

LB SUTTON STAYING PUT POLICY: 2015 – 2018

1 INTRODUCTION

- 1.1 When a child who is living with a foster family at the age of 17, stays on living with that family after their 18th birthday, this is called a Staying Put arrangement.ⁱ
- 1.2 Sutton Children's Services recognises the value of these arrangements for young people, and believes that Staying Put arrangements can:
- Ensure that young people are able to experience the transition to adulthood in a way similar to other young people their age
 - Ensure that young people do not leave their former foster family until they feel ready for greater independence
 - Help young people to maximise their opportunities for education, employment, or training
 - Reduce the risk of homelessness
 - Enable young people to develop emotional and practical skills to live independently
 - Reduce the likelihood of social exclusion.

2 WHAT IS THE DIFFERENCE BETWEEN FOSTER CARE AND STAYING PUT?

- 2.1 Although the personal relationships between the child and their foster family may remain as they have always been, a number of changes follow from the fact that the child is now an adult.
- 2.2 From the age of 18, under a Staying Put arrangement:
- Young people are no longer legally **Looked After** and fostering regulations no longer apply
 - The young person is no longer a foster child. They become an adult member of the fostering household
 - The 'placement' becomes an 'arrangement' between the foster carer, the young person and Sutton Children's Services and is subject to a **Licence Agreement** between those involved

Living Together Agreement

- 2.3 Before a Staying Put arrangement begins, the Young Person's Social Worker should draw up a **Living Together Agreement** with the Young Person and the Staying Put Carer. The Supervising Social Worker should also be consulted.
- 2.4 The amount of detail in the agreement will depend on the relationship between the Young Person and their Carer. The Agreement will normally include the ground rules of the household and the responsibilities of the involved individuals. Where the Staying Put Carer continues to foster, there may be additional standards of behaviour for the Young Person, e.g. not smoking in the house.

- 2.5 Whilst the Staying Put arrangement is supported by the Council, the carer should be visited, and offered advice and support from the fostering service to ensure that the arrangement continues to be right for the young person and the carer.

3 WHO IS ELIGIBLE FOR STAYING PUT?

- 3.1 All young people who are eligible for Leaving Care Services (i.e. have been looked after for a total of 13 weeks after they reached the age of 14 and who remain looked after by Sutton in a foster family up to their 18th birthday) are eligible for a Staying Put arrangement after the age of 18.
- 3.2 Sutton Children's Services will work to enable Staying Put arrangements for all eligible young people where the arrangement is in their interests and where the foster carer is able and willing to support the arrangement.
- 3.3 Staying Put arrangements may continue until the young person reaches 21, but can end sooner if the young person stops living in the household.
- 3.4 Early planning is critical to the success of the arrangement. There is a statutory duty to consider Staying Put when undertaking an assessment of the young person's needs within 3 months of their 16th birthday.

4. DECISION NOT TO SUPPORT STAYING PUT

- 4.1 A decision not to support a Staying Put arrangement would be very rare and the reasons should be clearly recorded and explained to all parties. The decision should be based upon the best interests of the child. However, if the carer cannot accept Sutton's financial terms, the Staying Put arrangement may not be possible. The matter would then be referred for a decision by the Head of Service for Looked After Children.

5. DISABLED YOUNG PEOPLE

- 5.1 This policy does not replace the eligibility of disabled young people to transfer to adult services for 'Shared Lives placements'. A Shared Lives placement with the previous foster carer could fulfil the duty to support young people under Staying Put.

6. STAYING PUT PRINCIPLES

- 6.1 Everyone involved in supporting Young People to Stay Put should adhere to the following principles:
- Making arrangements which replicate normal family life
 - Acting in the Young Person's best interests
 - Supporting Young People and Carers and meeting their specific needs
 - Providing clear information, so that Young People and Carers can make informed choices
 - Early Planning

- Equality of Opportunity: making Staying Put arrangements the norm for Young People in all types of placements and making arrangements to prevent finances precluding Staying Put arrangements
- Flexibility: recognising that the relationship between the Young Person and the Carer may continue after the Young Person's 21st birthday.

7 STAYING PUT CARERS AND FOSTERING

7.1 Some Carers will want to cease fostering and provide only a Staying Put arrangement. They may give 28 days notice of their resignation, in writing, to the Fostering Panel. Staying Put Carers will have a named Supervising Social Worker, who will visit at least annually, or six monthly, or more frequently, depending on the circumstances.

