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WELSH STATUTORY  
INSTRUMENTS

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**2019 Rhif 234 (Cy. 53)**

**2019 No. 234 (W. 53)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gofal a Chymorth  
(Gosod Ffioedd) ac (Asesiad  
Ariannol) (Cymru) (Diwygiadau  
Amrywiol) 2019**

**The Care and Support (Charging)  
and (Financial Assessment) (Wales)  
(Miscellaneous Amendments)  
Regulations 2019**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015 ("y Rheoliadau Gosod Ffioedd") a Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015 ("y Rheoliadau Asesiad Ariannol").

Mae'r Rheoliadau Gosod Ffioedd yn nodi'r gofynion y mae rhaid i awdurdodau lleol eu bodloni wrth ddyfarnu swm y ffioedd sy'n gymwys mewn perthynas â gofal a chymorth a ddarperir neu a drefnir ganddynt, neu y cynigiant eu darparu neu eu trefnu, wrth gyflawni eu swyddogaethau o dan Ran 4 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf"). Mae'r Rheoliadau Gosod Ffioedd hefyd yn cynnwys darpariaeth gyfochrog sy'n nodi'r gofynion sy'n gymwys pan wna awdurdod lleol daliadau uniongyrchol i ddiwallu anghenion person am ofal a chymorth.

Mae'r Rheoliadau Asesiad Ariannol yn gwneud darpariaeth o dan y Ddeddf ynghylch y ffordd y mae rhaid i awdurdod lleol gynnal asesiad ariannol o adnoddau ariannol person ("A") yn yr achosion a ganlyn—

- (a) pan fo'r awdurdod yn tybio, pe bai'n diwallu anghenion A am ofal a chymorth (neu anghenion gofalwr am gymorth), y byddai'n gosod ffi o dan adran 59 o'r Ddeddf, neu

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 ("the Charging Regulations") and the Care and Support (Financial Assessment) (Wales) Regulations 2015 ("the Financial Assessment Regulations").

The Charging Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). The Charging Regulations also contain parallel provision setting out requirements which apply when a local authority makes direct payments to meet a person's needs for care and support.

The Financial Assessment Regulations make provision under the Act about the way in which a local authority must carry out a financial assessment of a person's ("A") financial resources in the following cases—

- (a) where the authority thinks that if it were to meet A's needs for care and support (or a carer's needs for support) it would impose a charge under section 59 of the Act, or

- (b) pan fo'r awdurdod yn tybio, pe bai'n gwneud taliadau tuag at y gost o ddiwallu anghenion A am ofal a chymorth (neu angen gofalwr am gymorth) drwy wneud taliadau uniongyrchol yn rhinwedd adran 50 neu 52 o'r Ddeddf, y byddai'n ei gwneud yn ofynnol i A dalu, ar ffurf ad-daliad (yn achos taliadau gros) neu gyfraniad (yn achos taliadau net), tuag at y gost o sicrhau'r ddarpariaeth honno o ofal a chymorth.

Mae'r Rheoliadau hyn yn diwygio Rhan 2 o'r Rheoliadau Gosod Ffioedd (codi ffioedd o dan Ran 5 o'r Ddeddf) fel a ganlyn:

—cynnydd yn yr uchafswm ffi wythnosol am ofal a chymorth amhreswyl o £80 i £90;

—cynnydd yn y terfyn cyfalaf perthnasol am ofal preswyl o £40,000 i £50,000;

—cynnydd yn yr isafswm incwm wythnosol net ar gyfer person y darperir llety iddo mewn cartref gofal o £28.50 i £29.50.

Mae'r Rheoliadau hyn yn diwygio Rhan 4 o'r Rheoliadau Gosod Ffioedd (cyfraniadau ac ad-daliadau am daliadau uniongyrchol) fel a ganlyn:

—cynnydd yn yr uchafswm cyfraniad neu ad-daliad wythnosol am ofal a chymorth amhreswyl o £80 i £90;

—cynnydd yn yr isafswm incwm wythnosol net ar gyfer person y darperir llety iddo mewn cartref gofal ac sy'n cael taliadau uniongyrchol o dan y Ddeddf o £28.50 i £29.50.

Mae'r Rheoliadau hyn yn diwygio Atodlen 2 i'r Rheoliadau Asesiad Ariannol fel a ganlyn:

—mae taliadau a wneir o dan neu gan ymddiriedolaeth a sefydlwyd at ddiben rhoi rhyddhad a chynhorthwy i bobl anabl yr achoswyd eu hanableddau gan y ffaith bod eu mamau wedi cymryd y cyffur o'r enw Thalidomid yn ystod eu beichiogrwydd, i'w hanwybyddu wrth gyfrifo cyfalaf oedolyn at ddibenion asesiad o adnoddau ariannol yr oedolyn hwnnw.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Y Grŵp Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

- (b) where the authority thinks that if it were to make payments towards meeting the cost of A's needs for care and support (or a carer's need for support) by making direct payments by virtue of section 50 or 52 of the Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

These Regulations amend Part 2 of the Charging Regulations (charging under Part 5 of the Act) as follows:

—the amount of the maximum weekly charge for non-residential care and support is increased from £80 to £90;

—the relevant capital limit for residential care is increased from £40,000 to £50,000;

—the net weekly minimum income amount where a person is provided with accommodation in a care home is increased from £28.50 to £29.50.

