## Continue



Jump to content The Social Services and Well-being (Wales) Act came into force on 6 April 2016. The Act provides the legal framework for improving the well-being of people who need care and Well-being (Wales) Act. You can also read the content of the Act by using the easy read version and young persons summary. The essentials document provides an overview of the Act and its wider legal framework. You can also find information about the regulations and codes of practice and statutory guidance that support the Act. Read the statement issued by the Minister for Health and Social Services on 1 April 2016 about the implementation of the Act. BackgroundThe White Paper, Sustainable Social Services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services in Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services in Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services in Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services in Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services in Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Wales: A Framework for Action, published in 2011, highlighted a number of challenges faced by public services for Action, published in 2011, highlighted and highlight well as continuing hard economic realities. The Act aims to address these issues and in doing so will give people greater freedom to decide which services across the country. It will transform the way social services are delivered, promoting peoples independence to give them stronger voice and control. You can find links to all the key primary legislation relating to social care in Wales on the Law Wales website. Principles of the Act are: Voice and control over reaching the outcomes that help them achieve well-being. Prevention and early intervention increasing preventative services within the community to minimise the escalation of critical need. Well-being support. Co-production encouraging individuals to become more involved in the design and delivery of services. How the Bill became an ActFollow the progress of the Social Services and Well-being (Wales) Bill, from when it became an Act after receiving Royal Assent on 1 May 2014. Here, you can also find the Explanatory Memorandum, which provides a general explanation of the legislation, including all its different parts. Children and young people. In this video, filmed at the Family Justice Network Conference in Cardiff in January 2016, Ruth Henke QC gives a presentation on local authorities responsibilities for looked after children under the Act. The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Future Generations (Wales). positive impact of the Act, an easy read and young people's version of the Act and an essentials document. The Act and the implications of the Act for NHS University Health Boards and Trusts. Welsh Government issued an advice note in July 2017 looking at the implications of both the Well-being of Future Generations (Wales) Act 2015 and the Social Services and Well-being (Wales) Act 2014 on partnership working within the NHS University Health Boards and functions in relation to improving the well-being of people who need care and support, and carers who need support support, and carers who need support support support support, and carers who need support sup are: Voice and control putting the individual and their needs, at the centre of their care, and giving them a voice in, and control over reaching preventative services within the community to minimise the escalation of critical need. Well-being supporting people to achieve their own well-being and measuring the success of care and support. Co-production encouraging individuals to become more involved in the design and delivery of services. The Explanatory Notes to the Act provide detailed commentary on the various provisions. Coming into force and support. Co-production encouraging individuals to become more involved in the design and delivery of services. The Explanatory Notes to the Act provide detailed commentary on the various provisions. which is the day after the Act received Royal Assent, in accordance with section 199(1). The remaining provisions of the Act come into force on a day appointed by the Welsh Ministers by order, in accordance with section 199(2). The following Orders have been made: Subordinate legislation made under the Act: Further legislation, codes and guidance made under the Act are listed in the Social Services subject area of the site. In addition, the UK Government made this Order: The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 Consideration of the legislation by the SeneddThe Bill was introduced on 28 January 2013 by Gwenda Thomas AM, who was the Deputy Minister for Social Services at the time. The Bill was passed by Senedd Cymru (known then as National Assembly for Wales) on 18 March 2014. More information about the Bill is available on the Senedds website, including a record of the passage of the Bill through the Senedd and the Explanatory Memorandum that was prepared by the Welsh Government (as amended after Stage 2). The Act received Royal Assent on 1 May 2014. Related articles and information Overview of the Social Services and Well-being (Wales) Act 2014 | Social Care Wales A Welsh Government Bill, introduced by Dawn Bowden MS, Minister for Social Care. The Business Committee has remitted the Bill to the Health and Social Care Committee. About the Bill to the Health and to enable the introduction of direct payments for Continuing NHS Healthcare. It will also make amendments to ensure that the Regulation and