

WANDSWORTH CHILDREN'S SERVICES

“STAYING PUT” POLICY 2023 – 2024

“Arrangements for Care Leavers aged eighteen and above to stay on with their former foster carers”

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Contents

4	Introduction
5	“Staying Put” Definitions
5	Department for Education Definitions
6	Department for Work and Pensions Definitions
6	HM Revenue and Customs Definitions
7	Definitions Overview
7	Wandsworth - “Staying Put” Scheme:
9	University, Vacation & Residential Further Education Arrangements
12	Forces Arrangements
12	Asylum Arrangements
12	“Staying Put” Frameworks
13	Terminology
13	Changing Status - Foster Care Placement to “Staying Put” Arrangement
14	Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement
16	Information to be Presented to the Wandsworth Care Panel
17	Financial Requirements, Universal Credit and Personal Benefits for Young People
20	Liability for Rent
21	Housing Costs for Young People
23	Payment Rates to Wandsworth “Staying Put” Carers
23	“Staying Put” Allowance and Fee Framework - 2023 – 2024
24	“Staying Put” Allowance and Fee Structure - 2023 – 2024 - Table One
25	“Staying Put” General Allowances – 2023 – 2024
25	Section 23C Payments, Benefit and Universal Credit Issues for “Staying Put” Carers
29	Payment Adjustments/Compensation Table
30	Council Tax, Council Tax Support and Non-Dependent Deductions
30	The Treatment of Benefits and Universal Credit
31	Income Tax and National Insurance Issues for “Staying Put” Arrangements
34	“Staying Put” - Social Care and Regulatory Frameworks
34	Where a Fostered Child/Children are also Living in the “Staying Put” Arrangement, and/or Where a Future Foster Child/Children will be Placed
35	Foster Carers Approved for a Sole Placement and Wanting to Continue Fostering When the “Staying Put” Arrangement Ends
36	Where no Fostered Child/Children are Living in the “Staying Put” Arrangement and no Further Foster Child/Children will be Placed

36	Support for “Staying Put” Carers
36	Recording Information – “Staying Put” Carers
37	Safeguarding and “Staying Put”
37	Minimum Standards and Practical Requirements
38	“Staying Put” Practical Arrangements – Living Together Agreements
39	Conclusion
40	Appendix One – Move-On Arrangements – Planned and Un-Planned Move-On and Evictions
42	Appendix Two - Standard “Staying Put” Arrangement - Housing Costs (Universal Credit) Claim Letter
44	Appendix Three - Standard Benefit Claim Letter - Young Person in “Staying Put”
47	Appendix Four – Authorisation to Disclose Information Form
48	Appendix Five - “Staying Put” Financial Structure and Rates
49	Appendix Six – Foster Carer/“Staying Put” Carer Financial Allowances Statement and Checklist
50	Appendix Seven – “Staying Put” - Young Person Task Checklist
51	Appendix Eight – “Staying Put” - Living Together Agreement
59	Appendix Nine - “Staying Put” – Professionals/Viability Meeting and Care Panel Meeting Agenda
61	Appendix Ten - Independent Fostering Agency “Staying Put” Arrangements

Introduction

The Care Matters White Paper contained a significant focus on improving the support for children preparing for adulthood, including a pilot programme enabling young people to remain with their foster carers beyond the age of 18.

To meet the commitments in the White Paper and the duties towards care leavers in the Children and Young Persons Act 2008, the Care Planning, Placement and Case Review Regulations and Guidance 2010 (revised 2015 & 2021) and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015 & 2022) an emphasis was placed on a more gradual approach to planning transition to adulthood. The average age of leaving home is rising and the transition to adulthood is increasingly becoming more complex and elongated.

The “Staying Put” policy framework requires local authorities to set out local protocols and procedures for extending foster placements as “Staying Put” arrangements to support children/young people’s transition to adulthood within a family and household supported environment. The intention being to ensure 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.

The implementation of Section 98 of the Children and Families Act 2014 in May 2014 set out a specific duty on local authorities to enable and support “Staying Put” arrangements.

Wandsworth Council is committed to preventing social exclusion amongst care leavers and has developed the following “Staying Put” policy in order to ensure that young people can continue to live with their former foster carers after their 18th birthday and make the transition to independent living at a pace that suits their needs.

The policy sets out:

1. The process for extending a foster care placement beyond a young person’s 18th birthday into a “Staying Put” arrangement;
2. The financial requirements and benefit issues for young people;
3. The financial rates and payment implications for foster carers and “Staying Put” carers;
4. The welfare benefit issues for foster carers and “Staying Put” carers;
5. The income tax and national insurance implications and issues for foster carers and “Staying Put” carers;
6. The social care requirements and practical issues associated with extending fostering arrangements as “Staying Put” arrangements.

This “Staying Put” policy has been developed to address the requirements of the:

- Children and Families Act 2014;
- Care Planning, Placement and Case Review (England) Regulations and Guidance 2010 (revised 2015 & 2021);
- Planning Transition to Adulthood for Care Leavers (England) Regulations and Guidance 2010, (revised 2015 & 2022);
- Fostering Service (England) Regulations 2011 and related Guidance, (revised 2013);
- National Minimum Standards (NMS) for Fostering Services (2011).

Chapter 7, Para 7.19 to 7.59 - Page 63 to 69 of the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015) and Chapter 3, Para 3.125, Page 34 of the Fostering Service (England) Regulations 2011 (revised 2013) set out a requirement that each local authority has a “Staying Put” Policy and Standard 12.4, Page 26 of the National Minimum Standards sets out the service standard relating to the local authorities’ “Staying Put” Policy.

“Staying Put” Definitions

Department for Education Definitions

The term “Staying Put” is used to define the following arrangements where:

1. A young person who was looked after immediately prior to their 18th birthday (as an eligible child) continues to reside with their former foster carer/s;
2. The carer/s were acting as foster carers to the child immediately prior to the young person’s 18th birthday (that is, the carers were approved as foster carers in accordance with the Fostering Service (England) Regulations 2011 (amended July 2013) and the child had been placed with them by the local authority, or via an Independent Fostering Agency);
3. A 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 18;
4. The “Staying Put” arrangement is set out in the young person’s Pathway Plan;
5. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989;
6. The “Staying Put” arrangement will extend until:
 - A. the young person first leaves the “Staying Put” arrangement;

or

B. the young person reaches their 21st birthday, if continuously, and still living in the arrangement (see pages 9 to 12 for situations where a young person leaves “Staying Put” to attend University or Residential Further Education and wishes to return in the vacations);

or

C. the young person completes the agreed programme of education or training being undertaken on their 21st birthday, if continuously living in the arrangement since their 18th birthday.

Department for Work and Pensions Definitions

The specific DWP legislation covering “Staying Put” arrangements highlights that (1) where a young person continues to reside with their former foster carer after their 18th birthday, and (2) where the child was looked after immediately prior to their 18th birthday, and (3) where the payments are made by the local authority to the carer under section 23C of the Children Act 1989, the payments are disregarded in calculating the carers entitlement to means tested benefits (young person must be residing in the “Staying Put” arrangement).

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/Universal Credit [and/or a contribution towards meals/food and services/utilities]) the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim (if they are in receipt of a legacy benefit). For guidance on how this is addressed within Wandsworth see pages 25 to 28.

Additionally, 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, should the young person return to their former foster/“Staying Put” carer or, move to another carer after their 18th birthday (in situations where a “Staying Put” carer is receiving a legacy benefit).

As meals are provided in “Staying Put” arrangements, the framework used to assess the impact of the rent payments on the “Staying Put” carers are the income from a ‘Boarder’ rules. Under legacy benefits an element of the rent payment is disregarded, under Universal Credit all income from a ‘Boarder’ is disregarded.

HM Revenue and Customs Definitions

The term “Staying Put” (HMRC) is used to define arrangements where:

1. A young person was looked after immediately prior to their 18th birthday;
2. The young person has a Pathway Plan;

3. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority;
4. “Staying Put” arrangements can extend until:
 - the young person reaches their 21st birthday;or
 - the young person completes the agreed programme of education or training being undertaken on their 21st birthday.

Definitions Overview

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 within the United Kingdom, this has not been wholly possible.

Wandsworth - “Staying Put” Scheme

The primary aim of “Staying Put” is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care often experience delayed maturity, and that their 18th birthday is likely to be an inappropriate point to leave a familial and foster care household. Therefore, the Wandsworth “Staying Put” scheme is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted and that all young people can make a gradual transition from care to independence or to an Adult Service.

The Wandsworth “Staying Put” scheme has been designed to ensure that young people, foster carers, and “Staying Put” carers are provided with information, practical support and financial support to enable young people to make a successful transition to adulthood.

The Wandsworth “Staying Put” Scheme enables a foster care placement to be extended from the young person’s 18 birthday as a “Staying Put” arrangement until:

1. he or she leaves the “Staying Put” arrangement if before the age of 21;
2. he or she reaches the age of 21;
3. he or she completes the agreed programme of education/training being undertaken on his or her 21st birthday.

The information provided in this document sets out:

1. The process of setting up a “Staying Put” arrangement;
2. The payment rates applied to Wandsworth Council “Staying Put” carers;

3. The welfare benefit/Universal Credit and tax rules that apply to “Staying Put” carers;
4. The welfare benefit/Universal Credit rules that apply to “Staying Put” young people;
5. The practical arrangements that apply to young people in “Staying Put”;

and

6. Provides a set of templates (appendices) that should be used by “Staying Put” carers, young people and staff when establishing a “Staying Put” arrangement.

Whilst this document provides a set of standards that apply to Wandsworth Council “Staying Put” carers, it is expected that Independent Foster Care Agencies would have similar standards. IFA “Staying Put” policies will be monitored via the Commissioning Team and Placements Team and should set out how the IFA applies the requirements of the “Staying Put” framework to its own carers.

The Wandsworth “Staying Put” Scheme Payments:

- **Wandsworth “Staying Put” Finance Framework** - A foster care placement can be extended from the young person’s 18th birthday as a “Staying Put” arrangement for all young people; during this period the “Staying Put” carers Fostering Maintenance Allowance (£286.70 per week) and their Skills Fee (£228.30 per week), will continue (total £515.00 per week), minus £67.20 (pocket money, clothing allowance and a personal element – 2023-2024). The “Staying Put” carer is no longer expected to provide the above level of allowances to the young person, as they are required to cover these items/needs (and this amount £67.20) from their earnings from employment, or by claiming a means tested benefit/Universal Credit. In addition, the young person is expected to pay rent (£116.50 per week), (either from earnings or the housing element of Universal Credit or a combination of both) and a contribution towards food and utilities of (£15.00 per week), both of which should be paid directly to their Staying Put carer.
- The payment rate/approach will apply until a) the young person first leaves the “Staying Put” arrangement, b) the young person reaches age 21, c) the young person completes the agreed programme of education being undertaken on their 21st birthday (£15.00 personal element covered by the young person and the rent element covered by the young person during term time and by the local authority during the vacation period).

The Fostering Maintenance Allowance reduction of £67.20 (and the rent contribution and food contribution reduction) is applied five weeks after the young person’s 18th birthday and when the Universal Credit personal and housing costs allowance is in payment. whilst the young person is awaiting their first Universal Credit payment, the pocket money, clothing allowance and personal element should continue to be paid during the five-week transition period (by the foster carer, the adjustments to the fostering payments will not take effect until five weeks after the young person’s 18th birthday). The young person should receive their first Universal Credit payment after five weeks. The housing costs – Housing Element of Universal Credit should be

paid directly to the “Staying Put” carer, the first payment should be received five weeks after the young person’s 18th birthday. As such the final and balancing payment of housing costs will be received by the “Staying Put” carer at the end of the “Staying Put” arrangement. In addition, the young person should pay their £15.00 per week food and utilities contribution directly to their “Staying Put” carer.

Where a young person has a disability that meets the Care Act 2014 ‘Eligibility Criteria’; the foster care placement should be converted to a Shared Lives/Adult Placement arrangement by the young person’s 18th birthday. “Staying Put” arrangements for a disabled young person are therefore a temporary and interim arrangement and will continue until the foster/“Staying Put” carers are approved as Shared Lives/Adult Placement carers. “Staying Put” carers for disabled young people, who meet the Care Act 2014 ‘Eligibility Criteria’, will continue to be paid the same Fostering Maintenance Allowance (minus £67.20) and the same level Skills Fee that they were paid when the young person was aged 17 (as above).

From the young person’s 18th birthday, young people with additional needs are expected to claim Universal Credit on limited capability for work grounds (if not claimed at age 16) which should be used to cover items previously provided by the foster carer (pocket money, clothing, and personal element) and also pay rent/claim the housing element of Universal Credit and make a small contribution towards food/meals and services/utilities (£116.50 and 15.00 per week).

