

Report to: EXECUTIVE CABINET

Date: 28 September 2022

Executive Member: Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families)

Reporting Officer: Tony Decrop, Assistant Director, Children’s Social Care

Subject: STAYING PUT POLICY

Report Summary: Staying Put is about care leavers continuing to live with their foster carers when they reach the age of 18.

The Council recognises the benefit that a Staying Put arrangement can have to young people, allowing them to remain in stable and secure homes and when they are ready and able make the transition to independence.

The Council is committed to ensuring it meets its obligations to care leavers in Staying Put arrangements and their former foster carers and requires a clear, transparent Staying Put policy in order to do so effectively and consistently.

It also needs to ensure that it offers a financial model that remunerates Staying Put carers fairly and appropriately.

This report puts forward a draft revised Staying Put policy to address this need. It seeks agreement to consult with the wider public, foster carers, current Staying Put carers and young people to inform this draft policy before implementation.

Recommendations: That Executive Cabinet approve:

- (i) The draft Staying Put Policy (appendix 1) in principle.
- (ii) That consultation on the draft Staying Put Policy as detailed at section 7 can take place.

Corporate Plan: The review of the Staying Put policy is in line with the corporate plan in terms of ensuring that children who become cared for are able to remain in a safe supportive family environment with their former foster carers. This is a key delivery element of the Corporate Plan’s priority of ‘Resilient families and supportive networks to protect and grow our young people’.

Policy Implications: This report seeks approval to consult on a revised Staying Put Policy.

Financial Implications: The current staying put budget and forecast costs for staying put placements is

(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

2022/23	£
Total Annualised Cost to LA	£314,200
2022/23 Budget	£292,600
Under/(Over) spend	(£21,600)

Without the proposed changes to this policy it is likely that the current budget will be sufficient to meet the cost of these placements.

As outlined in section 6, the proposed changes to the Staying Put Policy could release budgetary savings of £6,000 alongside enabling budget capacity to extend the number of staying put placements from 26 to 42.

Legal Implications:
(Authorised by the Borough Solicitor)

The Children and Families Act 2014 placed a new duty on Local Authorities to support young people to continue to live with their former foster carers once they turn 18 (the Staying Put duty). The Act inserted s23ZA into the Children Act 1989 and provided a duty that the Local Authority must provide staying put arrangements for former relevant children. The duty came into force on 13 May 2014.

A former relevant child is defined in s23C(1)(b) Children Act 1989 as a person who was being looked after when he attained the age of eighteen, and immediately before ceasing to be looked after was an eligible child.

It is the duty of the local authority to monitor the staying put arrangement, and to provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement. Support provided to the former foster parent must include financial support. The duties continue until the former relevant child reaches the age of 21.

The current Council policy is based largely on the government Staying Put guidance and like all policies requires regular review and updating.

The Council's current Staying Put allowance has remained the same since 2014 and has not increased in line with inflation or with the fostering allowance rate.

The Council receives a ring-fenced Staying Put grant from the Department of Education. The purpose of the grant is to provide support to local authorities in England for expenditure lawfully incurred or to be incurred in respect of a young person aged 18 or over and their former foster carer who wish to continue to live together in a 'Staying Put' arrangement.

In March 2022, the Council's grant was confirmed until 2024/2025.

There are some elements of the Policy that require discretions to be exercised. In order for the Council to reduce its likelihood to challenge such discretions need to be exercised fairly, transparently and consistently. Generally such decisions are best made by a panel of people not directly with the day to day conduct of the case to ensure there is an element of independence with the person with the day to day conduct presenting the case or information so the decision makers have the direct voice of the young person/family affected. The Policy needs to clearly set out the appeal process for dealing with such discretionary requests.

Risk Management:

These are set out in the report but the significant risk will be ensuring consistent application of the policy.

