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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1843**

**The Care and Support (Charging) (Wales) Regulations 2015**

**PART 1**

**GENERAL**

**Title, application commencement and interpretation**

1.—(1) The title of these Regulations is the Care and Support (Charging) (Wales) Regulations 2015.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 6 April 2016.

(4) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“Direct Payments Regulations” (“*Rheoliadau Taliadau Uniongyrchol*”) means the Care and Support (Direct Payments) (Wales) Regulations 2015(1);

“Financial Assessment Regulations” (“*Rheoliadau Aseiad Ariannol*”) means the Care and Support (Financial Assessment) (Wales) Regulations 2015(2);

“A” (“*A*”) is used to refer to a person for whom care and support is being or may be provided or arranged by a local authority under Part 4 of the Act and who is liable to be charged, as provided for in regulation 2(1) of these Regulations(3);

“B” (“*B*”) is used to refer to a person in relation to whose needs a local authority is providing direct payments or may be required to make direct payments pursuant to regulations made under sections 50 or 52 of the Act and who is liable to make a contribution or reimbursement;

“assessed income” (“*incwm asesedig*”) means that part of A’s income calculated in accordance with the Financial Assessment Regulations which a local authority may take into account in making a determination under these Regulations;

“assessed needs” (“*anghenion asesedig*”) means the needs of a person identified in an assessment under section 19 (duty to assess the needs of an adult for care and support), or 24 (duty to assess the needs of a carer for support) of the Act;

“basic entitlement” (“*hawlogaeth sylfaenol*”) means, in relation to—

(a) income support—

the personal allowance(4) and any premiums(5) to which A is entitled, but need not include the severe disability premium (“SDP”) (“*y premiwm anabledd difrifol*”)(6) where it is paid, and where A is a carer, includes any carer premium that A receives,

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(1) [S.I. 2015/1815 \(W. 260\)](#)

(2) [S.I. 2015/1844 \(W. 272\)](#)

(3) Section 66(2) of the Act refers to a person whose financial resources have been assessed under section 63 as “the assessed person”.

(4) The personal allowance is as set out in paragraphs 1,1A and 2 of Schedule 2 to the Income Support (General) Regulations 1987 ([S.I. 1987/1967](#)).

(b) employment and support allowance—  
the personal allowance and any premiums and components to which A is entitled, but need not include the SDP where it is paid, and where A is a carer includes any carer premium that A receives,

(c) guarantee credit—  
the personal allowance and any additional amount to which A is entitled, but need not include the additional amount added for severe disability where it is paid, and where A is a carer, includes any additional amount applicable for carers that A receives;

“capital limit” (“*terfyn cyfalaf*”) means the maximum amount of capital, assessed in accordance with the Financial Assessment Regulations, which a chargeable person may have, above which that person will be required, in accordance with regulation 11 to meet the standard charge in full;

“care home” (“*cartref gofal*”) is defined in section 197(1) of the Act(7);

“contribution” (“*cyfraniad*”) in relation to a person whose needs are met by the local authority making direct payments has the meaning ascribed in the definition of “net payments” in section 53(2) of the Act;

“day service” (“*gwasanaeth dydd*”) means a service provided by a local authority which meets part of an adult’s assessed needs, which takes place away from that adult’s home and which is intended to assist the adult in meeting others, or taking up new, or practising existing interests, including work opportunities;

“employment and support allowance” (“*lwfans cyflogaeth a chymorth*”) means either contributory employment and support allowance or income-related employment and support allowance in accordance with Part 1 of the Welfare Reform Act 2007(8);

“direct payment” (“*taliad uniongyrchol*”) has the meaning given to it in sections 50(7) and 52(7) of the Act;

“financial limit” (“*terfyn ariannol*”) means the limit in relation to A’s capital set by the capital limit;

“flat-rate charge” (“*ffi unffurf*”) means a fixed rate charge which is imposed by a local authority regardless of the means of the person who is liable to be charged for—

- (a) care and support arranged or provided by a local authority under Part 4 of the Act (meeting needs); or
- (b) services provided under section 15 (preventative services) or for assistance provided under section 17 (information advice and assistance) of the Act;

“guarantee credit” (“*credyd gwarant*”) is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(9);

“income support” (“*cymhorthdal incwm*”) means income support paid in accordance with section 124 of the Social Security Contributions and Benefits Act 1992(10);

“net weekly income” (“*incwm wythnosol net*”) means the weekly income which A has, or would have left, after the deduction from A’s assessed income of the standard charge (or any other charge) imposed under Part 5 of the Act and these Regulations;

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(5) The premiums are those set out in parts II and III of Schedule 2 to the Income Support (General) Regulations 1987.

(6) Severe disability premium is provided for by paragraph 13 of Schedule 2 to the Income Support (General) Regulations 1987.

(7) Section 197(1) gives “care home” the same meaning as in the Care Standards Act 2000 (c. 14). The term is defined in section 3 of that Act.

(8) 2007 c. 5.

(9) 2002 c. 16.

(10) 1992 c. 4.

“non-residential care and support” (“*gofal a chymorth amhreswyl*”) means any care and support provided to meet a person’s need for care and support other than provision of accommodation in a care home;

“reablement” (“*gofal a chymorth ailalluogi*”) means care and support—

- (a) provided or arranged by a local authority for A under Part 2 or 4 of the Act; or
- (b) secured or arranged by A, where A is or will be receiving direct payments made in accordance with section 50 or 52 of the Act; and
- (c) which—
  - (i) consists of a programme of care and support,
  - (ii) is for a specified period<sup>(11)</sup> of time (“the specified period”), and
  - (iii) has as its purpose the provision of assistance to A to enable A to maintain or regain the ability needed to live independently in A’s only or main home;

“reimbursement” (“*ad-daliad*”) in relation to a person whose needs are met by the local authority making direct payments has the meaning ascribed in the definition of “gross payments” in section 53(2) of the Act;

“relevant benefit” (“*budd-dal perthnasol*”) means—

- (a) income support, or
- (b) employment and support allowance, or
- (c) guarantee credit;

“short-term resident” (“*preswlydd byrdymor*”) means a person who is provided or is to be provided with accommodation in a care home under the Act for a period not exceeding 8 weeks;

“standard charge” (“*ffi safonol*”) has the meaning given in section 63(3) of the Act.

(5) References in these Regulations to provision or arrangement of care and support are, in the case of carers, to be read as meaning provision or arrangement of support.

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<sup>(11)</sup> A local authority will “specify” the duration of the period of reablement A requires based on A’s assessed needs.