

Southend – On – Sea Borough Council

Staying Put Policy & Procedures

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“Staying Put” with a foster carer

Policy

When a looked after young person reaches the age of 18 they cease being looked after and are no longer in care. If they would like to remain with their current foster carer up to the age of 21 (or beyond in some cases where there would be a risk of disruption to the young person’s education as discussed at 1.11), they can do so under a staying put arrangement. Southend are clear that where this is possible, it will be the preferred option for young people in foster care to support them through the transition into adulthood.

The carer will receive the appropriate staying put payment.

The new duty on local authorities, introduced by section 23 of the Children Act 1989, means that they are legally required to advise, assist and support both former relevant children and their former foster parents when they wish to stay living together after the former relevant child reaches their 18th birthday.

Young people should be supported as part of the staying put arrangement to continue to develop a range of skills including:

- Relationships
- Emotional Resilience
- Finance and budgeting
- Cooking
- Washing and ironing
- Applying for jobs

Procedure

This procedure relates to the process to be followed when making arrangements for a young person in care to remain with the Foster Carer post 18. This is a Staying Put arrangement.

1. Establishing a Staying Put arrangement.

- 1.1 When a young person is in foster care, **the first statutory review following their 15th birthday** should consider whether a “Staying put” placement may be an option, and it should be identified within the young person’s Care Planning/Pathway Planning process at the earliest opportunity and no less than 6 months before their 18th birthday. **The social worker** should inform the Fostering Team manager if a Staying Put arrangement has been identified as an option and is being considered by the young person and foster carers.
- 1.2 Where the foster carer is supported by the fostering team at Southend **the supervising social worker** should be discussing the idea of staying put within their supervision of the foster carer. These discussions should take place for any child aged 15 or over.
- 1.3 An arrangement to Stay Put must be agreed by both the young person and the foster carer. Advice about the differences between a foster placement and a Staying Put arrangement should be given to the young person and carers by **the social worker and supervising social worker**, in order for both parties to make an informed decision about proceeding with the arrangement.
- 1.4 Occasionally young people or carers may change their minds after making an initial decision about Staying Put. The system 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 a young person’s education at a critical time.
- 1.5 Where a decision is made not to move forward with a Staying Put placement, but the young person’s 18th birthday falls during their final year in education, they will remain in foster care until the end of the statutory school year to support them through the exam period.
- 1.6 The young person’s Pathway Plan should be completed by the **allocated social worker** and should set out the detail of the support to be provided to the young person **6 months prior to the young person’s 18th birthday**. This Pathway Plan should be presented at the final LAC review prior to the young person’s 18th birthday. The Pathway Plan should also be forwarded by the allocated social worker to the Fostering Team Manager no less than **6 weeks before the young person’s 18th birthday**. Within this pathway plan there should be consideration of any risks that the young person may present to others within the placement if they are to continue to live there as an adult (i.e post 18th birthday)
- 1.7 The **allocated social worker** will work with the young person to assess whether they will have to make a financial contribution to the cost of Staying Put. This contribution will be made directly to the former foster carer. The **allocated social worker** will also work with the young person to maximise their entitlement to benefits. Consideration should be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment. This information should be clearly recorded within the young person’s pathway plan.
- 1.8 The **allocated social worker** will ensure that all claims for benefits are submitted on the young person’s **18th birthday** so that any potential disruption in allowances being received by the former carer are minimised. The **personal advisor** will, in conjunction with the young person, follow up these claims for benefits until a decision has been made and a payment commences. In exceptional circumstances it may be necessary for the personal advisor to agree with the **fostering team manager** contingency arrangements so that the former carer’s level of remuneration is not disrupted.

1.9 The **supervising social worker** will convene a Staying Put support meeting **4 weeks** prior to the young person's 18th birthday, and in collaboration with the young person, foster carer and social worker complete a Staying Put Agreement. The purpose of the Staying Put Agreement meeting is for both the former carers and the young person to appreciate what is expected of each other.

