

Explanatory Memorandum to: The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2014.

This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Children and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2014.

Mark Drakeford

Minister for Health & Social Services

DATE : 1 March 2014

Description

These Regulations amend the:

- National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104(W.116))
- National Health Service (Optical Charges and Payments) Regulations 1997(SI 1997/818)
- National Health Service (General Ophthalmic Services) Regulations (SI 1986/975)

Matters of special interest to the Constitutional and Legislation Affairs Committee

These Regulations amend the NHS (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104 (W.116)), which provide for reimbursement of travel expenses and remission of NHS charges for dental treatment, by exemption or for persons on low incomes by entitlement under the NHS Low Income Scheme.

These Regulations also amend the:

- National Health Service (Optical Charges and Payments) Regulations 1997 (SI 1997/818)
- National Health Service (General Ophthalmic Services) Regulations 1986 (SI 1986/975)

which provide for a free NHS sight test and help towards the cost of glasses.

The amendments made by these Regulations allow for Universal Credit (UC) to be accepted as a qualifying benefit for the purposes of full or part remission from NHS charges and passport all UC claimants for the period from 01 April 2014 to 31 March 2015. This allows for those in receipt of Universal Credit to qualify for free NHS dental treatment, a free NHS sight test and help towards the cost of glasses and help with travel costs and to submit a claim under the NHS Low Income Scheme for help with health costs.

Legislative Background

These Regulations are being made in exercise of powers conferred by sections 130, 131, 71, 128, 129 and 203(9) and (10) of the National Health Service (Wales) Act 2006.

These Regulations are subject to the negative resolution procedure.

Purpose and intended effect of the legislation

Policy Background

A range of DWP working - age benefits were replaced from 31 October 2013 by streamlined payments known as Universal Credit and rolled out across Great Britain (GB) from October 2013.

Working - age benefits are currently used to establish entitlement to full or part remission of some NHS charges in Wales. It is intended for the period 1 April 2014 to 31 March 2015 to continue full or part remission on the basis of working age benefits and therefore to accept Universal Credit as a qualifying benefit for exemption in Wales.

Income based entitlement to help with health costs may be available through the NHS Low Income Scheme to those who are not automatically entitled to full or part remission of charges through receipt of a passported benefit.

An NHS passported benefit is a benefit where the patient is entitled to receive free treatment by virtue of being in receipt of some other welfare type benefit.

The purpose of the Regulations is to allow for persons currently receiving passported benefits to continue to do so and for those who will be in receipt of Universal Credit, to continue to receive passported benefits (remission of certain NHS charges and help with travel costs) in the same way as if they had been in receipt of the previous legacy benefits.

Implementation

It is intended that these Regulations will come into force on 1 April 2014.

If these Regulations were to be annulled then the failure to implement the changes to the three Principal Regulations would result in Universal Credit (UC) not being accepted as a qualifying benefit in Wales during the period from 1 April 2014 to 31 March 2015 for the purposes of full or part remission from NHS charges. Consequently those in receipt of Universal Credit would not qualify for free NHS dental treatment, a free NHS sight test and help towards the cost of glasses and help with travel costs.

Consultation

There has been no consultation with stakeholders because these are technical changes to the:

- National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104(W.116))
- National Health Service (Optical Charges and Payments) Regulations 1997 (SI 1997/818)
- National Health Service (General Ophthalmic Services) Regulations 1986 (SI 1986/975)

as a consequence of the introduction of the Welfare Reform Act 2012.

These Regulations do not alter existing policy; they simply allow for the continuation of entitlement by the same group of persons to free NHS dental treatment, a free NHS sight test and help towards the cost of glasses and help with travel costs and to submit a claim under the NHS Low Income Scheme.

Regulatory Impact Assessment

These Regulations have no impact on the statutory duties (sections 77 – 79 Government of Wales Act 2006) or impose any additional burdens upon the statutory partners (sections 73 – 75 of that Act).

A Regulatory Impact Assessment has not been prepared for these Regulations because they have no impact on business, charities or voluntary bodies.

Summary

These Regulations will ensure that equity of access to help with NHS charges is maintained across Wales.