
Social Care Charges (Wales) 2011 Briefing Note Update

Further to the Briefing Note posted on our website on June 16th 2011 regarding Social Care Charges (Wales) 2011, there has been a further relevant Statutory Instrument making minor typographical changes and confirming an important point regarding the discretion of a Local Authority to charge or not to charge for domiciliary social services.

The Social Care Charges (Miscellaneous Amendments) (Wales) Regulations 2011 made on 6th July 2011, which are coming into force on 2nd August 2011, confirm ‘the Social Care Direct Payments Regulations do not require a Local Authority to seek from an adult who receives a Direct Payment any reimbursement or contribution toward the cost of securing the service in respect of which the Direct Payment is paid. Where any reimbursement of contribution is sought by a Local Authority, it is required to comply with the relevant provisions of the Social Care Direct Payments Regulations (and with any Regulations made by the Welsh Ministers under Section 16 of the Community Care Act (delayed discharges etc) Act 2003)’.

As described in the original briefing note, a maximum charge of £50 per week currently applies. This discretionary power to charge or not to charge is, of course, contained in Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA).

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