
WELSH STATUTORY INSTRUMENTS

2015 No. 1842

The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015

Payment of the charge during and after the review

15.—(1) If a request is made, the requester may elect not to pay their charge, or the part of the charge which is the subject of the review, during the whole of the review period but the unpaid amount will accrue.

(2) If an election is made under paragraph (1), the requester must notify the local authority of their election, either orally or in writing, within 5 working days of receiving a statement under regulation 10(1).

(3) If a local authority sends a statement to the requester under regulation 14(3), the requester may elect not to pay their charge or the part of the charge which is the subject of the review, during the remainder of the review period and any amount that is not paid during the remainder of the review period will not accrue.

(4) If an election is made under paragraph (3), the requester must notify the local authority of the election, either orally or in writing, within 5 working days of receiving a statement under regulation 14(3).

(5) Where the local authority is notified that the requester will not pay their contribution towards direct payments during the whole or the remainder of the review period, the local authority must make gross direct payments during—

- (a) the whole of the review period where an election under paragraph (1) is made; or
- (b) the remainder of the review period where an election under paragraph (3) is made.

(6) Subject to paragraphs (7) and (8), a local authority may recover any unpaid amount that has accrued during the review period under paragraph (1) after the end of the review period.

(7) The accrued amount that may be recovered under paragraph (6) is the amount of the charge that the local authority has decided is correct under regulation 14 (1)(a).

(8) A local authority may not recover any charge, or the part of the charge which is the subject of the review, that has not been paid between the sending of a statement under regulation 14(3) and the end of the review period.

(9) If a local authority decides that the charge that should be payable by the requester is less than that previously imposed on the requester, the local authority must within 10 working days of sending its decision to the requester, pay the requester the difference between the amount that should be payable and the amount, if any, that has already been paid by the requester.

(10) If a local authority decides that the amount that should be payable by the requester is more than that previously imposed on the requester, the local authority may, subject to paragraph (8), recover the difference between the amount of the charge that should be payable and the amount, if any, that has already been paid by the requester.

(11) The amount that a local authority must pay under paragraph (9) or may recover under paragraph (10), where the amount of the charge has been amended due to a change in the

requester's financial circumstances, cannot relate to any period of time before that change in financial circumstances.

(12) If recovering an amount from the requester under paragraph (6) or (10) the local authority must—

- (a) have regard to the requester's personal financial circumstances; and
- (b) be satisfied that the recovery of the amount will not cause the requester to suffer financial hardship; or
- (c) if the local authority believes that the recovery of that amount would cause the requester to suffer financial hardship, offer the requester the option of repaying the amount in periodic instalments.

(13) Where the local authority is seeking to recover any amount from a liable transferee, paragraph (12) does not apply.