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# STAYING PUT POLICY

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Updated 4th April 2020



## **Stockport Council**

### **7. Staying Put**

Under the Children and Families Act 2014 and Planning Transition into Adulthood for Care Leavers Regulations 2014 each Local Authority must provide information about extending placements post-18.

#### **7.1 Criteria for Extensions to Placements**

Young people who are living in foster care at the time of their 18<sup>th</sup> birthday are entitled to stay in their placement up to their 21<sup>st</sup> birthday. The extension to placement is subject to the agreement of both the placement provider and the young person. In order to be able to offer a Staying Put Arrangement, the Foster Carer must meet and comply with the Schemes' standards. Extensions to placement apply to all foster care placements including those provided by Stockport Family and Friends Carers and Independent Fostering Agencies. They apply to placements both within Stockport and out of authority. It does not apply to children who have significant disabilities who are eligible to be supported by Adult Social Care. Nor does it apply to young people living in residential care as Stockport does not consider it appropriate for young people to continue to live in residential homes beyond the age of 18. Nor do we have designated move-on accommodation linked to our residential care settings.

#### **7.2 Impact on the allowances provided by the Local Authority**

When a young person reaches the age of 18 they are no longer regarded as being in foster care, as all Care Orders cease and parental responsibility ends. The legal basis for Staying Put is as a tenancy because young people are effectively lodging in the carers' home. Staying Put carers become entitled to a Staying Put Allowance rather than a Foster Care Allowance. This covers accommodation, heating, lighting, rent, food and associated placement costs. The carers are not expected to provide the young person with a personal allowance as young people can claim means-tested benefits for their personal needs from their 18<sup>th</sup> birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carers' maintenance allowance.

The financial package for the Staying Put carer will total £346.80 and be made up of funding from:

- Housing Benefit, paid directly to the Scheme if the Placement is within SMBC, or directly to the Staying Put carer if the placement is outside of the SMBC.

- Any contribution from the young person, from income or entitlement to grants, allowances or benefits (see section 7.3)
- Stockport Children’s Social Care will make up the balance of the cost

Depending on the circumstances of the Staying Put carer all young people are expected to claim Housing Benefit from their 18<sup>th</sup> birthday which is paid directly to Children’s Social Care (also see paragraph above) and is used to cover the accommodation element of the Staying Put arrangement.

Where a Staying Put carer is in receipt of a means-tested benefit the young person will not be expected to claim Housing Benefit and an amount equivalent to the Housing Benefit level will be paid to the young person’s Staying Put carer.

**If a young person is in employment their income level will impact on the amount of personal allowance contribution they may be required to pay to the Staying Put carer.**

### **7.3 Young Person’s Financial Contributions**

Young people remaining in Staying Put arrangements can claim means-tested benefits for their personal needs from their 18<sup>th</sup> birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carer’s maintenance allowance.

The young person's income may come from:

- Welfare benefit entitlement
- Wages from employment, apprenticeship, training

The young person is expected to make a personal contribution of a minimum of £20 per week which is towards breakfast, evening meals, hot water and heating. Depending on their level of income the young person will be expected to make an increased contribution to placement up to a maximum of £60 per week.

The young person can usually claim the Local Housing Allowance rate and as a Care Leaver will be exempt from the single room rent restriction. The Local Housing Allowance rate will usually be paid direct to Children’s Social Care and they will be expected to maintain arrangements to pay this to the former carer.

The young person should be advised that if they do not make their personal contribution towards the rent it may result in the placement ending.

Financial arrangements will be regularly reviewed as part of the young person's Placement meetings /Pathway Plan review meetings.

The current rates of payment are:-

£326.80 to carer – plus a £20 contribution from young person

£306.80 to carer – plus a £40 contribution from young person

£286.80 to carer – plus a £60 contribution from young person

#### **7.4 Regulations**

While Fostering Regulations will no longer legally apply to these arrangements, key standards should continue to govern the expectations of the placement when the young person reaches 18. These Include:

- Ongoing review of the Staying Put arrangement (*via Support Meetings every 8 – 12 weeks*)
- New Disclosure and Barring Service checks every 3 years on all adult members of the household over 18 years.
- Health and safety checks;
- Regular supervision;
- Attending required training.

The Local Authority will need to assess individual circumstances and consider the appropriateness of all of these checks particularly where the young person is the only person placed/living with their carer/s and it is not envisaged that further children will be placed.

