



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

2014 anaw 4

## PART 3

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing carers*

#### **25 Refusal of a needs assessment for an adult carer**

- (1) If a carer who is an adult (or, where applicable, an authorised person) refuses a needs assessment under section 24, the duty under that section to assess the carer's needs does not apply.
- (2) But a refusal under subsection (1) does not discharge a local authority from its duty under section 24 in the following cases—
  - CASE 1 - the local authority is satisfied, in the case of a refusal given by the carer, that—
    - (a) the carer lacks capacity to decide whether to refuse to have the assessment, but
    - (b) there is an authorised person to make the decision on the carer's behalf;
  - CASE 2 - the local authority is satisfied, in the case of a refusal given by the carer, that—
    - (a) the carer lacks capacity to decide whether to refuse to have the assessment,
    - (b) there is no authorised person to make the decision on the carer's behalf, and
    - (c) having the assessment would be in the carer's best interests.
- (3) Where a local authority has been discharged from its duty under section 24 by a refusal under this section, the duty is re-engaged if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the carer (or, where applicable, an authorised person) subsequently asks for an assessment, or
  - (b) the local authority considers that the carer'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 carer's behalf.