



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

## 2014 anaw 4

### SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

#### **PART 1**

##### INTRODUCTION

###### *Overview*

- 1 Overview of this Act

###### *Key terms*

- 2 Meaning of “well-being”
- 3 Meaning of “adult”, “child”, “carer” and “disabled”
- 4 Meaning of “care and support”

#### **PART 2**

##### GENERAL FUNCTIONS

###### *Overarching duties*

- 5 Well-being duty
- 6 Other overarching duties: general
- 7 Other overarching duties: UN Principles and Convention

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- 8 Duty to issue a statement of the outcomes to be achieved
- 9 Power to issue a code to help achieve the outcomes
- 10 Local authorities and the code
- 11 Issue, approval and revocation of the code
- 12 Power to help local authorities to comply with the code's requirements
- 13 Publication of information and reports

*Status: Point in time view as at 06/04/2016.*

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### *Local arrangements*

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- 14A Plans following assessments of needs under section 14
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- 16 Promoting social enterprises, co-operatives, user led services and the third sector
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- 18 Registers of sight-impaired, hearing-impaired and other disabled people

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- 26 Refusal of a needs assessment for a carer aged 16 or 17
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- 29 Combining needs assessments and other assessments
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- 31 Part 3: interpretation

## **PART 4**

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- 34 How to meet needs

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- 43 Duty to meet support needs of a child carer: supplementary
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- 45 Power to meet support needs of a carer

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- 48 Exception for provision of housing etc
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- 89 Regulations about placements of a kind mentioned in section 81(6)(d)
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125C Privacy for children involved in proceedings under this Part  
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127 Adult protection and support orders  
128 Duty to report adults at risk  
129 Abolition of local authority's power to remove persons in need of care and attention

#### *Children at risk*

- 130 Duty to report children at risk

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- 131 Guidance about adults at risk and children at risk

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- 132 The National Independent Safeguarding Board  
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- 134 Safeguarding Children Boards and Safeguarding Adults Boards  
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136 Safeguarding Boards: annual plans and reports  
137 Supply of information requested by Safeguarding Boards  
138 Funding of Safeguarding Boards  
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### *Codes*

- 145 Power to issue codes
- 146 Issue, approval and revocation of codes
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- 148 Policy statements: requirements and ancillary powers
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### *Intervention by central government*

- 150 Grounds for intervention
- 151 Warning notice
- 152 Power of Welsh Ministers to intervene
- 153 Power to require local authority to obtain advisory services
- 154 Power to require performance of functions by other persons on behalf of authority
- 155 Power to require performance of functions by Welsh Ministers or nominee
- 156 Power to direct exercise of other social services functions
- 157 General power to give directions and take steps
- 158 Intervention: duty to report
- 159 Directions
- 160 Duty to co-operate
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### **CO-OPERATION AND PARTNERSHIP**

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- 162 Arrangements to promote co-operation: adults with needs for care and support and carers
- 163 Arrangements to promote co-operation: children
- 164 Duty to co-operate and provide information in the exercise of social services functions
- 164A Duty of other persons to co-operate and provide information
- 165 Promoting integration of care and support with health services etc

#### *Partnership arrangements*

- 166 Partnership arrangements
- 167 Resources for partnership arrangements
- 168 Partnership boards
- 169 Guidance about partnership arrangements

#### *Adoption*

- 170 Adoption service: joint arrangements

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## **PART 10**

### COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

#### **CHAPTER 1**

##### COMPLAINTS AND REPRESENTATIONS ABOUT SOCIAL SERVICES

- 171 Complaints about social services
- 172 Complaints about social services: supplementary
- 173 Assistance for complainants
- 174 Representations relating to certain children etc
- 175 Representations relating to certain children etc: further provision
- 176 Representations relating to former looked after children etc
- 177 Further consideration of representations
- 178 Assistance for persons making representations

#### **CHAPTER 2**

##### COMPLAINTS ABOUT PRIVATE SOCIAL CARE AND PALLIATIVE CARE

- 179 Investigation of complaints about privately arranged or funded social care and palliative care
- 180 Independent advocacy services for complaints about privately arranged or funded palliative care

#### **CHAPTER 3**

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- 182 Provision of advocacy services: restrictions
- 183 Publicising advocacy services in care homes

## **PART 11**

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

- 184 Research and provision of information
- 185 Adults in prison, youth detention accommodation or bail accommodation etc
- 186 Children in youth detention accommodation, prison or bail accommodation etc
- 187 Persons in prison, youth detention accommodation or bail accommodation etc
- 188 Interpretation of sections 185 to 187
- 189 Provider failure: temporary duty on local authority
- 190 Provider failure: exception to temporary duty
- 191 Provider failure: supplementary
- 192 Amendment of the National Assistance Act 1948



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### *Supplementary*

- 193 Recovery of costs between local authorities
- 194 Ordinary residence
- 195 Disputes about ordinary residence and portability of care and support
- 195A Offences committed by bodies or partnerships

### *General*

- 196 Orders and regulations
- 197 General interpretation and index of defined expressions
- 198 Power to make consequential and transitional provision etc
- 199 Commencement
- 200 Short title

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## SCHEDULE A1 — Direct payments: after-care under the Mental Health Act 1983

### *General*

- 1 Sections 50 (direct payments to meet an adult's needs), 51...