#### **7.5 Income Tax and National Insurance Implications for Carers**

Carers should be given information about the income tax and national insurance implications of the Staying Put arrangement by the Lodgings Scheme/fostering Service. Staying Put Carers can no longer use the 'foster care relief' scheme, but there are a number of tax concessions for Staying Put Carers which are similar to those available to carers on Adult Placement schemes.

Her Majesty's Revenue and Customs have stated that the same arrangements that apply to Adult Placement 'Shared Lives' carers should apply to Staying Put Carers if the carer continues to provide support, and continues to receive the same level of payment.

Adult Placement Carers are treated as self-employed for tax purposes and can pay Class 2 National Insurance contributions in order to qualify for basic state pension.

For carers who are in receipt of welfare benefits, advice can be obtained from Stockport Welfare Rights Service or the Citizens Advice Bureau.

Legislation regarding the treatment of payments to the Staying Put Carer is complex and individual financial circumstances vary. It may be necessary to advise the carer to seek specialist advice (from Citizens Advice Bureau, for example) about their specific circumstances and the effect of the Staying Put arrangement on their tax, national insurance, welfare benefits, and working tax credit or child tax credit.

Staying Put Carers can seek independent tax advice about their income tax. Information is available from the Fostering Network's Fosterline on 0800 040 7675, from the local tax office, or online at: <http://www.hmrc.gov.uk/helpsheets/hs236.pdf>

## **7.6 Council Tax and Council Tax Benefit**

Where a young person is living in a Staying Put arrangement with two or more adults who are not in receipt of Council Tax benefit and who pay full Council Tax, the young person will not have any impact on Council Tax liability.

Young people aged post 18 years old, living in a Staying Put Arrangement, will have no impact on Council Tax due to the fact that a young person who has been previously Looked After, does not have to pay Council Tax until they reach the age of 25 years old.

## **7.7 Insurance issues including Liability and Household**

It is advisable for carers to inform the Insurance Company providing their household insurance when a young person is no longer a fostered child but remaining in their home as an adult lodger, and to check that existing insurance arrangements still provide adequate household cover under this arrangement. The Fostering service will meet any excess costs incurred by the householder when making an insurance claim whilst the young person is living in the household.

Foster Carers are currently covered for legal protection insurance by virtue of their membership of the Fostering Network. This cover will continue under a Staying Put arrangement for an 18+ lodger. If the carers are tenants themselves, it is advisable for them to check their tenancy agreement and ensure it allows them to have a lodger.

If the carers are mortgage payers it is advisable for them to inform their mortgage provider that they will be continuing to support a former foster child in a Staying Put arrangement.

## **7.8 The impact on foster carers' fostering registration limits and status**

For Stockport Council Foster Carers, if other children are in placement, the Supervising Social Worker will continue to provide support to the carer for those children. The Scheme Coordinator's role will involve supporting the carer to understand the nature of the Staying Put arrangement and their entitlement to funding, and advise the carer about their changing role with the young person under the Staying Put arrangement.

For foster carers who work for an Independent Fostering Agency, in most circumstances the Scheme Coordinator will provide the support to the Staying Put carer, rather than the Agency Worker. The support and advice provided will also reflect that the Independent Fostering Agency is no longer actively involved in supporting the Staying Put carers to provide on-going care and support to the young person who is Staying Put.

Carers will continue to be registered as carers and undergo an annual review and comply with the National Standards if they continue in their fostering role in addition to offering a Staying Put arrangement.

## **7.9 Safeguarding arrangements including Disclosure and Barring Service checks on over 18 year olds and issues relating to fostered children in households**

If the young person is continuing to remain in their home post 18 in a Staying Put Arrangement, they will need to have a DBS Check, this is because they are classed as an adult and if there are children living in the home. It is the policy of the fostering service to pursue DBS checks on all young people post 18. If the Staying Put carers are still registered with Stockport Council as foster carers, the DBS checks will continue routinely.

## **7.10 Establishing a Staying Put Arrangement**

The young person's Pathway Plan Assessment of Support Need should begin as they reach the age of 15 ¾ and be completed by age 16 ¼. It should identify the support needs of the young person on their pathway to independence and should be used as the framework to explore the following issues:

- Is it likely that the young person and foster carer will want to establish a Staying Put arrangement when the young person reaches their 18th birthday?
- Does the young person and foster carer understand the procedures for extending a foster placement into a Staying Put arrangement?
- Does the young person understand their financial and benefit responsibilities post 18?
- Does the foster carer understand their funding arrangements, and implications in terms of benefits, income tax and national insurance with policy?
- What is the contingency plan for the young person should the Staying Put arrangement not be viable e.g. are alternative supported accommodation available?
- What is the plan for converting the Staying Put arrangement to an Adult Placement where the young person has a disability and meets Adult Services criteria?

