



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 67 (Cy. 12)

2023 No. 67 (W. 12)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) ac (Asesiad
Ariannol) (Cymru) (Diwygiadau
Amrywiol) 2023

The Care and Support (Charging)
and (Financial Assessment) (Wales)
(Miscellaneous Amendments)
Regulations 2023

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015(1) ("y Rheoliadau Gosod Ffioedd") a Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(2) ("y Rheoliadau Asesiad Ariannol").

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015(1) ("the Charging Regulations") and the Care and Support (Financial Assessment) (Wales) Regulations 2015(2) ("the Financial Assessment Regulations").

Mae'r Rheoliadau Gosod Ffioedd yn nodi'r gofynion y mae 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 wrth gyflawni eu swyddogaethau o dan Ran 4 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf"). Mae'r Rheoliadau Gosod Ffioedd hefyd yn cynnwys darpariaethau cyfochrog sy'n nodi gofynion sy'n gymwys pan fo awdurdod lleol yn gwneud taliadau uniongyrchol i ddiwallu angen person am ofal a chymorth.

The Charging 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 in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). The Charging Regulations also contain parallel provisions setting out requirements which apply when a local authority makes direct payments to meet a person's need for care and support.

Mae'r Rheoliadau Asesiad Ariannol yn gwneud darpariaeth o dan y Ddeddf ynghylch y ffordd y mae rhaid i awdurdod lleol gynnal asesiad ariannol o adnoddau ariannol person ("A") yn yr achosion a ganlyn:

The Financial Assessment Regulations make provision under 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:

(1) O.S. 2015/1843 (Cy. 271).
(2) O.S. 2015/1844 (Cy. 272).

(1) S.I. 2015/1843 (W. 271).
(2) S.I. 2015/1844 (W. 272).

- pan fo'r awdurdod yn tybio, pe bai'n diwallu anghenion A am ofal a chymorth (neu anghenion gofalwr am gymorth), y byddai'n gosod ffi o dan adran 59 o'r Ddeddf, neu
- pan fo'r awdurdod yn tybio, pe bai'n gwneud taliadau tuag at y gost o ddiwallu anghenion A am ofal a chymorth (neu angen gofalwr am gymorth) drwy wneud taliadau uniongyrchol yn rhinwedd adran 50 neu 52 o'r Ddeddf, y byddai'n ei gwneud yn ofynnol i A dalu, ar ffurf ad-daliad (yn achos taliadau gros) neu gyfraniad (yn achos taliadau net), tuag at y gost o sicrhau'r ddarpariaeth honno o ofal a chymorth.

Mae rheoliad 2 o'r offeryn hwn yn diwygio rheoliad 13 o'r Rheoliadau Gosod Ffioedd (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal) i gynyddu'r swm incwm wythnosol net o £35 i £39.50. Mae rheoliad 28 hefyd wedi ei ddiwygio i wneud newid cyfatebol ar gyfer derbynydd taliadau uniongyrchol.

Mae rheoliad 3(a)(i) o'r offeryn hwn yn diwygio geiriad disgrifiadol paragraff 20(1) o Atodlen 2 i'r Rheoliadau Asesiad Ariannol i gynnwys y canlynol:

- taliad Tŵr Grenfell,
- taliad camdriniaeth plant,
- taliad Windrush, neu
- taliadau a wneir gan Ymddiriedolaeth y Plant Mudol.

Mae'r cynlluniau hyn eisoes wedi eu diystyru drwy effaith paragraff 20 o Atodlen 2 drwy eu cynnwys yn Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987 ac maent wedi eu hychwanegu yn y geiriau disgrifiadol er eglurder.

Mae rheoliad 3(a)(ii) o'r offeryn hwn yn diwygio Atodlen 2 i'r Rheoliadau Asesiad Ariannol fel a ganlyn:

- mae taliadau a wneir o dan y Cynllun Cymorth Biliau Ynni,
- mae taliadau a wneir o dan Ddeddf Nawdd Cymdeithasol (Taliadau Ychwanegol) 2022,

i'w diystyru wrth gyfrifo cyfalaf oedolyn.

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 oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

- 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
- 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 need for support) by making direct payments by virtue of section 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.

Regulation 2 of this instrument amends regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) to increase the net weekly income amount from £35 to £39.50. Regulation 28 is also amended to make corresponding change for a recipient of direct payments.

Regulation 3(a)(i) of this instrument amends the descriptive wording of paragraph 20(1) of Schedule 2 to the Financial Assessment Regulations to include the following:

- Grenfell Tower payment,
- child abuse payment,
- Windrush payment, or
- payments made by the Child Migrants Trust.

These schemes are already disregarded through the effect of paragraph 20 of Schedule 2 through their inclusion in the Income Support (General) Regulations 1987 and they are added in the descriptive words for clarity.

Regulation 3(a)(ii) of this instrument amends Schedule 2 to the Financial Assessment Regulations as follows:

- payments made under the Energy Bill Support Scheme,
- payments made under the Social Security (Additional Payments) Act 2022,

are to be disregarded in the calculation of an adult's capital.

