

# LANCASHIRE CHILDREN'S SOCIAL CARE

## STAYING PUT POLICY 2023 – 2024

Revised Version effective  
as of 01.04.23

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

Page	Section
3	Introduction
4	“Staying Put” Definitions
4	Department for Education Definitions
5	Lancashire - “Staying Put” Scheme
13	Terminology
13	Changing Status - Foster Care Placement to “Staying Put” Arrangement
14	Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement
17	Information to be Presented to the Area Senior Manager
19	Financial Requirements and Personal Benefits/Universal Credit for Young People
21	Liability for Rent
22	Housing Costs for Young People
23	Payment Rates to Lancashire “Staying Put” Carers
23	“Staying Put” Allowances – Year One – 2023 – 2024
24	“Staying Put” Allowances – Year Two – 2023 – 2024
24	“Staying Put” Allowances - Year Three – 2023 – 2024
25	“Staying Put” General Allowances – 2023 – 2024
26	Income Tax and National Insurance Issues for “Staying Put” Arrangements
29	“Staying Put” - Social Care and Regulatory Frameworks
29	Where a Fostered Child/Children are also Living in the “Staying Put” Arrangement, and/or Where a Future Foster Child/Children will be Placed
30	Foster Carers Approved for a Sole Placement and Wanting to Continue Fostering When the “Staying Put” Arrangement Ends
31	Where no Fostered Child/Children are Living in the “Staying Put” Arrangement and no Further Foster Child/Children will be Placed
32	Support for “Staying Put” Carers
33	Recording Information – “Staying Put” Carers

33	Safeguarding and “Staying Put”
34	Minimum Standards and Practical Requirements
35	“Staying Put” Practical Arrangements – Living Together Agreements
37	Appendix One – Move-On Arrangements – Planned and Un-Planned Move-On and Evictions
39	Appendix Two (a) - Standard “Staying Put” Arrangement - Housing Benefit Claim Letter
41	Appendix Two (b) - Standard “Staying Put” Arrangement - Housing Benefit Claim Letter
43	Appendix Three - Standard Benefit Claim Letter - Young Person in “Staying Put”
47	Appendix Four – Authorisation to Disclose Information Form
48	Appendix Five - “Staying Put” Financial Structure and Rates
49	Appendix Six – Foster Carer/“Staying Put” Carer Financial Allowances Statement and Checklist
51	Appendix Seven - “Staying Put” Professionals/Viability Meeting - Agenda
53	Appendix Eight – Rent-Housing Benefit – Legacy Benefit Contribution Table
54	Appendix Nine – Living Together Agreement
62	Appendix Ten – Staying Put Notice Letter
63	Appendix Eleven - IRO – Staying Put Checklist

## Introduction

The Care Matters White Paper contained a significant focus on improving the support for children preparing for adulthood, including a pilot programme enabling young people to remain with their foster carers beyond the age of 18. To meet the commitments in the White Paper and the duties towards care leavers in the Children and Young Persons Act 2008, the Care Planning, Placement and Case Review Regulations and Guidance 2010 (revised 2015) and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015) an emphasis was placed on a more gradual approach to planning transition to adulthood. The average age of leaving home is rising and the transition to adulthood is increasingly becoming more complex and elongated. The “Staying Put” policy framework requires local authorities to set out local protocols and procedures for extending foster placements as “Staying Put” arrangements in order to support children/young people’s transition to adulthood within a family and household supported environment. The intention being to ensure young people can remain with their former foster carers until they are prepared for adulthood, can experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown.

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

Lancashire 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 welfare benefit or Universal Credit issues for young people;
3. The financial rates and payment implications for foster carers and “Staying Put” carers;
4. The welfare benefit or Universal Credit issues for foster carers and “Staying Put” carers;

5. The income tax and national insurance implications and issues for foster carers and “Staying Put” carers;
6. The social care requirements and practical issues associated with extending fostering arrangements as “Staying Put” arrangements.

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

- Children and Families Act 2014;
- Care Planning, Placement and Case Review (England) Regulations and Guidance 2010, (revised 2015);
- 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 2014 and 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 child had been placed with them by the local authority, or via an Independent Fostering Agency);

3. A young person is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 to the Children Act 1989, immediately before he/she reached 18;
4. The “Staying Put” arrangement is set out in the young person’s Pathway Plan;
5. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989;
6. The “Staying Put” arrangement 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.

## **Lancashire - “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 Lancashire “Staying Put” scheme is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted and that all young people can make a gradual transition from care to independence or to an Adult Service.

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

The Lancashire “Staying Put” Scheme enables a foster care placement to be extended as a “Staying Put” arrangement from the young person’s 18 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;
3. he or she completes the programme of education/training being undertaken on his or her 21<sup>st</sup> birthday.

The information provided in this document sets out:

1. The process of setting up a “Staying Put” arrangement;
2. The payment rates applied to Lancashire Council “Staying Put” carers;
3. The welfare benefit and tax rules that apply to “Staying Put” carers;
4. The welfare 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 Lancashire Council “Staying Put” carers, it is expected that Independent Foster Care Agencies would have similar standards. IFA “Staying Put” policies will be monitored via the Commissioning Team and the North West England, Fostering Contract Framework and should set out how the IFA applies the requirements of the “Staying Put” framework to its own carers.

The Lancashire “Staying Put” scheme has two phases:

1. **“Staying Put” – Year One** - A foster care placement can be extended from the young person’s 18<sup>th</sup> birthday as a “Staying Put” Universal arrangement for up to one year for all young people; during this period the “Staying Put” carers Child's Allowance will continue, minus £67.20\* (pocket money, clothing allowance and a personal element) and they will receive a Staying Put Fee of £115.00 per week (if receiving a fee) – 2023-24. The “Staying Put” carer is no longer expected to provide the above allowances (pocket money, clothing allowance and a personal element) to the young person, as they are expected to cover these items and replace this amount (£67.20) from their earnings and/or by claiming a means tested benefit. In addition, the young person is expected to pay rent, (either from earnings or their Universal Credit housing element or a combination) which is paid

directly to the “Staying Put” carer. Where the housing costs are met in full or part by Universal Credit, the young person’s personal adviser should apply for an ‘Alternative Payment Arrangement’ (APA) to have the housing costs paid directly to the “Staying Put” carer/s. - Period - 18<sup>th</sup> to 19<sup>th</sup> birthday.

