



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2015 Rhif 1843 (Cy. 271)**

**2015 No. 1843 (W. 271)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gofal a Chymorth  
(Gosod Ffioedd) (Cymru) 2015**

**The Care and Support (Charging)  
(Wales) Regulations 2015**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

**EXPLANATORY NOTE**

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

Mae gan awdurdodau lleol ddisgresiwn i osod ffioedd am ofal a chymorth a ddarperir i ddiwallu anghenion person. Mae'r Rheoliadau hyn yn nodi'r gofynion y mae'n rhaid i awdurdodau lleol eu bodloni wrth ddyfarnu swm y ffioedd sy'n gymwys mewn perthynas â gofal a chymorth a ddarperir neu a drefnir ganddynt, neu y cynigiant eu darparu neu eu trefnu, wrth gyflawni eu swyddogaethau o dan Ran 4 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf"). Ymdrinnir â hyn yn Rhan 2 o'r Rheoliadau.

Local authorities have a discretion to charge for care and support provided to meet a person's needs. These Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). This is dealt with in Part 2 of the Regulations.

Mae Rhan 3 yn rhoi disgrisiwn i awdurdodau lleol godi ffi am unrhyw wasanaethau a ddarperir ganddynt wrth gyflawni eu dyletswydd o ddarparu gwasanaethau ataliol o dan adran 15 o'r Ddeddf neu eu dyletswydd o ddarparu cynorthwy o dan adran 17 o'r Ddeddf.

Part 3 gives local authorities a discretion to charge for any services which they might provide in carrying out their duty to provide preventative services under section 15 of the Act or their duty to provide assistance under section 17 of the Act.

Mae Rhan 4 yn cynnwys darpariaeth gyfochrog sy'n nodi'r gofynion sy'n gymwys pan fo awdurdod lleol yn gwneud taliadau uniongyrchol i ddiwallu anghenion person am ofal a chymorth. Yn yr amgylchiadau hynny, caiff yr awdurdod lleol naill ai wneud taliadau gros gan fynnu bod y person wedyn yn gwneud ad-daliad, neu wneud taliadau net ar y sail gofyniad bod person yn gwneud cyfraniad tuag at gost y gofal a'r cymorth sydd eu hangen i ddiwallu ei anghenion asesedig.

Part 4 contains parallel provision setting out the requirements which apply when a local authority makes direct payments to meet a person's needs for care and support. In those circumstances a local authority may make gross payments and require the person to make a reimbursement or make net payments on the basis that the person will be required to make a contribution towards the cost of the care and support required to meet the person's assessed needs.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi drwy gysylltu â'r Grŵp Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by contacting the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

**2015 Rhif 1843 (Cy. 271)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**Rheoliadau Gofal a Chymorth  
(Gosod Ffioedd) (Cymru) 2015**

*Gwnaed* 27 Hydref 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 3 Tachwedd 2015

*Yn dod i rym* 6 Ebrill 2016

**2015 No. 1843 (W. 271)**

**SOCIAL CARE, WALES**

**The Care and Support (Charging)  
(Wales) Regulations 2015**

*Made* 27 October 2015

*Laid before the National Assembly  
for Wales* 3 November 2015

*Coming into force* 6 April 2016

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 50, 52, 53(3), 61, 62, 66, 67, 69 a 196(2)(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 50, 52, 53(3), 61, 62, 66, 67, 69 and 196(2)(1) of the Social Services and Well-being (Wales) Act 2014(2), make the following Regulations.

## RHAN 1 CYFFREDINOL

## PART 1 GENERAL

### Enwi, cymhwyso, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016.

(4) Yn y Rheoliadau hyn—

defnyddir “A” (“*A*”) i gyfeirio at berson y darperir neu y trefnir, neu y caniateir darparu neu drefnu gofal a chymorth ar ei gyfer gan awdurdod lleol o dan Ran 4 o'r Ddeddf, ac sy'n atebol i dalu ffi fel y darperir yn rheoliad 2(1) o'r Rheoliadau hyn(3);

mae i “ad-daliad” (“*reimbursement*”) mewn perthynas â pherson y diwellir ei anghenion gan yr awdurdod lleol drwy wneud taliadau uniongyrchol, yr ystyr a roddir iddo yn y diffiniad o “taliadau gros” yn adran 53(2) o'r Ddeddf;

### Title, application commencement and interpretation

1.—(1) The title of these Regulations is the Care and Support (Charging) (Wales) Regulations 2015.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 6 April 2016.

(4) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“Direct Payments Regulations” (“*Rheoliadau Taliadau Uniongyrchol*”) means the Care and Support (Direct Payments) (Wales) Regulations 2015(3);

“Financial Assessment Regulations” (“*Rheoliadau Asesiad Ariannol*”) means the Care and Support (Financial Assessment) (Wales) Regulations 2015(4);

(1) Mewn perthynas â phob un o'r adrannau sy'n darparu pŵer i wneud rheoliadau, sylwer bod adran 197 yn diffinio “rheoliadau” fel rheoliadau a wneir gan Weiniogion Cymru.

(2) 2014 dccc 4.

(3) Mae adran 66(2) o'r Ddeddf yn cyfeirio at berson yr asesydd ei adnoddau ariannol o dan adran 63 fel “y person a asesydd”.

(1) Note, in relation to each of the sections providing a power to make regulations that section 197 defines “regulations” as meaning regulations made by the Welsh Ministers.

(2) 2014 anaw 4.

(3) S.I. 2015/1815 (W. 260)

(4) S.I. 2015/1844 (W. 272)

ystyr “anghenion asesedig” (“*assessed needs*”) yw anghenion person, a ganfuwyd mewn asesiad o dan adran 19 (dyletswydd i asesu anghenion oedolyn am ofal a chymorth), neu 24 (dyletswydd i asesu anghenion gofalwr am gymorth) o’r Ddeddf;

defnyddir “B” (“*B*”) i gyfeirio at berson y gwneir taliadau uniongyrchol mewn perthynas â’i anghenion gan awdurdod lleol, neu y caniateir ei gwneud yn ofynnol bod awdurdod lleol yn gwneud taliadau uniongyrchol o’r fath mewn perthynas â’i anghenion, yn unol â rheoliadau a wnaed o dan adrannau 50 neu 52 o’r Ddeddf, ac sy’n atebol i wneud cyfraniad neu ad-daliad;

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

- (a) cymhorthdal incwm, neu
- (b) lwfans cyflogaeth a chymorth, neu
- (c) credyd gwarant;

mae “cartref gofal” (“*care home*”) wedi ei ddiffinio yn adran 197(1) o’r Ddeddf(1);

mae “credyd gwarant” i’w ddehongli yn unol â’r ystyr a roddir i “guarantee credit” yn adrannau 1 a 2 o Ddeddf Credyd Pensiwn y Wladwriaeth 2002(2);

mae i “cyfraniad” (“*contribution*”), mewn perthynas â pherson y diwellir ei anghenion drwy daliadau uniongyrchol a wneir gan yr awdurdod lleol, yr ystyr a roddir i’r gair yn y diffiniad o “taliadau net” yn adran 53(2) o’r Ddeddf;

mae i “cymhorthdal incwm” yr ystyr a roddir i “income support” a delir yn unol ag adran 124 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(3);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

mae i “ffi safonol” (“*standard charge*”) yr ystyr a roddir yn adran 63(3) o’r Ddeddf;

ystyr “ffi unffurf” (“*flat-rate charge*”) yw ffi sefydlog a osodir gan awdurdod lleol heb ystyried modd y person sy’n atebol i dalu ffi am—

- (a) gofal a chymorth a drefnir neu a ddarperir gan awdurdod lleol o dan Ran 4 o’r Ddeddf (diwallu anghenion); neu

“A” (“*A*”) is used to refer to a person for whom care and support is being or may be provided or arranged by a local authority under Part 4 of the Act and who is liable to be charged, as provided for in regulation 2(1) of these Regulations(1);

“B” (“*B*”) is used to refer to a person in relation to whose needs a local authority is providing direct payments or may be required to make direct payments pursuant to regulations made under sections 50 or 52 of the Act and who is liable to make a contribution or reimbursement;

“assessed income” (“*incwm asesedig*”) means that part of A’s income calculated in accordance with the Financial Assessment Regulations which a local authority may take into account in making a determination under these Regulations;

“assessed needs” (“*anghenion asesedig*”) means the needs of a person identified in an assessment under section 19 (duty to assess the needs of an adult for care and support), or 24 (duty to assess the needs of a carer for support) of the Act;

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

- (a) income support—
  - the personal allowance(2) and any premiums(3) to which A is entitled, but need not include the severe disability premium (“SDP”) (“*y premiwm anabledd difrifol*”)(4) where it is paid, and where A is a carer, includes any carer premium that A receives,
- (b) employment and support allowance—
  - the personal allowance and any premiums and components to which A is entitled, but need not include the SDP where it is paid, and where A is a carer includes any carer premium that A receives,
- (c) guarantee credit—
  - the personal allowance and any additional amount to which A is entitled, but need not include the additional amount added for severe disability where it is paid, and where A

(1) Mae adran 197(1) yn rhoi i “cartref gofal” yr un ystyr â “care home” yn Neddf Safonau Gofal 2000 (p. 14). Mae’r term wedi ei ddiffinio yn adran 3 o’r Ddeddf honno.