1.10 The **service manager for care management** must authorise the Staying Put financial arrangements no less than **6 weeks** before the young person's 18th birthday.

1.11 Criteria for staying put Education:

Young people can remain with their former foster carer/s to complete an education course. One of the following criteria should be met:

- 1) The education or training course must be full time;
- 2) The staying put funding should continue until the course that the young person is taking at the point of their 18th birthday is completed. If the young person leaves the course or transfers to another course the funding may cease or in exceptional circumstances would need to be reconsidered by the **service manager for care management**.
- 3) If the young person completes an A Level or equivalent course in July and is starting a degree course in the following September/October funding should continue until the commencement of the university course.
- 4) If the young person completes an A Level or equivalent course in July and is not starting a university course the extension for funding will continue until one month following the end of the course.
- 5) If a young person wishes to remain with their staying put carers while they attend university a meeting should be arranged to clarify funding arrangements. Most young people will not be entitled to housing benefit as a higher education student unless they are a lone parent or have a disability. The Care Management 16+ team will fund a Staying Put arrangement during vacations for young people who are attending advanced educational courses. It can be arranged that this could be paid to former foster carers and this would be at the rates identified at 6.1 and 6.2 in this document.
- 6) All funding for young people in full time education to remain with their former foster carers at the age of 18 years should be presented to the **service manager for care management** on a funding request form **6 months prior to the young person's 18th birthday**.

2. Professional Roles

2.1 The **personal advisor** will continue to provide support to the young person throughout the Staying Put process. They will ensure regular review of the Pathway Plan and support the young person within the new arrangement with the former carers. The personal advisor will ensure that the young person understands the terms of the Staying Put Agreement.

2.2 For Southend Borough Council foster carers, the **supervising social worker** will continue to provide support to the former carer for the period of the Staying Put arrangement. The supervising social worker's role will involve supporting the former carer to understand the nature of the Staying Put arrangement and their entitlement to funding. The supervising social worker will advise the carer about their changing role with the young person under the Staying Put arrangement, provide ongoing advice about tax and national insurance implications, and about home and personal liability insurance. The **supervising social worker** will visit the placement every three months. Where the former foster carer was not previously a Southend Borough Council foster carer, a supervising social worker will be allocated to the carer **4 weeks prior to the young person's 18th birthday**.

2.3 Former carers should be given information about the income tax and national insurance implications of the Staying Put arrangement by the **supervising social worker 8 weeks prior to the young person's 18th birthday**. Former carers can no longer use the 'foster care relief' scheme, but there are a number of tax concessions for Adult Placement schemes, and under the Rent-a-Room scheme. HMRC have stated that the same arrangements that apply to Adult Placement 'Shared Lives' carers should apply to former foster placements if the carer continues to provide support, and continues to receive the same level of payment. Adult placement / 'Shared Lives' carers are treated as self-employed for tax purposes and can pay Class 2 National Insurance contributions in order to qualify for basic state pension. Carers of young people Staying Put are not usually able to claim Home Responsibilities Protection to protect basic state pension and other entitlements, unless they qualify due to their own personal circumstances.

2.4 For carers who are in receipt of welfare benefits, advice should be given by the **supervising social worker** about whether Staying Put payments will be disregarded or considered as income for means tested benefits. These payments may include:

Rent payments paid to the carer

Payments from the young person to the carer

Payments from Southend Borough Council to the carer

A young person may not be able to claim Local Housing Allowance if the carers are already in receipt of Housing Benefit or Local Housing Allowance to meet their own housing costs.

2.5 Legislation regarding the treatment of payments to the carer is complex, individual financial circumstances vary and it may be necessary in exceptional circumstances for the **supervising social worker** to advise the carer to seek specialist advice (from Citizens Advice Bureau, for example) about their specific circumstances and the effect of the Staying Put arrangement on their tax, national insurance, welfare benefits, and working tax credit or child tax credit.