“Staying Put” - University and Residential Further Education & University and Residential Further Education -Vacation Arrangements

- Where a young person remains in “Staying Put” whilst attending university/further education the “Staying Put” arrangement can extend until the young person completes the university course being undertaken on their young person’s 21st birthday. The above expectations and principles continue to apply with the exception that the rent element will be paid from their Student England Finance and University Bursary Package or Residential Further Education Package during the term-time and from their Wandsworth Education Allowance & Bursary in the vacation;
- Where a young person leaves a “Staying Put” arrangement to attend university or a residential further education course and would like to return to a “Staying Put” household during the vacations, this should be assessed on an individual basis and by using the “Staying Put” weekly payment rates and the guidance set out below. Prior to initially leaving the “Staying Put” arrangement, the principles, and requirements regarding returning in the vacation should be set out in the young person’s pathway plan and living together agreement. The arrangements for returning during the vacation will need to consider the following points and the guidance set out in the subsequent section:

“Staying Put” - University and Residential Further Education & University Vacation and Residential Further Education Vacation - Planning Requirements and Arrangements

- The following information provides guidance on the preparations required should a young person remain in a “Staying Put” arrangement whilst attending university, or where a young person wishes to return to a “Staying Put” arrangement at weekends or during the vacations whilst attending university:
- Where a young person leaves a “Staying Put” arrangement to attend university and would like to return to a “Staying Put” household during vacations, the following guidance applies:
 - I. All arrangements must be organised and agreed at least two months prior to the young person commencing the university / residential further education course and first leaving the “Staying Put” arrangement;
 - II. All arrangements must be agreed and set out in the young person’s pathway plan;
 - III. All final arrangements and detailed plans must be made at least two months ahead of the vacation return i.e. (1, mid-October; 2, mid-February; 3, mid-April/May).
 - IV. The following parties must be in agreement to the young person returning to the “Staying Put” arrangement in the vacation; young person, “Staying Put”/foster carer, leaving care personal adviser, fostering supervising social worker and the social worker for any foster child living in the household.
 - V. Wandsworth Children’s Services can only contribute to and/or fund one accommodation arrangement when a young person attends university, either 1) “Staying Put”, or 2) University / Residential Further Education Accommodation, or 3) Private Sector Accommodation, or 4) Social Sector Accommodation, this includes the vacation period. It is therefore vital that plans are made well in advance and are explored as part of the application process.
 - VI. Where Wandsworth Children’s Services is contributing to, or funding University Accommodation, Private Sector Accommodation and a young person wishes to return to a former “Staying Put” arrangement (weekends/vacations) the young person will need to agree any contributions with the carer. If foster children are living in the former “Staying Put” arrangement the young person will need an up-to-date DBS check and visitor arrangements (safer caring plans) will need to be in place.
 - VII. Wandsworth Children’s Services is unable to provide retainers to carers for the following reasons:
 - i. Retainers and any payment that is provided where there are no children/young people in placement (fostering and “Staying Put”) are counted as income by the DWP when calculating entitlement to means tested benefits and will result in the majority of any means tested benefit being stopped or reduced by the

level of the retainer (legacy benefits), under Universal Credit rules there is an eight week 'run-on' period before the retainer will be taken into account in calculating entitlement. As such, it would not be equitable to provide retainers to carers who are not in receipt of means tested benefits/Universal Credit where a retainer would not have any impact. And then not provide retainers to carers who are in receipt of a means tested benefit/Universal Credit (as such retainers are not provided);

- ii. Whilst a young person may intend to return to a "Staying Put" arrangement in the vacations, their circumstances may change and that of the carers may also change and therefore either party may decide that it is not appropriate for the young person to return, in such circumstances an overpayment would result.
- iii. It should be noted that all universities offer 52 week accommodation to care leavers as part of their 'Fair Access Offer', this does need to be organised in advance.

- VIII. The arrangements for returning during the vacation will need to consider the following points. The number of rooms the carer has available, any commitments to foster children in the household, the needs of the young person returning in the vacations to have a DBS check, the allowance to be paid to the carer.
- IX. Where it is decided that it is appropriate for a young person to return in the vacations and at other times, the following expectations apply. Where carers remain registered as foster carers all young people who return to a foster placement will require a DBS check and where necessary a risk assessment. Consideration will also need to be given to the impact of the returning young person on any foster child in placement. This will be particularly important where a child has been placed since the young person commenced university/residential further education, as such the social worker for the placed child should be consulted.
- X. Young people who return to previous "Staying Put" arrangements for weekends and/or periods of 6 days or less should cover any costs from their Student England Finance Loans, University Bursaries/Residential Further Education Funds and Wandsworth Higher Education Bursary and should agree these with their carer.
- XI. Where a young person returns to a "Staying Put" arrangement for a period of 6 days or less and then, due to a specific requirement, needs to remain for longer than 6 days, payment can only be initiated following a pathway planning meeting (see section IV for those who should attend the meeting) to endorse the "Staying Put" arrangement. Where agreement is given, payment can be backdated to the initial date that the young person returned.
- XII. Where a "Staying Put" carer has a spare room that the young person can use during the Christmas, Easter or summer vacation, their stay is intended to be over 6 days,

the arrangement is agreed in advance and set out the pathway plan the rate paid would be the “Staying Put” rate as set out above.

- XIII. Agreement to the “Staying Put” arrangement would also be dependent on the young person’s DBS check, risk assessment and the needs of any foster children in placement.
- XIV. The young person is responsible for paying the rent element of £116.50 per week (young person during term time and Wandsworth during the vacations) (and the £15.00 per week food/meals and utilities/services contribution) from their Student Finance Loans, University Bursaries, Residential Further Education Package and Wandsworth Higher Education Allowances and Bursary. This should be paid directly to their “Staying Put” carer.
- XV. Where a “Staying Put”/foster carer does not have a spare room that the young person can have sole use of during the Christmas, Easter, or summer vacation the following principles apply. As above, the young person will require a current DBS check and risk assessment in terms of the impact of the returning young person (adult in foster care household) on any foster children in the household, particularly children/young people who have been placed since the young person left to attend university/residential further education. Consideration of the accommodation that the young person can use, if the young person is staying in the living room, office or other room, an assessment will be required regarding the suitability of this arrangement and if it will have a negative impact on the foster children in the household. The supervising social worker for the foster carer will need to liaise with the social worker/s of the foster children in the household regarding the assessment and risk assessment.
- XVI. Should it be agreed that the young person can stay within the household over the vacation periods, a contribution to food and utilities should be made by the young person. The suggested contribution is £45.00 per week; this amount has been set to align with the rate used for all other “Staying Put” arrangements (100% food rate and 50% utility rate). If the young person does not have the sole use of their own room, a rent charge should not be applied. The payment should be made directly to the carer. The arrangement will need to be organised well in advance of the young person’s return and should be set out in their pathway plan.
- XVII. All arrangements must be agreed as far as possible in advance and should be set out in the young person’s pathway plan and the living together agreement.

Forces Arrangements

1. Where a young person leaves a “Staying Put” arrangement to undertake military forces induction and would like to return to a “Staying Put” household during leave/vacations, this

should be organised based on the guidance set out above. DBS checks, risk assessments and payment arrangements – over/under 6 days, room availability and advanced planning.

Asylum Seeker Arrangements

1. Asylum seeking young people (aged 18 and above) with no recourse to public funds can access “Staying Put” in the same manner as young people who have a positive asylum decision or, who are British Citizens. Reference should be made to the Immigration Act 2016 and Nationality and Borders Act 2022 given that the Acts (when the guidance is issued) is likely to remove an entitlement to “Staying Put” to certain groups of failed asylum-seeking care leavers.

“Staying Put” Frameworks

All Wandsworth “Staying Put” arrangements come within the DfE, DWP and HMRC “Staying Put” definitional criteria. In situations where a young person leaves the “Staying Put” arrangement and returns in the vacations/forces training period, these arrangements are excluded from the DWP definition and therefore a Section 23C disregard does not apply to any element of the payment (legacy benefit claims), for more detail see page 36.

Terminology

From the age of 18 young people are no longer legally ‘in care’ or ‘looked after’ and therefore fostering arrangements and legislation relating to children placed with foster carers no longer applies. In circumstances where a young person remains with their former foster carer/s after their 18th birthday, the arrangement should therefore be deemed an ‘age eighteen and older arrangement’ or “Staying Put” arrangement. 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 18 and legal adulthood, the local authority is no longer making a placement, but facilitating a “Staying Put” arrangement for the young person.

Changing Status - Foster Care Placement to “Staying Put” Arrangement

Following a young person’s 18th birthday, the legal basis on which they occupy the property (former foster care home) changes and they become an ‘excluded licensee’ who is affectively lodging in the “Staying Put” carer/s home. Whilst the term ‘excluded licensee’ is a legal one, it 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.

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 to ensure that both young people and their 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.

An excluded licensee can be asked to leave the property by the “Staying Put” carer, who must give ‘reasonable notice’ (wherever possible 28 days). In extreme circumstances it may be considered reasonable for the “Staying Put” carer to give very short notice and ask the young person to leave on the same day. In such circumstances Wandsworth Children’s Services will provide short term emergency accommodation (2-3 days) whilst an appropriate accommodation pathway is identified.

In situations where a young person meets the Care Act 2014 ‘Eligibility Criteria’ for an adult service, the foster care placement should be converted to a shared lives placement by the young person’s 18th birthday. Where a young person is deemed to meet an adult service criterion, it is important that their primary case worker and the young person’s placement are regulated within the adult service frameworks. “Staying Put” should only be used in exceptional circumstances when a transfer to a shared lives arrangement has not been achieved by the young person’s 18th birthday.

Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement

The Long Term Fostering Plan (initial Fostering Permanence Plan) and/or the Leaving Care Assessment of Need begun at the age of 15¾ should identify the timescale required for young people to move to independence and should be used as the framework for beginning to explore “Staying Put” and the following questions and issues:

1. Is it likely that the young person would benefit from a “Staying Put” arrangement when they reach their 18th birthday;
2. Is the young person and their foster carer/s in agreement to a “Staying Put” arrangement;
3. Does the young person and their foster carer/s understand the procedures and requirements for extending a foster care placement into a “Staying Put” arrangement;
4. Does the young person understand their financial and benefit responsibilities associated with remaining in a “Staying Put” arrangement;
5. Does the foster carer/s understand the changes in their funding arrangements associated with a “Staying Put” arrangement;
6. Does the foster carer/s understand the impact of a “Staying Put” arrangement on their welfare benefit income and on their Income Tax and National Insurance responsibilities and liabilities;
7. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable;

8. Does the foster carer/s understand that they need to inform their mortgage provider/landlord and their household/buildings insurer that the foster child has become a “Staying Put” adult;
9. What is the preparation for independence tasks, goals and targets to be achieved during the last two years of foster care and when the placement becomes a “Staying Put” arrangement;
10. If the young person is considering attending university/residential further education does the young person and young person understand the “Staying Put” options available to them;
11. What is the plan for converting the “Staying Put” arrangement into an Adult Placement (Shared Lives) where the young person has a disability and meets the Care Act 2014 ‘Eligibility Criteria’.

To ensure sufficient time is available to make the necessary planning arrangements for extending a placement beyond a young person’s 18th birthday, a “Staying Put” professionals/viability meeting should take place as part of the leaving care planning process for the young person and their Leaving Care Assessment of Need (Pathway Plan Part 1), this meeting should take place immediately prior to the young person’s 16th birthday.

The “Staying Put” professionals/viability meeting should include the foster carer/s, the foster carer/s supervising social worker and the young person’s social worker and should establish the viability and likelihood of a “Staying Put” arrangement occurring. The meeting should identify all tasks that are required to extending the fostering placement into a “Staying Put” arrangement and apportion tasks, roles, and responsibilities. The meeting should also explore the impact on the foster carers’ financial circumstances should the placement/arrangement continue after the young person’s 18th birthday. The meeting and pre-meeting process should follow the three-step sequence as set out below:

1. Young person’s social worker and the foster carers supervising social worker to discuss ‘Staying Put’ issues with the foster carer.
2. Young person’s social worker to discuss “Staying Put” issues with the young person.
3. Following separate discussions with the young person and foster carer, and when “Staying Put” by the two parties (and the local authority [Wandsworth Children’s Services]) is agreed in principle, formal and joint planning begins.

Note:

Young people should not be included in the initial meeting and planning process and should only be included after their foster carer/s have confirmed that they are able to retain the young person under a “Staying Put” arrangement once the young person reaches the age of 18 (in principle). This is required to ensure the stability of the placement and to avoid unsettling the young person should the foster carers be unable to provide a “Staying Put” arrangement.

The responsibility for co-ordinating the initial “Staying Put” professionals meeting, rests with the young person’s social worker. The Independent Reviewing Officer will prompt the commencement of the “Staying Put” planning process at the statutory review immediately prior the young person reaching the age of 15½.

The outcome of the meeting should be presented at the statutory review immediately following the young person’s 16th birthday.

- A request for “Staying Put” (‘in principle’) should be presented to the Care Panel when the young person reaches the age of 16½ (for monitoring purposes and inclusion on the “Staying Put” Register/Monitor). The “Staying Put” professionals meeting should be repeated when the young person reaches the age of 17¼ - 17½ and should ensure that any final arrangements and requirements are in place by the young person’s 18th birthday.
- The outcome of all meetings should be discussed at the young person’s subsequent statutory reviews and the decision ratified by their Independent Reviewing Officer. The outcome of the age 17¼ - 17½ meeting and the decision of the subsequent Statutory Review should then form the basis of the report presented to the Care Panel, when the young person reaches the age of 17½ - 17¾, who are responsible for any decision regarding extending a fostering placement into a “Staying Put” arrangement. See appendix nine for meeting agenda.

All meetings should also make reference to the rationale for the “Staying Put” arrangement, the practical requirements associated with “Staying Put” and the National Insurance, Income Tax and Welfare Benefits/Universal Credit issues for the foster carer/s/“Staying Put” carer/s and the Welfare Benefit/Universal Credit issues for the young person. This information should form the basis of the brief report presented to the Wandsworth Care Panel.

The timing of the meetings and the request for “Staying Put” should take account of what is taking place for the young person (exams, events etc) and should avoid creating additional tensions, as such the professionals/viability meeting timings should be used as a guide, but should not be delayed.

All requests for extending a fostering placement (including Independent Fostering Agency “Staying Put” arrangements) after a young person’s 18th birthday must be presented to the Wandsworth Care Panel who will ratify the plan.

- The formal request for “Staying Put” should be presented when the young person reaches the age of 17½ - 17¾.
- The final arrangements should be confirmed at the review meeting to be held around the age of 17½.
- The request/case should be returned to the leaving care team manager and fostering team manager when the young person reaches the age of 18¼ to clarify and monitor that all tasks have been completed.

