



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

2014 anaw 4

## PART 3

### ASSESSING THE NEEDS OF INDIVIDUALS

#### *Assessing children*

#### **23 Refusal of a needs assessment for a child aged under 16**

- (1) If—
- (a) a child aged under 16 refuses a needs assessment under section 21, and
  - (b) the local authority is satisfied that the child has sufficient understanding to make an informed decision about the refusal of the assessment,
- the duty under that section to assess the child's needs does not apply.
- (2) If a person with parental responsibility for a child aged under 16 refuses a needs assessment for that child under section 21, the duty under that section to assess the child'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 21 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 child, 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 child, that the child—
- (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 child;

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 23 is up to date with all changes known to be in force on or before 24 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*

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

CASE 4 – the local authority suspects that the child is experiencing or at risk of abuse, neglect or other kinds of harm.

- (4) Where a local authority has been discharged from its duty under section 21 by a refusal under this section, the duty is re-engaged if—
- (a) the child subsequently asks for an assessment and the local authority is satisfied that the child has sufficient understanding to make an informed decision about having an assessment,
  - (b) a person with parental responsibility for the child subsequently asks for an assessment, or
  - (c) the local authority considers that the child's needs or circumstances, or the needs or circumstances of a person with parental responsibility for the child, have changed,
- (subject to any further refusal under this section).

#### **Commencement Information**

**II** S. 23 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, Section 23 is up to date with all changes known to be in force on or before 24 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.

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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))