Background Information:

The background papers relating to this report can be inspected by contacting:



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1. INTRODUCTION

Legislation and Guidance

- 1.1 For the purposes of this report and policy the relevant legislation and guidance is:
- Section 23 Children Act 1989.
 - Part 2 of Schedule 2 paragraph 19 Children Act 1989
 - The Children Act 1989 Guidance and Regulations Volume 3, Chapter 7: Planning transition to adulthood for care leavers.
 - “Staying Put” Arrangements for Care Leavers aged 18 and above to stay on with their foster carers DfE, DWP and HMRC Guidance May 2013.
 - Children and Families Act 2014.
 - Staying Put Good Practice Guide.

Staying Put

- 1.2 Staying Put is about care leavers continuing to live with their foster carers when they reach the age of 18. It refers to an arrangement whereby a young person who, when they became 18, was in law an ‘eligible child’ placed with a foster carer, continues to live with that person.
- 1.3 An ‘eligible child’ is someone who:
- is looked after by a local authority;
 - is aged 16 or 17, and;
 - has been Cared For for a total of at least 13 weeks since the age of 14
- 1.4 It is a term meaning that they are eligible for support as a care leaver, and does not refer specifically to Staying Put support. Once they become 18 an eligible child is known in law as a ‘former relevant child’.
- 1.5 Staying Put arrangements continue until the young person becomes 21 or beyond 21 up to 25 if in full time education, or until the young person stops living in the household before then.
- 1.6 Supporting care leavers to stay with their former foster carers in ‘Staying Put’ arrangements will allow them to leave stable and secure homes when they are ready and able to make the transition to independence. It will also help them enter adult life with the same opportunities and life prospects as their peers.
- 1.7 Staying Put is not intended to replace the process whereby young people with an assessed eligible health need who meet the relevant criteria to transfer to adult care services receive support through ‘Shared Lives’ placements. Where this is the case adult social care services should be involved in the pathway planning in accordance with local protocols and the Children Act 1989 statutory guidance. A Shared Lives placement with the young person’s previous foster carer could fulfil the local authority’s duty to provide support under Staying Put.
- 1.8 This report outlines Tameside Council’s proposed refreshed approach to Staying Put and seeks approval to engage with key stakeholders and seek feedback on the revised policy (**Appendix 1**).

2 STAYING PUT - REQUIREMENTS OF LOCAL AUTHORITIES

- 2.1 Local authorities have significant statutory obligations to support all care leavers including, but not exclusive to, those in staying put, and these are explained in [The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers](#).
- 2.2 Although not an exhaustive list, for former relevant young people, including those in Staying Put arrangements, the responsible local authority must continue to:
- provide the young person with a Personal Adviser (PA) (section 23C(3)(a) of the 1989 Act);

- review and revise the pathway plan regularly (section 23C(3)(b)); and
- keep in touch (section 23C(2)(a) and (b)).

- 2.3 The Children and Families Act 2014 placed a new duty on Local Authorities to support young people to continue to live with their former foster carers once they turn 18 (the Staying Put duty).
- 2.4 This duty places a legal requirement on local authorities to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the former relevant child reaches their 18th birthday. This is unless the Council consider that the staying put arrangement is not consistent with the welfare of the young person.
- 2.5 This duty **must** include financial support.
- 2.6 An overarching principle is that care leavers should expect the same level of care and support that others would expect from a reasonable parent. The local authority responsible for their care should make sure that they are provided with the opportunities they need, which will include offering them more than one chance as they grapple with taking on the responsibilities of adulthood.
- 2.7 Whilst full requirements from local authorities are outlined in the Children's Act 1989 Guidance referred to above, some key points that the Council must address in its policy are summarised in **appendix 2**.
- 2.8 What financial support should be provided to carers is not specified within the legislation, however a suggested approach is provided:
- 2.9 *'Local authorities should pay former foster carers an allowance that will cover all reasonable costs of supporting the care leaver to remain living with them... When deciding upon the level of financial support payable, careful consideration will have to be given to the impact of the 'staying put' arrangement on the family's financial position. The impact will vary from family to family. Consideration should be given to any additional income that the young person may obtain such as income from employment/benefits/entitlements.'*

