

LUTON  
SPECIALIST FAMILY SERVICES  
DEPARTMENT

STAYING PUT POLICY  
2014 – 2015

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

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## 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 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010, 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.

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

The policy sets out:

1. The process for extending a foster care placement beyond a young person’s 18<sup>th</sup> birthday into a “Staying Put” arrangement;
2. The financial requirements and benefit issues for young people;
3. The financial rates and payment implications for foster carers and “Staying Put” providers (also referred to as the landlord);
4. The welfare benefit issues for foster carers and “Staying Put” providers;
5. The income tax and national insurance implications and issues for foster carers and “Staying Put” providers;

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 2013 and 2014);
- Planning Transition to Adulthood for Care Leavers (England) Regulations and Guidance 2010, (revised 2014 and 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 66 to 72 of the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2014) 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” provider/s is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989;
6. The “Staying Put” arrangement can extend until:
  - the young person first leaves the “Staying Put” arrangement;or
  - the young person reaches their 21<sup>st</sup> birthday, if continuously, and still living in the arrangement;or
  - the young person completes the agreed programme of education or training being undertaken on their 21<sup>st</sup> birthday, if continuously living in the arrangement since their 18<sup>th</sup> birthday.

## **Department for Work and Pensions Definitions**

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

Where part of the payment for the “Staying Put” arrangement comes from a contribution from the young person (as a payment for rent, either directly or from housing benefit) the non-section 23C element will be taken into account in the calculation of the “Staying Put” providers own means tested benefit claim. For guidance on how this is addressed within Luton see pages 20, 21 and 22.

Additionally, the section 23C disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the “Staying Put” arrangement, should the young person return to their former foster/”Staying Put” provider or, move to another carer after their 18<sup>th</sup> birthday.

## HM Revenue and Customs Definitions

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

1. A young person was looked after immediately prior to their 18<sup>th</sup> birthday;
2. The young person has a Pathway Plan;
3. A proportion of the allowance paid to the “Staying Put” provider/s is paid by the Local Authority;
4. “Staying Put” arrangements can extend until:
  - the young person reaches their 21<sup>st</sup> birthday;or
  - the young person completes the agreed programme of education or training being undertaken on their 21<sup>st</sup> birthday.

## Definitions Overview

Where possible; DfE, DWP and HMRC definitions and frameworks relating to “Staying Put” have been harmonised. However, given the complexity of the three different legislative frameworks relating to “Staying Put” arrangements, and the fact that some of the legislation does not cover all four countries within the United Kingdom, this has not been wholly possible.

## Luton - “Staying Put” Scheme

The primary aim of “Staying Put” is to provide an overarching framework 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 may be an arbitrary and inappropriate point to leave a familial and foster care household. Therefore, the Luton “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. In situations where a child aged 16 or 17 meets the Adult Services ‘Fair Access to Care Services (Putting People First)’ criteria, the transition would be from foster carer to shared lives care rather than “Staying Put”.

The Luton “Staying Put” scheme has been designed to ensure that young people, foster carers, and “Staying Put” providers are provided with information, practical

support and financial support to enable young people to make a successful transition to adulthood.

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

1. he or she leave’s 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 Luton Borough Council “Staying Put” providers;
  3. The welfare benefit and tax rules that apply to “Staying Put” providers;
  4. The benefit rules that apply to “Staying Put” young people;
  5. The practical arrangements that apply to young people in “Staying Put”;
- and
6. Provides a set of templates (appendices) that should be used by “Staying Put” providers, young people and staff when establishing a “Staying Put” arrangement.

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

From four weeks after the young person’s 18<sup>th</sup> birthday the Fostering Maintenance Allowance of £237.00 per week will continue, minus £82.00 (pocket money, clothing allowance, savings, travel and a personal element) - 2014-2015). The “Staying Put” provider is no longer expected to provide the above allowances to the young person, as they are expected to cover these areas from their earnings from employment, or by claiming a means tested benefit. In addition, the young person is expected to pay rent, (either from earnings or housing benefit or a combination). Housing Benefit

should be paid to the “Staying Put” provider and any contribution from the young person should be paid to the 16 Plus Team Budget. The young person’s Housing Benefit claim should be established within four weeks of their 18<sup>th</sup> birthday, at which point an amount equivalent to the Housing Benefit will be deducted from the “Staying Put” providers Fostering Maintenance Allowance. At the end of the “Staying Put” arrangement, the overall payment will be adjusted to take account of the Housing Benefit payment which is paid in arrears and the initial Luton Specialist Family Services payment which will have been provided to cover the initial Housing Benefit set up period.

In addition, the “Staying Put” provider will continue to receive their same tier 1, 2 or 3 competency payment that they were paid when the young person was age 17 (contract carers and carers who transferred from an IFA to the Luton Scheme - see section on “Staying Put” Allowances pages 18 & 19).

Where young people have a disability that meets an Adult Services, Fair Access to Care (Putting People First) criteria, consideration will be given to convert the foster care placement to a Shared Lives/Adult Placement arrangement by the young person’s 18<sup>th</sup> birthday. Planning for the conversion will be undertaken by the relevant team within Luton Borough Council.

Where a young person remains in their “Staying Put” whilst attending university, i.e. they remain living within their “Staying Put” home and travel back and forward to university, the above expectations and principles apply with the exception that the rent will be paid from their Luton 16 Plus Higher Education Allowance. The young person will also be eligible to claim a Student Finance England Maintenance Grant, Maintenance Loan & apply to their university for a Bursary. 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 level of payment to be provided from the 21<sup>st</sup> birthday should be reviewed prior to the start of the course.

- Prior to the start of any course that will extend beyond a young person’s 21<sup>st</sup> birthday, a “Staying Put” review meeting should take place to agree the level of the payment to be provided from the young person’s 21<sup>st</sup> birthday to the end of the course and the “Staying Put” arrangement.
- Where a young person leaves a “Staying Put” arrangement to attend university (away from their local area) the “Staying Put” arrangement ends. Where the young person should be arranged between the young person and their former “Staying Put” provider and should be set out in their Pathway Plan. In the majority of situations, the young person would need to cover any costs of the arrangement

from their grants, loans and bursary which include an element for vacation accommodation. Prior to leaving the “Staying Put” arrangement, the principles and requirements regarding returning in the vacation should be set out in the young person’s pathway plan and living together agreement. The arrangements for returning during the vacation will need to consider the following points. The amount of rooms the carer has available, any commitments to foster children in the household, the needs of the young person returning in the vacation to have a DBS check, the allowance to be paid to the carer.

