

# HILLINGDON CHILDREN'S SERVICES

## STAYING PUT POLICY 2020/2021

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

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DATE:	24 <sup>th</sup> August 2017
Revision Date:	August 2020

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## Introduction

The Care Matters White Paper contained a significant focus on improving the support for young people preparing for adulthood, including a pilot programme enabling them 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) 2015 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015) placed an emphasis on a gradual approach to planning transition to adulthood. The average age of leaving home is rising and the transition to adulthood is increasingly 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 in order to support 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.

Hillingdon 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 18<sup>th</sup> 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 18<sup>th</sup> 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 2015;
- Planning Transition to Adulthood for Care Leavers (England) Regulations and Guidance 2010, (revised 2015);
- 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 18<sup>th</sup> 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 18<sup>th</sup> birthday (that is, the carers were approved as foster carers in accordance with the Fostering Service (England) Regulations 2011 and the young person 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 can extend until:
- the young person first leaves the “Staying Put” arrangement;
- or
- the young person reaches their 21<sup>st</sup> birthday, if continuously, and still living in the arrangement;
- or
- the young person completes the agreed programme of education or training being undertaken on their 21<sup>st</sup> birthday, if continuously living in the arrangement since their 18<sup>th</sup> 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 18<sup>th</sup> birthday, and (2) where the young person was looked after immediately prior to their 18<sup>th</sup> 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.

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 and/or a contribution to food) the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim. For guidance on how this is addressed within Hillingdon see pages 26 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 18<sup>th</sup> birthday. This is particularly important to note where young people leave the “Staying Put” arrangement to attend university and return in the holiday periods.

## **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 18<sup>th</sup> 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 21<sup>st</sup> birthday;or
  - the young person completes the agreed programme of education or training being undertaken on their 21<sup>st</sup> 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.

## Hillingdon - “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 18<sup>th</sup> birthday is likely to be an inappropriate point to leave a familial and foster care household. Therefore, the Hillingdon “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/or that all young people can make a gradual transition from care to independence or to an Adult Service.

The Hillingdon “Staying Put” scheme has also been devised 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 Hillingdon “Staying Put” Scheme enables a foster care placement to be extended as a “Staying Put” arrangement from the young person’s 18<sup>th</sup> birthday until:

1. he or she first leaves the “Staying Put” arrangement if before the age of 21;
2. he or she reaches the age of 21;

Whichever comes first:

3. however, if they are in a course of education, support continues until he or she completes the programme of education/training being undertaken on his or her 21<sup>st</sup> birthday;
4. for young people who wish to return to a “Staying Put” arrangement during a university vacation period or forces leave, see pages 10 to 13.

The information provided in this document sets out:

1. The process of setting up a “Staying Put” arrangement;
  2. The payment rates applied to Hillingdon Council “Staying Put” carers;
  3. The welfare benefit and tax rules that apply to “Staying Put” carers;
  4. The benefit 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 applies to Hillingdon Council “Staying Put” carers, it is expected that Independent Fostering Agencies (IFA) will have similar standards. IFA “Staying Put” policies will be monitored via the Access to Resources Team, the West London Alliance Framework and should set out how the IFA applies the requirements of the “Staying Put” framework to its own carers and children/young people.

The Hillingdon “Staying Put” scheme has been divided into two types of arrangement, “Staying Put” Universal and “Staying Put” Disability.

## **1. “Staying Put” – Universal**

**“Staying Put” – Universal** - A foster care placement can be extended from the young person’s 18<sup>th</sup> birthday as a “Staying Put” Universal arrangement in line with the definitions set out above; during this period the “Staying Put” carer’s - Fostering Maintenance Allowance of £292.41 per week will continue, minus £58.90 per week (pocket money, clothing allowance and a personal element) – 2020/2021). The “Staying Put” carer is no longer expected to provide these allowances to the young person, as the young person is

expected to cover these items and this amount (£58.90) from their earnings or by claiming a means tested benefit. In addition, the young person is required to pay rent equivalent to the LHA rate for the area, which can be found on the following link: <https://lha-direct.voa.gov.uk/> . This will be equivalent to the Housing Benefit rate for a shared room, either from earnings or housing benefit or a combination of both, the rent element (and/or housing benefit) should be paid directly to the “Staying Put” carer. Together, this results in an adjusted Fostering Maintenance Allowance.

“Staying Put” carers will also receive a Skills and Training Fee of £140.19 per week equivalent to the level of the fee they were receiving immediately prior to the young person’s 18<sup>th</sup> birthday.

Holidays and Respite – Given that young people are paying rent on their “Staying Put” accommodation they should be able to stay in the house if the foster carers are away. If it is not appropriate for the young person to stay in the house on their own, carers should nominate a relative or friend who can be Disclosure and Barring Service (DBS) checked and approved as a respite “Staying Put” carer for the young person.

Where a young person remains living in “Staying Put” on a full time basis whilst attending university the “Staying Put” arrangement can extend until the young person completes their university course where the course extends beyond a young person’s 21<sup>st</sup> birthday. During term time (defined as a period of 39 weeks in a year), the young person should cover the rent liability (equivalent to the LHA rate for the area) from their Student Finance England Maintenance Loan and any grants/bursaries provided by the individual university. During the vacation periods, the rent liability/element will be covered from the Hillingdon Higher Education Accommodation Allowance, where applicable up to a maximum period of 13 weeks per annum.

