



5.7.3 Somerset County Council Staying Put Policy and Procedures

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1. Introduction

It is a requirement of the Children and Families Act 2014, with effect from 13 May 2014, that Local Authorities support former relevant care leavers to remain with the foster carer(s) with whom they were placed immediately before they ceased to be looked after if:

- both parties express a wish to enter into such an arrangement and
- the Local Authority has assessed the young person's needs and determines that it is appropriate and in their best interests.

They can do so until the age of 21, and beyond, so long as those conditions apply and if it meets their individual needs such as finishing a course of education.

However, where, in exceptional circumstances, the Local Authority considers that the Staying Put arrangement is not consistent with the welfare of the young person, the local authority is not under a duty to support the arrangement.

2. Legal Context

The Children Act 1989

Children and Families Act 2014

Children Act Guidance and Regulations, Volume 3: Planning Transition to Adulthood for Care Leavers

3. Eligibility

This policy applies to all young people who are subject of a Care Order or Section 20 accommodation who are remaining, or likely to remain, in their substantive foster placement beyond their 18th birthday. This applies to all former relevant care leavers including those in higher education wishing to live and study at distance from the foster care's home during term time. An exception might be where the young person is eligible under the Fair Access to Services (FACs) criteria and the most appropriate arrangement is for an adult care placement under the Somerset Shared Lives Scheme.

4. Objectives

Somerset County Council believes that enabling young people to 'Stay Put' until they are ready to move to independence is a key focus of corporate parenting and has therefore devised the following policy to support young people who are looked after.

The aim of the Staying Put arrangement is that young people are more prepared for adult life and independence through:

- the development of the necessary independent living skills
- the development of emotional resilience, building self-esteem
- the development of financial capability and budgeting
- the establishment of positive relationships and social networks
- the ability to access and maintain education, training or employment opportunities and maximise their potential.

The arrangement is also intended to help the young person plan their move to suitable and sustainable accommodation when they are ready to do so.

5. Preparation and Planning for Staying Put

Discussions with all parties about whether Staying Put at 18 is the most appropriate option for the young person should start as early as possible, ideally before the young person reaches the age of 16. An early decision will enhance the young person's sense of stability and it will allow time to make the necessary arrangements for a secure and stable placement.

Prior to talking to the foster carer the Social Worker should first consult with the Fostering Social Worker for in house foster carers or, for Independent Agency placements, the Manager of the agency. An agreement should be made about the most appropriate person/people would be to talk to the foster carer, prior to mentioning to the young person, in case the carer(s) is/are not able or willing to consider it. The young person's Social Worker should then consult the young person, at an appropriate time. Leaving Care staff can assist in these discussions. It

is important that Social Work, Fostering and Leaving Care staff work closely together throughout the planning of a proposed Staying Put arrangement.

The National Leaving Care Benchmarking Forum Staying Put booklet (copies available from the Leaving Care teams), this policy and / or the briefer Summary of Staying Put Arrangements should be given to the carer and the young person and any other relevant person. The young person should be made aware that they will need to agree to a DBS application being made for them, if there will continue to be younger foster children in the household.

If the outcome of the discussions is that Staying Put is the preferred plan, the proposal should be included in the Care and Pathway Planning processes and considered at the next statutory review.

If the recommendation of the review is that a Staying Put arrangement would be in the young person's best interests, an application should be presented to the Permanence Panel using the Request for Approval for Staying Put Arrangement Form (L0108).

The decision of the Permanence Panel should be included in the Pathway Plan and recorded in a case note using 'Authorisation for Staying Put Arrangement in the Reason for Contact box'. Each subsequent Children Looked After/Pathway Plan review must check the views of the young person and foster carer about the Staying Put plan and clarify the specific expectations of the young person, their social worker and the carer to enable the plan to be successful.

When a staying put arrangement is planned it will need to be included in the carer(s) annual review preceding the start of the arrangement. Their approval terms may need to be amended by the Fostering Panel.

6. Support for the young person

Each young person will have a Personal Advisor; that role may transfer at approximately the age of 18, from the young person's Social Worker to a Leaving

Care Worker or other more suitable person. The Personal Advisor will be the first port of call for the young person and will coordinate services provided for them.

7. Support for and supervision of the foster carer(s)

The former foster carer(s) will continue to be supported by a member of the Fostering Service; the support may come from a Senior Social Work Assistant or a Fostering Supervising Social Worker.

The carer(s) will be offered the training and support they need to ensure that they are able to help the young person develop their independence skills.

While fostering regulations will no longer apply to the arrangement, key standards will continue to govern the expectations of the placement when the young person reaches the age of eighteen. These will be:

- Regular supervision from the supervising worker.
- Yearly reviews.
- Annual unannounced visit.
- Health and Safety checks.
- Carer(s) participation in identified training opportunities.

8. Financial Arrangements

In all cases it is an expectation that young people will contribute towards the cost of their placement, as they would if they were living in a more independent setting. This contribution will come from their earnings if they are working. If they are not working, it is an expectation that they will claim all the benefits or education allowances they are entitled to in order to contribute. For those on a low income an application for housing benefit at the Local Housing Allowance rate should be made. A letter template for such application is available. Payments will normally be made to the Local Authority who will pass the payment on to the former foster carer.

An allowance will continue to be paid to the carer(s) but the amount will be adjusted to take into account the young person's contributions and the reduction in required expenditure. It will include an amount to cover the young person's rent.