#### *Modifications to section 50*

- 2 For subsection (1) of section 50 substitute—
- 3 In subsection (3) of that section— (a) in paragraph (a),...
- 4 In subsection (4) of that section— (a) in paragraph (a),...
- 5 In subsection (5) of that section— (a) in paragraph (a),...
- 6 In subsection (6)(b) of that section, for “A's needs for...”

#### *Modifications to section 51*

- 7 For subsection (1) of section 51 substitute—
- 8 In subsection (3)(a) and (b) of that section, for “who...”
- 9 In subsection (5)(a) of that section, for “meeting the child's...”

#### *Modifications to section 53*

- 10 In subsection (1) of section 53— (a) in the opening...
- 11 Omit subsections (2) to (8) of that section.
- 12 After subsection (8) of that section insert—
- 13 In subsection (9) of that section— (a) for “, 51...”
- 14 In subsection (10) of that section, for “care and support...”

## SCHEDULE 1 — CONTRIBUTIONS TOWARDS MAINTENANCE OF LOOKED AFTER CHILDREN

### *Liability to contribute*

- 1 (1) Where a local authority is looking after a child...

### *Agreed contributions*

- 2 (1) Contributions towards a child's maintenance may only be recovered...

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### *Contribution orders*

- 3 (1) Where a contributor has been served with a contribution...

### *Enforcement of contribution orders etc*

- 4 CONTRIBUTIONS TOWARDS MAINTENANCE OF LOOKED  
AFTER CHILDREN

### *Regulations*

- 5 Regulations may provide for— (a) the considerations which a local...

### *Service of contribution notice*

- 6 (1) A contribution notice required under this Schedule to be...

## SCHEDULE 2 — SOCIAL SERVICES FUNCTIONS

## SCHEDULE 3 — INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED SOCIAL CARE AND PALLIATIVE CARE

### PART 1 — NEW PARTS 2A AND 2B FOR THE PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

- 1 The Public Services Ombudsman (Wales) Act 2005 is amended as...  
2 After Part 2 (investigation of complaints) insert— PART 2A  
INVESTIGATION...  
3 Until the coming into force of Part 5 of the...  
4 After Schedule 3 (listed authorities) insert— SCHEDULE 3A  
EXCLUDED MATTERS:...

### PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO THE OMBUDSMAN

### *Local Government Act 1974*

- 5 The Local Government Act 1974 is amended as follows.  
6 In section 29 (investigations: further provisions), in subsection (5), for...  
7 In section 33 (consultation between Local Commissioner, the  
Parliamentary Commissioner...  
8 In section 34G (investigations: further provisions), in subsection (2),  
for...  
9 In section 34M (consultation with other Commissioners), in  
subsection (7),...

### *Local Government Act 2000*

- 10 The Local Government Act 2000 is amended as follows.  
11 Section 67 (consultation with ombudsmen) has effect, until the repeal...  
12 In section 70 (investigations: further provisions), in subsection (2), in...

### *Public Services Ombudsman (Wales) Act 2005*

- 13 The Public Services Ombudsman (Wales) Act 2005 is amended as...  
14 In the heading to Part 2 (investigation of complaints), after...  
15 In section 2 (power of investigation)— (a) in subsection (1),...  
16 In section 4 (who can complain), in subsection (1)—

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- 17 In section 7 (matters which may be investigated), in subsection...
- 18 In section 9 (exclusion: other remedies)— (a) in subsection (1),...
- 19 In section 10 (other excluded matters), in subsection (1), after...
- 20 In section 14 (information, documents, evidence and facilities), before subsection...
- 21 In section 23 (special reports: supplementary)— (a) in subsection (1),...
- 22 Omit the italic cross-heading before section 25 (consultation and co-operation)....
- 23 Omit sections 25 to 25B (consultation and co-operation).
- 24 Omit the italic cross-heading before section 26 (disclosure).
- 25 Omit sections 26 and 27 (disclosure of information).
- 26 Omit section 32 (protection from defamation claims).
- 27 In section 41 (interpretation), in subsection (1)—
- 28 In the heading to section 42 (former health care providers...
- 29 (1) Section 42 (former health care providers and social landlords:...
- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment etc)...
- 31 In the title to Schedule 2, after “MATTERS” insert “...

*Commissioner for Older People (Wales) Act 2006*

- 32 The Commissioner for Older People (Wales) Act 2006 is amended...
- 33 In section 18 (power to disclose information), in subsection (1),...
- 34 In Schedule 4 (minor and consequential amendments), in paragraph 2,...

*Government of Wales Act 2006*

- 35 In Schedule 10 to the Government of Wales Act 2006...

*Welsh Language (Wales) Measure 2011*

- 36 (1) Schedule 3 to the Welsh Language (Wales) Measure 2011...

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