TAMESIDE COUNCIL FOSTERING SERVICE POLICIES

STAYING PUT ARRANGEMENTS
FOR CARED FOR CHILDREN
AND YOUNG PEOPLE









Tameside Metropolitan Borough Council Fostering Service Policy

Staying Put Arrangements for Cared for Children and Young People

Introduction

Many care leavers have a more difficult start to adulthood than their peers as a consequence of their past experiences, coupled with the absence of a supportive family base. Staying Put arrangements help to mitigate against these factors so that care leavers are better equipped to do well in life. The individual aims of Staying Put arrangements will be specific to each young person concerned, and will be made clear in their Pathway Plan and the written agreement covering the Staying Put arrangement.

Staying Put is about care leavers continuing to live with their former foster carers when they reach the age of 18. Specifically, it is defined by the Children Act 1989 and refers to an arrangement whereby a young person, who when they became 18 was in law an 'eligible child' placed with a foster carer, who continues to live with that person.

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

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'.

Whenever a young person continues to live with their former foster carer in these circumstances, it is referred to as a Staying Put arrangement. Staying Put arrangements continue until the young person becomes 21 or stops living in the household, whichever is the sooner. Where a young person is in further education the arrangement can continue until the education is completed or the young person reaches 25, whichever is the sooner. Local authorities have duties to monitor and support Staying Put arrangements, and these are reflected throughout this good practice guide. Local authorities also have significant statutory obligations to support care leavers whether or not they participate in Staying Put, and these are explained in the Children Act 1989 statutory guidance accessible via Staying put: arrangements for care leavers aged 18 years and above - GOV.UK (www.gov.uk).

Tameside's pledge to Cared for Children includes a commitment to supporting young people to remain in their foster care placement beyond 18 up to the age of 21, or before then if the young person stops living in the household. This is irrespective of whether the foster carer is an approved Tameside carer, friends & family carer or a carer from an Independent Fostering Agency.

It is important to understand that government departments have differing approaches to defining Staying Put within the statutory framework applicable to their area of responsibility. The definition given above comes from the Children Act 1989 and is the one which gives local authorities a duty to monitor and support, as explained in this guide.

"You don't expect your birth children to live independently at 18. The chances of traumatised young people doing this are slim. It's hard to develop that resilience, they need that extra support. If they could stay with us longer so we could support them into independence it would improve their life chances. It's like they're on a bit of elastic for the first few years, eventually they fray it enough that they are off."

Foster carer

"I am now part of the Staying Put agenda and that has enabled me to stay put with my foster carers that I was living with before I was eighteen. This has helped me to stay on at college and to continue to reach my goals. My carers are really supportive of what I want to do. Being able to stay put has meant pretty much everything to me. If I had gone independent at eighteen I wouldn't have lasted and would have had to go back to my parents which wouldn't have worked out. I wouldn't have progressed as a person and I would have had different prospects."

Young person

Staying Put will usually be the best way to continue to support care leavers through the transition to adulthood, but it is not the only way to do so and will not be the choice all wish to make. For some, independent living, supported lodgings, a return home or other alternatives will be preferred.

This policy is relevant for "Cared for Children" whose plan is to remain on a permanent basis with foster carers. It does not relate to children who have significant health needs and / or disabilities who are eligible to be supported by Adult Social Care. For the latter young people, their placements may continue under the approved Adult Care scheme (which approves their carers as Adult placement providers).

How Does Staying Put Differ from Foster Care?

In a practical, everyday sense, a young person who enters into a Staying Put arrangement is likely to view this as a continuation of fostering and to refer to the person providing the care as their foster carer, in much the same way as we all continue to refer to our parents as just that, whether or not we are still living at home. Similarly, Staying Put carers (former foster carers) will often view the arrangement as just an extension of fostering, albeit that the young person is increasingly independent.

The significant difference is that in law Staying Put arrangements are not foster placements, because the young person is no longer a Cared for Child but an adult, and the Fostering Regulations, statutory guidance and National Minimum Standards no longer apply.