Inspection of Social Care (Wales) Act 2016 and Social Services and Well-being (Wales) Act 2014 are able to operate fully and effectively. Further detail about the Bill can be found in its accompanying Explanatory Memorandum. Current Stage BillStageAct The Health and Social Care (Wales) Act 2015 became law in Wales on 24 March 2025. An explanation of the various stages of Senedd Bills is available in the Guide to the Stages of Public Bills and Acts. Record of Passage in the Welsh Parliament The following table sets out the dates for each stage of the Bills passage through the Senedd. Publication of the Act The Health and Social Care (Wales) Act 2025 has been published and can be assessed through the Welsh Governments Law Wales web page will also provide updated information on the Act, including any revised Explanatory Memorandum prepared by the Welsh Government following Royal Assent, together with details of any subordinate legislation made under the Act. zzz Date of Royal Assent (24 March 2025) Royal Assent was given on 24 March 2025. zzz Post Stage 4 The Counsel General and Minster for Delivery wrote to the Llywydd to advise that they would not be referring the Health and Social Care (Wales) Bill to the Supreme Court under Sections 112 and 114 of the Government of Wales Act 2006. zzz Stage 4 (4 February 2025) Stage 4 proceedings took place in plenary on 4 February 2025 Health and Social Care (Wales) Bill, as passed (PDF 388KB) Llywydds statement in accordance with section 111A(3) of the Government of Wales Act 2006 (PDF 270KB) zzz Stage 3 (29 November 2024 to 28 January 2025) Following the completion of Stage 2 proceedings, Stage 3 commenced on 29 November 2024. The Senedd agreed on 21 January 2025 under Standing Order 26.36, that the order for consideration for Stage 3 proceedings would be: sections 27-30; Long title. Stage 3 proceedings on the Health and Social Care (Wales) Bill took place on Tuesday 28 January 2025. Notice of Amendments - 17 January 2025 Welsh Government: Purpose and effect table 17 January 2025 Revised Explanatory Memorandum 22 January 2025 Grouping of Amendments 23 January 2025. Health and Social Care (Wales) Bill as amended at Stage 3 zzz Stage 2, Committee consideration of amendments (23 October 2024 to 28 November 2024, the Health and Social Care Committee agreed, under Standing Order 26.21, that the order of consideration for Stage 2 proceedings would be: sections 2-3, section 23, sections 24-25, Schedule 1, sections 24-25, Schedule 2, sections 24-25, Schedule 2, sections 27-30, Long Title Notice of Amendments 11 November 2024 Welsh Government: Purpose and effect table 18 November 2024 Notice of Amendments 21 November 2024 Written Statement by the Welsh Government: Eliminating profit from the care of children looked after - update on timescale and permitted models - 27 November 2024 Printing changes to the Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11 December 2024 Health and Social Care (Wales) Bill as amended at Stage 2 -11
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The Committee received a response from the Welsh Government on 25 October 2024. A debate took place in Plenary on 22 October 2024. The motion to agree the general principles of the Bill was agreed. The Legislation, Justice and Constitution Committee laid its report on 11 October 2024. The Welsh Government responded to the report on 25 October 2024. The Finance Committee laid its report on 11 October 2024. The Welsh Government responded to the report on 18 October 2024. Additional information Statement of Policy Intent for Subordinate Legislation Correspondence Letter from the Llywydd to the Chairs of the Health and Social Care (Wales) Bill -10 June 2024 Legislation, Justice and the Legislation Committee and Constitution Committee and the Legislation Committee and Constitution Co Constitution Committee Letter from Chair, Legislation, Justice and Constitution Committee to the Minister for Social Care (Wales) Bill -18 June 2024 Response from the Minister for Social Care (Wales) Bill -9 July 19 July 1 2024 Letter from the Minister for Social Care to the Chair, Legislation, Justice and Constitution Committee regarding the Health and Social Care (Wales) Bill: Revised Explanatory Memorandum - 21 January 2025 Health and Social Care (Wales) Bill on 12 June 2024 Response from the Minister for Social Care to the Chair following the evidence session on the Health and Social Care (Wales) Bill on 12 June 2024 Response from Chair, Children, Young People and Education Committee to the Chair regarding the Health and Social Care (Wales) Bill 30 July 2024 Letter from the Chair to the Minister for Social Care following the evidence session on the Health and Social Care (Wales) Bill -17 July 2024 Letter from the Children, Young People and Education committee to the Chair regarding the Health and Social Care (Wales) Bill -18 July 2024 Letter from the Childrens Commissioner for Wales regarding the Health and Social Care (Wales) Bill 12 September 2024 Letter to NSPCC to the Chair regarding the Health and Social Care (Wales) Bill 22 August 2024 Response from NSPCC to the Chair regarding the Health and Social Care (Wales) Bill: response to non-Government amendments raised during Stage 2 17 December 2024 Letter from the Minister for Children and Social Care (Wales) Bill: Revised Explanatory Memorandum - 21 January 2025 Finance Committee Letter to the Minister for Social Care (Wales) Bill 8 July 2024 Letter from the Minister for Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill: Revised Regulatory Impact Assessment - 21 January 