EXPLANATORY MEMORANDUM TO

THE NATIONAL ASSISTANCE (SUMS FOR PERSONAL REQUIREMENTS) AMENDMENT (ENGLAND) REGULATIONS 2012

2012 No. 663

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 Where a person goes into residential care supported by a local authority, the local authority is required to charge the person such sums as they are assessed as being able to pay. The Assessment is made using regulations made under the National Assistance Act 1948. After charging all local authority supported residents must be left with a certain amount to spend on personal expenses. This instrument uprates the personal expenses allowance (PEA).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 To effect an uprating of the PEA.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

5.2 Similar regulations exist in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

The Minister of State for Care Services has made the following statement regarding Human Rights:

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The PEA is usually uprated annually. The PEA is the amount of their own income which local authority supported residents must be left with have after charging, to spend on personal items. The uprating ensures the allowance retains its value over time.

- Consolidation

7.2 As this amendment simply uprates the PEA amount, consolidation is not applicable.

8. Consultation outcome

8.1 No consultation was carried out.

9. Guidance

9.1 Guidance on the application and interpretation of the residential charging regulations is provided in the Charges for Residential Accommodation Guide (CRAG). This will be amended to reflect the change and a new version issued by the time the regulations come into effect.

10. Impact

10.1 No impact is foreseen on business, charities or voluntary bodies.

10.2 The impact on the public sector should be minimal. The regulations make a minor modification to the charging regulations used to make a financial assessment of what local authority supported care home residents should pay towards the cost of their care.

10.3 An Impact Assessment is not required for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The change to the regulations aims to ensure that care home residents PEA retains its value. The regulations are reviewed annually. The next scheduled routine review is due for completion by April 2013.

13. Contact

Alan Probett at the Department of Health Tel: 020 7972 4033 or email: SCPI-Enquiries@dh.gsi.gov.uk can answer any queries regarding the instrument.