- Where young people leave a “Staying Put” arrangement to undertake a military forces induction or training programme and would like to return to a “Staying Put” household during leave, this should be assessed on an individual basis. The principles set out above should be used to gauge the viability of a return during leave.
- 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 Luton “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.

## **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 affectively lodging in the “Staying Put” provider/s home. Whilst the term ‘excluded licensee’ is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person’s landlord. As such, throughout this chapter, the term ‘young person’ is used to reference their status as an ‘excluded licensee’.

The associated change from foster child to adult member of the household, and for the carer from foster carer to “Staying Put” provider, (technically the young person’s landlord) should be carefully and sensitively planned in order to ensure that both young people and the carer understands 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.

A young person living in a “Staying Put” arrangement can be asked to leave the property by the “Staying Put” provider, who must give ‘reasonable notice’ (wherever possible 28 days). In exceptional circumstances it may be considered reasonable for the “Staying Put” provider to give very short notice and ask the young person to leave on the same day. In such circumstances Luton Specialist Family Services (16 Plus and Care Leavers Team) will provide short term emergency accommodation whilst an accommodation pathway is identified.

In situations where a young person meets the Fair Access to Care Services (Adult Services) 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, it is important that their primary case worker and the young person’s placement are regulated within the adult service frameworks. In circumstances where a shared lives arrangement has not been achieved by the young person’s 18<sup>th</sup> birthday, the relevant adult service will make appropriate arrangements for the young person’s care.

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

The Pathway Plan begun at the age of 15¾ should identify the timescale required for young people to move to independence and should be used as the framework for beginning to explore “Staying Put” and the following questions and issues:

1. Is it likely that the young person would benefit from a “Staying Put” arrangement when they reach their 18<sup>th</sup> birthday;
2. Is the young person and their foster carer/s in agreement to a “Staying Put” arrangement;
3. Does the young person and their foster carer/s understand the procedures and requirements for extending a foster care placement into a “Staying Put” arrangement;
4. Does the young person understand their financial and benefit responsibilities associated with remaining in a “Staying Put” arrangement;
5. Does the foster carer/s understand the changes in their funding arrangements associated with a “Staying Put” arrangement;
6. Does the foster carer/s understand the impact of a “Staying Put” arrangement on their welfare benefit income and on their Income Tax and National Insurance responsibilities and liabilities;
7. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable;
8. Does the foster carer/s understand that they need to inform their mortgage provider/landlord and their household/buildings insurer that the foster child has become a “Staying Put” adult;
9. What are the preparation for independence tasks, goals and targets to be achieved during the last two years of foster care and when the placement becomes a “Staying Put” arrangement (in-line with Luton’s Transition to Adulthood guidelines);
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, Fair Access to Care Services (Putting People First) criteria and this is the foster carers wish.

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 meeting should take place as part of the Leaving Care Assessment of Need, this meeting should take place immediately prior to the young person’s 16<sup>th</sup> birthday.

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

1. Young person’s social worker and supervising fostering social worker to discuss ‘Staying Put’ issues with the foster carer.
2. Young person’s social worker to discuss ‘Staying Put’ issues with the young person.
3. Following separate discussions with the young person and foster carer, and when ‘Staying Put’ by the two parties is agreed in principle, formal and joint planning begins.

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

The responsibility for co-ordinating the initial “Staying Put” professionals meeting, rests with the young person’s social worker.

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

- A request for “Staying Put” (‘in principle’) should be presented to the Luton External Resources Panel when the young person reaches the age of 16½ (for monitoring purposes and inclusion on the “Staying Put” Monitor). The “Staying Put” professionals meeting should be repeated when the young person reaches the age of 17¼ - 17½ and should ensure that any final arrangements and requirements are in place by the young person’s 18<sup>th</sup> birthday. The outcome of all meetings should be discussed at the young person’s subsequent statutory reviews and the decision ratified by their Independent Reviewing Officer. The outcome of the age 17¼ - 17½ meeting and decision of the subsequent Statutory

Review should then form the basis of the report presented to the Luton External Resources Panel, when the young person reaches the age of 17½ - 17¾. See appendix four and five for information required.

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

All requests for extending a fostering placement after a young person’s 18<sup>th</sup> birthday must be ratified at the previous statutory looked after child review and be presented to the Luton External Resources Panel who will ratify the plan and associated funding.

- The formal request for “Staying Put” should be presented when the young person reaches the age of 17½ - 17¾.
- The case should be returned to the Luton External Resources Panel when the young person reaches the age of 18¼ to clarify that all tasks have been completed.

The Manager of the 16 Plus Team and the Fostering and Adoption Service Placements Support are responsible for monitoring “Staying Put” arrangements once the young person reaches the age of 18¼ and whilst they remain in a “Staying Put” arrangement.

### **Information to be Presented to the Luton External Resources Panel**

The following reports and information should be presented to the Luton External Resources Panel 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 including the pathway plan; minutes of the most recent LAC review; the proposed Living Together Agreement. All reports presented to Luton External Resources Panel should provide an overview of the tasks, roles and responsibilities of all involved in the “Staying Put” arrangement, i.e. “Staying Put” provider, Supervising Social Worker, Social Worker, Leaving Care Personal Adviser.

- 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’.

- 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, including issues such as, where a young person is “Staying Put” in an arrangement outside of the Luton area what will happen if they return to Luton or move to the private sector where they live;
  - 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 Luton Transition to Adulthood 16 Plus Team Pathway Planning Checklist);
  - 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 in relation to the impact on any foster children in the placement;
  - Any specific vulnerabilities and needs of the young person;
- Information should include the views of the foster carer, young person and IRO and any specific financial issues related to the carer.

## Financial Requirements and Personal Benefits for Young People

Young people remaining in a “Staying Put” arrangement are expected to be in employment and have earnings, or claim a means tested benefit for their personal needs from their 18<sup>th</sup> birthday. These earnings or benefits replace the A) Pocket Money, B) Clothing Allowance and C) Personal Element previously contained in the foster carers maintenance allowance.

