



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

2014 anaw 4

## PART 4

### MEETING NEEDS

#### *Meeting support needs of a carer*

#### **41 Duty to meet support needs of an adult carer: supplementary**

- (1) This subsection applies if the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are at or below the financial limit.
- (2) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are above the financial limit, and
  - (b) the carer nonetheless asks the authority to meet the needs in question.
- (3) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are at or below the financial limit, and
  - (b) subsection (7), (8) or (9) applies.
- (4) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are above the financial limit, and
  - (b) subsection (7), (8) or (9) applies.
- (5) This subsection applies if—

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 41 is up to date with all changes known to be in force on or before 16 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) View outstanding changes*

- (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would not be reasonably practicable for the adult to pay any amount for the care and support, and
  - (b) either—
    - (i) subsection (7), (8) or (10) applies, in the case of a disabled child aged 16 or 17, or
    - (ii) subsection (12) or (13) applies, in the case of a disabled child aged under 16.
- (6) This subsection applies if—
- (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would be reasonably practicable for the adult—
    - (i) to pay the standard charge for the care and support, or
    - (ii) to pay any other amount for the care and support,
  - (b) the adult does not object to the provision of the care and support, and
  - (c) either—
    - (i) subsection (7), (8) or (10) applies, in the case of a disabled child aged 16 or 17, or
    - (ii) subsection (12) or (13) applies, in the case of a disabled child aged under 16.
- (7) This subsection applies if—
- (a) the local authority is satisfied that the person cared for by the carer has capacity to decide whether to have the needs in question met by the provision of care and support to that person, and
  - (b) the person agrees to have those needs met in that way.
- (8) This subsection applies if an authorised person agrees, on behalf of the person cared for by the carer, to have the needs in question met by the provision of care and support to that person.
- (9) This subsection applies if—
- (a) the local authority is satisfied that the adult cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that adult,
  - (b) there is no authorised person to make the decision on the adult's behalf, and
  - (c) the local authority is satisfied that it is in the adult's best interests to have those needs met in that way.
- (10) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that child,
  - (b) there is no authorised person to make the decision on the child's behalf, and
  - (c) no objection has been made by a person with parental responsibility for the child to having those needs met in that way.

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- (11) The local authority may disregard an objection for the purposes of subsection (10)(c) if it is satisfied that it would not be in the disabled child's best interests.
- (12) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer has sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) the child agrees to have those needs met in that way.
- (13) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer does not have sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) no objection has been made by a person with parental responsibility for the child to having those needs met in that way.
- (14) The local authority may disregard an objection for the purposes of subsection (13)(b) if it is satisfied that it would not be consistent with the disabled child's well-being.
- (15) In this section—
- “authorised person” (“*person awdurdodedig*”) means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide on behalf of the person cared for by the carer whether to have the needs in question met by the provision of care and support to that person;
  - “standard charge” (“*ffi safonol*”) has the meaning given by section 63(3).
- (16) For the meaning of “financial assessment” and “financial limit” see Part 5.

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**Commencement Information**

**II** S. 41 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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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))