
WELSH STATUTORY INSTRUMENTS

2022 No. 99 (W. 35)

SOCIAL CARE, WALES

**The Care and Support (Charging) and (Financial Assessment)
(Wales) (Miscellaneous Amendments) Regulations 2022**

<i>Made</i>	- - - -	<i>2 February 2022</i>
<i>Laid before Senedd Cymru</i>		<i>4 February 2022</i>
<i>Coming into force</i>	- -	<i>11 April 2022</i>

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 and commencement

1.—(1) The title of these Regulations is the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2022.

(2) These Regulations come into force on 11 April 2022.

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 13 (minimum income amount where a person is provided with accommodation in a care home), for “£33” substitute “£35”;
- (b) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home), for “£33” substitute “£35”.

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

3. The Care and Support (Financial Assessment) (Wales) Regulations 2015⁽³⁾ are amended as follows—

- (a) in Part 1 (sums to be disregarded) of Schedule 1 (sums to be disregarded in the calculation of income)—

⁽¹⁾ 2014 *anaw* 4. See section 197(1) for the definitions of “regulations” and “specified”.

⁽²⁾ S.I. 2015/1843 (W. 271), amended by S.I. 2021/255 (W. 68); there are other amending instruments but none is relevant.

⁽³⁾ S.I. 2015/1844 (W. 272), amended by S.I. 2017/214 (W. 58) and S.I. 2019/234 (W. 53).

(i) for paragraph 30 substitute—

“**30.**—(1) Any payment which would be disregarded under paragraph 39 of Schedule 9 to the Income Support Regulations (the Fund, the Macfarlane Trusts and other trusts and Funds and the Independent Living Fund).

(2) Any payment made under—

(a) the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006⁽⁴⁾ and administered by the Velindre NHS Trust; or

(b) the Northern Ireland Infected Blood Support Scheme administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽⁵⁾.”;

(ii) after paragraph 44 insert—

“**44A.** Any payment made to A under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021⁽⁶⁾.

44B. Any payment made to A under the Victims’ Payments Regulations 2020⁽⁷⁾.”;

(b) in Schedule 2 (capital to be disregarded)—

(i) for paragraph 20 substitute—

“**20.**—(1) Any amount which would be disregarded under paragraphs 21 to 24 of Schedule 10 to the Income Support Regulations (charge or commission for converting capital into sterling, the Macfarlane Trusts, the Fund and the Independent Living Fund, value of the right to receive personal or occupational pension, value of funds under personal pension scheme and rent).

(2) Any payment made under—

(a) the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006 and administered by the Velindre NHS Trust; or

(b) the Northern Ireland Infected Blood Support Scheme administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”;

(ii) after paragraph 35 insert—

“**36.** Any payment made to A under the Historical Institutional Abuse (Northern Ireland) Act 2019⁽⁸⁾.

37. Any payment made to A under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.

38. Any payment made to A under the Victims’ Payments Regulations 2020.

(4) 2006 c. 42.
(5) 2009 c. 1 (N.I.).
(6) 2021 asp 15.
(7) S.I. 2020/103.
(8) 2019 c. 31.

39. Any payment made to A under the payment scheme for former British child migrants established by the Secretary of State.”

2 February 2022

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 provisions setting out requirements which apply when a local authority makes direct payments to meet a person’s need 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:

- 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
- 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 regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) as follows:

- the net weekly minimum income amount where a person is provided with accommodation in a care home is increased from £33 to £35.

These Regulations amend regulation 28 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) as follows:

- 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 £33 to £35.

These Regulations amend Part 1 of Schedule 1 to the Financial Assessment Regulations as follows:

Paragraph 30 is substituted to provide that payments made under:

- the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006 and administered by the Velindre NHS Trust, or
- the Northern Ireland Infected Blood Support Scheme administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009,

are to be disregarded in the calculation of an adult’s income for the purposes of an assessment of that adult’s financial resources. Payments made under the equivalent England Infected Blood Support Scheme and Scotland Infected Blood Support Scheme continue to be disregarded under paragraph 30(1) of Schedule 1.

These Regulations amend Part 1 of Schedule 1 to the Financial Assessment Regulations as follows:

- any payments made to A under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, or
- any payments made to A under the Victims' Payments Regulations 2020,

are to be disregarded in the calculation of an adult's income for the purposes of an assessment of that adult's financial resources.

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

Paragraph 20 is substituted to provide that payments made under:

- the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006 and administered by the Velindre NHS Trust, or
- the Northern Ireland Infected Blood Support Scheme administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009,

are to be disregarded in the calculation of an adult's capital for the purposes of an assessment of that adult's financial resources. Payments made under the equivalent England Infected Blood Support Scheme and Scotland Infected Blood Support Scheme continue to be disregarded under paragraph 20(1) of Schedule 2.

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

- payments made under the Historical Institutional Abuse (Northern Ireland) Act 2019,
- payments made under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021,
- payments made under the Victims' Payments Regulations 2020, or
- payments made under the payment scheme for former British child migrants established by the Secretary of State,

are to be disregarded 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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.