2025 zzz Bill introduced (20 May 2024) Health and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - Additional information - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - 26 July 2024 Letter from the Minister for Children and Social Care (Wales) Bill - 26 July 2024 Letter from the Minister for Children and Social Care (Wa Social Care (Wales) Bill, as introduced Explanatory Memorandum Statement by the Minister for Social Care (Wales) Bill - 21 May 2024 Presiding Officers Statement: 20 May 2024 Presiding Officers Statement: 20 May 2024 Presiding Officers Statement: 20 May 2024 Presiding Officers Statement Dealer Consideration of the Bill: 20 May 2024 Presiding Officers Statement: 20 Phone: 0300 200 6565 Postal address: Welsh Parliament Cardiff Bay Cardiff CF99 1SN e-mail: SeneddHealth@senedd.wales Local authorities haveduties under the needs of adults and children for care and support, and to assess and meet the needs of carers for to meet the care and support needs of a child and to meet the support needs of a carer. Ordinary residence is a key concept in determining which local authority has a duty to assess and meet the support needs of an individual under the 2014 Act set out the duties of local authorities to assess and meet needs. Broadly, Part 3 (assessing needs) provides for the circumstances in which a local authority must assess a persons needs for care and support and for how assessments must be carried out. Part 4 (meeting needs) provides for the circumstances in which needs for care and support and for how assessments must be carried out. Part 4 (meeting needs) provides for the circumstances in which needs for care and support and for how assessments must be carried out. or support for carers may or must be met by local authorities and for how needs are to be met. Assessing needs Part 3 of the 2014 Actsets out the requirement of local authorities to assess whether an adult has needs for care and support and if so, what those needs are. The duty is triggered where it appears to a local authority that an adult may have such needs for care and support in addition to, or instead of, the care and support provided by the child's family and if so, what those needs are. The duty is triggered where it appears to a local authority that a child may need such care and support provided by the child's family. This means that in most cases a local authority will be obliged to assess the needs of a disabled child. Section 24 also requires a local authority to
carry out an assessment of a carer may have needs for support. Carer is defined in section 3(4) of the 2014 Act as a person who provides or intends to provide care for an adult or disabled child (disability being defined in section 3(5) by reference to the Equality Act 2010), subject to certain exceptions. Regulations 2015. Meeting needs Part 4 of the 2014 Act deals with the requirement on local authorities to meet individuals needs for care and/or support. The Act is not prescriptive about how local authorities can meet the needs of adults, children and carers for care and/or support, but section 34(1) gives examples of the ways needs can be met, including by the local authorities can meet the needs of adults, children and carers for care and/or support. to provide something or by providing something itself. Section 34(2) also gives examples of what may be provided or arranged to meet needs, including direct payments). Section 32 provides that the duty to meet needs for care and support under Part 4 of the 2014 Act will arise where it has been determined that the needs meet the eligibility criteria set out in the Care and Support (Eligibility criteria, where it has been determined that it is nevertheless necessary to meet the needs in order to protect the adult from abuse or neglect, or a risk of abuse or neglect or to protect the child from abuse or neglect or a risk of abuse or neglect or to protect the child from abuse or neglect or a risk of abuse or neglect or a risk of abuse or neglect or a risk of abuse or neglect immigration control within the meaning of section 115 of the Immigration and Asylum Act 1999. A local authority may not meet the care and support needs of such an adult which have arisen solely because the adult is destitute or because of the physical effects, anticipated or actual, of being destitute. Section 47 of the 2014 Act sets out limitations on a local authority's powers to provide health services. A local authority may not meet a persons need for care and support by providing a service which must be provided under the National Health Services (Wales) Act 2006 (or other specified health services). The starting point is that a local authority is not permitted to meet a person's needs for care and support by providing health services which are required to be provided under a health enactment except in specified circumstances. This prohibition does not apply to the provision of health services which are incidental or ancillary to something else that the local authority is doing to meet a person's needs under sections 35 to 45 (meeting needs of adults, children and carers for care and/or support) or to the provision of other services under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person's needs under section 15 (preventative services). Local authority is doing to meet a person 15 (preventative services). 