2. **"Staying Put" – Year One Enhanced Staying Put Payments while in continued education or training (including apprenticeships)** – Where a young person is in continued education or training (including apprenticeships) upon their 18<sup>th</sup> birthday the pre18 fostering allowance and Foster Carer Fee will be matched under Enhanced Staying Put Payments until the end of the academic year (31<sup>st</sup> August) or the end of the young person's education or training course, whichever comes first. This Enhanced Staying Put Payment is instead of the Staying Put Year One allowance and Foster Carer Fee, the financial, practical and emotional support from the staying put carer to the young person continues at the same level as pre 18 and the young person's rent and personal allowance continue to be covered by the staying put carer from the Enhanced Staying Put Payment. Staying Put Year One allowance and Foster Carer Fees (not Enhanced Staying Put Payments) apply when the criteria for Enhanced Staying Put Payments is no longer met.
3. **“Staying Put” – Year Two** – From the young person’s 19<sup>th</sup> birthday the above expectations and principles continue with the exception that the Staying Put Fee of £115.00 is reduced by 50% to £57.50. - Period - 19<sup>th</sup> to 20<sup>th</sup> birthday.
2. **“Staying Put” – Year Three** – From the young person’s 20<sup>th</sup> birthday the above expectations and principles continue with the exception that the Staying Put Fee of £115.00 is reduced by 50% to £57.50. - Period - 20<sup>th</sup> to 21<sup>st</sup> birthday (or until the education/training course being undertaken on the young person’s 21<sup>st</sup> birthday is completed).

**\*Note:**

*The reduction of £67.20 is set at the equivalent of Jobseeker's Allowance/Income Support rate.*

The Child's Allowance reduction of £67.20 is applied five weeks after the young person’s 18<sup>th</sup> birthday in order to provide a transitional period and to ensure any Universal Credit claim is in payment.

Where young people are claiming the housing element of Universal Credit, this should be paid directly to the “Staying Put” carer, to ensure continuity, the “Staying Put” carers’ allowance will only be reduced by the rent amount, once the rent/



housing element of Universal Credit is in payment to the carer. As such a balancing payment/adjustment will be required at the end of the “Staying Put” arrangement.

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 Child's Allowance (minus £67.20) and the same Foster Carer Fee that they were paid when the young person was aged 17 (as above) during the transition to the Shared Lives Placement. From the young person’s 18<sup>th</sup> birthday they are expected to claim Universal Credit on limited capacity for work grounds (if not claimed at age 16) which should be used to cover items previously provided by the foster carer (pocket money, clothing and personal element) and also pay rent/claim the housing element of Universal Credit (from age 18) for housing costs.

## **“Staying Put” - University & University Vacation Arrangements**

- Where a young person remains in “Staying Put” 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. The expectations and principles set out above continue to apply, with the exception that the rent of £64.25 per week will be paid by the young person from their Student Loans and Bursaries during term time (30 weeks) and by Lancashire Children’s Services during the vacations (up to 22 weeks).
- 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 within a “Staying Put” arrangement to attend university, the young person will be expected to cover the rent of £64.25 per week from their Student Loans and Bursaries during term time (30 weeks) with Lancashire Children’s Services covering the rent during the three main vacation periods (up to 22 weeks).
- 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. The “Staying Put” arrangement comes within the “Staying Put” year one, year two and year three framework and is funded accordingly; the rent element of £64.25 per week remains the responsibility of the young person (paid directly by the young person during term time and paid by Lancashire Children’s Service on behalf of the young person during the three main vacations).
- 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. Lancashire Children’s Services will only contribute to and/or fund one 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, this includes the vacation period.
- VI. Where Lancashire Children’s Services is contributing to, or funding 52 week University Accommodation, Private Sector Accommodation and a young person wishes to return to a former “Staying Put” arrangement (weekends/vacations) the young person will need to agree any contributions with the carer. If foster children are living in the former “Staying Put” arrangement the young person will need an up to date DBS check and visitor arrangements will need to be in place.
- VII. Lancashire Children’s Services is unable to provide retainers to carers for the following reasons;
  - i. Retainers and any payment that is provided where there are no children/young people in placement (fostering and “Staying Put”) are counted as income by the DWP when calculating entitlement to means tested benefits and will result in the majority of any means tested benefit being stopped or reduced to the level of the retainer ( under Universal Credit there is an 8 week ‘run-on’ period). As such, it would not be equitable to provide retainers to carers who are not in receipt of means tested benefits where a retainer would not have any impact. And then not provide retainers to carers who are in receipt of a means tested benefit (as such retainers are not provided);
  - ii. Whilst a young person may intend to return to a “Staying Put” arrangement in the vacations, their circumstances may change and that of the carers may also change and therefore either party may

decide that it is not appropriate for the young person to return, in such circumstances an overpayment would result.

- VIII. The arrangements for returning during the vacation will need to consider the following points. The number of rooms the carer has available, any commitments to foster children in the household, the needs of the young person returning in the vacations to have a DBS check, the allowance to be paid to the carer.
- IX. Where it is decided that it is appropriate for a young person to return in the vacations and at other times, the following expectations apply. Where carers remain registered as foster carers all young people who return to a foster placement will require a DBS check and where necessary a risk assessment. Consideration will also need to be given to the impact of the returning young person on any foster child in placement. This will be particularly important where a child has been placed since the young person commenced university; as such, the social worker for the newly 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 and University Bursaries and should agree the level of the payment with the carer.
- XI. Where a young person returns to a “Staying Put” arrangement for a period of 6 days or less and then, due to a specific requirement, needs to remain for longer than 6 days, payment can only be initiated following a pathway planning meeting (see section IV for those who should attend the meeting) to endorse the “Staying Put” arrangement. Where agreement is given, payment can be backdated to the initial date that the young person returned.
- XII. Where a “Staying Put” carer has a spare room that the young person can use during the Christmas, Easter or summer vacation, their stay is intended to be over 6 days, the arrangement is agreed in advance and set out the pathway plan the rate paid would be the “Staying Put” year one), year two, year three rate depending on the age of the young person; the rent element of £64.25 per week will be paid via the young person or on behalf of the young person by Lancashire Children’s Services.

- 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’s £64.25 per week rent payment will be paid either directly by the young person or on behalf of the young person by Lancashire Children’s Services (depending on term time and ?).
- XV. Payments to “Staying Put” carers will be made alongside fostering payments as part of the fortnightly cycle (part in advance and part in arrears). Where necessary, “Staying Put” carers can request that the payment is made at the point the young person returns to the “Staying Put” arrangements. Payments are made pro-rata.
- XVI. 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 need 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.
- XVII. Should it be agreed that the young person can stay within the household over the vacation periods (where there is no spare room available), a contribution to food and utilities should be made by the young person. The suggested contribution is £38.33 per week; this amount has been set to align with the rate used for all other “Staying Put” arrangements (100% food rate and 33.33% of the 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 by the young person. 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.

XVIII. 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.

### **“Staying Put” - 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. DBS checks, risk assessments and payment arrangements – over/under 6 days, room availability and advanced planning.

