

Status: Point in time view as at 01/09/2022.

Changes to legislation: Social Services and Well-being (Wales) Act 2014, SCHEDULE 2 is up to date with all changes known to be in force on or before 17 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. (See end of Document for details)

SCHEDULE 2

(introduced by section 143)

SOCIAL SERVICES FUNCTIONS

Commencement Information

II Sch. 2 in force at 6.4.2016 by S.I. 2016/412, art. 2 (with art. 4, Schs. 1, 2)

TABLE 1

Enactment	Nature of functions
Children and Young Persons Act 1933 Sections 34 and 34A	Protection of the young in relation to criminal and summary proceedings.
Health Services and Public Health Act 1968 Section 65	Financial and other assistance by local authorities to certain voluntary organisations.
Children and Young Persons Act 1969 The whole Act	Care and other treatment of children and young persons through court proceedings.
Adoption Act 1976	Functions continuing to be exercisable by virtue of any transitional or saving provision made by or under the Adoption and Children Act 2002.
Mental Health Act 1983 Parts 2, 3 and 4; Sections 66, 67, 69(1), 114, 115, 116, 117 and 130	Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering; exercise of functions of nearest relative in relation to applications and references to the First-tier Tribunal or the Mental Health Review Tribunal for Wales; appointment of approved mental health professionals; entry and inspection; welfare of certain hospitals; after-care of detained patients; prosecutions.
Public Health (Control of Disease) Act 1984 Section 46(2) and (5)	Burial or cremation of person dying in accommodation provided under [F1Part 4] of this Act and recovery of expenses from the person's estate.
Mental Health (Scotland) Act 1984 Section 10	Welfare of certain persons while in hospital in Scotland.
Disabled Persons (Services, Consultation and Representation) Act 1986 [F2Sections 1, 2 and 5(5)]	Representation and assessment of disabled persons.
Housing (Scotland) Act 1987 Section 38(b)	Co-operation in relation to homeless persons and persons threatened with homelessness.

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[^{F3}Children Act 1989

The whole Act in so far as it confers functions on a local authority in Wales within the meaning of the Act except—

- (a) Part 3 and Schedule 2 (local authority support for children and families);
- (b) section 36 and paragraphs 12 to 19(1) of Schedule 3 (education supervision orders).]

[^{F3}Welfare reports; consent to application for residence order in respect of child in care; functions relating to special guardianship orders; family assistance orders; care and supervision; protection of children; functions in relation to community homes, voluntary homes and voluntary organisations, private children’s homes, and private arrangements for fostering children; inspection of children’s homes on behalf of the Welsh Ministers; research and returns of information.]

**[^{F4}National Health Service and Community Care Act 1990
Section 47]**

[^{F4}Assessment of needs for services under section 117 of the Mental Health Act 1983.]

^{F5} ...

^{F5}

...

**[^{F6}Education Act 1996
Section 322]**

[^{F6}Help for another local authority in exercising functions under Part 4 of the Act.]

**Adoption (Intercountry Aspects) Act 1999
Sections 1 and 2(4)**

Functions under regulations made under section 1 giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993, and functions under Article 9(a) to (c) of the Convention.

Adoption and Children Act 2002

Maintenance of Adoption Service; functions of local authority as adoption agency.

^{F7} ...

^{F7}

...

**Mental Capacity Act 2005
Sections 39, 39A, 39C, 39D, 49 and
Schedule A1**

Instructing independent mental capacity advocate before providing accommodation for person lacking capacity; instructing independent mental capacity advocate when giving an urgent authorisation, or making a request for a standard authorisation, under Schedule A1 to the Act; instructing independent mental capacity advocate when no representative for relevant person under Part 10 of Schedule A1 to the Act; instructing independent mental capacity advocate when representative for relevant person under Part 10 of Schedule A1 to the Act is not being paid; reports in proceedings; functions relating to hospital and care home residents.

**Children and Families (Wales) Measure
2010
Section 66**

Family social work standards officers.

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[^{F8}Section 67]

Mental Health (Wales) Measure 2010
Parts 1 to 3

Legal Aid, Sentencing and Punishment of Offenders Act 2012
Section 92

Care Act 2014
Sections 50 and 52

[^{F9}**Housing (Wales) Act 2014**
Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.]

This Act
The whole Act, except the functions under sections 15(4) (in so far as it relates to other functions that are not social services functions), 120(2), 128(1) and (2), 130(1) and (2), 162 and section 164.

[^{F10}**Children and Families Act 2014**
The duty to comply with a request under section 31, but only in respect of requests to exercise social services functions.]

[^{F11}**Additional Learning Needs and Education Tribunal (Wales) Act 2018**
The duty to comply with a request under section 65, but only in respect of requests to exercise social services functions.]

[^{F8}The provision of relevant care services within the meaning of that section.]

Local primary mental health support services, coordination of and care planning for secondary mental health service users, assessments of former users of secondary mental health services.

Functions in relation to a child remanded to local authority accommodation.

Temporary duty to meet needs for care and support (or needs for support) where establishment or agency unable to do so because of business failure.

[^{F9}Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.]

Preventative services; care and support; support for carers; looked after and accommodated children; safeguarding adults and children.

[^{F10}Duty to comply with a request for co-operation by a local authority in England for the purpose of exercise of functions under Part 3 of the Children and Families Act 2014.]

[^{F11}Duty to exercise functions to provide information or other help on request by a local authority for the purpose of exercise of functions by the authority under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018]

Textual Amendments

- F1** Words in Sch. 2 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **324(a)**
- F2** Words in Sch. 2 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **324(b)**
- F3** Words in Sch. 2 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **324(c)**
- F4** Words in Sch. 2 inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **324(d)**
- F5** Words in Sch. 2 omitted (27.4.2015) by virtue of [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 22(3)(a)**; S.I. 2015/1272, art. 2, Sch. para. 53; S.I. 2015/1272, art. 2, Sch. para. 53

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- F6** Sch. 2 entry omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), s. 100(3), **Sch. 1 para. 24(6)(a)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F7** Words in Sch. 2 Table omitted (1.7.2022) by virtue of **Health and Care Act 2022** (c. 31), **ss. 91(4)(c)(i)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in Sch. 2 inserted (6.4.2016) by **The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016** (S.I. 2016/413), regs. 2(1), **324(e)**
- F9** Words in Sch. 2 inserted (27.4.2015) by **Housing (Wales) Act 2014** (anaw 7), s. 145(3), **Sch. 3 para. 22(3)(b)**; S.I. 2015/1272, art. 2, Sch. para. 53; S.I. 2015/1272, art. 2, Sch. para. 53
- F10** Words in Sch. 2 inserted (1.9.2021) by **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), s. 100(3), **Sch. 1 para. 24(6)(b)**; S.I. 2021/373, art. 8(j)(xl)
- F11** Words in Sch. 2 inserted (1.9.2021) by **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), s. 100(3), **Sch. 1 para. 24(6)(c)**; S.I. 2021/373, art. 8(j)(xl)

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