



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

2014 anaw 4

## PART 7

### SAFEGUARDING

#### *Adults at risk*

#### 126 Adults at risk

- (1) An “adult at risk”, for the purposes of this Part, is an adult who—
  - (a) is experiencing or is at risk of abuse or neglect,
  - (b) has needs for care and support (whether or not the authority is meeting any of those needs), and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- (2) If a local authority has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk, it must—
  - (a) make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken (whether under this Act or otherwise) and, if so, what and by whom, and
  - (b) decide whether any such action should be taken.
- (3) Regulations made under section 54(5) (care and support plans) must include provision about recording in a care and support plan the conclusions of enquiries made under this section.

#### Commencement Information

**II** S. 126 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

*Status: Point in time view as at 01/09/2022.*

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Adults at risk is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **127 Adult protection and support orders**

- (1) An authorised officer may apply to a justice of the peace for an order (“an adult protection and support order”) in relation to a person living in any premises within a local authority’s area.
- (2) The purposes of an adult protection and support order are—
  - (a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk,
  - (b) to enable the authorised officer to ascertain whether that person is making decisions freely, and
  - (c) to enable the authorised officer properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken.
- (3) When an adult protection and support order is in force the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).
- (4) The justice of the peace may make an adult protection and support order if satisfied that—
  - (a) the authorised officer has reasonable cause to suspect that a person is an adult at risk,
  - (b) it is necessary for the authorised officer to gain access to the person in order properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken,
  - (c) making an order is necessary in order to fulfil the purposes set out in subsection (2), and
  - (d) exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect.
- (5) An adult protection and support order must—
  - (a) specify the premises to which it relates;
  - (b) provide that the authorised officer may be accompanied by a constable;
  - (c) specify the period for which the order is to be in force.
- (6) Other conditions may be attached to an adult protection and support order, for example—
  - (a) specifying restrictions on the time at which the power of entry conferred by the order may be exercised;
  - (b) providing for the authorised officer to be accompanied by another specified person;
  - (c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk.
- (7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult protection and support order set out in subsection (2).
- (8) On entering the premises in accordance with an adult protection and support order the authorised officer must—
  - (a) state the object of the visit,

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- (b) produce evidence of the authorisation to enter the premises, and
- (c) provide an explanation to the occupier of the premises of how to complain about how the power of entry has been exercised.

(9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section, but regulations may set restrictions on the persons or categories of persons who may be authorised.

#### Commencement Information

**I2** S. 127 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

### 128 Duty to report adults at risk

- (1) If a relevant partner of a local authority has reasonable cause to suspect that a person is an adult at risk and appears to be within the authority's area, it must inform the local authority of that fact.
- (2) If the person that the relevant partner has reasonable cause to suspect is an adult at risk appears to be within the area of a local authority other than one of which it is a relevant partner, it must inform that other local authority.
- (3) If a local authority has reasonable cause to suspect that a person within its area at any time is an adult at risk and is living or proposing to live in the area of another local authority (or a local authority in England), it must inform that other authority.
- (4) For the purpose of this section a relevant partner of a local authority is a person who is a relevant partner of the authority for the purposes of section 162.

#### Commencement Information

**I3** S. 128 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

### 129 Abolition of local authority's power to remove persons in need of care and attention

Section 47 of the National Assistance Act 1948 (which enables local authorities to apply for a court order to remove persons in need of care and attention from home to hospitals or other places) ceases to apply to persons in Wales.

#### Commencement Information

**I4** S. 129 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

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