

SL(5)786 – The Care and Support (Charging) (Wales) (Amendment) Regulations 2021

Background and Purpose

These Regulations are made by the Welsh Ministers under sections 50, 52, 53(3), 61, 196(2) and 198(1) of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). The Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 (“the 2015 Regulations”).

The 2015 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 2014 Act. The 2015 Regulations also contain parallel provisions setting out requirements which apply where a local authority makes direct payments to meet a person’s need for care and support.

The Regulations amend the 2015 Regulations to increase (by £1) the minimum income amount to which a person provided with care home accommodation or receiving direct payments in respect of such accommodation is entitled to retain for personal expenditure, from £32 to £33 per week.

The Regulations come into force on 12 April 2021.

Procedure

Negative.

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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. 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.



The Regulatory Impact Assessment notes that the effect of these Regulations is to share:

“...the increased income which local authority supported residents would have from April 2021 as a result of uplifts to their state pensions and welfare benefits. Residents in this position would be able to retain a £1.00pw of these uplifts to spend on personal items, while authorities would receive the balance in increased contributions from residents towards the cost of their resident care.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 March 2021