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

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

1. Disabled young people are able to claim Employment and Support Allowance from their 16<sup>th</sup> birthday therefore the pocket money, clothing, savings and personal allowance of £57.35 (2014-2015) will cease to be paid (from the Fostering Maintenance Allowance) to the foster carer when the young person receives their first E&SA payment.
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” provider may be able to claim Carer’s Allowance.
3. Lone Parents can claim Income Support until their child is 5 years old, Healthy Start Vouchers and a Sure Start Maternity Grant, from 11 weeks before their due birth date (the Sure Start Maternity Grant is only provided once for the oldest or first child). From the birth of their baby they will also be eligible to claim Child Tax Credits and Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above benefits, but only from the birth of their baby). (Approximately £156.26 in total per week – 2014-2015).
4. Young people can claim Income Support under the ‘Relevant Education’ rules if they remain ‘estranged’ from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher

education level. Young people can claim Income Support at any point prior to their 21<sup>st</sup> birthday and will continue to receive a payment until the end of the academic year following their 21<sup>st</sup> birthday, i.e. generally until July following their 21<sup>st</sup> birthday. (Income Support rate - £57.35 - 2014-2015).

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. Jobseekers Allowance where young people are registered as unemployed and are actively seeking employment. (£57.35 - 2014-2015).
7. A disabled young person in education who gets both Employment and Support Allowance and Disability Living Allowance or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).
8. IS, JSA, E&SA and HB are means-tested. The capital limit for these benefits is normally £16,000, with savings over £6,000 meaning a reduction in benefits. However, money held in a trust fund (including Court of Protection) arising from personal injury (e.g. Criminal Injury Compensation Awards) does not count as capital. Criminal Injuries Compensation Awards are only disregarded for the first 52 weeks following receipt of the award.

## **Liability for Rent**

All young people living in a “Staying Put” arrangement in Luton have a liability for rent of £110.00 per week which is set on a commercial basis. Young people are expected to pay the rent of £110.00 per week from their earnings or housing benefit, or a combination of both.

The level of the rent liability for young people living outside of the Luton Borough will be set by the “Staying Put” provider and will be based on the local market rents and the prevailing Local Housing Allowance rates. The liability for rent is set out in the young person’s licence agreement see:

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

## Housing Benefit for Young People

1. The Luton Borough Council Housing Benefit Department has deemed that the liability for rent for care leavers within “Staying Put” arrangements in Luton Borough comes within the Local Housing Allowance rules. Young people are eligible to claim the one-bedroom rate.
2. All young people are expected to pay rent of £110.00 per week, either from earnings or housing benefit from their 18<sup>th</sup> birthday. Housing benefit should be paid directly to the “Staying Put” provider, due to the young person’s vulnerability, and any contribution from the young person should be paid to the 16 Plus Team budget. For the purpose of this policy the Landlord is commonly referred to as the “Staying Put” provider.
3. Young people living in kinship “Staying Put” placements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim housing benefit Luton Specialist Family Services will pay the rent/accommodation element (or the housing benefit portion) of the “Staying Put” arrangement (subject to a claim having been rejected). The claim for housing benefit should be made, based on the fact that the carer is a former foster carer/”Staying Put” provider rather than a relative. Young people who are working remain liable for rent; Luton Specialist Family Services will assess the young person’s contribution based on the housing benefit rules and would only pay the housing benefits contribution/element.
  - A ‘close relative’ is a parent, parent-in-law (including a civil partner’s partner), son, son-in-law (including a son’s civil partner), daughter, daughter-in-law (including a daughter’s civil partner), brother, sister, step-parent (including a parent’s civil partner) stepson, (including a civil partner’s son), stepdaughter, (including a civil partner’s daughter), or the partners of any of these. It also includes half-brothers and sisters. Relations with in-laws or step-relatives are severed by divorce (or dissolution of a civil partnership) but arguably not by death – e.g., a stepchild is still a stepchild after the death of her/his mother.
4. The rent level in Luton for 2014-2015 is £110.00 per week.

## Housing Benefit for Young People - Guidance

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

The Luton Borough Council Housing Benefit Department has deemed that the liability for rent for care leavers within “Staying Put” arrangements in Luton comes within the Local Housing Allowance (LHA) rules. Young people are eligible to claim the one-bedroom rate.

Young People are able to claim housing benefit (based on the LHA rates) even when their “Staying Put” provider/s are in receipt of housing benefit themselves. However, where carers are in receipt of benefits themselves, the non-section 23C element of the overall allowance (the rent) will be counted as income from the “Staying Put” arrangement; this non-section 23C element will be treated as income from a ‘Sub-Tenant’. Section 23C money is the element of the payment paid from the local authority; the non section 23C portion is all of the other elements (rent, paid directly by the young person or via housing benefit (LHA)). See section – ‘Section 23C Payments and Benefit Issues for “Staying Put” providers’.

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

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

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

The rent liability for young people living in a “Staying Put” arrangement in Luton is £110.00 per week, excluding food, utilities and support. The £110.00 rent figure is based on the Local Housing Allowance rate for a one-bedroom flat.

## **NOTE:**

In circumstances where young people claim housing benefit and the “Staying Put” provider/s are in receipt of a means tested benefit, the young person’s benefit claim will result in the “Staying Put” providers benefit being reduced. This reduction will be off-set by the local authority (Luton) paying an amount equivalent to the level of the benefit reduction as a section 23C compensatory payment.

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

## **Payment Rates to Luton “Staying Put” providers**

### **“Staying Put” Allowances**

Luton Specialist Family Services Department is committed to ensuring foster carers (both Luton and IFA carers) do not experience a reduction in their income by supporting a former foster child under a “Staying Put” arrangement. Whilst the “Staying Put” provider will receive the same level of income as they did when the child was a foster child, some of the income under the “Staying Put” arrangement will come from the young person in the form of a payment for their rent, which may come via earned income, housing benefit or a combination of both. In addition, “Staying Put” providers will have their Fostering Maintenance Allowance reduced by £82.00 (2014-2015), but will no longer be expected to provide this level of financial support (£82.00) to the young person.

From the age of 18 young people will be expected to use their earnings from employment to cover personal expenses such as clothing, pocket money, savings and leisure activities. In addition, if the young person is education or training they will receive an allowance for transport (16 to 19 Bursary). Alternatively from the age of 18 (16 in certain circumstances) young people are eligible to claim a welfare benefit of £57.35 which should be used to fund items previously provided by their foster carer.

In addition, LBC “Staying Put” providers who were in receipt of a tier 1, 2 or 3 competency payment will continue to receive the same level of competency payment paid when the young person was aged 17.