(2) 2002 p. 16.

(3) 1992 p. 4.

(1) Section 66(2) of the Act refers to a person whose financial resources have been assessed under section 63 as “the assessed person”.

(2) The personal allowance is as set out in paragraphs 1, 1A and 2 of Schedule 2 to the Income Support (General) Regulations 1987 (S.I. 1987/1967).

(3) The premiums are those set out in parts II and III of Schedule 2 to the Income Support (General) Regulations 1987.

(4) Severe disability premium is provided for by paragraph 13 of Schedule 2 to the Income Support (General) Regulations 1987.

- (b) gwasanaethau a ddarperir o dan adran 15 (gwasanaethau ataliol) neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf (darparu gwybodaeth, cyngor a chynhorthwy);

ystyr "gofal a chymorth ailalluogi" ("*reablement*") yw gofal a chymorth—

- (a) a ddarperir neu a drefnir gan awdurdod lleol ar gyfer A o dan Ran 2 neu 4 o'r Ddeddf; neu
- (b) a sicrheir neu a drefnir gan A, pan fo A neu pan fydd A yn cael taliadau uniongyrchol a wneir yn unol ag adran 50 neu 52 o'r Ddeddf; ac
- (c) sydd—
- (i) yn cynnwys rhaglen o ofal a chymorth,
- (ii) am gyfnod penodedig<sup>(1)</sup> o amser ("y cyfnod penodedig"), a
- (iii) â'r diben o ddarparu cynhorthwy i A er mwyn galluogi A i barhau i allu byw'n annibynnol yn unig gartref neu brif gartref A neu i allu gwneud hynny eto;

ystyr "gofal a chymorth amhreswyl" ("*non-residential care and support*") yw unrhyw ofal a chymorth a ddarperir i ddiwallu angen person am ofal a chymorth, ac eithrio darpariaeth o lety mewn cartref gofal;

ystyr "gwasanaeth dydd" ("*day service*") yw gwasanaeth a ddarperir gan awdurdod lleol sy'n diwallu rhan o anghenion asesedig oedolyn, sy'n digwydd i ffwrdd o gartref yr oedolyn gyda'r bwriad o'i gynorthwyo i gyfarfod eraill, mabwysiadu diddordebau newydd neu arfer ei ddiddordebau presennol, gan gynnwys cyfleoedd gwaith;

ystyr "hawlogaeth sylfaenol" ("*basic entitlement*") yw, mewn perthynas ag—

- (a) cymhorthdal incwm—
- y lwfans personol<sup>(2)</sup> ac unrhyw breimiymau<sup>(3)</sup> y mae hawl gan A i'w cael, ond nid oes raid iddo gynnwys y premiwm anabledd difrifol ("*severe disablement*

is a carer, includes any additional amount applicable for carers that A receives;

"capital limit" ("*terfyn cyfalaf*") means the maximum amount of capital, assessed in accordance with the Financial Assessment Regulations, which a chargeable person may have, above which that person will be required, in accordance with regulation 11 to meet the standard charge in full;

"care home" ("*cartref gofal*") is defined in section 197(1) of the Act<sup>(1)</sup>;

"contribution" ("*cyfraniad*") in relation to a person whose needs are met by the local authority making direct payments has the meaning ascribed in the definition of "net payments" in section 53(2) of the Act;

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

"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<sup>(2)</sup>;

"direct payment" ("*taliad uniongyrchol*") has the meaning given to it in sections 50(7) and 52(7) of the Act;

"financial limit" ("*terfyn ariannol*") means the limit in relation to A's capital set by the capital limit;

"flat-rate charge" ("*ffi unffurf*") means a fixed rate charge which is imposed by a local authority regardless of the means of the person who is liable to be charged for—

- (a) care and support arranged or provided by a local authority under Part 4 of the Act (meeting needs); or
- (b) services provided under section 15 (preventative services) or for assistance provided under section 17 (information advice and assistance) of the Act;

(1) Bydd awdurdod lleol yn "pennu" hyd y cyfnod gofal a chymorth ailalluogi y mae ei angen ar A yn seiliedig ar anghenion asesedig A.

(2) Y lwfans personol yw'r "personal allowance" fel y'i nodir ym mharagraffau 1, 1A a 2 o Atodlen 2 i Reoliadau Cymhorthdal Incwm 1987 (O.S. 1987/1967).

(3) Y premiymau yw'r "premiums" a nodir yn Rhannau II a III o Atodlen 2 i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987.

(1) Section.197(1) gives "care home" the same meaning as in the Care Standards Act 2000 (c. 14). The term is defined in section 3 of that Act.

(2) 2007 c. 5.

*premium*”) (“SDP”)(1) pan delir y premiwm hwnnw, a phan fo A yn ofalwr, mae’n cynnwys unrhyw breimiwm gofalwr y mae A yn ei gael,

(b) lwfans cyflogaeth a chymorth—

y lwfans personol ac unrhyw breimiymau a chydannau y mae hawl gan A i’w cael ond nid oes raid iddo gynnwys yr SDP pan delir y premiwm hwnnw, a phan fo A yn ofalwr, mae’n cynnwys unrhyw breimiwm gofalwr y mae A yn ei gael,

(c) credyd gwarant—

y lwfans personol ac unrhyw swm ychwanegol y mae hawl gan A i’w gael, ond nid oes raid iddo gynnwys y swm ychwanegol ar gyfer anabledd difrifol pan delir hwnnw, a phan fo A yn ofalwr, mae’n cynnwys unrhyw swm ychwanegol a gaiff A sy’n gymwys i ofalwyr;

ystyr “incwm asesedig” (“*assessed income*”) yw’r rhan honno o incwm A, a gyfrifwyd yn unol â’r Rheoliadau Asesiad Ariannol, ac y caiff awdurdod lleol ei chymryd i ystyriaeth wrth wneud dyfarniad o dan y Rheoliadau hyn;

ystyr “incwm wythnosol net” (“*net weekly income*”) yw’r incwm wythnosol sydd neu a fyddai gan A yn weddill, ar ôl didynnu’r ffi safonol (neu unrhyw ffi arall) a osodir o dan Ran 5 o’r Ddeddf a’r Rheoliadau hyn, allan o incwm asesedig A;

ystyr “lwfans cyflogaeth a chymorth” (“*employment and support allowance*”) yw naill ai lwfans cyflogaeth a chymorth ar sail cyfraniadau neu lwfans cyflogaeth a chymorth ar sail incwm, yn unol â Rhan 1 o Ddeddf Diwygio Lles 2007(2);

ystyr “preswlydd byrdymor” (“*short-term resident*”) yw person y darperir, neu y bwriedir darparu, llety mewn cartref gofal iddo o dan y Ddeddf am gyfnod nad yw’n hwy nag 8 wythnos;

ystyr “Rheoliadau Asesiad Ariannol” (“*Financial Assessment Regulations*”) yw Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(3);

ystyr “Rheoliadau Taliadau Uniongyrchol” (“*Direct Payments Regulations*”) yw Rheoliadau Gofal a Chymorth (Taliadau Uniongyrchol) (Cymru) 2015(4);

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

“income support” (“*cymhorthdal incwm*”) means income support paid in accordance with section 124 of the Social Security Contributions and Benefits Act 1992(2);

“net weekly income” (“*incwm wythnosol net*”) means the weekly income which A has, or would have left, after the deduction from A’s assessed income of the standard charge (or any other charge) imposed under Part 5 of the Act and these Regulations;

“non-residential care and support” (“*gofal a chymorth amhreswyl*”) means any care and support provided to meet a person’s need for care and support other than provision of accommodation in a care home;

“reablement” (“*gofal a chymorth ailalluogi*”) means care and support—

(a) provided or arranged by a local authority for A under Part 2 or 4 of the Act; or

(b) secured or arranged by A, where A is or will be receiving direct payments made in accordance with section 50 or 52 of the Act; and

(c) which—

(i) consists of a programme of care and support,

(ii) is for a specified period(3) of time (“the specified period”), and

(iii) has as its purpose the provision of assistance to A to enable A to maintain or regain the ability needed to live independently in A’s only or main home;

“reimbursement” (“*ad-daliad*”) in relation to a person whose needs are met by the local authority making direct payments has the meaning ascribed in the definition of “gross payments” in section 53(2) of the Act;

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

(a) income support, or

(b) employment and support allowance, or

(c) guarantee credit;

“short-term resident” (“*preswlydd byrdymor*”) means a person who is provided or is to be

(1) Gwneir darpariaeth ar gyfer y premiwm anabledd difrifol gan baragraff 13 o Atodlen 2 i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987.