### **“Staying Put” - 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.

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

## **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 child reaches the age of 18 and legal adulthood, the local authority is no longer making a placement, but facilitating a “Staying Put” arrangement for the young person.

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

Following a young person's 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 effectively lodging in the "Staying Put" carer/s home. Whilst the term 'excluded licensee' is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person's licensor (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 licensor/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 Lancashire Children's Social Care may provide short term emergency accommodation that will be provided via the Lancashire Housing Pathway.

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 criterion (Care Act 2014), it is important that their primary case worker and the young person's placement are regulated within the adult service frameworks. "Staying Put" should only be used in exceptional circumstances when a transfer to a Shared Lives placement has not been achieved by the young person's 18<sup>th</sup> birthday.

## **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 begun at the age of 15¾ (Children In Our Care Social Worker) 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 welfare 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 (this will be linked to the use of the ASDAN life skills program);
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 Adult Services, 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 child’s IRO should instigate and set the timescale for the “Staying Put” planning and viability meeting process at the statutory review closest to the reaching the age of 15½.



The “Staying Put” professionals meeting should include the foster carer/s, the foster carer/s supervising social worker, the young person’s children in our care social worker and a representative of the leaving care team 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/viability meeting and pre-meeting process should follow the three step sequence as set out below:

1. Young person’s children in our care social worker, a representative from the leaving care team and the carer’s supervising social worker meet to discuss “Staying Put” issues with the foster carer.
2. Young person’s children in our care social worker and a representative of the leaving care team 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 viability 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 decision). 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 children in our care social worker.

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

The Area Senior Manager should be notified (for monitoring oversight) of all children/young people where a “Staying Put” (‘in principle’) agreement has been reached, this should occur immediately after the “Staying Put” viability meeting (by 16¼) and for 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 and tasks of the age 17¼ - 17½ viability meeting and the decision of the subsequent Statutory Review should then form the basis of the work undertaken to ensure that all actions are completed when the "Staying Put" arrangement commences on the young person's 18<sup>th</sup> birthday.

See appendix six and seven for information and relevant checklists.

All meetings should make reference to the primary purpose of 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 be included in the young person's pathway plan and living together agreement.

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

- The formal monitoring/request for "Staying Put" should be presented when the young person reaches the age of 17½.
- The request/monitoring arrangements should be returned to the Area Senior Manager when the young person reaches the age of 18¼ to clarify and monitor that all tasks have been completed.

All information/reports presented to Area Senior Manager should 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 Children in our Care Social Worker, Young Person's Leaving Care Personal Adviser.

The Managers of the Leaving Care Teams and the Managers of the Fostering Teams are responsible for monitoring "Staying Put" arrangements once the young person reaches the age of 18¼.

### **Information to be presented to the Area Senior Manager**

The following information should be presented to the Area Senior Manager 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 Scheme;
  - The anticipated length of the “Staying Put” arrangement and the anticipated move-on arrangements;
  - What preparation for independence tasks are to be undertaken and what improved life skills are anticipated by extending foster care as a “Staying Put” arrangement (using the ASDAN life skills program);
  - 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 Lancashire area, what will happen if they return to Lancashire or move to the private sector where they live or have a ‘local Connection’ where they live;
  - 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 Welfare 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 (from the age of 16, if responsible for a child or claiming on the basis of being unable to work). These earnings or benefits replace the A) Pocket Money, B) Clothing Allowance and C) Personal Allowance Element previously contained in the foster carers – Child's Allowance.

All of the following benefits/allowances (1 to 8 below) 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 a means tested benefit, 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 5 weeks after the young person’s 18<sup>th</sup> birthday in order to allow them sufficient time to establish their Universal Credit claim.

1. Disabled young people (those deemed to have limited capacity for work) are able to claim Universal Credit from their 18<sup>th</sup> birthday therefore the pocket money, clothing and personal allowance element of £67.20 (2023-2024) will cease to be paid (from the Child's Allowance) to the foster carer when the young person receives their first Universal Credit payment (in certain circumstances Universal Credit can be claimed from the young person’s 16<sup>th</sup> birthday).
2. 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.
3. Lone Parents can claim Universal Credit from 11 weeks before their due birth date and until their child is 3 years old and will not be subject to the work availability requirements. They will also be able to claim Healthy Start Vouchers and a Sure Start Maternity Grant, from 11 weeks before their due birth date. The Sure Start Maternity Grant is only provided once for the oldest or first child. From the birth of their baby they will also be eligible to claim Child Benefit. Note: (Eligible and Relevant lone parents aged 16 & 17 can

also claim the above benefits, but only from the birth of their baby).  
(Approximately £150.00 in total per week – 2023-2024).

4. Young people can claim Universal Credit under the 'Relevant Education' rules if they are 'without parental support' (estranged) from their family and are undertaking a full time (over 12 hours of contact time) education or training course which is under the higher education level. Young people can claim Universal Credit 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. The Universal Credit payment is per calendar month (£292.11) – which is the equivalent of £67.20 per week.
5. Young people undertaking full time education or training courses may also be eligible to claim the 16-19 year old Bursary, care leavers have an automatic and priority entitlement – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).
6. Care leavers aged 16 to 24 who are undertaking an apprenticeship are entitled to a one-off 'Apprenticeship Bursary' of £1000.00 paid via the apprenticeship provider to assist with costs associated with undertaking the apprenticeship. – see [www.gov.uk/government/news/new-support-for-young-care-leavers-starting-an-apprenticeship](http://www.gov.uk/government/news/new-support-for-young-care-leavers-starting-an-apprenticeship)
7. Universal Credit can be claimed where young people are registered as unemployed and are actively seeking employment. The Universal Credit payment is per calendar month (£292.11) – which is the equivalent of £67.20 per week.
8. A disabled young person in education who gets both Universal Credit and Disability Living Allowance or 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).
9. The capital limit for means tested benefits is normally £16,000, with savings over £6,000 meaning a reduction in Universal Credit. However, money held in a trust fund (including Court of Protection) arising from personal injury (e.g. Criminal Injury Compensation Awards) does not count as capital. Criminal Injuries Compensation Awards are only disregarded for the first 52 weeks following receipt of the award.

## **Universal Credit – Young People**

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

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

## **Liability for Rent**

All young people living in a "Staying Put" arrangement in Lancashire have a liability for rent of £64.25 per week which is set on a commercial basis unless Year One Enhanced Staying Put Payments are in place. Young people are expected to pay the rent of £64.25 per week from their earnings or Universal Credit housing element, or a combination of both. The rent liability of £64.25 is set as an indicative rate; as a result of rent variations by geographical area and the actual amount of the housing element of Universal Credit payable may therefore vary. The figure set by the local rent officer will be the figure used. Therefore, the young person may pay less or more than £64.25 depending on the local assessed figure. The overall payment to the Staying Put carer will remain the same, the percentage element of rent varying.

