



# 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**

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##### *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

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### *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

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

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- 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

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- 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

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- 31 Part 3: interpretation

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- 33 Procedure for regulations under section 32
- 34 How to meet needs

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- 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

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39 Duty to maintain family contact

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- 40 Duty to meet support needs of an adult carer
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- 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

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- 47 Exception for provision of health services
- 48 Exception for provision of housing etc
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- 60 Persons upon whom charges may be imposed
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- 69 Charging for preventative services and assistance

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- 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

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- 96 Family visits to or by children: expenses
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- 99 Appointment of independent reviewing officer
- 100 Functions of the independent reviewing officer
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- 103 Befriending, advising and assisting looked after children
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- 116 Supplementary provision about support for young persons in further or higher education
- 117 Charging for provision under sections 109 to 115
- 118 Information

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- 119 Use of accommodation for restricting liberty

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

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

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- 125 Death of children being looked after by local authorities

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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

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

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- 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  
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### *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
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- 163 Arrangements to promote co-operation: children
- 164 Duty to co-operate and provide information in the exercise of social services functions
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- 170 Adoption service: joint arrangements

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### **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

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- 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

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- 182 Provision of advocacy services: restrictions
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#### *Miscellaneous*

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- 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

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



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*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...

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### *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...

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