<b>“Staying Put” Payment Table - 2020-2021</b>		
Fostering Maintenance Allowance – Age 17	£292.41 Per Week	
“Staying Put” Allowance	£292.41 – minus £58.90 = £233.51 Per Week	£292.41 - Minus £58.90 per week – pocket money, clothing allowance, personal element - Young person covers these needs from their earnings or benefits = £233.51
“Staying Put” Allowance Allowance Breakdown	£233.51 Per Week  £115.07 – Rent element £17.23 – Utilities/Services £27.10 – Food/Meals £74.11 - Support	£115.07 Young Person’s Liability (LHA rate Rent for Hillingdon)
	<b>Local Authority Element</b>  <b>£118.44 Per Week</b>	<b>Young Person’s Element</b>  <b>£115.07 Per Week</b>
“Staying Put” Skills and Training Fee	£140.19 Per Week	
Total Payment	<b>Local Authority Element</b>  <b>£258.63 Per Week</b>	<b>Young Person’s Element</b>  <b>£115.07 Per Week</b>
<p><b><u>Local Authority Element - £258.63 Per Week</u></b></p> <p><b><u>Young Person’s Element - £115.07 Per Week</u></b></p> <p><b><u>Total Payment – £373.70 Per Week</u></b></p>		

## **“Staying Put” University 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 remains in a “Staying Put” arrangement whilst attending university the “Staying Put” provision can be extended until the young person completes their university course where the course extends beyond a young person’s 21<sup>st</sup> birthday. All of the above expectations and principles continue to apply with the exception that the £115.07 rent will be paid by the young person; from A) their Student Finance funding/package during term time and from their Hillingdon Higher Education Accommodation Allowance (where applicable) during the vacation periods;
- The arrangements for returning during the vacation will need to consider the following points and the information set out in the subsequent section:
  - 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 vacation to have a DBS check;
  - The allowance to be paid to the carer.
- 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 prior to the young person commencing the university course and first leaving the placement;
  - II. All arrangements must be agreed and set out in the young person’s pathway plan;
  - III. All final arrangements and 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. Hillingdon Children's Services will only contribute to and/or fund one vacation accommodation arrangement when a young person attends university, either 1) "Staying Put", or 2) University Accommodation, or 3) Private Sector Accommodation, or 4) Social Sector Accommodation.
- VI. Where Hillingdon Children's Services is contributing to vacation accommodation 1) University Accommodation, 2) 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 will need to be in place.
- VII. Hillingdon Children's Services is unable to provide retainers to carers for young people who are attending a course of education which entails them living away from the placement during term time for the following reasons:
- 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 benefit being stopped or reduced to the level of the retainer. As such, it would not be equitable or fair to provide retainers to carers who are not in receipt of means tested benefits and not provide them to those in receipt of means tested benefits.
  - 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.
- VIII. The arrangements for returning during the vacation will need to consider the following points. The amount 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; 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 Finance Loans, University Bursaries and/or 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 in the pathway plan; the rate paid would be the ‘Universal Rate’ and the Skills and Training Fee applied to the “Staying Put” carer. With the young person covering the weekly rent element equivalent to the LHA rate for the area.
- 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 equivalent to the LHA rate for the area from their Student Finance Loans, University Bursaries and Hillingdon Higher Education Accommodation Allowance and Higher Education Bursary.
- XV. Where a “Staying Put”/foster carer does not have a spare room that the young person can use 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. 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 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 (no room of their own), a contribution to food and utilities should be made by the young person. The suggested contribution is £35.72 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 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**

Where a young person leaves a “Staying Put” arrangement to undertake military forces induction, or a further education training programme and would like to return to a “Staying Put” household during leave/vacations, this should be organised based on the University Arrangements set out above, including DBS checks, risk assessments and payment arrangements – over/under 6 days, room availability and advanced planning.

### **Asylum Seeker Arrangements**

Asylum seeking young people 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, given that the Act removes an entitlement to “Staying Put”. \*The guidance associated with the Immigration Act 2016 is yet to be fully issued; the guidance will set out which groups of failed asylum seeking young people will not be able to access Staying Put

## **2. “Staying Put” Disability Arrangements**

**“Staying Put” – Disability** - Where a young person has a disability that meets an Adult Services, Care Act 2014 Eligibility Criteria, the foster care placement should be converted to a Shared Lives/Adult Placement arrangement by the young person’s 18<sup>th</sup> birthday. “Staying Put” arrangements for a disabled young person are therefore a temporary 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 £58.90) and the same level of Skills and Training Fee or Premium that they were paid when the young person was aged 17.

From the young person’s 18<sup>th</sup> birthday they are expected to claim Employment & Support Allowance (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 housing benefit. Planning for the possibility of a Shared Lives placement should be considered at the Age 14 SEND Transition Review where a child is living in foster care and has an Education, Health and Care Plan. Period - 18<sup>th</sup> to 19<sup>th</sup> birthday (the arrangement should be transferred to a Shared Lives/Adult Placement by the young person’s 19<sup>th</sup> birthday at the latest). Where a fostering arrangement is in the process of being transferred to a Shared Lives/Adult Placement and this has not been achieved by the young person’s 18<sup>th</sup> birthday, the carers must undertake an adult service safeguarding training course.

### **“Staying Put” Frameworks**

All Hillingdon “Staying Put” arrangements come within the DfE, DWP and HMRC “Staying Put” definitional criteria. However, in situations where a young person leaves the “Staying Put” arrangement and returns in the vacation/forces training period etc., these arrangements are excluded from the DWP definition and therefore a Section 23C disregard does not apply to any element of the payment and the whole payment will be deemed income (from a ‘Boarder’ if meals are included) by the DWP.

### **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 18<sup>th</sup> 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 young person 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 18<sup>th</sup> 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 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 in order 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 Hillingdon 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, the foster care placement should be converted to a shared lives placement by the young person’s 18<sup>th</sup> birthday. Where a young person is deemed to meet an Adult Service Eligibility Criteria it is important that their primary case worker and the young person’s placement are regulated within the adult services 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 18<sup>th</sup> birthday. Planning for the possibility of a Shared Lives placement should be considered at the Age 14 - SEND Transition Review where a child is living in foster care and has an Education, Health and Care Plan.

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

The long term fostering plan (Permanence Plan) and/or the Leaving Care Assessment of Need begins at the age of 15¾ and 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 18<sup>th</sup> 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 are 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. 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 18<sup>th</sup> birthday, a "Staying Put" professionals/viability meeting should take place as part of the Leaving Care Assessment of Need; this meeting should take place immediately prior to the young person's 16<sup>th</sup> birthday.

The "Staying Put" professionals meeting (part of the Leaving Care Assessment of Need) should include the foster carer/s, the foster carer/s supervising social worker and 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; apportion tasks and 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 18<sup>th</sup> birthday. The professionals ("Staying Put" Viability) meeting and pre-meeting process should follow the three step sequence as set out below:

1. Young person's social worker and the carer's 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 local authority) 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 in order 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 to the statutory review immediately following the young person's 16<sup>th</sup> birthday.