- The “Staying Put” former fostering arrangement – Luton Carers rate (applied from four weeks after the young person’s 18<sup>th</sup> birthday) is:
  - £237.00 per week - fostering maintenance allowance - minus £82.00 = 16 & 17 year old pocket money, clothing, savings and a personal element

allowance (an element of this amount, up to £110.00 per week, will be paid by the young person via rent/housing benefit)      **Total Paid £45.00 - Plus Rent of £110.00 = Total Allowance £155.00**

- Plus the tier 1, 2 or 3 competency rate.
- Tier One (£53.00)      **Total Paid £98.00 – Plus Rent of £110.00 = Total Allowance £208.00**
- Tier Two (£68.00)      **Total Paid £113.00 – Plus Rent of £110.00 = Total Allowance £223.00**
- Tier Three (£113.00)      **Total Paid £158.00 – Plus Rent of £110.00 = Total Allowance £268.00**
- Where Independent Foster Agency carers have transfer to Luton Specialist Family Services Department, the agreed payment rate will continue minus £82.00 and the rent/housing benefit amount.
- LBC Contract Carer placements that become “Staying Put” arrangements will be paid at the Tier Three - foster carer level.
- The amount set out above is paid for each “Staying Put” young person.

### **“Staying Put” General Allowances (2014 – 2015)**

1. From the young person’s 18<sup>th</sup> birthday “Staying Put” providers are no longer expected to provide pocket money, a clothing allowance, travel, savings or a personal allowance element. Young people are expected to cover these via earnings, education allowances or a means tested benefit.
2. In order to create parity with other care leavers, fostering birthday and Christmas/festival allowances and holiday 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 all financial support is provided via and set out in the Luton Transition to Adulthood (Leaving Care) Finance Policy.
3. With the exception of the pocket money, clothing, travel, savings and personal allowance element, the birthday, Christmas/festival allowances and the holiday allowances “Staying Put” providers should continue to provide the same level of financial support and practical support as they did when the young person was aged under 18.

4. 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 Luton Transition to Adulthood (Leaving Care) Finance Policy and should be set out in the young person’s pathway plan.
5. As set out above all young people are required to cover the pocket money, clothing, travel, savings and personal allowance from their earnings or by claiming a means tested benefit and also pay a rent charge from earnings or housing benefit or a combination.
6. 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 cover the pocket money allowance, clothing allowance, travel, savings and personal allowance element and also pay rent. Earnings over £62.35 (2014-2015) will result in a reduction of housing benefit which will need to be made up by a contribution by the young person.
7. Young people living in foster care placements/”Staying Put” arrangements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit Luton Specialist Family Services Department will pay the rent/accommodation element of the “Staying Put” arrangement, subject to a claim being rejected. Young people will be expected to pay their element of the rent if they are working (based on the housing benefit contributions scale).
8. All Housing Benefit should be paid directly to the “Staying Put” provider any contribution from the young person should be paid to the Luton 16 Plus Team Budget.

### **Section 23C Payments and Benefit Issues for “Staying Put” providers**

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

Payments made to the “Staying Put” providers from the Local Authority Children’s Services under section 23C of the Children Act 1989 via the young person, or directly to the carer/s on behalf of the young person are disregarded when calculating the carer’s entitlement to means tested welfare benefits. The section 23C payment is disregarded in its entirety in circumstances where young people continue to live as a

member of their former foster carer's family. Where young people contribute to the arrangement through a rent liability and pay this directly, or via a claim for housing benefit (which requires a commercial arrangement), the element of the payment from a source other than the section 23C element is taken into account when calculating the impact on the "Staying Put" providers own welfare benefit claim.

The section 23C element will always be disregarded when calculating the "Staying Put" provider's welfare benefit entitlement.

Where housing benefit (LHA) is paid to the young person, or they pay the rent element from their earnings, all non-section 23C payments regardless of their source will be counted in terms of the "Staying Put" providers benefit as income under the 'Sub-Tenant' rules. Under these rules the first £20.00 of rental income is disregarded. For example, if a carer receives £223.00 per week in total for the "Staying Put" arrangement of which £113.00 is paid by the local authority under section 23C and £110.00 is paid by the young person from housing benefit, the amount taken into account by the DWP will be £110.00. Of the £110.00, £20.00 will be disregarded, therefore the carer will be deemed to have a £90.00 per week income from the 'Sub-Tenant' ("Staying Put") arrangement and they will lose £90.00 of their Income Support, income based Jobseekers Allowance or income-related Employment and Support Allowance.

In circumstances where the "Staying Put" provider is in receipt of Housing Benefit along with the above-mentioned benefits, the Housing Benefit is not affected. If the "Staying Put" provider is getting Housing Benefit, but not getting any other means-tested benefit, the £90.00 will count as income, and this will lead to a £58.50 per week reduction in Housing Benefit (a 65p per week reduction for every £1.00 of extra income).

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

In these situations where the "Staying Put" provider is in receipt of a means tested benefit the young person should still claim Housing Benefit, an amount equivalent to the carers DWP benefit reduction will be paid to them from section 23C. The section 23C compensatory payment will be disregarded in full by the DWP. In the above example a £90.00 or £58.50 per week compensatory section 23C payment will be made.

Where the "Staying Put" provider is over the pension credit age (the pension credit entitlement age is rising from 60 to 65 between 2010-2020) and is in receipt of

Pension Credit more generous disregard rules regarding income from 'Boarder Arrangements' apply and should be explored.

In situations where a "Staying Put" provider is getting child tax credit or working tax credit, they should declare their 'profit' from providing a "Staying Put" arrangement, as calculated on pages 25, 26 and 27. That profit may well be nil.

