

2017 No. (W.)

SOCIAL CARE, WALES

**The Care and Support
(Miscellaneous Amendments)
(Wales) Regulations 2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various Regulations made under Parts 4 and 5 of the Social Services and Well-being (Wales) Act 2014 (“the Act”).

Regulation 3 amends regulation 2 of the Care and Support (Choice of Accommodation) (Wales) Regulations 2015 to make it clear that the local authority’s duty to provide choice of accommodation does not apply where a person’s need for the provision of accommodation is short term. A definition of “short term” is then inserted in regulation 1(3) as meaning a period not exceeding 8 weeks.

Regulation 4 amends the Care and Support (Charging) (Wales) Regulations 2015. Paragraphs (b) and (g) amend the amount of the maximum weekly charge for non-residential care and support. This has been revised from £60 to £70. Paragraph (c) corrects a drafting error to make it clear that regulation 9 applies in relation to the charges for residential care and support. Paragraph (d) amends regulation 11 to establish two different capital limits – one that will apply to charging for residential care which will increase to £30,000 and one that will apply to charging for non-residential care which will be maintained at the current level of £24,000. Paragraph (h) makes a consequential amendment to regulation 26 to reflect the fact that there are two capital limits. Paragraphs (e) and (i) amend regulations 13 and 28 respectively to increase the weekly minimum income amount where a person is provided with accommodation in a care home from £26.50 to £27.50. Paragraph (f) amends regulation 15 to make it clear that following a revised financial assessment, a further statement must be issued to the care recipient and the revised charge becomes payable (and may be backdated) to the date that the local authority determined the revised charge.

Regulation 5 amends the Care and Support (Financial Assessment) (Wales) Regulations 2015. Schedule 1 makes provision in respect of the sums that are to be disregarded when a local authority is calculating income for the purposes of the Act. Paragraph (a) substitutes paragraph 16 so that a full disregard will apply to charging for residential and non-residential care and support in respect of sums received under the War Disablement Pension.

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Made

Coming into force

The Welsh Ministers, in exercise of the powers conferred by sections 50, 52, 53(3), 57, 61, 64, 66, 67 and 196(2)(c) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations:

Title and commencement

1. The title of these Regulations is the Care and Support (Miscellaneous Amendments) (Wales) Regulations 2017.

2. These Regulations come into force on xxxx 2017 and apply in relation to Wales.

Amendments to the Care and Support (Choice of Accommodation) (Wales) Regulations 2015

3. The Care and Support (Choice of Accommodation) (Wales) Regulations 2015 are amended as follows—

- (a) in regulation 1(interpretation), in paragraph (3) in the appropriate place insert the following—

“short term” () means a period not exceeding 8 weeks;

- (b) in regulation 2 (choice of accommodation), in paragraph (a) after “Kingdom” insert “which is not short term”.

(1) 2014 c.4

**Amendments to the Care and Support (Charging)
(Wales) Regulations 2015**

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

- (a) in regulation 1(4) for “capital limit” substitute “relevant capital limit” and after “have” insert “depending on whether their need is for care and support which is residential or non-residential.”;
- (b) in regulation 1(4) in the definition of “financial limit” for “capital limit” substitute “relevant capital limit”;
- (c) in regulation 7(1) for “£60” substitute “£70”;
- (d) in regulation 8 (3)(d) for “(capital limit)” substitute “(relevant capital limit)”;
- (e) in regulation 9(1) for “non-residential” substitute “residential”;
- (f) in regulation 11(capital limit)—
 - (i) in paragraph (1) after the first “the” insert “relevant”;
 - (ii) for paragraph (2) substitute—

“(2)The following are the financial limits⁽¹⁾ for the purposes of section 66(5) of the Act—

- (a) the relevant capital limit for the purposes of residential care is £30,000;
 - (b) the relevant capital limit for the purposes of non-residential care is £24,000.”
 - (iii) in paragraph (3) after the first “the” insert “relevant”;
 - (iv) in the heading of regulation 11 for “Capital limit” substitute “Relevant capital limit”;
 - (g) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home), for “£26.50” substitute “£27.50”;
 - (h) in regulation 15 (revised determination)—
 - (i) in paragraph (2) for “provided setting out the further charge and the earlier statement will continue to have effect until that date” substitute “sent to A”;
 - (ii) after paragraph (2) insert—
- “(3) But once a further statement has been issued a local authority may require A to pay

(1) 2014 c.4.

the revised charge for care and support from the date that the revised determination was made.”

- (i) in regulation 22(1), for “£60” substitute “£70”;
- (j) in regulation 23(3)(d) for “(capital limit)” substitute “(relevant capital limit)”;
- (k) in regulation 26 (capital limits-direct payments)—
 - (i) in paragraphs (1) and (2) for “capital limit” substitute “relevant capital limit.”;
 - (ii) in the heading of regulation 26 for “Capital limit-direct payments” substitute “Relevant capital limit – direct payments”;
- (l) in regulation 28, for “£26.50” substitute “£27.50”;
- (m) in regulation 30 (revised determination – direct payments)—
 - (i) in paragraph (2) for “provided setting out the revised amount and the earlier statement will continue to have effect until that date.” substitute “sent to B.”;
 - (ii) after paragraph (3) insert—

“(3) But once a further statement has been issued a local authority may require B to pay the revised payment from the date that the revised determination was made.”

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

5. The Care and Support (Financial Assessment) (Wales) Regulations 2015 are amended as follows—

- (a) In Schedule 1 (sums to be disregarded in the calculation of income), in Part 1 (sums to be disregarded)—
 - (i) for paragraph 16 substitute—

“Any amount which would be disregarded under paragraph 16 of Schedule 9 to the Income Support Regulations (specified pensions) save for paragraphs 16 (a) and (cc), but as if the reference in paragraph 16 of that Schedule to paragraphs 36 and 37 of Schedule 9 to the Income Support Regulations were a reference to paragraph 46 of this Schedule.”

(ii) after paragraph 16 insert—

“**16A.** Any payment received under the War Disablement Pension.”

Rebecca Evans

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers.

Date