

Explanatory Memorandum to: The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2016.

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2016.

Mark Drakeford
Minister for Health & Social Services

2 February 2016

Description

These Regulations amend the :

- National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104);
- National Health Service (Optical Charges and Payments) Regulations 1997(SI 1997/818); and
- National Health Service (General Ophthalmic Services) Regulations (SI 1986/975).

Matters of special interest to the Constitutional and Legislative Affairs Committee

These Regulations amend the NHS (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104 (W.116)), which provide for reimbursement of travel expenses and remission of NHS charges , by exemption or for persons on low incomes by entitlement under the NHS Low Income Scheme.

These Regulations also amend the:

- National Health Service (Optical Charges and Payments) Regulations 1997 (SI 1997/818); and
- National Health Service (General Ophthalmic Services) Regulations 1986 (SI 1986/975)

which provide for a free NHS sight test and help towards the cost of glasses.

The amendments made by these Regulations allow for Universal Credit (UC) to be accepted as a qualifying benefit for the purposes of full or part remission from NHS charges and passport all UC claimants from 1 April 2016.

This allows for those in receipt of UC to qualify for free NHS dental treatment, a free NHS sight test, help towards the cost of glasses and help with travel costs, and to submit a claim under the NHS Low Income Scheme for help with health costs.

The numbers entitled to UC in Wales in 2016/17 are expected to be small. No implication should be assumed for future years from the decision, or for the arrangements to proceed in this way for the whole of 2016/17.

Legislative Background

These Regulations are being made in exercise of powers conferred by sections 71, 128, 129 130, 131 and 203(9) and (10) of the National Health Service (Wales) Act 2006.

These Regulations are subject to the negative resolution procedure.

Purpose and intended effect of the legislation

Policy Background

A range of DWP working-age benefits are being replaced by payments known as Universal Credit. A phased implementation programme started to be rolled out across Great Britain from October 2013. Implementation is scheduled to be completed by 2021-22.

Working-age benefits are currently used to establish entitlement to full or part remission of some NHS charges in Wales. It is intended from 1 April 2016 to continue full or part

remission on the basis of working age benefits and therefore to accept Universal Credit as a qualifying benefit for exemption in Wales.

Income based entitlement to help with health costs may be available through the NHS Low Income Scheme to those who are not automatically entitled to full or part remission of charges through receipt of a passported benefit.

An NHS passported benefit is a benefit where the patient is entitled to receive free treatment by virtue of being in receipt of some other welfare type benefit.

The purpose of the Regulations is to allow for persons currently receiving passported benefits to continue to do so and for those who will be in receipt of Universal Credit to continue to receive passported benefits (remission of certain NHS charges and help with travel costs) in the same way as if they had been in receipt of the previous legacy benefits.

Implementation

It is intended that these Regulations will come into force on 1 April 2016.

If these Regulations were to be annulled then the failure to implement the changes to the three Principal Regulations would result in Universal Credit not being accepted as a qualifying benefit in Wales from 1 April 2016 for the purposes of full or part remission from NHS charges. Consequently those in receipt of Universal Credit would not qualify for free NHS dental treatment, a free NHS sight test, help towards the cost of glasses and help with travel costs.

Consultation

There has been no consultation with stakeholders because these are technical changes to the:

- National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (SI 2007/1104);
- National Health Service (Optical Charges and Payments) Regulations 1997 (SI 1997/818); and
- National Health Service (General Ophthalmic Services) Regulations 1986 (SI 1986/975).

These Regulations do not alter existing policy; they simply allow for the continuation of entitlement by the same group of persons to free NHS dental treatment, a free NHS sight test, help towards the cost of glasses and help with travel costs, and to submit a claim under the NHS Low Income Scheme.

Regulatory Impact Assessment

These Regulations have no impact on the statutory duties (sections 77 – 79 Government of Wales Act 2006) or impose any additional burdens upon the statutory partners (sections 73 – 75 of that Act).

A Regulatory Impact Assessment has not been prepared for these Regulations because they have no impact on business, charities or voluntary bodies.

Summary

These Regulations will ensure that equity of access to help with NHS charges is maintained across Wales.