- The responsibility for the young person's Universal Credit and housing costs claim rests with the young person's leaving care personal adviser. The supervising social worker is responsible for ensuring the foster carer/"Staying Put" carer completes the "Staying Put" License Agreement and the necessary elements of the housing costs claim (housing element of Universal Credit).

All reports presented to the Wandsworth Care Panel should set out the tasks, and roles and responsibilities of all involved in the "Staying Put" arrangement, i.e., "Staying Put" carer, Supervising Social Worker, Young Person's Social Worker and Young Person's Leaving Care Personal Adviser.

The manager of the leaving care team and the manager of the fostering team are responsible for monitoring "Staying Put" arrangements once the young person reaches the age of 18¼ and whilst they remain in a "Staying Put" arrangement.

Information to be Presented to the Wandsworth Care Panel

The following information should be presented to the Wandsworth Care Panel when the child reaches the age of 17½ - 17¾ setting out the background, purpose and aims of the "Staying Put" arrangement and any milestones, targets and outcomes.

- The overall purpose and aims should be set out in the young person's Pathway Plan and the day to day arrangements for supporting the young person should be set out in their Living Together Agreement, which is an extension of the Placement Plan and 'Delegated Authority' principles.
- Information on tasks, roles and responsibilities should include:
 - Arrangements for supporting the young person to claim any benefits they are entitled to and who will assist them with this task;
 - Arrangements for supporting and promoting education and training;
 - Transition arrangements to an Adult Service and a Shared Lives Scheme;
 - The anticipated length of the "Staying Put" arrangement and the anticipated move-on arrangements;
 - What preparation for independence tasks are to be undertaken and what improved life skills are anticipated by extending foster care as a "Staying Put" arrangement (using the Life Skills, Home Skills and Preparation for Independence Workbook);
 - What are the safeguarding arrangements for the young person, any foster children in placement and the children of the foster carers, has a DBS check been started or completed, is it anticipated that a risk assessment will be required;

- What are the arrangements for visitors and regular visitors of the “Staying Put” young person and their possible contact with, or impact on foster children, are the arrangements covered by the delegated authority/safer caring plan;
- Where a young person is “Staying Put” in an arrangement outside of the Wandsworth area what will happen if they return to Wandsworth or move to the private sector where they live;
- What are the arrangements where the young person wants to remain in the “Staying Put” arrangement to attend university/or return during the vacations.
- Any specific vulnerabilities and needs of the young person;
- Information should include the views of the foster carer, young person and IRO and any specific financial issues related to the carer.

Financial Requirements, Universal Credit and Personal Benefits for Young People

Young people remaining in a “Staying Put” arrangement are expected to be in employment and have earnings or claim Universal Credit for their personal needs from their 18th birthday (from the age of 16, if responsible for a child or claiming on the basis of having limited capability for work). These earnings or Universal Credit replaces the A) Pocket Money, B) Clothing Allowance and C) Personal Element previously contained in the foster carers – Fostering Maintenance Allowance.

All of the following benefits/Universal Credit payments and allowances (1 to 8 below) do not have any impact on the “Staying Put” carer’s welfare benefits/Universal Credit, should they be claiming a means tested benefit/Universal Credit. Young people commencing Higher Education courses at any age are not eligible to claim means tested benefits/Universal Credit, except for certain lone parents and certain sick and disabled young people (limited capability for work).

Any payment from a ‘Boarder’ arrangement does not impact on a “Staying Put” carer who is in receipt of Universal Credit.

Pocket money, clothing allowance and the personal element allowance will continue to be paid for 5 weeks after the young person’s 18th birthday to allow them enough time to establish their Universal Credit claim.

1. Disabled young people (those deemed to have limited capability for work) are able to claim Universal Credit from their 18th birthday therefore the pocket money, clothing and personal allowance element of £67.20 (2023-2024) will cease to be paid (from the Fostering Maintenance Allowance) to the foster carer. From the young person’s 18th birthday and for the first five weeks of their claim, Children’s Services will continue to provide the pocket money, clothing and personal allowance whilst a young person awaits their initial Universal Credit – personal and housing costs payment (in certain

circumstances Universal Credit personal costs on limited capability for work grounds) can be claimed from the young person's 16th birthday.

2. Disabled young people can claim Disability Living Allowance (DLA) (if under 16) or a Personal Independence Payment (PIP) (if 16 or over and not already claiming DLA). This is a non-means tested benefit and therefore has no impact on other benefits or the contribution that the young person or the local authority makes towards their rent. If the disability benefit is claimed (DLA/PIP), the "Staying Put" carer may be able to claim Carer's Allowance. The claim for Carer's Allowance will be reassessed at the point the young person reaches the age of 18.
3. Lone Parents aged 18 can claim Universal Credit, Healthy Start Vouchers and a Sure Start Maternity Grant, from 11 weeks before their due birth date. The Sure Start Maternity Grant is only provided once for the oldest or first child. From the birth of their baby, they will also be eligible to claim Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above allowances/benefits/Universal Credit, but only from the birth of their baby, with the exception of the housing element of Universal Credit, which cannot be claimed until they reach age 18). (Approximately £155.00 in total per week – 2023-2024). Lone parents are exempt from the Universal Credit work search and availability requirements until the child reaches their 3rd birthday.
4. Young people can claim Universal Credit under the 'Relevant Education' rules if they are 'without parental support' (estranged) from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher education level. Young people can claim Universal Credit at any point prior to their 21st birthday and will continue to receive a payment until the end of the academic year following their 21st birthday, i.e., generally until July following their 21st birthday.
5. Young people undertaking full time education or training courses may also be eligible to claim the 16-19 year old Bursary, care leavers have an automatic and priority entitlement – see www.gov.uk/1619-bursary-fund.
6. Care leavers aged 16 to 24 who are undertaking an apprenticeship are entitled to a one-off 'Apprenticeship Bursary' of £1000.00 (£3000.00 from August 2023) paid via the apprenticeship provider to assist with costs associated with undertaking the apprenticeship. – see www.gov.uk/government/news/new-support-for-young-care-leavers-starting-an-apprenticeship
7. A disabled young person in education who gets both Universal Credit or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see www.gov.uk/1619-bursary-fund.
8. Universal Credit can be claimed where young people are registered as unemployed and are actively seeking employment. (£67.20 – per week 2023-2024). The Universal Credit payment is per calendar month (£292.11) – which is the equivalent of £67.20 per week.

9. The capital limit for means tested benefits (Universal Credit and legacy benefits) is normally £16,000, with savings over £6,000 meaning a reduction in Universal Credit/legacy benefits. However, money held in a trust fund (including Court of Protection) arising from personal injury (e.g., Criminal Injury Compensation Awards) does not count as capital. Criminal Injuries Compensation Awards are only disregarded for the first 52 weeks following receipt of the award.

Universal Credit – Young People

Since January 2019 all new claims (with very limited exceptions) for means tested benefits are for Universal Credit. Between 2021 and 2023 there will be a transitional phase whereby existing claimants of legacy benefits will be migrated to Universal Credit when their circumstances change or at a transfer point chosen by the DWP.

Under Universal Credit, the majority of eligibility and conditionality rules that apply to existing care leaver legacy benefit claims will transfer to Universal Credit.

1. Under Universal Credit claimants will receive a single (monthly) payment covering both their housing needs (housing element) and personal needs (personal element).
2. Claimants will receive their first payment after five weeks (as long as they have complied with all Universal Credit requirements and submitted the appropriate documentation within timescale).
3. Care Leavers are deemed to be a vulnerable group within Universal Credit and as such can request an Alternative Payment Arrangement (APA) / Managed Payment (MP). As a 'Tier One' APA group, care leavers can request the housing element of the Universal Credit payment is made to their landlord or Children's Services as an agent of their landlord. The APA should be requested at the 'Claimant Commitment Interview'. Care leavers should be supported to do this to ensure the rent element of the "Staying Put" arrangement is paid directly to their "Staying Put" carer (with a £116.50 reduction applied to the payment to the carer from five weeks after the young person's 18th birthday).

Liability for Rent

All young people living in a "Staying Put" arrangement in Wandsworth have a liability for rent of £116.50 per week which is set on a commercial basis. Young people are expected to pay the rent of £116.50 per week from their earnings or Universal Credit (housing element), or a combination of both. Where young people are attending University they remain liable for the rent during term time, during the vacation period Wandsworth will cover the rent.

The rent liability of £116.50 is set as an indicative rate; because of rent variations by geographical area and as the level of the housing element of Universal Credit is assessed using the 1996 Housing Benefit rules by the local rent officer's assessment, the actual amount of the housing element of Universal Credit payable may therefore vary. The figure set by the local rent officer will be the figure used. Therefore, the young person may receive less or more than

£116.50 depending on the local assessed figure. The overall payment to the “Staying Put” carer will remain the same, the percentage of the rent element may therefore vary.

The level of the rent liability for young people living outside of the Wandsworth area will be set based on the local market rents and the prevailing Local Housing Allowance shared room rates. The liability for rent is set out in the young person’s licence agreement see:

- Appendix Two - Standard “Staying Put” Arrangement - Housing Costs (Housing Element of Universal Credit) Claim Letter - Licence to Occupy – Licence Agreement.

Failure of the young person to pay rent from their earnings and/or via a claim for the housing element of Universal Credit may result in a young person being required to leave the “Staying Put” arrangement (i.e., being evicted). See appendix one for non-payment of rent issues.

Rent Liability and Rent Payments

The weekly rent of £116.50 is the responsibility of the young person, this should be paid directly to the “Staying Put” carer, either from earnings or the housing element of Universal Credit (or a combination). Where young people are claiming Universal Credit the housing costs element should be paid directly to the “Staying Put” carer through an Alternative Payment Arrangement (APA), young people will need to request an APA via a UC47 on-line form. The £116.50 rent forms an element of the overall “Staying Put” rate and allowance and is the responsibility of the young person. The Housing Element of Universal Credit is paid in arrears and the first payment should arrive with the “Staying Put” carer five weeks after the young person’s 18th birthday (the Housing Element and/or rent should always be paid directly to the “Staying Put” carer). The rent (£116.50 per week) and the meals/food & utilities/service contribution from the young person (£15.00 per week) element is a non-Section 23C payment; the remainder of the allowance from Wandsworth is counted as a Section 23C payment (legacy benefit issue).

Housing Costs for Young People

1. All young people are expected to pay rent of £116.50 per week, from their 18th birthday, either from earnings or the housing element of Universal Credit or a combination of both. The rent/housing element of Universal Credit should be paid directly to the “Staying Put” carer and is used to cover the rent/accommodation element of the “Staying Put” arrangement.
2. Young people living in kinship “Staying Put” placements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim Universal Credit – housing costs element on reaching the age of 18. In situations where a young person is not eligible to claim Universal Credit – housing costs, Wandsworth Children’s Services will pay the rent/accommodation element (or the Universal Credit housing costs portion) of the “Staying Put” arrangement (subject to a claim having been rejected). The claim for Universal Credit – housing costs should be made, based on the fact that the carer is a former foster carer/“Staying Put” carer rather

than being a relative. Young people who are working remain liable for rent; Wandsworth Children's Services will assess the young person's contribution based on the Universal Credit – housing costs rules and would only pay the Universal Credit – housing costs contribution/element.

3. The rent level in Wandsworth for 2023-2024 is £116.50 per week.

From the age of 18 young people can claim help from Universal Credit towards their rent (housing element of Universal Credit) where there is a liability to pay rent on a commercial basis (regardless of the "Staying Put" carers .

Where meals are provided within the "Staying Put" arrangement, the method used to calculate the level of Universal Credit – housing cost element is the 1996 Housing Benefit maximum rent rules relating to 'Boarder' arrangements.

Young People can claim Universal Credit – housing costs in situations where their "Staying Put" carer/s are in receipt of Housing Benefit or the housing element of Universal Credit themselves. However, where carers are in receipt of legacy benefits themselves, the non-section 23C element of the overall allowance will be counted as income from the "Staying Put" arrangement; this non-section 23C element (rent and the £15.00 food and utility/services contribution [both paid directly to the "Staying Put" carer] will be treated as income from a 'Boarder'. Section 23C money is the element of the payment paid from the local authority fostering service; the non-section 23C portion is all the other elements.

See section – 'Section 23C Payments and Benefit/Universal Credit Issues for "Staying Put" Carers'.

Payments from 'Boarder' arrangements are fully disregarded as income under Universal Credit.

Note: Legacy Benefit Issues - rent and housing costs for new "Staying Put" arrangement come with in the housing element of Universal Credit framework.

In circumstances where Housing Benefit is based on the maximum rent rules, it is possible to request a Pre-Tenancy Determination in advance of the Housing Benefit claim being submitted, in order to determine the level of Housing Benefit that will be paid on a given property. Pre-Tenancy Determinations are carried out by the Local Rent Officer.

Where Housing Benefit is paid under the 1996 Housing Benefit rules Children's Services "Staying Put" Schemes can request that the Housing Benefit payments are paid directly to the landlord, similarly, under Universal Credit, the claimant can request that the housing element of Universal Credit is paid directly to the landlord under an APA arrangement.

As fostering regulations cease when a child reaches the age of 18 the primary framework governing these arrangements is tenure law. Young people are deemed excluded occupiers on a licence.

The standard housing costs (housing element of Universal Credit) claim letter/licence agreement (Appendix Two) should be issued and signed by the “Staying Put” carer and young person as evidence of the young person’s liability to pay rent and is used as the licence agreement in circumstances where a young person is expected to claim the housing element of Universal Credit. The letter sets out the full costs of the arrangement broken down into:

- Rent;
- Support;
- Utilities/Services;
- Meals/Food.

