**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**HANDOUT – March 2017**

**Well-being and Welfare**

# Introduction

In this handout, the blue boxes contain quotes from the Social Services and Well-being (Wales) Act 2014 (the Act), and the yellow boxes contain quotes from other legislation for comparison.

# Well-being and Welfare

Part 2 of the Act requires “*any persons exercising functions under the Act to seek to promote the well-being of people who need care and support, and carers who need support.”* Well-being is defined in Part 2:

“**Well-being**”, in relation to a person, means well-being in relation to any of the following — (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.

In relation to a child, “well-being” also includes — (a) physical, intellectual, emotional, social and behavioural development; (b) “welfare” as that word is interpreted for the purposes of the Children Act 1989.

As this definition shows, the Children Act 1989 talks about welfare rather than well-being. Section 1 of the Children Act says that *“when a court determines any question with respect to the upbringing of a child or the administration of a child’s property or the application of any income arising from it, the child’s welfare shall be the court’s paramount consideration.”*

Courts that are making decisions relating to a child’s welfare have to have regard to particular areas:

1. the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
2. his physical, emotional and educational needs;
3. the likely effect on him of any change in his circumstances;
4. his age, sex, background and any characteristics of his which the court considers relevant;
5. any harm which he has suffered or is at risk of suffering;
6. how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs; and
7. the range of powers available to the court under this Act in the proceedings in question.

The concept of well-being rather than welfare for children was first introduced in law in the Children Act 2004. Section 25 states that local authorities in Wales must make arrangements to promote co-operation with a view to improving the well-being of children in the authority’s area. Well-being relates to:

1. physical and mental health and emotional well-being;
2. protection from harm and neglect;
3. education, training and recreation;
4. the contribution made by them to society; and
5. social and economic well-being.

These areas are similar to the areas of well-being in the Act.

**There is no conflict between well-being and welfare**. Welfare has a particular meaning under the Children Act 1989 and will continue to do so. Language in the Act reflects the newer concept of well-being.

Any activities under the Act, whether or not they relate to safeguarding, must be done with the overarching aim of promoting the child’s well-being. This includes the existing considerations of welfare that are set out in the Children Act 1989.