7.2 With the agreement of the Fostering Service, Foster Carers may remain approved, but provide no Foster placements during the Staying Put arrangement. In such cases, the Carer will need to continue to meet the statutory requirements, including regular visits by the Supervising Social Worker; annual foster care reviews; mandatory training; invitations to foster care forums etc.

7.3 Where a Staying Put Carer wishes to continue fostering, the following actions must take place prior to the Staying Put arrangement:

- The Supervising Social Worker must initiate a review of the Foster Carer's approval
- The Young Person's Social Worker will request DBS enhanced disclosure for the Young Person, who is now an adult through the carers fostering service.

7.4 The carer does not have to remain approved as a foster carer when they are providing a Staying Put arrangement. However the council hopes that foster carers will wish to remain approved.

7.5 A foster care review should be undertaken before a Staying Put arrangement begins. This will enable the carer to fully understand the change in the arrangement and the implications of matching and safeguarding any new placement. Foster Carers should continue to receive supervision, attend training, have annual reviews and continue to develop their skills.

8. SAFEGUARDING OF YOUNG PEOPLE IN STAYING PUT ARRANGEMENTS

8.1 Staying Put carers need to be clear how to respond if they have safeguarding concerns for the adult who is a former looked after child, where these concerns do not involve children.

- 8.2 This may include referring the young person as an Adult at Risk, or helping the young person to request services. Where consent cannot be obtained, the carer will need to understand the basics of the Data Protection Act and the Mental Capacity Act in relation to young people over 16 years.

9 ACTIONS FOR SOCIAL WORKERS IN DECISION MAKING & REVIEW PROCESSES

Early Discussions

- 9.1 **Recruitment & Retention Of Foster Carers** - All Foster Carers (including those who only take short term placements or young children) will be informed about the possibility of their being asked to provide a Staying Put arrangement. Core training will include the issues involved in Young People Staying Put.
- 9.2 **Long Term Placements** - Whenever a long term Foster Placement is agreed, the child's Social Worker and the Supervising Social Worker should initiate discussions about Staying Put from the beginning.

Discussions Prior To The Young Person's 16th Birthday.

- 9.3 **Leaving Care Assessment of Need** - As part of the Leaving Care Assessment of Need, the Young Person's Social Worker should discuss Staying Put arrangements with the Young Person and the Supervising Social Worker should speak separately to the Carer, in order to find out their views about entering into a Staying Put arrangement.
- 9.4 If the Young Person and the Carer both think that a Staying Put arrangement is a possibility, **A Staying Put Meeting** should be convened by the Young Person's Social Worker, before the Young Person is 15 ³/₄. Its purpose is to explore the viability and likelihood of a Staying Put arrangement. It should identify and allocate all the tasks required to extend the Foster Placement into a Staying Put arrangement (including the impact on the foster carers' financial circumstances).
- 9.5 The meeting should include: the Young Person and their Social Worker; the Foster Carer/s and the Supervising Social Worker; the Leaving Care Social Worker/Personal Adviser (Transition Worker for Disabled Young People).
- 9.6 **LAC Reviews and Pathway Plan Reviews** - The LAC Review prior to the young person's 16th birthday will include a discussion about whether a Staying Put arrangement will be needed. A subsequent review may make this recommendation where the criteria are met. However, planning should take place well ahead of the young person's eighteenth birthday.

Role of the Supervising Social Worker when a Young Person Turns 17

- 9.7 If there is any likelihood of a young person remaining after 18, the supervising social worker should discuss the finances, so that the carer can:
- Make an informed decision about caring for a young person
 - Consider the impact on their own finances
 - Offer a clear message to young people about their future and to their social worker about what needs to be done
- 9.8 The Supervising Social Worker will also:
- Provide advice and support to Staying Put carers
 - If carers are also foster carers, consider the impact of this on fostering, address this through supervision and contribute to their approval as foster carers
 - Coordinate provision of services to support the Staying Put carer
 - Ensure that the carer is receiving correct payments
 - Participate in reviews of the Pathway Plan
 - Respond to learning and development needs of carers.

Role of Social Worker/ Personal Advisor when Young Person Turns 18

- 9.9 To discuss options when considering the pathway plan i.e. if the young person wishes to remain in the household after 18, to ensure that this is communicated to the supervising social worker as above.
- 9.10 It cannot be assumed that a carer will agree to a young person remaining without funding or that full funding will continue. If the matter cannot be agreed, it should be presented to the 16+ Accommodation panel. It is the social worker/personal advisors role to help the young person to apply for income support/job seekers allowance and housing benefit where this has been agreed so that payments start on the 18th birthday:
- Provide advice and support to the young person
 - Keep in touch with the Staying Put carer and provide advice and support as required,
 - Ensure that the Pathway Plan is regularly reviewed
 - Liaise with the local authority to implement the Pathway Plan
 - Coordinate the provision of services to support the young person
 - Keep informed about the young person's progress and wellbeing.

