



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 3

ASSESSING THE NEEDS OF INDIVIDUALS

Assessing carers

27 Refusal of a needs assessment for a carer aged under 16

- (1) If—
- (a) a carer aged under 16 refuses a needs assessment under section 24, and
 - (b) the local authority is satisfied that the carer has sufficient understanding to make an informed decision about the refusal of the assessment,
- the duty under that section to assess the carer's needs does not apply.
- (2) If a person with parental responsibility for a carer aged under 16 refuses a needs assessment for the carer under section 24, the duty under that section to assess the carer's needs does not apply.
- (3) But a refusal under subsection (1) or (2) 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 a person with parental responsibility for the carer, that the person lacks capacity to decide whether to refuse the assessment;
- CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that the carer—
- (a) has sufficient understanding to make an informed decision about the refusal of the assessment, and
 - (b) does not agree with the refusal given by the person with parental responsibility for the carer;

Status: This is the original version (as it was originally enacted).

CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that not having the assessment would be inconsistent with the carer's well-being.

- (4) 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—
- (a) the carer subsequently asks for an assessment and the local authority is satisfied that the carer has sufficient understanding to make an informed decision about having an assessment,
 - (b) a person with parental responsibility for the carer subsequently asks for an assessment, or
 - (c) the local authority considers that the carer's needs or circumstances, or the needs or circumstances of a person with parental responsibility for the carer, have changed,
- (subject to any further refusal under this section).