

STATUTORY INSTRUMENTS

2014 No. 2672

The Care and Support (Charging and Assessment of Resources) Regulations 2014

PROSPECTIVE

PART 2

Power of the local authority to charge for care and support

Services to be provided free of charge

3.—(1) A local authority⁽¹⁾ must not make a charge for meeting needs under section 14(1) of the Act where the care and support, or support which is provided to an adult, under section 18, 19 or 20 of the Act, is a service specified in paragraph (2)(a) or (b).

(2) The following are specified—

- (a) a service which consists of the provision of community equipment (aids and minor adaptations);
- (b) intermediate care and reablement support services for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period.

(3) In this regulation—

“community equipment (aids and minor adaptations)” means an aid, or a minor adaptation to property, for the purpose of assisting with nursing at home or aiding daily living and for the purposes of this paragraph, an adaptation is minor if the cost of making the adaptation is £1,000 or less;

“intermediate care and reablement support services” means care and support, or support provided to an adult by the local authority under section 18, 19 or 20 of the Act which—

- (a) consists of a programme of care and support, or support;
- (b) is for a specified period of time (“the specified period”); and
- (c) has as its purpose the provision of assistance to an adult to enable the adult to maintain or regain the ability needed to live independently in their own home.

Commencement Information

II Reg. 3 in force at 1.4.2015 in accordance with reg. 1

(1) See section 1(4) of the Act as to the meaning of “local authority”; the definition is limited to local authorities in England.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care and Support (Charging and Assessment of Resources) Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Adults to whom services are to be provided free of charge

4. A local authority must not make a charge for meeting needs under section 14(1) of the Act where the care and support is provided to an adult, under section 18, 19 or 20 of the Act, suffering from variant Creutzfeldt-Jakob disease.

Commencement Information

I2 Reg. 4 in force at 1.4.2015 in accordance with reg. 1

Costs of putting in place arrangements to meet needs

5. Where a local authority is meeting needs because Condition 2 in section 18, or Condition 2 or 4 in section 20, of the Act is met, the charge the authority may make under section 14(1)(b) of the Act may only cover the cost that the authority incurs in putting in place the arrangements for meeting those needs.

Commencement Information

I3 Reg. 5 in force at 1.4.2015 in accordance with reg. 1

Personal expenses allowance for residents or temporary residents provided with accommodation in a care home

6. The amount specified for the purposes of section 14(7) of the Act⁽²⁾ in relation to a resident or temporary resident provided with accommodation in a care home is £24.40 each week.

Commencement Information

I4 Reg. 6 in force at 1.4.2015 in accordance with reg. 1

Minimum income guaranteed amount for other adults and carers whose needs are being met otherwise than by the provision of accommodation in a care home

7.—(1) Subject to paragraph (8), the amount specified for each week for the purposes of section 14(7) of the Act (“the minimum income guaranteed amount”) in relation to the adult concerned specified in paragraph (2), (3), (4), (5), (6) or, as the case may be, (7) is the aggregate of—

- (a) the amount specified in relation to that adult in that paragraph⁽³⁾;
 - (b) where the adult concerned is responsible for, and a member of the same household as, a child, the amount of £82.95 in respect of each child; and
 - (c) any applicable premium under paragraphs (4) to (7).
- (2) Where the adult concerned is a single person and—
- (a) is aged 18 or older but less than 25, the amount of £71.70;
 - (b) is aged 25 or older but less than pension credit age, the amount of £90.50;

(2) Under section 14(7) of the Act, the local authority may not make a charge under section 14(1) of the Act if the income of the adult concerned would, after deduction of the charge, fall below the amount specified in regulations.

(3) A buffer of 25% has been added to each specified amount and the applicable premium.

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- (c) has attained pension credit age, the amount of £185.45.
- (3) Where the adult concerned is a lone parent aged 18 or over, the amount of £90.50.
- (4) Where the adult concerned is a member of a couple and—
 - (a) one or both are aged 18 or over, the amount of £71.05;
 - (b) one or both have attained pension credit age, the amount of £141.55.
- (5) Where the adult concerned is a single person who is in receipt of, or the local authority considers would, if in receipt of income support, be in receipt of—
 - (a) disability premium, the amount of the applicable premium is £39.85;
 - (b) enhanced disability premium, the amount of the applicable premium is £19.45.
- (6) Where the adult concerned is a member of a couple and one member of that couple is in receipt of, or the local authority considers would, if in receipt of income support, be in receipt of—
 - (a) disability premium, the amount of the applicable premium is £28.35;
 - (b) enhanced disability premium, the amount of the applicable premium is £13.95.
- (7) Where the adult concerned is in receipt of, or the local authority considers would, if in receipt of income support be in receipt of, carer premium, the amount of the applicable premium is £42.75.
- (8) Where a local authority provides non-care related support for the adult concerned the minimum income guaranteed amount in relation to that adult is the amount calculated in accordance with paragraph (1) less an amount equal to the cost the local authority incurs in providing that non-care related support for the adult concerned.
- (9) In this regulation—
 - “the adult concerned” means—
 - (a) an adult who has needs for care and support under section 18, 19 or 20 of the Act other than the provision of accommodation in a care home;
 - (b) a carer who has needs for support under section 20 of the Act;
 - “non-care related support” includes support which consists of services or activities such as the provision of meals on wheels, shopping or transport services or recreational activities.

Commencement Information

I5 Reg. 7 in force at 1.4.2015 in accordance with reg. 1

Power of the local authority to financially assess and charge a short-term resident as if the resident is receiving care and support or support other than the provision of accommodation in a care home

8. A local authority may, if it thinks fit, financially assess and charge a short-term resident as if they are receiving care and support, or support under section 18, 19 or 20 of the Act other than the provision of accommodation in a care home.

Commencement Information

I6 Reg. 8 in force at 1.4.2015 in accordance with reg. 1

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2015/305 reg. 2\(3\)\(b\)13](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 1 para. 17A inserted by [S.I. 2017/555 reg. 2\(b\)](#)
- Sch. 2 para. 36 inserted by [S.I. 2018/687 reg. 2](#)
- Sch. 2 para. 37 inserted by [S.I. 2020/112 reg. 2](#)
- Sch. 2 para. 3839 inserted by [S.I. 2021/717 reg. 2](#)
- Sch. 2 para. 42 inserted by [S.I. 2022/1038 reg. 2](#)
- Sch. 2 para. 40 inserted by [S.I. 2022/243 reg. 2\(5\)](#)
- Sch. 2 para. 41 inserted by [S.I. 2022/743 reg. 2](#)
- Sch. 2 para. 43 inserted by [S.I. 2023/405 reg. 2](#)
- reg. 7(10) inserted by [S.I. 2015/644 reg. 3\(c\)](#)