Ultimately, it is the young person and their former foster carer who make the joint decision to establish the arrangement. This is based on their commitment to each other, and applies in the same way whether the former foster carer is approved by a Local Authority or by an Independent Fostering provider.

There is nothing new about the notion of former foster carers continuing to provide a home to young people whom they have fostered: many have done this in the past and regarded previous foster children as members of their own families for the rest of their lives. The change in the law in 2014 moves this from an ad hoc arrangement to one which is legislated for until the age of 21.

Early Planning

Early planning for Staying Put is crucial and arrangements should be considered as part of the care planning process, from the time that a long-term foster placement is identified. Whether or not Staying Put is an option should be discussed as early as possible when the young person reaches the age of 15 ¾, and forms part of their Pathway Plan Part 1 Assessment of Need. This assessment then informs Part 2 and the creation of the Pathway Plan which must be in place by the time the young person reaches 16yrs and 3 months.

Clear Information

Foster carers and young people should be provided with clear information about the support available from their Personal Advisor and Fostering Service to help them to make choices about whether or not to enter into Staying Put arrangements. This will include information about financial arrangements and where advice can be sought around implications for benefits and tax.

Family Life

Staying Put arrangements should replicate as far as possible normal family life. Former foster carers are required to care for any child or young person placed with them as if they were a member of their family,

and this expectation should carry through into Staying Put arrangements. Families all have different rules, expectations and ways of doing things, and Staying Put arrangements should take account of this and be sufficiently flexible to be tailored to individual circumstances and needs. There will be standard expectations relevant to every home but the individual carers and young people will add their own expectations relevant and agreed by them.

Best Interests

The best interests of the young person should be at the heart of decision making about Staying Put, enabling them to have the best possible opportunities to lead successful lives. The young person will continue to refer to the former foster carer in much the same way as they did as a Cared for Child. The former foster carer will view this as an extension of fostering albeit the young person will be more independent. The purpose will be that the young person can experience the transition to adulthood in a supportive environment. They can be supported in achieving their full potential whether that's education, employment or training. Former foster carers will be best placed to support the young person with the necessary life skills before they are required to live independently.

Support

Practical support to both former foster carers and young people should be geared to their specific circumstances and needs. Former foster carers should be encouraged to access the support and training required to support the young person to do well in life and keep them safe from harm.

Establishment of a Staying Put Arrangement

The young person's Pathway Plan Part 1 Assessment of Need should begin as they reach the age of 15 ¾ which will then in turn inform Part 2 Pathway Plan which must be completed by age 16yrs and 3 months. It should identify the support needs of the young person on their pathway to independence and should be used as the framework to explore the following issues:

- Is it likely that the young person and foster carer will want to establish a Staying Put arrangement when the young person reaches their 18th birthday?
- Do the young person and foster carer understand the procedures for entering into a Staying Put arrangement?
- Does the young person understand their financial and benefit responsibilities post 18?
- Does the foster carer understand their funding arrangements, and financial implications for example, benefits, income tax and national insurance?
- What is the contingency plan for the young person should the Staying Put arrangement not be viable e.g. is alternative supported accommodation available?

The Staying Put arrangements should involve the young person and should be progressed within the young person's Pathway Planning process by the time the young person reaches the age of 16 years 3 months and before their final Pathway Plan Review. Occasionally young people or foster carers may change their minds after making an initial decision about the Staying Put arrangement. The process should always allow both young people and foster carers to change their minds about establishing a Staying Put arrangement, but care should be taken to avoid disruption to the young person.

The Personal Adviser will work with the young person to plan for their financial contribution to the cost of Staying Put. The Personal Adviser will also work with the young person to maximise their entitlement to benefits and calculate the amount required for the Staying Put arrangement. Consideration should also be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment. The Personal Adviser will ensure that preparations for making a claim for a personal benefit and Universal Credit Housing Element is prepared well in advance of the young person's 18th birthday.