The Role of the Independent Reviewing Officer Until 18 Years Old

- 9.11 The Independent Reviewing Officer will review the pathway plan and ensure that actions taken by the supervising social worker, young person's advisor and social worker are in the young person's best interests and Staying Put guidance adhered to. If agreements cannot be reached within this policy the matter should be taken to the Head of Service for resolution.

Ratifying Staying Put Arrangements

- 9.12 Such arrangements will be signed off by the Head of Service for Corporate Parenting.
- 9.13 On-going Staying Put arrangements should be reviewed on a 6 monthly basis at the Pathway Plan Reviews, which are coordinated by the young person's Social Worker/ Personal Advisor.

Supervision of Placements/ Payments to Agencies for Foster Care Placements After the Age of 18

- 9.14 The placements of young people over 18 years are no longer subject to regulatory arrangements. However, good practice indicates that there will need to be some support to maintain stability. Supervisory visits will be every 2 months unless alternative arrangements are necessary and advice can also be given over the phone.
- 9.15 Sutton foster carers may attend fostering support groups or Staying Put Carers Support Groups to access. The personal advisor will visit at a frequency as agreed in the pathway plan (and will always make at least one home visit every 3 months).
- 9.16 A supervision payment of £100 can be made to ensure that the foster carer receives some supervision until the young person's 19th birthday. After this date, if the young person remains in the Staying Put arrangement then negotiations will take place about the supervision of the placement.

10. THE FUNDING OF STAYING PUT ARRANGEMENTS

- 10.1 Staying Put Carers will receive an allowance payment for a Staying Put arrangement.

Housing Benefit – Young People

- 10.2 Upon reaching 18, young people are helped by the Leaving Care Social Worker/ Personal Advisor to apply for income support and housing benefit using the standard Application For Housing Benefit letter (if this will not disadvantage the foster carer).
- 10.3 In order to claim housing benefit the accommodation arrangement has to be the status of 'excluded licensee '. Young people will have a Licence Agreement that covers Rent, Utilities and arrangements for the provision of Support and states that the young person is liable for their rent.
- 10.4 Some young people will not be eligible for housing benefit because of their immigration status and Children's Social Care will then pay the fostering/supportive lodgings rent in most cases.

Staying Put Scheme

- 10.5 Foster carers receive an allowance for rent and utilities and a reward element (Staying Put Allowance):

	£s per week
Allowance Payment To Carers	
Utilities	30.00
Rent	80.00
Staying Put	158.85
Total	268.85

Retainers

- 10.6 Where a young person requires the placement to remain open for periods where they are residing elsewhere e.g. term time at University, in order for them to return during holiday periods a retainer fee of 50% of the usual total per week will be paid to the provider. This is based on the understanding that at any time if the young person required the placement it would be available for them.
- 10.7 Carers will no longer be required to save for young people.

If Young People Are Working

- 10.8 Young People who are working cannot claim the full housing benefit entitlement and need to contribute to the rent from their income, in line with current Housing Benefit rules. (Currently 65% of a young person's "surplus income" after deducting an amount for living expenses.) For example: A young person who is working and earning £100 (net income) per week would have to contribute about £25 per week towards their rent.

Young People's Allowances

- 10.9 Young people Staying Put will be treated as members of the family and included in family meals. However, this should not preclude the young person from making a contribution towards food and household utilities from their personal income, as part of their learning to budget.
- 10.10 Where arrangements are made between the young person and the carer to contribute some of the Young Person's allowances towards the provision of food etc. Any such arrangements should be documented as part of the Placement Plan.

Additional Payments

- 10.11 Supervising social workers will discuss the proposed financial arrangements with foster carers. If a carer cannot accept housing benefit because of their own benefit situation Leaving Care will pay the rent.

Financial Contributions

- 10.12 If a young person remains with a former foster carer and the payment comes from the local authority under Section 23 c of the Children Act 1989 then the payment will be subject to foster carer tax relief and disregarded for benefit purposes.

Tax

- 10.13 Carers should seek independent tax advice about their income tax. Information is available from the **HMRS: helpsheet 236**
- 10.14 It will be the responsibility for host carers to complete a HMRC self - assessment form if they are earning above the personal allowance threshold.

