OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2025 Rhif 151 (Cy. 31)

2025 No. 151 (W. 31)

GOFAL CYMDEITHASOL, CYMRU

SOCIAL CARE, WALES

Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2025

The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025

NODYN ESBONIADOL

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

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

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 fydd awdurdod lleol yn gwneud taliadau uniongyrchol i ddiwallu angen person am ofal a chymorth.

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:

- 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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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.

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:

- 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

– 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 Rheoliadau hyn 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 £43.90 i £44.65. Mae rheoliad 28 hefyd wedi ei ddiwygio i wneud newid cyfatebol ar gyfer derbynnydd taliadau uniongyrchol.

Mae rheoliad 3(a)(i) o'r offeryn yn diwygio Atodlen 2 i'r Rheoliadau Asesiad Ariannol i ddiystyru unrhyw daliad a wneir i A gan y Weinyddiaeth Amddiffyn o dan Gynllun Cydnabyddiaeth Ariannol Pobl Lesbiaidd, Hoyw, Ddeurywiol a Thrawsryweddol 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: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, 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 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 these Regulations 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 £43.90 to £44.65. Regulation 28 is also amended to make corresponding change for a recipient of direct payments.

Regulation 3(a)(i) of the instrument amends Schedule 2 to the Financial Assessment Regulations to disregard any payment made to A by the Ministry of Defence under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme for 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 the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2025 Rhif 151 (Cy. 31)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2025

Gwnaed	*11 Chwefror 2025*
Gosodwyd gerbron Senedd Cymru	*13 Chwefror 2025*
Yn dod i rym	*7 Ebrill 2025*

Mae Gweinidogion Cymru, 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**), yn gwneud y Rheoliadau a ganlyn.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) ac (Asesiad Ariannol) (Cymru) (Diwygiadau Amrywiol) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 7 Ebrill 2025.

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 "£43.90" rhodder "£44.65";

(**1**) 2014 dccc 4. *Gweler* adran 197(1) am y diffiniadau o "penodedig", "a bennir", "a bennwyd" a "rheoliadau".

(**2**) O.S. 2015/1843 (Cy. 271), a ddiwygiwyd gan O.S. 2024/330 (Cy. 59); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

2025 No. 151 (W. 31)

SOCIAL CARE, WALES

The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025

Made	*11 February 2025*
Laid before Senedd Cymru	*13 February 2025*
Coming into force	*7 April 2025*

The Welsh Ministers, 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**), make the following Regulations.

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 2025.

(2) These Regulations come into force on 7 April 2025.

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 "£43.90" substitute "£44.65";

(**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. 2024/330 (W. 59); 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 "£43.90" rhodder "£44.65".

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

3. Yn Atodlen 2 (cyfalaf sydd i'w ddiystyru) i Reoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015(**1**), ar ôl paragraff 41 mewnosoder—

"**42.** Unrhyw daliad a wneir i A gan y Weinyddiaeth Amddiffyn o dan Gynllun Cydnabyddiaeth Ariannol Pobl Lesbiaidd, Hoyw, Ddeurywiol a Thrawsryweddol, y gwneir taliadau odano i bersonau a gafodd eu diswyddo, eu rhyddhau neu eu gorfodi i ymddiswyddo oherwydd gwaharddiad ar aelodau lesbiaidd, hoyw, deurywiol a thrawsryweddol o luoedd arfog y Goron rhwng 1967 a 2000."

(b) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home), for "£43.90" substitute "£44.65".

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

3. In Schedule 2 (capital to be disregarded) to the Care and Support (Financial Assessment) (Wales) Regulations 2015(**1**), after paragraph 41 insert—

"**42.** Any payment made to A by the Ministry of Defence under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme, under which payments are made to persons who were dismissed, discharged or forced to resign because of a ban on lesbian, gay, bisexual and transgender members of the armed forces of the Crown between 1967 and 2000."

Dawn Bowden

Y Gweinidog Plant a Gofal Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
11 Chwefror 2025

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
11 February 2025

©℗Hawlfraint y Goron 2025

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

© Crown copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, 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), O.S. 2022/99 (Cy. 35) ac O.S. 2023/67 (Cy. 12).

(**1**) S.I. 2015/1844 (W. 272), amended by S.I. 2017/214 (W. 58), S.I. 2019/234 (W. 53), S.I. 2022/99 (W. 35) and S.I. 2023/67 (W. 12).

ISBN 978-0-348-39655-3



£5.78