
WELSH STATUTORY INSTRUMENTS

2011 No. 962

The Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011

Interpretation

2. In these Regulations—

“the Measure” (“*y Mesur*”) means the Social Care Charges (Wales) Measure 2010;

“assessable income” (“*incwm asesadwy*”) means that part of a service user’s income in respect of which a local authority may make a determination in accordance with section 7 of the Measure; it does not include the income which a local authority must disregard in accordance with regulation 14;

“assessment of needs” (“*asesiad anghenion*”) means an assessment by a local authority of a service user’s need for community care services undertaken in accordance with section 47 of the National Health Service and Community Care Act 1990(1) or section 1 of the Carers and Disabled Children Act 2000(2) and “assessed as needing” (“*aseswyd bod arno angen*”) is to be read accordingly;

“basic entitlement” (“*hawlogaeth sylfaenol*”) means, in relation to—

(a) income support—

the personal allowance and any premiums to which a service user is entitled, but need not include the severe disability premium (“SDP”) where is it paid, and where a service user is a carer, includes any carer premium that person receives,

(b) employment and support allowance—

the personal allowance and any premiums and components to which a service user is entitled, but need not include the SDP where is it paid, and where a service user is a carer includes any carer premium that person receives,

(c) guarantee credit —

the personal allowance and any additional amount to which a service user is entitled, but need not include the additional amount added for severe disability where it is paid, and where a service user is a carer, includes any additional amount applicable for carers that person receives;

“day service” (“*gwasanaeth dydd*”) means a service provided by a local authority which meets a part of a service user’s assessed needs, which takes place away from that person’s home and which is intended to assist the person in meeting others, or taking up new or practising existing interests and includes work opportunities;

“direct payment” (“*taliad uniongyrchol*”) has the meaning given in regulations 8 and 9 of the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011;

“dual provision” (“*darpariaeth ddeuol*”) means that the assessed needs of a service user are being met—

- (a) in part by a local authority providing or securing a service or services for that person, and
- (b) in part by the person receiving a direct payment in order to secure the provision of another or other services;

“employment and support allowance” (“*lwfans cyflogaeth a chymorth*”) means either contributory employment and support allowance or income-related employment and support allowance in accordance with Part 1 of the Welfare Reform Act 2007⁽³⁾;

“flat-rate charge” (“*ffi unffurf*”) means a fixed rate charge for a chargeable service received by a service user which is imposed by a local authority regardless of the means of that service user;

“guarantee credit” (“*credyd gwarant*”) is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002⁽⁴⁾;

“home visiting facility” (“*cyfleuster ymweliadau cartref*”) means a visit (or visits) which are undertaken by an appropriate officer of a local authority to a service user’s current place of residence, or at such other venue as the service user reasonably requests, for the purposes of gathering information to inform a means assessment for that person and for providing information and offering assistance in relation to that process;

“in writing” (“*mewn ysgriflen*”) means any expression consisting of words or figures that can be read, reproduced and subsequently communicated and may include information transmitted and stored by electronic means;

“income support” (“*cymorth incwm*”) means income support paid in accordance with section 124 of the Social Security Contributions and Benefits Act 1992;

“means assessment” (“*asesiad modd*”) means an assessment of the financial means of a service user undertaken in accordance with section 5(1) of the Measure and regulation 14 and “assessment of a service user’s means” (“*asesiad o fodd defnyddiwr gwasanaeth*”) is to be read accordingly;

“net income” (“*incwm net*”) means, the income that a service user has, or would have left after the deduction from that person’s assessable income of the standard charge (or any other charge) imposed under these Regulations, for a service that has been offered to, or provided, for that person;

“provided” (“*darparwyd*”) in these Regulations includes making arrangements for the provision;

“relevant benefit” (“*budd-dal perthnasol*”) means—

- (a) income support, or
- (b) employment and support allowance, or
- (c) guarantee credit;

“savings credit” (“*credyd cynilion*”) has the meaning given in sections 1 and 3 of the State Pension Credit Act 2002;

“service” (“*gwasanaeth*”) means a chargeable service⁽⁵⁾, and where the context requires, chargeable services or a combination of chargeable services and “services” (“*gwasanaethau*”) and “combination of services” (“*cyfuniad o wasanaethau*”) are to be interpreted accordingly;

“service user” (“*defnyddiwr gwasanaeth*”) means an adult who has been offered, or who is receiving, a service provided by a local authority;

(3) 2007 c. 5.

(4) 2002 c. 16.

(5) “Chargeable service” is defined in section 13 of the Measure.

“working day” (“*diwrnod gwaith*”) means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday within the meaning of the Banking and Financial Dealings Act 1971(6).