

2015 No. (W.)

SOCIAL CARE, WALES

**The Care and Support (Assessment)
(Wales) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 19, 21 and 24 of the Social Services and Well-being (Wales) Act 2014 impose duties on a local authority to assess an adult's needs for care and support, a child's needs for care and support and a carer's needs for support. These Regulations make further provision about such assessments.

Regulation 2 makes provision about the coordination of assessments. Regulation 3 makes provision about the training and expertise of persons carrying out an assessment.

Regulation 4 makes provision about the matters to which the local authority must have regard when carrying out an assessment.

Regulation 5 makes provision for the recording of assessments and the persons who the local authority must offer to give a copy of such records.

Regulation 6 makes provision for the review of an assessment, including the circumstances in which the local authority must review the assessment, the persons who may request a review of the assessment, the circumstances in which the local authority must comply with such a request and the circumstances in which they may refuse to do so.

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Made ***

Laid before the National Assembly for Wales ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by section 30 of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these regulations is the Care and Support (Assessment) (Wales) Regulations 2015.

(2) These Regulations come into force on xxxx and apply in relation to Wales.

(3) In these Regulations—

“assessment” means an assessment which is carried out by a local authority under section 19, 21 or 24 of the Act;

“personal outcomes” means the outcomes which have been identified in relation to a person in accordance with section 19(4)(a), 21(4)(b) or 24(4)(c) or (d) of the Act;

“the Act” means the Social Services and Well-being (Wales) Act 2014.

Co-ordination

2. The local authority responsible for carrying out an assessment must ensure that there is a named

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individual whose function is to co-ordinate the carrying out of the assessment.

Training, expertise and consultation

3.—(1) A local authority must ensure that any person carrying out an assessment—

- (a) has the skills, knowledge and competence to carry out the assessment in question, and
- (b) has received training in the carrying out of assessments.

(2) When carrying out an assessment, a local authority must consider whether the nature or complexity of the person's needs call for specialist knowledge or expertise.

(3) If the local authority considers that specialist knowledge or expertise is required, it must consult with a person who it considers will be able to provide that knowledge or expertise.

(4) The local authority may carry out such consultation as is required by paragraph (3) either before carrying out the assessment or in the course of carrying out the assessment.

(5) If such consultation does take place, the local authority must have regard to the outcome of the consultation in carrying out the assessment.

Considerations to which the local authority must have regard

4. In carrying out an assessment, a local authority must—

- (a) assess and have regard to the person's circumstances,
- (b) have regard to the personal outcomes,
- (c) assess and have regard to any barriers to achieving those outcomes,
- (d) assess and have regard to any risks to the person or to other persons if those outcomes are not achieved, and
- (e) assess and have regard to the person's strengths and capabilities.

Written records of assessments

5.—(1) The local authority must—

- (a) make a written record of the assessment;
- (b) where the assessment is of an adult's needs, offer to give a copy of the record to—
 - (i) the adult, and
 - (ii) any person authorised to act on behalf of the adult;

- (c) where the assessment is of a child's needs, offer to give a copy of the record to—
 - (i) the child,
 - (ii) any person with parental responsibility, unless doing so would be inconsistent with the child's well-being and
 - (iii) any person authorised to act on behalf of the child.

(2) In this regulation and in regulation 6, a person is authorised to act on behalf of an adult or a child if—

- (a) the adult or the child has requested the person to act on their behalf, or
- (b) the adult or child lacks capacity and the person is authorised under the Mental Capacity Act 2005 (whether in general or in specific terms) to make decisions about the assessment of the person's needs.

Reviews

6.—(1) A local authority must review an assessment if it appears to it that there has been a significant change in the person's outcomes or circumstances.

(2) The following persons may request a review of an assessment—

- (a) where the assessment is of an adult's needs—
 - (i) the adult;
 - (ii) any person authorised to act on behalf of the adult;
- (b) where the assessment is of a child's needs—
 - (i) the child;
 - (ii) any person with parental responsibility for the child;
 - (iii) any person authorised to act on behalf of the child.

(3) The local authority must comply with the request if it is satisfied that there has been a significant change in the person's outcomes or circumstances.

(4) The local authority may refuse to comply with the request if it is satisfied that there has not been any significant change in the person's outcomes or circumstances since the assessment was completed.

Mark Drakeford

Minister for Health and Social Services, one of the
Welsh Ministers

Date

