

Staying Put Policy and Procedure

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Growing the right way for
a bigger, better Peterborough

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Note: Peterborough City Council will be referred to as PCC throughout this document

1.0 Introduction

PCC recognises that young people develop life skills, confidence at their own pace. The purpose of this document is to provide guidance and information to practitioners, foster carers working with young people, in order to plan in a timely way for this, if this is the preferred option for the young person and their carers once they are 18 years.

Staying put refers to a young person staying in their foster placement beyond the age of 18. This policy and procedure considers the same framework for young people irrespective of whether they have a disability or learning difficulty or not reflecting the changes in the law in 2014. This policy and procedure takes account of the Children and social work Act 2017 in promoting young people's lived experiences in care, their wishes and feelings and the principles of corporate parenting in enabling and being aspirational for young people in care and leaving care to make a successful transition to adulthood.

1.1 The legal framework

The revision of the Children Act 1989 in 2014 and regulations that followed recognised the need for transition planning for care leavers. Those requirements include:

- Both parties are required to express a view that they wish to enter into a staying put arrangement, and if the local authority deems this to be appropriate then the local authority must provide advice, assistance and support in order to establish a staying put arrangement that enables the care leaver to prepare for adulthood successfully.
- TACT Peterborough will pay former foster carers an allowance that will cover all reasonable costs of supporting the care leaver to remain living with them.
- TACT Peterborough will provide clear information to their carers on financial support provided in supporting young people in staying put arrangements. This will also be provided to young people as part of them making an informed choice. This is part of enabling both parties being able to plan well in advance whether they wish to participate in a staying put arrangement.
- Young people supported by their independent foster carers (Independent foster agency foster carers) will be treated in the same way as those children who live with TACT/Peterborough 'in-house' foster carers.

1.2 Legal Status

From the age of 18 years young people who have 'been in the care of the local authority' cease to be looked after and fostering regulations and legislation no longer applies. At the age of 18 years a young person who leaves care is called 'a former relevant child' and the arrangement will be called 'remaining with former foster carer' or 'staying put arrangement'. The former foster carer then becomes a 'staying put carer'.

A 'former relevant child' is a young person who was looked after immediately prior to their 18th birthday as an 'eligible child'. An eligible child is defined as aged 16 or 17 years still

looked after and has been looked after by the local authority for 13 weeks or for periods amounting to 13 weeks which began after they were 14 and ended after they reached 16 years.

Following the young person's 18th birthday, the legal status on which they occupy the property (former foster carers home) changes. The legal term is that the young person becomes an "excluded licensee lodging" in the home and the carer may also become a landlord/landlady.

The change from being a foster child to adult member of The household and for the foster carer (technically the young person's landlord) should be carefully and sensitively planned in order to ensure that both the young person and the carer understand and can make informed decisions and plans that are positive in outcome for both parties.

The possibility of a staying put arrangement will always depend on whether on both parties want this to happen and PCC children's services support this. PCC will offer advice, assistance and support to establish a staying put arrangement if this is the desired outcome of the young person and foster carer. Part of the role of PCC Personal advisor will be to support both parties in this plan and help both build on how the young person will develop independent living skills once they move on from this arrangement.

1.3 Independent Fostering Agencies (IFA's)

As staying put is not a fostering placement, this will need to be negotiated separately to the fostering agreements and contracts. The IFA must be fully involved from the outset of the discussions so that the foster carer can make an informed decision on this arrangement. This will include potential financial impact.

Preparation for ceasing to be looked after and moving to staying put arrangement.

Arrangements in Peterborough City Council are:

- That from the age of 14 years staying put will be discussed and considered at child care reviews as part of planning arrangements for a looked after child until the child is 18 years or a decision has been made not to continue with this plan.
- Through the pathway planning process, discussions will take place that take into account the consideration of the wishes and feelings of The young person and the foster carer from the age of 15. 6 months. PCC will assess whether such an arrangement will meet the ongoing needs of the young person once they reach 18 years.
- Arrangements around the agreement for a staying put arrangement to start will vary dependent on the placement type, in house or IFA.

