



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

2014 anaw 4

## PART 2

### GENERAL FUNCTIONS

#### *Overarching duties*

#### **5 Well-being duty**

A person exercising functions under this Act must seek to promote the well-being of—

- (a) people who need care and support, and
- (b) carers who need support.

#### **Commencement Information**

**II** S. 5 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

#### **6 Other overarching duties: general**

(1) A person exercising functions under this Act in relation to—

- (a) an individual who has, or may have, needs for care and support,
- (b) a carer who has, or may have, needs for support, or
- (c) an individual in respect of whom functions are exercisable under Part 6 (looked after children etc),

must comply with the duties in subsection (2).

(2) The person must—

- (a) in so far as is reasonably practicable, ascertain and have regard to the individual's views, wishes and feelings,

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*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Overarching duties is up to date with all changes known to be in force on or before 05 September 2019. 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) View outstanding changes*

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- (b) have regard to the importance of promoting and respecting the dignity of the individual,
  - (c) have regard to the characteristics, culture and beliefs of the individual (including, for example, language), and
  - (d) have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason.
- (3) A person exercising functions under this Act in relation to an adult falling within subsection (1)(a), (b) or (c) must, in addition, have regard to—
- (a) the importance of beginning with the presumption that the adult is best placed to judge the adult's well-being, and
  - (b) the importance of promoting the adult's independence where possible.
- (4) A person exercising functions under this Act in relation to a child falling within subsection (1)(a), (b) or (c), in addition—
- (a) must have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the well-being of the child, and
  - (b) where the child is under the age of 16, must ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is—
    - (i) consistent with promoting the well-being of the child, and
    - (ii) reasonably practicable.

**Modifications etc. (not altering text)**

- C1** S. 6(4)(b) applied by SI 2005/1313, reg. 46A(2) (as inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) and Care Planning, Placement and Case Review \(Miscellaneous Amendments\) \(Wales\) Regulations 2016 \(S.I. 2016/216\)](#), regs. 1(2), 5(8))

**Commencement Information**

- I2** S. 6 in force at 6.4.2016 by [S.I. 2016/412](#), art. 2 (with art. 4, Schs. 1, 2)

**7 Other overarching duties: UN Principles and Convention**

- (1) A person exercising functions under this Act in relation to an adult falling within section 6(1)(a) or (b) must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.
- (2) A person exercising functions under this Act in relation to a child falling within section 6(1)(a), (b) or (c) must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (“the Convention”).
- (3) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect—

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**Changes to legislation:** *Social Services and Well-being (Wales) Act 2014, Cross Heading: Overarching duties is up to date with all changes known to be in force on or before 05 September 2019. 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) View outstanding changes*

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- (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
  - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (4) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).

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**Commencement Information**

**I3** S. 7 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

Social Services and Well-being (Wales) Act 2014, Cross Heading: Overarching duties is up to date with all changes known to be in force on or before 05 September 2019. 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(9)(ba) inserted by [2016 anaw 2 Sch. 3 para. 30\(a\)\(i\)](#)
- s. 1(9)(ca) inserted by [2016 anaw 2 Sch. 3 para. 30\(a\)\(ii\)](#)
- s. 1(9)(da) substituted for word by [2016 anaw 2 Sch. 3 para. 30\(a\)\(iii\)](#)
- s. 83(2A)-(2D) inserted by [2018 anaw 2 s. 16\(2\)](#)
- s. 83(10) inserted by [2018 anaw 2 s. 16\(9\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))
- s. 196(6)(ca) inserted by [2018 anaw 2 Sch. 1 para. 24\(4\)](#)