

SL(5)184 – The Care and Support (Charging) (Wales) (Amendment) Regulations 2018

Background and Purpose

These 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 Social Services and Well-being (Wales) Act 2014 (“the 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.

These Regulations amend Part 2 of the 2015 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 £70 to £80,
- the relevant capital limit for residential care is increased from £30,000 to £40,000,
- the weekly minimum income amount where a person is provided with accommodation in a care home is increased from £27.50 to £28.50.

These Regulations amend Part 4 of the 2015 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 £70 to £80,
- the 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 £27.50 to £28.50.

Procedure

Negative.

Technical Scrutiny

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

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3(ii) in respect of this instrument, in that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

Regulation 2(b) increases the capital limit which applies to charging for residential care from £30,000 to £40,000. The capital limit determines whether a person pays for the full cost of their residential care, or whether they receive financial support towards the cost from their local authority.



The move is part of the Welsh Government's Programme for Government commitment to increase the capital limit used by local authorities who charge for residential care from £24,000 to £50,000 during the current Assembly term.

The increase is being delivered in a phased approach, which commenced from April 2017 when the limit in relation to residential care was increased to £30,000.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

2 February 2018

