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## EXPLANATORY NOTE

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

Section 1 of the Social Care Charges (Wales) Measure 2010 gives local authorities in Wales a discretionary power to impose a reasonable charge upon adult recipients of non-residential social care services. Regulations 10(2) and 11(2) of the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011 give local authorities in Wales a discretionary power to determine the amount that it is reasonably practicable for a recipient of social care services to pay by means of a reimbursement or contribution towards securing the provision of services by means of a direct payment.

Where a local authority decides to impose a charge or determine a reimbursement or contribution, regulation 3 of these Regulations gives the recipient of the service in relation to which a charge has been imposed or a reimbursement or contribution has been determined ("the requester") the right to request a review of that decision.

Regulation 4 provides that a request may also be made by a representative acting on behalf of the requester, providing that the requester gives their authorisation.

Regulation 5 gives the requester the right to withdraw a request.

Regulation 6 requires the local authority to provide the requester with a written acknowledgement within five working days of receiving the request. This regulation also prescribes what the acknowledgment must contain.

In the event that the local authority requests further information or documentation from the requester, regulations 7 and 8 provide for how and when that information or documentation must be provided.

Regulation 9 requires the local authority to provide the requester with a decision, with reasons, within 10 working days of having sufficient information and documentation to carry out the review. This regulation also sets out what a local authority must have regard to before making its decision.

Regulation 10 deals with what happens to the charge, reimbursement or contribution from the date the request is received by a local authority until its withdrawal or until the local authority sends a decision to the requester ("the review period"). A requester is not obliged to pay the charge, reimbursement or contribution during the review period but the liability continues to accrue. The local authority may recover any accrued amount after the review period.

In relation to direct payments, if the requester notifies the local authority that they will not pay their contribution during the review period, the local authority must make gross payments to the requester during the review period.

In the event that the local authority decides that the charge, reimbursement or contribution was too high, it must return any over-payment to the requester within 10 working days. If a local authority decides that the charge, reimbursement or contribution was too low, it may recover any under-payment from the requester.

Local authorities must have regard to any guidance issued by the Welsh Ministers under section 7 of the Local Authority Social Services Act 1970, which provides more detail about the review process.