Once the Pathway Plan assessment is completed, the social worker/Personal Advisor must provide an update to the 16+ Accommodation Panel of the young person's 18+ plans. The Staying Put arrangements should involve the young person and should be progressed within the young person's Pathway Planning process by the time the young person is no older than 17 years 3 months and before their final Pathway Plan Review.

Occasionally young people or foster carers may change their minds after making an initial decision about the Staying Put arrangement. The process should always allow both young people and foster

carers to change their minds about establishing a Staying Put arrangement, but care should be taken to avoid disruption to the young person.

The Personal Adviser will work with the young person to plan for their financial contribution to the cost of Staying Put. The Personal Adviser will also work with the young person to maximise their entitlement to benefits and calculate the amount required for the Staying Put arrangement. Consideration should also be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment.

The Personal Adviser will ensure that preparations for making a claim for a personal benefit (and housing benefit in conjunction with the Scheme Co-ordinator if applicable), is prepared well in advance of the young persons' 18<sup>th</sup> birthday.

The Supervising Social Worker will, in collaboration with the Social Worker and Personal Adviser, convene a Staying Put support meeting when the young person is approximately 17 ½ years old and before their final review meeting. The Supervising Social Worker together with the young person, the foster carer, Social Worker, Personal Adviser and Scheme Co-ordinator, will complete a Staying Put 'Living Together' agreement (**Appendix 1 and 2**). The purpose of the Staying Put meeting is for both the foster carers and the young person to understand what is expected from the arrangement.

#### **7.11 Independent Fostering Agencies (IFAs)**

The same package will be available to the Staying Put carer from an Independent Fostering Agency (IFA). The social worker should have discussions with the IFA at an early stage regarding the option of Staying Put and that the same financial payments will also apply to the Staying Put carers from an IFA.

In exceptional circumstances where additional support is required to establish the Staying Put arrangement, a report must be presented to Integrated Placements and Education Panel (IPEP) outlining the additional support for agreement of the Head of Service.



### **7.12 Attending university and other settings away from home**

Young people wanting to pursue a higher education course at university will not be precluded from establishing a Staying Put arrangement with their carers. Where this is the case, the 'living together' agreement will consider the young person's plans to progress to university and payments will be payable to the Staying Put carers to facilitate the ongoing support whilst the young person is at university and through holiday periods.

If the Staying Put carer is prevented from taking a further foster placement due to a Staying Put arrangement and the young person is living away at university or in the army etc., then the Local Authority will make the following payments:

- £100 per week recompense and support (or £25 if the young person's bedroom is unavailable for another placement for some other reason, such as being shared with a sibling who remains in placement, or being a child-specific approval); plus
- Pro rata payments (based on the full £346.80 pw allowance) for visits home by the young person. *Please note that, where full payments are made for visits, a corresponding pro-rata deduction will be made from the £100 or £25 recompense.*

The full amount of £346.80 per week (minus the young persons' contribution) will be payable *instead of the £100 or £25 recompense* during periods where the young person returns home during holiday periods (*this will replace holiday payments if non-term time accommodation is not available*).

### **7.13 Temporary respite arrangements**

In cases where a temporary respite arrangement is required at the carer's request, such as the carer going away, and the young person is unable to remain in the carer's home unsupported, no payment will be made to the permanent carer for that period. Instead, payment will be made to a respite carer.

### **7.14 Young people with disabilities and additional needs**

Where young people with disabilities/additional needs meet the criteria for adult services, the possibility of their Staying Put carer becoming an adult placement should be considered and the young person and the Staying Put carer be transferred to the support of adult services.

#### **7.15 Ending the Staying Put Placement**

The Staying Put arrangement will usually end when the young person is 21 years. The Scheme asks, that where possible, the young person or Staying Put carer gives two weeks (14 days) notice of ending the placement. The 'living together' agreement allows for the ending of the arrangement with 7 days' notice for a breach of the agreement, but this minimum should only be used in exceptional circumstances. Where there is an accommodation need, an update should be provided to the 16+ accommodation panel for advice on further and move on accommodation options to meet young person's needs.

