

2019 No. (W.)

SOCIAL CARE, WALES

**The Care and Support (Charging)
and (Financial Assessment) (Wales)
(Miscellaneous Amendments)
Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 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 Act”). The Charging Regulations also contain parallel provision setting out requirements which apply when a local authority makes direct payments to meet a person’s needs for care and support.

The Financial Assessment Regulations make provision under the 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—

- (a) 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 Act, or
- (b) where the authority thinks that if it were to make payments towards meeting the cost of A’s needs for care and support (or a carer’s need for support) by making direct payments by virtue of section 50 or 52 of the 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.

These Regulations amend Part 2 of the Charging Regulations (charging under Part 5 of the Act) as follows:

—the amount of the maximum weekly charge for non-residential care and support is increased from £80 to £90;

—the relevant capital limit for residential care is increased from £40,000 to £50,000;

—the net weekly minimum income amount where a person is provided with accommodation in a care home is increased from £28.50 to £29.50.

These Regulations amend Part 4 of the Charging Regulations (contributions and reimbursements for direct payments) as follows:

—the amount of the maximum weekly contribution or reimbursement for non-residential care and support is increased from £80 to £90;

—the net weekly minimum income amount where a person is provided with accommodation in a care home and receives direct payments under the Act is increased from £28.50 to £29.50.

These Regulations amend Schedule 2 to the Financial Assessment Regulations as follows:

—payments made under or by a trust established for the purpose of giving relief and assistance to disabled people whose disabilities were caused by the fact that during pregnancy their mother had taken the drug known as Thalidomide, are to be ignored in the calculation of an adult's capital for the purposes of an assessment of that adult's financial resources.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2019 No. (W.)

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**The Care and Support (Charging)
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(Miscellaneous Amendments)
Regulations 2019**

Made 12 February 2019

Laid before the National Assembly for Wales
13 February 2019

Coming into force 8 April 2019

The Welsh Ministers, in exercise of the powers conferred by sections 50, 52, 53(3), 61, 64(1), 64(2)(b), 66, 69 and 196(2) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2019.

(2) These Regulations come into force on 8 April 2019.

Amendment of the Care and Support (Charging) (Wales) Regulations 2015

2. The Care and Support (Charging) (Wales) Regulations 2015⁽²⁾ are amended as follows—

- (a) in regulation 7 (maximum weekly charge for non-residential care and support), in paragraph (1), for “£80” substitute “£90”;

(1) 2014 anaw 4.

(2) S.I. 2015/1843 (W. 271).

- (b) in regulation 11 (relevant capital limit), in paragraph 2(a), for “£40,000” substitute “£50,000”;
- (c) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home) for “£28.50” substitute “£29.50”;
- (d) in regulation 22 (maximum weekly contribution or reimbursement for non-residential care and support), in paragraph (1), for “£80” substitute “£90”; and
- (e) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home) for “£28.50” substitute “£29.50”.

Amendment of the Care and Support (Financial Assessment) (Wales) Regulations 2015

3. In Schedule 2 (capital to be disregarded) to the Care and Support (Financial Assessment) (Wales) Regulations 2015⁽¹⁾, after paragraph 34 insert—

“**35.** Any payment which would be disregarded under paragraph 73 of Schedule 10 to the Income Support Regulations⁽²⁾ (payments relating to disability caused by Thalidomide).”

Julie Morgan

Deputy Minister for Health and Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers
12 February 2019

⁽¹⁾ S.I. 2015/1844 (W. 272).

⁽²⁾ S.I. 1987/1967. The Income Support Regulations are defined by regulation 2(1) of The Care and Support (Financial Assessment) (Wales) Regulations 2015. Paragraph 73 of Schedule 10 was inserted by S.I. 2017/870.