



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

2014 anaw 4

## PART 3

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing carers*

#### **24 Duty to assess the needs of a carer for support**

- (1) Where it appears to a local authority that a carer may have needs for support, the authority must assess—
  - (a) whether the carer does have needs for support (or is likely to do so in the future), and
  - (b) if the carer does, what those needs are (or are likely to be in the future).
- (2) The duty under subsection (1) applies in relation to a carer who is providing or intends to provide care for—
  - (a) an adult or disabled child who is ordinarily resident in the authority's area, or
  - (b) any other adult or disabled child who is within the authority's area.
- (3) The duty under subsection (1) applies regardless of the authority's view of—
  - (a) the level of the carer's needs for support, or
  - (b) the level of the financial resources of the carer or the person for whom the carer provides or intends to provide care.
- (4) In carrying out a needs assessment under this section, the local authority must—
  - (a) assess the extent to which the carer is able, and will continue to be able, to provide care for the person for whom the carer provides or intends to provide care,
  - (b) assess the extent to which the carer is willing, and will continue to be willing, to do so,

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*Status: This is the original version (as it was originally enacted).*

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- (c) in the case of a carer who is an adult, seek to identify the outcomes that the carer wishes to achieve,
  - (d) in the case of a carer who is a child, seek to identify the outcomes that—
    - (i) the carer wishes to achieve, to the extent it considers appropriate having regard to the carer’s age and understanding,
    - (ii) the persons with parental responsibility for the carer wish to achieve in relation to the carer, to the extent it considers appropriate having regard to the need to promote the carer’s well-being, and
    - (iii) persons specified in regulations (if any) wish to achieve in relation to the carer,
  - (e) assess whether, and if so, to what extent, the provision of—
    - (i) 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
  - (f) 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 have regard to—
- (a) whether the carer works or wishes to do so,
  - (b) whether the carer is participating in or wishes to participate in education, training or any leisure activity, and
  - (c) in the case of a carer who is a child—
    - (i) the developmental needs of the child, and
    - (ii) whether it is appropriate for the child to provide the care (or any care) in light of those needs.
- (6) A local authority, in carrying out a needs assessment under this section, must involve—
- (a) the carer, and
  - (b) where feasible, the person for whom the carer provides or intends to provide care.
- (7) 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.