

Statutory Instruments with Clear Reports

13 February 2023

SL(6)318 – Code of practice on the exercise of social services functions in relation to Part 4 (direct Code of payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

Procedure: Draft Negative

This Code of Practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014. Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in this Code.

This revised Code has been amended to reflect a number of new financial support schemes by making an addition to the list of forms of capital that should be fully disregarded in the financial assessment for charging for all forms of care and support.

These schemes are new pieces of legislation in non-devolved areas introduced by the UK Government that make payments to individuals and households to support them in the context of current cost of living pressures arising from Energy price increases.

The new financial support schemes to be added to the Code include:

- Payments made under the Energy Bill Support Scheme (EBSS)
- Low Income or Disability cost of living payments made under the Social Security (Additional Payments) Act 2022

Producing a revised Code also presents an opportunity to add a reference to amending charging and financial assessment regulations that have come into effect since the previous revision. To this effect the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2023 have been referenced in the revised Code as appropriate. This is for completeness as the regulations amend principle regulations referred to in the Code.

The following existing compensation schemes have been previously disregarded in regulations under paragraph 20(1) of Schedule 2 to the Financial Assessment Regulations, but have now been listed separately in the Code of Practice to provide clarity to the end user:



- Grenfell Tower Payment,
- Child abuse payment,
- Windrush payment made under the Windrush Compensation Scheme (expenditure) Act 2020, or
- payments made by the Child Migrants Trust under the scheme for former British child migrants.

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

Date Made: Not Stated

Date Laid: Not Stated

Coming into force date: Not Stated



Senedd Cymru

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Welsh Parliament

Legislation, Justice and Constitution Committee