
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various Regulations made under Part 1 of the Care Act 2014 (“the Act”). Regulation 2 amends regulation 6 of the Care and Support (Deferred Payment) Regulations 2014 (“the Regulations”) to expressly provide that it does not require a local authority to defer any amount if other provisions of the Regulations or the terms and conditions of the agreement prohibit the authority from doing so or allow the authority not to do so.

Regulation 3 amends regulation 6 of the Care and Support (Charging and Assessment of Resources) Regulations 2014 (“the Charging Regulations”) so that the amount below which a care home resident’s income would need to fall in order for the local authority not to be permitted to charge for meeting needs, is increased from £24.40 to £24.90 per week. Under regulation 7 of the Charging Regulations, the amount below which an adult’s (other than a care home resident’s) income would need to fall in order for the local authority not to be permitted to charge for meeting needs, is an aggregate of various amounts and certain premiums. Regulation 3 amends regulation 7 of the Charging Regulations to increase those amounts and also inserts a provision as to the meaning of a “single person” in regulation 7 of the Charging Regulations. Regulation 3 also corrects certain errors in cross-references and terminology in paragraphs 15, 45 and 46 of Schedule 1 to the Charging Regulations.

Regulation 4 amends the Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014. These Regulations set out the types of accommodation to which the ordinary residence rule in section 39(1) of the Act applies. The effect of the amendments is that the deeming of ordinary residence applies only from when the person living in one of the specified types of accommodation begins to receive care and support under the Act.

Regulation 5 amends the definition of “care provider” in the Care and Support (Cross-border Placements) (Business Failure Duties of Scottish Local Authorities) Regulations 2014.

Regulation 6 amends Schedule 2 to the Care and Support (Direct Payments) Regulations 2014 by omitting Dorset County Council, London Borough of Havering and Manchester City Council from the list of local authorities who, under regulation 6 of those Regulations, may make a direct payment for the provision of accommodation in a care home.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>.