- A request/notification for "Staying Put" ('in principle') should be presented to the Head of Service (Fostering) when the young person reaches the age of 16½ (for monitoring purposes and inclusion on the "Staying Put" Monitor). The "Staying Put" professionals (viability) 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 18<sup>th</sup> 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 decision of the subsequent Statutory Review should then form the basis of the brief report presented to the Hillingdon Access to Resources Panel (HARP), when the young person reaches the age of 17½ - 17¾, who is responsible for any decision regarding extending a fostering placement into a "Staying Put" arrangement.

See appendix six and seven for information.

All meetings should make reference to the reason for the "Staying Put" arrangement, the practical requirements associated with "Staying Put" and also the National Insurance, Income Tax and Welfare Benefits issues for the foster carer/s/"Staying Put" carer/s and the Welfare Benefit issues for the young person. This information should form the basis of the report presented to HARP.

All requests for extending a fostering placement (including Independent Fostering Agency "Staying Put" arrangements) after a young person's 18<sup>th</sup> birthday must be presented to the HARP who will ratify and agree the "Staying Put" plan.

- The formal request for "Staying Put" should be presented to HARP when the young person reaches the age of 17½ - 17¾.
- The request/case should be returned to the relevant team manager when the young person reaches the age of 18¼ to clarify and monitor that all tasks have been completed (rent payment, benefit claim etc).
  - The responsibility for supporting the young person with their personal benefit claim and housing benefit claim rests with their social worker and/or personal adviser.
  - The supervising social worker is responsible for supporting the foster carer/"Staying Put" carer (and young person) to complete the "Staying Put" License Agreement and the necessary landlord elements of the housing benefit claim.

The report presented to HARP should briefly set out the tasks, roles and responsibilities of all those involved in the "Staying Put" arrangement, i.e. "Staying Put" Carer, Supervising Social Worker, Young Person's Social Worker, Young Person's Leaving Care Personal Adviser.

The relevant leaving care manager and the fostering manager are responsible for monitoring “Staying Put” arrangements once the young person reaches the age of 18¼.

## **Information to be Presented to the Hillingdon Access to Resources Panel (HARP)**

The following information in the form of a summary report should be presented to the HARP when the child reaches the age of 17½ - 17¾ setting out the background, purpose and aims of the “Staying Put” arrangement and any particular 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/Adult Placement 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;
  - 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 Hillingdon area, what will happen if they return to Hillingdon or move to the private sector where they live;
- What are the arrangements and contingency plans should the “Staying Put” arrangement not progress or need to be brought to an end after the young person’s 18<sup>th</sup> birthday;
- 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 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 a means tested benefit for their personal needs from their 18<sup>th</sup> birthday. These earnings or benefits replace 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/allowances (1 to 8) do not have any impact on the “Staying Put” carer’s welfare benefits, should they be claiming a means tested benefit. Young people commencing Higher Education courses at any age are not eligible to claim means tested benefits, with the exception of certain lone parents and certain sick and disabled young people.

Pocket money, clothing and the personal allowance will continue to be paid for up to 4 weeks after the young person’s 18<sup>th</sup> birthday in order to allow them sufficient time to establish their benefit claim.

Disabled young people are able to claim Employment & Support Allowance from their 16<sup>th</sup> birthday therefore the pocket money, clothing and personal allowance of £58.90 will cease to be paid (from the Fostering Maintenance Allowance) to the foster carer when the young person receives their first E&SA payment.

1. Disabled young people can claim Disability Living Allowance (if under 16) or Personal Independence Payment (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.

2. Lone Parents can claim Income Support until their child is 5 years old, 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 Tax Credits and Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above benefits, but only from the birth of their baby).
3. Young people can claim Income Support under the 'Relevant Education' rules if they remain '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 Income Support at any point prior to their 21<sup>st</sup> birthday and will continue to receive a payment until the end of the academic year following their 21<sup>st</sup> birthday, i.e. generally until July following their 21<sup>st</sup> birthday. (Income Support rate - £58.90 2020/2021).
4. Young people undertaking full time education or training courses may also be eligible to claim the 16-19 year old Vulnerable Young Person's Bursary, care leavers have an automatic and priority entitlement – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).
5. Jobseekers Allowance where young people are registered as unemployed and are actively seeking employment. (£58.90 2020/2021).
6. A disabled young person in education who gets both Employment & Support Allowance and Disability Living Allowance or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).
7. IS, JSA, E&SA and HB are means-tested. The capital limit for these benefits is normally £16,000, with savings over £6,000 meaning a reduction in 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.

8. Universal Credit – The majority of means tested benefits are currently being incorporated into Universal Credit (UC). UC contains a personal and housing element and should be paid directly to the claimant. When making a claim, care leavers should indicate that they are a ‘care leaver’ and are living in a “Staying Put” arrangement to ensure the housing element of their claim is processed locally by the Housing Benefit Office. Payments under UC are paid monthly and in arrears, with the first payment being made after 6 weeks.
9. Alternative Payment Arrangement (APA) - certain vulnerable groups (i.e. those at financial risk if paid monthly) can request that the housing element is paid directly to the landlord from the start of their claim; this must be requested within the ‘Claimant Commitment Interview’. Care leavers, 16 & 17 year olds, homeless people, those with literacy and numeracy difficulties, those with drug, alcohol and substance misuse difficulties and those in temporary and supported accommodation are deemed to have what the Department for Work and Pensions refer to as ‘Tier One’ vulnerabilities and can request the housing element is paid directly to the landlord from the start of the claim, this will be assessed on an individual basis. As such, and when UC is fully implemented, “Staying Put” young people should request that the housing element is paid directly to the “Staying Put” carer.

## **Liability for Rent**

All young people living in a “Staying Put” arrangement in Hillingdon have a liability for rent of £115.07 (2020/2021) per week which is set on a commercial basis. Young people are expected to pay the rent of £115.07 per week from their earnings or housing benefit, or a combination of both.

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

- Appendix Two - Standard “Staying Put” Arrangement - Housing Benefit Claim Letter - Licence to Occupy – Licence Agreement.

Failure of the young person to pay rent from their earnings or via a claim for housing benefit may result in a young person being evicted from a “Staying Put” arrangement. See appendix one for non-payment of rent issues.