2.6 If the carers are tenants themselves, it is advisable for them to check their tenancy agreement and ensure that their lease allows them to have a lodger. This information should be confirmed between the foster carer and the **supervising social worker 6 months prior to the young person's 18th birthday**.

2.7 If the carers are mortgage payers it is advisable for them to check whether having a lodger is within the terms and conditions of their mortgage lender and insurer. This should be clarified with the **supervising social worker 6 months prior to the young person's 18th birthday**.

2.8 It is advisable for carers to inform the Insurance Company providing their household insurance when a young person is no longer a fostered child but is remaining in their home as an adult lodger, and to check that existing insurance arrangements still provide adequate household cover under this arrangement.

2.9 Foster carers are currently covered for legal protection insurance provided and paid for by Southend Borough Council in the case of an allegation made against them by a foster child. Carers must be informed by the **supervising social worker** that this legal protection insurance cover does not continue under a Staying Put arrangement after the young person's 18th birthday.

2.10 Key information and training will be offered to carers in the lead up to a post 18 Staying Put arrangement. The nature of this training should be identified in the carers supervision with their **supervising social worker 6 months prior to the young person's 18th birthday**.

2.11 The Social Worker will support the young person to complete a **DBS check within one week of their 18th birthday**. This should be funded by the local authority.

3. Paperwork

3.1 The Pathway Plan should identify an intention to establish a Staying Put arrangement and set out in detail the support plan for the young person.

3.2 A Staying Put Agreement should be completed prior to the commencement of the Staying Put arrangement.

4. Finance and funding sources

4.1 Legislation is clear that the support that local authorities provide to the former foster carer must include financial support. The local authority should pay foster carers an allowance to cover the costs of supporting care leavers to continue to live with them.

4.2 The good practice guidance identifies that a good starting point for identifying the cost of a staying put arrangement is the foster allowance. The “allowance component” of staying put financial support is based on the fostering allowance paid to Southend Borough Council carers although some elements of this allowance have been removed to reflect the level of independence to be expected from a young person at the age of 18. The elements which are not addressed under staying put are: Pocket money, clothing, toiletries, entertainment, savings and telephone/internet costs (in relation to the young person). This is based on the assumption that the young person will be in a position to work or be in receipt of benefits. This results in an “allowance component” which can be broken down like so:

Staying Put Allowance	£
Food	41.65
Presents	12.48
Travelling	31.20
Insurance	4.18
Holidays	17.25
Social	15.25
Heating	13.10
Laundry	5.49
Cleaning	2.89
Maintenance	11.07
Phone/Internet (Carer)	6.99
Total cost	£161.55

4.3 The good practice guidance in relation to staying put states that Local Authorities and independent fostering providers have widely diverse structures of fees for foster carers and it may not always be possible to fully reflect a fee element in the staying put payment.

4.4 Former foster carers who wish to provide a staying put placement will be offered a “fee component” equivalent to that which they received as a foster carer. However the maximum amount in regard to the “fee component” will be capped at a level equivalent to that received by Southend Borough Council foster carers (£138.12 per week per child)

4.5 Therefore the total cost of a staying put arrangement is variable and will range from £161.55 - £299.67 (allowance component + fee component= placement cost)

4.6 The placement cost will be met from:

- Local Housing Allowance (LHA) - the amount varies according to area.

- Any contribution from the young person (from income or entitlement to grants, allowances or benefits).
- Southend Borough Council funding will make up the balance of the placement cost.

4.7 The young person's income may come from:

- Income support
- Employment

4.8 The young person should claim Local Housing Allowance and as a Care Leaver will be exempt from the single room rent restriction.

4.9 Local Housing Allowance will usually be paid direct to the young person and they will be expected to maintain arrangements to pay this to the former carer. The young person should be advised that if they do not make these payments of LHA to the carers:

- It will result in the placement ending.
- It may impact on their future ability to claim LHA.
- If the failure to pay results in the Staying Put arrangement being terminated the young person may be considered to be 'intentionally homeless' by the local housing authority.