The Supervising Social Worker will, in collaboration with the Social Worker and Personal Adviser, convene a Staying Put support meeting when the young person is approximately 17 ½ years old and before their final review meeting. The Supervising Social Worker together with the young person, the

foster carer and Personal Adviser would plan for the Staying Put agreement. The purpose of the Staying Put meeting is for both the foster carers and the young person to understand what is expected from the arrangement.

If a young person feels that his/her wish to remain with their former foster carer has not been properly considered by the local authority or they are unhappy with the way in which the local authority has acted, they may wish to speak to their Independent Reviewing Officer who chairs their reviews before they turn 18 and request a review of their Pathway Plan. The young person should be told of their right to use their local authority's complaints procedure to voice their concerns, and of their right to have an independent advocate.

Impact on the Allowances Provided by the Local Authority

When a young person reaches the age of 18 they are no longer regarded as being in foster care, as all Care Orders cease and parental responsibility to the Local Authority comes to an end. The legal basis for Staying Put is effectively seen as a licensor and licensee or landlord and tenant arrangement because young people are effectively lodging in the carers' home. Former foster carers become entitled to a Staying Put Allowance rather than a foster care allowance. This covers accommodation, heating, lighting, rent, food and associated arrangement costs. The former foster carers are not expected to provide the young person with a personal or clothing allowance as young people can, where eligible, claim meanstested benefits for their personal needs from their 18th birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carers' maintenance allowance. Allowances for birthday and festivals would continue to be paid to the young person as part of the local Care Leaver offer.

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.

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 any rent costs through employment or their student loan.

Where a former foster carer is already in receipt of Housing Benefit or Universal Credit Housing Element to meet their own housing costs a young person may not be able to claim Universal Credit Housing Element. Advice can be sought from Tameside Council Welfare Rights Service to understand if they would be affected.

Throughout the duration of a Staying Put arrangement the financial situation of the young person and or former foster carer may change. The financial package will need to be discussed and reviewed at each Pathway Plan Review which should occur every 6 months as a minimum.

Carers and young people must notify Tameside Childrens Services if their financial situation changes in between these reviews.

The Pathway Plan reviews will continue up to the young person turning 21 or beyond if they remain in further education. The young person or Personal Adviser can request a review at any time.

Discretion may be used in exceptional circumstances to vary financial payments. Any such decisions would be considered by the Local Authority's Resources Panel and subject to assessment.

Young Person's Financial Contributions

The young person's income may come from:

- Welfare benefit entitlement
- Wages from employment, apprenticeship, training.

Young people remaining in Staying Put arrangements are expected to claim Universal Credit (where eligible) by their 18th birthday. This benefit would cover pocket money and clothing allowance previously contained in the Foster Carer's maintenance allowance. The Housing Element of Universal Credit that forms part of the claim will be paid at the one bedroom rate for the area where the young person / carer live and paid directly to the former foster carer. It covers the rent element of the Staying Put arrangement.

The young person is also expected to make a personal contribution of a minimum of £20 per week to their carer which is towards food and utility bills such as electricity, gas and water, in addition to the contribution of UCHE.

Depending on their level of income the young person may be expected to make a contribution over £20 which will be decided at their Pathway Plan meeting.

The young person should be advised that if they do not make their personal contributions to their former foster carer it may result in the placement ending.

Financial arrangements will be regularly reviewed as standard every 6 months as part of the young person's Pathway Plan review meetings.

Regulations

While Fostering Regulations will no longer legally apply to these arrangements, key standards should continue to govern the expectations of the placement when the young person reaches 18.

These Include:

- Health and safety requirements (as a minimum this should comply with landlord and licensee/tenant requirements);
- Suitable accommodation (in line with Standard 10 Providing a suitable physical environment for the foster child)
- Ongoing review of the Staying Put arrangement (via the Pathway Plan)
- Attending relevant training to enable to carer to meet the needs of the young person
- DBS checks should the former carer continue to foster other young people under the age of 18 years.

Advice & Guidance

When former Foster Carer(s) are also Foster Carer(s) they will continue to receive supervision and support in that role from their Supervising Social Worker, who will need to take account of the fact that the household includes a young person for whom they are Staying Put carer.

