
WELSH STATUTORY INSTRUMENTS

2015 No. 1844

**The Care and Support (Financial
Assessment) (Wales) Regulations 2015**

PART 2

Assessment of financial resources

Information to be provided by local authority

3. Before a local authority carries out a financial assessment in accordance with these Regulations it must give A the following—

- (a) details of care and support to meet A's needs which are offered or being provided for A and in respect of which it thinks it would impose a charge under section 59 of the Act;
- (b) details of the care and support that A has been assessed as requiring and for which direct payments⁽¹⁾ are being considered or made in accordance with section 50 or 52 of the Act;
- (c) where paragraph (a) applies, details of its charging policy for the provision of care and support, including—
 - (i) which elements, if any, are subject to a charge,
 - (ii) the standard charge⁽²⁾ which may be imposed in relation to any of them,
 - (iii) any care and support, assistance or service for which a flat-rate charge is imposed,
 - (iv) the maximum weekly charge⁽³⁾ that may be imposed or the maximum weekly charge that the local authority applies, where that charge is lower;
- (d) where paragraph (b) applies, details of its direct payments policy, which must include the following—
 - (i) details of the care and support, if any, for which direct payments may be, or are being provided, in respect of which A may be required to pay towards the cost of securing,
 - (ii) details of the standard amount which A may be required to pay towards the cost of securing such care and support,
 - (iii) any care and support, assistance or service for which a flat-rate charge is imposed,

⁽¹⁾ "Direct payment" is defined in section 50(7) and 52(7) of the Act.

⁽²⁾ "Standard charge" is defined in section 63(3) of the Act as meaning "...the amount that a local authority would charge under section 59 if no determination were made under section 66 as to a person's ability to pay that amount". Section 59(2) of the Act (power to impose charges) provides that a charge imposed under subsection (1) may cover only the reasonable cost that the local authority incurs in meeting the needs to which the charge applies.

⁽³⁾ "The maximum weekly charge" is specified in regulation 7 of the Charging Regulations and applies in relation to the provision of care and support to meet an assessed need otherwise than by the provision of accommodation in a care home.

- (iv) the amount of the maximum weekly contribution or reimbursement⁽⁴⁾ that may be imposed or the amount of the maximum weekly contribution or reimbursement that the local authority applies, where that amount is lower;
- (e) details of its financial assessment process;
- (f) details of the information and any documents that A is required to provide to the local authority for the purposes of the financial assessment, and the time limit, and format for providing them;
- (g) information about the consequences of failing to provide the information and documents within the time limit and in an appropriate format;
- (h) information about the consequences of not providing the information or documents required for the purposes of the assessment or of refusing to allow the local authority to carry out a financial assessment;
- (i) information about the statement of determination of A's ability to pay a charge for, or to pay towards the cost of securing, A's care and support that the local authority will provide following the completion of the financial assessment process⁽⁵⁾;
- (j) details of the capital limit specified in regulation 11 or regulation 26 of the Charging Regulations and information about the consequences of⁽⁶⁾ A being assessed as having capital in excess of that limit;
- (k) details of any home visiting facility that the local authority provides within its area;
- (l) the names of an individual or individuals within the authority who may be contacted if A requires additional information or assistance in respect of the financial assessment process; and
- (m) information about A's right to appoint a third party to assist, or to act on A's behalf, in respect of all or part of the financial assessment process and the contact details of any organisation in its area which provides this type of support or assistance.

(4) "The maximum weekly contribution or reimbursement" and the basis upon which a local authority may calculate it are specified in regulation 22 of the Charging Regulations and applies in relation to the making of direct payments to secure the provision of care and support to meet an assessed need otherwise than by the provision of accommodation in a care home.

(5) A local authority is required to provide a statement of determination in regulation 14 (statement of determination) or regulation 29 (statement of determination – direct payments) of the Charging Regulations.

(6) Regulation 2 of the Charging Regulations defines the "capital limit". The capital limit is the maximum amount of capital which a person may have, above which that person will be required to pay the standard charge or standard amount in full. The amount of the capital limit is specified in the Charging Regulations, in regulation 11 (which relates to charges) and regulation 26 (which relates to direct payments).