

***Children looked after
Children's Services***

West Sussex Staying Put Policy

**West Sussex County Council
Children's Services**



Version: 1
Effective from: 1 March 2015
Next review date: 1 March 2017

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Feedback:

Our customers expect first class service and we aim to provide it. We therefore welcome feedback about our policies and procedures. If you have any comments about this document please e-mail: socialcare@westsussex.gov.uk

1. Principles and values

West Sussex believes that no young person should leave care before they are emotionally and financially ready. This Policy reflects West Sussex's determination to improve the outcomes for children who have been looked after; to challenge the poor outcomes in adulthood historically experienced by young people in care; and to reduce the gap between the quality of life of young people in the care of the local authority and those raised in their own supportive families. Specifically it gives young people who are in stable and supportive placements the opportunity to pursue education, training and employment without the disruption of having to move into 'independence' during this critical period of their lives.

The Staying Put arrangement enables a Care Leaver to remain living in the same household where they had been fostered until the age of 18 up until the age of 21 years.

2. The Key aims of the Policy

To enable young people to build on and nurture their attachments to their carers, so that they can move to independence at their own pace and be supported to make the transition to adulthood in a more gradual way, just like other young people who can rely on their own families for this support.

To provide the stability and support necessary for young people to achieve in education, training and employment.

To respond to the wishes of young people to be able to have a more gradual path towards independent living.

3. Legal and Policy

The Children (Leaving Care) Act 2000 recommended the conversion of foster placements of children in care at age 18 into supported lodgings arrangements. The Planning Transitions to Adulthood for Care Leavers (Regulations & Guidance) 2010; the Fostering Service (England) Regulations 2011 (Children Act 1989) and the National Minimum Standards for Fostering Services 2011 all required local authorities to have Staying Put procedures in place.

The Children and Families Act 2014 amended section 23C of the Children Act 1989 to detail the requirement for certain former relevant children to continue to live with former foster parents under a Staying Put arrangement.

Joint guidance was issued in May 2013 from Department for Education (DfE), Department for Work & Pensions (DWP) and Her Majesty's Revenues & Customs (HMRC) in respect of arrangements where young people aged 18+ years could remain living with their former foster carers.¹

¹ The DfE, DWP, and HMRC Guidance May 2013 'Staying Put' arrangements for Care Leavers aged 18 and above to stay to with their former foster carers

Other relevant publications include:

- DfE Evaluation of the Staying Put 18 Plus Family Placement programme Final Report 2012
- Housing Benefit Local Housing Allowance Guidance Manual October 2007
- Planning Transition to Adulthood for Looked After Childhood Guidance

4. Scope of the Policy

The Staying Put legislation recognises that many young people in care experience delayed maturity and, as with other young people of a similar age, need to extend the period of time where they can experience a safe and caring home environment whilst gradually developing life skills towards independence.

This policy applies to all 'eligible' and 'former relevant' young people looked after by West Sussex Council and who are living in a foster placement² immediately prior to their 18th birthday. This includes young people placed with Independent Foster Agencies.³

Where the young person and the former foster carer agree that they would like to make a Staying Put arrangement the local authority must make all efforts to support it. This includes making payment to the Staying Put provider under S23C of the Children Act 1989. However where the authority decides that it is not in the best interests of the young person to remain in the placement other suitable accommodation will be identified and set out in the Pathway Plan.

Where the young person has an on-going cognitive disability they will be assessed under the Care Act 2015 for eligibility to access Adult Social Care Services. Adult Services will be responsible for the plan of support for the young person, including the safeguarding framework around the placement. If a young person may be eligible for Adult Social Care Services the young person's Social Worker needs to ensure a referral is made within sufficient time (particularly if requesting funding). Care Act 2015 places responsibility on the Local Authority to provide transition assessments for a young person approaching 18, this will provide an indication of the types of support they can expect. The young person will still be allocated a Personal Advisor under the Leaving Care Act.

The Staying Put arrangement extends until the young person leaves the home or until they reach their 21st birthday, whichever is sooner. (Note: the young person and provider may agree to continue beyond 21 years but this would be under a different legal basis).

² Foster care means a placement with foster carers approved in accordance with the Fostering Service (England) Regulations 2011 and the child had been placed with them by the local authority, or via an Independent Fostering Agency.