2.0 Procedure

If the young person and foster carer think they would like to pursue the staying put arrangement the following needs to occur.

- Needs assessment to be undertaken by the allocated child's social worker, which should include the viability, appropriateness and likelihood of a staying put arrangement occurring. The meeting should identify all the key tasks that need to be undertaken to extend the former fostering arrangement. This should include information regarding financial support post 18 for the foster carer and young person.
- Staying Put meeting to include the foster carer, young person and relevant professionals.
- The allocated social worker will undertake the assessment and present the information to the PASP panel for approval. In the case of joint funded placements or young people with disabilities assessments will be presented to the CYP panel

The above should be presented to PASP/CYP panels at the latest of the young person being 17 ½ but ideally well before this if this plan has been ratified via the CCR with SMART actions for presentation at PASP agreed. The aim being to reduce anxiety regarding the transition adulthood for both the young person and foster carer.

2.1 Foster Carer

Foster Carers who are considering a staying put arrangement do this due to their commitment and positive relationship with a young person. They do still require however, to be informed of the implications of agreeing to a staying put arrangement. This should be undertaken by their Permanency social worker who can guide them in this decision making process. The discussions should include the differences between being a foster carer, moving to being a 'former' foster carer as outlined above. The discussions should include financial and practical implications as part of this as well as the ongoing support from the local authority and how this will be undertaken.

The foster carer has the opportunity at any point prior to the young person being 18 years to change their minds as personal circumstances can change for both young people and foster carers.

2.2 Young people

The conversation regarding staying put with their foster carer will be undertaken with a young person by their social worker. This needs to be done as part of seeing the young person alone within their statutory visits, to ensure the young person is guided to undertake this with the appropriate information for them as part of considering their options post 18. This will be an ongoing discussion as part of listening to their wishes and feelings, identifying changing needs as part of their preparation for adulthood.

The allocated social worker will undertake a needs assessment as part of the pathway plan, which is required once a young person is 16.3 months, if they have been looked after 13 weeks prior to being this age. The pathway plan will be required for young people who are over 16 if they become looked after after their 16th birthday. There should be earlier discussions with children about staying put arrangements and carers when it is agreed that a child's placement is to be permanent.

2.3 Supporting the staying put arrangement

In all cases where the young person and the former foster carer continue to live together after the young person reaches the age of 18 years and until the young person becomes 21 years old, PCC and TACT Peterborough will monitor, advise, assist and support (including financial support to the carer) with the view to maintaining the arrangement. Specific support to young people with additional needs and disabilities who are eligible for adult services support will have their identified care and support needs presented to the adult panel for funding agreements to meet their support needs. These needs can be supported via a direct payment to the foster carers

2.4 Reasons for not supporting the arrangement

This would only occur if PCC felt to do so would not be in the young person's best interests. Clear reasons who need to be shared by the allocated social worker to both the young person and the carer. This would also need to be shared with the Independent Reviewing Officer (IRO) prior to the child care review.

2.5 Duration of the Support

There is no minimum time a young person needs to have lived with their foster carer prior to becoming 18. In order to be eligible for a staying put arrangement, the young person will need to be a former relevant child and have lived with their foster carer immediately prior to becoming 18. Provided it is consistent with the welfare of the young person, CSC will support a staying put until the young person is 21 years. If the young person and foster carer can chose however, for this to end earlier if they so wish.

CSC will continue to supporting a young person up to the age of 25 as per the requirements as set out within the Children and social work Act 2017.

2.6 Living Together Agreements

CSC will draw up a 'Living Together Agreement' which will be agreed by the young person, the foster carer and social worker. This will be completed between the age of 17 ½ and 18 years.

The Living Together Agreement should be individualised to the living arrangements between the young person and foster carer and Permanency social worker, but should include the following

- Ground rules of the home
- Areas of responsibility, both practical and financial

The agreement will be incorporated within the young person pathway plan, which will be reviewed with both parties over the duration of the 3 years that the staying put arrangement is in place.

