
WELSH STATUTORY INSTRUMENTS

2003 No. 1004 (W.144)

SOCIAL CARE, WALES

The Care Homes (Wales) (Amendment No.2) Regulations 2003

Made - - - - - *2nd April 2003*

Coming into force - - - - - *7th April 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22(1) and (7)(a) and 118(5) to (7) of the Care Standards Act 2000⁽¹⁾ having consulted such persons as it considers appropriate⁽²⁾ hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Care Homes (Wales) (Amendment No.2) Regulations 2003 and shall come into force on 7th April 2003.

(2) These Regulations apply in relation to Wales.

Amendment of the Care Homes (Wales) Regulations 2002

2.—(1) The Care Homes (Wales) Regulations 2002⁽³⁾ are amended in accordance with this regulation.

(2) In regulation 5 (service user’s guide)—

(a) in paragraph (2)(b) “and” is omitted;

(b) in paragraph (2)(c) for “.” there is substituted “;”;

(c) after paragraph (2)(c) the following sub-paragraph is inserted—

“(d) where a person other than a service user or the National Assembly requests a copy of the service user’s guide—

(i) make a copy of the current version of the guide available for inspection by that person at the care home; or

(ii) provide such a copy to that person.”

(3) After regulation 5, the following regulation is inserted—

(1) 2000 c. 14. The powers are exercisable by the appropriate Minister (*see* the definition of “regulations” in section 121(1) of the 2000 Act). The “appropriate Minister” is defined in section 121(1) as the Assembly in relation to Wales, and as the Secretary of State in relation to England, Scotland and Northern Ireland. The “Assembly” is defined in section 5(b) as the National Assembly for Wales.

(2) *See* section 22(9) of the 2000 Act for the requirement to consult.

(3) S.I. 2002/324 (W.37), as amended by S.I. 2002/2622 (W.254) and S.I. 2002/2935 (W.277).

“Information about fees

5A.—(1) The registered person shall provide to each service user a statement as to—

- (a) the fees payable by or in respect of the service user for the provision to the service user of any of the following facilities and services—
 - (i) accommodation, including the provision of food;
 - (ii) nursing;
 - (iii) personal care;
- (b) the facilities and services for which the fees referred to in sub-paragraph (a) are payable; and
- (c) the method of payment of the fees and the person by whom the fees are payable.

(2) In the case of a service user whose accommodation begins after 7th April 2003, the statement referred to in paragraph (1) shall be provided on or before the day on which he or she becomes a service user.

(3) The registered person shall notify the service user at least one month in advance of—

- (a) any increase in the fees referred to in paragraph (1)(a);
- (b) any variation in the matters referred to in paragraph (1)(b) and (c).

(4) Subject to paragraph (5)—

- (a) where a Health Authority or Local Health Board has informed the registered person that it has decided to make a payment to the registered person in respect of nursing provided (or to be provided) to a service user, the registered person shall inform the service user as to that decision as soon as is reasonably practicable;
- (b) where a Local Health Board makes such a payment, the registered person shall provide to the service user a statement as to the date and amount of the payment.

(5) References in paragraph (4) to a payment do not include a payment where—

- (a) the Health Authority or Local Health Board has made arrangements with the care home for the provision of accommodation to the service user; and
- (b) the payment relates to any period during which under those arrangements accommodation is provided at the care home to the service user.”.

(4) In regulation 39(2)(e) for “children’s home” there is substituted “care home”.

(5) In the English language version of regulation 39(4) for “children’s home” there is substituted “care home”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

2nd April 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Homes (Wales) Regulations 2002 (“the 2002 Regulations”) to provide that a person registered in respect of a care home must provide a service user with the following information—

- (a) a statement as to the home’s fees for accommodation, nursing and personal care, and other information in relation to payment of fees;
- (b) details of any increase in the fees or other variation of the matters referred to in the statement, and this information shall be provided at least a month in advance of the increase or variation taking effect;
- (c) a statement as to certain payments made by a Health Authority in respect of nursing provided to the service user by the home.

These Regulations also amend the 2002 Regulations to provide that a person registered in respect of a home must make a copy of the service user’s guide to the home available to all persons who request a copy, and correct a drafting error in the 2002 Regulations.