



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

2014 anaw 4

## PART 3

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing adults*

#### **19 Duty to assess the needs of an adult for care and support**

- (1) Where it appears to a local authority that an adult may have needs for care and support, the authority must assess—
  - (a) whether the adult does have needs for care and support, and
  - (b) if the adult does, what those needs are.
- (2) The duty under subsection (1) applies in relation to—
  - (a) an adult who is ordinarily resident in the authority's area, and
  - (b) any other adult who is within the authority's area.
- (3) The duty under subsection (1) applies regardless of the local authority's view of—
  - (a) the level of the adult's needs for care and support, or
  - (b) the level of the adult's financial resources.
- (4) In carrying out a needs assessment under this section, the local authority must—
  - (a) seek to identify the outcomes that the adult wishes to achieve in day to day life,
  - (b) assess whether, and if so, to what extent, the provision of—
    - (i) care and support,
    - (ii) preventative services, or
    - (iii) information, advice or assistance,could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs.
- (5) A local authority, in carrying out a needs assessment under this section, must involve—
  - (a) the adult, and
  - (b) where feasible, any carer that the adult has.
- (6) The nature of the needs assessment required by this section is one that the local authority considers proportionate in the circumstances, subject to any requirement in regulations under section 30.

## **20 Refusal of a needs assessment for an adult**

- (1) If an adult (or, where applicable, an authorised person) refuses a needs assessment under section 19, the duty under that section to assess the adult’s needs does not apply.
- (2) But a refusal under subsection (1) does not discharge a local authority from its duty under section 19 in the following cases—
  - CASE 1 - the local authority is satisfied, in the case of a refusal given by the adult, that—
    - (a) the adult lacks capacity to decide whether to refuse to have the assessment, but
    - (b) there is an authorised person to make the decision on the adult’s behalf;
  - CASE 2 - the local authority is satisfied, in the case of a refusal given by the adult, that—
    - (a) the adult lacks capacity to decide whether to refuse to have the assessment,
    - (b) there is no authorised person to make the decision on the adult’s behalf, and
    - (c) having the assessment would be in the adult’s best interests;
  - CASE 3 - the local authority suspects that the adult is experiencing or at risk of abuse or neglect.
- (3) Where a local authority has been discharged from its duty under section 19 by a refusal under this section, the duty is re-engaged if—
  - (a) the adult (or, where applicable, an authorised person) subsequently asks for an assessment, or
  - (b) the local authority considers that the adult’s needs or circumstances have changed,
 (subject to any further refusal under this section).
- (4) In this section “authorised person” means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide whether to refuse, or ask for, a needs assessment on the adult’s behalf.