

SL(5)324 – Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

Background and Purpose

This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (the "Act").

This code, and the regulations to which it refers, set out the requirements for local authorities in relation to:

- setting a contribution or reimbursement in connection with direct payments under sections 50-53 of the Act (Direct payments);
- the choice of accommodation for those in a care home, including payment of additional costs in certain circumstances, under section 57 of the Act (Cases where a person expresses preference for particular accommodation);
- charging and financial assessment under section 59 of the Act (Power to impose charges) on those who are to receive care and support, or in the case of carers support;
- the deferment of payments by those in a care home under section 68 of the Act (Deferred payment agreements);
- charging under 69 of the Act (Charging for preventative services and assistance) for the provision or arrangement of preventative services and assistance;
- the recovery of debts under section 70 of the Act (Recovery of charges, interest, etc) and the transfer of assets to avoid charges under section 72 of the Act (Transfer of assets to avoid charges); and
- reviews under section 73 (Reviews relating to charges) relating to charging determinations or charges made under the Act.

The code covers:

- designing a charging policy;
- common issues in relation to charging;
- charging for care and support in a care home;
- choice of accommodation when arranging care in a care home;



- making payments for additional costs for preferred accommodation;
- charging for care and support in the community;

- charging for support to carers.

Procedure

A draft of the code must be laid before the Assembly. If, within 40 days (excluding any time when the Assembly is dissolved or is in recess for more than 4 days) of the draft being laid, the Assembly resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

No points are identified for reporting under Standing Order 21.7 in respect of this code.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.7 in respect of this code.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

15 February 2019