4.10 In certain circumstances LHA can be paid direct to the landlord if the young person is likely to have difficulty in managing their financial affairs.

4.11 If the young person is at college locally then they are likely to be eligible for Housing Benefit. They will be eligible if they are part-time on any course or full-time but under 21, and the course is not classed as Higher Education. If Housing Benefit does not make up the full placement cost they must pay a contribution from their personal allowance, and Southend Borough Council will pay any remainder to the former foster carer upon receipt of evidence to show that the foster carer is unable to claim housing benefit.

4.12 If the young person cannot claim Local Housing Allowance the Local Authority will compensate by paying an amount equivalent to LHA to the carers, any contribution from the Local Authority would be capped at the level of the identified placement cost.

4.13 In very exceptional circumstances an additional weekly payment may be made to the carer. This will relate to the exceptional needs of the young person. This must be approved by the **group manager**. This decision will be made on the basis of a needs assessment provided by the young person's **allocated social worker**.

4.14 An example of exceptional circumstances that could be considered:

- If caring for the young person involves additional costs due to health issues i.e. due to enuresis etc. If the young person has special needs, where additional costs arise in order to ensure that they meet their full potential. This could be due to Learning difficulties or gifted and talented issues.
- Where a sibling is in placement, but the carer is financially unable to maintain both placements without the additional financial support.

4.15 Additional payments will not be made where the finance could be obtained through any other state benefit and will not be paid as income maintenance for the carer.

4.16 Foster carers may need advice and help on benefits and tax issues relating to staying put arrangements. The **supervising social worker** will support the former foster carer to be clear about these issues but are not themselves experts in this field. The Department for Education alongside HM Revenue and Customs and the Department for Work and Pensions produced, in

May 2013, guidance on the tax and benefits aspects of staying put arrangements. The guidance is available at:

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

5. Young Persons Contribution

5.1 The young person will be expected to pay a contribution to the cost of their lodgings.

5.2 The young person will keep the first £60 of their weekly net income. It is intended that this money will be managed by the young person and used for things like toiletries and clothes, which will previously have been provided for the young person by the foster carer, from the fostering allowance.

5.3 They would be expected to contribute £20 per week of the remainder of their net income although this amount will be reduced if necessary in order to ensure that they are able to keep £60 of their weekly income. Overtime and bonus payments are disregarded.

5.4 Where a young person's level of income is so low that they are unable to contribute the former carer will suffer no detriment, and if necessary the Local Authority will make the provision where it cannot be found from another source such as income support or job seekers allowance.

5.5 Financial arrangements will be reviewed at a minimum on an annual basis, or earlier if there is a significant change in financial circumstances. Any change or continuation of financial arrangements will be clearly recorded within the young person's Pathway Plan by the **personal advisor**.

5.6 If the young person is in receipt of state benefits it is expected that they contribute £10 weekly to the foster carer.

6. University vacations

6.1 During vacations the former carer will be entitled to the full staying put rate for the weeks the young person returns to the home, so long as the young person returns to stay in the home in their own bedroom.

6.2 If the young person returns to the former carers but their own room has not been kept exclusively for them (i.e. If they are using a temporary sofa bed) an allowance of £100 per week will be made to the former carers while the young person is staying with them.

6.3 No payments will be made during term time when the young person is not residing within the former foster carer's home.

6.4 Payments can be made on a pro rata basis should the young person return for weekends during term time. This kind of arrangement should have prior agreement from the **CM16+ team manager**. Such agreement will not be given retrospectively.

6.5 The cost of University vacation accommodation will be met by SBC.

7. Police Checks

7.1 If the former carer is going to continue to work as a foster carer the young person in the Staying Put arrangement will need to have an enhanced DBS Check as they become an adult living in the home. This will require sensitive management and sensible negotiation.

7.2 The former carers will also be subject to regular DBS checks. The **supervising social worker** will ensure that DBS checks are carried out for all adults residing within the former foster carer's home. In the case of a former foster carer who is supervised by an agency other than Southend Borough Council the **supervising social worker** will ensure that a copy of the outside agency's DBS check document is held on file. For those still registered with Southend Borough Council as foster carers the DBS checks will continue routinely.

