

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 21 – Duty to assess the needs of a child for care and support

50. **Section 21** makes similar provision in relation to the assessment of a child's needs to that which is made by section 19 in relation to the assessment of an adult's needs. Local authorities are required to assess whether a child has needs for care and support in addition to, or instead of, the care and support provided by the child's family and if so, what those needs are. The duty is triggered where it appears to a local authority that a child may have needs for care and support. 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. This means that in most cases a local authority will be obliged to assess the needs of a disabled child.
51. The duty to carry out the assessment applies regardless of the level of the child's need for care and support. The duty to assess also applies regardless of the financial resources of any adult on whom a charge might be imposed for meeting the child's needs for care and support.
52. There are particular considerations that apply to the assessment of children. The assessment must take into account the developmental needs of the child, and seek to identify the outcomes the child wishes to achieve, taking account of the child's age and understanding in doing so. It must also seek to identify the outcomes that those with parental responsibility for the child wish the child to achieve, to the extent that this is appropriate having regard to the need to promote the child's well-being, and to identify the outcomes that any persons specified in regulations wish the child to achieve. Such outcomes might include outcomes relating to physical, social or behavioural development and, for older children, outcomes relating to self-care skills or access to education and training.
53. There must be an assessment of the extent to which the provision of care and support, preventative services, or the provision of information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment. For example a child might be capable of having some needs met through access to services such as youth clubs, Families First or Flying Start, whilst requiring a managed care and support plan to meet other needs identified through the assessment framework.
54. Subsection (4)(d) requires the assessment to consider, in addition, the extent to which other matters could contribute to the achievement of the desired outcomes or otherwise meet the child's needs. Such matters might, for example, include education or housing provision.
55. In undertaking the assessment, the local authority must involve the child and any person who has parental responsibility for the child.

*These notes refer to the Social Services and Well-being (Wales)
Act 2014 (c.4) which received Royal Assent on 1 May 2014*

56. The assessment itself must be proportionate. Regulations under section 30 may impose further requirements in relation to the assessment.
57. The duty to carry out an assessment under this section does not apply in relation to a child looked after by a local authority in Wales, England or Scotland or by a Health and Social Care Trust in Northern Ireland. Separate provision is made in Part 6 for children who are looked after by a local authority in Wales.