## Housing Benefit for Young People

1. All young people are expected to pay rent of £115.07 per week, from their 18<sup>th</sup> birthday, either from earnings or housing benefit or a combination of both. The rent/housing benefit should be paid directly to their “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 housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim housing benefit Hillingdon Children’s Services will pay the rent/accommodation element(or the housing benefit portion) of the “Staying Put” arrangement (subject to a claim having been rejected [and the rejection being confirmed with the housing benefit department]). The claim for housing benefit should be made, based on the fact that the carer is a former foster carer/”Staying Put” carer rather than a relative. Young people who are working remain liable for rent; Hillingdon Children’s Services will assess the young person’s contribution based on the housing benefit rules and would only pay the housing benefits contribution/element.
3. The rent level in Hillingdon for 2020/2021 is as published on Hillingdon website – [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## Housing Benefit for Young People - Guidance

From the age of 18 young people can claim help from Housing Benefit towards their rent where there is a liability to pay rent on a commercial basis.

Where meals are provided within the “Staying Put” arrangement, the method used to calculate the level of Housing Benefit is the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

Young People are able to claim Housing Benefit in situations where their “Staying Put” carer/s are in receipt of Housing Benefit themselves. However, where carers are in receipt of 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 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 of the other elements, some of these other elements may still be paid through the local authority fostering service, for example, where housing benefit for the young person is paid directly to the local authority. See section – ‘Section 23C Payments and Benefit Issues for “Staying Put” Carers’.

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/young person can request that the Housing Benefit payments are paid directly to the "Staying Put" carer/s. Where a young person is claiming Universal Credit they can request an Alternative Payment Arrangement (APA) as care leavers are deemed a 'tier 1 vulnerable group' and can have the housing element of their claim paid to their landlord.

Young people are deemed excluded occupiers on a licence agreement.

The standard housing benefit 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 housing benefit. 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 Hillingdon is £115.07 per week ( LHA equivalent), excluding food, utilities and support. The £115.07 rent figure is based on the Local Housing Allowance rate for a room in a shared house.

**NOTE:**

In circumstances where a young person claims housing benefit and their "Staying Put" carer/s are in receipt of a means tested benefit, the young person's rent/housing benefit claim will result in the "Staying Put" carers benefit/s being reduced. This reduction will be off-set by the local authority (Hillingdon) paying an amount equivalent to the level of the benefit reduction as a section 23C compensatory payment.

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

## **Payment Rates to Hillingdon “Staying Put” Carers**

### **“Staying Put” Universal and Disability Allowances (2020 - 2021)**

The Hillingdon Children’s Services “Staying Put” Allowance is based on the Fostering Maintenance Allowance of £292.41 per week for a 17 year old.

Hillingdon “Staying Put” Allowance - £292.41 per week - minus £58.90 = 16 & 17 year old pocket money, clothing and a personal allowance rate. The £58.90 per week pocket money, clothing and a personal allowance element are no longer provided to the young person by the “Staying Put” carer. The young person replaces these allowances from their earnings or personal benefit claim.

#### **£233.51 “Staying Put” Allowance Rate – Per Week**

£115.07 Rent – covered by the young person from earnings or housing benefit or a combination of both – per week.

£17.23 Utility/Services/Fuel allowance provided by the local authority – per week.

£27.10 Food/Meals allowance provided by the local authority – per week.

£74.11 Support allowance provided by the local authority – per week.

The £58.90 per week reduction is applied from the young person’s 18<sup>th</sup> birthday.

The £115.07 rent liability is applied from the young person’s 18<sup>th</sup> birthday. The rent element is paid by the young person directly to their “Staying Put” carer.

### **“Staying Put” Universal and Disability - Skills and Training Fee**

“Staying Put” carers will also receive a £140.19 per week Skills and Training Fee.

### **“Staying Put” Disability Arrangements (2020 - 2021)**

The above payment rates and expectations also apply to “Staying Put” Disability Arrangements. “Staying Put” Disability arrangements are a temporary provision and only apply whilst a Shared Lives/Adult Placement conversion is being undertaken.

In the majority of situations, the foster carers should transfer to the shared lives scheme on the young person’s 18<sup>th</sup> birthday.

## **“Staying Put” Independent Fostering Agency Transfers (2020 – 2021)**

In circumstances where a foster carer has transferred from an Independent Fostering Agency to Hillingdon Council, the maximum level of payment would be their agreed rate, or up to the “Staying Put” Universal Payment Rate (£233.51 less the young persons rent element) plus the £140.19 Skills and Training Fee.

## **“Staying Put” General Allowances (2020 – 2021)**

1. From the young person’s 18<sup>th</sup> birthday “Staying Put” carer’s 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.
2. With the exception of the pocket money, clothing and personal allowance carers should continue to provide the same level of financial support and practical support as they did when the young person was aged 17.
3. Any additional funding or requirements relating to family contact, specific activities and health needs for individual young people and “Staying Put” arrangements should be agreed from the Hillingdon Transition to Adulthood (Leaving Care) Finance Policy and should be set out in the young person’s pathway plan.
4. From young person’s 18<sup>th</sup> birthday a rent charge of £115.07 per week is applied, this should be paid from their earnings or via housing benefit or a combination of both.
5. In situations where young people are working, and do not claim a means tested personal benefit they will be expected to use their earnings to replace the pocket money allowance, clothing allowance and personal allowance element and also pay their rent contribution. Earnings over limit will result in a reduction of housing benefit which will need to be made up by a contribution by the young person.
6. 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 housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim housing benefit Hillingdon Children’s Services will pay the rent/accommodation element of the “Staying Put” arrangement only if the family are not receiving maximum HB payable, 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 housing benefit contributions scale).
7. All Rent and/or Housing Benefit should be paid directly to the “Staying Put” carer by the young person (from their earnings or housing benefit or a combination).

## **Section 23C Payments and Benefit 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. 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 pay this directly, or via a claim for housing benefit (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.

The section 23C element will always be disregarded when calculating the “Staying Put” carer’s welfare benefit entitlement (with the exception of young people who leave the “Staying Put” and then subsequently return – university vacation/forces arrangements).

