

2003 No. 1216

SOCIAL SERVICES, ENGLAND

**The Carers and Disabled Children (Vouchers) (England)
Regulations 2003**

Made - - - - - *1st May 2003*

Laid before Parliament *8th May 2003*

Coming into force - - *29th May 2003*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 17B(1) and (3) of the Children Act 1989(a), sections 3(1) and (3) of the Carers and Disabled Children Act 2000(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Carers and Disabled Children (Vouchers) (England) Regulations 2003 and shall come into force on 29th May 2003.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations—

“the Act” means the Carers and Disabled Children Act 2000;

“the 1989 Act” means the Children Act 1989;

“the 2003 Regulations” means the Community Care, Services for Carers and Children’s Services (Direct Payments) Regulations 2003(c);

“Children Act services” means services provided under section 17 of the 1989 Act;

“Children Act voucher” means a voucher as defined in section 17B(2) of the 1989 Act;

“community care voucher” means a voucher as defined in section 3(2) of the Act;

“relevant parent” means, in relation to a Children Act voucher, a person with parental responsibility for the disabled child;

“relevant supplier of services” means a supplier of services with whom the local authority has entered into a contract to provide community care services or Children Act services;

“service” means either a Children Act service or a community care service;

“supplier of services” means an establishment or agency in respect of which a person is registered under the Care Standards Act 2000(d);

(a) 1989 c. 41. Section 17B was inserted by section 7 of the Carers and Disabled Children Act 2000 (c. 16).

(b) 2000 c. 16; see section 11(1) for the definitions of “prescribed” and “regulations”.

(c) S.I. 2003/762.

(d) 2000 c. 14.

“service user” means the person cared for or the disabled child to whom the services are to be supplied using a voucher;

“voucher” means either a Children Act voucher or a community care voucher; and

“voucher holder” means someone to whom a voucher has been issued in accordance with regulation 4.

Voucher values

3.—(1) The value of a voucher may be expressed in terms of—

- (a) money; or
- (b) the delivery of a service for a period of time

but not both, and the terms “money voucher” and “time voucher” shall be construed accordingly.

(2) A time voucher—

- (a) must specify the service for which the voucher may be redeemed; and
- (b) may specify the supplier of services authorised by the local authority to supply that service.

Issue of vouchers

4.—(1) Subject to paragraph (3), time vouchers may be issued—

- (a) in the case of community care vouchers, to
 - (i) a person cared for, or
 - (ii) a carer, provided the person cared for—
 - (aa) consents to the issue of the community care voucher to the carer, or
 - (bb) lacks capacity so to consent; and
- (b) in the case of Children Act vouchers, to a relevant parent.

(2) Subject to paragraph (3), money vouchers may only be issued in the case of a community care voucher to a person cared for, or in the case of Children Act vouchers to a relevant parent.

(3) Vouchers must not be issued to any of the following persons—

- (a) a person cared for who is a person to whom paragraph (2) of regulation 2 of the 2003 Regulations applies,
- (b) a carer who is a person to whom that paragraph applies,
- (c) a relevant parent who is a person to whom that paragraph applies,
- (d) a carer of a person mentioned in sub-paragraph (a).

Redemption of vouchers

5.—(1) The full value of a voucher, whether a money voucher or a time voucher, shall be redeemed within one year beginning with the date of its issue and any voucher not so redeemed shall become void.

(2) For the purposes of paragraph (1), a voucher is redeemed—

- (a) on the day on which the service that is secured against the value of the voucher is delivered; or
- (b) in the case of such a service being supplied over a period which exceeds one day (whether continuous or not), on the last day on which any service that is secured against the value of the voucher is supplied.

(3) A voucher shall only be redeemable for services supplied by—

- (a) the local authority that issued the voucher (the “issuing authority”); or
- (b) a relevant supplier of services.

(4) Where the voucher holder indicates to the issuing authority that

- (a) he wants to redeem a voucher for a service; and
- (b) he wishes that service to be supplied by a preferred supplier (within the meaning of paragraph (5)), paragraph (6) shall apply.

(5) A preferred supplier is someone other than the issuing authority or a supplier referred to in paragraph (3)(b).

(6) In the circumstances described in paragraph (4), the issuing authority shall enter into a contract with the preferred supplier provided that the preferred supplier is a supplier of services and—

- (a) in the case of time vouchers, the preferred supplier agrees—
 - (i) to supply the same service as is specified on the voucher,
 - (ii) to supply that service at the same cost that the issuing authority would usually expect to pay for that service, and
 - (iii) to the issuing authority's usual terms and conditions; and
- (b) in the case of money vouchers, the preferred supplier agrees to the issuing authority's usual terms and conditions.

(7) If the service user ceases to be ordinarily resident in the issuing authority's area without the full value of any vouchers held in relation to him being redeemed, any vouchers which have not been redeemed on the day on which that person ceases to be so ordinarily resident must be returned to the issuing authority.

Additional services

6.—(1) This regulation applies in a case where a voucher holder wishes the relevant supplier of services to supply services to the service user which are either additional to, or more expensive than, the services which can be secured using the voucher ("additional services").

(2) Where this regulation applies, the voucher holder may secure additional services from a relevant supplier of services other than a local authority if a third party agrees to pay to the supplier the difference between the cost which will be met by the voucher and the actual cost of the service supplied.

(3) For the purposes of paragraph (2), "third party" means someone other than the service user, the relevant parent, or the issuing authority.

Maximum period of residential accommodation which may be secured by a voucher

7. A voucher must not be used to secure residential accommodation—
- (a) for a period in excess of 28 consecutive days; and
 - (b) in any period of 12 months for periods which exceed 120 days in total.

Signed by authority of the Secretary of State for Health

1st May 2003

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for local authorities to set up voucher schemes, whereby the carers of disabled adults or the person with parental responsibility for disabled children can have a break from caring, during which the person they care for can be provided with alternative care.

Regulation 3 provides that the value of a voucher may be expressed in terms of either money or the delivery of a service for a specified period of time.

Regulation 4 sets out who may be issued with a voucher.

Regulation 5 sets out conditions for redeeming a voucher.

Regulation 6 allows for the provision, in specified circumstances, of services which are additional to, or more expensive than, the service which can be secured using the voucher.

Regulation 7 specifies the maximum period of residential accommodation which may be secured using a voucher.

These Regulations do not impose costs on business.

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