(2) 2007 p. 5.

(3) O.S. 2015/1844 (Cy. 272)

(4) O.S. 2015/1815 (Cy.260)

(1) 2002 c. 16.

(2) 1992.c 4

(3) A local authority will “specify” the duration of the period of reablement A requires based on A’s assessed needs.

mae i “taliad uniongyrchol” (“*direct payment*”) yr ystyr a roddir i’r term yn adrannau 50(7) a 52(7) o’r Ddeddf;

ystyr “terfyn ariannol” (“*financial limit*”) yw’r terfyn o ran cyfalaf A a osodir gan y terfyn cyfalaf; ystyr “terfyn cyfalaf” (“*capital limit*”) yw’r uchafswm cyfalaf, a asesir yn unol â’r Rheoliadau Asesiad Ariannol, y caniateir i berson y codir ffi arno feddu arno, ac uwchlaw’r uchafswm hwnnw y bydd yn ofynnol i’r person hwnnw, yn unol â rheoliad 11, dalu’r ffi safonol yn llawn.

(5) Yn y Rheoliadau hyn, yn achos gofalwr, rhaid darllen cyfeiriadau at ddarparu neu drefnu gofal a chymorth fel pe baent yn gyfeiriadau at ddarparu neu drefnu cymorth.

## RHAN 2

### CODI FFIOEDD O DAN RAN 5 O’R DDEDDF

#### **Personau y mae rheoliadau 2 i 15 yn gymwys iddynt**

2.—(1) Pan fo awdurdod lleol yn arfer ei ddisgresiwn i wneud yn ofynnol bod person yn talu ffi, rhaid iddo wneud hynny yn unol â gofynion y Rheoliadau hyn.

(2) Mae rheoliadau 2 i 15 yn gymwys mewn perthynas â phersonau y caniateir codi ffi arnynt yn rhinwedd adran 60(2), 60(4)(a) a 60(5)(a) o’r Ddeddf.

#### **Personau na chaniateir codi ffioedd arnynt**

3. Ni chaiff awdurdod lleol osod ffi am ofal a chymorth a ddarperir neu a drefnir—

- (a) i ddiwallu anghenion plentyn;
- (b) ar gyfer person sy’n dioddef o unrhyw ffurf o glefyd Creutzfeldt-Jakob pan fo diagnosis clinigol o’r clefyd hwnnw wedi ei roi gan ymarferydd meddygol cofrestredig(1);
- (c) ar gyfer person y cynigiwyd iddo, neu sy’n cael, gwasanaeth a ddarperir fel rhan o becyn o wasanaethau ôl-ofal yn unol ag adran 117 o Ddeddf Iechyd Meddwl 1983(2) (ôl-ofal).

provided with accommodation in a care home under the Act for a period not exceeding 8 weeks;

“standard charge” (“*ffi safonol*”) has the meaning given in section 63(3) of the Act.

(5) References in these Regulations to provision or arrangement of care and support are, in the case of carers, to be read as meaning provision or arrangement of support.

## PART 2

### CHARGING UNDER PART 5 OF THE ACT

#### **Persons in relation to whom regulations 2 to 15 apply**

2.—(1) When a local authority exercises its discretion to require a person to pay a charge it must do so in accordance with the requirements of these Regulations.

(2) Regulations 2 to 15 apply in relation to persons who may be charged by virtue of section 60(2), 60(4)(a) and 60(5)(a) of the Act.

#### **Persons who may not be charged**

3. A local authority may not impose a charge for care and support provided or arranged—

- (a) to meet the needs of a child;
- (b) for a person who is suffering from any form of Creutzfeldt-Jakob disease where that disease has been clinically diagnosed by a registered medical practitioner(1);
- (c) for a person who has been offered or is receiving a service provided as part of a package of after care services in accordance with section 117 of the Mental Health Act 1983(2) (after care).

(1) Mae “registered medical practitioner” wedi ei ddiffinio yn Atodlen 1 i Ddeddf Dehongli 1978.

(2) 1983 p. 20.

(1) “Registered medical practitioner” is defined in Schedule 1 to the Interpretation Act 1978.

(2) 1983 c. 20.



## **Gwasanaethau na chaniateir codi ffioedd amdanynt**

4. Ni chaiff awdurdod lleol osod ffi am—

- (a) gofal a chymorth ar ffurf darparu cludiant i fynychu gwasanaeth dydd, pan ddarperir y cludiant gan awdurdod lleol a phan fo presenoldeb yn y gwasanaeth dydd a'r ddarpariaeth o gludiant i alluogi presenoldeb yn angenrheidiol er mwyn diwallu anghenion asesedig y person;
- (b) darparu datganiad sy'n nodi dyfarniad yr awdurdod yn unol â rheoliad 14;
- (c) gofal a chymorth ailalluogi am y 6 wythnos gyntaf o'r cyfnod penodedig neu, pan fo'r cyfnod penodedig yn llai na 6 wythnos, am y cyfnod hwnnw;
- (d) gwasanaethau eiriolaeth a ddarperir wrth gyflawni swyddogaethau'r awdurdod o dan Ran 4 o'r Ddeddf.

## **Dyfarniadau ynghylch codi ffioedd**

5. Pan fo awdurdod lleol yn tybio y byddai'n gosod ffi o dan adran 59 o'r Ddeddf ac wedi cynnal asesiad ariannol o A yn unol â gofynion y Rheoliadau Asesiad Ariannol, rhaid iddo wneud dyfarniad ynglŷn â pha swm, os oes unrhyw swm, y mae'n rhesymol ymarferol i A ei dalu yn unol â gofynion y Rheoliadau hyn.

## **Amgylchiadau pan nad oes angen i awdurdod lleol wneud dyfarniad**

6. Nid oes angen i awdurdod lleol wneud dyfarniad o dan y Rheoliadau hyn os yr unig wasanaethau a ddarperir yw naill ai gwasanaethau y codir ffi unffurf amdanynt neu wasanaethau na chodir unrhyw ffi amdanynt.

## **Uchafswm ffi wythnosol am ofal a chymorth amhreswyl**

7.—(1) Ac eithrio pan fo'r gofal a chymorth a ddarperir, neu sydd i'w ddarparu, yn ddarpariaeth o ofal a llety mewn cartref gofal, ni chaiff awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i A dalu cyfanswm ffi o fwy na £60 yr wythnos am y gofal a chymorth.

(2) Ond rhaid i awdurdod lleol, wrth gyfrifo cyfanswm y ffi am y gofal a chymorth y mae'r person yn ei gael at ddiben cymhwyso'r uchafswm ffi wythnosol ym mharagraff (1), eithrio unrhyw ffioedd mewn perthynas â gofal a chymorth y mae'n gosod ffi unffurf amdanynt fel bod unrhyw ffioedd unffurf yn

## **Services for which no charge may be made**

4. A local authority may not impose a charge for—

- (a) care and support which consists of the provision of transport to attend a day service where the transport is provided by a local authority and where attendance at the day service and the provision of transport to enable attendance are required to meet the assessed needs of the person;
- (b) providing a statement setting out its determination in accordance with regulation 14;
- (c) reablement for the first 6 weeks of the specified period, or, where the specified period is less than 6 weeks, for that period;
- (d) for advocacy services provided in fulfilment of its functions under Part 4 of the Act.

## **Determinations about charging**

5. Where a local authority thinks it would impose a charge under section 59 of the Act and has carried out a financial assessment of A in accordance with the requirements of the Financial Assessment Regulations, it must make a determination about what amount, if any, it is reasonably practicable for A to pay in accordance with the requirements of these Regulations.

## **Circumstances where a local authority need not make a determination**

6. A local authority need not make a determination under these Regulations where the only services provided are either those to which a flat-rate charge applies or to which no charge applies.

## **Maximum weekly charge for non-residential care and support**

7.—(1) Except where the care and support which is provided, or is to be provided consists of provision of care and accommodation in a care home, a local authority may not determine that it is reasonably practicable for A to pay a total charge greater than £60 per week for the care and support.

(2) But a local authority must, in calculating the total charge for the care and support which the person receives for the purpose of applying the maximum weekly charge in paragraph (1), exclude any charges in relation to care and support for which it imposes a flat-rate charge so that any flat-rate charges are separate to

cael eu cadw ar wahân i'r ffioedd am ofal a chymorth y mae'r uchafswm ffi wythnosol yn gymwys iddynt.

**Gweithdrefn ar gyfer dyfarnu ffi mewn perthynas â pherson y mae'r awdurdod lleol yn darparu neu'n trefnu gofal a chymorth amhreswyl iddo**

8.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â'r ffioedd am ddarpariaeth o ofal a chymorth nad yw'n ddarpariaeth o lety mewn cartref gofal.

