

# Staying Put Policy

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## About this Document

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# 1. Policy and Legal Framework

Foster carers who look after young people approaching adulthood are expected to support them to develop the appropriate skills that they need to be more independent, this includes emotional support as well as financial and practical skills. Young people who are looked after should receive the same kind of support that their non-looked after peers would receive from their parents.

This policy sets out the conditions that are required to extend a former fostering arrangement beyond a young person's 18<sup>th</sup> birthday and up until their 21<sup>st</sup> birthday with its associated financial implications for social care, the young person, and the foster carer.

The Children and Families Act 2014 states:

The benefits of a staying put arrangement for a young person are primarily about extending a familial relationship where the young person continues to experience security and stability. Young people who are in foster care should be able to benefit from staying put arrangements, regardless of whether they are in education, employment, or training before turning 18. The principles for transition as stated in The Children Act 1989 Guidance and Regulations: Planning Transition to Adulthood for Care Leavers states:

1.10 Research and practice show that young people who have been looked after will have the best chance of success as adults if those providing transitional care and other support take the following principles into account in talking to the young person and when making any decision:

- Is this good enough for my own child?
- Providing a second chance if things don't go as expected.
- Is this tailored to their individual needs, particularly if they are more vulnerable than other young people?

1.11 No young person should be made to feel that they should "leave care" before they are ready. The role of the young person's Independent Reviewing Officer (IRO) will be crucial in making sure that the care plan considers the young person's views. Before any move can take place, the young person's statutory review meeting, chaired by their IRO, will evaluate the quality of the assessment of the young person's readiness and preparation for any move. The young person and the professionals responsible for contributing to the plan and the review must concur that they have developed the skills necessary to manage any transition to more "independent living" where, as a result, less support will be provided.

1.12 Local authority provision of continuing leaving care support must ensure that throughout the period that each care leaver is provided with leaving care services, his/her needs are subject to ongoing assessment and review, so that the authority's intervention puts them on the pathway to success as they make their transition to adulthood.

Appendix C of the Planning Transition to Adulthood for Care Leavers Guidance [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1051441/CA1989\\_Transitions\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1051441/CA1989_Transitions_Guidance.pdf) - refers to the planning of suitable

accommodation for care leavers and within this it states the following about the placement of young people with former foster carers (Staying Put Care).

C.3 Whilst staying put offers the young person the opportunity to continue to live with their foster family, significant changes take place in the transition from foster care; principally the basis on which the young person occupies the property and how the placement is funded. *(it is important to note here that following a young person's eighteenth birthday, the legal basis on which they occupy the property (former foster care home) changes and they become an 'excluded licensee' who is effectively lodging in the Staying Put carer/s home. Whilst the term 'excluded licensee' is a legal one, it should not necessarily denote that the young person will be treated differently than they were as a fostered child).*

C.4 The associated change from foster child to young adult "lodger" in the foster home, and for the carer from foster carer to supported accommodator and legal "landlord", should be carefully and sensitively planned in order to ensure that both young people and carers understand the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements. Procedures should be agreed at the outset regarding how any wish by the carer to bring the arrangement to an end will be managed.

Social workers and personal advisors should be particularly mindful of the potential dangers of sexual and other forms of exploitation in respect of care leavers. Please refer to Children and Families policies, procedures and practice guidance for safeguarding policies.

**The National Minimum Standards for Fostering (2011) standard 12;** Promoting independence and moves to adulthood and leaving care re-iterates that children and young people should be supported towards independence in all areas of their lives. The outcome that fostering services are aiming to achieve is that "children are prepared for, and supported into, adulthood so that they can reach their potential and achieve economic wellbeing".

12.3 and 12.4 of these standards states:

"The fostering service ensures there are comprehensive arrangements for preparing and supporting young people to make the transition to independence. This includes appropriate training and support to foster carers caring for young people who are approaching adulthood. Arrangements are consistent with the young person's care plan, including their placement plan, pathway plan and transition plan for children with disabilities and special educational needs.

The fostering service has a policy and practical arrangements which enable children to remain with their foster carer(s) into legal adulthood, for example so that s/he may develop appropriate life skills before being required to move to more independent accommodation. Any such decisions are agreed with foster carers at a placement meeting and are detailed in a child's placement plan."

This document should be read in conjunction with the Leaving and After Care Service Transition to Adulthood Policy and the Leaving and After Care Service Finance Handbook, both of which are available on the children's social care policy website.