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Even where a local authority does have the power to provide health services which are incidental or ancillary to something else which is being done, they are obtained from the relevant NHS body (specified in the Care and Support (Provision of Health Services) (Wales) Regulations 2015), or, if the case is urgent, the arrangements made are temporary and consent is obtained as soon as feasible. Those Regulations 2015), or, if the case is urgent, the arrangements made are temporary and consent is obtained as soon as feasible. about whether or not any health services are required to be provided under a health enactment. Section 48 of the 2014 Act provides for other restrictions on how local authorities can meet an adult's needs for care and support or provide preventative services. In particular they are prohibited from doing anything which a local authority would be required to do under the Housing (Wales) Act 2014 (the 2014 Housing Act). This means, for example, that a local authority cannot meet needs for the purposes of the Social Services and Well-being Act 2014 by providing accommodation under their duties towards for the purposes of the Social Services and Well-being Act 2014 (the 2014 Housing Act). This means, for example, that a local authority is required (or another local authority is required) to provide accommodation under their duties towards for the purposes of the Social Services and Well-being Act 2014 (the 2014 Housing Act). homeless people under the 2014 Housing Act. This does not prevent local authorities from providing more specific services (such as housing adaptations), or from working jointly with housing authorities. Restrictions Section 34 of the 2014 Act provides that making payments is one of the ways that a local authority may meet an individual's needs for care and support, including direct payments. Section 49 sets limits on the circumstances in which payment are permissible in certain circumstances, including where the local authority considers the persons needs are urgent and it would not be reasonably practicable to meet those needs in any other way or in the course of contracting for the provision of services. Regulations may set out other circumstances when payments may be permitted. Section 49 also sets limits on the extent to which payments can be used in the discharge of a local authority's duties to provide preventative services under section 15. Care plans Where a local authority is required to meet a persons needs for care and support under Part 4, it is also required to prepare and maintain a care and support plan in the case of a carer) in relation to that person. The plan must be kept under review. Where a local authority is satisfied that the circumstances of the person to whom the plan relates have changed in way that affects the plan, the authority must carry out such assessments as it considers appropriate and revision of plans - see the Care and Support (Care Planning) (Wales) Regulations 2015. Requirements for care and support plans for looked after children are covered in Part 6 of the 2014 Act - see section 83 of that Act and the Care Planning, Placement and Case Review (Wales) Regulations 2015. Where an application is made on which a care order might be made with respect to a child. section 31A of the Children Act 1989 requires the appropriate local authority to prepare a plan (sometimes referred to as a section 31A care plan) for the future care of the child. Portability of care and support that a local authority is required to as a section 31A care plan) for the future care of the child. Portability of care and support Section 31A care plan (sometimes referred to as a section 31A care plan) for the future care of the child. to meet moves from the area of one local authority (the 'sending authority') that is under a duty to meet the person intends to move to the area of another local authority (the 'receiving authority') of the person's intention to move. It must also provide it with a copy of the person's care and support plan. The sending authoritymust also provide any other information on the person's care and support plan. When the receiving authority is satisfied that the person is moving to its area, it must notify the sending authority of this and provide appropriate information to any person with appropriate information. If the person is a child, it must also provide appropriate information to any person with appropriate information. If the person is a child, it must also provide appropriate information to any person with appropriate information. authoritymust assess the person moving into its area, paying particular regard to any change in the person's care and support needs arising from the move. It must also have regard to the care and support plan forwarded by the sending authority. On the day that the person moving into its area, if the receiving authority has not yet carried out an assessment, or has yet to carry out any other steps that need to be taken, it must meet the persons care and support needs set out in the plan that was prepared by the sending authority. It must do so until it completes its own assessment along with any other steps that need to be taken. Codes of Practice Codes of Practice have been