The level of the rent liability for young people living outside of the Lancashire 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 / Universal Credit Claim Letter - Licence to Occupy – Licence Agreement.

Failure of the young person to pay rent and/or claim the housing element of Universal Credit may result in a young person being evicted from a “Staying Put” arrangement. See appendix one for non-payment of rent issues.

## **Housing Costs for Young People**

1. All young people are expected to pay rent of £64.25 per week, from their 18<sup>th</sup> birthday unless Year One Enhanced Staying Put Payments are in place, either from earnings or the housing element of Universal Credit or a combination of both. The rent/housing element of Universal Credit should be paid directly to the “Staying Put” carer and is used to cover the rent/ accommodation element of the “Staying Put” arrangement. The “Staying Put” carers’ allowance will only be reduced by the rent amount, once the rent/housing element of Universal Credit is in payment to the carer. At the end of the “Staying Put” arrangement a balancing payment adjustment may be required.
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 experience difficulties claiming the housing element of Universal Credit on reaching the age of 18. In exceptional situations where a young person is not eligible to claim the housing element of Universal Credit, Lancashire Children’s Social Care will pay the rent/accommodation element (or the housing element Universal Credit portion) of the “Staying Put” arrangement (subject to a claim having been rejected). The claim for the housing element of Universal Credit 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; Lancashire Children’s Services will assess the young person’s contribution based on the housing element of Universal Credit rules and would only pay the housing element of Universal Credit contribution/element.
3. The rent level and housing element of Universal Credit element claim rate in Lancashire for 2023-2024 is £64.25 per week (see above).
4. Where the rent is assessed by the rent officer at a level above or below £64.25 per week (possibly due to being outside of the Lancashire area, the actual figure set by the rent officer will be the amount required of the young person).

## Payment Rates to Lancashire “Staying Put” Carers

### “Staying Put” Year One (2024 - 2024)

Lancashire Children’s Social Care is committed to ensuring foster carers do not experience a sudden reduction in their income by supporting a former foster child under a “Staying Put” year one arrangement. Whilst the “Staying Put” carer will retain a similar level of income as they did when the young person was a foster child (as they will no longer be providing some parts of the allowance to the young person), some of the income under the “Staying Put” year one arrangement (and subsequent years) will come from the young person in the form of a payment for their rent, which may then come via Housing Benefit from one of the thirteen Lancashire Housing Benefit Departments or the housing element of Universal Credit. In addition, “Staying Put” carers will have their Child’s Allowance reduced by £67.20 (2023-2024) but will no longer be expected to provide this level of financial support to the young person. From four weeks after their 18<sup>th</sup> birthday, young people will be expected to use their earnings from employment to cover these costs (five weeks for those claiming Universal Credit). Alternatively, from the age of 18 (16 in certain circumstances) young people are eligible to claim a welfare benefit of £67.20 which will replace the amount previously provided by their foster carer.

In addition, “Staying Put” carers who were in receipt of a Foster Carer Fee will receive a Staying Put Fee of £115.00 per week.

- The “Staying Put” former fostering arrangement – Lancashire Carers rate (applied from five weeks after the young person’s 18<sup>th</sup> birthday is:
  - a. (Staying Put Maintenance Allowance) £233.00 per week - Child’s Allowance - minus £67.20 = 16 & 17 year old pocket money, clothing and a personal allowance (an element of this amount, up to £64.25 per week, will be paid by the young person via rent/housing benefit)  
**Allowance Paid £165.80**
  - b. Staying Put Fee Carers - **Staying Put Fee £115.00**  
**Total Paid £280.80**
- The amount set out above is paid for each “Staying Put” young person.



**Staying Put" Year One Enhanced Staying Put Payments** while in continued education or training (including apprenticeships)

- Where a young person is in continued education or training (including apprenticeships) upon their 18<sup>th</sup> birthday the pre18 fostering allowance and Foster Carer Fee will be matched under Enhanced Staying Put Payments until the end of the academic year (31.08.) or the end of the young person's education or training course, whichever comes first.
- This Enhanced Staying Put Payment is instead of the Staying Put Year One allowance and Foster Carer Fee, the financial, practical and emotional support from the staying put carer to the young person continues at the same level as pre 18 and the young person's rent and personal allowance continue to be covered by the staying put carer from the Enhanced Staying Put Payment.
- Staying Put Year One allowance and Foster Carer Fees (not Enhanced Staying Put Payments) apply when the criteria for Enhanced Staying Put Payments is no longer met.

### **“Staying Put” Year Two Allowances (2023 – 2024)**

- The “Staying Put” former fostering arrangement – Lancashire Carers rate (applied from the young person’s 19<sup>th</sup> birthday) is:
  - a. (Staying Put Maintenance Allowance) £233.00 per week -  
**Allowance Paid £165.80**
  - b. Plus 50% of the Staying Put Fee -  
**Staying Put Fee £57.50****Total Paid £223.30**

### **“Staying Put” Year Three Allowances (2023 – 2024)**

- The “Staying Put” former fostering arrangement – Lancashire Carers rate (applied from the young person’s 20<sup>th</sup> birthday) is:
  - a. (Staying Put Maintenance Allowance) £233.00 per week -  
**Allowance Paid £165.80**
  - b. Plus 50% of the Staying Put Fee -  
**Staying Put Fee £57.50****Total Paid £223.30**

## **“Staying Put” General Allowances (2023 – 2024)**

1. From five weeks after the young person’s 18<sup>th</sup> birthday “Staying Put” carers are no longer expected to provide pocket money, a clothing allowance or a personal allowance. Young people are expected to replace these via earnings, education allowances or via Universal Credit.
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. In order to create parity with other care leavers fostering birthday and Christmas/festival allowances cease once a young person reaches the age of 18 (the 18<sup>th</sup> birthday allowance is covered by the fostering policy). Following the young person’s 18<sup>th</sup> birthday the level of the birthday and Christmas/festival allowances is as set out in the Lancashire Transition to Adulthood (Leaving Care) Finance Policy.
4. From the young person’s 18<sup>th</sup> birthday, holiday allowances are provided at 50% of the age 17 rate, this is undertaken in order to promote independence and money management skills. The young person is required to contribute 50% of the holiday allowance. 2023-2024 Holiday Allowance Rate – up to £582.50 per year. Young person’s contribution £291.25 and local authority contribution £291.25.
5. 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 Lancashire Transition to Adulthood (Leaving Care) Finance Policy and should be set out in the young person’s pathway plan.
6. From the young person’s 18<sup>th</sup> birthday a rent charge of £64.25 per week is applied, this can be paid from earnings or the housing element of Universal Credit or a combination.
7. 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 rent. Depending on the level of earnings there may be a reduction in entitlement to benefit which will result in the young person needing to use their earnings to ensure that the rent liability is paid. If the young person is getting Universal Credit, any earnings they receive will result in a reduced amount of Universal Credit (unless they earn less than £379 per DWP Universal Credit Assessment Period and they are a parent or unfit for full time work).