## 2. Procedure for the transition to a Staying Put arrangement

A Pathway Plan for all eligible young people and continued for all relevant and former relevant children should be started on or before the young person is 16 years of age. The plan should remain a “live document” setting out the different services and how they will be provided to meet the full range of the young person’s ongoing needs. Pathway plans should be based on up to date assessments of the young person’s needs and agreed by the Independent Reviewing Officer of the young person. The areas that should be covered as part of this assessment are included in the “Planning Transition to Adulthood for Care Leavers” Guidance (Volume 3: Chapter 3: Pathway Planning and Personal Advisors).

Part of the assessment necessary for the Pathway Plan is consideration of the young person’s continuing need for care, accommodation, and support. It is at this stage that initial discussions should take place as to whether a young person wishes to remain in a Staying Put arrangement when they reach their 18<sup>th</sup> birthday. Through the pathway planning process discussions will take place and consideration be given to the wishes and feelings of the young person and foster carer.

The pathway planning process would need to assess how appropriate such an arrangement would be for the young person.

Should both parties agree, and this is deemed an appropriate arrangement, the local authority will provide advice, assistance, and support to establish a staying put arrangement.

Some young people who have disabilities will have a Transitional Pathway Plan. The purpose of this is similar to the Pathway Plan as it is a document which will consider future planning for the young person beyond the age of 18 years and how best to support the young person and provide for their ongoing needs. Part of this assessment includes their future accommodation needs and there may be some situations where a young person’s needs would be most appropriately met by their former foster carers beyond that age of 18 years.

Within 3 months of the young person reaching 16 years as part of the Pathway Plan or Transitional Pathway Plan consideration should have been given as to whether the arrangement should continue as a Staying Put arrangement.

The criteria for young people to stay with the foster carers beyond the age of 18 years as part of a Staying Put arrangement are:

- a) The young person wishes to remain in the arrangement
- b) The foster carer agrees to the arrangement continuing
- c) The arrangement is deemed by the local authority to be the most appropriate arrangement for the young person
- d) The pathway plan clearly addresses the need to continue to develop a range of skills for the young person including relationships, emotional resilience, financial and budgeting, cooking, washing, and ironing and applying for jobs.



If the criteria above are met and Staying Put is a positive option for the young person, the Pathway Planning meeting should endorse the staying put arrangement at 18 years of age. This meeting should be arranged to include the young person, social worker, foster carer, supervising social worker and benefits advisor. If the young person is likely to meet the criteria to be transferred to adult social care they should also be involved with this meeting as they will have financial responsibility.

The Pathway Planning meeting should identify all key tasks and the roles and responsibilities of the relevant parties in considering the viability of the young person Staying Put. The pathway planning process should ensure that the personal advisor and other leaving care professionals support the young person in a staying put arrangement so that they receive the support they require to develop their independent life skills. The following areas must be discussed:

- Plan for how long the young person is likely to be Staying Put
- Likely financial arrangements for the young person, and the practicalities for claiming and maintaining any benefit claims, where appropriate
- Likely benefits available for the foster carer
- Implication of the Staying Put funding arrangements on the foster carer's income
- Implications for foster carers continuing career e.g. will they continue fostering and what training they will need to support the young person.
- Whether it is appropriate for the foster carer to transfer to alternative accommodation schemes e.g. Shared Lives Scheme
- Whether additional funding will be required, if so, this should be requested from the local resource panel by the time the young person is 17 ½ years old.

Continuing monitoring of these arrangements should be considered as part of the young person's looked after review and monitored by the IRO to ensure that tasks have been completed and any changes that may occur (see ongoing support and reviews below).

The Pathway Planning meeting should meet again when the young person is 17 ½ years old and if this confirms that the plan is for the young person to Stay Put then final arrangements should be put in place regarding plans and funding so that this is all in place prior to the young person becoming 18 years of age.

In very exceptional circumstances and in an emergency, if a plan changes and the young person is nearly 18 years of age and needs to Stay Put the social worker must book in an emergency slot into the local resource and care panel and report on why the Staying Put placement is now required and the appropriate funding that is being requested.

### **3. Transition for young people with disabilities**

The process for planning for Staying Put arrangements for young people currently receiving a service from the children with disabilities teams should start when the young person is 15 years of age, taking into account the individual needs of the young person and their wishes and feelings.