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

## Payment Adjustments/Compensation Table

All situations	Carer in receipt of benefit
<p>Adjustment to foster carer's / "Staying Put" provider's payment when young person claims Income Support, or Employment and Support Allowance or Jobseekers Allowance or has earnings from employment.</p> <p>Pays rent/claims housing benefit.</p>	<p>Adjustment to foster carer's / "Staying Put" provider's payment when young person claims Income Support, or Employment and Support Allowance or Jobseekers Allowance or has earnings from employment.</p> <p>Pays rent/claims housing benefit.</p>
<ul style="list-style-type: none"> <li>• Allowance reduces by £82.00 per week (pocket money, clothing allowance, travel, savings and personal allowance element).</li> <li>• Allowance reduces by £110.00.00 per week if housing benefit paid to "Staying Put" provider. – No reduction if the young person pays rent to Luton Family Services Department. If the young person pays part contribution and part housing benefit, the allowance is reduced by the housing benefit element.</li> </ul> <p>Housing benefit paid to "Staying Put" provider.</p> <p>Housing benefit paid to "Staying Put" provider. The amount will be adjusted up if rent paid to the 16 Plus Team (by the rent level).</p>	<ul style="list-style-type: none"> <li>• Allowance reduces by £82.00 per week (pocket money, clothing allowance, travel, savings and personal allowance element).</li> <li>• Allowance reduces by £110.00.00 per week if housing benefit paid to "Staying Put" provider. – No reduction if the young person pays rent to Luton Family Services Department. If the young person pays part contribution and part housing benefit, the allowance is reduced by the housing benefit element.</li> <li>• A Section 23C compensation Payment of £90.00/£58.50 per week is made in order to compensate for the £90.00/£58.50 of weekly benefit being lost as a result of the young person's rent/housing benefit payment. - Actual payment will be £135.00 or £103.95.</li> </ul> <p>Housing benefit paid to "Staying Put" provider. The amount will be adjusted up if rent paid to the 16 Plus Team (by the rent level).</p>
<p>Carer no longer provides pocket money, clothing, travel, savings or a personal allowance element of £82.00 per week.</p>	<p>Carer no longer provides pocket money, clothing, travel, savings or a personal allowance element of £82.00 per week.</p>

## **Council Tax, Council Tax Support and Non-Dependent Deductions**

1. From April 2013 Council Tax Benefit has been replaced by Council Tax Support schemes that reflect individual local authority priorities and are administered through local rules.
2. The impact of the “Staying Put” arrangement on “Staying Put” providers Council Tax and Council Tax Support will depend on both the circumstances of the “Staying Put” provider and the young person. For example, full time students are ‘invisible’ for Council Tax purposes and will not have any impact on the “Staying Put” providers Council Tax or Council Tax Support.
3. In circumstances where a “Staying Put” provider is working and in receipt of the 25% single person Council Tax reduction, this discount may continue when a “Staying Put” young person is living in the arrangement. The continuation of the 25% discount will depend on the circumstances of the young person. See Appendix Six – “Staying Put” provider Financial Statement – the form should be used to set out how any adjustment to the Council Tax will be made.
4. Where “Staying Put” young people are claiming a means tested benefit, a Non-dependent Deduction should not be applied to the “Staying Put” providers own means tested benefit claim.
5. When planning for a “Staying Put” arrangement, consideration should be given to the impact of the arrangement on the “Staying Put” providers Council Tax, Council Tax Support and whether a Non-dependent Deduction will be applied. In circumstances where an increase in Council Tax occurs; a reduction in Council Tax Support applies, or a Non-dependent Deduction is applied an application should be made to the Luton External Resources Panel for a payment from section 23C equivalent to the carers financial loss.
6. “Staying Put” young people will not incur an ‘Under Occupancy’ or bedroom tax charge on the “Staying Put” providers.
7. How any changes to the “Staying Put” providers Council Tax or Council Tax discount will be addressed should be set out in their “Staying Put” provider Financial Statement (Appendix six). The “Staying Put” provider Financial Statement should be completed when the young person reaches the age of 17¾. A copy should be given to the carer and a copy should be presented to the Luton External Resources Panel with the “Staying Put” request report.

## **The Treatment of Benefits**

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

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

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

The 'Shared Lives Carers' – 'Qualifying Care Relief Guidance' sets out that "Staying Put" providers 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" providers 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" provider/s to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions on their caring income. The Income Tax free allowance consists of two elements. Firstly, a fixed amount per foster care or "Staying Put" household per year (for 2014 -2015 this is set at £10,000). Secondly, an additional amount per week per child (£200 per week under the age of eleven [0-10], £250 per week age eleven to their eighteenth birthday [11-17] 2014-2015) and £250 per week per adult aged eighteen to the twenty-first birthday [18-20] or until the end of the programme of education or training, as defined as "Staying Put" by HMRC (see terminology section).

The £10,000 per year applies once per household regardless of how many foster children or “Staying Put” young people are placed. The additional amount applies per child/young person per week. Where there is more than one paid “Staying Put” provider 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” provider’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” provider/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” provider/s do incur an Income Tax and Class 4 National Insurance liability and they have not used their personal allowance this can be used to off-set this liability.

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

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

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

HMRC is aware that a number of foster carers and “Staying Put” providers may not have registered for Class 2 National Insurance Contributions because they make little or no taxable profit. Foster care and “Staying Put” care is deemed as self-employment and as such carer/s should register as self-employed. All self-employed people aged 16 and over who are below State Pension age are liable and must register to pay Class 2 National Insurance Contributions. Failure to do this may affect their entitlement to Employment and Support Allowance, Maternity Benefit, State Pension and Bereavement Benefit. However, self-employed carers may be

able to apply for Carers Credits which have replaced Home Responsibilities Protection, and those with low taxable profits may be able to apply for a Small Earnings Exemption.

To claim a carers credit, foster carers/"Staying Put" providers must complete form CF411A available from HMRC ([www.hmrc.gov.uk](http://www.hmrc.gov.uk)).

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

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

HMRC Helpsheet (hs) 236 sets out information about the 'Shared Lives Carers' – 'Qualifying Care Relief Guidance' - Fostering and "Staying Put" Income Tax and National Insurance framework. <http://www.hmrc.gov.uk/helpsheet/hs236.pdf>

Foster carers and "Staying Put" providers should always inform the DWP and HMRC if their circumstances change and should always check with the DWP and HMRC regarding their personal circumstances and how payments for foster care or "Staying Put" care may affect their means tested benefits or any Income Tax or National Insurance liability.

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

HMRC Webinars:

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

## **“Staying Put” - Social Care and Regulatory Frameworks**

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

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

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

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

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

The foster carer/s’ annual review that takes place in the year (immediately) 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 should be presented to the fostering panel in order to 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 and the impact for the overall household.

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

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

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

In circumstances where a foster care household, (approved for one placement) provides a “Staying Put” arrangement that is anticipated to extend beyond a young person's 20<sup>th</sup> birthday, the annual household review held in the last year of the “Staying Put” arrangement should identify the training and development needs of the “Staying Put” provider, in anticipation of their return to fostering. This is the role of their supervising social worker.

