EXPLANATORY MEMORANDUM TO

THE NATIONAL ASSISTANCE (SUMS FOR PERSONAL REQUIREMENTS) AMENDMENT (ENGLAND) REGULATIONS 2014

2014 No. 582

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 local authority arranges residential care for a person it must charge the person an amount they have been assessed as being able to pay. A person is assessed in accordance with the National Assistance Assessment of Resources) Regulations 1992 (SI 1992/2977) ("the Assessment Regulations"). Section 22(4) of the National Assistance Act 1948 requires local authorities to ensure that, after charges have been deducted, the person is left with a weekly sum for personal expenses, the Personal Expenses Allowance (PEA). This amount is set out in regulations. This instrument uprates the PEA.

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

3.1 None

4. Legislative Context

4.1 These regulations amend the National Assistance (Sums for Personal Requirements) (England) Regulations 2003 (SI 2003/628) to set the level of the PEA at £24.40 per week.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the 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 uprated annually to ensure the allowance maintains its value over time.

Consolidation

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

8. Consultation outcome

8.1 No consultation was carried out.

9. Guidance

9.1 The Charging for Residential Accommodation Guidance (CRAG) is guidance for local authorities on the operation of Assessment Regulations and includes guidance on the PEA. This will be updated to reflect the change in time for the instrument coming into force.

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 A full Impact Assessment has not been published for these Regulations as they have no impact on the private sector or civil service organisations.

11. Regulating small business

11.1 The legislation does not apply to small business, since it does not apply to any businesses, only local government.

12. Monitoring & review

12.1 The change to the regulations aims to ensure that the PEA for care home residents retains its value. The regulations are reviewed annually. The next scheduled routine review is due for completion by April 2015.

13. Contact

13.1 Alan Probett at the Department of Health (Tel: 020 7210 5593 or email: SCPI-Enquiries@dh.gsi.gov.uk) can answer any queries regarding the instrument.