Housing Benefit – Host Carers

- 10.15 If the former foster carer is not claiming Housing Benefit themselves then there is no issue. If the former foster carer is receiving Housing Benefit then all of the income from a young person's housing benefit allowance and the fee paid by the local authority to the host carer will be deemed income from a sub tenant in which case:
- 10.16 The first £20.00 of income is disregarded and the rest is counted as income. After the disregarded income, income from the young person will be deducted from the former foster carers benefit.

Arrangements For Young People In Independent Fostering Agency (IFA) Placements

- 10.17 Staying Put arrangements with IFA carers work in a similar way.
- 10.18 Young people are expected to claim income support and housing benefit wherever possible
- 10.19 If IFA foster carers and agencies do not accept this figure as a weekly payment for the arrangement from the young person's 18th birthday, then a proposal for any continuation at a higher rate must be presented to the High Cost Placement Panel as early as possible after the child's 17th birthday.

Young people at university

- 10.20 Where young people require holiday accommodation, a proposal will be submitted to the Head of Service.
- 10.21 Upon reaching 18, young people will have their own income, either from wages from employment or an apprenticeship, or from income support and housing benefit if they are in Further Education or training. They will also receive some financial support with their travel costs to their college or training provider. This income is taken into account when making the Staying Put arrangement. Young people are expected to make a contribution to the costs of the arrangement in the form of Rent and a contribution towards Food and Utilities.
- 10.22 The recommended contribution of the young person towards Food and Utilities is £18 per week, but all families will make their own arrangements in this area.

11. INSURANCE

- 11.1 Public liability cover will be in place to cover all the arrangements made by Sutton and should cover any arrangements which come under Sutton supervision from agencies. IFA carers should refer to their agency insurance.

12. CHALLENGING DECISIONS

- 12.1 If the looked after young person feels that the Council has failed to provide appropriate support towards the Staying Put arrangement, they should be encouraged to speak to their Independent Reviewing Officer, or to their Personal Advisor, to request a review of their Pathway Plan. They should also be told about their right to make a complaint and to contact an independent advocate.
- 12.2 A young person in a Staying Put arrangement is also entitled to make a representation or complaint about the provision of support and this can be investigated under the children's services complaints procedure. Foster carers are also entitled to make a complaint and if this relates to fostering, it must be investigated under the children's services complaints procedure.

APPENDIX A: STAYING PUT DEFINITIONS

Definitions Overview

- 13.1 Where possible; DfE, DWP and HMRC definitions and frameworks relating to “Staying Put” have been harmonised. However, given the complexity of the three different legislative frameworks relating to “Staying Put” arrangements, and the fact that some of the legislation does not cover all four countries in the United Kingdom, this has not been wholly possible.
- 13.2 Staying Put Carers should not normally need to refer to the definitions below. However, there may be times when it is helpful to refer to the legislative definitions.
- 13.3 “Staying Put” is used to define the following arrangements where:
- A young person who was looked after immediately prior to their 18th birthday (as an eligible child) continues to reside with their former foster carers
 - The young person is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 to the Children Act 1989, immediately before he/she reached eighteen
 - The “Staying Put” arrangement is set out in the young person’s Pathway Plan;
 - A proportion of the allowance paid to the “Staying Put” carer is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989
 - The “Staying Put” arrangement extends until:
 - the young person first leaves the “Staying Put” arrangement or
 - the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday, if continuously living in the arrangement since their eighteenth birthday.

Department for Work and Pensions Definitions

- 13.4 Under the DWP legislation covering “Staying Put” payments made by the local authority to the carer under section 23C of the Children Act 1989 are disregarded in calculating the carers entitlement to means tested benefits where the young person:
- Continues to reside with their former foster carer after their eighteenth birthday
 - Was looked after immediately prior to their eighteenth birthday
- 13.5 Where part of the payment for the “Staying Put” arrangement comes from a contribution from the young person (as a payment for rent, either directly or from housing benefit) the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim.

- 13.6 The section 23C disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the “Staying Put” arrangement for whatever reason.

HM Revenue and Customs Definitions

- 13.7 The term “Staying Put” (HMRC) is used to define arrangements where:
- A young person was looked after immediately prior to their eighteenth birthday
 - The young person has a Pathway Plan
 - A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority
 - “Staying Put” arrangements can extend until:
 - the young person reaches their twenty-first birthday or
 - the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday.
-