

# Social Services and Wellbeing (Wales) Act 2014

# 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

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- 20 Refusal of a needs assessment for an adult

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- 22 Refusal of a needs assessment for a child aged 16 or 17
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37 Duty to meet care and support needs of a child

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- 48 Exception for provision of housing etc
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69 Charging for preventative services and assistance

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- 89 Regulations about placements of a kind mentioned in section 81(6)(d)
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- 121 Assessment of children accommodated in care homes or independent hospitals
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#### Status: Point in time view as at 04/09/2017.

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125	Death	of children	heino	looked	after by	local	authorities

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125A	Jurisdiction of courts
125B	Rules of court
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128	Duty to report adults at risk
129	Abolition of local authority's power to remove persons in need of care
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# 130 Duty to report children at risk

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- 132 The National Independent Safeguarding Board
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- 136 Safeguarding Boards: annual plans and reports
- 137 Supply of information requested by Safeguarding Boards
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- 139 Safeguarding Boards: supplementary
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# General duty of the Welsh Ministers

# 144C General duty of the Welsh Ministers

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1 4 7	D (		1
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- Directions to require compliance with codes of practice

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- 151 Warning notice
- 152 Power of Welsh Ministers to intervene
- Power to require local authority to obtain advisory services
- 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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- 161 Powers of entry and inspection

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# Co-operation

- Arrangements to promote co-operation: adults with needs for care and support and carers
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- 164A Duty of other persons to co-operate and provide information
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- 167 Resources for partnership arrangements
- 168 Partnership boards
- 169 Guidance about partnership arrangements

# Adoption

170 Adoption service: joint arrangements

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#### **PART 10**

# COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

#### **CHAPTER 1**

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- 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
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- 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

#### **CHAPTER 3**

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

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- Adults in prison, youth detention accommodation or bail accommodation etc
- 186 Children in youth detention accommodation, prison or bail accommodation etc
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- 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

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# Supplementary

- 193 Recovery of costs between local authorities
- 194 Ordinary residence
- 195 Disputes about ordinary residence and portability of care and support
- 195A Offences committed by bodies or partnerships

#### 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 A1 — Direct payments: after-care under the Mental Health Act 1983

#### General

1 Sections 50 (direct payments to meet an adult's needs), 51...

# Modifications to section 50

- 2 For subsection (1) of section 50 substitute—
- 3 In subsection (3) of that section—(a) in paragraph (a),...
- 4 In subsection (4) of that section— (a) in paragraph (a),...
- 5 In subsection (5) of that section—(a) in paragraph (a),...
- 6 In subsection (6)(b) of that section, for "A's needs for...

# Modifications to section 51

- 7 For subsection (1) of section 51 substitute—
- 8 In subsection (3)(a) and (b) of that section, for "who...
- 9 In subsection (5)(a) of that section, for "meeting the child's...

#### *Modifications to section 53*

- 10 In subsection (1) of section 53— (a) in the opening...
- 11 Omit subsections (2) to (8) of that section.
- 12 After subsection (8) of that section insert—
- 13 In subsection (9) of that section—(a) for ", 51...
- 14 In subsection (10) of that section, for "care and support...

# SCHEDULE 1 — CONTRIBUTIONS TOWARDS MAINTENANCE OF LOOKED AFTER CHILDREN

#### 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...

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#### Contribution orders

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

# Enforcement of contribution orders etc

4 CONTRIBUTIONS TOWARDS MAINTENANCE OF LOOKED AFTER CHILDREN

# 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
  - 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...

# 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)—

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- 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 cooperation)....
- 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 04/09/2017.

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