(2) Wrth gyfrifo'r swm y caniateir ei gwneud yn ofynnol bod A yn ei dalu, rhaid i awdurdod lleol ddilyn y weithdrefn a nodir ym mharagraff (3).

(3) Rhaid i awdurdod lleol—

- (a) cyfrifo swm y ffi safonol am y gofal a chymorth a ddarperir neu sydd i'w ddarparu i'r person;
- (b) diystyru unrhyw ffioedd yn y cyfanswm hwnnw sy'n ffioedd unffurf;
- (c) cymhwyso'r uchafswm ffi wythnosol ar gyfer gofal a chymorth amhreswyl, os byddai'r swm canlyniadol, fel arall, yn fwy na'r uchafswm;
- (d) mewn perthynas â'r swm a gyfrifwyd yn unol â'r rheoliad hwn, dyfarnu'r hyn y byddai'n rhesymol ymarferol i'r person ei dalu yn unol â rheoliadau 11 (terfyn cyfalaf) a 12 (isafswm incwm ar gyfer person y darperir gofal a chymorth amhreswyl iddo).

**Gweithdrefn ar gyfer dyfarnu ffi mewn perthynas â pherson y mae'r awdurdod lleol yn darparu neu'n trefnu gofal a chymorth iddo drwy ddarpariaeth o lety mewn cartref gofal**

9.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â'r ffioedd am ofal a chymorth amhreswyl.

(2) Wrth gyfrifo'r swm a delir gan A neu y caniateir ei gwneud yn ofynnol bod A yn ei dalu, rhaid i awdurdod lleol ddilyn y weithdrefn ganlynol—

- (a) cyfrifo swm y ffi safonol am y gofal a chymorth y mae A yn eu cael, neu a gynigir i A;
- (b) mewn perthynas â'r swm a gyfrifwyd yn unol â'r rheoliad hwn, dyfarnu'r hyn y byddai'n rhesymol ymarferol i A ei dalu yn unol â rheoliadau 11 (terfyn cyfalaf) a 13 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal).

(3) Pan fo awdurdod lleol yn tybio y byddai'n gosod ffi mewn perthynas ag A pan fo A yn breswlydd byrdymor, rhaid iddo drin A fel pe bai A yn cael gofal

the charges for care and support to which the maximum weekly charge applies.

**Procedure for determining a charge in relation to person for whom the local authority provides or arranges non-residential care and support**

8.—(1) This regulation applies in relation to the charges for provision of care and support which does not consist of provision of accommodation in a care home.

(2) When calculating the amount that A may be required to pay a local authority must adopt the procedure set out in paragraph (3).

(3) A local authority must—

- (a) calculate the amount of the standard charge for the care and support provided or to be provided to the person;
- (b) disregard from that total the amount of any charges which are flat-rate charges;
- (c) apply the maximum weekly charge for non-residential care and support where the resulting amount would otherwise exceed it;
- (d) subject the amount calculated in accordance with this regulation to a determination of what it would be reasonably practicable for the person to pay in accordance with regulations 11 (capital limit) and 12 (minimum income amount for a person being provided with non-residential care and support).

**Procedure for determining a charge in relation to person for whom the local authority provides or arranges care and support through provision of accommodation in a care home**

9.—(1) This regulation applies in relation to the charges for non-residential care and support.

(2) When calculating the amount that A pays or may be required to pay for the care and support the local authority must adopt the following procedure—

- (a) calculate the amount of the standard charge for the care and support received by, or offered to A;
- (b) subject the amount calculated in accordance with this regulation to a determination of what it would be reasonably practicable for A to pay in accordance with regulation 11 (capital limit) and regulation 13 (minimum income amount where a person is provided with accommodation in a care home).

(3) Where a local authority thinks it would impose a charge in relation to A where A is a short-term resident it must treat A as if A was receiving non-residential

a chymorth amhreswyl a dilyn y weithdrefn yn rheoliad 8 gan wneud dyfarniad yn unol â rheoliadau 11 a 12.

### **Gweithdrefn ar gyfer dyfarnu ffi pan na chynhelir asesiad ariannol**

10. Pan fo rheoliad 7(1)(b) neu (c) o'r Rheoliadau Asesiad Ariannol yn gymwys (amgylchiadau pan nad oes dyletswydd i gynnal asesiad ariannol) rhaid i awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i A dalu'r ffi safonol, yn ddarostyngedig i'r uchafswm ffi wythnosol mewn perthynas â gofal a chymorth amhreswyl.

### **Terfyn cyfalaf**

11.—(1) Pan fo gan A gyfalaf uwchlaw'r terfyn cyfalaf, rhaid i awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i A dalu'r ffi safonol, yn ddarostyngedig i'r uchafswm ffi wythnosol mewn perthynas â gofal a chymorth amhreswyl.

(2) Y terfyn cyfalaf yw £24,000 a hwn hefyd yw'r terfyn ariannol at ddibenion adran 66(5) o'r Ddeddf.

(3) Pan fo'r cyfalaf sydd gan A ar y terfyn cyfalaf neu islaw iddo, rhaid i awdurdod lleol ddyfarnu nad yw'n rhesymol ymarferol i A dalu'r ffi safonol nac unrhyw swm llai allan o gyfalaf.

### **Isafswm incwm ar gyfer person y darperir gofal a chymorth amhreswyl iddo**

12.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod lleol yn diwallu anghenion A am ofal a chymorth, neu'n cynnig eu diwallu, rywfodd ac eithrio drwy ddarpariaeth o lety mewn cartref gofal.

(2) Rhaid i awdurdod lleol ddyfarnu na fyddai'n rhesymol ymarferol i A dalu unrhyw swm y byddai ei dalu yn gostwng incwm wythnosol net A islaw'r isafswm incwm a nodir yn y rheoliad hwn.

(3) Pan fo A yn cael budd-dal perthnasol, yr isafswm incwm yw—

- (a) yr hawlogaeth wythnosol sylfaenol i'r budd-dal perthnasol y mae A yn ei gael (“yr hawlogaeth sylfaenol”);
- (b) swm o ddim llai na 35% o'r hawlogaeth honno (“y glustog”);
- (c) swm ychwanegol i ddiogolledu A am wariant cysylltiedig ag anabledd, sef dim llai na 10% o'r hawlogaeth sylfaenol; a

care and support and follow the procedure in regulation 8 and make a determination in accordance with regulations 11 and 12.

### **Procedure for determining a charge where financial assessment not carried out**

10. Where regulation 7(1)(b) or (c) of the Financial Assessment Regulations applies (circumstances in which there is no duty to carry out a financial assessment) a local authority must determine that it is reasonably practicable for A to pay the standard charge, subject to the maximum weekly charge in relation to non-residential care and support.

### **Capital limit**

11.—(1) Where A has capital above the capital limit a local authority must determine that it is reasonably practicable for A to pay the standard charge subject to the maximum weekly charge in relation to non-residential care and support.

(2) The capital limit is £24,000 and this is the financial limit for the purposes of section 66(5) of the Act.

(3) Where A has capital at or below the capital limit then a local authority must determine that it is not reasonably practicable for A to pay the standard charge or any lesser amount from capital.

### **Minimum income amount for a person being provided with non-residential care and support**

12.—(1) This regulation applies where a local authority is meeting, or is proposing to meet A's needs for care and support other than by provision of accommodation in a care home.

(2) A local authority must determine that it would not be reasonably practicable for A to pay any sum whose payment would reduce A's net weekly income below the minimum income amount set out in this regulation.

(3) Where A is in receipt of a relevant benefit, the minimum income amount is—

- (a) the basic weekly entitlement to the relevant benefit that is being received by A (“the basic entitlement”);
- (b) an amount of not less than 35% of that entitlement (“the buffer”);
- (c) a further amount to compensate A for disability-related expenditure of not less than 10% of the basic entitlement; and

- (d) swm wythnosol cyfwerth ag unrhyw ffioedd unffurf a delir, neu sydd i'w talu, gan A, pa un ai am wasanaethau a ddarperir o dan Ran 4 o'r Ddeddf, neu am wasanaethau a ddarperir o dan adran 15 neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf.

(4) Pan nad yw A yn cael budd-dal perthnasol, yr isafswm incwm wythnosol yw—

- (a) swm wythnosol yr hyn a asesir yn rhesymol gan yr awdurdod lleol fyddai hawlogaeth sylfaenol A i fudd-daliadau, gan ystyried oedran, amgylchiadau a lefel anabledd A (“yr amcangyfrif o'r hawlogaeth sylfaenol”);
- (b) swm o ddim llai na 35% o'r amcangyfrif o'r hawlogaeth sylfaenol (“y glustog”);
- (c) swm i ddigolledu A am wariant cysylltiedig ag anabledd, sef dim llai na 10% o'r amcangyfrif o'r hawlogaeth sylfaenol; a
- (d) swm wythnosol cyfwerth ag unrhyw ffioedd unffurf a delir, neu sydd i'w talu, gan A, pa un ai am wasanaethau a ddarperir o dan Ran 4 o'r Ddeddf, neu am wasanaethau a ddarperir o dan adran 15 neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf.

