

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care and Support (Financial Assessment) (Wales) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## WELSH STATUTORY INSTRUMENTS

# 2015 No. 1844

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

PROSPECTIVE

### PART 2

#### Assessment of financial resources

##### Circumstances in which there is no duty to carry out a financial assessment

7.—(1) A local authority is under no duty to carry out an assessment of A's financial resources in circumstances, where A—

- (a) has been assessed as needing or is receiving care and support, assistance or a service or any combination of the same for which the local authority applies a flat-rate charge;
- (b) declines to undergo a financial assessment;
- (c) fails to provide the local authority with the information or documents required by the authority in accordance with regulation 3(f) within a reasonable time or at all;
- (d) is suffering from any form of Creutzfeldt-Jakob disease, where that disease has been diagnosed by a registered medical practitioner;
- (e) has been offered or is receiving care and support, advice or a service, or has been offered or provided with direct payments to secure the provision of care and support as part of a package of after-care services in accordance with section 117 of the Mental Health Act 1983 (after-care)(1);
- (f) has been offered or is receiving reablement for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period;
- (g) has been assessed as needing, or is receiving, only advocacy services(2).

(2) Where paragraph (1)(c) applies, a local authority may, if it considers that it has sufficient information, make an assessment of A's financial resources on the basis of the partial information or partial document (or both) that is in its possession.

##### Commencement Information

II Reg. 7 in force at 6.4.2016, see [reg. 1\(2\)](#)

(1) 1983 c. 20.

(2) "Advocacy services" is defined in section 181(2) of the Act as "...services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support".

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**Changes and effects yet to be applied to :**

- reg. 7 coming into force by [S.I. 2015/1844 reg. 1\(2\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 16A inserted by [S.I. 2017/214 reg. 4\(b\)](#)
- Sch. 1 para. 44A44B inserted by [S.I. 2022/99 reg. 3\(a\)\(ii\)](#)
- Sch. 2 para. 35 inserted by [S.I. 2019/234 reg. 3](#)
- Sch. 2 para. 36-39 inserted by [S.I. 2022/99 reg. 3\(b\)\(ii\)](#)
- Sch. 2 para. 4041 inserted by [S.I. 2023/67 reg. 3\(a\)\(ii\)](#)
- Sch. 2 para. 40 words substituted by [S.I. 2023/424 Sch. para. 61](#)