The rent liability for young people living in a “Staying Put” arrangement in Wandsworth is £116.50 per week, excluding food/meals, services/utilities, and support. The £116.50 rent figure is based on the Local Housing Allowance rate for a room in a shared house.

NOTE: (LEGACY BENEFITS):

In circumstances where a young person pays rent (from earnings or the housing element of Universal Credit) and the “Staying Put” carer/s are in receipt of a ‘legacy’ means tested benefit, the young person’s rent contribution (and meals/services contribution) will result in the “Staying Put” carers benefit being reduced. This reduction will be offset by the local authority (Wandsworth) paying an amount equivalent to the level of the legacy benefit reduction as a section 23C compensatory payment.

See Section on - Section 23C Payments and Benefit Issues for “Staying Put” Carers.

Payment Rates to Wandsworth “Staying Put” Carers

Wandsworth “Staying Put” Allowance and Fee Framework - (2023 - 2024)

Wandsworth Children’s Services is committed to ensuring foster carers do not experience a reduction in their income by supporting a former foster child under a “Staying Put” arrangement.

Whilst Wandsworth “Staying Put” carers will receive the same level of income as they did when the child was a foster child, some of the income under the “Staying Put” arrangement will come from the young person in the form of a payment for their rent (£116.50), which may come via Universal Credit (housing costs element) from the Department for Work and Pensions and a contribution towards meals/food and utilities/services (£15.00 per week) also from the young person.

In addition, “Staying Put” carers will have their Fostering Maintenance Allowance reduced by £67.20 (2023-2024) but will no longer be expected to provide this level of financial support to the young person, i.e., once Universal Credit is in payment the pocket money, clothing allowance and personal element provided by the carer ceases.

From their 18th birthday, young people will be expected to use their earnings from employment to replace this amount. Alternatively, from the age of 18 (16 in certain circumstances) young people are eligible to claim a welfare benefit/Universal Credit of £67.20 which will replace the amount previously provided by their carer. From the young person's 18th birthday and for the five-week period whilst waiting for their first Universal Credit payment, the pocket money, clothing allowance and personal element will continue and no payment for rent/food utilities is required.

“Staying Put” Allowance and Fee Structure - 2023 – 2024

Table One

Fostering Maintenance Allowance Rate for 2023-2024 = £286.70 Per Week (16 & 17 Year Olds)	
Fostering Maintenance Allowance	£286.70 (Per Week)
Fostering Allowance becomes the “Staying Put” Allowance - £286.70 Minus – Pocket Money, Clothing Allowance and Personal Allowance = £67.20 (applied 5 weeks after the Y/P's 18 th birthday to give time to set up a Universal Credit Claim)	£67.20 - Minus
“Staying Put” Allowance	£219.50
“Staying Put” Fee	£228.30
Total “Staying Put” Allowance and Fee Payment	£447.80
Personal Support and Guidance - (Cost to the Local Authority)	£316.30
Rent Element - (Young Person's Responsibility)	£116.50
Food and Utilities Contribution - (Young Person's Responsibility)	£15.00
Total Cost to Local Authority	£316.30 per week
Total Cost to Young Person (From Universal Credit and/or Earnings)	£131.50 per week

Allowance and Fee Structure - applied five weeks after the young person's 18th birthday.

£286.30 per week - fostering maintenance allowance - minus £67.20 = 16 & 17 year old pocket money, clothing allowance and a personal allowance (an element of this amount, up to £116.50 per week, will be paid by the young person via rent/housing element of Universal Credit (housing costs element) and a contribution of £15.00 per week towards meals/food and utilities/services) - Maintenance Element **Total Paid £219.50**

£228.30 per week – fostering skills fee **Total Paid £228.30**

Total “Staying Put” Payment **Total Paid £447.80**

The amount set out above is paid for each “Staying Put” young person.

“Staying Put” General Allowances (2023 – 2024)

1. From the young person’s 18th birthday “Staying Put” carers are no longer expected to provide pocket money, a clothing allowance or a personal allowance. Young people are expected to replace these via earnings, education allowances or a means tested benefit/Universal Credit.
2. With the exception of the pocket money, clothing allowance and personal allowance (£116.50 – 2023-2024) “Staying Put” carers will continue to provide the same level of financial support and practical support (and food etc) as they did when the young person was aged 17.
3. Following the young person’s 18th birthday, the level of the birthday and Christmas/festival allowances are set via the Wandsworth Transition to Adulthood (Leaving Care) Finance Policy (the 18th birthday allowance is covered by the fostering policy). Staying Put carers will also be given £10.00 for the 19th and 20th birthday and £50.00 for the 21st birthday to purchase a gift/gifts for the young person. Staying Put carers will also be given £25.00 for each Christmas/festival that the young person is living with them to purchase a gift/gifts. In addition, the young person will receive a Birthday/Christmas/Festival gift from their personal adviser in line with the above rates.
4. From the young person’s 18th birthday, holiday allowances are provided at 50% of the age 17 rate, this is undertaken to promote independence and money management skills. The young person is required to contribute 50% of the holiday allowance.
5. Any additional funding or requirements relating to family time/contact, specific activities, and health needs for individual young people and “Staying Put” arrangements should be agreed from the Wandsworth Transition to Adulthood (Leaving Care) Finance Policy and should be set out in the young person’s pathway plan.
6. From five weeks after the young person’s 18th birthday, a rent charge of £116.50 per week is applied, this can be paid from earnings or the housing element of Universal Credit or via a combination. In addition, young people are also expected to make a £15.00 per week contribution towards the cost of meals/food and utilities/services in order to help them prepare for adulthood and taking responsibility for these costs in the future (these should be paid directly to the young person’s “Staying Put” carer).
7. In situations where young people are working, and do not claim a means tested personal benefit/Universal Credit they will be expected to use their earnings to replace the pocket money allowance, clothing allowance and personal allowance element and pay rent. Earnings over £72.20 per week (2023-2024) will result in a reduction of housing benefit which will need to be made up by a contribution by the young person (legacy benefits). Where young people are claiming Universal Credit, the earnings reduction is more involved - to calculate, please see - <https://www.gov.uk/benefits-calculators>.

8. Young people living in foster care placements/“Staying Put” arrangements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim the housing element of Universal Credit on reaching the age of 18. In situations where a young person is not eligible to claim the housing element of Universal Credit, Wandsworth Children’s Services will pay the rent/accommodation element of the “Staying Put” arrangement, subject to a claim being rejected. Young people will be expected to pay their element of the rent if they are working (based on the Universal Credit housing costs contribution).
9. All rent and/or the housing element of Universal Credit payments should be made directly to the “Staying Put” carer (as well as the £15.00 food/meals – utility/services component).

Section 23C Payments and Benefits and Universal Credit Issues for “Staying Put” Carers

This section covers the rules regarding payments to “Staying Put” carer/s that are in receipt of a means tested benefit/s or Universal Credit. National Insurance benefits are not affected by this income.

Payments made to the “Staying Put” carers from the Local Authority Children’s Services under section 23C of the Children Act 1989 via the young person, or directly to the carer/s on behalf of the young person are disregarded when calculating the carer’s entitlement to means tested welfare benefits. The section 23C payment is disregarded in its entirety in circumstances where young people continue to live as a member of their former foster carer’s family. Where young people contribute to the arrangement through a rent liability (and food/meals & utilities/services contribution) and pay this directly, or via a claim for housing benefit/housing element of Universal Credit (which requires a commercial arrangement), the element of the payment from a source other than the section 23C element is taken into account when calculating the impact on the “Staying Put” carers own welfare benefit claim (legacy benefit claims).

The section 23C element will always be disregarded when calculating the “Staying Put” carer’s welfare benefit entitlement.

Where Housing Benefit or the housing element of Universal Credit is paid to the young person (or directly to the “Staying Put” carer), or they pay the rent element from their earnings, all non-section 23C payments regardless of their source will be counted as income under the ‘Boarder’ rules where the “Staying Put” carer is in receipt of legacy benefits.

Where the “Staying Put” carer is in receipt of ‘legacy’ benefits such as income related ESA/JSA, any help with housing costs that is paid to the young person to pass on to the carer (or is paid directly to the “Staying Put” carer), or any of the rent element paid from their earnings is counted as the “Staying Put” carers income, (i.e. all other non-section 23C payments regardless of their source will be counted as income under the ‘Boarder’ rules and taken into account). The £15.00 per week paid by the young person as a contribution to meals/food & utilities/services is also counted as income.

Under these rules the first £20.00 and 50% of the remainder is disregarded. For example, if a carer receives £447.80 per week in total for the “Staying Put” arrangement of which £316.30 is paid by the local authority under section 23C and £116.50 rent is paid by the young person from the housing element of Universal Credit (or earnings), and £15.00 as a contribution towards food and utilities/services the amount taken into account by the DWP will be £131.50. Of the £131.50, £20.00 and a further £55.75 (50% of the £111.50) is disregarded, therefore the carer will be deemed to have a £55.75 per week income from the ‘Boarder’ (“Staying Put”) arrangement and they will lose £55.75 of their Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

In circumstances where the “Staying Put” carer is in receipt of Housing Benefit along with the above-mentioned benefits, the Housing Benefit is not affected. If the “Staying Put” carer is getting Housing Benefit but not getting another means-tested benefit, the £55.75 will count as income, and this will lead to a £36.24 per week reduction in Housing Benefit (a 65p per week reduction for every £1.00 of extra income).

This arrangement would apply to each young person if two or more young people aged eighteen or over remain in the placement.

In situations where the “Staying Put” carer is in receipt of a means tested benefit the young person should still pay rent/claim the housing element of Universal Credit (£116.50 per week), if eligible to do so (and pay £15.00 per week towards the cost of meals/food and services/utilities) and an amount equivalent to the “Staying Put” carers DWP means tested benefit reduction will be paid to them by Wandsworth Children’s Services from Section 23C. The section 23C compensatory payment will be disregarded in full by the DWP. In the above example a £55.75 or £36.24 per week compensatory section 23C payment will be made.

Where the “Staying Put” carer is getting Universal Credit, income from a ‘Boarder’ has no effect on the “Staying Put” carer’s Universal Credit claim.

Under Universal Credit, income from a ‘Boarder’ is fully disregarded in terms of the impact on the “Staying Put” carer’s own Universal Credit claim. However, having a ‘Boarder’ means that “Staying Put” carer’s on Universal Credit who are renting will incur an under-occupancy penalty, as ‘Boarder’s’ are deemed not to be part of the household. In such circumstances Wandsworth Children’s Services will provide a section 23C payment equivalent to the under-occupancy penalty (which varies between social and private sector and how many rooms are empty).

Where the “Staying Put” carer is over the pension credit age (the pension credit entitlement age is rising from 60 to 66 between 2010-2023) and is in receipt of Pension Credit more generous disregard rules regarding income from ‘Boarder Arrangements’ apply and should be explored.

In situations where a “Staying Put” carer is getting child tax credit or working tax credit, they should declare their ‘profit’ from providing a “Staying Put” arrangement, as calculated on pages 31 to 33. That profit may well be nil.

Early planning for, and identification of, the benefits/Universal Credit and financial circumstances of individual carers is critical to ensuring that appropriate plans and arrangements are in place for both the carers and young person. Given the complexity of making these arrangements, commencing planning these from the child's 16th birthday should provide sufficient time to ensure the necessary arrangements and support are in place by their 18th birthday.

As noted above, under Universal Credit, income from a 'Boarder' is fully disregarded in terms of the impact on the "Staying Put" carers Universal Credit claim. However, a 'Boarder' will incur an under-occupancy penalty for the "Staying Put" carer. In such circumstances Wandsworth Children's Services will provide a Section 23C payment equivalent to the 25% or 14% under occupancy penalty (if one is applied), depending on whether it is a social sector or private tenancy.

Note:

- Under legacy benefits a single foster carer will be expected to switch from Income Support to Jobseekers Allowance when their own child reaches the age of 3 and/or when the foster child reaches the age of 16. This change of circumstances is now likely to trigger a change to Universal Credit claim.
- Under Universal Credit single foster carers (or the lead carer in a foster care couple) are exempt from the work search and availability requirements until their foster child reaches the age of 16 (18 in specific circumstances), or their own child reaches age 3. Where a child requires the care of two adults, both foster carers can be given that exemption. Foster carers who are not the lead carers will still need to attend 'work focussed interviews' if unemployed.

