
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Social Care Charges (Wales) Measure 2010 (“the Measure”) gives local authorities in Wales a discretionary power to impose a reasonable charge upon adult recipients of non-residential social care services (a “service user”).

These Regulations do not require a local authority to impose a charge when it provides or makes arrangements for the provision of a chargeable service (“chargeable service” is defined in section 13 of the Measure); however, in cases where a local authority does determine to impose a charge upon the service user, the charging policy of that local authority must comply with the relevant provisions of these Regulations (and with any regulations made by the Welsh Ministers under section 16 of the Community Care (Delayed Discharges etc) Act 2003).

Regulation 4 prescribes the classes of persons upon whom and services in respect of which no charge may be imposed by a local authority.

Regulation 5 prescribes that a local authority’s power to determine a reasonable charge for a chargeable service, or combination of services is subject to a maximum reasonable charge of £50 per week; it also contains qualifications to this general proposition and specifies the steps to be taken by a local authority to calculate the amount of the charge which a service user will be liable to pay.

Regulations 6 to 16 detail the steps in the process of assessing a service user’s financial means. They also specify the matters which a local authority must take into account when making an assessment of a service user’s means and in making a determination as to the ability of that person to pay a reasonable charge for the service or services provided.

Regulation 7 requires a local authority to issue an invitation to a service user to request a means assessment. Subsequent regulations make provision for the time in which information or documentation is to be supplied to a local authority (regulation 8), requests for an extension of time in which to provide such information or documentation (regulation 9), the consequences of failing to respond to an invitation to request a means assessment in full or at all (regulations 10 and 11), and the withdrawal of such a request (regulation 12).

Regulation 13 prescribes the circumstances in which a local authority is not under a duty to undertake an assessment of a service user’s means.

Regulation 14 contains provision to which a local authority must give effect when undertaking an assessment of a service user’s means in accordance with section 5(1) of the Measure.

Regulation 15 makes provision about the matters which a local authority must take into account when determining the ability of a service user to pay a reasonable charge for the chargeable services that are offered to, or provided for, that person.

Regulation 16 makes provision for the date from which a charge may be imposed.

Regulations 17 and 18 contain savings provision for assessments of means and determinations of a service user’s ability to pay a charge made before the coming into force of these Regulations.

Regulations 19 and 20 contain transitional and transitory provision.