



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

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- (f) provides for Safeguarding Boards for adults and children and for the combination of such boards (sections 134 to 141).
- (9) Part 8 (social services functions) –
 - (a) introduces Schedule 2, which specifies the social services functions of local authorities (section 143);
 - (b) requires the appointment of directors of social services by local authorities and makes related provision (section 144);
 - (c) provides for codes about the exercise of social services functions to be made by the Welsh Ministers (sections 145 to 149);
 - (d) provides for intervention by the Welsh Ministers in the exercise of social services functions where a local authority is failing to exercise them properly (sections 150 to 161).
- (10) Part 9 (co-operation and partnership) –
 - (a) requires local authorities to make arrangements to **promote co-operation** with **their relevant partners** and **others in** relation to adults with needs for care and support, carers and children (sections 162 and 163);
 - (b) imposes a duty on the relevant partners **to co-operate with, and provide information to**, the local authorities for the purpose of their social services functions (section 164);
 - (c) makes provision about **promoting the integration of care and support with health services** (section 165);
 - (d) provides for **partnership arrangements** between local authorities and Local Health Boards for the discharge of their functions (sections 166 to 169);
 - (e) empowers the Welsh Ministers to direct local authorities to enter into joint arrangements for the provision of an adoption service (section 170).
- (11) Part 10 (complaints, representations and advocacy services) has three chapters.
- (12) Chapter 1 provides for complaints and representations about social services provided or arranged by local authorities.
- (13) Chapter 2 provides for complaints to the Public Services Ombudsman for Wales about private social care and palliative care.
- (14) Chapter 3 provides for advocacy services to be made available to people with needs for care and support for purposes relating to their care and support.
- (15) Part 11 (miscellaneous and general) –
 - (a) empowers the Welsh Ministers, local authorities and Local Health Boards to conduct research, and empowers the Welsh Ministers to require information, about matters connected with functions under the Act and other related matters (section 184);
 - (b) makes provision about how this Act applies to persons in prison, youth detention accommodation or bail accommodation etc (sections 185 to 188);

*Assessing children***21 Duty to assess the needs of a child for care and support**

- (1) Where it appears to a local authority that a child may need care and support in addition to, or instead of, the care and support provided by the child's family, the authority must assess—
 - (a) whether the child does need care and support of that kind, and
 - (b) if the child does, what those needs are.
- (2) The duty under subsection (1) applies in relation to—
 - (a) a child who is ordinarily resident in the authority's area, and
 - (b) any other child who is within the authority's area.
- (3) The duty under subsection (1) applies regardless of the local authority's view of—
 - (a) the level of the child's needs for care and support, or
 - (b) the level of the financial resources of the child or any person with parental responsibility for the child.
- (4) In carrying out a needs assessment under this section, the local authority must—
 - (a) assess the developmental needs of the child,
 - (b) **seek to identify** the outcomes that—
 - (i) **the child wishes to achieve, to the extent it considers appropriate having regard to the child's age and understanding,**
 - (ii) **the persons with parental responsibility for the child wish to achieve in relation to the child, to the extent it considers appropriate having regard to the need to promote the child's well-being, and**
 - (iii) persons specified in regulations (if any) wish to achieve in relation to the child,
 - (c) assess whether, and if so, to what extent, the provision of—
 - (i) care and support,
 - (ii) preventative services, or
 - (iii) information, advice or assistance,could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment,
 - (d) assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs, and
 - (e) take account of any other circumstances affecting the child's well-being.

- (5) A local authority, in carrying out a needs assessment under this section, **must involve –**
 - (a) **the child, and**
 - (b) **any person with parental responsibility for the child.**
- (6) The nature of the needs assessment required by this section **is one that the local authority considers proportionate in the circumstances,** subject to any requirement in regulations under section 30.
- (7) For the purposes of subsection (1) a disabled child is presumed to need care and support in addition to, or instead of, the care and support provided by the child's family.
- (8) This section does not apply to a child looked after by –
 - (a) a local authority,
 - (b) a local authority in England,
 - (c) a local authority in Scotland, or
 - (d) a Health and Social Care trust.

22 Refusal of a needs assessment for a child aged 16 or 17

- (1) If a child aged 16 or 17 (or, where applicable, an authorised person) refuses a needs assessment under section 21, the duty under that section to assess the child's needs does not apply.
- (2) If a person with parental responsibility for a child aged 16 or 17 refuses a needs assessment for that child under section 21 in circumstances in which the local authority is satisfied that –
 - (a) the child lacks capacity to decide whether to refuse to have the assessment, and
 - (b) there is no authorised person to make the decision on the child's behalf,the duty under that section to assess the child's needs does not apply.
- (3) But a refusal under subsection (1) or (2) does not discharge a local authority from its duty under section 21 in the following cases –
 - CASE 1 - the local authority is satisfied, in the case of a refusal given by a child, that the child lacks capacity to decide whether to refuse to have the assessment;
 - CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that the person lacks capacity to decide whether to refuse the assessment;
 - CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that not having the assessment would not be in the child's best interests;
 - CASE 4 - the local authority suspects that the child is experiencing or at risk of abuse, neglect or other kinds of harm.