3 CURRENT STAYING PUT OFFER

- 3.1 The Council's current Staying Put offer remunerates former foster carers at a standard weekly rate of £177.67.
- 3.2 Festival allowances (16/17 - £100, 18-21 - £25 or gift equivalent (£20 postal order and remainder to be saved for on release if in custody) and birthday allowances (16/17 - £80, 18 - £100, 19-21 - £25 (£20 postal order and remainder to be saved for on release if in custody) are paid to the young person as part of the local care leaver offer.
- 3.3 There are young people and their carers whose financial circumstances need to be assessed on an individual basis due to their needs. When the allowances paid to these individually assessed Staying Put arrangements are included then the average weekly allowance rate increases to £231.74.
- 3.4 Any additional income that the young person may obtain such as income from employment/benefits/entitlements is not currently reflected in the Staying Put allowance that is paid to the carers.
- 3.5 Whilst the elements of support and advice as outlined by the DfE are included in the current offer, pockets of inconsistency have been identified in practise.

4 DRIVERS FOR A REVISED STAYING PUT POLICY

- 4.1 Tameside pledge for Cared for Children makes a commitment to support young people to remain in their foster care placement beyond 18. This commitment is also embedded in our Corporate Parenting strategy as a Council priority.
- 4.2 There are currently 26 young people (July 2022) living with their former foster carer in a Staying Put arrangement.
- 4.3 The current Staying Put policy does not enable the young person to claim Housing Element of Universal credit as there is no formal arrangement in place. Implementing a formal Staying Put agreement between the young person and former foster carers will allow the young person to claim the benefits they are entitled to. This accommodation benefit can then be paid to the Staying Put carer, partially offsetting the Council's contribution.
- 4.4 We want ensure that the Council's Staying Put policy is fit for purpose to effectively support these existing young people and their former foster carers already in a Staying Put arrangement. It must also support the Council's aim to increase the number of care leavers benefitting from Staying Put.
- 4.5 To inform the revised Staying Put policy, informal feedback from our former foster carers and young people in Staying Put arrangements was gathered. A benchmarking exercise against Staying Put offers from 9 GM authorities was also undertaken.
- 4.6 Benchmarking data revealed:
- Tameside currently pays the lowest comparable weekly standard rate (£177.67) with other authorities ranging from £200 to £498 per week. This is also lower than the current foster carer allowance for 16-18 year olds which is currently £207 per week.
 - Two authorities set their weekly Staying Put rate on the 16+ foster carer allowance with elements of 'top ups'.
 - 8 authorities offset Universal Credit Housing Element from the authority's Staying Put weekly allowance.
 - 6 authorities expected a contribution from the young person varying from £20 - £100.
 - Financial remuneration when young people were at university varied significantly but most authorities offered some form of reduced retainer or pro rata recompense when the young person returned home.
- 4.7 Full details of benchmarking data is shown at **appendix 3**.
- 4.8 Informal feedback from some young people in Staying Put arrangements and their former foster carers also outlined areas for improvement:
- Early planning from 16 years could be more consistent for young people.
 - There are inconsistencies in understanding around the Staying Put offer – our offer could be clearer and more understandable.
 - There is no clear model of expectations of the level of independence the young person should reach in their Staying Put placement.
- 4.9 This suggests that a refreshed offer that is more aligned to neighbouring authorities and provides more appropriate financial remuneration is required.

5 PROPOSED NEW STAYING PUT OFFER

- 5.1 The proposed new Staying Put policy is attached at **appendix 1**.
- 5.2 The new policy has been developed to strengthen rather than change current practise:

- Provide a clear, consistent framework to operate our Staying Put provision within.
- Make our policy transparent and easily understood by carers and young people about what they can expect in Staying Put.
- Strengthen early planning (16+) through Cared for Reviews and Pathway Plans to make sure Staying Put is the right plan for young people.
- Support our Staying Put young people in having the right life skills moving into adulthood.

5.3 Proposed changes are included in the draft policy to provide a more robust financial model for remunerating Staying Put carers. These changes are summarised below:

5.3.1 The standard weekly Staying Put allowance is increased from £177.67 to £231.74 per week. This is based on the *average* currently weekly allowance currently paid to Staying Put carers and provides a more comparable rate with neighbouring local authorities.

