

## Informal Note for Social Care Planning and Response Sub-Group

### Coronavirus Act 2020 and the Social Services & Well-being (Wales) Act 2014

The effect of section 15 local authority care and support and Part 2 of Schedule 12 is that specific duties on local authorities in Parts 3 and 4 of the Social Services and Well-being (Wales) Act 2014 (2014 Act) to assess needs for care and support, and to meet those needs, are replaced with a duty on local authorities to meet needs for care and support where an adult or adult carer may be experiencing or at risk of abuse or neglect.

Local authorities have no duty to carry out assessments under sections 19, 20, 24, 25, 35, 40 and 57 of the 2014 Act; to make determinations of eligible needs under section 32 of the 2014 Act; or to carry out financial assessments under section 63 of the 2014 Act. No charge can be made under section 53 of the 201 Act unless a financial assessment has been carried out.

The duties on local authorities to meet eligible needs under sections 35 and 40 of the SSWA are replaced by a duty to meet needs for care and support where an adult or adult carer may be experiencing or at risk of abuse or neglect. Local authorities have a power to meet other needs and can continue to meet other needs if they are able to and to prioritise provision as necessary. Local authorities are permitted to provide urgent care to individuals without a full care and/or support assessment under the 2014 Act, and without a financial assessment, and to prioritise the provision of care and support.

The Welsh Ministers have a power to issue guidance to support local authorities' to prioritise care and/or support, and, if issued, have a power to direct local authorities to comply with that guidance.

<b>Social Services and Well-being (Wales) Act 2014</b>		<b>Coronavirus Act 2020 Schedule 2, Part 2</b>
Parts 3 and 4	Provision requiring a court to take specified factors into account in determining whether a local authority has complied with its duties to undertake an assessment within a reasonable period.	Paragraph 24
Section 19	Provision to clarify local authorities do not have to comply with duty to assess the needs of an adult for care and support and relevant aspects of the associated regulations under section 30.	Paragraph 20
Section 20	Provision to clarify local authorities' responses following a refusal of a needs assessment for an adult (but subject to requirements around abuse or neglect).	Paragraph 20
Section 24	Provision to clarify local authorities do not have to comply with duty to assess the needs of an adult carer for support and relevant aspects of the associated regulations under section 30.	Paragraph 21

Section 25	Provision to clarify local authorities' responses following a refusal of a needs assessment for an adult carer (but subject to requirements around abuse or neglect).	Paragraph 21
Section 32(1)(a)	Determination of whether needs meet the eligibility criteria.	Paragraph 22(2)(a)
Section 32(2)(b)	Determination of charge as part of determination of eligibility.	Paragraph 22(2)(b)
Section 32(1)	Omission of English text relating to determination of whether needs meet the eligibility criteria.	Paragraph 22(3)(a) and (b)
Section 32(2)(b)	Omission of Welsh text relating to determination of whether needs meet the eligibility criteria.	Paragraph 22(4)(a) and (b)
Section 35	Provision to clarify assessments can be undertaken and determination of eligibility made in order to meet needs of adult or adult carer.	Paragraph 23
Section 35(3)(a)	Omission of this sub-section.	Paragraph 26
Section 40	Provision to clarify assessments can be undertaken and determination of eligibility made in order to meet needs of adult or adult carer.	Paragraph 23
Section 40(3)	Substitution of English text relating to conditions for meeting needs of adult carer.	Paragraph 27(a) and (b)
Section 40(3)	Substitution of Welsh text relating to conditions for meeting needs of adult carer.	Paragraph 27(b)
Section 54 and section 55	Provision to clarify local authorities do not have to comply with duties to prepare a care and support for an adult or a support plan for an adult carer and relevant aspects of the associated regulations under section 55.	Paragraph 31
Section 56	Provision to clarify that local authorities do not have to comply with duties relating to portability of care and support during the emergency period.	Paragraph 32
Section 56	Provision also made in relation to portability of care and support for the period following the emergency period.	Paragraph 33
Section 57	Provision to clarify that local authorities do not have to comply with duties where person expresses a preference for particular accommodation.	Paragraph 29
Section 63(2)	Provision to clarify local authorities' responsibilities to carry out a financial assessment before imposing a charge for meeting needs of adult or adult carer under sections 35 or 40 and for charging for meeting needs during an emergency period.	Paragraphs 25, 28 and 30