When planning to end a Staying Put arrangement it needs to be considered that a young person will no longer be classed as in "priority need" for social housing when they reach 21 years. It may be necessary to plan for the young person to move shortly before this time if social housing is to be accessed.

## **STAYING PUT**

### **'LIVING TOGETHER' AGREEMENT**

This document constitutes a formal agreement between: ..... (Name of Young Person) ..... (Name of Staying Put Carer) and the Leaving Care Service when they wish to stay living together after the former relevant child reaches their 18<sup>th</sup> birthday.

.....(Name of young person) will become an Excluded Licensee at the address below as from .....(Date). (An excluded licensee is excluded from the `Protection from Eviction Act 1977`)

Address:-.....  
.....

### **RESPONSIBILITIES OF THE YOUNG PERSON**

I agree to:

1. To work with my Personal Adviser and have a written pathway plan, reviewed at least on a 6 monthly basis
2. Engage in the support as agreed in my pathway plan in order to develop my preparation for independence
3. Keep to the house rules set out in this agreement.
4. Behave in a reasonable way, showing respect for my Staying Put carer/s all of their property, neighbours and the community.
5. No drugs or other illegal property being brought into the household
6. Pay my contribution/rent in full on the day it is due.
7. To get agreement from the Staying Put carer/s to register mobile phone contracts, credit cards or loan agreements at this address
8. Contact my Personal Adviser if I would like to change this agreement or make a complaint.
9. Let my Personal Adviser or Stay Put Carer know at least 14 days before if I wish to leave this placement.
10. Leave my room, furnishings and fittings in a good order
11. Take all my property with me when I leave. If it is not collected within 7 calendar days (1 week) the Former Foster Carer reserves the right to dispose of it.
12. Pay for any goods stolen or any deliberate damage that I have caused
13. To notify the Staying P carer of any changes to your finances immediately.

## RESPONSIBILITIES OF THE STAYING PUT CARER

I agree to:

1. Provide one single fully furnished room for the young person (*unless sharing with a sibling*)
2. Provide heating, hot water, lighting and food for a contribution/charge to the young person of £20.00 per week (subject to the young persons' income).
3. To provide a door key to the young person.
4. To ensure the accommodation is of an adequate standard and allow the annual health and safety checks to be carried out.
5. To attend meetings/ pathway plan review meeting/s
6. To respect confidentiality at all times regarding the young person's personal details.
7. To attend ongoing training / support and supervision
8. Inform the Personal Adviser of any significant incidents.
9. Inform the Personal Adviser and the Housing Benefit Department immediately if the young person ceases to reside at the accommodation in order to prevent an overpayment of Staying Put Allowances from the LA and benefits.
10. Inform mortgage providers or landlords of the Staying Put arrangement. Failure to do so may be a breach of Mortgage /Tenancy requirements.
11. Inform Buildings and Contents insurers of the Staying Put arrangement. Failure to do so may result in insurance cover being void.
12. Ensure that there is adequate, up to date insurance to cover any deliberate acts of damage or any goods stolen. This is not covered by the Leaving Care Team.
13. Check with HMRC to confirm the impact of the Staying Put arrangement on tax implications.
14. Inform the DWP and Housing Benefit Office if claiming any means tested benefits as some payments received for a Staying Put arrangement may be classed as income.
15. To provide the following support in preparation for independence and transition/s as agreed with all parties.
16. Inform Finance **immediately** of any change which would affect Staying Put payments, e.g. young person going to university or joining the army, or changes to the young person's eligibility for Housing Benefit, and in the absence of the Finance Officer, I will inform the Scheme Coordinator.

**Finance Officer:** Kirsty Garrett, 0161 474 2706  
[kirsty.garrett@stockport.gov.uk](mailto:kirsty.garrett@stockport.gov.uk)

**Scheme Coordinator:** Sharon Hunter, 0161 475 6813  
[sharon.hunter@stockport.gov.uk](mailto:sharon.hunter@stockport.gov.uk)