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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2023 Rhif 67 (Cy. 12)

2023 No. 67 (W. 12)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) ac (Asesiad
Ariannol) (Cymru) (Diwygiadau
Amrywiol) 2023**

**The Care and Support (Charging)
and (Financial Assessment) (Wales)
(Miscellaneous Amendments)
Regulations 2023**

Gwnaed 23 Ionawr 2023
Gosodwyd *gerbron* *Senedd*
Cymru 25 Ionawr 2023
Yn dod i rym 10 Ebrill 2023

Made 23 January 2023
Laid before Senedd Cymru 25 January 2023
Coming into force 10 April 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 50, 52, 53(3), 61, 64(1), 64(2)(b), 66 a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 50, 52, 53(3), 61, 64(1), 64(2)(b), 66 and 196(2) of the Social Services and Well-being (Wales) Act 2014(1).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 10 Ebrill 2023.

Title and coming into force

1.—(1) The title of these Regulations is the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2023.

(2) These Regulations come into force on 10 April 2023.

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

2. Mae Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015(2) wedi eu diwygio fel a ganlyn—

(a) yn rheoliad 13 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£35” rhodder “£39.50”;

Amendment of the Care and Support (Charging) (Wales) Regulations 2015

2. The Care and Support (Charging) (Wales) Regulations 2015(2) are amended as follows—

(a) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home), for “£35” substitute “£39.50”;

(1) 2014 dccc 4. *Gweler* adran 197(1) am y diffiniadau o “penodedig”, “a bennir” ac “a bennwyd” a “rheoliadau”.
(2) O.S. 2015/1843 (Cy. 271), a ddiwygiwyd gan O.S. 2022/99 (Cy. 35); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) 2014 anaw 4. *See* section 197(1) for the definitions of “regulations” and “specified”.
(2) S.I. 2015/1843 (W. 271), amended by S.I. 2022/99 (W. 35); there are other amending instruments, but none is relevant.

- (b) yn rheoliad 28 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal), yn lle “£35” rhodder “£39.50”.

- (b) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home), for “£35” substitute “£39.50”.

Diwygio Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015

3. Mae Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(1) wedi eu diwygio fel a ganlyn—

- (a) yn Atodlen 2 (cyfalaf sydd i’w ddiystyru)—
- (i) ym mharagraff 20, yn y disgrifiad rhwng cromfachau o baragraffau 21 i 24 o Atodlen 10 i’r Rheoliadau Cymhorthdal Incwm, ar ôl y geiriau “Gronfa Byw’n Annibynnol” mewnosoder “, unrhyw daliad Tŵr Grenfell, taliad camdriniaeth plant, taliad Windrush ac unrhyw daliad a wneir gan Ymddiriedolaeth y Plant Mudol o dan y cynllun ar gyfer cyn-blant mudol Prydeinig”;

- (ii) ar ôl paragraff 39 mewnosoder—

“40. Unrhyw daliad a wneir o dan y Cynllun Cymorth Biliau Ynni o dan gyfarwyddyd(2) yr Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth Ddiwydiannol yn unol ag adrannau 7(3)(a) a 107 o Ddeddf Trydan 1989(3).

41. Unrhyw daliad a wneir o dan adrannau 1, 4 a 5 o Ddeddf Nawdd Cymdeithasol (Taliadau Ychwanegol) 2022(4) (taliadau ychwanegol sy’n dibynnu ar brawf modd a thaliadau ychwanegol anabled).”

Amendment of the Care and Support (Financial Assessment) (Wales) Regulations 2015

3. The Care and Support (Financial Assessment) (Wales) Regulations 2015(1) are amended as follows—

- (a) in Schedule 2 (capital to be disregarded)—
- (i) in paragraph 20, in the parenthetical description of paragraphs 21 to 24 of Schedule 10 of the Income Support Regulations, after the words “Independent Living Fund” insert “, any Grenfell Tower payment, child abuse payment, Windrush payment and any payment made by the Child Migrants Trust under the scheme for former British child migrants”;

- (ii) after paragraph 39 insert—

“40. Any payment made under the Energy Bill Support Scheme as directed(2) by the Secretary of State for Business, Energy and Industrial Strategy pursuant to sections 7(3)(a) and 107 of the Electricity Act 1989(3).

41. Any payment made under sections 1, 4 and 5 of the Social Security (Additional Payments) Act 2022(4) (means-tested additional payments and disability additional payments).”

Julie Morgan

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
23 Ionawr 2023

Deputy Minister for Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers
23 January 2023

©© Hawlfraint y Goron 2023

© Crown copyright 2023

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

(1) O.S. 2015/1844 (Cy. 272), a ddiwygiwyd gan O.S. 2017/214 (Cy. 58), O.S. 2019/234 (Cy. 53) ac O.S. 2022/99 (Cy. 35).
(2) Gellir cael copi caled o’r Cyfarwyddyd oddi wrth yr Adran Busnes, Ynni a Strategaeth Ddiwydiannol, 1 Victoria Street, Llundain, SW1H 0ET. Am gopi electronig, gweler www.gov.uk/government/publications/energy-bills-support-scheme-ministerial-direction.
(3) 1989 p. 29.
(4) 2022 p. 38.

(1) S.I. 2015/1844 (W. 272), amended by S.I. 2017/214 (W. 58), S.I. 2019/234 (W. 53) and S.I. 2022/99 (W. 35).
(2) A hard copy of the Direction can be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET. For an electronic copy, see www.gov.uk/government/publications/energy-bills-support-scheme-ministerial-direction.
(3) 1989 c. 29.
(4) 2022 c. 38.

£4.90

<http://www.legislation.gov.uk/id/wsi/2023/67>

ISBN 978-0-348-39411-5



9 780348 394115