issued under section 145 of the 2014 Act on the exercise of social services functions under Part 3 (Assessment) and Part 4 (Meeting needs) of that Act. Charging and financial assessment in relation to services provided or arranged by local authorities under the Act. A local authority may impose a charge for providing or arranging the provision of care and support or support. Such a charge can only be for costs the local authority incurs in meeting the needs for which the charge is made, although the authority can recover an additional charge (often referred to as a brokerage charge) for arranging for the provision of care and support for an adult whose financial resources are above the financial limit (often referred to as a self-funder) but who nonetheless asks the authority to meet the needs of the adult's carer), the charge may be imposed on that adult. Where care and support is provided to a child (whether to meet the child's own needs or to meet the child's carer), the charge may be imposed on that adult. Where a child's needs are met by the provision of something to an adult, the charge may be imposed on that adult. Where the charge is in respect of support provided to a carer, a charge can be imposed on an adult carer, or in the case of a child carer, on any adult with parental responsibility for the child. The Welsh Ministers have the power to make regulations can also disapply a local authority's power to impose a charge and which may instead require the local authority to provide care and support free of charge. See Part 2 of the Care and Support (Charging) (Wales) Regulations 2015. Financial assessments A local authority must carry out a financial assessment of a person's resources when it has concluded that it will meet their needs for care and support or support. The Welsh Ministers must make regulations about the way that financial assessments are to be undertaken by a local authority. The regulations must provide for the extent to which either is to be regarded or disregarded in the calculation of charges to be imposed, the circumstances in which a person will be deemed as having financial assessment must or may be carried out. Welsh Ministers also have the power to make regulations that set out the circumstances in which the duty to carry out a financial assessment is disapplied. See the Care and Support (Financial assessment it has undertaken, whether it is reasonably practicable for a person to pay its standard charge for the service and, if not, how much it is reasonably practicable for the person to pay (if anything). The Welsh Ministers must make regulations which make further provision regarding how to determine the ability to pay a charge for care and support. See Part 2 of the Care and Support (Charging) (Wales) Regulations 2015. A local authority must give effect to any determination of a person's ability to pay a charge. Deferred payment agreements The Welsh Ministers have the power to make regulations about the circumstances in which a person whose needs are being met by a local authority, or whose needs are going to be met, may enter into arrangements with that local authority to defer any charges that will be imposed upon the person in respect of the provision of such services. An arrangement made under this section is known as a deferred payment (Deferred payment) (Wales) Regulations 2015 include the interest which can be charged and the duration of the deferred payment agreement. agreement amongst other matters. Charging for preventative services and assistance but such regulations about a local authority's ability to impose a charge upon a child - see Part 3 of the Care and Support (Charging) (Wales) Regulations 2015. Reviews relating to charge imposed, a determination as to a persons ability to pay a charge or decisions relating to the liability of a person make a payment where there has been a transfer of assets to avoid charges. Such regulations may also include provision to specify the procedure to be followed, as well as who can request the review and the time period in which a request for a review is to be made. See the Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015. Direct payments Direct payments are monetary amounts made available by local authorities to individuals, or their representative, to enable them to meet their care and support provided directly, or commissioned by, a local authority. They can be for all, or part, of a persons care and support needs. Under regulations made under sections 50 to 52 of the 2014 Act,local authorities are and support needs of a carer. Direct payments to meet the care and support needs of a carer. capacity must consent to receiving payments instead of services. Where a person does not have capacity then consent to the making of direct payments can be given in a number of ways. If there is a person authorised under the Mental Capacity Act 2005 then that person can consent, as the recipient of the payments, or can consent to the payments being made to another person who must also consent. If there is no-one authorised under the 2005 Act then a person willing to be the recipient of the payments can give consent so long as the other relevant conditions of this section are met. In the case of an adult with capacity or without capacity, payments can be made if the recipient of the payment might not be able to manage the payment him or herself but is capable of doing so with support which is available. In both cases there is a need for a local authority to be satisfied that making the payments is an appropriate way of meeting the adult's care needs. Additionally, where the adult does not have capacity the local authority must be satisfied that the recipient of the payment will act in the adult's best interests. Direct payments to meet a child's needs for care and support, or to the child who has needs for care and support. The person to whom the payments are to be made must consent to the making of the payments. Where the direct payments are being made to an adult or a child aged 16 or 17, the local authority must believe the payments. Where