5.3.2 The financial package for the Staying Put carer will total £231.74. This amount will increase from time to time by the % increase to the foster care allowance for 16-18year olds as recommended by DfE and the rent costs. The amount will be made up of funding from:

- **Rent costs** which will be based on the Local Housing Allowance rate for the area the property is situated in. This cost will usually be met by the Universal Credit Housing Element (UCHE) where applicable, paid directly to the former foster carer. It is acknowledged that UCHE will vary dependant on the area the young person / former foster carer lives (the total final package to the Staying Put Carer will be unchanged at £231.74). Where a young person is in employment and not entitled to UCHE they will be required to cover rent costs through their income.
- **A minimum contribution of £20 from the young person**, from income or entitlement to grants, allowances or benefits paid directly to the carer. This is in addition to the contribution of UCHE (where applicable). This will be discussed at their Pathway Planning meetings.
- **Tameside Children's Services Contribution** which will make up the balance of the allowance.

5.3.3 Young people commencing higher education courses at any age are not eligible to claim means tested benefits and therefore will be expected to contribute to rent costs through employment or their student loan.

5.3.4 Depending on the circumstances of the Staying Put carer all young people are expected to claim Universal Credit Housing Element from their 18th birthday and is used to cover the rent element of the Staying Put arrangement.

5.3.5 Allowances for birthday and festivals would continue to be paid as part of the local Care Leaver offer. Holiday payments would not be paid in line as per current practice.

5.3.6 In exceptional circumstances where the young person does not pay a contribution or receive Universal Credit Housing Element the Council will consider meeting this shortfall.

5.3.7 Targeted assistance for benefits advice for both carer and young person will be provided by Welfare Rights.

5.3.8 Discretion may be used in exceptional circumstances to vary financial payments. Any such variations must be considered by the Local Authority Resources Panel to ratify any financial decisions.

6 FINANCIAL IMPLICATIONS

- 6.1 The Council currently has a net budget of £119k for Staying Put placements. The budget includes a £293k gross expenditure budget for Staying Put allowances along with a central government grant for staying put of (£174k). The grant has been in place since 2017 and the annual funding amount of £174k has been confirmed between 2022/23 and 2024/25.
- 6.2 As of July 2022 there were 26 young people in a Staying Put arrangements. The average cost of a Staying Put allowance payment in July 2022 was £231.74. The estimated annualised cost of this average payment for all current Staying Put arrangements is £314,200 resulting in a pressure of £21,600 to budget. See table A below.
- 6.3 The new policy would allow the service to fund the current 26 young people in Staying Put arrangements by fully utilising the Staying Put grant and make a budgetary saving of £115,100. This is due to the Young Person's benefit claims and contributions offsetting current council contributions. This is based on a 90% benefit recovery rate. See table A below.
- 6.4 Alternatively, the new policy, while not reducing the average payment to carers, would allow the service to increase Staying Put numbers to 42 young people within the boundaries of the current budget. This is based on a 90% benefit recovery rate, with a minor budget saving of £6,000. This will be dependent on the number of eligible young people, where Staying Put is the preferred option for both the young person and former foster carer. See table A below.

Table A – Financial Implications of the proposed changes

Payment Type	Current Model	Current Model Basis	Proposed Model at Current Capacity	Proposed Model at Current Capacity Basis	Proposed Model at Budget Capacity	Proposed Model at Budget Capacity Basis
UCHE	£0.00	No payment for UCHE built into current practice	£92.05	LHA rate for majority of Tameside	£92.05	LHA rate for majority of Tameside
Young Person (YP) Contribution	£0.00	No payment for YP Contribution built into current practice	£20.00	Minimum stated in new policy	£20.00	Minimum stated in new policy
Local Authority (LA) Contribution	£231.74	Balance of amount to equal current average allowance	£119.69	Balance of amount to equal current average allowance	£119.69	Balance of amount to equal current average allowance
Total Payment to Former Carer	£231.74	To match level of current allowance for average staying put agreement	£231.74	To match level of current allowance for average staying put agreement	£231.74	To match level of current allowance for average staying put agreement
Annualised Cost per agreement to LA	£12,083.55		£6,240.94		£6,240.94	
Staying Put Numbers	26	Current number fo YP in Staying Put	26	Current number fo YP in Staying Put	42	Maximum Number of YP within current budget capacity
Benefit Recovery Rate	90%		90%		90%	
Total Annualised Cost to LA	£314,172.37		£177,455.30		£286,658.56	
2022/23 Budget	£292,600.00		£292,600.00		£292,600.00	
Under/(Over) spend on Current Budget	(£21,572.37)		£115,144.70		£5,941.44	

