
STATUTORY INSTRUMENTS

2022 No. 243

SOCIAL CARE, ENGLAND

The Care and Support (Charging and Assessment of Resources) (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>at 9.45 a.m. on 8th March 2022</i>
<i>Laid before Parliament</i>		<i>at 4.30 p.m. on 8th March 2022</i>
<i>Coming into force</i>	- -	<i>6th April 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 14(7), 17(7), (11) and (12) and 125(7) of the Care Act 2014⁽¹⁾.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Care and Support (Charging and Assessment of Resources) (Amendment) Regulations 2022.

(2) These Regulations come into force on 6th April 2022.

(3) These Regulations extend to England and Wales.

Amendments to the Care and Support (Charging and Assessment of Resources) Regulations 2014

2.—(1) The Care and Support (Charging and Assessment of Resources) Regulations 2014⁽²⁾ are amended as follows.

(2) In regulation 6 (personal expenses allowance for residents or temporary residents provided with accommodation in a care home), for “£24.90” substitute “£25.65”.

(3) In regulation 7 (minimum income guaranteed amount for other adults and carers whose needs are being met otherwise than by the provision of accommodation in a care home)—

(a) in paragraph (1)(b) for “£83.65” substitute “£86.20”;

(b) in paragraph (2)—

(i) in sub-paragraph (a) for “£72.40” substitute “£74.60”;

⁽¹⁾ 2014 c. 23.

⁽²⁾ S.I. 2014/2672, amended by S.I. 2015/644, 2018/687, 2020/112 and 2021/717; there are other amending instruments but none is relevant.

- (ii) in sub-paragraph (b) for “£91.40” substitute “£94.15”;
- (iii) in sub-paragraph (c) for “£189.00” substitute “£194.70”;
- (c) in paragraph (3) for “£91.40” substitute “£94.15”;
- (d) in paragraph (4)—
 - (i) in sub-paragraph (a) for “£71.80” substitute “£73.95”;
 - (ii) in sub-paragraph (b) for “£144.30” substitute “£148.65”;
- (e) in paragraph (5)—
 - (i) in sub-paragraph (a) for “£40.35” substitute “£41.55”;
 - (ii) in sub-paragraph (b) for “£19.70” substitute “£20.30”;
- (f) in paragraph (6)—
 - (i) in sub-paragraph (a) for “£28.75” substitute “£29.60”;
 - (ii) in sub-paragraph (b) for “£14.15” substitute “£14.60”;
- (g) in paragraph (7) for “£43.25” substitute “£44.55”.
- (4) In paragraph 40 of Part 1 of Schedule 1 (sums to be disregarded in the calculation of income)—
 - (a) for “£5.75” wherever it occurs substitute “£5.90”;
 - (b) for “£8.60” wherever it occurs substitute “£8.85”.
- (5) In Schedule 2 (capital to be disregarded), after paragraph 39⁽³⁾ insert—
 - “**40.** Any redress payment made to the adult under Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Financial Redress: Redress Payments).”⁽⁴⁾

Signed by authority of the Secretary of State for Health and Social Care

At 9.45 a.m. on 8th March 2022

Gillian Keegan
Minister of State,
Department of Health and Social Care

⁽³⁾ Paragraph 39 was inserted by [S.I. 2021/717](#).

⁽⁴⁾ [2021 asp 15](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging and Assessment of Resources) Regulations 2014 (S.I. 2014/2672) (“the 2014 Regulations”).

The 2014 Regulations set out how local authorities calculate the amounts individuals can be required to contribute towards their care. These Regulations increase some of the figures specified in the 2014 Regulations.

When a local authority calculates someone’s contribution from their income to the cost of their care, the person must be left with a minimum weekly amount depending on their circumstances. These amounts are set out in the 2014 Regulations.

For those in a care home, this amount is the personal expenses allowance. Regulation 2(2) amends regulation 6 of the 2014 Regulations to increase the personal expenses allowance.

For those not in a care home, these are the minimum income guaranteed amounts, which vary according to the circumstances of the individual. Regulation 2(3) amends regulation 7 of the 2014 Regulations to increase these amounts.

Regulation 2(4) amends the figures set out in paragraph 40 of Schedule 1 to the 2014 Regulations. This paragraph provides for the disregarding of certain sums for those receiving savings credit under the State Pension Credit Act 2002 when a local authority is calculating someone’s income for the purposes of establishing how much they can afford to contribute towards their care.

Schedule 2 to the 2014 Regulations lists categories of capital that must be disregarded by local authorities when calculating someone’s assets for charging purposes. Regulation 2(5) inserts a new paragraph 40 into that Schedule to disregard any payment received by the adult under Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.