

SL(6)752 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026

Background and Purpose

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 ("the Charging Regulations") and the Care and Support (Financial Assessment) (Wales) Regulations 2015 ("the Financial Assessment Regulations").

The Charging Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to the care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act"). The Charging Regulations also contain parallel provisions setting out requirements which apply when a local authority makes direct payments to meet a person's need for care and support.

The Financial Assessment Regulations make provision under the 2014 Act about the way in which a local authority must carry out a financial assessment of a person's ("A") financial resources in the following cases—

- where the authority thinks that if it were to meet A's needs for care and support (or a carer's needs for support) it would impose a charge under section 59 of the 2014 Act, or
- where the authority thinks that if it were to make payments towards meeting the costs of A's needs for care and support (or a carer's needs for support) by making direct payments by virtue of section 50 or 52 of the 2014 Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

Regulation 2 of these Regulations amends regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) to increase the net weekly income amount from £44.65 to £46.35. Regulation 28 is also amended to make a corresponding amendment for recipients of direct payments.

Regulation 3 of these Regulations amends Schedules 1 and 2 to the Financial Assessment Regulations so that any payments received as compensation for miscarriages of justice arising from criminal proceedings are disregarded in the calculation of income and capital.



Procedure

Senedd annulment procedure.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Included in the list of enabling powers in the preamble to the Regulations are sections 50(1), 52(1), 61(1) and 66(3) of the 2014 Act.

Previous amending regulations, for example the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025, included sections 50, 52, 61 and 66 in the list of enabling powers and did not refer to specific subsections of these particular sections. Can the Welsh Government set out the reasons for the change in approach?

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The preamble to the Regulations sets out the 2014 Act enabling powers relied upon by the Welsh Ministers. It is unclear why section 64(2)(b) is included specifically, but not 64(2)(a). Section 64(2)(b) requires that regulations dealing with financial assessments must make provision for assessing capital, and section 64(2)(a) for assessing income. We query whether Section 64(2)(a) should also be included, as these Regulations amend Schedule 1 to the Financial Assessment Regulations (sums to be disregarded in the calculation of income).

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

We note the following paragraphs set out in the Explanatory Memorandum:

Consultation on amending the Charging Regulations is not required. A consultation on the principle of the changes being made by the amending



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regulations to the Charging Regulations was originally held between 21 December 2016 and 25 January 2017. Changes do not reflect a change in Welsh Government policy but instead act to update regulations to keep pace with the uplifts applied to state pension and benefits. As such consultation on an annual basis is not undertaken.

Consultation on amending the Financial Assessment Regulations is not required. Amendments in relation to the new disregards arising from changes in UK Government policy in non-devolved areas could affect a small number of individuals and does not reflect a change in Welsh Government policy. Changes to the regulations are merely a technical adjustment to ensure the regulations accurately reflect the financial support schemes identified above to ensure any awards made to individuals are protected from care and support charging.

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

We note the following paragraphs in the Regulatory Impact Assessment:

Option 2 – make the amending regulations

7.2.7. This option would make the amending regulations to increase the MIA [Minimum Income Amount] from its current level of £44.65 to £46.35 per week. This would allow local authority supported residents to retain an inflationary uplift of 3.8% to spend on personal items as they wish.

Option 2 – make the amending regulations - Costs

7.2.8. This option results in local authorities receiving a smaller increase in charge income, than if the regulations were not made, of around an estimated £5.7 million per annum through contributions from the estimated 16,144 residents over state pension age alone. This would be due to the increased income residents would have resulting from the uplifts in state pensions. Residents would retain a proportion (collectively estimated at £1.4 million per annum) of this uplift to spend on personal items as they wish. There are no implementation costs to Welsh Government for making the outlined amendments.

Welsh Government response

A Welsh Government response is required to the technical reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

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