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

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

Whilst fostering regulations no longer formally apply when a young person reaches the age of 18, the following requirements and standards will continue to govern the Luton “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 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 (up until their 18<sup>th</sup> birthday the Placement Plan remains in place);
- A return to fostering panel to discuss changes in the household arrangements and the plans for fostering deregistration;
- A yearly review of the “Staying Put” arrangement, which includes the progress and outcomes of the arrangement for the care leaver and the overall household arrangement (signed off by a service manager);
- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks in line with the standards applied to foster carer placements;
- Regular supervision from a member of the fostering service at a frequency of no less than every 3 months;
- The opportunity to attending appropriate training and support groups.

The allocated worker from the fostering service 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” Providers**

All “Staying Put” providers will be allocated a named supervising social worker or placement support officer.

1. In situations where foster children are placed in the household, or may be placed in the future and the “Staying Put” provider 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 supervision will be reviewed. Depending on the needs of the young person and/or the “Staying Put” provider the same supervising social worker may continue to support the arrangement. Alternatively, and where appropriate, a different member of the fostering service may be allocated to oversee the “Staying

Put” arrangement, this person may be an appropriate professional who is not a qualified supervising social worker.

- The frequency of supervising social worker visits to “Staying Put” providers who remain registered as foster carers will continue at the foster carer level, or more frequently, as required.
- The frequency of fostering service visits to “Staying Put” providers who cease to be approved as foster carers will be at a minimum of three monthly unless the needs of the young person determine a higher frequency of visits as identified and set out in the Living Together Agreement.

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

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

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

## **Safeguarding and “Staying Put”**

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

- The “Staying Put” young person;
- Foster children;
- Children of the foster carer/”Staying Put” provider;
- 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” provider living there and also the level of ‘vulnerability’ of the children and “Staying Put” young person. Foster carers/”Staying Put” providers 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.

Prior arrangements for 'delegated authority' to the carers will cease when the young person becomes an adult at the age of 18, however, the delegated authority may then apply regarding the "Staying Put" young person's impact on a foster child. All safeguarding issues will need to be covered in the Living Together Agreement, particularly regarding the agreement for and oversight and management of the young person's visitors.

## **Minimum Standards and Practical Requirements**

In situations where no foster children live in the placement and a decision is taken to terminate the "Staying Put" providers fostering approval, 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 2014) and must comply with Regulation 6, 7 & 9 and Schedule 2.

"Staying Put" providers 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" providers 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" providers continue be covered under Luton Borough Council's Insurance Policy in the same way as Foster Carers.

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

## **"Staying Put" Practical Arrangements – Living Together Agreements**

All young people (who are Looked After) living in foster care should have a Placement Plan that sets out the day to day arrangements governing the placement; this is then incorporated into their Care Plan/Pathway Plan. The requirement to have a placement plan ceases when a child reaches the age of 18 and is replaced in Luton

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” provider/s, the young person’s social worker and/or leaving care personal adviser and the provider’s supervising fostering social workers 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 conversion to a Living Together Agreement meeting should take place when the young person reaches the age of 17¾ to establish the initial Living Together Agreement. The responsibility for organising the initial placement plan conversion to a Living Together Agreement meeting rests with the young person’s social worker. Where appropriate, consideration should be given to including birth parents in the conversion meeting. The Placement Plan remains in place until the young person’s 18<sup>th</sup> birthday.

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

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

The Living Together Agreement should cover:

1. Preparation for independence tasks, expectations, goals and targets;
2. Finance, including young people having credit cards, loan agreement and mobile phone contracts registered at the address;
3. Ensuring the young person has a key;
4. Income and benefit claims;
5. Friends, girlfriends/boyfriends and partners visiting and staying overnight;
6. Staying away for nights/weekends and informing carers of travel arrangements and movements;
7. Education, training and employment activities;

8. Health arrangements;
9. Move-on arrangements;
10. Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping;
11. Specific issues to do with the needs of the young person.

See Luton Living Together Agreement

## **Conclusion and Universal Credit**

The information in this guidance sheet is correct as of February 2015 and will apply to “Staying Put” arrangements during 2014-2015. The introduction of the Universal Credit system will create changes to the benefit and tax credit system for foster carers, “Staying Put” providers and young people in, and leaving care. The introduction of Universal Credit is being tested through a number of Pathfinder areas and will, in time, be phased on a national basis. During the phased transfer period there will be four possible “Staying Put” arrangements, all of which will have different impacts on the “Staying Put” provider and young person’s claim:

1. “Staying Put” provider on old benefit system, young person on old benefit system;
2. “Staying Put” provider on old benefit system, young person on Universal Credit system;
3. “Staying Put” provider on Universal Credit system, young person on old benefit system;
4. “Staying Put” provider on Universal Credit system, young person on Universal Credit system.

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

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## **APPENDIX ONE**

### **“Staying Put” - Move-On Arrangements – Planned and Un-Planned Endings and Evictions**

All young people reaching the age of 18 should have a pathway plan that sets out the arrangements for them moving to semi-independent or independent living. Young people reaching the age of 18 and commencing a “Staying Put” arrangement should also have a pathway plan that sets out the provisional arrangements for moving-on from “Staying Put”. The majority of young people will leave “Staying Put” in a planned manner and move to a Luton housing authority or housing association tenancy in the same way that other care leavers do. In circumstances where a young person is placed outside of Luton, the young person does not automatically acquire a ‘Local Connection’ for housing, in such situations the young person may have to move to a semi-independent setting, a private sector setting in that area, or return to Luton. 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” providers decide that they would like the arrangement to come to an end, each party should give at least 28 days ‘notice of termination’. The leaving care personal adviser will arrange for the young person to access suitable accommodation via Luton Borough Council housing department, partner housing association or housing provider.

#### **Staying Put Arrangements Meeting**

Where a young person displays unacceptable behaviour or participates in activities that are deemed inappropriate, a “Staying Put” Arrangements 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, or 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” Arrangements meeting will take place and will set out where the young person will move to. Luton Specialist Families Services Department 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 disadvantaged in terms of available accommodation options. Additionally, leaving the “Staying Put” arrangement in an emergency and in an unplanned manner may limit the young person’s accommodation choices, and in the short term they may need to live in a range of other types of accommodation.