(5) Nid oes dim yn y rheoliad hwn sy'n effeithio ar ddisgresiwn awdurdod lleol i gynyddu canran y glustog neu'r swm i ddigolledu am wariant cysylltiedig ag anabledd wrth gyfrifo'r isafswm incwm.

### **Isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal**

**13.** Pan fo awdurdod lleol yn diwallu, neu'n cynnig diwallu, anghenion A am ofal a chymorth drwy ddarpariaeth o lety mewn cartref gofal, rhaid i'r awdurdod lleol ddyfarnu na fyddai'n rhesymol ymarferol i A dalu unrhyw swm y byddai ei dalu yn gostwng incwm wythnosol net A islaw £26.50.

### **Datganiad o ddyfarniad**

**14.**—(1) Pan fo awdurdod lleol yn gwneud dyfarniad yn unol â'r Rheoliadau hyn ynglŷn â'r swm y mae'n rhesymol ymarferol i A ei dalu am ofal a chymorth—

- (a) a gynigir i A am y tro cyntaf; neu
- (b) sy'n cael ei ddarparu i A eisoes ond y gosodir ffi amdano am y tro cyntaf,

rhaid i'r awdurdod lleol ddarparu datganiad i A, sy'n nodi'r taliad y mae'n rhaid i A ei wneud.

- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by A whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(4) Where A is not in receipt of a relevant benefit, the minimum income amount is—

- (a) the weekly amount which the local authority reasonably assesses would be A's basic entitlement to benefits, having regard to A's age, circumstances and level of disability (“the estimated basic entitlement”);
- (b) an amount of not less than 35% of the estimated basic entitlement (“the buffer”);
- (c) an amount to compensate A for disability-related expenditure of not less than 10% of the estimated basic entitlement; and
- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by A whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(5) Nothing in this regulation affects the discretion of a local authority to increase the percentage of the buffer or the amount to compensate for any disability-related expenditure when calculating the minimum income amount.

### **Minimum income amount where a person is provided with accommodation in a care home**

**13.** Where a local authority is meeting or is proposing to meet A's needs for care and support by provision of accommodation in a care home, a local authority must determine that it would not be reasonably practicable for A to pay any sum whose payment would reduce A's net weekly income below £26.50.

### **Statement of determination**

**14.**—(1) Where a local authority makes a determination in accordance with these Regulations about the amount which it is reasonably practicable for A to pay for care and support which—

- (a) is being offered to A for the first time; or
- (b) is being provided to A but for which a charge is being imposed for the first time,

it must provide A with a statement setting out the payment which A must make.

(2) Ni chaiff awdurdod lleol ei gwneud yn ofynnol bod ffi yn cael ei thalu tan y dyddiad yr anfonir y datganiad at A.

(3) Ond unwaith y bydd datganiad wedi ei ddyroddi caiff awdurdod lleol ei gwneud yn ofynnol bod A yn talu ffi am ofal a chymorth a ddarparwyd neu a drefnwyd cyn dyddiad y datganiad(1).

### Dyfarniad diwygiedig

**15.**—(1) Caiff awdurdod lleol wneud dyfarniad newydd—

- (a) pan fo'n tybio bod newid wedi digwydd yng nghyfalaf neu incwm A;
- (b) pan fo'n tybio bod newid wedi digwydd yn y ffi safonol am y gwasanaeth (gan gynnwys newid o ganlyniad i wahaniaeth yn lefel y gofal a chymorth a ddarperir, neu yn y graddau y darperir y gofal a chymorth);
- (c) pan fo'r awdurdod lleol wedi newid ei bolisi ynglŷn ag arfer y disgrisiwn i godi ffi o dan adran 59 o'r Ddeddf;
- (d) pan fo'n tybio bod camgymeriad wedi ei wneud wrth asesu cyfalaf neu incwm A, neu wrth wneud y dyfarniad; neu
- (e) pan fo A yn gofyn am ddyfarniad newydd.

(2) Pan fo awdurdod lleol yn gwneud dyfarniad pellach o allu A i dalu ffi yn unol â'r rheoliad hwn, ni chaiff wneud taliad diwygiedig yn ofynnol tan y dyddiad y darperir datganiad pellach sy'n nodi'r ffi newydd, a bydd y datganiad blaenorol yn parhau i gael effaith tan y dyddiad hwnnw.

## RHAN 3

### CODI FFIOEDD O DAN ADRANNAU 15 AC 17 O'R DDEDDF

#### Codi ffioedd am wasanaethau ataliol a chynhorthwy

**16.**—(1) Caiff awdurdod lleol osod ffioedd am wasanaethau a ddarperir o dan adran 15 o'r Ddeddf (gwasanaethau ataliol) neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf (darparu gwybodaeth, cyngor a chynhorthwy) yn unol â'r rheoliad hwn.

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(1) Mae adran 66(9) o'r Ddeddf yn darparu'r pŵer i reoliadau ddarparu bod dyfarniad yn cael effaith o ddyddiad cyn y dyddiad pan gafodd ei wneud.

(2) A local authority may not require payment of a charge until the date when the statement is sent to A.

(3) But once a statement has been issued a local authority may require A to pay a charge for care and support which was provided or arranged before the date of the statement(1).

### Revised determination

**15.**—(1) A local authority may carry out a new determination where—

- (a) it considers that there has been a change in the capital or income of A;
- (b) it considers that there has been a change in the standard charge for the service (including a change resulting from a change in the level at which or degree to which care and support is provided);
- (c) it has changed its policy about the exercise of the discretion to charge under section 59 of the Act;
- (d) it considers that a mistake was made in the assessment of A's capital or income or in making the determination; or
- (e) A requests a new determination.

(2) Where a local authority makes a further determination of A's ability to pay a charge in accordance with this regulation, it may not require the revised payment to be made until the date that a further statement is provided setting out the further charge and the earlier statement will continue to have effect until that date.

## PART 3

### CHARGING UNDER SECTIONS 15 AND 17 OF THE ACT

#### Charging for preventative services and for assistance

**16.**—(1) A local authority may impose charges for services provided under section 15 of the Act (preventative services) or for assistance provided under section 17 of the Act (information, advice and assistance) in accordance with this regulation.

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(1) Section 66(9) of the Act provides power for regulations to provide for a determination to have effect from a date before that on which it was made.

(2) Os yw awdurdod lleol yn dewis arfer ei ddisgresiwn o dan baragraff (1) mewn perthynas â gwasanaeth neu gynhorthwy penodol, ni chaiff wneud hynny ac eithrio i'r diben o osod ffi unffurf mewn perthynas â'r gwasanaeth hwnnw neu'r cynhorthwy hwnnw.

(3) Ni chaiff ffi unffurf a osodir o dan y rheoliad hwn fod yn fwy na'r gost a dynnir wrth ddarparu'r gwasanaethau neu'r cynhorthwy y mae'r ffi yn ymwneud â hwy.

(4) Ni chaiff awdurdod lleol arfer ei ddisgresiwn o dan baragraff (1) i osod ffi—

- (a) ar blentyn;
- (b) mewn perthynas ag unrhyw ddarpariaeth o wasanaeth neu gynhorthwy y gosodir ffi mewn perthynas â hi o dan Ran 5 o'r Ddeddf.

## RHAN 4

### CYFRANIADAU AC AD-DALIADAU AM DALIADAU UNIONGYRCHOL

#### **Personau y mae rheoliadau 17 i 30 yn gymwys iddynt**

17.—(1) Mae gan awdurdod lleol ddisgresiwn i'w gwneud yn ofynnol bod person y mae'r awdurdod yn gwneud taliadau uniongyrchol iddo yn gwneud cyfraniad neu ad-daliad tuag at y gost o sicrhau'r ddarpariaeth o'r gofal a chymorth y gwneir y taliadau uniongyrchol mewn perthynas â hi.

(2) Wrth arfer y disgresiwn i wneud cyfraniad neu ad-dalid yn ofynnol, rhaid i awdurdod lleol weithredu yn unol â rheoliadau 17 i 30.

(3) Mae rheoliadau 17 i 30 yn gymwys mewn perthynas â pherson y diwellir ei anghenion am ofal a chymorth gan awdurdod lleol yn unol â dyletswydd neu bŵer i wneud taliadau uniongyrchol, a roddir gan y Rheoliadau Taliadau Uniongyrchol yn rhinwedd adrannau 50 a 52 o'r Ddeddf.

#### **Personau na chaniateir ei gwneud yn ofynnol eu bod yn gwneud cyfraniad neu ad-daliad**

18.—(1) Ni chaiff awdurdod lleol ei gwneud yn ofynnol bod B yn gwneud cyfraniad nac ychwaith osod amod ar gyfer ad-daliad mewn perthynas â B pan fo B—

(2) If a local authority exercises its discretion under paragraph (1) in relation to a particular service or assistance, it may only do so to impose a flat-rate charge in relation to that service or assistance.