The Pathway plan will focus on outcomes for the young person, setting realistic goals for them to achieve in that period as part of supporting them in their independence. This will include the setting up home grant and how to access a range of other services if required as part of their individualised pathway plan.

2.7 Moving on from Staying Put Arrangement

CSC recognise that young people will at some point as young adults move on from staying put arrangements. The Personal Advisor, who will remain involved from 18 support this transition when the young person and the former foster carer feel the young person is ready. The Personal Advisor may be the young persons staying put carer.

2.8 Professional Support for Young People and their staying put placement

Prior to the young person becoming 18, their allocated social worker will be their support with the Personal Advisor offering secondary support as part of the preparation for adulthood.

The Permanency social worker for the foster carer will be the support for the foster carer until the young person reaches the age of 18. Training to the foster carer will be offered as part of the transition for them becoming a 'former foster carer' and the changes in their role and relationship with the young person.

The young person will continue to receive support from their allocated personal Advisor. This will be based upon the individualised pathway plan which will be reviewed every 6 months. The lifestory work for the young person should be completed by the time they are 17 ½. And should include this placement as part of the completion of this.

Disclosures and Barring (DBS) checks for young people

Young people staying put where by their former foster carer wishes to remain as a foster carer for other young people under the age of 18 will require a valid DBS check as they are an adult in the household.

To ensure the check (and possible subsequent risk assessment) is completed by the young person's 18th birthday, the process will need to start when the young person is 17 ½ by the fostering supervising social worker.

3.0 Entitlements

3.1 Financial Support for the Staying Put placement

Financial support is as follows:

Carers receive the equivalent of Level Three fostering allowance for the year 2017/18. This is £237.53 Carers receive this weekly payment apportioned as follows:

1. Direct contribution for the young person. This is part of their income from Universal Credit and is set at = £30;
2. Rent payment -the Housing benefit element of Universal Credit. This is set locally at = £92.05;
3. Support Payment by TACT (Level Three fostering allowance minus the young person's contribution and housing benefit contribution. Ordinarily this would be = £115.48).

This payment is irrespective of a young person having additional needs as those additional payments will come from other sources to support the arrangement.

3.2 Variables include:

The housing benefit contribution of Universal Credit may vary for young people living outside Peterborough depending on assessment and postcode. The Personal Advisor (PA)/Permanency Social Worker has a responsibility to notify the TACT finance section to ensure the housing benefit and TACT contribution amounts to £207.53.

The young person's contribution may be more than £30. Again, the PA/Permanency Social Worker has a responsibility to notify the TACT finance section as this will affect the payment.

The Staying Put Payment is set at the level 3 foster carer payment (skills and maintenance element) which is currently £237.53. These payments will be reviewed annually and subject to the same increase in line with the same % increase as fostering payments.

The staying put payment covers all: accommodation, support, utilities, food and associated placement costs, it does not cover pocket money and clothing as this will be replaced by the young person's personal benefit allowance or earnings.

3.3 Rent Arrears

Children's services will only pay rent arrears accrued in exceptional circumstances. This will be dependent on the personal circumstances at the time.

Where young people accrue rent arrears, which impacts on the staying put placement CSC will reimburse a maximum of 3 months rent arrears. This would only be paid as a one off.

Agreement for this to be paid would need to be agreed by PASP (Peterborough Access to Resource Panel) by the Personal Advisor presenting the information, through the procedure for this panel.

“Staying Put” carers will continue to receive the above payment for 56 weeks of the year this will cover one week for Christmas/Festival, one week for Birthday and two weeks for a holiday as the Foster Carers will continue to treat the young person as a member of the family, taking them out etc.

As set out above all young people are required to claim Universal Credit if applicable in order that they receive:

- A personal benefit allowance or be earning money to be able to fund their clothing and pocket money needs, and
- Housing benefit.

The young person's Universal Credit application should be made on their 18th birthday by the young person with support from their PA.

