults at risk and children at risk

#### *National Independent Safeguarding Board*

- 132 The National Independent Safeguarding Board  
133 Regulations about the National Board

#### *Safeguarding Children Boards and Safeguarding Adults Boards*

- 134 Safeguarding Children Boards and Safeguarding Adults Boards  
135 Functions and procedures of Safeguarding Boards  
136 Safeguarding Boards: annual plans and reports  
137 Supply of information requested by Safeguarding Boards  
138 Funding of Safeguarding Boards  
139 Safeguarding Boards: supplementary  
140 Combined Safeguarding Boards  
141 Procedure for orders under section 140  
142 Interpretation of Part 7

## **PART 8**

### **SOCIAL SERVICES FUNCTIONS**

#### *Local authorities*

- 143 Social services functions of local authorities  
144 Directors of social services

#### *Codes*

- 145 Power to issue codes  
146 Issue, approval and revocation of codes  
147 Departure from requirements in codes  
148 Policy statements: requirements and ancillary powers  
149 Directions to require compliance with codes of practice

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Intervention by central government*

- 150 Grounds for intervention
- 151 Warning notice
- 152 Power of Welsh Ministers to intervene
- 153 Power to require local authority to obtain advisory services
- 154 Power to require performance of functions by other persons on behalf of authority
- 155 Power to require performance of functions by Welsh Ministers or nominee
- 156 Power to direct exercise of other social services functions
- 157 General power to give directions and take steps
- 158 Intervention: duty to report
- 159 Directions
- 160 Duty to co-operate
- 161 Powers of entry and inspection

## **PART 9**

### **CO-OPERATION AND PARTNERSHIP**

#### *Co-operation*

- 162 Arrangements to promote co-operation: adults with needs for care and support and carers
- 163 Arrangements to promote co-operation: children
- 164 Duty to co-operate and provide information in the exercise of social services functions
- 165 Promoting integration of care and support with health services etc

#### *Partnership arrangements*

- 166 Partnership arrangements
- 167 Resources for partnership arrangements
- 168 Partnership boards
- 169 Guidance about partnership arrangements

#### *Adoption*

- 170 Adoption service: joint arrangements

## **PART 10**

### **COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES**

#### **CHAPTER 1**

##### **COMPLAINTS AND REPRESENTATIONS ABOUT SOCIAL SERVICES**

- 171 Complaints about social services
- 172 Complaints about social services: supplementary
- 173 Assistance for complainants
- 174 Representations relating to certain children etc
- 175 Representations relating to certain children etc: further provision
- 176 Representations relating to former looked after children etc
- 177 Further consideration of representations
- 178 Assistance for persons making representations

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## CHAPTER 2

### COMPLAINTS ABOUT PRIVATE SOCIAL CARE AND PALLIATIVE CARE

- 179 Investigation of complaints about privately arranged or funded social care and palliative care
- 180 Independent advocacy services for complaints about privately arranged or funded palliative care

## CHAPTER 3

### ADVOCACY SERVICES

- 181 Provision of advocacy services
- 182 Provision of advocacy services: restrictions
- 183 Publicising advocacy services in care homes

## PART 11

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

- 184 Research and provision of information
- 185 Adults in prison, youth detention accommodation or bail accommodation etc
- 186 Children in youth detention accommodation, prison or bail accommodation etc
- 187 Persons in prison, youth detention accommodation or bail accommodation etc
- 188 Interpretation of sections 185 to 187
- 189 Provider failure: temporary duty on local authority
- 190 Provider failure: exception to temporary duty
- 191 Provider failure: supplementary
- 192 Amendment of the National Assistance Act 1948

#### *Supplementary*

- 193 Recovery of costs between local authorities
- 194 Ordinary residence
- 195 Disputes about ordinary residence and portability of care and support

#### *General*

- 196 Orders and regulations
- 197 General interpretation and index of defined expressions
- 198 Power to make consequential and transitional provision etc
- 199 Commencement
- 200 Short title

---

### SCHEDULE 1 — CONTRIBUTIONS TOWARDS MAINTENANCE OF LOOKED AFTER CHILDREN



*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Liability to contribute*

- 1 (1) Where a local authority is looking after a child...

