



OFFERYNNAU STATUDOL
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WELSH STATUTORY
INSTRUMENTS

2022 Rhif 99 (Cy. 35)

2022 No. 99 (W. 35)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) ac (Asesiad
Ariannol) (Cymru) (Diwygiadau
Amrywiol) 2022

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

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

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").

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").

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 darpariaethau cyfochrog sy'n nodi'r gofynion sy'n gymwys pan fo awdurdod lleol yn gwneud taliadau uniongyrchol i ddiwallu angen person am ofal a chymorth.

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.

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:

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:

- 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

- 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

- 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 rheoliad 13 o'r Rheoliadau Gosod Ffioedd (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal) fel a ganlyn:

- cynnydd yn yr isafswm incwm wythnosol net ar gyfer person y darperir llety iddo mewn cartref gofal o £33 i £35.

Mae'r Rheoliadau hyn yn diwygio rheoliad 28 o'r Rheoliadau Gosod Ffioedd (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal) fel a ganlyn:

- 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 £33 i £35.

Mae'r Rheoliadau hyn yn diwygio Rhan 1 o Atodlen 1 i'r Rheoliadau Asesiad Ariannol fel a ganlyn:

Mae paragraff 30 wedi ei amnewid i ddarparu bod taliadau a wneir o dan:

- Cynllun Cymorth Gwaed Heintiedig Cymru a sefydlwyd o dan adrannau 1 i 3 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac a weinyddir gan Ymddiriedolaeth GIG Felindre, neu
- Cynllun Cymorth Gwaed Heintiedig Gogledd Iwerddon a weinyddir gan y Sefydliad Gwasanaethau Busnes Rhanbarthol a sefydlwyd o dan adran 14 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009,

i'w diystyru wrth gyfrifo incwm oedolyn at ddibenion asesiad o adnoddau ariannol yr oedolyn hwnnw. Mae taliadau a wneir o dan y cynlluniau cyfatebol, Cynllun Cymorth Gwaed Heintiedig Lloegr a Chynllun Cymorth Gwaed Heintiedig yr Alban, yn parhau i gael eu diystyru o dan baragraff 30(1) o Atodlen 1.

- 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.

Mae'r Rheoliadau hyn yn diwygio Rhan 1 o Atodlen 1 i'r Rheoliadau Asesiad Ariannol fel a ganlyn:

- mae unrhyw daliadau a wneir i A o dan Ddeddf Darparu Iawn i Oroeswyr (Camdriniaeth Hanesyddol Plant mewn Gofal) (Yr Alban) 2021, neu
- mae unrhyw daliadau a wneir i A o dan Reoliadau Taliadau Dioddefwyr 2020,

i'w diystyru wrth gyfrifo incwm oedolyn at ddibenion asesiad o adnoddau ariannol yr oedolyn hwnnw.

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

Mae paragraff 20 wedi ei amnewid i ddarparu bod taliadau a wneir o dan:

- Cynllun Cymorth Gwaed Heintiedig Cymru a sefydlwyd o dan adrannau 1 i 3 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac a weinyddir gan Ymddiriedolaeth GIG Felindre, neu
- Cynllun Cymorth Gwaed Heintiedig Gogledd Iwerddon a weinyddir gan y Sefydliad Gwasanaethau Busnes Rhanbarthol a sefydlwyd o dan adran 14 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009,

i'w diystyru wrth gyfrifo cyfalaf oedolyn at ddibenion asesiad o adnoddau ariannol yr oedolyn hwnnw. Mae taliadau a wneir o dan y cynlluniau cyfatebol, Cynllun Cymorth Gwaed Heintiedig Lloegr a Chynllun Cymorth Gwaed Heintiedig Yr Alban, yn parhau i gael eu diystyru o dan baragraff 20(1) o Atodlen 2.

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

- mae taliadau a wneir o dan Ddeddf Camdriniaeth Sefydliadol Hanesyddol (Gogledd Iwerddon) 2019,
- mae taliadau a wneir o dan Ddeddf Darparu Iawn i Oroeswyr (Camdriniaeth Hanesyddol Plant mewn Gofal) (Yr Alban) 2021,
- mae taliadau a wneir o dan Reoliadau Taliadau Dioddefwyr 2020, neu
- mae taliadau a wneir o dan y cynllun taliadau ar gyfer cyn-blant mudol Prydeinig a sefydlwyd gan yr Ysgrifennydd Gwladol,

i'w diystyru wrth gyfrifo cyfalaf oedolyn at ddibenion asesiad o adnoddau ariannol yr oedolyn hwnnw.

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.

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: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

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.

2022 Rhif 99 (Cy. 35)

**GOFAL CYMDEITHASOL,
CYMRU**

**Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) ac (Asesiad
Ariannol) (Cymru) (Diwygiadau
Amrywiol) 2022**

Gwnaed 2 Chwefror 2022

*Gosodwyd gerbron Senedd
Cymru* 4 Chwefror 2022

Yn dod i rym 11 Ebrill 2022

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 a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 11 Ebrill 2022.