In circumstances where a young person was placed in an Independent Fostering Agency placement which transferred to Staying Put Arrangement advice and guidance will be provided by the Council's Fostering Service as required.

When Foster Carer(s) cease to foster in order to provide Staying Put, advice and

guidance can be sought from the Fostering Service by the Staying Put carer as and when required.

Tax and Benefit Implications for Continuing Carers

Means Tested Benefits

In preparation for a Staying Put arrangement carers will be offered an appointment arranged with the Council's Welfare Advice Service to talk through any considerations needed regarding benefits and Council Tax.

Where:

- A young person continues to reside with their former foster carer after their eighteenth birthday on a non-commercial and familial basis; **and**
- The child was Looked After immediately prior to their eighteenth birthday; and
- The payments are made by the local authority to the carer under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children);

then the payments are disregarded in calculating the carers' entitlement to means-tested benefits.

When a commercial arrangement is made, (i.e. any element of the cost of the arrangement comes from a source other than section 23C), the non-section 23C element may be taken into account in the calculation of the carer's own means-tested benefit claim.

Housing Benefit/Universal Credit

There may be implications where a Carer is already in receipt of Housing Benefit or Universal Credit Housing Element. Individual advice is recommended and can be sought from Tameside Council Welfare Rights Service.

Council Tax and Council Tax Benefit

The position regarding Council Tax will vary depending on the circumstances of the carers, the number of adults in the household and the activity that the young person is engaged in. Individual advice is recommended and can be sought from Tameside Council Welfare Rights Service.

Her Majesty's Revenue and Customs (HMRC), Income Tax and National Insurance

Individual carers should consult their local HMRC office for guidance on their circumstances and liabilities with regards tax and NI.

For National Insurance Contributions purposes, in practice HMRC will treat the taxable profit from foster care or former foster carer(s) as earnings from self-employment. Foster carer(s) and former foster carer(s) is deemed as self-employment and as such carers should register as self-employed. All self-employed people aged 16 and over who are below State Pension age are liable and must register to pay Class 2 National Insurance Contributions.

Independent Fostering Agencies (IFAs)

This policy is applicable to former foster carer(s) from an Independent Fostering Agency (IFA).

The Council will work closely with IFAs to ensure that the children they care for have the same opportunities to access Staying Put arrangements as the children who are cared for by Tameside Children's Social Care.

The Impact on Foster Carers' Fostering Registration Limits and Status

When Foster Carers wish to enter into Staying Put arrangement they will need to discuss with the fostering service whether or not they wish to remain approved as Foster Carers, either to continue with

an existing placement or to take new placements in the future. If they decide that they no longer wish to foster they are free to submit their resignation in writing, in which case their approval automatically ends 28 days after this is received by the Fostering Service.

When Foster Carers wish to remain approved as Foster Carers, the impact of the new arrangements will need to be considered. The young person who is Staying Put will no longer count as a foster placement once they become an adult, and so the Foster Carer will be able to take another placement within any terms of their approval. This may not always be possible or appropriate due to lack of accommodation, the demands of the Staying Put arrangement, or other factors.

The change in the Foster Carer's circumstances, including the Cared for Child becoming an adult member of the household, means that a review of the Foster Carer's approval should be undertaken before a Staying Put arrangement begins. This will provide the opportunity to discuss the impact of the Staying Put arrangement on the role of the Foster Carer and to think carefully through all the implications of the change in the legal status of the relationship with the young person. The need for any further training or additional support needs should also be discussed. The review should be carefully planned at a stage which enables discussion of all the relevant matters and also allows time for the Fostering Service's agency decision maker to act upon its recommendations, including any changes to terms of approval.

Sometimes Foster Carers are not able to take another foster placement whilst the young adult remains living with them, but wish to remain approved as Foster Carers in order to resume fostering in the future. If the fostering service agrees that it is appropriate to continue approval then it must meet the statutory requirements regardless of the fact that no child is placed. This includes regular visits by the Supervising Social Worker (including an annual unannounced visit); reviews of approval; provision of training, advice, information and support and support for continuing professional development.