- 6.5 While the average weekly cost of a Staying Put Placement is currently £231.74, the median and mode cost of a weekly payment is £177.67. This indicates that the majority of Staying Put agreements are paid at a weekly rate of £177.67. The average rate is increased due to placement enhancements on specific Staying Put agreements. The financial scenarios detailed in Table A above do not include any discretionary enhancements made by the Council, for example where a young person is unable to claim benefits due to their former foster carer already being in receipt of Housing Benefit or Universal Credit Housing Element to meet their own housing costs.

- 6.6 The policy details that any arrangement with former Independent Fostering Agency carers will adhere to the current rates. In exceptional circumstances discretionary enhancements may be considered but must be ratified at a Resources Panel.
- 6.7 The Local Housing Allowance (LHA) rate which determines the UCHE varies in borough dependent on postcode. The proposed Staying Put policy indicates that this will be considered and cost breakdown agreed as part of the Staying Put agreement and reviewed at least 6 monthly as part of the Pathway Plan Review. It also emphasises the responsibility of the carer and young person to notify children's services should their financial arrangements change.

7 CONSULTATION

- 7.1 Consultation on the draft Staying Put policy will be required to ensure that the views and opinions of our young people, carers and residents are captured and reflected in the final document.
- 7.2 It is proposed that a 6 week consultation period commences on 3 October 2022. A reduced consultation period is proposed in light of the relatively low numbers of individuals currently in Staying Put arrangements, the fact that an increase in allowance is proposed (albeit the make-up of that allowance has changed) and that informal engagement with carers and young people has indicated only positive feedback to the proposed changes.
- 7.3 Carers and young people will be consulted on via a series of workshops and in partnership with the Participation Officer for Cared for Children and Care Leavers. Views from the wider general public will be sought via the Big Conversation on the Council's website.
- 7.4 An Equality Impact Assessment (EIA) will be completed on the draft policy.

8 PROJECT TIMELINES

Action	Timeline
Approval to consult given by Cabinet	28 September 22
Consultation - 6 week consultation with public via big conversation and carers / young people currently in staying put arrangements.	Start consultation 3 October 22 End 14 November 22
EIA completed	November 22
Consultation and EIA reflected in Final Policy	November 22
Final Policy Approved	Cabinet 14 Dec 22
Implement policy	1 January 2023

9. CONCLUSION

- 9.1 The Council recognises the benefit that a Staying Put arrangement can have to young people, allowing them to remain in stable and secure homes and when they are ready and able make the transition to independence.
- 9.2 It is committed to ensuring it continues to meet its obligations to care leavers in Staying Put arrangements and their former foster carers and requires a clear, transparent Staying Put policy in order to do so effectively and consistently.

- 9.3 It also needs to ensure that it offers a financial model that remunerates Staying Put carers fairly and appropriately.
- 9.4 The draft Staying Put policy appended to this report has been written to address this need.
- 9.5 It introduces clearer, tangible guidelines around the advice and support carers and young people can expect and proposes a changed financial offer. This includes an increased total Staying Put weekly allowance made up in part from the young person's benefit entitlement (where applicable) and a contribution from the young person with the difference being made up by Children's Services. This model is proposed following benchmarking with 9 neighbouring local authorities.
- 9.6 In order to ensure that the views of our young people, carers and residents overall are considered in the development of this policy a 6 week consultation period is proposed before implementation is considered.

10. RECOMMENDATIONS

- 10.1 As set out at the front of the report.