
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015⁽¹⁾ (“the Charging Regulations”) and the Care and Support (Financial Assessment) (Wales) Regulations 2015⁽²⁾ (“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 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.

Regulation 2 of this instrument amends regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) to increase the net weekly income amount from £35 to £39.50. Regulation 28 is also amended to make corresponding change for a recipient of direct payments.

Regulation 3(a)(i) of this instrument amends the descriptive wording of paragraph 20(1) of Schedule 2 to the Financial Assessment Regulations to include the following:

- Grenfell Tower payment,
- child abuse payment,
- Windrush payment, or
- payments made by the Child Migrants Trust.

These schemes are already disregarded through the effect of paragraph 20 of Schedule 2 through their inclusion in the Income Support (General) Regulations 1987 and they are added in the descriptive words for clarity.

Regulation 3(a)(ii) of this instrument amends Schedule 2 to the Financial Assessment Regulations as follows:

- payments made under the Energy Bill Support Scheme,
 - payments made under the Social Security (Additional Payments) Act 2022,
- are to be disregarded in the calculation of an adult’s capital.

(1) [S.I. 2015/1843 \(W. 271\)](#).

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

Changes to legislation: *There are currently no known outstanding effects for the The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2023. (See end of Document for details)*

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.

Changes to legislation:

There are currently no known outstanding effects for the The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2023.