8. Young people living in certain former connected person's fostering placements that become "Staying Put" arrangements with carers who are sisters, brothers and certain extended family members but who are formally approved as foster carers may experience difficulties claiming help with housing costs. This is because they may be seen as 'close relatives first instead of former foster carers. In exceptional situations where a young person is not eligible to help with housing costs, Lancashire Children's Services will pay the rent/accommodation element (or the housing element of Universal Credit portion) of the "Staying Put" arrangement (subject to a claim having been rejected). The claim for the housing element of Universal Credit 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; Lancashire Children's Services will assess the young person's contribution based on the housing element of Universal Credit rules and would only pay the housing element of Universal Credit contribution/element.
9. All Rent and/or the housing element of Universal Credit - Housing Costs should be paid directly to the "Staying Put" carer.

### **Staying Put Carers in receipt of welfare benefits**

Any Staying Put Carer who is in receipt of welfare benefits will have access to Welfare Rights advice and support. Should any of their benefits be reduced as a result of the Staying Put arrangement, Welfare Rights will liaise with Finance to compensate the carer by the same amount of any reduction to their benefit.

### **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 which have been increased for the first time since 2003 in the 2023 spring budget. Firstly, a fixed amount per foster care or “Staying Put” household per year (for care income received in 2023/2024 tax year - this is set at £18,140). Secondly, an additional amount per week per child (£375 per week under the age of eleven [0-10], £450 per week age eleven to their eighteenth birthday [11-17] and £450 per week per adult aged eighteen to the twenty-first birthday [18-20] or until the end of the programme of education or training, as defined as “Staying Put” by HMRC (see terminology section).

The £18,140 per year applies once per household regardless of how many foster children or “Staying Put” young people are placed. 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.

HMRC is aware that a number of "Staying Put" carers may not have registered for Class 2 National Insurance Contributions because they make little or no taxable profit. "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, "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 **0300 200 3505** 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. <https://www.gov.uk/hs236-qualifying-care-relief-staying-put-carers>

"Staying Put" carers should always inform the DWP, Housing Benefit Department and HMRC if their circumstances change and should always check with the DWP, Housing Benefit Department and HMRC regarding their personal circumstances and how payments for "Staying Put" care may affect their means tested benefits, Universal Credit 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>

## **“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 Lancashire 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 16 (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 16<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 15½).

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.

In situations where a DBS check highlights a ‘trace’ [potential risk], the decision to approve the “Staying Put” arrangement and the risk mitigation approach must be ratified by the nominated officer, the report to foster carer review 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 practice manager.

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 17<sup>3</sup>/<sub>4</sub>) 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 by the supervising social worker for the foster carer, to the review 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 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.

### **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 for the foster carer review 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 beyond the age of 19, 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, stable and long term.

The supervising social worker should submit a report to the foster carer review 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.

In situations where a carer (approved for one placement) remains registered as a foster carer whilst providing a “Staying Put” arrangement, the supervising social worker will identify the training and development needs of the “Staying Put” carer, in anticipation of their return to fostering.

Where a carer resigns their foster care status in order to support a “Staying Put” arrangement and wishes to resume fostering when the young person leaves, the supervising social worker will complete a fast track fostering assessment shortly before the “Staying Put” young person leaves the household in order that the carer can resume fostering as soon as space becomes available.

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

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

The responsibility for, and the oversight of “Staying Put” carers and “Staying Put” arrangements that cease to be approved foster carers and fostering households will become the remit of the Leaving Care Team (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023).

- 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);
- The foster carer review prior to the commencement of the “Staying Put” arrangement will discuss the changes in the household arrangements and the plans for fostering deregistration;
- A yearly review of the “Staying Put” carer and the overall arrangement in line with the fostering review and oversight framework.



- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks in line with the standards applied to foster care placements;
- Regular support from the Leaving Care Team (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023)).
- Regular support and supervision, at a frequency of no less than every 3 months;
- The opportunity to attending appropriate training and support groups.

The Leaving Care Team (support for the “Staying Put” carer) will work closely with the fostering service and will assess individual circumstances and consider the level of the above checks, based on the needs of the young person and the needs/situation of the “Staying Put” household.

## **Support for “Staying Put” Carers**

All “Staying Put” Carers will be allocated a named supervising social worker or be supported by the Leaving Care Team (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023-2024)).

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 arrangements for support will transfer to the Leaving Care Team (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023-2024)).
  - 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 support 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 3 monthly.
- In circumstances where an IFA “Staying Put” carer withdraws/resigns from the IFA as they have no foster children placed with them and they will not continue to foster; they will be supported by the Leaving Care Team (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023-2024)).

## **Recording Information - “Staying Put” Carers**

“Staying Put” carer’s should keep a brief 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.

- In situations where a “Staying Put” carer remains registered as a foster carer, the supervising social workers will record any issues arising at the regular supervision sessions. Supervising social workers should record any information about the “Staying Put” arrangement on the foster carers’ review record under the section headed ‘other’.
- In situations where a “Staying Put” carer ceases to remain registered as a foster carer the Leaving Care Team will set up a supervision file akin to the system used by fostering to record any issues arising from the “Staying Put” arrangement (the responsibility for the oversight of “Staying Put” carers who are no longer approved as foster carers is currently under review (2023-2024)).

## **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.

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 of, and management of any of their visitors and their impact on foster children in the household, which should also be set out in the safer caring plan and the Living Together Agreement.

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 need to ensure they continue be covered under their own household insurances in the same way as Foster Carers.

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

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

All “Staying Put” expectations should be incorporated into a “Staying Put” Agreement carers sign prior to commencing a Staying Put arrangement.

## **“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 Lancashire 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 children in our care social worker and leaving care personal adviser and the carer’s supervising social worker should meet to convert the Placement Plan into a ‘Living Together Agreement’ prior to a young person’s 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 children in our care social worker, with support from the young person’s leaving care 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 children in our care social worker and leaving care 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 also be incorporated into the young person's pathway plan and reviewed alongside the 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 Lancashire's Living Together Agreement.