(3) A flat-rate charge imposed under this regulation may not exceed the cost incurred in providing the services or the assistance to which the charge relates.

(4) A local authority may not exercise its discretion under paragraph (1) to impose a charge—

- (a) on a child;
- (b) in relation to any provision of a service or assistance in relation to which a charge is being imposed under Part 5 of the Act.

## PART 4

### CONTRIBUTIONS AND REIMBURSEMENTS FOR DIRECT PAYMENTS

#### **Persons in relation to whom regulations 17 to 30 apply**

17.—(1) A local authority has a discretion to require a person to whom it makes direct payments to make a contribution or reimbursement towards the cost of securing the provision of the care and support in respect of which the payments are made.

(2) When exercising the discretion to require a contribution or reimbursement, a local authority must act in accordance with regulations 17 to 30.

(3) Regulations 17 to 30 apply in relation to a person whose needs for care and support a local authority is meeting in accordance with a duty or a power to make direct payments conferred by the Direct Payments Regulations by virtue of sections 50 and 52 of the Act.

#### **Persons who may not be required to make a contribution or reimbursement**

18.—(1) A local authority may not require a contribution or impose a condition for reimbursement in relation to B where B—

- (a) yn dioddef o unrhyw ffurf o glefyd Creutzfeldt-Jakob, a diagnosis clinigol o'r clefyd hwnnw wedi ei roi gan ymarferydd meddygol cofrestredig(1); neu
- (b) wedi cael cynnig neu'n cael gwasanaeth a ddarperir fel rhan o becyn o wasanaethau ôl-ofal yn unol ag adran 117 o Ddeddf Iechyd Meddwl 1983 (ôl-ofal).

(2) Ni chaiff awdurdod lleol ei gwneud yn ofynnol gwneud cyfraniad nac ychwaith osod amod ar gyfer ad-daliad mewn perthynas â pherson y diweller ei anghenion am ofal a chymorth gan awdurdod lleol yn unol â dyletswydd neu bŵer a roddir gan y Rheoliadau Taliadau Uniongyrchol yn rhinwedd adran 51 o'r Ddeddf.

### Gwasanaethau na chaniateir codi ffi amdanynt

**19.** Ni chaiff awdurdod lleol wneud cyfraniad neu ad-daliad yn ofynnol mewn perthynas â thaliadau uniongyrchol ar gyfer—

- (a) gofal a chymorth ar ffurf darparu cludiant i fynyachu gwasanaeth dydd, pan ddarperir y cludiant gan awdurdod lleol a phan fo presenoldeb yn y gwasanaeth dydd a'r ddarpariaeth o gludiant i alluogi presenoldeb yn angenrheidiol er mwyn diwallu anghenion asesedig y person;
- (b) darparu datganiad sy'n nodi dyfarniad yr awdurdod yn unol â rheoliad 29;
- (c) gofal a chymorth ailalluogi am y 6 wythnos gyntaf o'r cyfnod penodedig neu, os yw'r cyfnod penodedig yn llai na 6 wythnos, am y cyfnod hwnnw;
- (d) gwasanaethau eiriolaeth sy'n ofynnol wrth gyflawni swyddogaethau'r awdurdod lleol o dan Ran 4 o'r Ddeddf.

### Dyfarniadau ynghylch cyfraniadau neu ad-daliadau

**20.** Pan fo awdurdod lleol yn tybio y byddai'n ei gwneud yn ofynnol gwneud cyfraniad neu ad-daliad mewn perthynas â thaliadau uniongyrchol a wneir, neu y cynigir eu gwneud ganddo, ac wedi cynnal asesiad ariannol o B yn unol â gofynion y Rheoliadau Asesiad Ariannol, rhaid iddo wneud dyfarniad ynghylch pa swm, os oes un, y mae'n rhesymol ymarferol i B ei gyfrannu tuag at gost sicrhau'r gofal a chymorth y gwneir y taliadau uniongyrchol mewn cysylltiad â

- (a) is suffering from any form of Creutzfeldt-Jakob disease where that disease has been clinically diagnosed by a registered medical practitioner(1); or
- (b) has been offered or is receiving a service provided as part of a package of after care services in accordance with section 117 of the Mental Health Act 1983 (after care).

(2) A local authority may not require a contribution or impose a condition for reimbursement in relation to a person whose needs for care and support a local authority is meeting in accordance with a duty or a power conferred by the Direct Payments Regulations by virtue of section 51 of the Act.

### Services for which no charge may be made

**19.** A local authority may not require a contribution or reimbursement in relation to direct payments for—

- (a) care and support which consists of the provision of transport to attend a day service where the transport is provided by a local authority and where attendance at the day service and the provision of transport to enable attendance are required to meet the assessed needs of the person;
- (b) providing a statement setting out its determination in accordance with regulation 29;
- (c) reablement for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period;
- (d) advocacy services required in fulfilment of its functions under Part 4 of the Act.

### Determinations about contributions or reimbursements

**20.** Where a local authority thinks it would require a contribution or a reimbursement in relation to direct payments which it is making or proposing to make, and has carried out a financial assessment of B in accordance with the requirements of the Financial Assessment Regulations, it must make a determination about what amount, if any, it is reasonably practicable for B to contribute towards the cost of securing the care and support in respect of which the payments are made, whether by way of contribution or

(1) *Gweler* troednodyn (1) i reoliad 3.

(1) *See* footnote (1) to regulation 3.

hwy, pa un ai ar ffurf cyfraniad neu ad-daliad, yn unol â gofynion y Rheoliadau hyn.

### **Amgylchiadau pan nad oes angen i awdurdod lleol wneud dyfarniad**

21. Nid oes angen i awdurdod lleol wneud dyfarniad o dan y Rheoliadau hyn os yr unig ofal a chymorth y gwneir taliadau uniongyrchol mewn cysylltiad â hwy yw naill ai gofal a chymorth y codir ffi unffurf amdanynt neu na chodir unrhyw ffi amdanynt.

### **Uchafswm cyfraniad neu ad-daliad wythnosol am ofal a chymorth amhreswyl**

22.—(1) Ac eithrio pan fo'r gofal a chymorth y gwneir taliadau uniongyrchol mewn cysylltiad â hwy yn ddarpariaeth o ofal a llety mewn cartref gofal, ac yn ddarostyngedig i baragraff (2) o'r rheoliad hwn, ni chaiff awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i B wneud cyfraniad neu ad-daliad o fwy na £60 yr wythnos tuag at gost y gofal a chymorth.

(2) Wrth gyfrifo'r uchafswm rhesymol y caniateir ei gwneud yn ofynnol bod B yn ei dalu, o ran awdurdod lleol—

- (a) rhaid iddo ddiystyru'r gost o sicrhau unrhyw ofal a chymorth y mae'n gosod ffi unffurf amdanynt, a
- (b) caiff osod y ffioedd mewn cysylltiad ag unrhyw wasanaeth yn ychwanegol at yr uchafswm cyfraniad neu ad-daliad wythnosol.

(3) Pan fo B yn cael taliad uniongyrchol i'w alluogi i brynu cyfarpar, a fyddai fel arall yn cael ei ddarparu gan awdurdod lleol, o ran yr awdurdod lleol—

- (a) rhaid iddo ddiystyru'r gost o'r cyfarpar wrth gyfrifo'r uchafswm cyfraniad neu ad-daliad wythnosol y caniateir ei gwneud yn ofynnol bod B yn ei dalu, a
- (b) caiff ei gwneud yn ofynnol bod B yn talu swm yn ychwanegol at yr uchafswm cyfraniad neu ad-daliad wythnosol tuag at y gost o sicrhau'r cyfarpar.

### **Gweithdrefn ar gyfer dyfarnu swm cyfraniad neu ad-daliad mewn perthynas â thaliad uniongyrchol am ofal a chymorth amhreswyl**

23.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â dyfarnu lefel y cyfraniad neu'r ad-daliad y mae'n ofynnol i B ei wneud, neu y caniateir ei gwneud yn ofynnol bod B yn ei wneud, mewn cysylltiad â thaliadau uniongyrchol am ofal a chymorth amhreswyl.

reimbursement, in accordance with the requirements of these Regulations.

### **Circumstances where a local authority need not make a determination**

21. A local authority need not make a determination under these Regulations where the only care and support in respect of which direct payments are made is either that to which a flat-rate charge applies or to which no charge applies.

### **Maximum weekly contribution or reimbursement for non-residential care and support**

22.—(1) Except where the care and support in respect of which direct payments are made consists of provision of care and accommodation in a care home, and subject to paragraph (2) of this regulation, a local authority may not determine that it is reasonably practicable for B to make a contribution or a reimbursement greater than £60 per week towards the cost of the care and support.

