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WELSH STATUTORY INSTRUMENTS

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**2011 No. 963**

**The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011**

**Response to an invitation to request a means assessment**

8.—(1) D, or subject to paragraph (3) or (4), D's representative, must provide a response to the local authority within 15 working days (or such longer period as a local authority may reasonably allow in accordance with regulation 9) of the date the invitation was issued.

(2) D complies with the requirement set out in paragraph (1) if that person or that person's representative—

- (a) requests that the local authority carries out a means assessment in accordance with regulations 13 and 16;
- (b) requests assistance from any home visiting facility that is provided by the local authority, where such assistance is required;
- (c) provides the information that has been requested by the local authority in the format that the local authority has agreed to accept it;
- (d) provides the documentation that has been requested by the local authority;
- (e) requests an extension of time, where one is required, in which to provide the information or documentation (or both) that has been requested in accordance with regulation 7(4)(d), giving the reason or reasons why an extension of time is required.

(3) Where D has appointed a representative to act on his or her behalf, D must provide the local authority with the following—

- (a) the name and address of the representative,
- (b) confirmation that the representative is willing to act on his or her behalf,
- (c) details of the nature and extent of the representative's involvement in the means assessment process, and
- (d) details of the nature and extent of the information the local authority may share with his or her representative.

(4) Where a suitable person has been appointed in accordance with regulation 9 of the 2011 Regulations (direct payments under section 57(1A) of the 2001 Act), that person must provide confirmation of his or her name and address to the local authority.

(5) Unless the context otherwise requires, where a representative has been appointed in accordance with paragraph (3) or (4), any reference in this regulation or in regulations 9 to 15 to D, includes that person's representative.

(6) Any request made in accordance with paragraph (2) or appointment made in accordance with paragraph (3) may be made or communicated orally or in writing by D but must be confirmed by a local authority in writing or in any other format that is appropriate to the communication needs of the service user.