The rent element of the Staying Put allowance, and the young person's contribution, need to be declared by the former foster carer(s) for tax and benefit purposes and will be counted as income. Information concerning the implications for former foster carer(s) for their tax and benefits can be obtained at:

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above> and advice may be sought via the Fostering Network.

Former foster carers considering / offering a Staying Put arrangement are advised that, as a result of their change of status, there may be financial implications for them, depending on their personal circumstances. They should inform and seek advice from the following:

- the Benefits Agency
- HMRC
- their household insurance company regarding premiums, cover and any additional requirements.
- their mortgage provider or landlord.

It is not intended that the former foster carer(s) will suffer a loss as a result of the Staying Put arrangement and, if that is likely, corrective action will be discussed and agreed on a case-by-case basis.

No holiday payments will be made, so it is an expectation that the former foster carer(s) will either encourage the young person to save towards the cost of a holiday, to make other arrangements or allow the young person to remain in the family home for the duration of the time they are away. If the young person makes other arrangements the Staying Put Allowance may be adjusted for that period.

For in house carers the fee, in line with the Foster Carer's Progression Scheme, will continue to be paid. The allowance, fee and contribution are expected to cover the full cost of: food, essential clothing, personal and household expenditure, telephone, family outings and activities, birthdays and festivals and travel in line with the Progression Scheme

The tables below summarise how finances will usually be organised for in-house foster carer(s).

Young person's income

Situation	Income type	Amount
Working	Earnings	Variable
	Housing Benefit, if earning under limit approximately £220 Paid to CSC to cover rent	Variable on a sliding scale
Not working	Benefits (IS/JSA/ESA etc.) direct to young person	£57.90 for 2015/16
	Housing Benefit Paid to CSC to cover rent	Variable
All	Additional benefits e.g. DLA/PIP	Variable depending on level of need
In education or training	Education related payments from Children's Social Care for e.g. essential books, equipment, clothes, incentive	As any for 18+ care leaver as Finance Policy.
	Further financial support may be available from college bursary schemes and charitable funding	Variable
All	Setting Up Home Allowance	As any for 18+ care leaver as Finance Policy

Young Person's Outgoings

Situation	Payment from	Amount
Working	Earnings	Variable
	Housing Benefit, if earning under upper limit approximately £220 per week Paid to CSC to cover rent	Variable on a sliding scale
Not working	Personal contribution from Benefit to household	£27.50
	Housing Benefit goes straight to Children's Social Care	Variable
Additional	DLA/PIP	Variable depending on level of need

Former foster carer

Income	Payment from	Amount
Staying Put Allowance -calculated on the basis of 16+ fostering allowance minus income going directly to young person	Children's Social Care	£184.73
Contribution towards household expenditure / food etc.	From young person	£27.50
Fee	Children's Social Care	In accordance with Fee Payment Scheme
Birthday / Festivity allowance	Children's Social Care	In line with Leaving Care Finance Policy £20 / £25

For young people at University away from the area, a Staying Put arrangement would be applicable if the plan was for the young person to spend 60% of their holiday time with the former foster carer(s). The foster carer(s) would continue to receive their fostering fee throughout the year and a Staying Put allowance calculated on the basis of 16+ fostering allowance, minus the contribution from the young person. A retainer of £25.00 will be paid for the remainder of the year. The young person's contribution will need to be agreed on a case-by-case basis as their financial situations vary widely.

There may be other circumstances where a young person is not living with the former foster carer full time, for example if they are travelling or if at residential college. As the need for on- going support to the young person will vary considerably depending on the circumstances, decisions about fees and retainers will be made on a case by case basis by the Permanence Panel.

For foster carer(s) working for an independent fostering agency, all of the same principles will apply in relation to the payments to the carers and the contributions made by the young people. There is an expectation that consideration is given to whether the fee to the agency may reduce as the support required for the carer may reduce when the young person is an adult. Details of the proposed payments to the Agency as outlined by the Agency manager will need to be submitted to and agreed by the Permanence Panel.

9. Agreements

When a young person continues to live with their foster family there are significant changes between the foster care placement and the new Staying Put arrangement, regarding the basis on which the young person occupies the property. Also, the change from foster child to young adult living with a former foster carer needs to be carefully and sensitively discussed, so that both carers and young people understand the nature of the arrangement and alterations in mutual expectations arising from the change.

At least two months before the arrangement is due to start a meeting should be held to discuss details using the 'Staying Put Arrangement –Living Together Planning' form. The Staying Put Arrangement Agreement needs to be in place by the young person's 18th birthday. This is particularly important in light of the legal arrangement regarding tenancy rights between the former foster carer(s) and young person.

10. Ending the Arrangement

Either the young person or their former foster carer is able to bring the arrangement to an end before the young person reaches 21. If the Local Authority no longer regards the arrangement as being in the young person's best interests it may withdraw support but it does not have the legal power to bring the arrangement to an end.

Ideally, however, arrangements should be ended by three-way agreement with a one-month notice period. Exceptions to this would be if the arrangement posed a risk to anyone's safety or wellbeing.

As is the case in other families, ceasing to live together does not necessarily cut off ties and commitment and unless there are good reasons to the contrary the former foster carer(s) will be helped to support the young person in their new living arrangements for a period of time. Arrangements for this will need to be made on a case-by-case basis.