(2) When calculating the maximum reasonable amount that B may be required to pay, a local authority—

- (a) must disregard the cost of securing any care and support for which it imposes a flat-rate charge, and
- (b) may impose the charges in respect of such a service in addition to the maximum weekly contribution or reimbursement.

(3) Where B receives a direct payment to enable the purchase of equipment, which would otherwise be provided by a local authority, the local authority—

- (a) must disregard the cost of the equipment when calculating the maximum weekly contribution or reimbursement that B may be required to pay, and
- (b) may require B to pay an amount in addition to the maximum weekly contribution or reimbursement towards the cost of securing the equipment.

### **Procedure for determining the amount of a contribution or reimbursement in relation to direct payment for non-residential care and support**

23.—(1) This regulation applies in relation to the determination of the level of contribution or reimbursement that B is, or may be, required to make in respect of direct payments for non-residential care and support.



(2) Wrth gyfrifo'r swm y caniateir ei gwneud yn ofynnol bod B yn ei gyfrannu ar ffurf cyfraniad neu ad-daliad, rhaid i awdurdod lleol fabwysiadu'r weithdrefn a nodir ym mharagraff (3).

(3) Rhaid i awdurdod lleol—

- (a) cyfrifo cost resymol sicrhau'r ddarpariaeth o ofal a chymorth ar gyfer B;
- (b) diystyru o'r cyfanswm hwnnw—
  - (i) swm cyfwerth â'r ffi unffurf mewn cysylltiad â'r gwasanaethau hynny y codir ffi unffurf amdanynt yn unol â rheoliad 22(2); a
  - (ii) unrhyw swm a dalwyd am bryniant cyfarpar a fyddai, fel arall, yn cael ei ddarparu gan yr awdurdod lleol;
- (c) cymhwyso'r uchafswm cyfraniad neu ad-daliad wythnosol ar gyfer gofal a chymorth amhreswyl, os byddai'r canlyniad, fel arall, yn fwy na'r uchafswm;
- (d) mewn perthynas â'r swm a gyfrifwyd yn unol â'r rheoliad hwn, dyfarnu'r hyn y byddai'n rhesymol ymarferol i'r person ei gyfrannu ar ffurf cyfraniad neu ad-daliad yn unol â rheoliadau 26 (terfyn cyfalaf) a 27 (isafswm incwm ar gyfer person a chanddo anghenion am ofal a chymorth amhreswyl).

#### **Gweithdrefn ar gyfer dyfarnu lefel cyfraniad neu ad-daliad mewn perthynas â thaliadau uniongyrchol am lety mewn cartref gofal**

**24.**—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â dyfarnu lefel cyfraniad neu ad-daliad mewn perthynas â thaliadau uniongyrchol am lety mewn cartref gofal.

(2) Wrth gyfrifo'r swm y caniateir ei gwneud yn ofynnol bod B yn ei gyfrannu ar ffurf cyfraniad neu ad-daliad, rhaid i'r awdurdod lleol fabwysiadu'r weithdrefn ganlyniol—

- (a) cyfrifo cyfanswm y gost resymol o sicrhau'r gofal a chymorth i ddiwallu anghenion B;
- (b) mewn perthynas â'r swm yn is-baragraff (a), dyfarnu'r hyn y byddai'n rhesymol ymarferol i B ei dalu fel cyfraniad neu ad-daliad yn unol â rheoliad 26 (terfyn cyfalaf) a rheoliad 28 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal).

(2) When calculating the amount that B may be required to contribute by way of contribution or reimbursement, a local authority must adopt the procedure set out in paragraph (3).

(3) A local authority must—

- (a) calculate the reasonable cost of securing the provision of care and support for B;
- (b) disregard from that total—
  - (i) an amount equivalent to the flat-rate charge in respect of those services to which a flat-rate charge applies in accordance with regulation 22(2); and
  - (ii) any sum paid for the purchase of equipment which would otherwise be provided by the local authority;
- (c) apply the maximum weekly contribution or reimbursement for direct payments for non-residential care and support where the resulting amount would otherwise exceed it;
- (d) subject the amount calculated in accordance with this regulation to a determination of what it would be reasonably practicable for the person to contribute by way of contribution or reimbursement in accordance with the regulation 26 (capital limit) and 27 (minimum income amount for a person with needs for non-residential care and support).

#### **Procedure for determining the level of a contribution or reimbursement in relation to direct payments for accommodation in a care home**

**24.**—(1) This regulation applies in relation to the determination of the level of contribution or reimbursement in relation to direct payments for accommodation in a care home.

(2) When calculating the amount that B may be required to contribute by way of contribution or reimbursement the local authority must adopt the following procedure—

- (a) calculate the amount of the reasonable cost of securing the care and support to meet B's needs;
- (b) subject the amount in (a) to a determination of what it would be reasonably practicable for B to pay in accordance with regulation 26 (capital limit) and regulation 28 (minimum income amount where a person is provided with accommodation in a care home).

(3) Pan fo awdurdod lleol yn tybio y byddai'n gosod ffi mewn perthynas â B pan fo B yn breswlydd byrdymor, rhaid iddo drin B fel pe bai B yn cael gofal a chymorth amhreswyl a dilyn y weithdrefn yn rheoliad 23 a gwneud dyfarniad yn unol â rheoliadau 26 a 27.

### **Gweithdrefn ar gyfer dyfarnu lefel cyfraniad neu ad-daliad pan na chynhelir asesiad ariannol**

**25.**—(1) Pan fo rheoliad 7(1)(b) neu (c) o'r Rheoliadau Asesiad Ariannol yn gymwys (amgylchiadau pan nad oes dyletswydd i gynnal asesiad ariannol) rhaid i awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i B gyfrannu, ar ffurf cyfraniad neu ad-daliad, swm sy'n hafal i'r gost resymol o sicrhau'r gofal a chymorth y gwneir y taliadau uniongyrchol mewn cysylltiad â hwy.

(2) Pan wneir, neu pan fwriedir gwneud, y taliadau uniongyrchol i ddiwallu anghenion B am ofal a chymorth amhreswyl, mae'r gofyniad ym mharagraff (1) yn ddarostyngedig i'r uchafswm cyfraniad neu ad-daliad wythnosol mewn perthynas â gofal a chymorth amhreswyl a osodir gan reoliad 22.

### **Terfyn cyfalaf – taliadau uniongyrchol**

**26.**—(1) Pan fo gan B gyfalaf uwchlaw'r terfyn cyfalaf yn rheoliad 11(2), rhaid i awdurdod lleol ddyfarnu ei bod yn rhesymol ymarferol i B wneud cyfraniad neu ad-daliad o swm sy'n hafal i'r gost resymol o sicrhau'r gofal a chymorth y gwneir y taliadau uniongyrchol mewn cysylltiad â hwy, yn ddarostyngedig i'r uchafswm cyfraniad neu ad-daliad wythnosol mewn perthynas â gofal a chymorth amhreswyl.

(2) Pan fo'r cyfalaf sydd gan B ar y terfyn cyfalaf neu islaw iddo, rhaid i awdurdod lleol ddyfarnu nad yw'n rhesymol ymarferol i B wneud unrhyw gyfraniad neu ad-daliad allan o gyfalaf.

### **Isafswm incwm ar gyfer person a chanddo anghenion am ofal a chymorth amhreswyl**

**27.**—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod yn gwneud, neu'n cynnig gwneud, taliadau uniongyrchol i B i ddiwallu anghenion B am ofal a chymorth amhreswyl.

(2) Rhaid i awdurdod lleol ddyfarnu na fyddai'n rhesymol ymarferol i B gyfrannu fel cyfraniad neu ad-daliad unrhyw swm y byddai ei dalu yn gostwng incwm wythnosol net B islaw'r isafswm incwm a nodir yn y rheoliad hwn.

(3) Where a local authority thinks it would impose a charge in relation to B where B is a short-term resident it must treat B as if B was receiving non-residential care and support and follow the procedure in regulation 23 and make a determination in accordance with regulations 26 and 27.

### **Procedure for determining the level of contribution or reimbursement where financial assessment not carried out**

**25.**—(1) Where regulation 7(1)(b) or (c) of the Financial Assessment Regulations applies (circumstances in which there is no duty to carry out a financial assessment) a local authority must determine that it is reasonably practicable for B to contribute by way of contribution or reimbursement an amount equal to the reasonable cost of securing the care and support in respect of which the payments are made.

(2) Where direct payments are made or are to be made to meet B's needs for non-residential care and support, the requirement in paragraph (1) is subject to the maximum weekly contribution or reimbursement in relation to non-residential services imposed by regulation 22.

### **Capital limit – direct payments**

**26.**—(1) Where B has capital above the capital limit in regulation 11(2) a local authority must determine that it is reasonably practicable for B to make a contribution or reimbursement equal to the reasonable cost of securing the care and support in respect of which payments are made, subject to the maximum weekly contribution or reimbursement in relation to non-residential services.