3.4 Means tested benefits

Young people remaining in staying put arrangement can claim means tested benefits for their personal needs from their 18th birthday (Universal credit). These benefits replace pocket money and the clothing allowance previously contained in the foster carers maintenance allowance. This includes Housing Benefit with the onus being on care leavers being responsible in paying their former foster carers.

The majority of young people undertaking higher education courses are not entitled to means tested benefits. Lone parents and disabled young people undertaking higher education courses may be entitled to means tested benefits and should apply accordingly. In some circumstances where young people are entitled to means tested benefits, this will result in their care leavers higher education allowance being reduced. This will not be the case for young people with a disability or they are a parent.

In situations where young people are working part-time, they will still need to claim the housing benefit element of Universal Credit. Earnings over £58.45 will result in a reduction of housing benefit which will need to be made up by a contribution by the young person as reflected on the revised license agreement (see **Appendix A: Living Together Agreement - Staying Put** (see Documents Library).

Housing Benefit will be paid directly to Staying Put Carers and deducted from the staying put allowance. (this element is taxable) PA's will help young people complete housing benefit applications and arrange for payments to be made to carers. This will be laid out in the **Living Together Agreement**.

If for any reason Housing Benefit or young person's contribution is not available to carers they can speak to the appropriate PA/Permanency Social Worker and the issues will be raised through ART.

Housing Benefit is now determined by Local Housing Allowance Rates based upon the area in which the applicant lives and may change each month. However, these rates are fixed in the month of application until the end of the financial year. Up to date Housing Benefit levels are published each month on the area LHA website: **directgov**.

An agreement has been reached with Peterborough City Council's housing benefit department that the maximum allowable rate of £92.05 will be applied regardless of the specific address and payments will be made to the Staying Put provider, not the young person.

TACT will pay up to 6 weeks rent upfront and recoup from carers when they get universal credit through- as the rent element is backdated

TACT will pay up to 6 weeks £30 contribution for the young person and not expect this back as the personal allowance element of universal credit is not backdated

Young people currently get £64 to last them for the first 2 weeks after they turn 18. They will be advised to make this last rather than getting a loan from DWP that is then deducted when the claim starts or try and save money from their allowances whilst they are in foster care in order to manage this period.

Carers receiving a staying put payment have a duty to inform the Local Authority of any changes in circumstances.

4.0 Young people placed in Independent Fostering Agencies

Young people placed in Independent Fostering Agency placements will be considered against the same criteria as TACT Peterborough foster carer placements.

The post 16 planning, professionals meetings and child care reviews will be the medium by which all IFAs will be involved in the Staying Put process.. The local authority expects that those representing the IFA at meetings/reviews have the authority to agree with the decisions made by the carer/s and the young person when considering Staying Put arrangements.

The Peterborough City Council resource panel formally acknowledges the decision made by the young person and their carer/s to enter into a Staying Put arrangement post 18, the

IFA will be notified and requested to ensure their carers formally notify the IFA of their change in circumstance.

It is expected that IFAs with whom the local authority commission placements will fully embrace the legislative and good practice guidance associated with the Staying Put initiative. TACT Peterborough can be contacted on: artduty@peterborough.gov.uk.

Care Leavers Attending University and other setting away from home

Peterborough City Council pays the first year accommodation for young people who attend university away from home. Peterborough will not fund accommodation after this year and expects young people to use their loans/grants to fund the final years at university.

Where the care leaver chooses to return to their former foster carer in holiday periods from University, the onus is on the former foster carer to inform TACT when the young person returns for holidays and leaves their home to return to university. The purpose of this is to ensure that finances are adjusted accordingly, given the young person is not living with them in term time.

5.0 Care Leavers attending University but choosing to stay with their Former Foster Carer

Where a young person chooses to remain living with their former foster carer to attend a higher education course, this will be deemed a staying put placement. The education grant will be paid directly to the carer to cover accommodation costs and the difference will be made up to the staying put allowance as outlined earlier.

In order for the staying put arrangement to be deemed within the HMRC qualifying care relief scheme, any contributions will be paid directly to the staying put carer and deducted from the young person's higher education allowance.

