

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 19 – Duty to assess the needs of an adult for care and support

38. **Section 19** requires local authorities to assess whether an adult has needs for care and support and if so, what those needs are. The duty is triggered where it appears to a local authority that an adult may have such needs.
39. Subsection (3) makes it clear that the duty to carry out an assessment applies regardless of the level of need for care and support and the level of the adult's financial resources.
40. The assessment must focus on the outcomes the adult wishes to achieve in his or her daily life: for example, to be able to live at home and feed himself or herself. The local authority must consider the extent to which the provision of care and support, preventative services, or the provision of information, advice or assistance, could help the adult to achieve those outcomes. It might be possible, for example, to help the adult achieve those outcomes by giving the adult support to access a range of services in the person's locality such as community equipment, community transport, and volunteer befriending services, as well as by providing more formal care and support.
41. Subsection (4)(c) requires the local authority to consider whether and to what extent other matters could help the adult reach the outcomes they want to achieve. These matters might include the adult's own capabilities and those of others, to achieve those outcomes themselves, or the removal of barriers to the achievement of those outcomes.
42. The assessment itself must be proportionate and must involve the adult and, where feasible, the adult's carer. Regulations under section 30 may impose further requirements in relation to the assessment.