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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 Lancashire district/borough council 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 children in our care social worker / leaving care personal adviser will arrange for the young person to access suitable accommodation via a Lancashire district/borough 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**

Where a young person displays extreme behaviour, commits an offence against a person within the household they may be required to leave the “Staying Put” arrangement on the same day or within a short period of time. Wherever possible, a “Staying Put” Stability Meeting will take place and will set out where the young person will move to. Lancashire Children’s Social Care 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/housing element of Universal Credit they may be subject to an eviction process. In all situations where a young person owes four weeks rent (£257.00) 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.

### **Tenancy Status – Excluded Licence**

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

**APPENDIX TWO (A) (liaise with DWP regarding which Licence they require)**

**Standard “Staying Put” Arrangement - Housing Element of Universal Credit Claim Letter**

**Licence to Occupy – Licence Agreement**

**“Staying Put” Carers Address**

DWP - UNIVERSAL CREDIT ADDRESS

Name of Young Person (Licensee): D.O.B.  
N.I. NUMBER

“Staying Put” Address:

TYPE OF ACCOMMODATION AND TENANCY:

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

Name of Landlord: Foster Carer/“Staying Put” Carer  
Agent for the Landlord: Lancashire Children’s Services

Dear Sir/Madam,

This letter is provided to confirm that **[add full name of young person]** was previously a foster child placed in my household by Lancashire 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 rent costs of £64.25 per week excluding meals/food, utility/service charges from **(add date (usually the 18<sup>th</sup> birthday))**. Lancashire Children’s Services will continue to provide an allowance (to the carer) to meet the meal/food, utility/service and personal guidance costs of **(add full name)**. As **(Add Full Name)** is provided with meals and is a care leaver I understand **(he/she)** is eligible to claim the Housing Element of Universal Credit under the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

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

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

Yours faithfully,

[Signed by “Staying Put” Carer/s]  
[Signed by the “Staying Put” young person]



## “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

### **EXAMPLES**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£41.55
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£165.80</b>

### **Staying Put Fee (£115.00)**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£156.55
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£280.80</b>

### **Staying Put Fee - Reduced by 50% (£57.50)**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£99.05
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£223.30</b>

**APPENDIX TWO (B) (liaise with DWP regarding which Licence they require)**

**“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 £64.25 per week rent for the provision of accommodation. The Local Authority will also provide £55.00 per week for meals and fuel (services) on behalf of the young person. **Total - £119.25.**

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

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

1. Accommodation - £64.25 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 - £30.00 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 - £30.00 per week
4. Personal Guidance provided to the young person by the Licensor and paid for by Children’s Services on behalf of the young person – A) £41.55 B) £99.05, C) £156.55 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 Lancashire 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 £64.25. Lancashire 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 personal guidance 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 is eligible to claim the Housing Element of Universal Credit under the 1996 Housing Benefit maximum rent rules relating to 'Boarder' arrangements.

As **[add full name]** was previously "Looked After" and remains vulnerable (Tier One – UC Claimant) I would request that the Housing Element of Universal Credit is paid directly to the "Staying Put" carer/s/landlord on behalf of the young person. Lancashire Children's Services will continue to pay the "Staying Put" carer/s the combined meals/food, utility/fuel/services and personal guidance 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

## **APPENDIX THREE**

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

ADD LANCASHIRE COUNCIL LOGO

Lancashire 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)  
Agent for the Landlord: Lancashire Children’s Services

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 £64.25 per week, excluding meals, utility and personal guidance 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 (revised 2015) and Care Leavers (England) Regulations 2010 (revised 2015).

- A. I can also confirm that **(Add Full Name)** was previously ‘Looked After’ by Lancashire 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 Lancashire 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 Lancashire 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/Universal Credit but are not to be counted as income for welfare benefit purposes. Whilst **(Add Full Name)** is establishing **his/her** welfare benefit claim **he/she** will be provided with a £67.20 per week allowance under these powers for a maximum of 5 weeks.

**Select and/or Delete Sections as Applicable:**

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

related activity) and the relevant Housing Costs element. **(He/she)** will also be eligible to apply for Council Tax Support from the relevant local authority. Please find attached relevant wage slips/prove of income.

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

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

As **(Full Name)** was 'Looked After' on/or after **his/her** sixteenth birthday **he/she** is exempt from the single room rent restriction until the age of 25.

#### **ADD BANK DETAILS**

#### **(Add specific information)**

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

Yours faithfully

**Approved Signatures**

**Team Manager**

**\* 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: 2018/2019

## Part 3 General rules for means tested benefits

### Chapter 20 Income under pension credit age

4: Income other than earnings

Page 439

#### **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**

**Lancashire Authorisation to Disclose Information Form**

Agencies and individuals I agree to share information with

I agree to my Children in our Care 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:

- Connexions Service
- Jobcentre Plus (Department for Work and Pensions)
- Housing Benefit Department
- Housing Department and Partner Housing Associations
- Local College and Employment and Training Providers
- Health Services
- Other Agency or Individuals (Specify)
  
- Permission to assist with bidding on properties through Choice Based Lettings

I understand that my Social Worker 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 Children in our Care Social Worker and/or Leaving Care Personal Adviser will review this consent to share information on a yearly basis.

Date agreement made.....

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



## APPENDIX FIVE

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

The following information should be used when making an application for the housing element of Universal Credit to show the breakdown of the whole payment. The applicable table below should be applied to the Lancashire ‘Standard “Staying Put” Arrangement - Housing Costs/Universal Credit Claim Letter’ – Appendix Two. The rent, utilities/services and meals/food are fixed costs; the rate of personal guidance to be paid depends on the needs and age of the young person and the Staying Put Fee.

### **“Staying Put” Year One Allowances**

#### **(Level One) Child's Allowance Only Carers**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£41.55
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£165.80</b>

#### **Staying Put Fee (£115.00)**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£156.55
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£280.80</b>

### **“Staying Put” Year Two and Year Three Allowances (50% of Staying Put Fee)**

#### **(Level One) Child's Allowance Only Carers**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£41.55
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£165.80</b>

#### **Staying Put Fee - Reduced by 50% (£57.50)**

<b>SERVICES</b>	<b>WEEKLY PAYMENTS</b>
NET RENT – ACCOMMODATION ONLY	£64.25
PERSONAL GUIDANCE	£99.05
UTILITIES/SERVICES	£30.00
MEALS/FOOD	£30.00
<b>TOTAL</b>	<b>£223.30</b>

**APPENDIX SIX**

**Foster Carer/“Staying Put” Carer Financial Allowances Statement (completed when the young person reaches age 17¾) to be presented to the Area Senior Manager**

**“Staying Put” Carer Financial Statement**

1. Level of Child's Allowance to be paid:

.....

2. Level of Staying Put Fee (if receiving one):

.....

3. What benefits/Universal Credit will the young person apply for:

.....

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

.....

5. Level of Rent/Housing Element/Universal Credit 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):

.....

