

# National Assembly for Wales

## Constitutional and Legislative Affairs Committee

### Statutory Instruments with Clear Reports

16 November 2015

#### CLA604 - The Care and Support (Review of Charging and Determinations) (Wales) Regulations 2015

##### Procedure: Negative

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The purpose of the Regulations is to enable those persons who are subject to a determination of their ability to pay a charge, contribution or reimbursement for the care and support they receive, or for direct payments they receive to secure this care, to seek a review of this determination and of the level of any charge, contribution or reimbursement.

The Regulations also provide for the process to be followed by local authorities in undertaking a review.

The right to request a review is available to persons in receipt of both non-residential and residential care.

A Code of Practice on the exercise of social services functions in relation to charging will accompany these Regulations.

#### CLA605 - The Care and Support (Direct Payments) (Wales) Regulations 2015

##### Procedure: Negative

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These Regulations set out the circumstances when a local authority is under a duty to make a direct payment towards the cost of meeting a person's needs for care and support, or, in the case of a carer, for support.

#### CLA606 - Care and Support (Charging) (Wales) Regulations 2015

##### Procedure: Negative

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These Regulations govern local authorities' determination of a charge for providing or arranging care and support (or, in the case of a carer, support) and for providing or arranging preventative services assistance. They also govern determinations about contributions or reimbursement of direct payments.



## CLA607 - The Care and support (Deferred Payment) (Wales) Regulations 2015

### Procedure: Negative

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These Regulations apply to a person entering, or who is in, residential care and who has a property deemed as eligible capital for the purpose of financial assessment for a charge for this care. Such a person may enter into a “deferred payment agreement” with the local authority. A “deferred payment agreement” delays the sale of the property where the sale is required to meet the charge imposed for the care. The Regulations enable the local authority to meet the full cost of the care whilst placing a charge on the property. The costs of care will be repaid or met from the eventual sale of the property at a later date.

## CLA608 - The Care and Support (Choice of Accommodation) (Wales) Regulations 2015

### Procedure: Negative

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These Regulations enable a person, assessed in need of care and support in a care home, to exercise choice as to their preferred care home. The Regulations provide that a person’s preferred choice must meet conditions set out in the Regulations to ensure that the chosen home can meet the person’s assessed care and support needs in full.

## CLA609 - Care and Support (Financial Assessment) (Wales) Regulations 2015

### Procedure: Negative

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These Regulations govern local authorities’ financial assessments when exercising their discretion to charge for providing or arranging care and support (or support for a carer) and their discretion to set a reimbursement or contribution for a person receiving direct payments to secure their care and support (or support in the case of carers). A Code of Practice on the exercise of social services functions in relation to financial assessment will accompany these Regulations.

## CLA615 - The Residential Property Tribunal Procedures and Fees (Wales) (Amendment) Regulations 2015

### Procedure: Negative

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These Regulations amend the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012 (“the 2012 Regulations”) which set out the procedures and fees for hearings undertaken by the residential property tribunal (RPT). These Regulations amend the 2012 Regulations to take account of new applications which may be made to the RPT under the Housing (Wales) Act 2014 and the Consumer Rights Act 2015.



CLA601 - The Code of Practice on the Exercise of Social Services Functions in relation to Part 4 (Meeting Needs) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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CLA602 - The Code of Practice on the Exercise of Social Services Functions in relation to Part 3 (Assessing the Needs of Individuals) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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CLA603 - The Code of Practice on the Exercise of Functions in relation to Part 6 (Looked After and Accommodated Children) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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CLA611 - Code of Practice and Guidance on the Exercise of Social Services Functions and Partnership Arrangements in relation to Part 2 (General Functions) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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## CLA612 - Code of Practice on the Exercise of Social Services Functions in relation to Advocacy under Part 10 and Related Parts of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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## CLA613 - Code of Practice on the Exercise of Social Services Functions in Relation to Part 11 (Miscellaneous and General) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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## CLA614 - Code of Practice on the Exercise of Social Services Functions in relation to Part 4 (Direct Payments and Choice of Accommodation) and Part 5 (Charging and Financial assessment) of the Social Services and Well-being (Wales) Act 2014

Procedure in accordance with the Social Services and Well-being (Wales) Act 2014

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These codes of practice are laid before the Assembly pursuant to Standing Orders 27.1 and 27.14.

The powers enabling the making of these codes are contained in Sections 145 and 146 of the Social Services and Well-being Act (Wales) 2014.

Section 145 of the Act permits Welsh Ministers to issue, and from time to time revise, one or more codes of practice on the exercise of social services functions.

Section 146 of the Act lays down the procedure, which includes consultation on draft or revised codes) to be followed when issuing or revising a code under Section 145. Draft Codes are laid before the Assembly for a period of 40 days. A draft code must not be issued in the form of the draft if, before the end of that period, the Assembly resolves not to approve the draft code..

