

Adult Social Care Deferred Payment Agreements Policy

Deferred Payment Agreement

property on discretionary grounds, a Deferred Payment Agreement will not be offered.

A person may only enter into a Deferred Payment Agreement once the 12-weeks property disregard has been completed.

Policy Statement

The Policy Statement below has been developed following a consultation with Surrey residents and with reference to The Equality Act 2010 and its Public Sector Equality Duty. The Equalities Act requires public bodies have due regard to the need to prevent discrimination, advance equal opportunities and encourage positive relationships.

People a deferred payment will be offered to

The council must offer a Deferred Payment Agreement to people who meet all three of the following criteria when they apply:

The person is assessed as having eligible needs which the council decides should be met through a care home placement, or the person is arranging their own care and support and would be assessed as having eligible needs were the council to have carried out an assessment:

The person is assessed as having less than or equal to £23,250 (or such other capital limit that may apply) in savings and other capital excluding the value of their home; and

The property would not be disregarded for charging purposes.

If the person meets the above criteria and is able to provide adequate security for the debt, usually in the form of a first legal charge against the property on the Land Registry, the council must offer a deferred payment.

The council will consider applications for a Deferred Payment Agreement made by people who narrowly fail to meet the above criteria. For example, if the person has slightly more than the £23,250 asset threshold. These applications will be considered on a case by case basis and informed by individual circumstances. In making such decisions the council will have regard to:

Whether they will meet the criteria in the near fu477.58 rp9l £21/lu2871 008871 0

in the regulations, where the person intends to retain their former home and pay their accommodation and care costs from a deferred payment. These applications will be considered on a case by case basis but all other aspects of the Deferred Payment Policy will apply. (A)hr@TJET@.000008871 0 595.32 841.92 re

What the Deferred Payment Agreement will cost an individual

The council will make an administration charge for the arrangement of the Deferred Payment Agreement. This charge covers the council's costs to administer the Deferred Payment Agreement which include, for example, legal fees and staff time. The amount of the charge may vary and the current charge will be available on the council's website and in literature about the Deferred Payment Scheme. This charge is payable at the outset and will not usually be part of the deferred debt, unless in the exceptional circumstances of the case, funds are unavailable to pay the charge upfront.

In addition to the administration charge, if a professional valuation of a property is required, or some other form of valuation, the person will be required to meet the valuation fees in full plus any VAT at the time of the valuation. This may happen when the council is considering the application, in the event of a dispute or during the agreement when a review of continued adequate security is made. These fees cannot be added to the deferred debt.

The schedule of charges is set out on page 8.

The council will charge compound interest on the total deferred debt (including any administration charge and accrued interest), until that debt has been repaid. The rate of interest charged will be the 'national maximum interest rate'. The rate will change every six months on 1 January and 1 July to track the market gilts rate stated in a report published by the Office of Budgetary Responsibility. The current rate of interest will be available on the council's website and in literature about the Deferred Payment Scheme.

How a Deferred Payment Agreement can be terminated

The agreement can be brought to an end in any one of these ways:

By repaying the full amount of the debt. This can be done at any time.

When the property or security is sold and the council is repaid in full.

The council will recommend that people seek independent financial advice.

How to make a complaint

Complaints about the financial assessment process or Adult Social Care can be made through the Adult Social Care complaints procedure in the followingal Care can