8. Is the foster carer / “Staying Put” carer in receipt of any means tested benefits (IS, JSA, ESA and/or HB) or Universal Credit):

.....

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 Area Senior Manager***

<b>Task</b>	<b>Responsibility for Task Completion – (Name and Service)</b>	<b>Completed Yes/No or Date to be completed</b>
Report/Information for the Area Senior Manager		
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/Universal Credit claim		
Housing element/Universal Credit claim		
Council tax support claim and LA payment organised		
If the young person is earning, will they be making a rent contribution, if so how much and how will the payment be made		
DBS check		
Developing the Living Together Agreement		
ADD AS REQUIRED		

## **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/benefit/Universal Credit responsibilities associated with remaining in a “Staying Put” arrangement;

**Action:**

4. Does the foster carer/s understand the changes in their funding arrangements associated with a “Staying Put” arrangement (and the Staying Put Fee if they receive one);

**Action:**

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

**Action:**

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

**Action:**



## APPENDIX EIGHT

# Lancashire Rent & Legacy Benefits - Housing Benefit Contributions Table 2024 - 2024

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.

NOTE: This is only applicable to young people in receipt of housing benefit

Rent Liability and Earnings/Income – Housing Benefit Contributions Table - Staying Put - 2023 – 2024			
Rent Liability = £64.25 per week - 2023 – 2024			
Earnings/Income £ per week	Disregard £ per week (Single person £67.20 element plus £5.00)	Housing Benefit contribution - £64.25 per week paid to the “Staying Put” Carer	Rent contribution - £ per week paid to the “Staying Put” Carer
72.20	72.20	64.25	0
82.20	72.20	57.75	6.50
92.20	72.20	51.25	13.00
102.20	72.20	44.75	19.50
112.20	72.20	38.25	26.00
122.20	72.20	31.75	32.50
132.20	72.20	25.25	39.00
142.20	72.20	18.75	45.50
152.20	72.20	12.25	52.00
162.20	72.20	5.75	58.50
172.20	72.20	0	64.25

## Lancashire Children's Services

### “Staying Put” – Living Together Agreement (Young People Aged 18-24 living in “Staying Put”)

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

The Living Together Agreement should be based on the information set out in the preceding Placement Plan and the agreements set out in any ‘Delegated Authority’ framework. Whilst the Living Together Agreement is a formal document setting out everyone’s expectations the majority of house rules and expectations will be the same as those in place prior to the young person’s 18<sup>th</sup> birthday; so most of the requirements will remain broadly the same. However, reaching the age of 18 and adulthood is a good opportunity to revisit all of this and see what needs to change.

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

In order to ensure everyone knows what is expected of them, the first Living Together Agreement should be completed prior to a young person’s 18<sup>th</sup> birthday and be signed and linked to the young person’s Pathway Plan.

The Living Together Agreement contains three main areas:

- 1 responsibilities of everyone who signs the agreement;
- 2 house rules and expectations;
- 3 support to be provided to the young person.

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

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

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

Name of Young Person: .....

Date: .....

Name of Staying Put Carer: .....

Address: ..... Postcode:

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

Next of Kin:.....

Primary Language:.....

Young persons mobile number:.....

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

Supervising Social Worker:.....

Contact details:.....

Children in our Care Social Worker.....

Contact details:.....

Leaving Care Personal Adviser:.....

Contact details:.....

Team Manager/Duty Worker:

Contact details:.....

Emergency duty number (Out of Hours).....

Missing Person's Police reporting number:.....

GP details:.....

Are there any plans to change GP/Opticians/Dentist. If so, by when?.....

Who will assist young person?.....





**1. Responsibilities of the Young Person:**

4. Engage in the support detailed in the ‘House Rules and Support’ Section (below) and the Pathway Plan in order to develop/improve independence skills.
5. Behave in a responsible way, showing respect for my carer(s), their property, neighbours, other children/young people in the placement and the local community.
6. Avoid behaving in a manner that is discriminatory, inflammatory (to others) or that would be deemed to be anti-social.
7. Keep to any house rules set out in this Living Together Agreement.
8. Be responsible for paying rent of £64.25 per week, either from earnings or by the housing element of Universal Credit or a combination of earnings and the housing element of Universal Credit and ensuring all changes of circumstances including an end of placement are notified to the Universal Credit department (DWP).
9. Ensure any house keys are kept safe and not duplicated.
10. Let my leaving care personal adviser and the “Staying Put” carer(s) know in advance if I wish to end the “Staying Put” arrangement (giving at least 28 days’ notice).
11. Maintain my room, furnishings and fittings in good order.
12. Contact my leaving care personal adviser if I would like to change this Living Together Agreement and/or raise any concerns.
13. Inform the “Staying Put” carer regarding any visitors and regular visitors.
14. Inform my leaving care personal adviser if I am arrested, investigated, cautioned or convicted of any offence.
15. On leaving the “Staying Put” arrangement ensure the room is cleaned and all belongings are moved / removed within an agreed timescale (belongings must be moved within one week to ensure the room is available for other young people).
16. NOTE: if belongings haven’t been moved within two weeks, they will be removed from the room; it cannot be guaranteed that belongings will be stored.
17. Add specific detail as required.

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

- Provide a fully furnished bedroom (for rent of £64.25 per week) to be paid for by the young person via earnings and/or the housing element of Universal Credit or a combination.
- Provide heating, hot water, lighting, food, a house key, support and WiFi connexion.
- Inform the young person’s leaving care personal adviser, fostering supervising social worker and (the Universal Credit department (DWP) in conjunction with the young person’s personal adviser]) if the young person ceases to reside at the accommodation in order to prevent an overpayment of the housing element of Universal Credit (or inform them if there are any change of circumstances).
- Inform the young person’s leaving care personal adviser and the fostering supervising social worker if you wish to end the “Staying Put” arrangement (giving at least 28 days’ notice). [The 28 days’ notice can be waived in exceptional situations where it would be deemed inappropriate or unsafe for the young person to remain for the full 28 day notice period].
- Respect confidentiality (within agreed parameters) at all times regarding personal details of the young person.

- Ensure the accommodation is of a good standard and allow annual household health and safety checks to be carried out and ensure adequate insurance is in place.
- Inform the young person’s leaving care personal adviser as soon as possible of any significant incidents and if the arrangement is likely to be disrupted/end prematurely.
- Ensure relevant staff /agencies are made aware if the young person is absent or missing.
- Ensure (in conjunction with local authority staff) an appropriate ‘Safer Caring’ /’Safeguarding Plan’ is in place to manage any impact on other / younger children in the household.
- Provide support (as detailed below in the ‘House Rules and Support’ Section) to prepare the young person for independent living and adulthood.
- Detail any specific agreements (for example, how are any other younger children to be safeguarded/regular adult visitors managed?).

