

---

WELSH STATUTORY INSTRUMENTS

---

**2015 No. 1815**

**The Care and Support (Direct Payments) (Wales) Regulations 2015**

**Steps to enable informed choices about direct payments**

- 4.—(1) When a local authority—
- (a) decides that it will meet the needs of A for care and support, and
  - (b) determines that making direct payments is an appropriate way of meeting A's needs,
- it must provide information to A to ensure that A is able to make an informed choice about whether or not to consent to the making of payments.
- (2) The information which a local authority provides must include—
- (a) how it proposes to meet those needs if the needs are not met by the making of direct payments;
  - (b) confirmation of whether, in the local authority's view, direct payments are an appropriate way of meeting A's needs<sup>(1)</sup>;
  - (c) information about the nature and the purpose of direct payments;
  - (d) information about different ways of managing direct payments;
  - (e) the amount of any payments which the person would be entitled to if a choice was made to have a direct payment and how the amount of the payment would be calculated;
  - (f) information about the support which is available to assist people to manage direct payments whether from the local authority or from any other person;
  - (g) information about the effect of financial assessment and whether, in the case of the needs in question any direct payments would be likely to be made as gross payments or net payments.
- (3) Where A is an adult who does not have capacity, the local authority must instead provide the information to any person authorised under the Mental Capacity Act 2005<sup>(2)</sup> to make decisions about A.
- (4) Where A is a child aged 16 or 17 who does not have capacity, or is a child below the age of 16 who does not have sufficient understanding to make an informed decision, the local authority must instead provide the information to a person with parental responsibility for A.

---

(1) One of the conditions for triggering a requirement or a discretion to make direct payments to meet a person's need for care and support is that the local authority is satisfied that direct payments are an appropriate way of meeting the person's needs – see sections 50(3)(c)(i), 50(4)(d)(i), 51(5)(a) and 52(5)(a) of the Act.

(2) 2005 c. 9.