Where Housing Benefit (UC) is paid to the young person, 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. Under these rules the first £20.00 and 50% of the remainder is disregarded. For example, if a carer receives £373.70 per week in total for the “Staying Put” arrangement of which £258.63 is paid by the local authority under section 23C and £115.07 rent is paid by the young person from housing benefit/personal benefit (and/or earnings), the amount taken into account by the DWP will be £115.07. Of the £115.07, £20.00 and a further £47.54 (50% of the £95.07) is disregarded, therefore the carer will be deemed to have a £47.53 per week income from the ‘Boarder’ (“Staying Put”) arrangement and they will lose £47.53 of their Income Support, income based Jobseekers Allowance or income-related Employment and Support Allowance (UC). 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 is not getting another means-tested benefit, the £47.53 will count as income, and this will lead to a £30.89 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 claim Housing Benefit and an amount equivalent to the carers DWP benefit reduction will be paid to them from section 23C. The section 23C compensatory payment will be disregarded in full by the DWP. In the above example a £47.53 or £30.89 per week compensatory section 23C payment will be made. Where the “Staying Put” carer is over the pension credit age (the pension credit entitlement age is rising from 60 to 65 between 2010-2020) 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, 32 and 33. That profit may well be nil.

Foster carers/”Staying Put” carers who are in receipt of a means tested benefit may find it helpful to undertake a ‘Better Off’ assessment when their foster child reaches the age of 16 or becomes a “Staying Put” young person at 18, or when their own youngest child reaches the age of 5. A ‘Better Off’ assessment (usually undertaken by a welfare rights worker or the Citizens Advice Bureau) will calculate whether the foster carer/”Staying Put” carer is ‘better off’ claiming a means tested benefit or Tax Credits.

Early planning for, and identification of, the benefits 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.

## Payment Adjustments/Compensation Table

All situations	Carer in receipt of benefit
<p>Adjustment to foster carer's / "Staying Put" carer's payment when young person claims Income Support, or Employment and Support Allowance or Jobseekers Allowance or has earnings from employment.</p> <p>Young person pays rent from earnings or housing benefit - £115.07 per week.</p>	<p>Adjustment to foster carer's / "Staying Put" carer's payment when young person claims Income Support, or Employment and Support Allowance or Jobseekers Allowance or has earnings from employment.</p> <p>Young person pays rent from earnings or housing benefit - £115.07 per week.</p>
<ul style="list-style-type: none"> <li>• Allowance reduces by £58.90 per week (pocket money and clothing allowance and personal element).</li> </ul>	<ul style="list-style-type: none"> <li>• Allowance reduces by £58.90 per week (pocket money and clothing allowance and personal element).</li> <li>• A Section 23C Compensation Payment of £31.00 or £20.15 per week is made in order to compensate for the £31.00 or £20.15 of weekly benefit being lost as a result of the young person's rent/housing benefit payment.</li> <li>• Actual reduction of £37.75 (HB) or £26.90 (IS, JSA, E&amp;SA and HB) for the pocket money, clothing allowance, personal element and young person's food payment, which incorporates the section 23C Compensation Payment.</li> </ul>
<p>➤ Rent (Housing Benefit) is paid to the "Staying Put" carer.</p>	
<p>➤ Carer no longer provides pocket money, clothing or a personal allowance element of £58.90 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. Young people undertaking employment will be expected to cover the level of the carers Council Tax Support reduction (should a reduction apply).
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 as part of the “Staying Put” request to the HARP for a payment from section 23C equivalent to the carers financial loss. Young people undertaking employment will be expected to cover the level of the carers Council Tax Support reduction, should a reduction apply.
6. “Staying Put” young people will not incur an ‘Under Occupancy’ or bedroom tax charge regarding their impact on the “Staying Put” carers.
7. 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 six). The “Staying Put” Carer Financial Statement should be completed when the young person reaches the age of 17¾. A copy should be given to the carer and a copy should be presented to the HARP with the “Staying Put” request report.

## **The Treatment of Benefits**

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) the section 23C disregard ceases on any non-section 23C element of the payment.

## **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 'Shared Lives Carers' – 'Qualifying Care Relief' Guidance.

The 'Shared Lives Carers' – '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 21<sup>st</sup> 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 2020 - 2021 this is set at £10,000). Secondly, an additional amount per week per child (£200 per week under the age of eleven [0-10], £250 per week age eleven to their eighteenth birthday [11-17] 2017 - 2018) and £250 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 £10,000 per year applies once per household regardless of how many foster children or “Staying Put” young people are placed. 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 carers can consult their local HMRC office for guidance on their circumstances and liabilities.

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.

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](http://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 'Shared Lives Carers' – 'Qualifying Care Relief Guidance' - Fostering and "Staying Put" Income Tax and National Insurance framework. <http://www.hmrc.gov.uk/helpsheet/hs236.pdf>

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 or any Income Tax or National Insurance liability.

The following short HMRC films provide information for foster carers, "Staying Put" carers and shared lives carer about their income tax and national insurance responsibilities.

HMRC Webinars:

- <http://www.hmrc.gov.uk/webinars/self-employed.htm> HMRC Site
- <http://www.youtube.com/watch?v=MjtJaQ4x8HM> Foster Care
- <http://www.youtube.com/watch?v=IP7jcNGRbqE> Shared Lives

## **“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**

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 Hillingdon 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 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 18<sup>th</sup> 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).

Consideration will be given to the impact of the “Staying Put” young person on any foster children in the placement and any potential safeguarding risks.

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 is 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 and adoption 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 and adoption 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 presented to the fostering and adoption 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 and adoption panel prior to the young person's 18<sup>th</sup> birthday should set out the requirements for the foster carer to maintain their training and capacity to foster during their period of fostering inactivity.

Where it is anticipated that a young person will leave a “Staying Put” arrangement by their 19<sup>th</sup> 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 18<sup>th</sup> birthday to ensure the “Staying Put” arrangement is settled and long term.

