

## Deferred Payment Scheme

### Helping Homeowners to Pay Residential & Nursing Care Costs Until Their Property is Sold

#### Fact Sheet 6

(May 2019)

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#### What is the Deferred Payment scheme?

The Deferred Payment scheme is a legal arrangement to enable someone moving into a residential or nursing care home to agree for the local authority to pay their care home fees until they access funds tied up in their property. The scheme is available for those individuals who own a property and whose savings and/or other assets are below the maximum capital threshold and they do not have sufficient weekly income to meet the full cost of their care. Any money which the local authority pays out in these circumstances is repayable when the property is sold or when the care is no longer required. The arrangement is similar to a loan for the period determined in the Deferred Payment agreement terms and conditions. You will need to agree to the Council placing a legal charge on the property as security for the debt.

Currently the authority does not charge any fees for valuing the property or arranging the Deferred Payment agreement and also does not charge interest on any debt until 91 days after the date the resident passed away, however this policy will be reviewed within the next year.

You should be aware that as care home fees usually increase each year, then the amount being deferred will also change in accordance with the full cost of the placement and the amount of income received (the difference between these two figures is the amount that will be deferred).

#### Who is the scheme for?

It is for home owners moving permanently into residential or nursing care funded by the local authority who either:



For information on Social Care Services log onto:  
[www.carmarthenshire.gov.uk/socialcare](http://www.carmarthenshire.gov.uk/socialcare)

- do not have enough money to pay for their care
- do not wish to sell their home
- are unable to sell their home quickly enough to pay for their care.

## **How do I become eligible for the scheme?**

To join the scheme you must:

- have been assessed by the Department for Communities as requiring residential or nursing care in a care home
- be eligible for funding from the Council
- have a beneficial interest in a property you have been living in which is worth enough to cover the assessed charge
- pay a weekly contribution based on an assessment of income and assets

Also the following conditions must apply:

- that the property has not been disregarded as part of the financial assessment process
- that your other capital assets (not including your property) are below the maximum capital threshold and you do not have sufficient weekly income to pay the full charge
- that you are in agreement with all the terms and conditions of the deferred payment agreement offered
- that any other person who has an interest in the property consents to the deferred payment agreement
- that the local authority is able to create the first charge on the property as security for the debt

## **Refusal/Termination of a Deferred Payment agreement**

The local authority is able to refuse a deferred payment agreement in some circumstances:

- where the local authority is unable to secure the consent of any other person who has an interest in the property
- where the local authority is unable to obtain the first charge on the property
- where your capital (other than your property) exceeds the maximum capital threshold or you have sufficient weekly income to pay the full charge of the care home
- where you do not agree to the terms and conditions of the Deferred Payment agreement

The local authority may also stop deferring care costs/terminate a Deferred Payment agreement on a permanent or temporary basis, in some circumstances:

- where there is not enough equity in the property once the amount already deferred is taken into account
- where the property subsequently becomes disregarded from the financial assessment process
- where the property is sold and the outstanding care costs have been paid in full (including interest and fees if applicable)
- where the resident passes away
- where the outstanding care costs have been paid in full (including interest and fees if applicable)
- that your other capital assets (not including your property) are in excess of the maximum capital threshold and/or you have sufficient weekly income to pay the full charge
- where you no longer have an assessed need for care in a care home
- where the terms and conditions of the Deferred Payment agreement are breached and this cannot be successfully resolved

You can also choose to terminate a Deferred Payment agreement. Payment of any amount deferred will then be due in full.