(2) Where B has capital at or below the capital limit then a local authority must determine that it is not reasonably practicable for B to make any contribution or reimbursement from capital.

### **Minimum income amount for a person with needs for non-residential care and support**

**27.**—(1) This regulation applies where a local authority is making, or is proposing to make direct payments to B to meet B's needs for non-residential care and support.

(2) A local authority must determine that it would not be reasonably practicable for B to contribute as a contribution or a reimbursement any sum whose payment would reduce B's net weekly income below the minimum income amount set out in this regulation.

(3) Pan fo B yn cael budd-dal perthnasol, yr isafswm incwm yw—

- (a) yr hawlogaeth wythnosol sylfaenol i'r budd-dal perthnasol y mae B yn ei gael (“yr hawlogaeth sylfaenol”);
- (b) swm o ddim llai na 35% o'r hawlogaeth honno (“y glustog”);
- (c) swm ychwanegol i ddigolledu B am wariant cysylltiedig ag anabledd, sef dim llai na 10% o'r hawlogaeth sylfaenol; a
- (d) swm wythnosol cyfwerth ag unrhyw ffioedd unffurf a delir, neu sydd i'w talu, gan B, pa un ai am wasanaethau a ddarperir o dan Ran 4 o'r Ddeddf, neu am wasanaethau a ddarperir o dan adran 15 neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf.

(4) Pan nad yw B yn cael budd-dal perthnasol, yr isafswm incwm yw—

- (a) swm wythnosol yr hyn a asesir yn rhesymol gan yr awdurdod lleol fyddai hawlogaeth sylfaenol B i fudd-daliadau, gan ystyried oedran, amgylchiadau a lefel anabledd B (“yr amcangyfrif o'r hawlogaeth sylfaenol”);
- (b) swm o ddim llai na 35% o'r amcangyfrif o'r hawlogaeth sylfaenol (“y glustog”);
- (c) swm i ddigolledu B am wariant cysylltiedig ag anabledd, sef dim llai na 10% o'r amcangyfrif o'r hawlogaeth sylfaenol; a
- (d) swm wythnosol cyfwerth ag unrhyw ffioedd unffurf a delir, neu sydd i'w talu, gan B, pa un ai am wasanaethau a ddarperir o dan Ran 4 o'r Ddeddf, neu am wasanaethau a ddarperir o dan adran 15 neu am gynhorthwy a ddarperir o dan adran 17 o'r Ddeddf.

(5) Nid oes dim yn y rheoliad hwn sy'n effeithio ar ddisgresiwn awdurdod lleol i gynyddu canran y glustog neu'r swm i ddigolledu am wariant cysylltiedig ag anabledd wrth gyfrifo'r isafswm incwm.

### **Isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal**

**28.** Pan fo awdurdod lleol yn gwneud, neu'n cynnig gwneud, taliadau uniongyrchol i B i ddiwallu anghenion B am ofal a chymorth drwy ddarpariaeth o lety mewn cartref gofal, rhaid i'r awdurdod lleol ddyfarnu na fyddai'n rhesymol ymarferol i B gyfrannu, fel cyfraniad neu ad-daliad, unrhyw swm y byddai ei dalu yn gostwng incwm wythnosol net B islaw £26.50.

(3) Where B is in receipt of a relevant benefit, the minimum income amount is—

- (a) the basic weekly entitlement to the relevant benefit that is being received by B (“the basic entitlement”);
- (b) an amount of not less than 35% of that entitlement (“the buffer”);
- (c) a further amount to compensate B for disability-related expenditure of not less than 10% of the basic entitlement; and
- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by B whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(4) Where B is not in receipt of a relevant benefit, the minimum income amount is—

- (a) the weekly amount which the local authority reasonably assesses would be B's basic entitlement to benefits, having regard to the B's age, circumstances and level of disability (“the estimated basic entitlement”);
- (b) an amount of not less than 35% of the estimated basic entitlement (“the buffer”);
- (c) an amount to compensate B for disability-related expenditure of not less than 10% of the estimated basic entitlement; and
- (d) a weekly amount equivalent to any flat-rate charges being paid or to be paid by B whether for services provided under Part 4 of the Act, for services provided under section 15 or assistance provided under section 17 of the Act.

(5) Nothing in this regulation affects the discretion of a local authority to increase the percentage of the buffer or the amount to compensate for any disability-related expenditure when calculating the minimum income amount.

### **Minimum income amount where a person is provided with accommodation in a care home**

**28.** Where a local authority is making or is proposing to make direct payments to B to meet B's needs for care and support in the form of accommodation in a care home, a local authority must determine that it would not be reasonably practicable for B to contribute, as a contribution or reimbursement, any sum whose payment would reduce B's net weekly income below £26.50.

### **Datganiad o ddyfarniad – taliadau uniongyrchol**

**29.**—(1) Pan fo awdurdod lleol yn gwneud dyfarniad yn unol â'r Rheoliadau hyn ynglŷn â'r swm y mae'n rhesymol ymarferol i B ei gyfrannu fel cyfraniad neu ad-daliad tuag at gost y gofal a chymorth y mae taliadau uniongyrchol naill ai—

- (a) yn cael eu cynnig i B am y tro cyntaf; neu
- (b) eisoes yn cael eu talu i B, ond gwneir yn ofynnol am y tro cyntaf fod B yn gwneud cyfraniad neu ad-daliad,

rheid i'r awdurdod lleol ddarparu datganiad i B, sy'n nodi'r taliad y mae'n rhaid i B ei wneud.

(2) Ni chaiff yr awdurdod lleol wneud cyfraniad neu ad-daliad yn ofynnol gan B tan y dyddiad yr anfonir y datganiad at B.

(3) Ond unwaith y bydd datganiad wedi ei ddyroddi caiff awdurdod lleol ei gwneud yn ofynnol bod B yn gwneud cyfraniad neu ad-daliad mewn perthynas ag unrhyw daliadau a wnaed cyn dyddiad y datganiad.

### **Dyfarniad diwygiedig – taliadau uniongyrchol**

**30.**—(1) Caiff awdurdod lleol wneud dyfarniad newydd—

- (a) pan fo'n tybio bod newid wedi digwydd yng nghyfalaf neu incwm B;
- (b) pan fo'n tybio bod newid wedi digwydd yn y gost resymol o sicrhau'r gofal a chymorth (gan gynnwys newid o ganlyniad i wahaniaeth yn lefel y gofal a chymorth a ddarperir, neu yn y graddau y darperir y gofal a chymorth);
- (c) pan fo'r awdurdod lleol wedi newid ei bolisi ynglŷn ag arfer y disgresiwn i godi ffi o dan adran 59 o'r Ddeddf;
- (d) pan fo'n tybio bod camgymeriad wedi ei wneud wrth asesu cyfalaf neu incwm B, neu wrth wneud y dyfarniad; neu
- (e) pan fo B yn gofyn am ddyfarniad newydd.

(2) Pan fo awdurdod lleol yn gwneud dyfarniad pellach o allu B i dalu cyfraniad neu ad-daliad yn unol â'r rheoliad hwn, ni chaiff wneud taliad diwygiedig yn ofynnol tan y dyddiad y darperir datganiad pellach sy'n nodi'r swm diwygiedig, a bydd y datganiad blaenorol yn parhau i gael effaith tan y dyddiad hwnnw.

### **Statement of determination- direct payments**

**29.**—(1) Where a local authority makes a determination in accordance with these Regulations about the amount which it is reasonably practicable for B to contribute as a contribution or reimbursement towards the cost of the care and support in respect of which direct payments are—

- (a) being offered to B for the first time; or
- (b) already being made to B but where a contribution or reimbursement is being required for the first time,

it must provide B with a statement setting out the payment which B must make.

(2) A local authority may not require a contribution or reimbursement until the date when the statement is sent to B.

(3) But once a statement has been issued a local authority may require B to make a contribution or reimbursement in relation to any payments made before the date of the statement.

### **Revised determination – direct payments**

**30.**—(1) A local authority may carry out a new determination where—

- (a) it considers that there has been a change in the capital or income of B;
- (b) it considers that there has been a change in the reasonable cost of securing the care and support (including a change resulting from a change in the level at which or degree to which care and support is provided);
- (c) it has changed its policy about the exercise of the discretion to charge under section 59 of the Act;
- (d) it considers that a mistake was made in the assessment of B's capital or income or in making the determination; or
- (e) B requests a new determination.

(2) Where a local authority makes a further determination of B's ability to pay a contribution or reimbursement in accordance with this regulation, it may not require the revised payment to be made until the date that a further statement is provided setting out the revised amount and the earlier statement will continue to have effect until that date.

*Mark Drakeford*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru  
27 Hydref 2015

Minister for Health and Social Services, one of the  
Welsh Ministers  
27 October 2015

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