

WELSH STATUTORY INSTRUMENTS

2023 No. 67 (W. 12)

SOCIAL CARE, WALES

**The Care and Support (Charging) and (Financial Assessment)
(Wales) (Miscellaneous Amendments) Regulations 2023**

<i>Made</i>	- - - -	<i>23 January 2023</i>
<i>Laid before Senedd Cymru</i>		<i>25 January 2023</i>
<i>Coming into force</i>	- -	<i>10 April 2023</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 50, 52, 53(3), 61, 64(1), 64(2)(b), 66 and 196(2) of the Social Services and Well-being (Wales) Act 2014(1).

Title and coming into force

1.—(1) The title of these Regulations is the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2023.

(2) These Regulations come into force on 10 April 2023.

Commencement Information

II [Reg. 1](#) in force at 10.4.2023, see [reg. 1\(2\)](#)

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 “£35” substitute “£39.50”;
 - (b) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home), for “£35” substitute “£39.50”.

(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. 2022/99 (W. 35); there are other amending instruments, but none is relevant.

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)

Commencement Information

I2 Reg. 2 in force at 10.4.2023, see **reg. 1(2)**

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

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

(a) in Schedule 2 (capital to be disregarded)—

(i) in paragraph 20, in the parenthetical description of paragraphs 21 to 24 of Schedule 10 of the Income Support Regulations, after the words “Independent Living Fund” insert “, any Grenfell Tower payment, child abuse payment, Windrush payment and any payment made by the Child Migrants Trust under the scheme for former British child migrants”;

(ii) after paragraph 39 insert—

“**40.** Any payment made under the Energy Bill Support Scheme as directed⁽⁴⁾ by the Secretary of State for Business, Energy and Industrial Strategy pursuant to sections 7(3)(a) and 107 of the Electricity Act 1989⁽⁵⁾.”

41. Any payment made under sections 1, 4 and 5 of the Social Security (Additional Payments) Act 2022⁽⁶⁾ (means-tested additional payments and disability additional payments).”

Commencement Information

I3 Reg. 3 in force at 10.4.2023, see **reg. 1(2)**

23 January 2023

Julie Morgan
Deputy Minister for Social Services, under the
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

(3) S.I. 2015/1844 (W. 272), amended by S.I. 2017/214 (W. 58), S.I. 2019/234 (W. 53) and S.I. 2022/99 (W. 35).

(4) A hard copy of the Direction can be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET. For an electronic copy, see www.gov.uk/government/publications/energy-bills-support-scheme-ministerial-direction.

(5) 1989 c. 29.

(6) 2022 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015⁽⁷⁾ (“the Charging Regulations”) and the Care and Support (Financial Assessment) (Wales) Regulations 2015⁽⁸⁾ (“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.

⁽⁷⁾ S.I. 2015/1843 (W. 271).

⁽⁸⁾ 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.