the payments are being made to an adult or a child aged 16 or 17, the local authority must be satisfied they have sufficient understanding to make an informed choice about receiving direct payments. In all cases the local authority must be satisfied that making the payments is an appropriate way of meeting the child's needs, that the well-being of the payments is an appropriate way of meeting the child will be safeguarded and promoted by the making the payments and that the well-being of the child will be safeguarded and promoted by the making the payments and that the person who is to receive the payments. is capable of managing them by him or herself or with support. Direct payments to meet a carer's needs Direct payments to meet to the making of the payments. Where the carer is an adult, or a child aged 16 or 17 the local authority must believe he or she has the capacity to consent to the making of the payments. Where the carer is a child aged under 16 the local authority must be satisfied that making the payments is an appropriate way of meeting the carer's needs and that the carer is capable of managing the payments, whether by him or herself, or with support. Ordinary residence Ordinary residence of an individual under Parts 3, 4 and 6 of the 2014 Act. Determining which local authority has a duty to assess. Section 19 requires that where an adult may have needs for care and support the local authority must assess whether the adult who is ordinarily resident in the authority area and to any other adult who is within the authoritys area. Section 21 makes similar requirements in respect of children. Section 24 requires that where a carer may have needs for support the local authority must assess whether the carer does have such needs (or is likely to do so in the future), and if so, what those needs are (or are likely to be). This duty applies to any carer who is providing, or is likely to provide, care for an adult or disabled child who is ordinarily resident in the authoritys area, or for any other adult or disabled child who is within the authority area. Determining which local authority has a duty to meet needs Where the care and support needs of an adult meet the eligibility criteria (or the local authority has a duty to meet needs Where the care and support needs of an adult meet the eligibility criteria (or the local authority has a duty to meet needs Where adult or disabled child who is within the authority has a duty to meet needs of an adult meet the eligibility criteria (or the local authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs where adult or disabled child who is within the authority has a duty to meet needs
where adult or disabled child who is within the authority has a duty to meet needs where adult is a duty to meet needs considers it necessary to meet those needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect or neg meet the eligibility criteria, section 40 requires local authoritys area, or is of no settled residence within the authoritys area, or is of no settled residence within the local authoritys area, or is of no settled residence within the local authoritys area. Section 42 makes similar provision in relation to meeting the support needs of a child carer. Ordinary residence is not a condition of the duty to meet the eligibility criteria or the local authority considers it necessary to meet their needs in order to protect the child from abuse, neglect or other harm (or the risk of abuse, neglect or other harm). Looked after children recovering of costs from another local authority is responsible for providing accommodation for any child within its area who meets the criteria in section 76(1). However, where a local authority provides accommodation under this section for a child who was (immediately before it began to look after the child) ordinarily resident within the area of another local authority, it may recover from that other local authority any reasonable expenses incurred by it in providing the accommodation and maintaining the child Section 194(6) provides that in determining the ordinary residence of a child, the childs residence in the following places is to be disregarded: a school or other institution a place in which the requirements of a supervision order under the Children Act 1989 or in accordance with the requirements of a youthrehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008 accommodation provided by or on behalf of a local authority in England). This means that where a local authority in England). This means that where a local authority in England). accommodation from the local authority in whose area the child was ordinarily resident immediately before it began to look after the child, the question of where the child was ordinarily resident is to be determined without regard to their actual place of residence at that time, if this is one of the places listed in section 194(6). Children subject to care orders designated authority For a looked after child who is the subject of a care order, the local authority responsible for providing accommodation for that the time the care order was made. This will be the authority within whose area the child is ordinarily resident or, where the child does not reside in the area of a local authority, the authority within whose area any circumstances arose which led to the order is being made (see section 31(8) of the Children Act 1989). Section 105(6) of the Children Act 1989 will apply where there is any question of where a child was ordinarily resident for the purpose of deciding which authority