
WELSH STATUTORY INSTRUMENTS

2015 No. 1842

The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015

Decision

14.—(1) Subject to paragraphs (2) and (3), as soon as possible after receipt of sufficient information and documentation to carry out the review and in any event within 10 working days of that time, the local authority must—

- (a) make a decision on the review and the action that is necessary to implement it;
- (b) send a statement to the requester and any representative stating—
 - (i) the decision;
 - (ii) the reasons for that decision;
 - (iii) that the requester has a right to make a complaint under the Social Services Complaints Procedure (Wales) Regulations 2014⁽¹⁾ if they are dissatisfied with the decision;
 - (iv) if the requester's charge has been amended as a result of the review, include in the statement the following information—
 - (aa) information about the care and support, to which the charge relates;
 - (bb) the standard charge for the care and support;
 - (cc) if the charge imposed following the review is not the standard charge, the amount of the charge imposed;
 - (dd) information about how the charge was calculated (including details of any financial assessment).

(2) Where regulation 13(3) applies and the further information and documentation has not been provided, the local authority must make a decision under paragraph (1)(a) as soon as possible, or in any event within 10 working days of receiving sufficient information and documentation but excluding the information and documentation requested under regulation 13 but not provided.

(3) If the local authority concludes that it is unable to meet the deadline specified in paragraphs (1) or (2), it must as soon as possible and in any event within the periods specified in paragraphs (1) or (2) provide the requester with a statement stating—

- (a) that it will not be able to provide a decision within the deadline specified in paragraph (1) or (2);
 - (b) the reason for not being able to comply with that deadline;
 - (c) the date by which it will provide a decision; and
 - (d) that the requester may elect not to pay the charge for the remainder of the review period by notifying the local authority either orally or in writing.
- (4) Before making a decision under paragraph (1)(a), the local authority must consider—

⁽¹⁾ S.I. 2014/1794.

- (a) the details of the request;
 - (b) the local authority's current charging policy;
 - (c) Part 5 of the Act or, where appropriate, any regulations made under sections 50 to 53 of the Act;
 - (d) the Regulations;
 - (e) any other Regulations made under Part 5 of the Act which the local authority considers relevant;
 - (f) any relevant Code or guidance published by the Welsh Ministers under section 145 of the Act;
 - (g) the requestor's income and expenses;
 - (h) where one has been carried out, the requestor's financial assessment carried out for the purpose of a determination under section 66 of the Act or for the purpose of determining a reimbursement or contribution in accordance with regulations made under sections 50 to 53 of the Act which has led to the charge which is the subject of the review; and
 - (i) any circumstances both current and foreseeable that may affect the requester's ability to pay the charge.
- (5) A statement will be deemed to have been provided under paragraph (1) on the date it is issued by the local authority.