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**3. Responsibilities of the Fostering Service & Leaving Care Service**

- Inform the “Staying Put” carer(s) of any likely risks and advise on risk management, safeguarding and safer care.
- Carry out a DBS check on the young person and other household members prior to them reaching the age of 18 (if household continues to be registered as ‘fostering’).
- Advise and assist the young person with paying rent and claiming the housing element of Universal Credit (UC).
- Advise and assist the young person with any other welfare benefits/Universal Credit claims and financial matters in order to maximize income; set out who will assist with any benefit claims.
- Advise and assist the young person with any applications for move-on accommodation.
- Advise and suggest house rules (in addition or variance to below).
- Visit at regular intervals until the end of this “Staying Put” arrangement in order to provide support.
- Advise on the management of visitors.
- Review this Living Together Agreement and the ‘House Rules and Support’ Section (below) at least every six months and as part of the Pathway Plan review.
- Please detail any specific arrangements, for example, will the young person require a DBS check, if so, who will complete this?
- Clarify any changes in the “Staying Put” carers Council Tax liability?
- Leaving care personal advisers should support the young person to ensure their room is clean and tidy when vacated and ensure young people have moved all belongings within one week, so that the room can be available and used by another young person.
- NOTE: if belongings haven’t been moved within two weeks, they will be removed from the room; it cannot be guaranteed that belongings will be stored.

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#### 4. House Rules and Support:

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

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

Suggested Topics for discussion:

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

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

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

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

What are the arrangements for reporting the young person missing if they cannot be located, how long would you continue to try to contact them before reporting them missing? (This should be linked to the young person’s vulnerabilities and risk and how these may change over time)

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

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

What are the rules and arrangements regarding the young person having a mobile phone contract, credit arrangements, catalogue/store cards etc?

Arrangements for helping with the development of life skills:

Cooking and food preparation

Laundry, ironing household chores

Budgeting and money management

Arrangements for dealing with administrative tasks and officialdom:

Renewing the housing element of Universal Credit claim

Returning official forms

Arrangements for helping with any health needs:

Setting up and attending appointments

Any specific health needs

Arrangements for education, training or employment activities:

Support with homework/assignments

Attending school, college or university open days etc.

Arrangements for support with maintaining contact with family and friends:

Support with maintaining contact with family and extended family members

Support in maintaining appropriate friendships

Arrangements for hobbies, leisure interests and sports activities:

Support with maintaining activities

Support with identifying and trying new activities

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

Is the young person registered on a local authority housing needs register (HNR)?

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

What are the arrangements for ending “Staying Put”?

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

Other issues to be added:

**6. Living Together Agreement Signatures:**

Signed: .....(Young Person)

Date:

Signed: .....(Staying Put Carer)

Date:

Signed: .....(Social Worker and Personal Adviser)

Date:

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

Date:

**APPENDIX TEN**

ADD LANCASHIRE COUNCIL LOGO

Lancashire Children's Services  
ADD ADDRESS

**NOTICE TO QUIT – STAYING PUT ACCOMMODATION**

Reference ADD NAME – DATE OF BIRTH – ADD ADDRESS

Dear ADD NAME,

I am writing to give you 28 days' 'Notice' to leave your staying put accommodation due to ongoing and persistent non-payment of rent.

This has not been paid since ADD DATE and now amounts to ADD AMOUNT.

PROVIDE INFORMATION AS TO THE STEPS TAKEN TO SUPPORT THE YOUNG PERSON TO PAY RENT/CLAIM BENEFITS/UNIVERSAL CREDIT.

If you start to pay your rent or complete a housing cost (Universal Credit) claim within the next 7 days and make an agreement to start to pay off your rent arrears, consideration will be given to deferring you notice to leave the property.

If we have not heard from you within 7 days, you will need to leave your Staying Put accommodation on ADD DATE (35 DAYS FROM THE DATE OF THIS LETTER 7 + 28) and make alternative accommodation arrangements.

Yours sincerely

## **IRO – Staying Put Checklist**

### **Planning for Staying Put**

#### **Age 15/16**

Has a Staying Put viability meeting taken place (by the young person's 16<sup>th</sup> birthday), the meeting should include:

the child's social worker;  
a representative from the leaving care team;  
supervising social worker;  
foster carer.

The young person should not be included in the formal staying put planning process until it is agreed in principle by the foster carer and social worker that Staying Put is viable.

Has the social worker and a representative of the leaving care team discussed the requirements of staying put with the young person?

Does the foster carer understand the funding framework for staying put:  
Stepped Fee approach (universal/year one, year two, year three;  
The approach taken if the young person goes to university and returns at weekends in the vacation;  
Pocket money, clothing allowance and a personal allowance ceasing 5 weeks after the young person's 18th birthday;  
Rent/housing element of Universal Credit being paid to the carer.

Does the young person understand the requirements of Staying Put?  
Need for a DBS check (if the household will remain a fostering household);  
Requirement to meet personal costs at 18 from employment/benefits;  
Requirement to pay rent from employment/Universal Credit;  
Requirement to have a Living Together Agreement;  
To maintain the housing rules and staying in touch requirements.

Where the young person has additional needs/disabilities and meets the Care Act 2014 eligibility criteria, planning for Shared Lives rather than Staying Put should take place.

Has a formal request for Staying Put been presented to the Area Senior Manager?

Is the young person registered with a housing authority - Housing Needs Register as part of the planning for after Staying Put?

What life skills work had been done and what work will continue in order to support the young person's transition to adulthood work?



## **Age 17**

Has a formal request for Staying Put been presented to the Area Senior Manager?

Has the young person got all the necessary identity and benefit claim documents?

National Insurance Number;

Verify.Gov.Uk - registration number;

Passport;

Birth certificate;

Biometric card;

Driving license;

Proof of address;

Proof of care leaver status;

Proof of college/education course.

## **Age 17½**

What benefits will the young person apply for when they reach the age of 18 and what is the anticipated level they will receive?

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:

Is the foster carer/"Staying Put" carer in receipt of any means tested benefits? If so the young person paying rent may impact on the carers legacy benefits and require a section 23C compensation payment, has this been organised (no impact if the carer is in receipt of Universal Credit)?

Will the household remain registered as a fostering household?

If yes are there any issues that will need to be considered at the fostering review;

If no what are the arrangements for transfer of the support of the carer;

What are the arrangements for ensuring the young person has a DBS check on reaching age 18 if the staying put household will also remain registered as a fostering household.

Has a Living Together Agreement been developed and approved?

What are the arrangements for the young person having a key;

Understanding the house rules;

Having friends visit;

Safer caring plans for any remaining foster children;

Returning home time (weekdays and weekends).