These Regulations amend Part 4 of the Charging Regulations (contributions and reimbursements for direct payments) as follows:

—the amount of the maximum weekly contribution or reimbursement for non-residential care and support is increased from £80 to £90;

—the net weekly minimum income amount where a person is provided with accommodation in a care home and receives direct payments under the Act is increased from £28.50 to £29.50.

These Regulations amend Schedule 2 to the Financial Assessment Regulations as follows:

—payments made under or by a trust established for the purpose of giving relief and assistance to disabled people whose disabilities were caused by the fact that during pregnancy their mother had taken the drug known as Thalidomide, are to be ignored in the calculation of an adult's capital for the purposes of an assessment of that adult's financial resources.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

**2019 Rhif 234 (Cy. 53)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**Rheoliadau Gofal a Chymorth  
(Gosod Ffioedd) ac (Asesiad  
Ariannol) (Cymru) (Diwygiadau  
Amrywiol) 2019**

*Gwnaed* 12 Chwefror 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 13 Chwefror 2019

*Yn dod i rym* 8 Ebrill 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 50, 52, 53(3), 61, 64(1), 64(2)(b), 66, 69 a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

**1.—**(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 8 Ebrill 2019.

**Diwygio Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015**

**2.** Mae Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015(2) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 7 (uchafswm ffi wythnosol am ofal a chymorth amhreswyl), ym mharagraff (1), yn lle “£80” rhodder “£90”;

**2019 No. 234 (W. 53)**

**SOCIAL CARE, WALES**

**The Care and Support (Charging)  
and (Financial Assessment) (Wales)  
(Miscellaneous Amendments)  
Regulations 2019**

*Made* 12 February 2019

*Laid before the National Assembly for Wales*  
13 February 2019

*Coming into force* 8 April 2019

The Welsh Ministers, in exercise of the powers conferred by sections 50, 52, 53(3), 61, 64(1), 64(2)(b), 66, 69 and 196(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

**Title, commencement and application**

**1.—**(1) The title of these Regulations is the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2019.

(2) These Regulations come into force on 8 April 2019.

**Amendment of the Care and Support (Charging) (Wales) Regulations 2015**

**2.** The Care and Support (Charging) (Wales) Regulations 2015(2) are amended as follows—

- (a) in regulation 7 (maximum weekly charge for non-residential care and support), in paragraph (1), for “£80” substitute “£90”;

(1) 2014 decc 4.  
(2) O.S. 2015/1843 (Cy. 271).

(1) 2014 anaw 4.  
(2) S.I. 2015/1843 (W. 271).

- (b) yn rheoliad 11 (terfyn cyfalaf perthnasol), ym mharagraff (2)(a), yn lle “£40,000” rhodder “£50,000”;
- (c) yn rheoliad 13 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£28.50” rhodder “£29.50”;
- (d) yn rheoliad 22 (uchafswm cyfraniad neu ad-daliad wythnosol am ofal a chymorth amhreswyl), ym mharagraff (1), yn lle “£80” rhodder “£90”; ac
- (e) yn rheoliad 28 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£28.50” rhodder “£29.50”.

- (b) in regulation 11 (relevant capital limit), in paragraph 2(a), for “£40,000” substitute “£50,000”;
- (c) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home) for “£28.50” substitute “£29.50”;
- (d) in regulation 22 (maximum weekly contribution or reimbursement for non-residential care and support), in paragraph (1), for “£80” substitute “£90”; and
- (e) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home) for “£28.50” substitute “£29.50”.

### **Diwygio Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015**

**3.** Yn Atodlen 2 (cyfalaf sydd i’w ddiystyru) i Reoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(1), ar ôl paragraff 34 mewnosoder—

“**35.** Unrhyw daliad a fyddai’n cael ei ddiystyru o dan baragraff 73 o Atodlen 10 i’r Rheoliadau Cymhorthdal Incwm(2) (taliadau sy’n ymwneud ag anabledd a achoswyd gan Thalidomid).”

### **Amendment of the Care and Support (Financial Assessment) (Wales) Regulations 2015**

**3.** In Schedule 2 (capital to be disregarded) to the Care and Support (Financial Assessment) (Wales) Regulations 2015(1), after paragraph 34 insert—

“**35.** Any payment which would be disregarded under paragraph 73 of Schedule 10 to the Income Support Regulations(2) (payments relating to disability caused by Thalidomide).”

*Julie Morgan*

Y Dirprwy Weinidog Iechyd a Gwasanaethau  
Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a  
Gwasanaethau Cymdeithasol, un o Weinidogion  
Cymru  
12 Chwefror 2019

Deputy Minister for Health and Social Services, under  
the authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

12 February 2019

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- (1) O.S. 2015/1844 (Cy. 272).
- (2) O.S. 1987/1967. Diffinnir y Rheoliadau Cymhorthdal Incwm gan reoliad 2(1) o Reoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015. Mewnosodwyd paragraff 73 o Atodlen 10 gan O.S. 2017/870.

- (1) S.I. 2015/1844 (W. 272).
- (2) S.I. 1987/1967. The Income Support Regulations are defined by regulation 2(1) of The Care and Support (Financial Assessment) (Wales) Regulations 2015. Paragraph 73 of Schedule 10 was inserted by S.I. 2017/870.

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