The supervising social worker should submit a report to the fostering and adoption 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 apply when a young person reaches the age of 18 the following requirements and standards will continue to govern the Hillingdon “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 fostering service.
- A return to fostering and adoption panel to discuss changes in the household arrangements and the plans for fostering deregistration/resignation;
- The “Staying Put” carer should resign from their fostering status and will remain regulated as ‘if a foster carer’;
- The Placement Plan should be converted into a ‘Living Together Agreement’ when the young person reaches the age of 17¾, in preparation for their 18<sup>th</sup> birthday (the Placement Plan remains in place until their 18<sup>th</sup> birthday);
- A yearly review of the “Staying Put” carer and the overall arrangement, in line with the fostering household review and approval system;
- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks in line with the fostering requirements;
- Regular supervision from the fostering service, at a frequency of no less than every 3 months;
- The opportunity to attending appropriate training and support groups.

## Support for “Staying Put” Carers

All “Staying Put” Carers will be allocated a named supervisor from the Fostering Service.

1. In situations where foster children are placed in the household, or may be placed in the future and the “Staying Put” carer will remain registered as a foster carer, their existing supervising social worker will continue to support the overall arrangement (Fostering and “Staying Put”).
2. 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 responsibility for the support and supervision of the “Staying Put” arrangement may transfer to an unqualified worker within the fostering service.
  - The frequency of supervising social worker visits to “Staying Put” carers who remain registered as foster carers will continue at the foster carer level, or more frequently, as required.
  - The frequency of visits to “Staying Put” carers who cease to be approved as foster carers will continue at the foster carer level if the needs of the young person or the “Staying Put” carer remain the same. In circumstances where the needs of the young person and the “Staying Put” carer reduce, the frequency of visits will be reassessed and may reduce to three monthly. Visits will be no less than three monthly.

## 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.

Where the carer ceases to be a foster carer, their fostering recording file will become a “Staying Put” recording file. Foster carers that provide foster care and “Staying Put” will have a “Staying Put” section within their fostering file.

## 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 “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 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 Hillingdon 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 Hillingdon 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/ 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 18<sup>th</sup> birthday.

A Placement Plan – Living Together Agreement meeting should take place when the young person reaches the age of 17¾ to 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/personal adviser. 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 after care social worker/personal adviser should consult with the social workers of the other foster children.

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 Hillingdon's Living Together Agreement

## **Conclusion and Universal Credit**

The information in this guidance document is correct as of July 2020 and will apply to "Staying Put" arrangements during 2020 - 2021. The introduction of the Universal Credit system has created changes to the benefit and tax credit system for foster carers, "Staying Put" carers and young people in, and leaving care.

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

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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 a Hillingdon housing authority or housing association tenancy 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 social worker / leaving care personal adviser will arrange for the young person to access suitable accommodation via Hillingdon Council housing department or partner housing association.

#### **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**

If the young person is believed to have acted criminally, displayed extreme behaviour or the placement breaks down for some other reason.” Wherever possible, a “Staying Put” Stability Meeting will take place and will set out where the young person will move to. Hillingdon 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 housing benefit they may be subject to an eviction process. In all situations where a young person owes four weeks rent (£328.00) 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 a last resort in situations of rent arrears.

### **Residential Status – Excluded Licence**

The accommodation 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**

### **“Staying Put” Arrangement – Licence Agreement**

#### **“Staying Put” & Property Licence Address**

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

Date of Birth:

Name of Landlord (**LICENSOR**):

Licence to Occupy – Licence Agreement - Board and Lodgings Arrangement

This Agreement is made on (ADD DATE)

This Agreement is made between (ADD NAME OF YOUNG PERSON) and (ADD NAME OF FOSTER CARER/STAYING PUT CARER/LANDLORD)

This agreement places a commercial liability on (ADD NAME OF YOUNG PERSON) for the provision of £115.07 per week rent to (ADD NAME OF FOSTER CARER/STAYING PUT CARER/LANDLORD) for the provision of accommodation. The Local Authority will also provide £44.33 per week for meals and fuel on behalf of the young person. **Total - £159.40 per week.**

- The young person will be provided with a ‘room’ in a shared house and the provision of a range of practical support services.
- The landlord will provide a ‘room’ in a shared house and the provision of a range of practical and emotional services.

#### **Services Provided within the Overall Staying Put Arrangement (Board & Lodgings Arrangement)**

1. Accommodation - £115.07 per week to be paid by the young person/Licensee
2. Meals and Food provided to the young person by the Licensor and paid for by Children’s Services on behalf of the young person - £27.10 per week
3. Utilities and Fuel provided to the young person by the Licensor and paid for by Children’s Services on behalf of the young person - £17.23 per week
4. Support provided to the young person by the Licensor and paid for by Children’s Services on behalf of the young person – £214.30 per week, depending on the needs of the young person and skills of the carer

The information provided below is to confirm that **[add full name of young person]** was previously a child placed in my foster care household by Hillingdon Children’s Services. **[Add full name]** has now reached the age of eighteen and will be remaining as an “independent adult” in my household under a “Staying Put” arrangement. **[Add full name]** is liable for net rent costs of £115.07. Hillingdon Children’s Services will continue to provide an allowance (on behalf of the young person) to meet meal/food costs, utility/fuel/service costs and support costs of **[add amount]**.

As **[add full name]** is provided with meals and is a care leaver I understand **[he/she]** is eligible to claim Housing Benefit under the 1996 Housing Benefit rent rules relating to “Boarder” arrangements.

As **[add full name]** was previously “Looked After” and remains vulnerable (Tier One – UC Claimant) I would request that the Housing Benefit (Housing Element of Universal Credit is paid directly to the “Staying Put” carer/s/landlord on behalf of the young person. Hillingdon Children’s Services will continue to pay the “Staying Put” carer/s the combined meals/food, utility/fuel/services and support cost to avoid any disruption to the “Staying Put” carer/s payments on behalf of the young person rather than pay these to the young person to be passed to the “Staying Put” carer/s/landlord.

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

[Signed by “Staying Put” Carer/s/Landlord]

[Signed by the “Staying Put” Young Person/Licensee]

## “Staying Put” Carer/Landlord – Rent Payment Details

### Contact Details:

“Staying Put” Carer/Landlord Details

Please make payments via BACS  
“Staying Put” Carer/Landlord Details:  
Bank Account for BACS – ADD  
Sort Code ADD  
Account Code ADD

The requirements and responsibilities of the young person/licensee are set out below and within their Living Together Agreement:

Rent liability of £115.07 per week to be paid directly to the Landlord.

