



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

2014 anaw 4

## PART 3

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing children*

#### **21 Duty to assess the needs of a child for care and support**

- (1) Where it appears to a local authority that a child may need care and support in addition to, or instead of, the care and support provided by the child's family, the authority must assess—
  - (a) whether the child does need care and support of that kind, and
  - (b) if the child does, what those needs are.
- (2) The duty under subsection (1) applies in relation to—
  - (a) a child who is ordinarily resident in the authority's area, and
  - (b) any other child who is within the authority's area.
- (3) The duty under subsection (1) applies regardless of the local authority's view of—
  - (a) the level of the child's needs for care and support, or
  - (b) the level of the financial resources of the child or any person with parental responsibility for the child.
- (4) In carrying out a needs assessment under this section, the local authority must—
  - (a) assess the developmental needs of the child,
  - (b) seek to identify the outcomes that—
    - (i) the child wishes to achieve, to the extent it considers appropriate having regard to the child's age and understanding,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) the persons with parental responsibility for the child wish to achieve in relation to the child, to the extent it considers appropriate having regard to the need to promote the child’s well-being, and
    - (iii) persons specified in regulations (if any) wish to achieve in relation to the child,
  - (c) assess whether, and if so, to what extent, the provision of—
    - (i) care and support,
    - (ii) preventative services, or
    - (iii) information, advice or assistance,could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment,
  - (d) assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs, and
  - (e) take account of any other circumstances affecting the child’s well-being.
- (5) A local authority, in carrying out a needs assessment under this section, must involve—
  - (a) the child, and
  - (b) any person with parental responsibility for the child.
- (6) The nature of the needs assessment required by this section is one that the local authority considers proportionate in the circumstances, subject to any requirement in regulations under section 30.
- (7) For the purposes of subsection (1) a disabled child is presumed to need care and support in addition to, or instead of, the care and support provided by the child’s family.
- (8) This section does not apply to a child looked after by—
  - (a) a local authority,
  - (b) a local authority in England,
  - (c) a local authority in Scotland, or
  - (d) a Health and Social Care trust.