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## EXPLANATORY NOTE

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

These Regulations make provision under the Social Services and Well-being (Wales) Act 2014 (“the Act”) about the way in which a local authority must carry out a financial assessment of a person’s (“A”) financial resources in the following cases—

- (a) where the authority thinks that if it were to meet A’s needs for care and support (or a carer’s needs for support) it would impose a charge under section 59 of the Act, or
- (b) where the authority thinks that if it were to make payments towards meeting the cost of A’s needs for care and support (or a carer’s needs for support) by making direct payments by virtue of sections 50 or 52 of the Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

Part 2 of these Regulations makes provision about the process a local authority must follow when undertaking a financial assessment and also makes general provision about financial assessments.

Regulation 6 requires a local authority to carry out a financial assessment in accordance with the requirements of these Regulations.

Regulation 7 specifies the circumstances in which the duty to carry out a financial assessment does not apply and those in which a local authority may complete a financial assessment in the absence of complete disclosure of A’s financial details.

Regulation 8 makes provision about the local authority’s power to carry out a new financial assessment in certain circumstances.

Regulation 9 makes provision about the process a local authority is required to adopt when carrying out an assessment of A’s financial resources. It requires a local authority to disregard the value of A’s only or main home from its calculation of A’s capital resources when A is receiving care and support in their own home (as opposed to receiving such support by the provision of accommodation in a care home).

Regulation 10 requires a local authority to carry out an assessment of the financial resources of a short-term resident (persons who are provided with accommodation in a care home for a period of not exceeding 8 weeks) as if they were in receipt of care and support in their own home.

Regulation 11 contains a saving provision which preserves the effect of any financial assessment carried out by a local authority which has effect immediately before the coming into force of these Regulations (notwithstanding that it was not carried out under the Act or in accordance with these Regulations) until it is replaced by an assessment carried out in accordance with the Act and the requirements of these Regulations.

Part 3 and Schedule 1 make provision about the treatment and calculation of income. Schedule 1 sets out the income that must or may be disregarded by a local authority.

Part 4 and Schedule 2 make provision about the treatment and calculation of capital. Schedule 2 sets out the capital sums that must or may be disregarded by the local authority.

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 from the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.