Foster carers who have been providing long term support to a disabled young person may be eligible to transfer to the Shared Lives Scheme. This is a scheme which allows an individual the opportunity to be supported and live within a family setting in the home of an approved Shared Lives Carer as part of their family, sharing everyday life. The scheme can provide short or long-term placements and/or respite. Former foster carers joining this scheme would be paid a fixed amount for care and support services. This would be assessed depending on the level of support that the young person will require.

#### **4. Private Arrangements**

If an assessment has been completed and the local authority does not feel that it would be appropriate, or consistent with the welfare of the young person, the local authority will not support a Staying Put arrangement. In this case if a young person and their carer wish to extend the arrangement this will be a private arrangement. The Local Authority will cease to fund the placement and the young person, and their carer(s) will need to agree both the level of payment and the practical arrangements. Assistance would be available from the leaving and after care service that may be able to help all parties come to an agreement, but the responsibility of this arrangement would be with the former foster carer(s) and the young person.

This would also be the case if the young person and their carer wish to extend the Staying Put arrangement beyond the maximum period that would be supported by the local authority, which is when the young person reaches their 21<sup>st</sup> birthday.

Carers who offer private arrangements may be eligible for the 'Rent-a-Room' tax relief. More information on this is available at [www.hmrc.gov.uk/manuals/PIMMANUAL/pim4001.htm](http://www.hmrc.gov.uk/manuals/PIMMANUAL/pim4001.htm)

#### **5. Finance**

This document should be read in conjunction with the Leaving and After Care Finance Handbook. The latest version of the Handbook is available here: <https://www.essex.gov.uk/leaving-care/your-finances>

The Leaving and After Care Service have a Benefits Adviser who can provide advice and support on any financial aspects concerning Staying Put arrangements.

##### **a. Staying Put Fees**

Foster carers can receive a fee to continue their commitment to a young person beyond 18. The Staying Put fee is paid at the same rate as the mainstream fostering fees at a rate of £270 (as of April 2023).

There is a cap on the number of staying put fees that can be paid at any one time. The total number of fees paid will be capped at the maximum number of foster placements for which the carer is approved, 'plus one' staying put arrangement.

*Example 1* - Rita is approved for two children, she has one child placed with her under a fostering arrangement and two young people in 'staying put' arrangements. She will receive a fee for all three.

*Example 2* - Tina is approved for three children, she has three in placement and two young people in a 'staying put' arrangement. She will receive a fee for all foster children plus one 'staying put' arrangement.

### **Ending the Staying put fees**

When the staying put arrangement ends, the young person's personal adviser is responsible for ensuring that the fees are stopped. Any overpayments made will be retrieved.

When the young person is over 18 a fostering allowance is no longer paid for such things as clothing, food, and utilities, as these are paid for by the young person's own income such as earnings and / or benefits.

### **b. Rent**

The former foster carer can charge rent to the young person who is Staying Put. Where the young person is not able to meet that rental payment from their own income, they would usually be eligible to claim Universal Credit (housing costs) to assist them to pay this rent. The maximum amount of rent that would be met by Universal Credit is equivalent to the one-bedroom Local Housing Allowance rate for the area that the property is located. These amounts are set by the Valuation Office Agency (VOA) Rent Officers, and can be viewed online (via a postcode search) here:

<https://lha-direct.voa.gov.uk/search.aspx>

We acknowledge that where a young person is eligible to claim benefits, that the waiting period for the first payment may put some pressure on the proposed arrangement. Where required, Essex County Council can pay a returnable advance payment to the Staying Put carer at the beginning of a new Staying Put arrangement. The maximum amount of this payment will be equivalent to 6 weeks rent payments and is intended to ease any financial burden on the carer during the transition from a foster placement to a Staying Put arrangement. This can be repaid by the carer once the young person's claim for Universal Credit has been processed. There is an expectation that the carer will take all reasonable steps to support the young person in making and finalising their claim for Universal Credit, including checking the online platform regularly to prevent any further delays with payments.

If the foster carer is receiving means tested benefits which, as a result of offering a Staying Put arrangement, would be adversely affected by the young person paying them rent at 18 years old, an alternative arrangement can be considered. In this situation funding for the rent should be provided by social care, and the young person's worker can request this from the local resource panel.

