



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 3

ASSESSING THE NEEDS OF INDIVIDUALS

Assessing adults

20 Refusal of a needs assessment for an adult

- (1) If an adult (or, where applicable, an authorised person) refuses a needs assessment under section 19, the duty under that section to assess the adult's needs does not apply.
- (2) But a refusal under subsection (1) does not discharge a local authority from its duty under section 19 in the following cases—
 - CASE 1 - the local authority is satisfied, in the case of a refusal given by the adult, that—
 - (a) the adult lacks capacity to decide whether to refuse to have the assessment, but
 - (b) there is an authorised person to make the decision on the adult's behalf;
 - CASE 2 - the local authority is satisfied, in the case of a refusal given by the adult, that—
 - (a) the adult lacks capacity to decide whether to refuse to have the assessment,
 - (b) there is no authorised person to make the decision on the adult's behalf, and
 - (c) having the assessment would be in the adult's best interests;
 - CASE 3 - the local authority suspects that the adult is experiencing or at risk of abuse or neglect.
- (3) Where a local authority has been discharged from its duty under section 19 by a refusal under this section, the duty is re-engaged if—

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 20 is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

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

Commencement Information

II S. 20 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

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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. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- 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))