is the designated local authority under section 31(8). Section 105(6) of the 2014 Act, in that the childs ordinary residence in specific places is disregarded when determining the childs ordinary residence for this purpose. Deemed ordinary residence - adults Section 194(1) deals with ordinary residence for adults, if the local authority which is responsible for meeting their needs for care and support makes arrangements for the adult to live in accommodation of a particular type. If the adult moves to another area they will continue to be treated, for the purposes of the 2014 Act, as being ordinarily resident in the area of the local authority which made the arrangements (and not in the area to which they move). Section 194(2) contains a power to make regulations on the types of accommodation) (Wales) Regulations 2015 specify that section 194(1) will apply to care home accommodation. These provisions cover adults with care and support needs who are living in such accommodated in England, Scotland or Northern Ireland, the provisions in Schedule 1 to the Care Act 2014 will apply. Guidance on cross border placements and the application of Schedule 1 is contained in Annex 2 of the Practice Guidance on cross border placements that has been prepared by the Social Care Institute for Excellence (SCIE) Dispute resolution The provisions in Part 11 of the 2014 Act on dispute resolution cover disputes between local authorities about ordinary residence, and support. Although this deals with local authorities in Wales only. The Care and Support (Disputes about Ordinary Residence etc.) (Wales) Regulations 2015 specify the procedures which local authorities must follow in handling disputes about ordinary residence etc.) any dispute about the application of section 195 as if it were a dispute of the type mentioned in section 195(1). The regulationstherefore also apply to dispute shout co-operation and about costs incurred under the temporary duty. Section 117(4) of the Mental Health Act 1983 provides that where there is a dispute about where a person was ordinarily resident for the purpose of that section, and the dispute is between a local social services authorities in Wales, section 195 of the 2014 Act. If the dispute is between a local social services authorities in Wales, section 195 of the 2014 Act. If the dispute is between a local social services authorities in Wales, section 195 of the 2014 Act. If the dispute is between a local social services authorities in Wales, section 195 of the 2014 Act. 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If the 2014 Act services authority in England and a local social services authority in Wales, it is to be determined by the Secretary of State or the Welsh Ministers. The Secretary of State and the Welsh Ministers shall make and publish arrangements for determining which of them is to determine a dispute under section 117(4)(c). Further guidance on how to determine the ordinary residence of a person is set out in the code of practice. 2. Restricted childrens services and in respect of a restricted childrens services. Fit and determine the ordinary residence of a person is set out in the code of practice. 2. Restricted childrens services. Fit and determine the ordinary residence of a person is set out in the code of practice. 2. Restricted childrens services. Fit and determine the ordinary residence of a person is set out in the code of practice. 2. Restricted childrens services. Fit and determine the ordinary residence of a person is set out in the code of practice. 2. 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Providers of restricted childrens services: information contained in the register of service providers fervice providers fervice childrens services: information contained in the register of service providers fervice childrens services for the register of services for the restricted childrens services for the register of of adult, child, carer and disabledSection 4 Meaning of care and supportSection 5 - Well-being dutySection 5 - Well-being dutySection 6 - Other overarching duties: UN Principles and ConventionSection 8 Duty to issue a statement of the outcomes to be achievedSection 9 Power to issue a code to help achieve the outcomesSection 10 Local authorities and the codeSection 12 Power to help local authorities to comply with the codes requirementsSection 15 Preventative servicesSection 16 Promoting social enterprises, co-operatives, user led services and the third sectorSection 17 Provision of information, advice and assistanceSection 18 Registers of sight-impaired and other disabled peopleSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an
adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 Refusal of a needs assessment for an adult for care and supportSection 20 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16Section 28 Combining needs assessments for a carer and a cared for personSection 32 Pert 3: interpretationSection 32 Determination of eligibility and consideration of what to do to meet needsSection 33 Procedures for regulations under section 32 Section 34 How to meet care and support needs of a childSection 35 Duty to meet care and support needs of a childSection 36 Power to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 36 Power to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 36 Power to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 38 Power to meet care and support needs of a childSection 37 Duty to meet care and support needs of a childSection 38 Power to meet care and support needs of a childSection 