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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009 (“the Principal Regulations”) so that the local authorities listed in the new Schedule 2A inserted by regulation 4 are not prohibited from making direct payments for the provision of residential accommodation (the provision of which is a regulated activity under Chapter 2 of Part 1 of the Health and Social Care Act 2008) for a period of more than four consecutive weeks in any period of 12 months.

Regulation 3 amends regulation 13 of the Principal Regulations by inserting new paragraphs (2A) and (2B) after paragraph (2).

Paragraph (2A) provides that the prohibition in regulation 13(1) on making a direct payment for the provision of residential accommodation for a period of more than four weeks in any period of 12 months does not apply in circumstances where the payment is made for residential accommodation together with nursing or personal care the provision of which is a regulated activity within the meaning of Chapter 2 of Part 1 of the Health and Social Care Act 2008, by a local authority which is on the list in Schedule 2A of the Principal Regulations.

Paragraph (2B) applies sections 24(5) and 32(1) and (3) to (5) of the National Assistance 1948 Act so that a person who receives a direct payment under paragraph (2A) is deemed to have been provided with accommodation under Part III of the National Assistance Act 1948 for the purposes of determining their ordinary residence and making financial adjustments between local authorities.

Regulation 4 inserts a new Schedule 2A after Schedule 2 to the Principal Regulations which lists the local authorities who are not prohibited from making a direct payment for residential accommodation for a longer period than the period specified in regulation 13(1).

Regulations 5 to 7 make amendments to the Regulations relating to social security benefits specified therein so that payments under those Regulations cease as provided for in those regulations in respect of a person who is resident in a care home for a period of more than four weeks in any period of 12 months and receives a direct payment for that purpose by an authority on the list in Schedule 2A.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.