*Agreed contributions*

- 2 (1) Contributions towards a child's maintenance may only be recovered...

*Contribution orders*

- 3 (1) Where a contributor has been served with a contribution...

*Enforcement of contribution orders etc*

- 4 (1) A contribution order made by a magistrates' court is...

*Regulations*

- 5 Regulations may provide for— (a) the considerations which a local...

*Service of contribution notice*

- 6 (1) A contribution notice required under this Schedule to be...

SCHEDULE 2 — SOCIAL SERVICES FUNCTIONS

SCHEDULE 3 — INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY  
ARRANGED OR FUNDED SOCIAL CARE AND  
PALLIATIVE CARE

PART 1 — NEW PARTS 2A AND 2B FOR THE PUBLIC SERVICES  
OMBUDSMAN (WALES) ACT 2005

- 1 The Public Services Ombudsman (Wales) Act 2005 is amended as...
- 2 After Part 2 (investigation of complaints) insert— PART 2A  
INVESTIGATION...
- 3 Until the coming into force of Part 5 of the...
- 4 After Schedule 3 (listed authorities) insert— SCHEDULE 3A  
EXCLUDED MATTERS:...

PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS  
RELATING TO THE OMBUDSMAN

*Local Government Act 1974*

- 5 The Local Government Act 1974 is amended as follows.
- 6 In section 29 (investigations: further provisions), in subsection (5), for...
- 7 In section 33 (consultation between Local Commissioner, the  
Parliamentary Commissioner...
- 8 In section 34G (investigations: further provisions), in subsection (2),  
for...
- 9 In section 34M (consultation with other Commissioners), in  
subsection (7),...

*Local Government Act 2000*

- 10 The Local Government Act 2000 is amended as follows.
- 11 Section 67 (consultation with ombudsmen) has effect, until the repeal...
- 12 In section 70 (investigations: further provisions), in subsection (2), in...

*Status: Point in time view as at 01/11/2014.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Public Services Ombudsman (Wales) Act 2005*

- 13 The Public Services Ombudsman (Wales) Act 2005 is amended as...
- 14 In the heading to Part 2 (investigation of complaints), after...
- 15 In section 2 (power of investigation)— (a) in subsection (1),...
- 16 In section 4 (who can complain), in subsection (1)—
- 17 In section 7 (matters which may be investigated), in subsection...
- 18 In section 9 (exclusion: other remedies)— (a) in subsection (1),...
- 19 In section 10 (other excluded matters), in subsection (1), after...
- 20 In section 14 (information, documents, evidence and facilities), before subsection...
- 21 In section 23 (special reports: supplementary)— (a) in subsection (1),...
- 22 Omit the italic cross-heading before section 25 (consultation and co-operation)....
- 23 Omit sections 25 to 25B (consultation and co-operation).
- 24 Omit the italic cross-heading before section 26 (disclosure).
- 25 Omit sections 26 and 27 (disclosure of information).
- 26 Omit section 32 (protection from defamation claims).
- 27 In section 41 (interpretation), in subsection (1)—
- 28 In the heading to section 42 (former health care providers...
- 29 (1) Section 42 (former health care providers and social landlords:...
- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment etc)...
- 31 In the title to Schedule 2, after “MATTERS” insert “...

### *Commissioner for Older People (Wales) Act 2006*

- 32 The Commissioner for Older People (Wales) Act 2006 is amended...
- 33 In section 18 (power to disclose information), in subsection (1),...
- 34 In Schedule 4 (minor and consequential amendments), in paragraph 2,...

### *Government of Wales Act 2006*

- 35 In Schedule 10 to the Government of Wales Act 2006...

### *Welsh Language (Wales) Measure 2011*

- 36 (1) Schedule 3 to the Welsh Language (Wales) Measure 2011...

**Status:**

Point in time view as at 01/11/2014.

**Changes to legislation:**

Social Services and Well-being (Wales) Act 2014 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.