Payment Adjustments/Compensation Table

All situations	Carer in receipt of legacy benefits
<p>Adjustment to foster carer's / "Staying Put" carer's payment when young person reaches age 18. Claims Universal Credit (personal element) or has earnings from employment.</p> <p>Young person pays rent/claims housing element of Universal Credit £116.50 and pays a £15.00 food/meals and utilities/services contribution).</p>	<p>Adjustment to foster carer's / "Staying Put" carer's payment when young person reaches age 18 (young person claims Universal Credit or has earnings from employment).</p> <p>Young person pays rent/claims housing element of Universal Credit £116.50 and pays £15.00 food/meals and utilities/services contribution).</p>
<ul style="list-style-type: none"> • Allowance reduces by £67.20 per week (pocket money and clothing allowance and personal element) on 18th birthday. • Rent/housing element of Universal Credit paid to "Staying Put" carer (£116.50 per week) (ceases to be paid by the local authority on the young person's 18th birthday. • Young person also pays a £15.00 per week meals/food & utility/service charge contribution directly to their "Staying Put" carer. 	<ul style="list-style-type: none"> • Allowance reduces by £67.20 per week (pocket money and clothing allowance and personal element). • A Section 23C Compensation Payment of £55.75 or £36.24 per week is made to compensate for the £55.75 or £36.24 of weekly benefit being lost because of the young person's rent/housing element of Universal Credit and food utilities/services contribution. • Actual allowance reduction of £30.96 (HB) or £11.45 (IS, JSA, E&SA and HB) for the pocket money, clothing allowance and personal element, which incorporates the section 23C Compensation Payment. <p>Rent/housing element of Universal Credit (£116.50) paid to directly to the "Staying Put" (and the £15.00 meals/food & utilities/services contribution).</p>
<p>Carer no longer provides pocket money, clothing, or a personal allowance element of £67.20 per week.</p>	<p>Carer no longer provides pocket money, clothing, or personal allowance element of £67.20 per week.</p>

Council Tax, Council Tax Support and Non-Dependent Deductions

1. From April 2013 Council Tax Benefit has been replaced by Council Tax Support schemes that reflect individual local authority priorities and are administered through local rules.
2. The impact of the “Staying Put” arrangement on “Staying Put” carers Council Tax and Council Tax Support will depend on both the circumstances of the “Staying Put” carer and the young person. For example, full time students are ‘invisible’ for Council Tax purposes and will not have any impact on the “Staying Put” carers Council Tax or Council Tax Support.
3. In circumstances where a “Staying Put” carer is working and in receipt of the 25% single person Council Tax reduction, this discount may continue when a “Staying Put” young person is living in the arrangement. The continuation of the 25% discount will depend on the circumstances of the young person.
4. Where “Staying Put” young people are claiming a means tested benefit, a Non-dependent Deduction should not be applied to the “Staying Put” carers own means tested benefit claim.
5. When planning for a “Staying Put” arrangement, consideration should be given to the impact of the arrangement on the “Staying Put” carers Council Tax, Council Tax Support and whether a Non-dependent Deduction will be applied. In circumstances where an increase in Council Tax occurs; a reduction in Council Tax Support applies, or a Non-dependent Deduction is applied an application should be made to the Wandsworth Care Panel for a payment from section 23C equivalent to the carer’s financial loss.
6. How any changes to the “Staying Put” carers Council Tax or Council Tax discount will be address should be set out in their “Staying Put” Carer Financial Statement (Appendix five). The “Staying Put” Carer Financial Statement should be completed when the young person reaches the age of 17³/₄. A copy should be given to the carer and a copy should be presented to the Wandsworth Care Panel with the “Staying Put” request report.

The Treatment of Benefits and Universal Credit

Payments from Children’s Services to young people under section 17, section 20, section 23, section 24 and section 31 (Children Act 1989) do not count as income for benefit purposes. Payments made to young people and passed to former foster carer/s from section 23C (Children Act 1989) are disregarded in the assessment of the former foster carer/s’ income for benefit purposes, if the young person was formerly in the claimant’s care, is aged 18 or over and continues to live with the claimant within a part non-commercial family type arrangement. If the arrangement is a commercial one (i.e., if the young person contributes to the arrangement by paying rent and makes a meals/food and utilities/services payment) the section 23C disregard ceases on any non-section 23C element of the payment.

Under Universal Credit, income from a 'Boarder' is fully disregarded in terms of the impact on the Staying Put carers Universal Credit claim. However, having a 'Boarder' means that "Staying Put" carers on Universal Credit who are renting will incur an under-occupancy penalty, as 'Boarder's' are deemed not to be part of the household. In such circumstances Wandsworth Children's Services will provide a Section 23C payment equivalent to the under-occupancy penalty (which varies between social and private sector and how many rooms are empty).

Universal Credit for Foster Carers & "Staying Put" Carers

Under Universal Credit many of the rules governing eligibility and conditionality for means tested benefits for foster carers and "Staying Put" carers have changed. In addition, foster carers and "Staying Put" carers were able to choose between claiming Working Tax Credits or Means Tested Benefits; under the new system they will only claim Universal Credit. Since January 2019 all new claims for a means tested benefit (with a few exceptions) are for Universal Credit. Between 2021 and 2023 existing claims will be migrated to Universal Credit, either when circumstances change (natural migration) or as part of the DWP's own 'managed migration' process.

- Under Universal Credit single foster carers (or the lead carer in a foster care couple) are exempt from the work search and availability requirements until their foster child reaches the age of 16 (18 in specific circumstances). Where a child requires the care of two adults, both foster carers can be given that exemption. Foster carers who are not the lead carers will still need to attend 'work focussed interviews' if unemployed.
- When a foster child leaves a placement, single and lead foster carers will be eligible to continue to claim Universal Credit and be exempt from the work search and availability requirements for up to 8 weeks. After that, they may be required to look for work; depending on other circumstances (e.g., disability or children aged under 3).
- Foster carers have one bedroom 'allowed' for foster children when the under-occupancy penalty is calculated, regardless of the number of foster children they have, or are approved for.
- Income from 'Boarder' Arrangements is fully disregarded for Universal Credit entitlement.

Income Tax and National Insurance Issues for "Staying Put" Arrangements

Where young people remain living with their former foster carer/s under a "Staying Put" arrangement, the Income Tax and National Insurance rules that apply are set out in the 'Qualifying Care Relief' Guidance.

The 'Qualifying Care Relief Guidance' sets out that "Staying Put" carers receive tax exemptions up to a given 'qualifying amount' for each "Staying Put" young person living with them. The "Staying Put" qualifying rate mirrors the system and amounts that applied when the placement was previously a foster care placement.

“Staying Put” carers will be covered by the Qualifying Care Relief system where they provide a “Staying Put” arrangement for a young person who was looked after immediately prior to the young person’s 18th birthday. Qualifying Care Relief can continue until the young person reaches the age of 21, or, until they complete a programme of education or training being undertaken on their 21st birthday.

The Qualifying Care Relief system provides for foster carer/s and/or “Staying Put” carer/s to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions on their caring income. The Income Tax free allowance consists of two elements. Firstly, a fixed amount per foster care or “Staying Put” household per year (for 2023-2024 this is set at £18,140). Secondly, an additional amount per week per child (£375 per week under the age of eleven [0-10], £450 per week age eleven to their eighteenth birthday [11-17] 2023 - 2024) and £450 per week per adult aged eighteen to the twenty-first birthday [18-20] or until the end of the programme of education or training, as defined as “Staying Put” by HMRC (see terminology section).

The £18,140 per year applies once *per household regardless of how many foster children or “Staying Put” young people are placed. *Where two people are foster carers in the household, they share the £18,140 per year allowance. The additional amount applies per child/young person per week. 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 is only available to households with three or fewer placements. However, foster care placements are excluded for this purpose, and sibling groups are counted as one placement.

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.

If the “Staying Put” carer/s exceed the allowance they will have a choice of using the ‘simplified’ method or the standard profit and loss method to calculate their taxable profits. The carer/s will also be liable to pay Class 4 National Insurance Contributions on their taxable profit. Under the simplified method, a carer’s taxable profit is the income they receive from caring which exceeds their tax-free allowance. Where foster carer/s or “Staying Put” carer/s do incur an Income Tax and Class 4 National Insurance liability and they have not used their personal allowance this can be used to off-set this liability.

Individual foster carers/“Staying Put” carers can consult their local HMRC office for guidance on their individual circumstances and liabilities and also view information available on the Fostering Network website:

<https://www.thefosteringnetwork.org.uk/advice-information/finances/tax-and-national-insurance>

In practice HMRC will treat the taxable profit from foster care or “Staying Put” care as earnings from self-employment for National Insurance Contributions purposes.

“Staying Put” carer/s as well as foster carer/s should note that they may be able to claim Working Tax Credits which are administered by HMRC. Fostering/“Staying Put” care is counted as work for Working Tax Credit purposes. The carer’s taxable income is included in the total household income that is used to assess the amount of tax credits that they are entitled to. So, where the carer is paid less than their tax-free allowance, their income from caring for tax credits purposes is also nil.

Note:

All new claims for foster carers and “Staying Put” carers will normally come within the Universal Credit system, and carers will not have a choice of claiming Working Tax Credits or Means Tested Benefits. Existing Working Tax Credit and Means Tested Benefit claimants will be migrated to Universal Credit if they have a relevant change of circumstances or via a managed migration by 2023 (date subject change).

HMRC is aware that a number of foster carers and “Staying Put” carers may not have registered for Class 2 National Insurance Contributions because they make little or no taxable profit. Foster care and “Staying Put” care is deemed as self-employment and as such carer/s 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. Failure to do this may affect their entitlement to Employment and Support Allowance, Maternity Benefit, State Pension and Bereavement Benefit. However, self-employed carers may be able to apply for Carers Credits which have replaced Home Responsibilities Protection, and those with low taxable profits may be able to apply for a Small Earnings Exemption.

To claim a carers credit, foster carers/“Staying Put” carers must complete form CF411A available from HMRC (www.hmrc.gov.uk).

If carers have not previously registered as Self-Employed, they can obtain further information by calling the Newly Self-employed Helpline on **0300 200 3504**.

If they are currently registered to pay Class 2 National Insurance Contributions they can obtain further information by calling the Self-Employed Helpline on **0845 915 4655** instead.

HMRC Helpsheet (hs) 236 sets out information about the ‘Qualifying Care Relief Guidance’ - Fostering and “Staying Put” Income Tax and National Insurance framework.

[Increase in Qualifying Care Relief - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Foster carers and “Staying Put” carers should always inform the DWP and HMRC if their circumstances change and should always check with the DWP and HMRC regarding their personal circumstances and how payments for foster care or “Staying Put” care may affect their means tested benefits/Universal Credit, Working Tax Credits or any Income Tax or National Insurance liability.

“Staying Put” - Social Care and Regulatory Frameworks

Where a Fostered Child/Children are also Living in the “Staying Put” Arrangement, or where a Future Foster Child/Children will be Placed

The supervising social worker will support the carer in respect of both the fostered children and the “Staying Put” young person.

Where a young person reaches the age of 18 and fostered children are also living in the placement (or will be placed in the future), all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household.

The major change being that the previously fostered child (from age 18) becomes a “Staying Put” young person and therefore an adult member of the household. As such the young person will require:

- A Disclosure and Baring Service (DBS) check (and a risk assessment if the DBS check highlights a ‘trace’ [potential risk]);
- In Wandsworth a DBS check (and risk assessment if required) should be undertaken and completed:
 - on all fostered children (“Staying Put” young people) prior to reaching the age of 18 (where foster children are in placement or future foster children will be placed), as they will become adult members of the foster care household;
 - on all children of foster carers or “Staying Put” carers prior to the child/ren reaching the age of 18 (where foster children are in placement or future foster children will be placed), as they will become adult members of the foster care household;
 - in order to ensure DBS checks have been completed by the young person’s 18th birthday (and any risk assessment), these will need to be planned in advance (planning for a DBS check should commence when the child reaches the age of 17½).

From the age of 18 the requirement for a young person to have a Placement Plan that sets out the day-to-day arrangements for the placement ceases; the Placement Plan should be converted to a ‘Living Together Agreement’ (conversion meeting to take place when the young person reaches age 17¾) which sets out the practical “Staying Put” arrangements. See section - “Staying Put” Practical Arrangements – Living Together Agreements.

The foster carer/s’ annual review that takes place in the year prior to a young person reaching the age of 18 and becoming a “Staying Put” young person should consider the impact of this change on the foster carer/s’ household. The report presented to the fostering panel should address the household’s change of circumstances given that the young person will become a new adult member of the household – “Staying Put” young person.

The fostering panel will need to give due consideration to the impact of the “Staying Put” arrangement on the foster carers’ terms of approval, including the numbers approved for, and whether this number includes the “Staying Put” young person.

The report should address any future/anticipated issues arising from the DBS check and associated ‘risk assessment’; how any foster children, or children of the foster carer/s living in the household will be safeguarded and the safer caring plan/arrangements regarding the impact of any adult visitors of the “Staying Put” young person on any foster children.

In situations where a DBS check highlights a ‘trace’ [potential risk] the report to fostering panel should set out the arrangements for safeguarding foster children in the placement and should be signed by the supervising social worker and approved by the fostering team manager.

Foster Carers Approved for a Sole Placement and Wanting to Continue Fostering When the “Staying Put” Arrangement Ends

In situations where a “Staying Put” carer is to remain approved as a foster carer; but is unable to provide a placement (due to limited space), the report presented to fostering panel prior to the young person’s 18th birthday should set out the requirements for the foster carer to maintain their training and capacity to foster during their period of fostering inactivity.

The primary support provided to the “Staying Put” carer will continue to be the fostering supervising social worker.

Where it is anticipated that a young person will leave a “Staying Put” arrangement by their 19th birthday the “Staying Put” carer should remain registered as a foster carer.

Where it is anticipated that a young person will remain in the “Staying Put” arrangement until the age of 19, or beyond, consideration should be given to the carer resigning their foster care status for the young person’s “Staying Put” period, and then being re-approved as a foster carer in the months leading up to the young person leaving the “Staying Put” arrangement.

Where it is anticipated that a young person will remain in the “Staying Put” arrangement beyond the age of 19, the foster carer should not submit their resignation until at least 6 months after the young person’s 18th birthday to ensure the “Staying Put” arrangement is settled, stable and long term.

The supervising social worker should submit a report to the fostering panel regarding the individual circumstances of the carer and the young person and the rationale for resigning or remaining registered as a foster carer during the “Staying Put” period.

It is the role of the supervising social worker to ensure that in situations where a carer (approved for one placement) remains registered as a foster carer, whilst providing a “Staying Put” arrangement, that each annual household review identifies the training and development needs of the “Staying Put” carer, in anticipation of their return to fostering.