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 13 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£33” rhodder “£35”;

(1) 2014 decc 4. Gweler adran 197(1) am y diffiniadau o “penodedig”, “a bennir”, “a bennwyd” a “rheoliadau”.

(2) O.S. 2015/1843 (Cy. 271), a ddiwygiwyd gan O.S. 2021/255 (Cy. 68); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

2022 No. 99 (W. 35)

SOCIAL CARE, WALES

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

Made 2 February 2022

Laid before Senedd Cymru 4 February 2022

Coming into force 11 April 2022

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”;

(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.

- (b) yn rheoliad 28 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£33” rhodder “£35”.

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

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

3. Mae Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(1) wedi eu diwygio fel a ganlyn—

- (a) yn Rhan 1 (symiau sydd i’w diystyru) o Atodlen 1 (symiau sydd i’w diystyru wrth gyfrifo incwm)—
(i) yn lle paragraff 30 rhodder—

“30.—(1) Unrhyw daliad a ddiystyrid o dan baragraff 39 o Atodlen 9 i’r Rheoliadau Cymhorthdal Incwm (y Gronfa, yr Ymddiriedolaethau Macfarlane ac ymddiriedolaethau a Chronfeydd eraill a’r Gronfa Byw’n Annibynnol).

(2) Unrhyw daliad a wneir o dan—

- (a) Cynllun Cymorth Gwaed Heintiedig Cymru a sefydlwyd o dan adrannau 1 i 3 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2) ac a weinyddir gan Ymddiriedolaeth GIG Felindre; neu
(b) Cynllun Cymorth Gwaed Heintiedig Gogledd Iwerddon a weinyddir gan y Sefydliad Gwasanaethau Busnes Rhanbarthol a sefydlwyd o dan adran 14 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009(3).”;

(ii) ar ôl paragraff 44 mewnosoder—

“44A. Unrhyw daliad a wneir i A o dan Ddeddf Darparu Iawn i Orosywyr (Camdriniaeth Hanesyddol Plant mewn Gofal) (Yr Alban) 2021(4).

44B. Unrhyw daliad a wneir i A o dan Reoliadau Taliadau Dioddefwyr 2020(5).”;

- (b) yn Atodlen 2 (cyfalaf sydd i’w ddiystyru)—
(i) yn lle paragraff 20 rhodder—

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

3. The Care and Support (Financial Assessment) (Wales) Regulations 2015(1) are amended as follows—

- (a) in Part 1 (sums to be disregarded) of Schedule 1 (sums to be disregarded in the calculation of income)—
(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(2) 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(3).”;

(ii) after paragraph 44 insert—

“44A. Any payment made to A under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021(4).

44B. Any payment made to A under the Victims’ Payments Regulations 2020(5).”;

- (b) in Schedule 2 (capital to be disregarded)—
(i) for paragraph 20 substitute—

(1) O.S. 2015/1844 (Cy. 272), a ddiwygiwyd gan O.S. 2017/214 (Cy. 58) ac O.S. 2019/234 (Cy. 53).

(2) 2006 p. 42.

(3) 2009 p. 1 (G.I.).

(4) 2021 dsa 15.

(5) O.S. 2020/103.

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

(2) 2006 c. 42.

(3) 2009 c. 1 (N.I.).

(4) 2021 asp 15.

(5) S.I. 2020/103.

“**20.**—(1) Unrhyw swm a ddiystyrid o dan baragraffau 21 i 24 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (ffi neu gomisiwn am drosi cyfalaf i sterling, yr Ymddiriedolaethau Macfarlane, y Gronfa a'r Gronfa Byw'n Annibynnol, gwerth yr hawl i gael pensiwn personol neu alwedigaethol, gwerth cronfeydd o dan gynllun pensiwn personol a rhent).

(2) Unrhyw daliad a wneir o dan—

- (a) Cynllun Cymorth Gwaed Heintiedig Cymru a sefydlwyd o dan adrannau 1 i 3 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac a weinyddir gan Ymddiriedolaeth GIG Felindre; neu
- (b) Cynllun Cymorth Gwaed Heintiedig Gogledd Iwerddon a weinyddir gan y Sefydliad Gwasanaethau Busnes Rhanbarthol a sefydlwyd o dan adran 14 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009.”;

(ii) ar ôl paragraff 35 mewnosoder—

“**36.** Unrhyw daliad a wneir i A o dan Ddeddf Camdriniaeth Sefydliadol Hanesyddol (Gogledd Iwerddon) 2019(1).

37. Unrhyw daliad a wneir i A o dan Ddeddf Darparu Iawn i Oroeswyr (Camdriniaeth Hanesyddol Plant mewn Gofal) (Yr Alban) 2021.

38. Unrhyw daliad a wneir i A o dan Reoliadau Taliadau Dioddefwyr 2020.

39. Unrhyw daliad a wneir i A o dan y cynllun taliadau ar gyfer cyn-blant mudol Prydeinig a sefydlwyd gan yr Ysgrifennydd Gwladol.”

“**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(1).

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.

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

Julie Morgan

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
2 Chwefror 2022

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Deputy Minister for Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers
2 February 2022

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