For Tameside Foster Carers, if other children are in placement, the Supervising Social Worker will continue to provide support to the carer for those children.

Safeguarding Arrangements including Disclosure and Barring Service Checks

If the young person is continuing to remain in their home post 18 in a Staying Put Arrangement with other children, then they will need to have a DBS Check, because they are classed as an adult. It is the policy of the Fostering Service to pursue DBS checks on all young people post 18. It is appropriate to obtain the enhanced disclosure as the young person becomes 18, so that it may be considered at the review of the Foster Carer's approval before the Staying Put arrangement begins. If the Staying Put carers are still registered with Tameside Council as Foster Carers, the DBS checks will continue routinely.

Insurance (Including Liability and Household Insurance)

Former Foster Carers will need to contact their mortgage providers / home insurance providers to notify them of the Staying Put arrangement.

Former Foster Carers will be provided with information about liability insurance cover in situations where Staying Put young people may make an allegation against a foster child in placement, or against their carer(s), or an allegation is made against the Staying Put young person. We recommend all Foster Carer(s) and Former Foster Carer(s) to have public liability insurance.

Attending University and Other Settings Away from Home

Young people wanting to pursue a higher education course at university will not be precluded from establishing a Staying Put arrangement. Where this is the case, the Staying Put agreement will consider the young person's plans to progress to university and payments will be payable to the former foster carers to facilitate the ongoing support whilst the young person is at university and through holiday periods.

If the carer is prevented from taking a further foster placement due to a Staying Put arrangement and the young person is living away at university, then the Local Authority will make the following payments:

- £100 per week recompense plus
- Pro rata payments (number of 24 hour periods and based on the full £231.74 per week allowance) for visits home by the young person.

The full amount of £231.74 per week (minus the young persons' contribution) will be payable instead of the £100 recompense during periods where the young person returns home during holiday periods. Where part weeks apply the carer will receive a minimum of £100 for the week and a maximum of £231.74 (minus the young person's contribution).

Young People with Disabilities and Additional Needs

Where young people with disabilities/additional needs meet the criteria for Adult Services, the possibility of them entering into a Staying Put arrangement with their Foster Carer(s) when they become an adult must be considered. This arrangement will fall under Adult Social Cares 'Shared Lives Scheme'.

Ending Staying Put Arrangements

A former relevant child who is pursuing further education or training may be entitled to support until the age of 25, but beyond their 21st birthday this cannot be defined as Staying Put Arrangement.

The Staying Put Arrangement will cease in line with statutory guidance issued by DfE when the young person: a) First leaves the arrangement; or b) Reaches their 21st birthday, if continuously, and still living in the arrangement since their 18th birthday; or c) Completes the agreed programme of education or training (as detailed in their Pathway Plan) being undertaken on their 21st birthday, having lived continuously in the Staying Put Arrangement since their 18th birthday.

Staying Put Arrangements are made through agreement of the young person and their former Foster Carer(s), so either is able to bring the arrangement to an end before the young person reaches the age of 21.

In the event that the Council regards the arrangement as not consistent with the young person's welfare it may withdraw support, but does not have the legal power to bring the arrangement to an end. However, good practice would always be to make, and if necessary to end, arrangements by three-way agreement.

It is the responsibility of the Personal Adviser to work with the young person and help to plan a move to an alternative living arrangement from the Staying Put Arrangement. This should be achieved in a planned way and documented in the young person's Pathway Plan.

In cases where a young person or the former Foster Carer decide that they would like the arrangement to come to an end, each party should give at least 28 days' notice to the Personal Adviser.

Where a young person displays unacceptable behaviour, participates in activities that are deemed inappropriate or persistently fails to meet their responsibilities as agreed in the Staying Put Agreement, the Personal Adviser should call a disruption meeting. Any new or changed requirements, responsibilities or house rules resulting from this meeting should be set out and signed in an updated Staying Put Agreement.