If agreed, these payments would be made under section 23C of the Children Act 1989 at the appropriate Local Housing Allowance rate for that area, payments made to the Staying Put provider via this method will be disregarded as income for the calculation of the carer's own means tested benefit claims.

### **c. Income and Living Costs**

If the young person is not working, or is working but on a low income, they may also be entitled to income replacement benefits. This money is for the young person's main living needs e.g. clothing, leisure activities, and travel. It is not expected that the carers provide for these costs out of their fee or from the rental income that they receive. The young person's own income (wages or benefits) is also intended to cover the costs of food and utilities. When planning for Staying Put it should be clear how these arrangements are going to work when the young person is 18 years old, and this should be set out in the Staying Put Agreement (see page 12).

The financial arrangements for a young person Staying Put should match those of living independently as closely as possible, in order that the young person has every opportunity to develop the skills they need to manage independent living successfully when the Staying Put arrangement ends. While some foster carers may wish to continue to provide some meals, this should be negotiated regarding payment and the young person should be encouraged to do some of their own shopping and cooking.

### **d. University**

If a young person moves out of the Staying Put property to go to university, then the Staying Put arrangement comes to an end. A Staying Put fee will not be paid in these situations. It would also not be paid in the form of a retainer, even if the young person returns to the property for their vacation periods.

However, if a young person wishes to remain living in the Staying Put property whilst attending a local University, that they can travel to daily, then the Staying Put arrangement can continue. Usually, a Staying Put arrangement would not be agreed beyond a young person's 21<sup>st</sup> birthday.

The young person will be unable to claim Universal Credit as a full time University student and will instead receive student loans and bursaries. They will be responsible for paying their own term time rent from this income, including their Staying Put rent. An exception to this would be a young person who has a disability or is a lone parent in which case they may be eligible for some benefits whilst at university.

During the Christmas, Easter and Summer vacation periods, social care will pay the rent for young people at university. This would be the same if they remain living in a Staying Put arrangement or if they return to a previous Staying Put arrangement for the vacation periods.

The amount of rent paid in these situations would be equivalent to the one-bedroom Local Housing Allowance rate where they young person has their own bedroom, and equivalent to the shared accommodation Local Housing Allowance rate if the young person does not have their own bedroom.

**e. Council Tax**

Young people who are aged under 18 years old are not liable to pay Council Tax. They are also ignored if living in someone else’s household, so will not affect the Council Tax Bill. Once they reach 18 years old however, they do become liable to register for Council Tax and could affect the discounts or benefits of the Council Taxpayer, where they are living in someone else’s household.

Young people leaving care, who were previously looked after by Essex County Council will be exempt from paying Council Tax between the ages of 18 to 21 years old if they are living in the following District Council areas:

Basildon	Chelmsford	Maldon
Braintree	Colchester	Rochford
Brentwood	Epping Forest	Tendring
Castle Point	Harlow	Uttlesford

In addition, if they are Staying Put, their presence will not result in the householder having to pay more Council Tax.

These young people will need to inform the District Council that they are a care leaver and claim any council tax discounts that they are entitled to, such as Council Tax Support, Single Person Discount, or Student Exemption. The young person’s Personal Adviser can confirm their care leaver status with the Council Tax Department, for the exemption to be processed.

For carers living outside of Essex advice and support should be sought from the Benefits Adviser via the Personal Adviser.

#### **f. Income Tax Issues (Qualifying Care Relief)**

Foster carers including those who provide Staying Put arrangements are eligible for qualifying care relief, this is an HMRC scheme for getting certain payments tax-free for foster carers, adult placement carers, kinship carers and staying put carers. Help sheet 236 from HM Revenue & Customs provides more information regarding this, and is available online here:

<https://www.gov.uk/government/publications/qualifying-care-relief-foster-carers-adult-placement-carers-kinship-carers-and-staying-put-carers-hs236-self-assessment-helpsheet>

#### **g. Insurance and Mortgage Arrangements**

Foster carers are advised that they should inform their insurance and mortgage companies about any change of arrangements which includes if any Staying Put arrangements are in place.

### **6. Staying Put arrangements with Independent Fostering Agencies**

Requests to extend a placement for young people who are placed with Independent Fostering Agencies should be considered in the same way as it would be for young people who are placed with Essex Foster Carers.

Planning is of paramount importance and should be completed through the use of assessed need and stated in the pathway plan. This should further be agreed by the Independent Reviewing Officer of the young person.