	Tasks	Daily/Weekly hours of Support	How/Who will provide this Support	Comments
1	Preparation for Independence/Basic living skills; <ul style="list-style-type: none"> <li>• <i>Shopping/ Cooking</i></li> <li>• <i>Washing/Ironing</i></li> <li>• <i>Cleaning</i></li> </ul>			
2	Budgeting /Money Management			
3	Education/ Employment and Training. <i>Including Reading letters, filling in forms and help with acting on information.</i>			
4.	Developing Social Skills /Behaviour management			
5.	Supervision and monitoring of health and emotional wellbeing			
6.	Support with family contact.			
7.	Help in accessing positive activities and other services /community organisations /activities			
8.	Moving on			

## **RESPONSIBILITIES OF THE PERSONAL ADVISER**

1. To facilitate the Staying Put arrangement in the absence of the SSW and provide advice, support and assistance (as the Personal Adviser) to the young person and undertake visits in line with statutory duties
2. To assess the young person's needs and have a written Pathway Plan which will include the support and move-on plans
3. To provide advice and assistance to the young person ensuring they are aware of their leaving care rights and entitlements including advice on any welfare benefit claims to maximise their income
4. To provide named contact details to the young person/ staying put carer/s in case of difficulties or concerns 24 hours a day
5. Review the placement as part of the young person's Pathway Plan Review, reviewed at least on a 6 monthly basis.

## **RESPONSIBILITIES OF THE SUPERVISING SOCIAL WORKER / SCHEME COORDINATOR**

1. To facilitate the Staying Put arrangement providing advice and support to the former foster carer
2. Suggest guidelines for house rules.
3. Complete checks including an annual Health and Safety Check
4. To advise the staying put carer about ongoing training, particularly to help young people to develop independence living skills
5. To signpost the staying put carer for any advice about financial/tax implications and support Housing Benefit claim to offset costs towards rent.
6. To monitor Housing Benefit claim once notified that a claim has been submitted and to notify Scheme Coordinator of any changes or delays in the claim.
7. Review the placement as part of the young person's Pathway Plan Review.
8. To hold regular placement meetings to ensure any issues involving the young person is identified and addressed.

## **CONTINGENCY PLAN:-**

Should there be any difficulties within the arrangement, the Personal Adviser will convene a planning meeting in attempt to facilitate resolution and to consider any additional support/actions needed.

**SIGNATURES:-**

Signed: ..... Date: - .....

*(Young Person)*

Signed: ..... Date: - .....

*(Staying Put Carer/s)*

Signed: ..... Date: - .....

*(Personal Adviser)*

Signed: ..... Date: - .....

*(Supervising Social Worker /Scheme Coordinator)*

## APPENDIX 1 House Rules and Expectations

### HOUSE RULES

1	Help with housework, keeping your own room and other common rooms clean (vacuumed, dusted and polished) and tidy (items in their correct places).
2	Ensure dirty clothes are kept in the washing bin provided and clean clothes are kept in the drawers and cupboards provided.
3	Provide your own toiletry requirements.
4	Do your own washing and ironing.
5	Help with cooking meals and washing up.
6	Smoke outside of the household unless the staying put carer gives permission to smoke in an indoor area.
7	Do not drink alcohol in the house or allow visitors to drink alcohol in the house without with the staying put carer's permission.
8	Do not entertain visitors in the house without the staying put carer's permission
9	Check all windows are locked, all external doors are locked, and the house alarm is set when leaving the house.



10	Be in at agreed times daily for breakfast and evening meal or inform the staying put carer in advance about being out, so that food will not be cooked unnecessarily and wasted.
11	For security reasons be in at agreed times at night or, inform the staying put carer about being out, so that the house can be security locked.
12	Treat the staying put carer's property with respect and pay for the repair/replacement of any item's damaged or lost by you from any cause.
13	Be considerate of the staying put carer's needs and wishes and show courtesy, respect and co-operation at all times
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15	

## APPENDIX 2 Health and safety for young people in Staying Put arrangement Checklist

In order to be as safe as possible in your Staying Put arrangement on your induction to the property, your staying put carer/s will explain the following safety instructions to you.

Emergency Safety Instruction	Measure	Comments
<b>Fire Safety and Fire Drill</b>	If there is a fire in the property we evacuate by..	
<b>Water Stop Tap</b>	If there is a flood or a problem with the water leaking, the stop tap to turn the water off is...	
<b>Electricity Meter</b>	You must only access the electricity meter in an emergency. The electricity meter is situated....	

*My Staying Put carer/s has explained these safety instructions to me. I understand and agree to abide by them.*

**Signed:**

Young Person .....Date: .....

Staying Put Carer/s: .....Date: .....