## **How does the scheme work?**

Everyone is offered a financial assessment to determine how much they will pay towards their care and for the first twelve weeks your property is disregarded from the calculation. From the 13<sup>th</sup> week your property will be included in the financial assessment and the amount you are required to pay per week may be higher than your income. You will still be expected to pay the income element of your charge (e.g. DWP benefits, Occupational Pension, rental income) to the Council and the balance of the charge, which relates to your property will be deferred. This will give you the opportunity to consider the best way in which to meet the cost of your care, you could choose:

- to sell your property
- to enter into a Deferred Payment agreement
- to pay the full charge from your disregarded capital or disregarded income
- to rent your property to tenants and pay the charges from your rental income
- for a third party to contribute towards your care costs
- to keep less of your Minimum Income Amount in order to reduce the amount deferred

Entering into a Deferred Payment Agreement means that you will have the opportunity to defer part of the payment until a later date and in order to do this the Council will arrange to value the property and you will need to agree to Carmarthenshire County Council placing a legal charge on your property as security for the debt. In return the Council will pay the balance of care costs up to an agreed rate that would have been met from the sale of the property.

The total amount you can defer will be determined by the value of your property and the level of the care costs being deferred – a statement will be provided on a 6 monthly basis showing the amount deferred.

If you enter into a deferred payment arrangement you could also use the scheme to pay for more expensive accommodation depending on the net value of your property.

You may wish to seek independent financial advice before entering into a Deferred Payment agreement.

You should inform the local authority if you decide to sell your property. You will be required to pay the amount deferred in full from the sale proceeds and the local authority will be required to relinquish the legal charge on the property.

### **When must the money be repaid?**

The amount deferred must be repaid when the Deferred Payment agreement is terminated, e.g.

- when the property has been sold
- when you terminate the agreement
- within 90 days of your death

An invoice will be issued for the amount owed, which will include details on how the amount due can be paid. If the invoice is not paid then this will be dealt with under the authority's usual debt recovery process.

Interest will be charged if the debt is not repaid at the end of the agreed period. The interest rate will be 0.15% above the Market Gilt rate and this rate will be reviewed 6 monthly.

The local authority will relinquish its legal charge on the property once the amount owed is repaid.

## **How do I apply to join the Deferred Payment Scheme?**

If you are being admitted into a residential or nursing home permanently following a social care assessment, then on completion of the “Financial Assessment Declaration of Means” form the Financial Assessment Officer will write to you with details of how to join the scheme. We will arrange for a valuation of your property and following receipt of the valuation a contract letter and terms of the agreement will be sent to you which will indicate the assessed weekly payments to be made under the scheme and the terms of the agreement. Due to Land Registry requirements, we will need to verify the identity of the person who owns the property against which the charge will be registered and also verify the identity of the person making the application for a Deferred Payment Agreement on behalf of the resident (e.g. the resident’s Power of Attorney or Deputy).

## **What if I am eligible to join the Deferred Payment Scheme but choose not to?**

If you have been offered a Deferred Payment Agreement but choose not to enter the scheme, Section 59 of the Social Services and Well-being Act (Wales) 2014 will apply. The authority will arrange for a Legal Charge to be placed on your property, this will secure the debt that will be due to the authority when the property is sold. If the debt is still outstanding after your death, interest charges as indicated above will apply from the 91<sup>st</sup> day after your death.

## **What if I already live in residential care?**

If you have already moved into residential care but have only just heard of the Deferred Payment Scheme you may still be eligible. To find out more contact the office below.

## **How can I find out more about the scheme?**

To find out more about the scheme contact:

Department for Communities  
Financial Assessment Team  
3 Spilman Street  
Carmarthen  
SA31 1LE

Telephone: 01267 228977

Email: [SCHfinancialassess@carmarthenshire.gov.uk](mailto:SCHfinancialassess@carmarthenshire.gov.uk)

**This factsheet is also available in Welsh.  
If you would like this factsheet in any other  
format telephone 01267 228703 or  
Email: [socialcare@carmarthenshire.gov.uk](mailto:socialcare@carmarthenshire.gov.uk)**



For information on Social Care Services log onto:  
[www.carmarthenshire.gov.uk/socialcare](http://www.carmarthenshire.gov.uk/socialcare)