Where no Fostered Child/Children are Living in the “Staying Put” Arrangement and no Further Foster Child/Children will be Placed

Whilst fostering regulations no longer formally applying when a young person reaches the age of 18 the following requirements and standards will continue to govern Wandsworth “Staying Put” arrangements in circumstances where no fostered child/children are living in the household and no further foster children will be placed:

- The responsibility for the support and supervision of the “Staying Put” carer will remain with the Supervising Social Worker;
- A return to fostering panel to discuss changes in the household arrangements and the plans for fostering deregistration/resignation;
- The “Staying Put” carer should resign their fostering status but will remain overseen as a “Staying Put” carer as part of the Fostering Service;
- The Placement Plan should be converted into a ‘Living Together Agreement’ when the young person reaches the age of 17¾, in preparation for their 18th birthday (the Placement Plan remains in place until their 18th birthday);
- The yearly review of the “Staying Put” carer and the overall arrangements, including regular supervision, safeguarding and risk assessments on the whole household and the health and safety checks will be undertaken within the framework of the Fostering Service and by the Supervising Social Worker.

Support for “Staying Put” Carers

All “Staying Put” Carers who remain registered as a Foster Carer or who will return to Fostering will be supported by a named Supervising Social Worker who is responsible for the overall household and both the foster children and “Staying Put” young person.

In situations where there are no foster children in the household and it is not planned that any further foster children will be placed, the arrangements for supervision and oversight will remain with the supervising social worker. The frequency of “Staying Put” Supervising Social Worker visits to “Staying Put” carers will be in accord with the Fostering Service Standards.

Recording Information - “Staying Put” Carers

“Staying Put” carer’s should keep a log/diary of significant events with dates and times in case a situation arises with a “Staying Put” young person where information needs to be shared. Information being recorded should be shared with the young person. Young people should also be informed that the log/diary/information will only be shared with other professionals on a ‘need to know’ basis.

Safeguarding and “Staying Put”

All “Staying Put” arrangement should continue to have safer caring plans in respect of:

- The “Staying Put” young person;
- Foster children;
- Children of the foster carer/“Staying Put” carer;
- Visitors (foster carers [and their children], foster children and “Staying Put” young person).

The safer caring arrangements for each household will depend on the make-up of the household and whether there are foster children and/or children of the foster/ “Staying Put” carer living there and also the level of ‘vulnerability’ of the children and “Staying Put” young person. Foster carers/“Staying Put” carers should be fully involved in formulating safer caring arrangements, which in part will depend on any risk and ‘vulnerability’ issues associated with children and adults in the household.

Arrangements for ‘delegated authority’ to the carers should continue once a foster child becomes a “Staying Put” young person, particularly regarding the agreement for, oversight and management of any of their visitors. Whilst ‘delegated authority’ would not apply to the “Staying Put” young person, it would apply to ensuring foster children in the household are ‘safe’, therefore the “Staying Put” carer may need to make decisions regarding the “Staying Put” young person’s activities to ensure the foster child/children are ‘safe’.

Minimum Standards and Practical Requirements

In situations where no foster children live in the placement and a decision is taken to terminate/deregister the “Staying Put” carers fostering registration, the overall arrangement comes within the ‘Suitable Accommodation’ framework as set out in the Planning Transition to Adulthood Guidance, which includes the Care Leavers (England) Regulations 2010 (revised 2015 and 2022) and must comply with Regulation 6, 7 & 9 and Schedule 2.

“Staying Put” carers should ensure they inform their mortgage provider or landlord and their buildings and contents insurance provider that they will continue to be supporting a former foster child as a young adult under a “Staying Put” arrangement. Failure to inform the above may cause a breach of mortgage/tenancy requirements and may result in their insurance cover being void due to a ‘failure to disclose material facts’.

“Staying Put” carers who transport young people are required to apply the same level of standards, safety equipment and care when transporting “Staying Put” young people as they did when they were transporting a foster child, i.e., comprehensive business insurance, a valid MOT, a valid Road Vehicle Licence and a road worthy vehicle.

“Staying Put” carers continue be covered under Wandsworth Council’s Insurance Policy in the same way as Foster Carers.

All “Staying Put” expectations should be incorporated into the ‘Fostering Agreement’ that foster carers sign on initial approval, and then on a yearly basis following a successful review of their terms of approval.

“Staying Put” Practical Arrangements – Living Together Agreements

All young people (who are looked after) living in foster care should have a Placement Plan that sets out the day to day arrangements governing the placement; this is then incorporated into their Care Plan/Pathway Plan. The requirement to have a Placement Plan ceases when a child reaches the age of 18 and is replaced in Wandsworth by the requirement that all young people remaining with their former foster carers under a “Staying Put” arrangement have a ‘Living Together Agreement’. The ‘Living Together Agreement’ replaces the Placement Plan and should cover the same range of issues and include a focus on the young person’s needs associated with the reason for the “Staying Put” arrangement being agreed.

Young people, “Staying Put” carer/s, the young person’s social worker and leaving care personal adviser and the carer’s supervising social worker should meet to convert the Placement Plan into a ‘Living Together Agreement’ prior to a young person’s 18th birthday.

A Placement Plan – Living Together Agreement meeting should take place when the young person reaches the age of 17¾ (or thereabouts where this clashes with exams etc) establish the initial Living Together Agreement. The responsibility for organising the initial Placement Plan conversion to a Living Together Agreement meeting rests with the young person’s social worker. Where appropriate, consideration should be given to including birth parents in the conversion meeting.

Depending on the circumstances of the prospective “Staying Put” young person and any other foster children in the household, the young person’s social worker / leaving care personal adviser should consult with the social workers of the other foster children in the arrangement.

The Living Together Agreement should set out the expectation of all parties and clarify roles and responsibilities. The Living Together Agreement should be incorporated into the young person’s pathway plan.

The Living Together Agreement should cover:

1. Preparation for independence tasks, expectations, goals and targets;
2. Finance, including young people having credit cards, loan agreement and mobile phone contracts registered at the address;
3. Ensuring the young person has a key;
4. Income and benefit claims;
5. Friends, girlfriends/boyfriends and partners visiting and staying overnight;

6. Staying away for nights/weekends and informing carers of travel arrangements and movements;
7. Education, training and employment activities;
8. Health arrangements;
9. Move-on arrangements;
10. Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping;
11. Specific issues to do with the needs of the young person.

See Wandsworth Living Together Agreement

Conclusion

The information in this policy and guidance is correct as of 31st May 2023 and should be read in conjunction with all guidance and help sheets provided by Department for Work and Pensions and HM Revenue and Customs.

Foster carers, “Staying Put” carers and Shared Lives carers must ensure that they inform the Department for Work and Pensions and HM Revenue and Customs of any change of circumstance in their family, with their foster children, or with their “Staying Put”.

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APPENDIX ONE

Staying Put - Move-On Arrangements – Planned and Un-Planned Endings and Evictions

All young people reaching the age of 18 should have a pathway plan that sets out the arrangements for them moving to semi-independent or independent living. Young people reaching the age of 18 and commencing a “Staying Put” arrangement should also have a pathway plan that sets out the provisional arrangements for moving-on from “Staying Put”. The majority of young people will leave “Staying Put” in a planned manner and move to one of the Wandsworth Council housing authority or housing association tenancies in the same way that other care leavers do. Individual arrangements should be set out the young person’s pathway plan.

Planned Move-On

Where young people decide that they would like to leave the “Staying Put” arrangement, or the “Staying Put” carers decide that they would like the arrangement to come to an end, each party should give at least 28 days ‘notice of termination’. The leaving care personal adviser will arrange for the young person to access suitable accommodation via Wandsworth’s Housing Department or partner housing associations.

Staying Put Stability Meeting

Where a young person displays unacceptable behaviour or participates in activities that are deemed inappropriate, a “Staying Put” Stability Meeting will take place. Any new or changed requirements or house rules will be set out in an up-dated Living Together Agreement.

Emergency and Unplanned Move-On and Evictions

Where a young person displays extreme behaviour, commits an offence against a person within the household they may be required to leave the “Staying Put” arrangement on the same day or within a short period of time. Wherever possible, a “Staying Put” Stability Meeting will take place and will set out where the young person will move to. Wandsworth Children’s Services will arrange emergency accommodation for a short period whilst an accommodation pathway for the young person is developed.

The circumstances leading to the young person being required to leave may result in the young person being deemed ‘intentionally homeless’. Additionally, leaving the “Staying Put” arrangement in an emergency and in an un-planned manner may limit the young person’s accommodation choices, and in the short term they may need to live in a range of temporary accommodation.

Non-Payment of Rent

In situations where young people do not pay their rent, either by not making the required payment or by not claiming the housing element of Universal Credit they may be subject to an eviction process. In all situations where a young person owes four weeks rent (£466.00) a “Staying Put” Stability Meeting will be held. The “Staying Put” Stability Meeting will decide on

the action required by the young person to address the rent arrears. Young people will be given every opportunity to repay any arrears and eviction will only take place as an absolute last resort in situations of rent arrears. Consideration should also be given to reimbursing the “Staying Put” carer any missed rent/contribution payments.

Tenancy Status – Excluded Licence

The tenancy status of young people living in “Staying Put” arrangements is that of an ‘Excluded Licensee’. Being on a ‘Licence’ and living in a household with the ‘landlord’ means that the licensee has very few tenancy rights and can be asked to leave the property with ‘reasonable notice’. Reasonable notice could be construed as having to leave immediately, where a person has acted in an extremely inappropriate manner, for example, violence towards members of the household, property damage, abusive/racist behaviour, theft from the property. Wherever possible, 28 days’ notice should be given by any party wishing to end the “Staying Put” arrangement.

APPENDIX TWO

Standard “Staying Put” Arrangement - Housing Costs (Universal Credit) Claim Letter Licence to Occupy – Licence Agreement

Add “Staying Put” Carers Address

Department for Work and Pensions
Add Address

Name of Young Person (**LICENSEE**):

Date of Birth:

National Insurance Number:

“Staying Put” Address:

TYPE OF ACCOMMODATION:

- Staying Put” Arrangement – Excluded Licence
- The “Staying Put” carer is deemed the landlord

Name of Landlord: (“Staying Put” Carer)

Dear Sir/Madam,

This letter is provided to confirm that (**Add Full Name**) was previously a foster care child placed in my household by Wandsworth Children’s Services. (**Add Full Name**) has now reached the age of eighteen and will be remaining as an ‘independent adult’ in my house under a “Staying Put” arrangement.

(**Add Full Name**) is liable for rent costs of £116.50 per week excluding meals and utility charges from (**add date (usually the 18th birthday)**). Wandsworth Children’s Services will continue to provide an allowance to the carer to meet the additional and personal guidance costs of (**Add Full Name**). As (**Add Full Name**) is provided with meals and is a care leaver I understand (**he/she**) is eligible to claim the Housing Element of Universal Credit under the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

As (**Add Full Name**) was previously ‘Looked After’ and remains vulnerable (Tier One Group for an Alternative Payment Arrangement (APA)), I would request that the Housing Element of Universal Credit is paid directly to the “Staying Put” carer under an APA. Wandsworth Children’s Services will continue to pay the carer/s remaining costs and the personal guidance costs to support the overall “Staying Put” arrangement under Section 23C of the Children Act 1989. See over for payment details.

The payment from Wandsworth Children’s Services is being made under Section 23C of the Children Act 1989 and the Care Leavers (England) Regulations 2010 (revised 2015 & 2022) (Section 23 payments are fully disregarded when calculating entitlement to all means-tested benefits).

If you require any further information, please do not hesitate to contact me.

Yours faithfully,

[Signed by "Staying Put" Carer/s] _____

[Signed by Supervising Social Worker] _____

[Signed by the "Staying Put" Young Person] _____

[Signed Social Worker or Leaving Care Personal Adviser] _____

ADD "STAYING PUT" CARERS BANK DETAILS

Account Holder	
Bank	
Sort Code	
Account number	

EXAMPLE:

SERVICES	WEEKLY PAYMENTS
NET RENT – ACCOMMODATION ONLY	£116.50 (£116.50 from Y/P)
PERSONAL GUIDANCE	£276.30
UTILITIES/SERVICES	£20.00 (£7.50 from Y/P)
MEALS/FOOD	£35.00 (£7.50 from Y/P)
TOTAL	£447.80

APPENDIX THREE

Standard Benefit Claim Letter - Young Person in “Staying Put”

ADD WANDSWORTH COUNCIL LOGO

Wandsworth Children’s Services

ADD ADDRESS

Name of Young Person (LICENSEE):

Date of Birth:

National Insurance Number:

“Staying Put” Address:

TYPE OF ACCOMMODATION:

- Previous Foster Care Placement - “Staying Put” Arrangement – Excluded Licence
- The “Staying Put” carer is deemed the landlord

Name of Landlord: (“Staying Put” Carer)

Dear Sir/Madam,

This letter is provided to verify the identity of the above-named young person and to confirm and clarify **(his/her)** circumstances.

The above-named young person was previously placed in foster care at the above address. The young person has now reached the age of eighteen and is no longer in foster care, **(he/she)** will be remaining with **(his/her)** previous foster carer/s under a “Staying Put” arrangement. The young person is now deemed ‘independent in **(his/her)** own right’ and is liable for rent/accommodation costs of £116.50 per week, excluding meals, utility and personal guidance costs. The information provided below sets out **(his/her)** legal status and financial circumstances. The young person is also required to make a contribution of £15.00 towards their meals/food & service/utility costs.

(Add Full Name) is liable for rent costs of £116.50 per week excluding meals and utility charges from **(add date (usually the 18th birthday))**. Wandsworth Children’s Services will continue to provide an allowance to the carer to meet the additional and personal guidance costs of **(Add Full Name)**. As **(Add Full Name)** is provided with meals and is a care leaver I understand **(he/she)** is eligible to claim the Housing Element of Universal Credit under the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

I can confirm that **(Add Full Name)** was previously an ‘Eligible’ child or an ‘Eligible’ and ‘Relevant’ child and became a ‘Former Relevant’ child on **(Add Date)** as defined by the Care Planning, Placement and Case Review Regulations and Guidance 2015 and Care Leavers (England) Regulations 2010 (revised 2015 & 2022).