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support plans Section 56 Portability of care and support plans Section 57 Cases where a person expresses preference for particular accommodation for particular accommoda charges may be imposedSection 61 - Regulations about the exercise of a power to impose a chargeSection 62 Regulations disapplying a power to impose a chargeSection 63 Duty to carry out a financial assessmentSection 64 Regulations disapplying the duty to carry out a financial assessmentSection 65 Regulations disapplying the duty to carry out a financial assessmentSection 65 Regulations disapplying the duty to carry out a financial assessmentSection 65 Regulations disapplying the duty to carry out a financial assessmentSection 66 Regulations disapplying the duty to carry out a financial assessmentSection 67 Regulations disapplying the duty to carry out a financial assessmentSection 68 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessmentSection 69 Regulations disapplying the duty to carry out a financial assessment for the duty of the duty 66 Determination as to a persons ability to
pay a chargeSection 67 Duty to give effect of determination as to ability to pay a chargeSection 70 Recovery of charges, interest etcSection 71 Creation of a charge over an interest in landSection 72 Transfer of assets to avoid chargesSection 127 Adults at riskSection 127 Adults at riskSection 127 Adults at riskSection 128 - Duty to report adults at riskSection 120 - Abolition of local authoritys power to remove persons in need of care and attentionSection 130 Duty to report children at riskSection 131 Guidance about adults at risk and children at riskSection 132 Functions and procedures of Safeguarding BoardSection 134 - Safeguarding BoardSection 135 Functions and procedures of Safeguarding BoardSection 136 Functions and procedures of Safeguarding BoardSection 137 Functions and procedures of Safeguarding BoardSection 138 Functions and procedures of Safeguarding BoardSection 139 Functions and procedures of Safeguarding BoardSection 130 Functions and Procedures of Safeguarding Functions and Procedures of Safeguarding Function 130 Function 130 Fun 136 Safeguarding Boards: annual plans and reportsSection 137 Supply of information requested by Safeguarding BoardsSection 142 Interpretation of Part 7Section 143 Social services functions of local authoritiesSection 144 Directors of social servicesSection 145 Power to issue codesSection 146 Issue, approval and revocation of codesSection 147 Departure from requirements in codesSection 147 Departure from requirements in codesSection 147 Departure from requirements and ancillary powersSection 147 Departure from requirements in codesSection 147 Departure from requirements and ancillary powersSection 147 Departure from requirements and ancillary powersSection 148 Policy statements. intervention Section 151 Warning noticeSection 152 Power of Welsh Ministers to intervene Section 153 Power to require performance of functions by Welsh Ministers or nomineeSection 156 Power to direct exercise of other social services functionsSection 157 General power to give directionsSection 158 Intervention: duty to reportSection 158 Intervention: duty to reportSection 159 DirectionsSection 159 DirectionsSection 150 Duty to co-operateSection 150 Duty to reportSection 150 Duty to reportSe care and support and carersSection 163 Arrangements to promote co-operation: childrenSection 165 Promoting integration of care and support with health services etcSection 166 Partnership arrangementsSection 167 Resources for partnership arrangementsSection 168 Partnership boardsSection 169 Guidance about partnership arrangementsSection 170 Adoption services; joint arrangementsSection 171 Complaints about social services supplementarySection 173 Assistance for complaints about social services; joint arrangementsSection 174 Representations relating to certain children etcSection 175 Representations relating to certain children etc: further provisionSection 176 Representations relating to former looked after children etcSection 177 Further consideration of representations relating to former looked after children etcSection 178 Assistance for persons making representations relating to former looked after children etcSection 178 Investigation of complaints about privately arranged or funded social care and palliative careSection 180 Independent advocacy services for complaints about privately arranged or funded palliative careSection 182 - Provision of advocacy services in care homesSection 184 Research and provision of informationSection 185 - Adults in prison, youth detention accommodation etcSection 186 - Children in youth detention accommodation or bail accommodation of sections 185 to 187Section 189 Provider failure: temporary duty on local authoritySection 190 Provider failure: exception to temporary dutySection 191 Provider failure: supplementarySection 193 Recovery of costs between local authoritiesSection 194 Ordinary residenceSection 195 Disputes about ordinary residence and portability of care and supportSection 196 Orders and regulationsSection 197 General interpretation and index of defined expressionsSection 198 Power to make consequential and transitional provision etcSchedule 1 Contributions towards maintenance of looked after childrenSchedule 2 Social services functionsSchedule 3 Investigation of complaints about privately arranged or funded social care and palliative careShare Resources and guidance Information and Learning Hub Last updated: 6 February 2025

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