



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

2014 anaw 4

## PART 8

### SOCIAL SERVICES FUNCTIONS

#### *Local authorities*

#### **143 Social services functions of local authorities**

- (1) For the purposes of this Act, the social services functions of a local authority are its functions under the enactments mentioned in the first column of the table in Schedule 2 to this Act (being the functions which are described in general terms in the second column of that Schedule).
- (2) The Welsh Ministers may by order—
  - (a) add entries to the table;
  - (b) remove entries from the table;
  - (c) amend entries in the table.

#### **Commencement Information**

**II** S. 143 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

#### **144 Directors of social services**

- (1) A local authority must appoint an officer, to be known as the director of social services, for the purposes of its social services functions.

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- (2) A local authority may not appoint a person to be its director of social services unless it is satisfied that the person has demonstrated competencies specified by the Welsh Ministers.
- (3) The Welsh Ministers must specify the competencies for the purpose of subsection (2) in a code issued under section 145 or in regulations.
- (4) Two or more local authorities may, if they consider that the same person can efficiently discharge, for both or all of them, the functions of a director of social services, appoint one person as director of social services for both or all of those authorities.
- (5) A local authority which has appointed, or jointly appointed, a person under this section must secure the provision of adequate staff for the purposes of its social services functions in order to assist the director.

#### Commencement Information

**I2** S. 144 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

#### [<sup>F1</sup>144A Annual reports

- (1) As soon as is reasonably practicable after the end of a financial year, a local authority must prepare and publish an annual report about the exercise of the social services functions of the authority in respect of that year.
- (2) The annual report must include—
  - (a) details of how the authority has exercised its social services functions during the financial year, including details of the extent to which the authority has—
    - (i) acted in accordance with requirements imposed on local authorities by a code issued under section 9 (codes to help achieve outcomes in relation to well-being),
    - (ii) acted in accordance with any relevant requirements contained in a code issued under section 145 (codes about the exercise of social services functions), and
    - (iii) had regard to any relevant guidelines in a code issued under section 145, and
  - (b) such other information as may be prescribed by regulations.
- (3) The details provided under subsection (2)(a)(ii) must state how the authority has satisfied any requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3 and meeting needs under Part 4.
- (4) An annual report must be in such form as may be prescribed by regulations.
- (5) A local authority must send a copy of a published annual report to the Welsh Ministers.
- (6) In this section, “financial year” means the period of one year beginning on 1 April and ending on 31 March.

#### Textual Amendments

**F1** [Ss. 144A-144C](#) inserted (4.9.2017 for the insertion of s. 144A, 29.4.2019 for the insertion of s. 144C, 23.2.2021 for the insertion of s. 144B for specified purposes) by [Regulation and Inspection of Social](#)

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Care (Wales) Act 2016 (anaw 2), ss. 56(1), 188(1); S.I. 2017/846, art. 2(a); S.I. 2019/864, art. 2(3)(b); S.I. 2021/181, reg. 2(a)

#### **144B Local market stability reports**

- (1) A local authority must prepare and publish a local market stability report at such times as may be prescribed by regulations.
- (2) A local market stability report must include—
  - (a) an assessment of—
    - (i) the sufficiency of provision of care and support in the local authority area during such period as may be prescribed by regulations;
    - (ii) the extent to which regulated services were provided in the local authority area during that prescribed period by service providers to whom section 61 of the Regulation and Inspection of Social Care (Wales) Act 2016 (assessment by the Welsh Ministers of financial sustainability of service provider) applies;
    - (iii) any other matter relating to the provision of regulated services in the local authority area as may be prescribed by regulations;
    - (iv) the effect on the exercise of the local authority's social services functions of the commissioning by the authority of any services in connection with those functions during such period as may be prescribed by regulations;
  - (b) a report of any action taken by the local authority during the period prescribed under paragraph (a)(i) in pursuance of its duty under section 189(2) (temporary duty to meet needs in the case of a provider failure).
- (3) A local market stability report must be in such form as may be prescribed by regulations.
- (4) In preparing a local market stability report, a local authority must—
  - (a) take account of—
    - (i) the assessment it has most recently published under section 14 (needs assessments), and
    - (ii) the plan it has most recently published under section 14A following the assessment, and
  - (b) consult with each Local Health Board with which it carried out the assessment.
- (5) A local authority must send a copy of a published local market stability report to the Welsh Ministers.
- (6) Before making regulations under subsection (2)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which—
  - (a) amend other regulations made under that subsection, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.
- (8) In this section—
  - (a) “service provider” has the meaning given by section 3(1)(c) of the Regulation and Inspection of Social Care (Wales) Act 2016;

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(b) “regulated service” has the meaning given by section 2(1) of that Act.]

**Textual Amendments**

- F1** Ss. 144A-144C inserted (4.9.2017 for the insertion of s. 144A, 29.4.2019 for the insertion of s. 144C, 23.2.2021 for the insertion of s. 144B for specified purposes) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), [ss. 56\(1\)](#), 188(1); [S.I. 2017/846](#), art. 2(a); [S.I. 2019/864](#), art. 2(3)(b); [S.I. 2021/181](#), reg. 2(a)

**Changes to legislation:**

Social Services and Well-being (Wales) Act 2014, Cross Heading: Local authorities is up to date with all changes known to be in force on or before 20 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))