

SL(5)322 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2019

Background and Purpose

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”).

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.

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 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 Assembly



We note, in particular, two changes made by these Regulations, as described in the Explanatory Memorandum to the Regulations:

- uplift from £80 to £90 the maximum weekly charge applicable to non-residential care and support, and the maximum weekly contribution or reimbursement for receiving direct payments to secure this...This provision ensures that, where a local authority applies its discretion to charge a person for the non-residential care and support they receive, or the non-residential support a carer receives, there is a consistent maximum amount the local authority can charge. Equally, where a local authority applies its discretion to set a contribution or reimbursement for the receipt of direct payments to secure non-residential care and support, there is a consistent maximum amount the local authority can make for these;
- uplift from £40,000 to £50,000 the relevant capital limit as it applies to charging for residential care...This is to implement the third and final stage in delivering a key commitment in the Welsh Government's 'Taking Wales Forward' programme to put in place a £50,000 capital limit in charging for residential care by the end of its current term.

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

15 February 2019

