



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

*Transition for children to adult care and support, etc.*

VALID FROM 01/04/2015

#### **58 Assessment of a child's needs for care and support**

- (1) Where it appears to a local authority that a child is likely to have needs for care and support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the child to do so and if the consent condition is met, assess—
  - (a) whether the child has needs for care and support and, if so, what those needs are, and
  - (b) whether the child is likely to have needs for care and support after becoming 18 and, if so, what those needs are likely to be.
- (2) An assessment under subsection (1) is referred to in this Part as a “child's needs assessment”.
- (3) The consent condition is met if—
  - (a) the child has capacity or is competent to consent to a child's needs assessment being carried out and the child does so consent, or
  - (b) the child lacks capacity or is not competent so to consent but the authority is satisfied that carrying out a child's needs assessment would be in the child's best interests.
- (4) Where a child refuses a child's needs assessment and the consent condition is accordingly not met, the local authority must nonetheless carry out the assessment if the child is experiencing, or is at risk of, abuse or neglect.

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*Status: Point in time view as at 07/07/2014. This version of this provision is not valid for this point in time.*

*Changes to legislation: Care Act 2014, Section 58 is up to date with all changes known to be in force on or before 27 May 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)*

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- (5) Where a local authority, having received a request to carry out a child's assessment from the child concerned or a parent or carer of the child, decides not to comply with the request, it must give the person who made the request—
  - (a) written reasons for its decision, and
  - (b) information and advice about what can be done to prevent or delay the development by the child of needs for care and support in the future.
- (6) “Parent”, in relation to a child, includes—
  - (a) a parent of the child who does not have parental responsibility for the child, and
  - (b) a person who is not a parent of the child but who has parental responsibility for the child.
- (7) “Carer”, in relation to a child, means a person, other than a parent, who is providing care for the child, whether or not under or by virtue of a contract or as voluntary work.
- (8) The reference to providing care includes a reference to providing practical or emotional support.

**Status:**

Point in time view as at 07/07/2014. This version of this provision is not valid for this point in time.

**Changes to legislation:**

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