A. I can also confirm that **(Add Full Name)** was previously ‘Looked After’ by Wandsworth Children’s Services and was ‘Accommodated’ under Section 20 of the Children Act 1989.

B. I can also confirm that (**Add Full Name**) was previously 'Looked After' by Wandsworth Children's Services and was subject to a Section 31 Care Order under the terms of the Children Act 1989.

(**Add Full Name**) ceased to be 'Looked After' on (**Add Date - 18th birthday or actual date if earlier**) and will continue to receive practical support and, in specific circumstances, financial help from Wandsworth Children's Services under Section 23C of the Care Leavers (England) Regulations 2010 (revised 2015 & 2022), (Children Act 1989).

Section 23C payments must be declared when claiming benefits but are not to be counted as income for welfare benefit purposes.

Whilst (**Add Full Name**) is establishing **his/her** welfare benefit claim **he/she** will be provided with a **£67.20** per week allowance under these powers for a maximum of 5 weeks whilst they wait for their first Universal Credit payment.

Select and/or Delete Sections as Applicable:

1. As (**Add Full Name**) has now become a 'Former Relevant' child and ceased to be 'Looked After', I believe (**he/she**) will be entitled to claim Universal Credit at the rate of £292.11 (2023-2024) per month (if single without dependent children and not having limited capacity for work or work-related activity) and the relevant Housing Costs element. (**He/she**) will also be eligible to apply for Council Tax Support from the relevant local authority.
2. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is engaged on a traineeship at the rate of (**ADD £ per week**), I believe (**he/she**) will be entitled to claim Universal Credit at the rate of £292.11 (2023-2024) per month (if single without dependent children and not having limited capacity for work or work-related activity) and the relevant Housing Costs element, minus any income received from his training allowance, apart from the payment of travel and childcare expenses. (**He/she**) will also be eligible to apply for Council Tax Support from the relevant local authority.
3. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After', is without parental support and is entitled to claim whilst receiving non-advanced education, I believe (**he/she**) should receive Universal Credit at the rate of £292.11 (2023-2024) per month (if single without dependent children and not having limited capacity for work or work-related activity) and the relevant Housing Costs element. He/she will also be eligible to apply for Council Tax Support from the relevant local authority.
4. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After', and has been given a 'Fit Note' by (**his/her**) Doctor, I believe (**he/she**) will be entitled to claim Universal Credit at the rate of £292.11 (2023-2024) per month (if single without dependent children) and the relevant Housing Costs element. (**He/She**) should also be assessed for Limited Capacity for Work and Limited Capacity for Work-Related Activity. (**He/she**) will also be eligible to apply for Council Tax Support from the relevant local authority.
5. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is earning a low income, I believe (**he/she**) will be entitled to claim Universal Credit at the rate of £292.11 (2023-2024) per month (if single without dependent children and not having limited capacity for work or work-related activity) and the relevant Housing Costs element. (**He/she**) will also be eligible to apply for Council Tax Support from the relevant local authority. Please find attached relevant wage slips/prove of income.

As **(Add Full Name)** was previously 'Looked After' and remains vulnerable, I would request that the 'Housing Costs' element of Universal Credit is paid under a 'Tier 1 Vulnerability - Alternative Payment Arrangement' directly to the "Staying Put" carer (complete UC47). Wandsworth Children's Services will continue to pay the "Staying Put" carer (landlord) the additional and the personal guidance costs from Section 23C of the Children Act 1989.

The payment from Wandsworth Children's Services is being made under Section 23C of the Children Act 1989 and the Care Leavers (England) Regulations 2010 (revised 2015 & 2022), (Section 23 payments are fully disregarded when calculating entitlement to all means-tested benefits).

(Add specific information)

If you require any further information, please do not hesitate to contact me.

Yours faithfully

Approved Signatures

Team Manager

Assistant Team Manager

Service Manager

*** Please complete, or delete, either section A or B, the subsequent three bullet points and complete the bold text sections and the relevant sections 1 to 5. All other sections must be completed.**

Information about disregarding Social Services payments to care leavers.

Welfare Benefits and Tax Credits Handbook; Child Poverty Action Group: 2018/19 edition

Chapter 7 Universal Credit – What Counts as Income

Page 122

Payments by Social Services

Universal Credit operates differently to other means-tested benefits, where all income is counted unless specifically disregarded. Under universal credit, only income that is specifically mentioned in the regulations counts as income. There is no mention of payments under the Children Act 1989, and therefore any payments made under that legislation will be disregarded as income.

APPENDIX FOUR

Wandsworth Council Authorisation to Disclose Information Form

Agencies and individuals, I agree to share information with

I agree to my Social Worker and/or Leaving Care Personal Adviser sharing my information and relevant sections of my pathway plan and discussing my situation with the following agencies:

Tick each agency or person as relevant:

- "Staying Put" Carer
- Carers Service
- Job Centre Plus (Department for Work and Pensions)
- Housing Benefit Department
- Housing Department and Partner Housing Associations
- Local College and Employment and Training Providers
- Health Services
- Other Agency or Individuals (Specify)

- Permission to assist with bidding on properties through Choice Based Lettings

I understand that my Social Worker and/or Leaving Care Personal Adviser will only share my personal information and my pathway plan with these agencies on a 'need to know' basis and in situations relevant to each agency. If a situation arises where my information needs to be shared as a result of safeguarding issues (where I, or others, are at imminent risk of serious harm, or if there is a legal requirement to share information) I will be consulted and informed beforehand.

Full Name.....

Signed..... Date of Birth.....

Address.....

National Insurance Number.....

My Social Worker and/or Leaving Care Personal Adviser will review this consent to share information on a yearly basis.

Date agreement made.....

Date agreement to be reviewed.....(not more than one year after the agreement is made)

APPENDIX FIVE

“Staying Put” Financial Structure and Rates (2023 – 2024)

The following information should be used when making an application for housing costs (housing element of Universal Credit) to show the breakdown of the whole payment. The applicable table below should be applied to the Wandsworth ‘Standard “Staying Put” Arrangement - Housing Cost Claim Letter’ – Appendix Two.

“Staying Put” Maintenance Allowance and Fee Element – Payment Structure:

SERVICES	WEEKLY PAYMENTS
NET RENT – ACCOMMODATION ONLY	£116.50 (£116.50 from Y/P)
PERSONAL GUIDANCE	£276.30
UTILITIES/SERVICES	£20.00 (£7.50 from Y/P)
MEALS/FOOD	£35.00 (£7.50 from Y/P)
TOTAL	£447.80

APPENDIX SEVEN

“Staying Put” – Young Person Task Checklist

“Staying Put” and Universal Credit – Housing Costs Task Checklist (completed when the young person reaches age 17¾) (Also to be presented to the Care Panel)

Task	Responsibility for Task Completion – (Name and Service)	Completed Yes/No or Date to be completed
Report to the Care Panel		
Does the young person have their National Insurance Number		
Does the young person have proof of citizenship or immigration status		
Does the young person have proof of identity x 2		
Does the young person have proof of address x 1		
Does the young person have a letter from college as proof of study (for Universal Credit claim)		
Does the young person have a ‘Fit Note’ from their GP as proof of sickness (for Universal Credit claim)		
Universal Credit claim completed		
Housing Element of Universal Credit claim completed		
Council Tax Support claim completed		
If the young person is earning, will they be making a contribution towards rent/claiming the housing element of Universal Credit (pay the rent of £116.50), if so, how much and how will the payment be made		
How will the young person pay their £15.00 meals/food and utilities/service contribution to their “Staying Put” carer?		
DBS check		
Developing the Living Together Agreement		
ADD AS REQUIRED		

Wandsworth Children's Services

'Staying Put' – Living Together Agreement (Young People Aged 18 remaining in Staying Put)

This Living Together Agreement provides a framework that sets out the house rules and expectations of young people and their carers where young people remain living with their former foster carer/s after their 18th birthday and under a "Staying Put" arrangement.

The Living Together Agreement should be based on the information set out in the preceding Placement Plan and the agreements set out in any 'Delegated Authority' framework.

Whilst the Living Together Agreement is a formal document setting out everyone's expectations, the majority of house rules and expectations will be the same as those in place prior to the young person's 18th birthday; so, most of the requirements will remain broadly the same. However, reaching the age of 18 and adulthood is a good opportunity to revisit all of this and see what needs to change.

The Living Together Agreement is a flexible document and should be used to set out tasks, expectations and house rules which help the "Staying Put" arrangement run smoothly.

In order to ensure everyone knows what is expected of them this should be completed prior to a young person's 18th birthday (17^{3/4}) and be signed and linked to the young person's Pathway Plan.

The Living Together Agreement contains three main areas:

- 1 Responsibilities of everyone who signs the agreement;
- 2 House rules and expectations;
- 3 Support to be provided to the young person.

The information in this document should cover all of the day to day arrangements that are needed to ensure that the positive aspects of fostering transfer to the "Staying Put" arrangement.

Please sign the Living Together Agreement after discussing and agreeing everyone's expectations.

Signed copies of this document should be given to each person to keep.

Essential Information:

Name of Young Person:

Date:

Name of "Staying Put" Carer:

Address: Postcode:

Young person's date of birth:.....

Next of Kin:.....

Primary Language:.....

Young person's mobile number:.....

Carers' mobile/telephone number(s):.....

Supervising Social Worker:.....

Contact details:.....

Leaving Care Personal Adviser:.....

Contact details:.....

Team Manager/Duty name and contact details:.....

Emergency Duty number (Out of Hours):.....

Missing Persons Police number:

GP details:.....

Any plans to change GP/Opticians/Dentist. If so, by when?.....

Who will assist young person?.....

1. Responsibilities of the Young Person:

- Engage in the support detailed in the 'House Rules and Support' Section (below) and the Pathway Plan in order to develop/improve independence skills.
- Behave in a reasonable way, showing respect for my carer(s), their property, other children/young people in the placement to those living next door or nearby and the local community.
- Avoid behaving in a manner that is discriminatory, inflammatory (to others) or that would be deemed anti-social.
- Keep to any house rules set out in this Living Together Agreement.
- Ensure any house keys are kept safe and are not duplicated.

- Be responsible for paying rent of £116.50 per week, either from earnings or by claiming the housing element of Universal Credit, or a combination of earnings and the housing element of Universal Credit (directly to the “Staying Put” carer).
- Be responsible for paying rent of £15.00 per week as a contribution towards meals/food and utility/services (directly to the “Staying Put” carer).
- Let my leaving care personal adviser and carer(s) know in advance if I wish to end the “Staying Put” arrangement (giving at least 28 day’s notice).
- Maintain the room, furnishings and fittings in good order (and be responsible for replacing any items that are damaged and/or lost/stolen).
- Contact my leaving care personal adviser if I would like to change this Living Together Agreement or raise concerns.
- Inform my “Staying Put” carers and my leaving care personal adviser if I am arrested and/or cautioned/convicted of any offence.
- On leaving the “Staying Put” arrangement ensure the room is cleaned and all belongings are moved/removed within an agreed timescale (belongings must be moved within one week to ensure the room is available for other young people).
- Add specific detail as required.

.....

2. Responsibilities of the “Staying Put” Carer(s):

- Provide a single fully furnished room (for rent of £116.50 per week) to be paid for by the young person via earnings and/or the housing element of Universal Credit.
- Provide heating, hot water, lighting, food, a house key, support and WiFi connection.
- Inform the young person’s leaving care personal adviser and the supervising social worker and the Department for Work and Pensions if the young person ceases to reside at the accommodation in order to prevent an overpayment of benefits/housing element of Universal Credit (or if there is a change of circumstances).
- Inform the young person’s leaving care personal adviser and the supervising social worker if you wish to end the “Staying Put” arrangement (giving at least 28 days’ notice). [The 28 days’ notice can be waived in exceptional situations where it would be deemed inappropriate or unsafe for the young person to remain for the whole 28 day notice period].
- Inform the young person’s leaving care personal adviser and your supervising social worker as soon as possible of any significant incidents and if the arrangement is likely to be disrupted or end prematurely.
- Respect confidentiality (within agreed parameters) at all times regarding personal details of the young person.
- Ensure the accommodation is of a good standard and allow annual household health and safety checks to be carried out and ensure adequate insurance is in place.

- Ensure relevant staff /agencies are made aware if the young person is absent or missing.
- Identify a “Staying Put” respite carer (to be approved and have an updated DBS check) to stay in the house with the young person, if the young person is not able to stay overnight on their own.
- Ensure (in conjunction with Wandsworth Children’s Services staff) an appropriate ‘Safe Care’/’Safeguarding Plan’ is in place to manage any impact on other / younger children in the household, including visitors of the “Staying Put” young person.
- Provide support (as detailed below in the ‘House Rules and Support’ Section).

Please detail any specific agreements (for example, how are younger children to be safeguarded, visitors supervised?)

.....

3. Responsibilities of the Supervising Social Worker / Leaving Care Personal Adviser:

- Inform the Staying Put carer(s) of any likely risks and advise on risk management and safe care.
- Carry out a DBS check for the young person and other household members prior to them reaching the age of 18.
- Advise and assist the young person with paying rent and/or making a housing element of Universal Credit claim.
- Advise and assist the young person with any other benefit/Universal Credit claims and financial matters in order to maximise income.
- Advise and assist the young person with any applications for moving on to other accommodation.
- Advise and suggest house rules (in addition or variance to below).
- Visit at regular intervals until the end of this “Staying Put” arrangement to provide support.
- Review this arrangement as part of the young person’s Pathway Plan review.
- Review this Living Together Agreement and the ‘House Rules and Support’ Section (below) at least every six months (in-conjunction with the Pathway Plan).
- Please detail any specific arrangements, for example, will the young person require a DBS check, if so, who will complete this?
- Clarify any changes in the “Staying Put” carers Council Tax liability?