### **Non-Payment of Rent**

In situations where young people do not pay their rent, either by not making the required payment or by not claiming housing benefit they may be subject to an eviction process. A “Staying Put” Arrangements meeting will be called at the earliest opportunity, and in all situations where a young person owes four weeks rent (£440.00). The “Staying Put” Arrangements 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**

### **Standard “Staying Put” Arrangement - Housing Benefit Claim Letter**

#### **Licence to Occupy – Licence Agreement**

#### **“Staying Put” Providers Address**

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

Date of Birth:

National Insurance Number:

“Staying Put” Address:

TYPE OF ACCOMMODATION:

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

Name of Landlord: (“Staying Put” provider)

Dear Sir/Madam,

This letter is provided to confirm that **[add full name of young person]** was previously a child placed in my foster care household by Luton Specialist Family Services Department. **[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 £110.00 per week excluding meals/food, utility and support charges. Luton Specialist Family Services Department will continue to provide an allowance to meet the food, utility and support costs of **[add full name]**. As **[add full name]** is care leaver I understand **[he/she]** is eligible to claim Local Housing Allowance up to the one-bedroom self-contained rate.

As **[add full name]** was previously “Looked After” and remains vulnerable I would request that the Housing Benefit is paid directly to the “Staying Put” provider. Luton Specialist Family Services Department will continue to pay the “Staying Put” provider/s the utility, food and support cost.

**Add “Staying Put” providers bank account details into which housing benefit can be paid, specifically:**

**Name and address of Bank, Sort Code, Account Name, Account Number**

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

Yours faithfully,

[Signed by “Staying Put” provider/s]

[Signed by the “Staying Put” young person]

## **APPENDIX THREE**

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

ADD LUTON COUNCIL LOGO

Luton Specialist Family Services Department  
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” provider is deemed the landlord

Name of Landlord: (“Staying Put” provider)

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 accommodation costs of £110.00 per week, excluding meals, utility and support charges. The information provided below sets out **(his/her)** legal status and financial circumstances.

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

A. I can also confirm that **(Add Full Name)** was previously ‘Looked After’ by Luton Specialist Family Services Department 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 Luton Specialist Family Services Department 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 Luton Specialist Family Services Department under Section 23C of the Care Leavers (England) Regulations 2010 (Children Act 1989). Section 23C payments must be declared when claiming benefits but are not to be counted as income for welfare benefit purposes. Whilst (**Add Full Name**) is establishing **his/her** welfare benefit claim **he/she** will be provided with a £57.35 per week allowance under these powers for a maximum of 4 weeks.

1. As (**Add Full Name**) has now become a 'Former Relevant' child and ceased to be 'Looked After', I believe **he/she** will be entitled to claim Jobseekers Allowance at the rate of £57.35 per week and full Housing Benefit and Council Tax Support.
2. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is engaged on a traineeship at the rate of £57.35 per week, I believe **he/she** will be entitled to claim full Housing Benefit and Council Tax Support.
3. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and is covered by the relevant education criteria, I believe **he/she** will be entitled to claim Income Support at the rate of £57.35 per week and full Housing Benefit and Council Tax Support.
4. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and has been given a 'Fit Note' by **his/her** Doctor, I believe **he/she** will be entitled to claim Employment & Support Allowance and full Housing Benefit and Council Tax Support.
5. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is earning a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support. Please find attached relevant wage slips/prove of income.
6. As (**Add Full Name**) has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is temporarily unable to submit a claim for means tested benefits, Luton Specialist Family Services Department will provide a £5.00 allowance under Section 23C of the Care Leavers (England) Regulations 2010. As this payment will constitute a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support.

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

As **(Add Full Name)** was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to the "Staying Put" provider. Luton Specialist Family Services Department will continue to pay the landlord the combined utility, food and support cost to avoid any disruption to the landlord's payments ("Staying Put" provider).

ADD "Staying Put" provider ACCOUNT AND PAYMENT DETAILS FOR HOUSING BENEFIT

**(Add specific information)**

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

Yours faithfully

**Approved Signatures**

**Team Manager**

**Assistant Team Manager**

**\* 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: 2010/2011

## **Chapter 36: Income: means-tested benefits**

Part 4 Common benefit rules

Page 903

### **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 – ie, 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>215</sup>

<sup>215</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**

**Luton Authorisation to Disclose Information Form**

Agencies and individuals I agree to share information with

I agree to my Leaving Care Social Worker/Personal Adviser or Supported Lodgings Officer 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
- Job Centre Plus
- Housing Benefit Department
- Housing Department and Partner Housing Associations
- Local College and Employment and Training Providers
- Health Services
- Other Agency or Individuals (Specify)
  
- Permission to assist with bidding on properties through Choice Based Lettings

I understand that my Leaving Care Social Worker/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 Leaving Care Social Worker/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

### Luton “Staying Put” provider - Financial Structure and Rates (2014 – 2015)

The following information should be used when making an application for housing benefit (LHA) to show the breakdown of the whole payment. The applicable table below should be applied to the Luton ‘Standard “Staying Put” Arrangement - Housing Benefit Claim Letter’ – Appendix Two. The rent, utilities and food are fixed costs; the rate of support to be paid depends on the needs of the young person and tier level of the “Staying Put” provider.

#### “Saying Put” Allowances

##### Fostering Maintenance Allowance Only Carers

<u>SERVICES</u>	<u>WEEKLY PAYMENTS</u>
NET RENT – ACCOMMODATION ONLY	£110.00
SUPPORT	£0.00
UTILITIES	£20.00
FOOD	£25.00
<b>TOTAL</b>	<b><u>£155.00</u></b>

##### Tier 1

<u>SERVICES</u>	<u>WEEKLY PAYMENTS</u>
NET RENT – ACCOMMODATION ONLY	£110.00
SUPPORT	£53.00
UTILITIES	£20.00
FOOD	£25.00
<b>TOTAL</b>	<b><u>£208.00</u></b>

##### Tier 2

<u>SERVICES</u>	<u>WEEKLY PAYMENTS</u>
NET RENT – ACCOMMODATION ONLY	£110.00
SUPPORT	£68.00
UTILITIES	£20.00
FOOD	£25.00
<b>TOTAL</b>	<b><u>£223.00</u></b>

##### Tier 3

<u>SERVICES</u>	<u>WEEKLY PAYMENTS</u>
NET RENT – ACCOMMODATION ONLY	£110.00
SUPPORT	£113.00
UTILITIES	£20.00
FOOD	£25.00
<b>TOTAL</b>	<b><u>£268.00</u></b>

**APPENDIX SIX**

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

**"Staying Put" Provider Financial Statement – a) Luton Carers, b) IFA carers**

1. Level of Fostering Maintenance Allowance to be paid:

.....

2. Level of Competence Tier payment:

.....

3. What benefits will the young person apply for:

.....

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

.....

5. Level of Housing Benefit (LHA) paid to the young person and where paid:

.....

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

.....

