
WELSH STATUTORY INSTRUMENTS

2015 No. 1843

The Care and Support (Charging) (Wales) Regulations 2015

PART 4

CONTRIBUTIONS AND REIMBURSEMENTS FOR DIRECT PAYMENTS

Minimum income amount for a person with needs for non-residential care and support

27.—(1) This regulation applies where a local authority is making, or is proposing to make direct payments to B to meet B's needs for non-residential care and support.

(2) A local authority must determine that it would not be reasonably practicable for B to contribute as a contribution or a reimbursement any sum whose payment would reduce B's net weekly income below the minimum income amount set out in this regulation.

(3) Where B is in receipt of a relevant benefit, the minimum income amount is—

- (a) the basic weekly entitlement to the relevant benefit that is being received by B ("the basic entitlement");
- (b) an amount of not less than 35% of that entitlement ("the buffer");
- (c) a further amount to compensate B for disability-related expenditure of not less than 10% of the basic entitlement; and
- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by B whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(4) Where B is not in receipt of a relevant benefit, the minimum income amount is—

- (a) the weekly amount which the local authority reasonably assesses would be B's basic entitlement to benefits, having regard to the B's age, circumstances and level of disability ("the estimated basic entitlement");
- (b) an amount of not less than 35% of the estimated basic entitlement ("the buffer");
- (c) an amount to compensate B for disability-related expenditure of not less than 10% of the estimated basic entitlement; and
- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by B whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(5) Nothing in this regulation affects the discretion of a local authority to increase the percentage of the buffer or the amount to compensate for any disability-related expenditure when calculating the minimum income amount.