



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 3

ASSESSING THE NEEDS OF INDIVIDUALS

Supplementary

28 Combining needs assessments for a carer and a cared for person

- (1) Where a person who appears to need care and support has a carer, a local authority may combine—
 - (a) the person's needs assessment under section 19 or 21, and
 - (b) the carer's needs assessment under section 24,but this is subject to subsections (2) to (4).
- (2) A local authority may not combine a needs assessment for an adult (whether under section 19 or 24) with a needs assessment for another person unless—
 - (a) the adult (or, where applicable, an authorised person) gives valid consent, or
 - (b) the requirement for valid consent may be dispensed with.
- (3) A local authority may not combine a needs assessment for a child aged 16 or 17 (whether under section 21 or 24) with a needs assessment for another person unless—
 - (a) the child (or, where applicable, an authorised person) gives valid consent,
 - (b) a person with parental responsibility for the child gives valid consent in circumstances in which the local authority is satisfied that—
 - (i) the child lacks capacity to decide whether to consent to the combining of the needs assessments, and
 - (ii) there is no authorised person to make the decision on the child's behalf, or
 - (c) the requirement for valid consent may be dispensed with.

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- (4) A local authority may not combine a needs assessment for a child aged under 16 (whether under section 21 or 24) with a needs assessment for another person unless—
- (a) the child or a person with parental responsibility for the child gives valid consent, or
 - (b) the requirement for valid consent may be dispensed with.
- (5) Consent given under subsection (2), (3) or (4) is valid except in the following cases—
- CASE 1 - the local authority is satisfied, in the case of consent given by an adult or a child aged 16 or 17, that the adult or child lacks capacity to consent to the combination of the needs assessments;
- CASE 2 - the local authority is satisfied, in the case of consent given by a child aged under 16, that the child does not have sufficient understanding to make an informed decision about the combination of the needs assessments;
- CASE 3 - the local authority is satisfied, in the case of consent given by a person with parental responsibility for a child aged under 16 in relation to the child's needs assessment, that the child—
- (a) has sufficient understanding to make an informed decision about the combination of the needs assessments, and
 - (b) does not agree with the consent given by the person with parental responsibility.
- (6) A local authority may dispense with the requirement for valid consent in the following cases—
- CASE 1 - the local authority is satisfied, with regard to the needs assessment of an adult, that—
- (a) there is no person who may give valid consent, and
 - (b) combining the needs assessments would be in the adult's best interests;
- CASE 2 - the local authority is satisfied, with regard to the needs assessment of a child aged 16 or 17, that—
- (a) the child lacks capacity to give valid consent,
 - (b) there is no authorised person who may give valid consent on the child's behalf, and
 - (c) combining the needs assessments would be in the child's best interests;
- CASE 3 - the local authority is satisfied, with regard to the needs assessment of a child aged under 16, that—
- (a) the child does not have sufficient understanding to make an informed decision about the combination of the needs assessments, and
 - (b) combining the needs assessments would be consistent with the child's well-being.
- (7) 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 consent to the combination of the needs assessments on the adult or child's behalf.

Commencement Information

II S. 28 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

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29 Combining needs assessments and other assessments

- (1) Where a person who appears to need support as a carer also appears to have needs for care and support in his or her own right, a local authority may combine a needs assessment for that person under section 24 with a needs assessment for that person under section 19 or 21.
- (2) A local authority may carry out a needs assessment for a person at the same time as it or another body carries out another assessment under any enactment in relation to that person.
- (3) For the purposes of subsection (2)—
 - (a) the local authority may carry out the other assessment on behalf of or jointly with the other body, or
 - (b) if the other body has already arranged for the other assessment to be carried out jointly with another person, the local authority may carry out the other assessment jointly with the other body and that other person.

Commencement Information

I2 S. 29 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

30 Regulations about assessment

- (1) Regulations must make provision about carrying out needs assessments.
- (2) Regulations under this section must make provision for the review of needs assessments, and may, for example, specify—
 - (a) the persons who may request a review of an assessment (on their own behalf or on behalf of another person);
 - (b) the circumstances in which a local authority—
 - (i) may refuse to comply with a request for a review of an assessment, and
 - (ii) may not refuse to do so.
- (3) Regulations under this section may also, for example, provide for—
 - (a) further persons whom a local authority must involve in carrying out an assessment under section 19, 21 or 24;
 - (b) the way in which an assessment is to be carried out, by whom and when;
 - (c) the recording of the results of an assessment;
 - (d) the considerations to which a local authority is to have regard in carrying out an assessment;
 - (e) powers to provide information for the purposes of assessment.

Commencement Information

I3 S. 30 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

31 Part 3: interpretation

In this Part—

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“information, advice or assistance” (“gwybodaeth, cyngor neu gynhorthwy”) means information, advice or assistance that may be provided by virtue of section 17;

“preventative services” (“gwasanaethau ataliol”) means services that may be provided by virtue of section 15.

Commencement Information

I4 S. 31 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

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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\(4\)](#)