

**EXPLANATORY MEMORANDUM TO
THE NATIONAL ASSISTANCE (SUMS FOR PERSONAL REQUIREMENTS AND
ASSESSMENT OF RESOURCES) AMENDMENT (ENGLAND)
REGULATIONS 2009**

2009 No. 597

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 The instrument uprates certain disregards and allowances in the residential charging regulations. These regulations set out how each local authority should assess what a person can afford to pay for care in a care home which has been arranged by the local authority.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Context**

- 4.1 To effect an annual uprating of certain elements within residential charging regulations.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England.

- 5.2 Similar regulations exist in Scotland, Wales and Northern Ireland.

6. **European Convention on Human Rights**

The Minister of State for Care Services has made the following statement regarding Human Rights:

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

What is being done and why

7.1 Certain disregards and allowances are being updated in line with the increase in average earnings.

Consolidation

7.2 There are no plans to consolidate the regulations.

8. Consultation outcome

8.1 The changes are made using long established formula. No consultation was carried out.

9. Guidance

9.1 Guidance on the application and interpretation of the residential charging regulations is provided in the Charges for Residential Accommodation Guide (CRAG). This will be amended to reflect the changes and a new version issued by the time the regulations come into effect.

10. Impact

10.1 No impact is foreseen on business, charities or voluntary bodies.

10.2 The impact on the public sector should be minimal. The regulations modify the charging regulations they use to make a financial assessment of what local authority supported care home residents should pay towards the cost of their care.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The changes to the regulations aim to ensure that care home residents assessment for charging is modified in line with the increase in average earnings. The regulations will be reviewed annually. The next scheduled review is due for completion by April 2010.

13. Contact

Alan Probett at the Department of Health Tel: 020 7972 4033 or email: SCPI-Enquiries@dh.gsi.gov.uk can answer any queries regarding the instrument.