



Gogledd Cymru **Gyda'n Gilydd**  
North Wales **Together**

*Gwasanaethau ddi-dor i bobl ag Anableddau Dysgu*  
*Seamless services for people with Learning Disabilities*

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

Part 4: Section 32  
Eligibility for Services and  
Direct Payments



All Wales Forum  
Fforwm Cymru Gyfan

The Social Services and Well-being (Wales) Act 2014 radically transformed the way social services are delivered in Wales to meet the needs of the individual and make services sustainable for the future. It came into force in April 2016.

This guide gives a summary of the parts of that legislation that deal with eligibility for services.

## Summary of Eligibility for Service

(including Direct Payments and managed care and support.)

Section 32 of the Social Services and Wellbeing Act 2014 places a duty on Local Authorities to determine whether a person's needs meet the eligibility criteria. It also identifies how those needs could be met.

- The eligibility refers to the individual need not the person.
- An individual may have some of their care and support needs deemed as eligible and not others.
- A person's changing circumstances can impact on eligibility at any time, not just when they are reviewed.
- The national eligibility criteria applies across Wales.

<https://www.legislation.gov.uk/anaw/2014/4/section/32>

## How is a person's eligibility worked out?

Eligibility is worked out through an assessment. The flowchart below shows the process of assessment;

[https://socialcare.wales/cms\\_assets/hub-downloads/Flowchart\\_\\_\\_\\_\\_How\\_to\\_access\\_care\\_and\\_support.pdf](https://socialcare.wales/cms_assets/hub-downloads/Flowchart_____How_to_access_care_and_support.pdf)

## What is a Direct Payment?

A Direct Payment is money from the council to help individuals and their carers to arrange and pay for support to meet their assessed needs and agreed well-being outcomes.

A direct payment can be used to pay for things like;

- **Personal care**
- **Support to live a full and active life of your choice.**
- **Support for unpaid Carers.**
- **Equipment, goods and services**
- **Support to create more flexible and creative solutions.**

## Assessment

The assessment looks at 5 elements laid out in the SSWBA 2014.

- The **circumstances** of the person
- The **outcomes** they would like to achieve
- The **barriers** they face in meeting those outcomes
- The **risks** they face if they do not meet those outcomes
- The person's **strengths and assets.**

The assessment will look at whether the individual has personal **outcomes** that can be met through:

- services already available in the community that the person being assessed can access
- care and support co-ordinated by themselves, their family, carers, or others
- by any other means

If the outcomes cannot be met through these provisions, the citizen will be considered to have **needs** that can be met through the provision of care and support. You will find a list of possible needs for adults, children and carers below;

## Needs which meet the eligibility criteria - adults with needs for care and support

The need of an adult referred to in regulation 2(1) meets the eligibility criteria if -

- (a) the need arises from the adult's physical or mental ill-health, age, disability, dependence on alcohol or drugs, or other similar circumstances;
- (b) the need relates to one or more of the following -
  - (i) ability to carry out self-care or domestic routines;
  - (ii) ability to communicate;
  - (iii) protection from abuse or neglect;
  - (iv) involvement in work, education, learning or in leisure activities;
  - (v) maintenance or development of family or other significant personal relationships;
  - (vi) development and maintenance of social relationships and involvement in the community; or
  - (vii) fulfilment of caring responsibilities for a child;

## Needs which meet the eligibility criteria - children with needs for care and support

The need of a child referred to in regulation 2(2) meets the eligibility criteria if -

- (a) either -
  - (i) the need arises from the child's physical or mental ill-health, age, disability, dependence on alcohol or drugs, or other similar circumstances; or
  - (ii) the need is one that if unmet is likely to have an adverse effect on the child's development;
- (b) the need relates to one or more of the following -
  - (i) ability to carry out self-care or domestic routines;
  - (ii) ability to communicate;
  - (iii) protection from abuse or neglect;
  - (iv) involvement in work, education, learning or in leisure activities;
  - (v) maintenance or development of family or other significant personal relationships;
  - (vi) development and maintenance of social relationships and involvement in the community; or
  - (vii) achieving developmental goals;

## Needs which meet the eligibility criteria - carers with needs for support

The need of a carer referred to in regulation 2(3) meets the eligibility criteria if -

- (a) the need arises as a result of providing care for either -
  - (i) an adult who has needs which fall within Regulation 3
- (a) and (b), or (ii) a disabled child;
- (b) the need relates to one or more of the following -
  - (i) ability to carry out self-care or domestic routines;
  - (ii) ability to communicate;
  - (iii) protection from abuse or neglect;
  - (iv) involvement in work, education, learning or in leisure activities;
  - (v) maintenance or development of family or other significant personal relationships;
  - (vi) development and maintenance of social relationships and involvement in the community; or
  - (vii) in the case of an adult carer, fulfilment of caring responsibilities for a child;
  - (viii) in the case of a child carer, achieving developmental goals

The needs become eligible if the person is not going to be likely to achieve one or more of the Adult, Child or Carer's personal outcomes unless;

- (i) the Local Authority provides or arranges care and support to meet the need or
- (ii) the Local Authority enables the need to be met by making Direct Payments. (or in the case of a carer, unless the Local Authority provides care for the person for whom the carer is caring).

## Other points to remember

There is an automatic right to eligibility for those adults at risk of abuse or neglect, or in the case of a child, at risk of abuse, neglect or other harm.

The Code of Practice says the determination of eligibility must be separate and distinct from any financial assessment that the Local Authority might make under Part 5 of the SS SWBA. Part 5 of the act allows the Local Authority to charge for services. The financial assessment will come after the determination of eligibility.

The Code of Practice also emphasizes that eligibility criteria must not be used as a tool to require individuals to demonstrate they have exhausted every other possible avenue of support before becoming eligible for Local Authority assistance.

## Further Information

**Social Services and Well-being (Wales) Act 2014:**

<https://www.legislation.gov.uk/anaw/2014/4/contents>

**The Performance Measurement Framework:**

<http://www.assembly.wales/laid%20documents/sub-ld10272/sub-ld10272-e.pdf>

**National Outcomes Framework:**

<http://gov.wales/docs/dhss/publications/140814nofen.pdf>

**CCW Information and Learning Hub:**

<http://www.ccwales.org.uk/getting-in-on-theact>