### **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 housing benefit they may be subject to an eviction process. In all situations where a young person owes four weeks rent (£460.28) a “Staying Put” Stability Meeting will be held. The “Staying Put” Stability Meeting and “Staying Put” carer 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 a last resort in situations of rent arrears.

### **Behaviour**

The young person will maintain the accommodation, associated furnishings and behave appropriately and in accord with the house rules as set out in the Living Together Agreement. In all situations where a young person does not maintain the accommodation, associated furnishings and does not behave appropriately, 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 their actions/behaviour. Where a young person breaches the house rules repeatedly a process of eviction/move-on will be instigated.

## **APPENDIX THREE**

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

ADD HILLINGDON COUNCIL LOGO

Hillingdon 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 £115.07 per week, excluding meals, utility and support charges. The information provided below sets out **(his/her)** legal status and financial circumstances.

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 2010 and Care Leavers (England) Regulations 2010.

- A. I can also confirm that **(Add Full Name)** was previously ‘Looked After’ by Hillingdon 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 Hillingdon 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)** and will continue to receive practical support and, in specific circumstances, financial help from Hillingdon Children's Services under Section 23C of the Care Leavers (England) Regulations 2010 (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 £58.90 per week allowance under these powers for a maximum of 4 weeks.

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 Jobseekers Allowance at the rate of £58.90 per week and full Housing Benefit (Universal Credit) and Council Tax Support.
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 £58.90 per week, I believe **he/she** will be entitled to claim full Housing Benefit (Universal Credit) and Council Tax Support.
3. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and is covered by the relevant education criteria, I believe **he/she** will be entitled to claim Income Support at the rate of £58.90 per week and full Housing Benefit (Universal Credit) and Council Tax Support.
4. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and has been given a 'Fit Note' by **his/her** Doctor, I believe **he/she** will be entitled to claim Employment & Support Allowance and full Housing Benefit (Universal Credit) and Council Tax Support.
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 Housing Benefit (Universal Credit) and Council Tax Support. Please find attached relevant wage slips/prove of income.
6. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is temporarily unable to submit a claim for means tested benefits, Hillingdon Children's Services will provide a £5.00 allowance under Section 23C of the Care Leavers (England) Regulations 2010. As this payment will constitute a low income, I believe **he/she** will be entitled to claim Housing Benefit (Universal Credit) and Council Tax Support.

As **(Full Name)** was 'Looked After' on/or after **his/her** sixteenth birthday **he/she** is exempt from the single room rent restriction.

As (Add Full Name) was previously 'Looked After' and remains vulnerable, I would request that the Housing Benefit or 'Housing Costs' element of Universal Credit' is paid under an 'Alternative Payment Arrangement' [Tier 1 Vulnerable Group] directly to their landlord ("Staying Put" carer).

**(Add specific information)**

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

Yours faithfully

**Approved Signatures**

**Team Manager**

**Senior Practitioner**

**\* Please complete, or delete, either section A or B, complete the bold text sections and the relevant sections 1 to 6. 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: 2014/2015  
**Part 3 General rules for means tested benefits**  
Chapter 14 Income under pension credit age  
4: Income other than earnings  
Page 286

**Payments by Social Services**

The Following payments are ignored:

A payment from a social services department under ss17, 23B, 23C or 24A of the Children Act 1989 or, in Scotland, a payment from a social work department under s12 of the Social Work (Scotland) Act 1968 or under ss29 or 30 Children (Scotland) Act 1995 – i.e., payments from social services to assist children in need or young people who have been in care or who have been looked after. For IS and income-based JSA, such payments are not ignored if you or your partner are involved in or, for IS only, have returned to work after a trade dispute. <sup>208</sup>

- <sup>208</sup> **IS** Sch 9 para 28 IS Regs
- JSA** Sch 7 para 29 JSA Regs
- ESA** Sch 8 para 30 ESA Regs
- HB** Sch 5 para 28 HB Regs
- CTB** Sch 4 para 29 CTB Regs

**APPENDIX FOUR**

**Hillingdon Authorisation to Disclose Information Form**

Agencies and individuals I agree to share information with

I agree to my Social Worker 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:

- Job Centre Plus
- 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 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 particular 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 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 (2020 – 2021)***

The following information should be used when a young person makes an application for housing benefit to show the breakdown of the whole payment. The applicable table below should be applied to the Hillingdon ‘Standard *“Staying Put” Arrangement - Housing Benefit Claim Letter*’ – Appendix Two. The rent, utilities/services, meals/food support rate are fixed amounts; the support element will depend on the carers skills and fee level.

### **“Staying Put” Universal and Disability Allowances**

#### **“Staying Put” - Fostering Maintenance Allowance**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£115.07 (young person’s responsibility)
SUPPORT	£74.11
UTILITIES/SERVICES/FUEL	£17.23
MEALS/FOOD	£27.10
<b>TOTAL</b>	<b>£233.51</b>

#### **“Staying Put” - Fostering Maintenance Allowance and Skills and Training Fee - £140.19**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£115.07 (young person’s responsibility)
SUPPORT	£214.30
UTILITIES/SERVICES/FUEL	£17.23
MEALS/FOOD	£27.10
<b>TOTAL</b>	<b>£373.70</b>

**APPENDIX SIX**

**Foster Carer/"Staying Put" Carer Financial Allowances Statement (completed when the young person reaches age 17¾) (Also to be presented to the Hillingdon Access to Resources Panel (HARP))**

**"Staying Put" Carer Financial Statement**

1. Level of "Staying Put" Allowance to be paid:

.....

2. Level of "Staying Put" Skills and Training Fee:

.....

3. What benefits will the young person apply for:

.....

4. What is the level of the benefits that it is anticipated the young person will receive:

.....

5. Level of Rent/Housing Benefit and where paid:

.....

6. If the young person is working, will they be making a rent contribution, if so, how much will they contribute to their rent and how will the contribution be made:

.....

7. Will the "Staying Put" carer's Council Tax discount or level of Council Tax payment change (if so what is the change/level of shortfall [will this be covered by the young person or the local authority]):

.....