7. Will the "Staying Put" provider'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" provider in receipt of any means tested benefits (IS, JSA, E&SA and/or HB):

.....

9. If the foster carer / "Staying Put" provider 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" provider - £.....**

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 Luton External Resources Panel)***

<b>Task</b>	<b>Responsibility for Task Completion – (Name and Service)</b>	<b>Completed Yes/No or Date to be completed</b>
Report to the External Resources Panel		
Does the young person have their National Insurance Number		
Does the young person have proof of citizenship or immigration status		
Does the young person have proof of identity x 2		
Does the young person have proof of address x 1		
Does the young person have a letter from college as proof of study		
Does the young person have a ‘Fit Note’ from their GP as proof of sickness		
Personal benefit claim		
Housing benefit claim		
Council tax support claim		
If the young person is earning, will they be making a contribution, if so how much and how will the payment be made		
DBS check		
Developing the Living Together Agreement		
ADD AS REQUIRED		

## **APPENDIX SEVEN**

### **Independent Fostering Agency “Staying Put” Arrangement**

The following guidance sets out Luton Councils’ approach to Staying Put arrangements where a former foster child (on reaching 18 years old) remains living with their former foster carer under a Staying Put arrangement and within an Independent Fostering Agency arrangement.

The information below sets out:

- a) The Independent Fostering Agency policy requirements;
- b) The payment rates to Independent Fostering Agency “Staying Put” arrangements.

The requirements set out below will form part of the Contract Framework with Independent Fostering Agencies and will be used as the basis of auditing their “Staying Put” framework.

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

Independent Fostering Agencies should have a Staying Put policy framework that covers the following (but not exclusively) topics:

1. A policy framework for undertaking a Disclosure and Barring Service check on young people who will become Staying Put adults and who will be living in a registered foster care household with foster children and/or where future foster children will be/may be placed. The policy framework should cover the risk assessment process should the DBS check show a ‘trace’ and the process for authorising the risk assessment and risk management plan. The policy should also highlight the process for starting the DBS check in advance of the young person’s 18<sup>th</sup> birthday; in order that the check and any associated risk assessment is completed by the young person’s 18<sup>th</sup> birthday.
2. The policy framework for developing and managing safer caring arrangements, delegated authority and risk assessments on 1) the visitors of the Staying Put adult and 2) on the Staying Put adult, particularly in relation to their impact on other members of the foster care household. The framework regarding the management of risk/s from the foster care household members and their visitors

on the Staying Put adult and their visitors, i.e. from any foster child and their visitors, particularly where the Staying Put adult is 'vulnerable'.

3. The level and type of supervision and support provided by the Independent Fostering Agency for the Staying Put carer.
4. The process for returning the Staying Put carer to fostering panel for a review of their change of circumstances as the former foster child becomes an adult member of the foster care household:
  - a. Where there are foster children in the household;
  - b. Where there are no foster children, but further foster children will be placed with the Staying Put adult;
  - c. Where the foster carer does not have physical space for a further foster child to be placed.
5. The process for de-registering and supervising/supporting the Staying Put carer where no further foster children will be placed.
6. What information is available to foster carers/Staying Put carers regarding the impact of the Staying Put arrangement payments on their means tested benefit responsibilities and Inland Revenue (HMRC) responsibilities.
7. The availability and extension of the foster carers/Staying Put carers public liability insurance.
8. The information and guidance provided to foster/Staying Put carers regarding the on-going practical and preparation for independence arrangements for managing and supporting the Staying Put adult.
9. The information and guidance provided to the Staying Put carers regarding the practical arrangements for monitoring the whereabouts of Staying Put adults and the arrangements for reporting individual Staying Put adults as a missing person, if it is not possible to locate their whereabouts (after trying to contact and check the well-being of the Staying Put adult).
10. The 'Notification' framework for informing Luton that a Staying Put adult from another local authority will be living in a Staying Put arrangement with a Luton foster child and the arrangements for ensuring the Luton foster child is safeguarded and any potential risk/s managed appropriately.
11. Other – add as required.

## **Payment Rates and Finance**

- The amount paid to the Staying Put carer will continue at the rate paid when the young person was aged 17 – minus the following deductions.
- £82.00 per week – replaced by the young person from earnings or a means tested benefit
- £110.00 per week rent - replaced by the young person from earnings or housing benefit or a combination of both.
- The allowance paid to the Staying Put carer is subject to a deduction of £82.00. This amount is based on a deduction for pocket money, clothing allowance, travel, savings and a personal allowance. These allowances are no longer provided as the young person is expected to cover these costs from earnings or a benefit and in-order to develop money management and preparation for independence skills. The figure of £82.00 may be adjusted to reflect the individual arrangements of the IFA provider.
- The rate also includes a rent element of £110.00 per week. £110.00 is the set rent for a Staying Put arrangement within the boundaries of the Luton Borough.
- Where the young person is placed outside of the Luton area, the rent should be set by the Independent Fostering Agency, based on the Local Housing Allowance rates for one-bedroom accommodation in the area where the young person lives (£110.00 [or the LHA rent amount paid by the local housing benefit department] deduced from the IFA payment 4 weeks after the young person's 18<sup>th</sup> birthday).
- The rent/housing benefit should be paid to the Staying Put carer. It is expected that the housing benefit claim paperwork will be prepared in advance of the young person's 18<sup>th</sup> birthday and submitted on, or immediately after their 18<sup>th</sup> birthday.
- The pocket money, clothing allowance, travel, savings and personal element/rent and housing benefit deduction will only be applied from four weeks after the young person's 18<sup>th</sup> birthday in order to provide a transitional period to ensure any benefit claim is in payment.

- In addition to the payment for the “Staying Put” provider, Luton Council will provide a weekly payment to the Agency for the support and oversight of the “Staying Put” provider and “Staying Put” arrangement.
- The Agency Support Allowance amount is paid at the rate of 25% of the support rate that was paid to the agency when the young person was age 17.

Example:

- Agency placement foster care payment of £874.16 per week:
- Carer allowance £409.50;
- Agency fee of £464.66.

Staying Put calculation, agency fee = 25% of £464.66, payment = £116.17 per week. Carer allowance of £409.50 reduced by rent/housing benefit of £110.00 per week and £82.00 per week in respect of the young person’s personal allowances – carer receives £217.50 per week. The total Staying Put fee payable to the agency is £333.67 per week, of which £217.50 is payable to the carer.

*John Short, 7<sup>th</sup> February 2015*

*Version Five*