

Care Act 2014 / Social Services Well-being (Wales) Act 2014

The following table applies to adults in need of care and support

Function	Care Act 2014	Social Services and Well-being (Wales) Act 2014
General duty to promote well-being	Section 1(1)	Section 5
Meaning of well-being	<p>s.1(2) “Well-being”, in relation to an individual, means that individual's well-being so far as relating to any of the following—</p> <ul style="list-style-type: none"> (a) personal dignity (including treatment of the individual with respect); (b) physical and mental health and emotional well-being; (c) protection from abuse and neglect; (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided); (e) participation in work, education, training or recreation; (f) social and economic well-being; (g) domestic, family and personal relationships; (h) suitability of living accommodation; (i) the individual's contribution to society. 	<p>s.2(2) “Well-being”, in relation to a person, means well-being in relation to any of the following—</p> <ul style="list-style-type: none"> (a) physical and mental health and emotional well-being; (b) protection from abuse and neglect; (c) education, training and recreation; (d) domestic, family and personal relationships; (e) contribution made to society; (f) securing rights and entitlements; (g) social and economic well-being; (h) suitability of living accommodation. <p>(4) In relation to an adult, “well-being” also includes—</p> <ul style="list-style-type: none"> (a) control over day to day life; (b) participation in work.
Matters to have regard to when exercising functions under the Act	<p>s.1(3) In exercising a function under this Part in the case of an individual, a local authority must have regard to the following matters in particular—</p> <ul style="list-style-type: none"> (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual's well-being; (b) the individual's views, wishes, feelings and beliefs; (c) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist; (d) the need to ensure that decisions about the individual are made having regard to all the individual's circumstances (and are not based only on the individual's age or appearance or any condition of the individual's or aspect of the individual's behaviour which might lead others to make unjustified assumptions about the individual's well-being); (e) the importance of the individual participating as fully as possible in decisions relating to the exercise of the function concerned and being provided with the information and support necessary to enable the individual to participate; (f) the importance of achieving a balance between the individual's wellbeing and that of 	<p>s.6(2) The person must—</p> <ul style="list-style-type: none"> (a) in so far as is reasonably practicable, ascertain and have regard to the individual's views, wishes and feelings, (b) have regard to the importance of promoting and respecting the dignity of the individual, (c) have regard to the characteristics, culture and beliefs of the individual (including, for example, language), and (d) have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason. <p>(3) A person exercising functions under this Act in relation to an adult falling within subsection (1)(a), (b) or (c) must, in addition, have regard to—</p> <ul style="list-style-type: none"> (a) the importance of beginning with the presumption that the adult is best placed to judge the adult's well-being, and (b) the importance of promoting the adult's independence where possible.

	<p>any friends or relatives who are involved in caring for the individual;</p> <p>(g) the need to protect people from abuse and neglect;</p> <p>(h) the need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.</p>	
Duty to Assess	<p>Section 9</p> <p>Care and Support (Assessment) Regulations 2014/2827</p>	<p>Section 19</p> <p>Care and Support (Assessment) (Wales) Regulations 2015/1305</p>
Eligibility Criteria	<p>Section 13</p> <p>Care and Support (Eligibility Criteria) Regulations 2015/313</p>	<p>Section 32</p> <p>The Care and Support (Eligibility) (Wales) Regulations 2015/1578</p>
How to meet Needs	<p>Section 8</p>	<p>Section 34</p>
Duty to meet Needs	<p>Section 18</p>	<p>Section 35</p>
Power to meet Needs	<p>Section 19</p>	<p>Section 36</p>
Care and Support Plans	<p>Sections 25 and 27</p>	<p>Section 54</p> <p>Care and Support (Care Planning) (Wales) Regulations 2015/1335</p>
Direct Payments	<p>Sections 31-33</p> <p>Care and Support (Direct Payments) Regulations 2014/2871</p>	<p>Sections 50-53</p> <p>Care and Support (Direct Payments) (Wales) Regulations 2015/1815</p>
Exceptions	<p>Sections 21-23</p>	<p>Sections 46-48</p>
Safeguarding	<p>Sections 42-46</p>	<p>Sections 126-129</p>
Protecting property of adults being cared for away from home	<p>Section 47</p>	<p>Section 58</p>
Co-operation between public bodies	<p>Sections 6-7</p>	<p>Sections 162-165</p>

Rebecca Stickler