6 Other overarching duties: general

- (1) A person exercising functions under this Act in relation to—
- (a) an individual who has, or may have, needs for care and support,
 - (b) a carer who has, or may have, needs for support, or
 - (c) an individual in respect of whom functions are exercisable under Part 6 (looked after children etc),
- must comply with the duties in subsection (2).
- (2) The person must—
- (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.
- (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—
- (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.
- (4) A person exercising functions under this Act in relation to a child falling within subsection (1)(a), (b) or (c), in addition—
- (a) must have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the well-being of the child, and
 - (b) where the child is under the age of 16, must ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is—
 - (i) consistent with promoting the well-being of the child, and
 - (ii) reasonably practicable.

7 Other overarching duties: UN Principles and Convention

- (1) A person exercising functions under this Act in relation to an adult falling within section 6(1)(a) or (b) must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.
- (2) A person exercising functions under this Act in relation to a child falling within section 6(1)(a), (b) or (c) must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention").
- (3) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect—
 - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (4) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).

Well-being outcomes

8 Duty to issue a statement of the outcomes to be achieved

- (1) The Welsh Ministers must issue a statement relating to the well-being of—
 - (a) people in Wales who need care and support, and
 - (b) carers in Wales who need support.
- (2) The statement must be issued within 3 years beginning with the date on which this Act receives Royal Assent.
- (3) The statement must specify the outcomes that are to be achieved, in terms of the well-being of the people mentioned in subsection (1), by means of—
 - (a) care and support (or, in the case of carers, support) provided by local authorities under this Act, and
 - (b) care and support (or, in the case of carers, support) provided by others which is of a kind that could be provided by local authorities under this Act.
- (4) The statement must also specify measures by reference to which the achievement of those outcomes is to be assessed.
- (5) The statement may specify different outcomes or measures for different categories of people who need care and support (or, in the case of carers, support).
- (6) The Welsh Ministers must keep the statement under review and may revise the statement whenever they consider it appropriate to do so.

Principles and Aims

The nursery takes great care to treat each individual as a person in their own right, with equal rights and responsibilities to any other individual, whether they are an adult or a child.

Discrimination on the grounds of gender, age, race, religion or belief, marriage or civil partnership, disability, sexual orientation, gender reassignment, pregnancy or maternity, ethnic or national origin, or political belief has no place within this nursery.

A commitment to implementing our inclusion and equality policy will form part of each employee's job description and is contained in the code of conduct.

The nursery is committed to providing equality of opportunity and anti-discriminatory practice for all children and families according to their individual needs. In achieving this goal our principle aims are to:

- Demonstrate the nursery's commitment, to the quality of equal opportunities.
- Use good employment practice to the benefit of The Wishing Tree Nursery for our employees, trainees, children, parents and carers.
- Provide equal opportunity and inclusion for all children and their families, regardless of gender, ethnic origin, race, colour, sexual orientation, marital status, family structure, social grouping, nationality, age or disability.
- Ensure that no child, or their family, is discriminated against or prevented entry to our setting on the basis of gender, ethnic origin, race, colour, sexual orientation, marital status, family structure, nationality, age, disability or social grouping, such as a member of a travelling community or an asylum seeker.
- Ensure that all staff are aware that the CRB disclosure is a mandatory part of our recruitment process.
- Comply with various Acts of Parliament, which have an effect on employment.
- Recruit, select, train and promote individuals on the basis of occupational skills requirements. In this respect, the nursery will ensure that no job applicant or employee will receive less favourable treatment on the grounds of age, sex, gender reassignment, disability, marriage or civil partnership, race, religion or belief, sexual orientation and pregnancy or maternity which cannot be justified as being necessary for the safe and effective performance of their work or training
- Providing a childcare place, wherever possible, for children who may have learning difficulties and/or disabilities or are deemed disadvantaged according to their individual circumstances, and the nursery's ability to provide the necessary standard of care.
- Include and value the contribution of all families to our understanding of equality, inclusion and diversity.
- Continually improve our knowledge and understanding of issues of equality, inclusion and diversity by ensuring regular training of key staff. The Nursery's equality representative is Margo Konopinska.
- Make inclusion a thread, which runs through the entirety of the nursery, for example, by encouraging positive role models through the use of toys, imaginary play and activities, promoting non-stereotypical images and language and challenging all discriminatory behaviour (see dealing with discriminatory behaviour policy).

Inclusion and Diversity

The guiding principle is that every child matters and to that end we need to recognise the social, economic, cultural diversity of our society and to ensure that no-one feels excluded when they attend the nursery on whatever grounds. Consequently, we must strive to:

- Treat each child as an individual and respect their religions and cultures.
- Offer all activities and toys to all children regardless of gender and developmental needs.
- Encourage positive role models, displayed through toys, imaginary play, books and posters that promote non- stereotyped images. All children will be encouraged to join in all activities i.e. dressing up, role play corner, dolls, climbing on large equipment, bikes etc.
- Celebrate festivals throughout the nursery, ensuring that we include those events that are relevant to the children attending the nursery.
- Welcome any parent/carer who would like to be involved with widening our education about their cultural or religious beliefs.
- Provide assistance as requested by our parents/carers that use English as an additional language. We work alongside an organization called EMAS who help us to support these parents and carers, as well as our staff. Contact details for other relevant resources and information are also available through our Equality and Diversity Representative, Margo Konopinska.
- Actively promote an open door policy within the nursery.
- Update toys and other resources.
- Ensure activities are accessible for all children.
- Support the staff team within the nursery, offering hand-outs and training.
- Ensure festivals are celebrated throughout the nursery.
- Work alongside agencies when resources and relevant information is required.
- Offer meetings and support to parents/carers and their children where English is an additional language.
- The nursery is accessible to all children and families in the local community and further afield through a comprehensive and inclusive admissions policy.