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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1844**

**The Care and Support (Financial Assessment) (Wales) Regulations 2015**

**PART 1**

**General**

**Title, commencement and application**

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

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

(3) These Regulations apply in relation to Wales.

**Interpretation**

**2.**—(1) In these Regulations—

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

“the 1992 Act” (“*Deddf 1992*”) means the Social Security Contributions and Benefits Act 1992(1);

“the Charging Regulations” (“*y Rheoliadau Gosod Ffioedd*”) means the Care and Support (Charging) (Wales) Regulations 2015(2);

“the Income Support Regulations” (“*y Rheoliadau Cymhorthdal Incwm*”) means the Income Support (General) Regulations 1987(3);

“the Pension Credit Regulations” (“*y Rheoliadau Credyd Pensiwn*”) means the State Pension Credit Regulations 2002(4);

“A” (“*A*”) means an adult—

(a) whose financial resources are to be assessed in accordance with regulation 6 or regulation 8, or

(b) who falls within the circumstances specified in regulation 7;

“armed forces independence payment” (“*taliad annibyniaeth y lluoedd arfog*”) means armed forces independence payment under the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011(5);

“attendance allowance” (“*lwfans gweini*”) has the same meaning as in the Income Support Regulations;

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(1) 1992 c. 4.  
(2) 2015/1843 (W. 271)  
(3) S.I. 1987/1967.  
(4) S.I. 2002/1792.  
(5) S.I. 2011/517.

- “child benefit” (“*budd-dal plant*”) means a child benefit under the 1992 Act;
- “child tax credit” (“*credyd treth plant*”) means a child tax credit under the Tax Credits Act 2002(6);
- “council tax” (“*treth gyngor*”) is to be construed in accordance with section 1(1) of the Local Government Finance Act 1992(7);
- “direct payment” (“*taliad uniongyrchol*”) has the meaning given in sections 50(7) and 52(7) of the Act;
- “disability living allowance” (“*lwfans byw i’r anabl*”) means a disability living allowance under the 1992 Act;
- “employed earner” (“*enillydd cyflogedig*”) is to be construed in accordance with section 2(1) (a) of the 1992 Act(8);
- “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 (provision of information, advice and assistance) of the Act;
- “guardian’s allowance” (“*lwfans gwarcheidwad*”) means a guardian’s allowance under the 1992 Act;
- “home visiting facility” (“*cyfleuster ymweld â’r cartref*”) means a visit (or visits) which are undertaken by an appropriate officer of a local authority to a person’s current place of residence, or at such other venue as the person reasonably requests, for the purposes of gathering information to inform a financial assessment for that person and for providing information and offering assistance in relation to that process;
- “income support” (“*cymhorthdal incwm*”) means income support under the 1992 Act;
- “lone parent” (“*unig riant*”) has the same meaning as in the Income Support Regulations;
- “partner” (“*partner*”) has the same meaning as in the Income Support Regulations;
- “pension credit age” (“*oedran credyd pensiwn*”) means the qualifying age for state pension credit within the meaning of section 1(6) of the State Pension Credit Act 2002(9);
- “permanent resident” (“*preswylydd parhaol*”) means a resident who is not a temporary resident or a short-term resident;
- “personal independence payment” (“*taliad annibyniaeth bersonol*”) means a personal independence payment under Part 4 of the Welfare Reform Act 2012(10);
- “personal pension scheme” (“*cynllun pensiwn personol*”) has the same meaning as in the Income Support Regulations;
- “prospective resident” (“*darpar breswylydd*”) means a person for whom accommodation in a care home is proposed to be provided under the Act(11);
- “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

(6) 2002 c. 21.

(7) 1992 c. 14.

(8) Section 2(1)(a) was amended by paragraphs 169 and 171 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) and section 15(1) of the National Insurance Contributions Act 2014 (c. 7).

(9) 2002 c. 16.

(10) 2012 c. 5.

(11) See section 197(1) of the Act for the meaning of “care home”.

- (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(12) period 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 to live independently in A’s only or main home;

“resident” (“*preswlydd*”) means a person who is provided with accommodation in a care home under the Act;

“savings credit” (“*credyd cynilion*”) means a savings credit under the State Pension Credit Act 2002;

“self-employed earner” (“*enillydd hunangyflogedig*”) is to be construed in accordance with section 2(1)(b) of the 1992 Act;

“severe disablement occupational allowance” (“*lwfans galwedigaethol anabledd difrifol*”) means a severe disablement occupational allowance paid under article 10 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(13) or under article 16 of the Personal Injuries (Civilians) Scheme 1983(14);

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

“standard amount” (“*swm safonol*”) means the amount which a person would be required to pay by virtue of section 50 or 52 of the Act towards securing the provision of care and support in respect of which direct payments are being considered or made if no financial assessment is carried out in accordance with these Regulations or determination as to A’s ability to pay an amount is undertaken in accordance with the Charging Regulations;

“temporary resident” (“*preswlydd dros dro*”) means a resident whose stay is—

- (a) unlikely to exceed 52 weeks; or
- (b) in exceptional circumstances, unlikely to substantially exceed that period;

“working day” (“*diwrnod gwaith*”) means any day other than—

- (a) a Saturday or a Sunday,
- (b) Christmas day or Good Friday, or
- (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(15);

“working tax credit” (“*credyd treth gwaith*”) means a working tax credit under the Tax Credits Act 2002.

(2) Where reference is made in these Regulations to the application of a provision of the Income Support Regulations, any reference to “claimant” in the provision of the Income Support Regulations is to be construed as a reference to A.

(3) In these Regulations any reference to a resident’s accommodation in a care home, or to accommodation provided for a resident in a care home, is to be construed in the case of a resident who is a prospective resident as a reference to accommodation to be provided for that resident under section 35, 36, 40 or 45 of the Act, or where the prospective resident is in receipt of direct payments, as a reference to accommodation which will be secured by virtue of sections 50 or 52 of the Act.

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(12) A local authority will specify the duration of the period of reablement A requires based on A’s assessed needs.

(13) S.I. 2006/606; article 10 was amended by S.I. 2008/679 and 2013/630.

(14) S.I. 1983 / 686; article 16 was amended by S.I. 1984/1675 and 2001/420.

(15) 1971 c. 80.

(4) In these Regulations references to provision of or securing of care and support are, in the case of carer, to be read as meaning the provision or securing of support.