If Staying Put is an option the social worker should explore this with the agency and the foster carer, and this will need to include the financial implications. If the arrangement is considered to be appropriate for Staying Put as outlined above, the young person should pay rent and claim Universal Credit if eligible providing that by doing this it does not affect any benefits that the carers are claiming. If the carers are receiving benefits and they would be adversely affected by this, social care should pay the amount of rent to the carer based on the locality where the carer is living (as it would be for Essex former foster carers).

An independent fostering agency's fees will not be paid beyond the young person's 18th birthday. The payment following their 18<sup>th</sup> birthday will be payable directly to the carer and would be a maximum of £270 per week (as of April 2023) with no further payments to the agency for these placements. These arrangements will be agreed at the local quadrant resource panels.

Independent agency carers who can offer these placements beyond an initial 3 month period will be supported by the Local Authority Quadrant Fostering Teams on a Duty basis.

## 7. Ongoing Support and Reviews

There are different situations that Staying Put carers may find themselves in and this may affect where the carers would get support from.

### **a. Staying Put carers who continue to foster other children or young people under the Fostering Regulations 2011**

Staying Put carers will continue to be supported by the fostering team. The supervising social worker should include the young person Staying Put as part of the usual support and monitoring that takes place with others in the placement. The annual household review should include the Staying Put arrangements and should include feedback from the young person as well as the personal advisor/social worker from the leaving and after care teams.

Safeguard checks regarding DBS and health for the carers should continue in the same way as they do within the fostering regulations and fostering policies and procedures. The young person Staying Put will also need to have a DBS check which should be processed in the same way as others in the household's DBS checks and if a DBS is returned with a trace, a risk assessment needs to be undertaken.

This should be arranged before the young person's 18<sup>th</sup> birthday so that it is in place by the time the young person is 18, this is in line with the Fostering Regulations 2011.

### **b. Staying Put carers who do not have other children or young people placed and who are unlikely to foster again under the Fostering Regulations 2011**

In this situation the foster carers should resign as foster carers, however their supervising social worker will remain allocated for 3 to 6 months as required. Following this time, they can request support from the Quadrant Fostering Teams who will offer a duty service on an ongoing basis. As stated in the Planning Transition to Adulthood for Care Leavers, key standards should continue to govern the expectation of the placement when a young person reaches the age of 18 years old.

### **c. Staying Put carers who do not currently have any other young people placed with them but who are expected to continue to be a foster carer once the young person Staying Put has moved on**

Support for these carers should remain within the fostering team. Supervising Social Workers should continue to provide supervision on a regular basis and carers should continue to have annual household reviews, annual health and safety checklists and updated DBS checks. Carers can continue to access the Foster Carers Training Programme.

Foster carers who are intending to continue to foster once the young person who is Staying Put moves on do not need to resign as foster carers if it is anticipated that the Staying Put arrangement will not continue for more than 12 months.

When the young person moves on the foster carers should have a household review of approval to consider any changes which may have occurred and future recommended approval. Any changes of approval should be processed in the usual way.

If a foster carer has resigned as a carer and then decides that they will return to fostering after the young person Staying Put has moved on, an updated fostering assessment should be undertaken.

## **8. Staying Put Agreement (see Appendix i.)**

This is an agreement that should be made between the former foster carer and the young person who is Staying Put and should be agreed prior to the young person becoming 18 years. This agreement should also include the Supervising Social Worker (if applicable) and the Personal Advisor of the young person. The agreement should be incorporated as part of the young person's pathway plan and can also be used as a proof of rent document for any associated benefit claims.

## **9. Challenging decisions made by the local authority**

If a young person feels his/her wish to remain with their former carer has not been taken into account by the local authority and they are not happy with the way the local authority has acted, they may wish to speak to the Independent Reviewing Officer, or they can use the Essex County Council complaints procedure: [ECC.CustomerServices@essex.gov.uk](mailto:ECC.CustomerServices@essex.gov.uk).

Advocacy can be provided through Rethink whose contact details are:

Telephone 0300 790 0559

Email [essexadvocacy@rethink.org](mailto:essexadvocacy@rethink.org)

Web <https://www.rethinkessexadvocacy.org/>

## **10. Appendices**

i. [Appendix 1 - Staying Put Agreement](#)

ii. [Appendix 2 - Staying Put Frequently Asked Questions for Foster Carers](#)