.....

4. House Rules and Support:

The points and headings set out below are not intended to be a definitive list; they provide a broad set of topics which should be discussed, clarified and expectations set out, it will be important to add other topics relevant to the individual "Staying Put" household.

Each household will have different rules and expectations, some of these will depend on who else lives in the household, for example, where younger foster children are living in the house, it may not be appropriate to have a boyfriend or girlfriend stay over.

Suggested Topics for discussion:

Issues regarding privacy, for example, when it is acceptable to enter the young person's bedroom, which parts of the house are private, shared etc.

What are the arrangements for the young person having their own key?

What time is the young person expected to return in the evening, what are the arrangements if the young person is going to be late, or wants to stay out overnight etc?

What are the arrangements for ascertaining the young person's whereabouts if they do not return on time?

What are the arrangements for reporting the young person missing if they cannot be located, how long would you continue to try to contact them before reporting them missing?

What are the arrangements for the young person having visitors and/or for friends staying overnight and/or boyfriends/girlfriends staying overnight, what is deemed acceptable?

What are the arrangements if the young person smokes, what are the rules on consuming alcohol?

What are the rules and arrangements regarding the young person having a mobile phone contract, credit arrangements, store cards, for example?

Arrangements for helping with the development of life skills:

Cooking and food preparation

Laundry, ironing household chores

Budgeting and money management

Arrangements for dealing with administrative tasks and officialdom:

Renewing housing element of Universal Credit claims

Returning official forms

Arrangements for helping with any health needs:

Setting up and attending appointments

Any specific health needs

Arrangements for education, training or employment activities:

Support with homework/assignments

Attending school, college or university open days, meetings regarding training or employment

Arrangements for support with maintaining contact with family and friends:

Support with maintaining contact with family and extended family members:

Support in maintaining appropriate friendships:

Arrangements for hobbies, leisure interests and sports activities:

Support with maintaining activities:

Support with identifying and trying new activities:

What are the appropriate behaviour codes and the safer caring arrangements:

Is the young person registered on the local authority housing list?

What is the proposed move-on plan from “Staying Put”?

What are the arrangements for ending “Staying Put”?

Arrangements for holidays and when the “Staying Put” carer will be away:

Other issues to be added:

6. Living Together Agreement Signatures:

Signed:(Young Person).....Date:

Signed:(“Staying Put” Carer).....Date:

Signed:(Leaving Care Personal Adviser)....Date:

Signed:(Supervising Social Worker).....Date:

APPENDIX NINE

“Staying Put” Professionals/Viability Meeting - Agenda

To be used at the professionals/viability meeting and again in advance of the Wandsworth Care Panel (age 16½ and 17½).

Date of Meeting:

Name of Young Person:

Name of Foster Carer:

Attendees:

1. Is it likely that the young person will remain under a “Staying Put” arrangement when they reach their 18th birthday;

Action:

2. Does the young person and the foster carer/s understand the procedures and tasks associated with extending a foster placement into a “Staying Put” arrangement;

Action:

3. Does the young person understand their financial/contribution and their rent and Universal Credit responsibilities associated with remaining in a “Staying Put” arrangement;

Action:

4. Does the foster carer/s understand the changes in their funding arrangements associated with a “Staying Put” arrangement;

Action:

5. Does the foster carer/s understand the impact of a “Staying Put” arrangement on their welfare benefit/Universal Credit income and on their Income Tax and National Insurance responsibilities and liabilities;

Action:

6. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable;

Action:

7. What is the plan for converting the “Staying Put” arrangement into an Adult Placement (Shared Lives) where the young person has a disability and meets the Adult Services Care Act 2014 ‘Eligibility’ criteria.

Action:

8. What is the anticipated “Staying Put” payment rate:	TOTAL
a. “Staying Put” Maintenance Allowance	_____
b. “Staying Put” Skills Fee	_____
c. Level of section 23C compensation payment (carer/s receiving legacy benefit/s)	_____
d. Council Tax compensation payment (from authority?)	_____
e. Underoccupancy adjustment if claiming Universal Credit	_____
f. Other adjustment – explain	_____
g. TOTAL PAYMENT	_____

9. Agreed Actions and Roles and Responsibilities.

Signed:

Foster Carer/“Staying Put” Carer_____

Supervising Social Worker_____

Young Person’s Social Worker/Personal Adviser_____

APPENDIX TEN

Independent Fostering Agency “Staying Put” Arrangements

Confirm/Finalise Wandsworth Approach to IFA “Staying Put” Arrangements

The following guidance sets out Wandsworth Councils’ approach to “Staying Put” arrangements where a former foster child (on reaching the age of 18) remains living with their former foster carer under a “Staying Put” arrangement, and the foster carer is registered via an Independent Fostering Agency.

Policy Documents and Framework

Independent Fostering Agencies should have a “Staying Put” policy framework that outlines their procedure for “Staying Put” arrangements, regardless of which Local Authority area the “Staying Put” young person comes from and it is suggested that it covers the following (not exclusively) topics:

1. A policy framework for undertaking a Disclosure and Barring Service check on young people who will become “Staying Put” adults and who will be living in a registered foster care household with foster children and/or where future foster children will be/may be placed. The policy framework should cover the risk assessment process should the DBS check show a ‘trace’ and the process for authorising the risk assessment and risk management plan. The policy should also highlight the process for starting the DBS check in advance of the young person’s 18th birthday; in order that the check and any associated risk assessment is completed by the young person’s 18th birthday.
2. The policy framework for developing and managing safer caring arrangements, delegated authority and risk assessments that covers the following 1) the visitors of the “Staying Put” young person and 2) the “Staying Put” young adult and their impact on other members of the foster care household (i.e., any fostered children). The framework should also outline how risks from the foster care household members and their visitors may impact on the “Staying Put” young person and their visitors, i.e., any possible risks from a foster child and their visitors on any “Staying Put” young person who may be ‘vulnerable’ and how any risks will be identified and managed.
3. The level and type of supervision and support provided by the Independent Fostering Agency to the foster carer who is providing a “Staying Put” arrangement.
4. The process for returning the foster carer who is providing a “Staying Put” arrangement to fostering panel for a review of their change of circumstances as the former foster child (on

reaching age 18) as the “Staying Put” young person becomes an adult member of the foster care household:

- a. Where there are foster children in the household;
 - b. Where there are no foster children, but further foster children will be placed with the foster carer and they are providing a “Staying Put” arrangement;
 - c. Where the foster carer does not have physical space for a further foster child to be placed.
5. The process for de-registering and supervising/supporting the “Staying Put” carer where no further foster children will be placed.
 6. What information is available to foster carers/“Staying Put” carers regarding the impact of the “Staying Put” arrangement payments on their means tested benefit/Universal Credit responsibilities and Inland Revenue (HMRC) responsibilities.
 7. The approach taken to young people remaining in “Staying Put” arrangements whilst attending university and young people who are wishing to return in vacations – see page 9 to 12 of the Wandsworth Council “Staying Put” Policy which should be applied where a Wandsworth young person remains in a “Staying Put” arrangement with an IFA foster carer.
 8. The availability and extension of the foster carers public liability insurance if they are providing a “Staying Put” arrangement (usually provided via the Agency or Local Authority).
 9. The information and guidance provided to foster carers who provide a “Staying Put” arrangement regarding the on-going practical and preparation for independence arrangements for managing and supporting the “Staying Put” adult.
 10. The information and guidance provided to the foster carers who provide a “Staying Put” arrangement regarding the practical arrangements for monitoring the whereabouts of “Staying Put” adult/s and the arrangements for reporting individual “Staying Put” adults as a missing person, if it is not possible to locate their whereabouts (after trying to contact and check the well-being of the “Staying Put” adult).
 11. The ‘Notification’ framework for informing Local Authorities e.g.,) Wandsworth Council, that a “Staying Put” adult from another local authority will be living in a “Staying Put” arrangement with the Local Authority’s foster child e.g.,) a Wandsworth foster child, and detail the arrangements for ensuring that this foster child is safeguarded, and any potential risks managed appropriately, i.e., that the “Staying Put” young person has a DBS check and that any notifications have been addressed via a risk assessments and risk management plan alongside the date/time and who was notified in the Local Authority. For Wandsworth Council an email sent to the Child’s Social Worker and to the Placements Team using their email address CPlacementsDuty@richmondandwandsworth.gov.uk would be required.

- In summary, to ensure appropriate safeguarding arrangements are in place for all foster children and “Staying Put” young adults, IFA’s must ensure that in all fostering situations where a “Staying Put” young person is living they have the pre-requisite DBS checks, risk assessments, safer caring plans in place and appropriate support arrangements for carers.

Independent Foster Care – Staying Put Arrangements & Requirements - Options

The following framework set out the requirements for organising, overseeing, and supporting (practically and financially) “Staying Put” arrangements within Independent Fostering Agencies.

The “Staying Put” viability meeting process which takes place around the young person’s 16th birthday, should explore, clarify and set out the requirements, options and framework that apply to an individual IFA “Staying Put” arrangement. Once the requirements have been explored, clarified and confirmed these should then set out the approach to be taken when the young person reaches the age of 18 and the foster care placement becomes a “Staying Put” arrangement.

- The Provider Level Agreement (the Pre-Placement agreement – PPA) established with each Independent Fostering Agency prior to any foster placements taking place includes the overall approach to “Staying Put”.
- The Individual Placement Agreement established at the point a child is placed with an Independent Fostering Agency and the Independent Foster Carer together with any future Individual Placement Agreement Variations will, when the child is long term placed, detail that the child will remain as a foster child until they are 18 this is notwithstanding the wishes and feelings of the child to remain with foster carer under the “Staying Put” Arrangements which will be captured in the planning stages for “Staying Put”.

Planning for “Staying Put”

The Fostering Permanence Plan created at the point the placement is confirmed as a long term/permanent placement should explore and include the framework for transferring the foster care placement into a “Staying Put” arrangement if all parties are in agreement. In addition, and immediately prior to a young person’s 16th birthday a “Staying Put” viability meeting should take place that includes:

1. The Placements Officer/Commissioning Officer;
2. The Social Worker;
3. The Independent Foster Care Agency – Supervising Social Worker
4. The Foster Carer;

In advance of the viability meeting, the Placements Officer/Commissioning Officer should request a copy of the most up to date IFA “Staying Put” policy for reference.

The young person shouldn’t be included in the viability meeting and process until “Staying Put” has been agreed in principle, this is required in order to avoid unsettling the young person in case it is not possible to progress the “Staying Put” arrangement.

Managing the IFA “Staying Put” Arrangement

Option One

Where it is anticipated that the “Staying Put” arrangement is likely to be short term and/or where the foster carer has other foster children and wishes to remain as a registered foster carer with the IFA, the payment framework should mirror the Wandsworth rate provided to the “Staying Put” carers - £447.80 per week in total (£131.50 from the young person [£116.50 rent and £15.00 food/meals and utilities/services contribution] and £316.30 from Children’s Services). In addition, Wandsworth Council will provide a weekly fee of £75.00 to the IFA to manage the “Staying Put” arrangement. The fee should cover:

1. Provision of a DBS check on the “Staying Put” young adult if one is required;
2. Insurance cover for the “Staying Put” carer;
3. Support and supervision for the “Staying Put” carer (set at a level appropriate to the needs of the “Staying Put” carer and “Staying Put” young person);
4. Yearly reviews of the “Staying Put”/foster care household;
5. Support and training for the “Staying Put” carer regarding preparation for independence and leaving care (this should build on training provided when the “Staying Put” young person was a foster child).

The Wandsworth “Staying Put” - Living Together Agreement document must be used to set out the roles, responsibilities, house rules and expectations of the young person and the support to be provided by the “Staying Put” carer. The Living Together Agreement must be agreed prior to the “Staying Put” arrangement commencing and the Living Together Agreement should be reviewed every six months alongside the young person’s Pathway Plan. The social worker is responsible for setting up the Living Together Agreement meeting and developing the initial Living Together Agreement.

Given that the “Staying Put” young person will become an adult in a foster care household (if the “Staying Put” carer’s remains registered as foster carers) the young person will need a DBS and a safe care plan will need to be developed to ensure appropriate oversight and safeguarding of any foster children in the household. This should include arrangements regarding visitors of the “Staying Put” young person and any oversight and DBS requirements.

Option Two

Independent Fostering Agency Financial Arrangements

The following formula is a guide.

Calculating Staying Put Placement Costs – The cost of a Staying Put Arrangement for Lot 1 - Core Fostering shall be calculated by using the following formulas:

Staying Put Price paid by Wandsworth = Tendered Price – minus Young Person Allowances applicable to the placing Borough (Wandsworth) x 50%

Payment to Carer = Staying Put Price x 75%

Payment to IFA = Staying Put Price x 25%

The example below looks at the formula applied in practice for a tendered Lot 1 price of £750.00 with a placing borough where a young person's Allowance is £50:

Price Charged by IFA = £750 - £50 allowances x 50% = £350

Payment to Carer from IFA = £350 (Price Charged by IFA) X 75% = £262.50

Payment Retained by IFA = £350 (Price Charged by IFA) X 25% = £87.50

Enhancements:

Enhancements can be considered in exceptional circumstances, e.g., significant additional support required to support independence. Requests for additional support will need to be evidenced.

The rationale for the enhancement will need to be approved by the LA SW and the agency will need to clarify what enhanced support will be provided, the rate and to review periods for the enhancement.

Note: Staying Put fees should be added to any IPA that is completed on Care Place, under the additional information detailing the fee break down. This helps contract the fee agreement between the LA and IFA.

John Short

Staying Put Policy - 2023-2024

Version Two

31st May 2023