STAYING PUT AGREEMENT BETWEEN YOUNG PERSON AND CARER/S

PRIVATE & CONFIDENTIAL

CHILDREN'S SERVICE DIRECTORATE

RE- (YP name and Address)

STAYING PUT LICENSE AGREEMENT

Once the Young Person (YP) becomes 18, if it is agreed that both the young person wants to stay with their carer/s and their carer's want to carry on caring for the young person then a 'Staying Put' arrangement will be made and the carers will then carry on caring for the young person as 'Staying Put' carers.

For the Staving Dut arrangement to go about the voung person will peed to be engaging in education

employment or training in order for the local authority to agree funding for the Staying Put provision.
The Staying Put license agreement was made on the to start on the (18th Birthday) and to end on (21st birthday/25th birthday if the YP is in higher education) or before this date due to changes in circumstances.
This agreement is made between (YP),and the Staying Put carer enables

COST:

Current rate being paid to carer.	£231.74
Minus the YP's weekly contribution to their Carer.	£
Minus room rent through universal credits housing element/employment paid by YP to carer.	£
Amount the LA will pay to the carer:	£
Total paid to Carer:	£

Please note: If the YP is entitled to claim universal credits it usually takes about 5-6 weeks for the claim to be processed. Once the YP gets their first payment and their rent support from universal credits it is the responsibility of the young person and the carer to notify the Personal Advisor of the exact amount given so the Staying Put license agreement can then be reviewed and any changes to the Staying Put agreement costings can be made.

AGREEMENT:

The Staying Put agreement is reviewed every year to ensure that the arrangement in place is still right.

However if YP is in employment then the amount of money given to stay with the carers will be reviewed on a regular basis. Please keep all your wage slips as these are needed to help decide your contribution. Any increase or decrease in wages and any other change in circumstances needs to be brought to the attention of your Personal Advisor, who will update the agreement and give to a 'Resources Panel' to be checked and agreed before the changes are made. This means that payments given to the carer may increase or decrease to reflect any changes in Young Persons circumstances.
With the support of the carer (insert Young Person's name) agrees that the rules of him/her having this arrangement to 'Stay Put' are as follows:
 will make their agreed payments regularly and on time either through Universal Credits Claim or Employment.
 has read and understood the expectations (house rules) of the arrangement.
EXPECTATIONS:
Things (YP's name) Must do as part of the agreement:
 (YP's name) to make use of the support outlined in your Pathway plan. If at any time, the carer is worried about your safety, they have the right to enter your room to check on your wellbeing. (YP's name) to pay the agreed amount of weekly money/ rent and keep the payments on time. (YP's name) to pay for any loss or damage to your own furniture or belongings. You must ask your carer if you want to keep a pet. (YP's name) to be considerate to all the people who share the house. (YP's name) to ask permission from their carer for any overnight visitors. (YP's name) not stay away from their home for more than three nights per week unless you are going on holiday or it is agreed beforehand. You or your carer can end the Staying Put Agreement at any time by giving 14 days' notice.
Things (carer name)Must do as part of the agreement:
 Support and encourage (YP's name) to develop appropriate independent living skills in preparation for living independently. Support and encourage (YP's name) to engage in Employment, Education or Training. Support and encourage (YP's name) to make benefits claim if necessary and to alert DWF (universal credits) if there are any changes in circumstances. To raise any health, welfare and safeguarding concerns regarding (insert name of young person to the Personal Advisor, however should this be urgent then contact emergency services. To inform the Personal Advisor of any changes in circumstances that would impact on the license agreement and overall staying put arrangement. (Eg – the YP is staying away from home for more than the agreed time (3 days), YP has move out or the YP enters into employment etc) To raise any concerns/ conflicts with the Personal Advisor in the first instance to enable the Personal Advisor to offer mediation/support to help resolve any issues.
Add any other expectations relevant to the individual's arrangement.
(YP's name) and (Name of provider/s) agree to adhere to the conditions set out as part of this staying put license agreement set out above)
Signed: (VD) Date:

Signed :_____(Carer).Date:____