8. Young parents

8.1 If a young person in a Staying Put arrangement has a child living with them, additional weekly payments in addition to the Staying Put rate may be made at the discretion of the **group manager, placements and resources**.

9. Monitoring and Reviewing Arrangements

9.1 Prior to the new arrangement commencing the local authority should draw up a Staying Put agreement. This should be agreed by the young person, the former foster carer, supervising social worker and the **allocated social worker**. Such agreements should cover the ground rules of the household as well as the areas of responsibility that all parties to the arrangement are expected to fulfil.

9.2 Staying Put Arrangements should be reviewed by the **personal advisor** as part of the Pathway Plan Review a minimum of every six months. This should include a review of any problems or difficulties which have emerged, and what is working well.

9.3 A review can be arranged earlier by agreement between the young person, former foster carer, and the professionals involved.

9.4 The young person and former foster carer can also access advice at other times from the **personal advisor** and/or **supervising social worker**.

10. Ending the Staying Put Arrangement

10.1 The Staying Put arrangement can be ended before the young person's 21st birthday, by the young person or former carer giving relevant notice. Both parties should give as much notice as possible, and this should in most circumstances be a minimum of 28 days notice. The Staying Put Agreement allows for the ending of the arrangement with 7 days notice, but this minimum should only be used in exceptional circumstances. Should either the young person or former carer state their intention to end a staying put arrangement; a disruption meeting should be held. The disruption meeting should be attended by the young person, former foster carer, **supervising social worker** and **personal advisor**. The disruption meeting should consider any support that may enable the placement to continue and the needs of the young person in moving on from that placement.

10.2 The Staying Put arrangements will end when the young person becomes 21. If a young person will be at a critical time in their education (e.g. final exam period) at the time when they reach 21 years they will be able to Stay Put until after this critical period.

10.3 Planning will be undertaken to ensure young person can move on into suitable accommodation and this should be identified in the Pathway Plan by the **personal advisor**.

10.4 When planning to end a Staying Put arrangement as a young person approaches 21, it needs to be considered that a young person will no longer be classed as in "priority need" for social housing when they reach 21 years. It may be necessary to plan for the young person to

move shortly before this time if social housing is to be accessed. The young person should be supported to address this issue by the **personal advisor six months prior to their 21st birthday**.

10.5 Where, in exceptional circumstances, the local authority considers that the staying put arrangement is not consistent with the welfare of the young person, the local authority will not be under a duty to provide financial or practical support in respect of the placement. This decision should be made by a **group manager** on the basis of a needs assessment carried out by the **personal advisor** under the supervision of the **CM16+ Team Manager**.

10.6 If a young person feels that his/her wish to remain with their former foster carer has not been taken into account by the local authority and they are not happy with the way in which the local authority has acted, they may wish to speak to their **Independent Reviewing Officer** who chaired their reviews before they turn 18. They can also contact an advocacy service to support them in representing their views to the local authority. The young person would also be able to use their local authority's complaints procedure to voice their concerns.

Relevant legislation

Care Matters – Time for Change

The Children Act 1989 Guidance and Regulations. Volume 3: Planning Transition to Adulthood for Care Leavers, including the Care Leavers (England) regulations 2010

The Children (Leaving Care) Act 2000

The Children and Young Person's Act 2008

Appendices

Staying Put Good Practice Guidance

http://www.ncb.org.uk/media/1154341/staying_put.pdf

Tax Implications for Foster Carers

<http://www.hmrc.gov.uk/individuals/foster-carers.htm>

Rent a Room Scheme

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/Taxes/TaxOnPropertyAndRentalIncome/DG_4017804

Signposts in Fostering booklet *Caring For a Young Person Aged 18+, Financial Implications*, The Fostering Network, 2008

Local Housing Allowance Information

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/On_a_low_income/DG_10018928