

2014 No. 2673

SOCIAL CARE, ENGLAND

**The Care and Support (Preventing Needs for Care and Support)
Regulations 2014**

Made - - - - - *22nd October 2014*

Laid before Parliament *30th October 2014*

Coming into force in accordance with regulation 1

The Secretary of State in exercise of the powers conferred by sections 2(3) and (4) and 125(7) of the Care Act 2014(a) makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Care and Support (Preventing Needs for Care and Support) Regulations 2014 and come into force immediately after section 2(1) of the Care Act 2014 comes fully into force.

Interpretation

2. In these Regulations—

“the Act” means the Care Act 2014;

“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 these Regulations, an adaptation is minor if the cost of making the adaptation is £1,000 or less;

“intermediate care and reablement support services” means facilities or resources provided to an adult by a local authority under section 2(1) of the Act which—

- (a) consist of a programme of services, facilities or resources;
- (b) are for a specified period of time (“the specified period”); and
- (c) have as their 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.

Making a charge

3.—(1) Subject to these Regulations, a local authority(b) may make a charge for any provision made by it or arranged by it under section 2(1) of the Act.

(a) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State, *see* section 125(1) of the Act (“the Act”).

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

(2) A charge must not reduce the income of the adult concerned below the amount specified in regulation 7 of the Care and Support (Charging and Assessment of Resources) Regulations 2014(a) (minimum income guaranteed amount).

(3) A carer must not be charged for any provision made under section 2(1) of the Act intended to prevent or delay the development by the carer of needs for support or to reduce the carer's needs for support which consists of provision made directly to the adult needing care.

Services to be provided free of charge

4. A local authority must not make a charge under regulation 3(1) where the provision made under section 2(1) of the Act is—

- (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.

Adults to whom services are to be provided free of charge

5. A local authority must not make a charge under regulation 3(1) where the provision made under section 2(1) of the Act is to an adult suffering from variant Creutzfeldt-Jakob disease.

Signed by authority of the Secretary of State.

Norman Lamb
Minister of State
Department of Health

22nd October 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the Care Act 2014 (“the Act”) for when a local authority can make a charge for the provision of services, facilities and resources under section 2 of the Act. Section 2(1) requires a local authority to provide or arrange for the provision of services, facilities or resources (or take other steps) which it considers will contribute towards preventing, delaying or reducing the needs for care and support of adults or for support in relation to carers. Section 2(3) provides the power to make regulations permitting a local authority to charge and prohibiting a local authority from making a charge. Section 2(5) provides that a charge may only cover the cost that the local authority incurs in providing or arranging for the provision of the service, facility or resource.

Regulation 3 provides that a local authority can make a charge subject to these Regulations. Regulation 3(2) provides that a charge must not reduce the adult's income to below the minimum income guarantee specified in the Care and Support (Charging and Assessment of Resources) Regulations 2014. Regulation 3(3) provides that a carer must not be charged for any provision intended to prevent or delay the development by the carer of needs for support or to reduce the carer's needs for support which consists of provision made directly to the adult needing care.

Regulations 4 and 5 respectively specify the services which must always be provided free of any charge and the persons to whom services must always be provided free of any charge.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via

(a) S.I. 2014/2672.

careactconsultation@dh.gsi.gov.uk or from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>.

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