8. Is the foster carer / "Staying Put" carer in receipt of any means tested benefits (IS, JSA, E&SA , UC and/or HB):

.....

9. If the foster carer / "Staying Put" carer is in receipt of a means tested benefit what is the level of the section 23c compensatory payment:

.....

**Total to be paid to the "Staying Put" carer - £.....**

Date "Staying Put" arrangement/payment to be reviewed.....

**“Staying Put” – Young Person Task Checklist**

***“Staying Put” and Benefit Task Checklist (completed when the young person reaches age 17¾) (Also to be presented to the Hillingdon Access to Resources Panel (HARP))***

<b>Task</b>	<b>Responsibility for Task Completion – (Name and Service)</b>	<b>Completed Yes/No or Date to be completed</b>
Report to the HARP		
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		
Does the young person have a 'Fit Note' from their GP as proof of sickness		
Personal benefit claim		
Housing benefit claim		
Council tax support claim		
Universal Credit claim		
If the young person is earning, will they be making a contribution, if so how much and how will the payment be made		
DBS check		
Risk assessment		
Developing the Living Together Agreement		
<b>ADD AS REQUIRED</b>		

## **APPENDIX SEVEN**

### **“Staying Put” Professionals/Viability Meeting - Agenda**

To be used at the age 16 professionals/viability meeting and again at the age 17¼ to 17½ meeting

**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 18<sup>th</sup> 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 benefit 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 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.



**APPENDIX EIGHT**

**Hillingdon Rent & Housing Benefit Contributions Table  
2020 - 2021**

***Rent Liability – Earnings/Income and Housing Benefit Eligibility – Contribution Table***

The table below sets out the level of contribution that the young person will need to make towards their rent and the amount of housing benefit they will receive for a given level of income/earnings.

Rent Liability and Earnings/Income – Housing Benefit Contributions Table - Staying Put - 2020 – 2021			
Rent Liability = £115.07 per week - 2020 – 2021			
Earnings/Income £ per week	Disregard £ per week (Single person £58.90 element plus £5.00)	Housing Benefit contribution - £ per week paid to Staying Put Carer	Rent contribution - £ per week paid to Staying Put Carer
63.90	63.90	115.07	0
73.90	63.90	108.57	6.50
83.90	63.90	102.07	13.00
93.90	63.90	95.57	19.50
103.90	63.90	89.07	26.00
113.90	63.90	82.57	32.50
123.90	63.90	76.07	39.00
133.90	63.90	69.57	45.50
143.90	63.90	63.07	52.00
153.90	63.90	56.57	58.50
163.90	63.90	50.07	65.00
173.90	63.90	43.57	71.50
183.90	63.90	37.07	78.00
193.90	63.90	30.57	84.50
203.90	63.90	24.07	91.00

213.90	63.90	17.57	97.50
223.90	63.90	11.07	104.00
233.90	63.90	4.57	110.50
243.90	63.90	0.00	115.07

## **APPENDIX NINE**

### ***Hillingdon – Independent Fostering Agency “Staying Put” Arrangements***

The following guidance sets out Hillingdon Councils’ approach to “Staying Put” arrangements where a former foster child (on reaching 18 years old) remains living with their former foster carer under a “Staying Put” arrangement, and within an Independent Fostering Agency (“Staying Put”) arrangement, in addition the West London Alliance – “Staying Put” Framework provides guidance on the policy and payment expectations.

#### **Policy Documents and Framework**

Independent Fostering Agencies should have a “Staying Put” policy framework that 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 18<sup>th</sup> birthday; in order that the check and any associated risk assessment is completed by the young person’s 18<sup>th</sup> birthday.
2. The policy framework for developing and managing safer caring arrangements, delegated authority and risk assessments on 1) the visitors of the “Staying Put” adult and 2) on the “Staying Put” adult, particularly in relation to their impact on other members of the foster care household. The framework regarding the management of risk/s from the foster care household members and their visitors on the “Staying Put” adult and their visitors, i.e. from any foster child and their visitors, particularly where the “Staying Put” adult is ‘vulnerable’.
3. The level and type of supervision and support provided by the Independent Fostering Agency to the “Staying Put” carer.
4. The process for returning the “Staying Put” carer to fostering panel for a review of their change of circumstances as the former foster child (on reaching age 18) 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 “Staying Put” adult;
  - 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 responsibilities and Inland Revenue (HMRC) responsibilities.
- 7. The availability and extension of the foster carers/”Staying Put” carers public liability insurance.
- 8. The information and guidance provided to foster/”Staying Put” carers regarding the on-going practical and preparation for independence arrangements for managing and supporting the “Staying Put” adult.
- 9. The information and guidance provided to the “Staying Put” carers 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).
- 10. The ‘Notification’ framework for informing Hillingdon Council that a “Staying Put” adult from another local authority will be living in a “Staying Put” arrangement with an Hillingdon foster child and the arrangements for ensuring the Hillingdon foster child is safeguarded, and any potential risks managed appropriately.
- 11. Other – add as required.

To ensure appropriate safeguarding arrangements are in place for all foster children and “Staying Put” young adults, IFA’s must ensure that all fostering situations where a “Staying Put” young person is living have the pre-requisite DBS checks, risk assessments, safer caring plans in place and appropriate support arrangements for carers (in line with Hillingdon and the West London Alliance requirements).

## **Transfer of Support Arrangements**

Where an IFA “Staying Put” carer resigns from being a registered foster carer, resigns from the IFA and is providing a “Staying Put” arrangement for a Hillingdon “Staying Put” young person the carer will be provided with a named supervising social worker/fostering assistant from the Hillingdon Fostering Service to ensure oversight of the arrangement. The payment rate provided will be based on the Hillingdon Payment Rates.

## **IFA Payment Arrangements**

The information, guidance and payment rates set out above for Hillingdon “Staying Put” carers and the West London Alliance Framework should be used when organising a “Staying Put” arrangement with an IFA placement. Whilst all IFA “Staying Put” arrangements should fit within this Hillingdon/West London Alliance framework, it is acknowledged that in certain circumstances individual arrangements will need to be organised.

*John Short*

*24<sup>th</sup> August 2017*

*Version Eight*

*Updated By Hillingdon LBH 20<sup>th</sup> July 2020*