Where a young person lives away from home to attend a higher education course, they will receive £1,000 per term education grant towards their accommodation. If they return to their former foster carers during holidays, the local authority will make a contribution towards accommodation costs if they have their own room.

There is no expectation under Staying Put that placements are retained financially during term time if the young person does not reside there, but there should be a clear arrangement in place for the care leavers at university to have accommodation for the vacation periods, in their area of study or of the responsible Local Authority.

Before a young person starts university and is under 18 years the financial arrangements must be finalised. This will be overseen by the governance arrangements via the PASP panel within CSC.

All care leavers are expected to sign a higher education contract with the Virtual school to have their degree courses validated.

Monitoring and reviewing of the Staying Put arrangements

Monitoring of the staying put arrangement will be part of the support package offered to both the young person and the former foster carer.

The expectations are that the following will occur

- Pathway planning meeting for the young person every 6 months, including a formal review of the staying put arrangement.
- If the former foster carer remains a foster carer, TACT will monitor the placement every 3 months
- Reassessment of the former foster carers if they remain as foster carers.
- DBS check on all adult members of the household every 3 years
- Health and safety checks of the home
- foster carers accessing training focused on care leavers.

6.0 Ending the Staying Put Arrangement

The Staying Put arrangement can be ended at any time before the young person reaches their 21st birthday, by either the young person or the carer by giving 28 days notice.

When planning to end a Staying Put arrangement it is worth remembering that as the young person reaches their 21st birthday they will no longer qualify as having a "priority need" for social housing. Therefore it is essential that plans are made in advance in order to maximise their opportunities to be considered for social housing.

If the young person wishes to remain with the carer post 21 then it will become a private arrangement and no longer funded by the Local Authority.

Where a young person is living away from home undertaking further or higher education, the Staying Put allowance will only be paid out of term time or during periods of residence within the Staying Put household.

There will be circumstances whereby a planned ending to a Staying Put placement doesn't work and a return to the Staying Put Placement is in the young person's best interest. Should this option be available, within a 4 week period a young person can return to their previous Staying Put household and the original payment arrangement will resume. In these circumstances the arrangement will continue to be considered as Staying Put

Equality statement / EIA

Your organisation should make sure that all children and young people have the same protection regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity. Your policy needs to state your commitment to anti-discriminatory practice and should explicitly recognise the additional needs of children from minority ethnic groups and the barriers they may face, especially around communication.

Scope of the policy

This policy relates to all staff who come into contact with children in our care. This includes staff from Peterborough City Council, Schools and Health amongst others.

Dates

May 2018

APPENDIX 1

Living Together Agreement – Staying Put Agreement

Date: agreed on _____ to start on _____

This agreement is made between you and _____ (“Staying Put” Provider).

It allows you to stay at: _____ and sets out what will be expected of you and what you can expect.

You will have your own accommodation.

The full cost of the Staying Put placement will be a total of £ _____ per week, calculated as follows -

Local Authority contribution will be £ _____ per week

Your contribution -Local Housing Allowance via Housing Benefit that you will be in receipt of is £ _____ per week plus your weekly allowance contribution of £ _____ gives a total of £ _____ payable weekly.

The you will ensure that Housing Benefit payments are paid directly to ***name of former foster carers*** , and that from your weekly allowance the sum of £ per week will be paid by you as a contribution towards household costs.

Your contribution will be reviewed on a regular basis. Please keep all your wage slips as these are needed to assess your contribution. Any increase or decrease in wages needs to be brought to the attention of your Leaving Care Case Worker,

If you want to move out of _____ , you must let the provider know at least **4 weeks** before you want to move. The provider can also end the “Staying Put” Agreement at any time by giving 4 weeks’ notice.

Name of Former Foster carers agree that the conditions of this young person occupying this accommodation are:

- S/He will pay the rent regularly and on time.
- S/He has read and understood the expectations, which say what he must do.
- S/He agrees to do all the things that are set out in the expectations.

Signed: (young person) Date:

