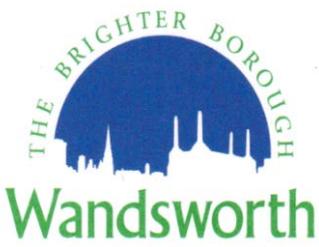


Wandsworth Council Internal Staying Put Policy

Updated 2019

Contents



Wandsworth	1
1. Introduction	3
2. Planning	4
3. Legal Status and Safeguarding	7
Where Foster Children are Living in the Staying Put Arrangement	8
4. Support for Foster Carers.....	8
5. Financial Implications.....	9
5.1 Staying Put Allowances	10
5.2 Foster Carers' Entitlement to Means Tested Benefits	10
5.3 Housing Benefit/Universal Credit – for the young person and foster carer.	10
5.4 Council Tax and Council Tax Benefit	11
5.5 Her Majesty's Revenue and Customs (HMRC), Income Tax and National Insurance .	11
5.6 Insurance (Including Liability and Household Insurance).....	12
6. Young People Attending University and Other Settings Away from Home	12
7. Interface with Adults Services.....	12
8. Ending of Staying Put Arrangements.....	13

1. Introduction

A Staying Put arrangement is where a Former Relevant child, after ceasing to be Looked After, remains in the former foster home where they were placed immediately before they ceased to be Looked After, beyond the age of 18.

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 carer with a view to maintaining the Staying Put arrangement (this must include financial support), until the child reaches the age of 21 (unless the local authority consider that the Staying Put arrangement is not consistent with the child's welfare).
- Under the Care Leavers (England) Regulations 2010, Planning Transition into Adulthood for Care Leavers Guidance and Government Guidance **Staying Put - Arrangements for Care Leavers Aged 18 and Above to Stay on With Their Former Foster Carers (2013)**, the Local Authority must provide information about extending foster placements post-18.

The intention of Staying Put arrangements is to ensure that young people can remain with their former foster carers until they are prepared for adulthood, can experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown.

(Note that the term 'arrangement' should be used rather than 'placement' - the term 'placement' denotes a situation where the local authority arranged and placed the child with a foster carer. Once the child reaches the age of eighteen and legal adulthood, the local authority is no longer making a placement, but facilitating a Staying Put arrangement for the young person).

When staying put 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 looked after 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 decision maker to act upon its recommendations, including any changes to terms of approval. Sometimes staying put carers are not able to take another foster placement whilst the young person 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

Young people living with foster carers supported by independent providers should be treated in the same way as those young people living with local authority in-house foster carers when consideration is given to a 'staying put' arrangement. Local authorities should have discussions with independent fostering providers at an early stage regarding the option of a 'staying put' arrangement. This discussion should include the amount of allowance the local authority will pay the former foster carer.

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.

Note: Where a Staying Put arrangement is in place, the local authority, where appropriate, may consider delegating part of the Personal Adviser function to the foster carer (See [Leaving Care and Transition Procedure, Personal Advisers](#)). This would be done in consultation with the Staying Put Provider and the provider cannot be forced to take on this role/s.

2. Planning

Discussion should start with the young person and foster carer regarding the option of staying put as early as possible, ideally when the young person reaches the age of 16.

If it has not already been done, consideration of Staying Put must take place at the first Looked After Review following a young person's 16th birthday. This will entail assessing the implications for both the young person and the foster carer. Before this happens, the supervising social worker should discuss the possibility of Staying Put with the foster carer. This discussion should happen when the young person is aged 15 and a half, and certainly before the LAC review following a young person's 16th birthday.

The young person's IRO should ensure that early Staying Put planning, as set out in this policy, is taking place. The IRO should also independently seek the views of the young person on potential Staying Put arrangements.

It will be expected that the IRO at the midway review, in discussion with the supervising social worker address the possibility of a staying put arrangement prior to discussing this with the young person.

Once the discussions have taken place the IRO should have Staying Put as a formal agenda item at each LAC Review post 16.

When carrying out an assessment of an Eligible child's needs, the local authority must determine whether it would be appropriate to provide advice, assistance and support to facilitate a Staying Put arrangement. Where they determine that it would be appropriate, and where the child and the local authority foster parent wish to make a Staying Put arrangement, then the local authority must provide such advice, assistance and support to facilitate a Staying Put arrangement.

Should there be an agreement by all key people that Staying Put is in the best interest for all concerned and the young person is in full time education, and is due to finish their course at the end of the academic year, which will continue past their 18th birthday, the Local Authority will continue to provide financial support to both the carer and the young person at the fostering rate until the young person completes their course.

The young person's Pathway Plan (which may be superseded by a 'living together agreement' from age 18) should set out all of the practical arrangements regarding the young person remaining as a young adult in the Staying Put arrangement. It should set out the 'ground rules' of the household as well as the areas of responsibility that all parties to the arrangement are expected to fulfil. Many of these will be an extension of the expectations on them when they were a foster child. This will cover arrangements such as:

- Preparation for adulthood and independence tasks;
- Finance, including young people having credit cards, loan agreements and mobile phone contracts registered at, the LAC Review or at the staying put agreement meeting where roles are discussed and agreed. the address;
- Income and benefit claims;
- Friends, birth family and partners visiting and staying at the address
- Staying away for nights/weekends and informing carers of movements;
- Education, training and employment activities;

- Health arrangements;
- Move-on arrangements;
- Issues related to younger foster care children in the placement, i.e. safeguarding, being a positive role model and time-keeping.
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It should be assessed from the outset how the arrangement will help the young person develop the skills required for independent living once they move on. They should be supported to continue to develop a range of skills including:

- Relationships - getting on with neighbours; understanding acceptable behaviour; when and how to communicate with relevant professionals; being a responsible adult within the staying put household;
- Emotional Resilience and mental health and wellbeing- managing isolation and where to go for support. Building self-esteem; staying fit and healthy;
- Finance and budgeting - opening a bank account, safe borrowing and managing debt, understanding basic financial products, benefits and welfare reform; budgeting for priority bills, household appliances and everyday shopping on a budget;
- Cooking - cooking healthily and on a budget; understanding nutrition and its impact on overall health;
- Managing a home - washing and ironing, cleaning, basic DIY, operating appliances and what is allowed within a tenancy and;
- Applying for jobs - understanding strengths and areas for personal development; developing job skills, understanding job/volunteering pathways and support available; understanding bursaries and other financial support; where to go for advice; understanding the impact of work on benefits.

The supervising social worker and the young person's social worker should also include contingency planning in their plan for the child/young person, to ensure alternative arrangements are in place in case of breakdown of the arrangement. This should be incorporated into the young person's pathway plan and reviewed where appropriate.

3. Legal Status and Safeguarding

Following the young person's 18th birthday, the legal basis on which they occupy the property (former foster home) changes (the legal term is that the young person becomes an 'excluded licensee' lodging in the home) - this should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed, the young person's landlord/landlady.

The associated change from foster child to adult member of the household, and for the carer from foster carer to Staying Put carer, (technically the young person's landlord) should be carefully and sensitively planned in order to ensure that both young people and the carer/s understand the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

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 should include in all cases but particularly in cases where there are no foster children living in the carers home:

- A written set of standards and expectations that make explicit and clear what the implications of the change from being Looked After to being in a Staying Put arrangement, including what the young person and the carer can reasonably expect of each other and of the local authority;
- A system for reviewing and approving the Staying Put arrangement and carer/s to ensure that the arrangement complies with local authority expectations;
- Safeguarding and risk assessment checks on household members and in certain circumstances regular visitors;
- Health and safety requirements (as a minimum this should comply with landlord and licensee/tenant requirements);
- Regular supervision and support, from their fostering supervising social worker; and
- Opportunities to attend appropriate training.

The Local Authority will need to assess individual circumstances and consider the appropriateness of all of these checks particularly where the young person is the only person placed/living with their carer/s and it is not envisaged that further children will

be placed. In circumstances where it is clear that the carer will not be fostering any further children, it may be deemed appropriate to terminate their approval as a foster carer. In situations where it is possible that they may foster again in the future, it would be inappropriate to terminate their approval, given the length of time that re-approval would take. Where a foster carer's approval is terminated, it will be necessary to ensure that the Staying Put arrangement continues to meet appropriate standards.

Safeguarding arrangements will need to be sufficient, including Disclosure and Barring Service checks on over 18 year olds and issues relating to fostered children in households. Where foster children are in placement, the foster carers will need to be returned to the Fostering and Permanence Panel due to a change in circumstances as the child/young person Staying Put will have reached adulthood and become an adult member of the fostering household. As such, they will require a valid Disclosure and Barring Service check. To ensure that the check (and possible subsequent risk assessment) is completed by the child/young person's eighteenth birthday the process will need to commence in sufficient time.

Where Foster Children are Living in the Staying Put Arrangement

Where fostered children are living in the household, the checks and requirements associated with fostering legislation will apply and will provide a framework for safeguarding and checking arrangements for the whole household.

In these situations, the carer must remain an approved foster carer and the Fostering Services (England) Regulations and Guidance will apply with the consequential requirements of supervision, review and safeguarding. Whilst the fostering legislation will primarily apply to the placements of the fostered children, it does ensure that a system of approval, checking and supervision is applied to the whole household.

4. Support for Foster Carers

The local authority will discuss with the former foster carer whether they require any particular training and guidance to help support the young person. The type of support that a former foster carer will need to provide in a 'staying put' arrangement is likely to be different to that they provided when fostering the young person. It should be explored with the former foster carer the type of training and support they think they will require, particularly in helping the young person develop their independent life skills. Whether the former foster carer is from the local authority or an independent fostering service, careful consideration should be given to continued support which could include peer support.

5. Financial Implications

Whilst the level of financial support payable will depend upon individual needs and circumstances, former foster carers will be paid a combined fee and allowance that will cover all reasonable costs of supporting the care leaver to remain living with them. Clear information will be provided to foster carers on the financial support which may be provided for staying put arrangements, in order to help foster carers plan well in advance whether they wish to participate in such arrangements.

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.

It will be necessary to consider:

- How extending placements will impact on the allowances provided by the Local Authority and whether other funding, e.g. funding for housing related support, will contribute to meeting Staying Put costs;
- Whether an additional contribution is provided for the young person, of up to a maximum of a one off £500.00 towards a holiday with the foster family if one has been planned after their 18th birthday. It would be expected that the carer has put aside finance for this planned holiday and that the young person is also contributing to the holiday.
- Any financial contributions from the young person from their wages, salary, benefits or educational allowances. Depending on their circumstances, young people who remain in a Staying Put arrangement may be able to claim means tested benefits for their personal needs from their eighteenth birthday;
- How the income tax, national insurance and welfare benefits situation of carers may be affected by post-18 payments. 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 will be taken into account in the calculation of the carer's own means tested benefit claim;
- Insurance issues including liability and household insurance. Staying Put carers should 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 Staying Put carer/s, or an allegation is made against the Staying Put young person. The majority of foster carers hold public liability insurance.

- All Staying Put carers will receive £416.70 per week (**£208.00 (fee) + £266.60 (allowance) – £57.90 (JSA) = £416.70**). The equivalent rate of JSA, (at present £57.90) will be paid direct to the young person by the Department where the young person is unable to claim benefits –These payments will be reviewed on an annual basis.

The Personal Advisor will explain to the young person their full entitlements, including how they will provide the young person with their leaving care grant once they move on from a 'staying put' arrangement and live independently.

5.1 Staying Put Allowances

Contact the Fostering Service who will explain how the Staying Put Allowance is calculated and the Staying Put Living Together Agreement that is made between the young person and the carer.

5.2 Foster Carers' Entitlement to Means Tested Benefits

Where:

- A young person continues to reside with their former foster carer after their eighteenth birthday on a Staying Put 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) <http://www.legislation.gov.uk/ukpga/1989/41/section/23C> ;

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 will be taken into account in the calculation of the carer's own means-tested benefit claim.

Additionally, the whole payment (section 23C and non-section 23C elements) when the young person first leaves the Staying Put arrangement, should the young person return to their former foster/Staying Put carer or move to another carer after their eighteenth birthday.

Carer are encouraged to contact the Benefits Agency to discuss their individual circumstances as this will vary with each carer.

5.3 Housing Benefit/Universal Credit – for the young person and foster carer.

There may be Housing Benefit implications as a result of Staying Put Arrangements. Housing Benefit is, however, being replaced by Universal Credit. Individual advice will therefore need to be obtained.

5.4 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.

Young people undertaking full time education are 'invisible' for council tax purposes.

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

For HMRC purposes only, there is a broader definition of 'Staying Put'. A 'Staying Put' carer (for HMRC purposes only) does not need to be a registered foster carer or former foster carer. This means that young people are able to return to a different Staying Put carer between the age of 18 and 21 (or until the completion of an education or training course) - for example during a university vacation.

Where a Staying Put arrangement meets the HMRC qualifying criteria (and where the young adult continues to be cared for as a member of the carer's family) the Income Tax and National Insurance rules that apply to foster carers are extended to Staying Put carers. The young people are required to share the Staying Put carers' home and daily family life during the placement' i.e. live as a 'member of the carer's family'. This system provides for foster carers and/or Staying Put carers to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions on their caring income.

Foster Carers should be fully familiar with this "Qualifying Care Relief" from completing their tax returns during their time fostering.

The Income Tax free allowance consists of two elements. Firstly, a fixed amount per foster care or Staying Put household. Secondly, an additional amount per week per child.

Where there is more than one paid Staying Put carer in the household, the allowance is shared equally by both carers.

The tax-free allowance only applies to the Staying Put carer's income from caring. If they have income from other sources, they will pay tax on that income in the normal manner.

Individual carers can consult their local HMRC office for guidance on their circumstances and liabilities.

For National Insurance Contributions purposes, in practice HMRC will treat the taxable profit from foster care or Staying Put care as earnings from self-employment. Foster care and Staying Put care 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.

The Local Authority will send an annual statement to the Staying Put carer, which will consist of a breakdown of the financial payment to them by allowance and fee.

5.6 Insurance (Including Liability and Household Insurance)

Staying Put 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 Staying Put carer/s, or an allegation is made against the Staying Put young person. The majority of foster carers hold public liability insurance.

6. Young People Attending University and Other Settings Away from Home

It is Wandsworth's policy that Care Leavers should have access to the same opportunities as their peers wherever possible and this includes the opportunity to live and study away from their former foster home.

Living away from the former foster carer's home for temporary periods such as attending higher education courses should not preclude a 'staying put' arrangement. This might include a residential further education institution; undertaking induction training for the armed services or other training or employment programmes that require a young person to live away from home.

7. Interface with Adults Services

The Staying Put framework is aimed at former relevant children who require an extended period with their former foster carer/s due to delayed maturity, vulnerability and/or in order to complete their education or training. Where young people have an on-going cognitive disability and meet the adult services Fair Access to Care Services criteria (Putting People First), foster placements should be converted to Adult Placements/Shared Lives Arrangements when the child reaches their eighteenth birthday. This is important to ensure that both the young person and the carer have a formal regulatory and safeguarding framework that addresses their respective needs.

8. Ending of Staying Put Arrangements

The Staying Put arrangement extends until:

- The young person leaves the Staying Put arrangement;
- or
- The young person reaches their twenty-first birthday.

Local authorities may wish to continue supporting a young person beyond age 21 if it meets their individual needs, such as finishing their course of education.

The local authority will want to ensure that the end of a 'staying put' arrangement is not another 'cliff edge' for the young person but a gradual transition to independent living. Procedures should be agreed at the outset about how any wish by the carer to bring the arrangement to an end should be managed.

The social worker/personal adviser should discuss with the young person their transition from such an arrangement to another type of accommodation and agree the type of support the young person will require. These arrangements should be developed alongside joint protocols with the housing authority, setting out how access to social housing and care leavers 'priority need' status will be discharged.

An excluded licensee (A person will be granted a protected licence (protected under the Protection from Eviction Act 1977 (PEA 1977)) where they do not have exclusive possession of the accommodation but that accommodation is self-contained accommodation (i.e. toilet, bathroom, cooking facilities within the accommodation) can be asked to leave the property by the Staying Put carer, who must give 'reasonable notice' i.e. a minimum of 28 days. In extreme circumstances it may be considered reasonable for the carer to give very short notice and ask the young person to leave on the same day.