³ Young person means a *former relevant* Care Leaver who was looked after immediately prior to their 18th birthday (as an eligible child). An eligible child is defined in paragraph 19B of Schedule 2 of the Children At 1989 as aged 16 or 17, still looked after and has been looked after by a local authority for a period of 13 weeks, or periods amounting to 13 weeks, which began after the age of 14 years and ended after the age of 16 years.

Where young people at 18 years have been assessed as being ready and able for independent living but are waiting for housing or other reasons, they will be considered to be 'Staying Put' for that period.

5. Definitions of Staying Put

From the age of eighteen young people are no longer legally 'in care' or 'looked after' and therefore fostering arrangements and legislation relating to children placed with foster carers no longer applies. 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 affectively lodging in the "Staying Put" carer's home. Whilst the term 'excluded licensee' is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person's landlord.

In this policy the former foster carer is referred to as the 'Staying Put provider'.

The associated change from foster child to adult member of the household, and for the carer from foster carer to "Staying Put" provider, should be carefully and sensitively planned in order to ensure that both young people and the provider understands the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

In situations where no foster children live in the placement and a decision is taken to end or deregister the "Staying Put" provider's fostering registration, the overall arrangement then comes within the 'Suitable Accommodation' framework as set out in the Planning Transition to Adulthood Guidance.

6. Establishing a Staying Put Agreement

Planning and preparation

Consideration should be given as early as possible, preferably prior to the young person's statutory review around 16½ yrs old, to the potential for the placement to become Staying Put. The Supervising Social Worker should initially gain the views of the foster carer as their agreement is essential before any discussion can take place with the young person. The young person's social worker needs to assess how appropriate such an arrangement would be for the young person with a view to supporting them to remain wherever possible but, where it is not deemed in their best interest, to consider alternative arrangements.

Young people or foster carers may change their minds after making an initial indication of their views on Staying Put. Consideration should always be given to both young people and foster carer who change their minds but care should be taken to avoid disruption to a young person's education at a critical time. For some young people there may need to be a parallel plan in place so that they do not find themselves without suitable accommodation.

The Statutory Looked After review held at 17 ½ years should consider the proposed plan for the Staying Put arrangement and ensure that this is being progressed. The review should be attended by the young person, foster carer, social worker, personal advisor, and any other significant professional. Where there are other children looked after in the foster home the Supervising Social Worker should also be involved. The implications of the new arrangement should be discussed in detail and recorded in a Living Together agreement meeting outside of the Review.

The Living Together agreement should be signed by the young person, Staying Put provider, Child and Family Support Worker and Personal Advisor. The formal 'license'⁴ should also be signed by the young person and Staying Put provider prior to the 18th birthday.

Assessment criteria

- *Will the young person fit the Staying Put criteria by the time they reach 18?*
- *Is the foster carer in agreement with the Staying Put proposal?*
- *Is the young person in agreement with the Staying Put proposal?*
- *What are the views of other children in that foster placement and of their Social Workers to the Staying Put proposal?*
- *Do the young person and their foster carer understand the criteria for and procedures associated with converting a foster placement into a Staying Put arrangement?*
- *Does the young person understand their financial and benefits responsibilities associated with being in a Staying Put arrangement?*
- *Does the foster carer understand the changes in their funding arrangements associated with Staying Put?*
- *Does the foster carer understand the impact of a Staying Put arrangement on their income tax and welfare benefits?*
- *What is the contingency plan should Staying Put not be a viable option?*

Living Together Agreement

The 'Living Together Agreement' replaces the placement plan and should cover the same range of issues and include a focus on the young person's needs associated with the reason for the "Staying Put" arrangement being agreed.

The Living Together agreement covers:

- Level of support to be provided by the carer
- Young person's contributions
- Preparation for independence tasks
- Finance, including young people having credit cards, loan agreements and mobile phone contracts registered at the address
- Income and benefit claims

⁴ A Staying Put arrangement is under a 'licensee' contract. Should the Provider or Young Person not wish to agree to a Licence then they may be advised to set up a tenancy. However this will not fall under the Staying Put arrangement legislation.

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- Education, training and employment activities
- Friends and partners visiting and staying at the address
- Staying away for nights/weekends and informing carers of movements
- Health arrangements
- Move-on plans
- Issues relating to the any foster children in the placement, safeguarding, role modelling and time-keeping.
- Conflict management and roles of Personal Advisor and Child and Family Support Worker

Where Fostered Child/Children are also living in the 'Staying Put' Arrangement

- Where a young person reaches the age of 18 and fostered children are also living in the placement, all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household.
- The impact of the Staying Put arrangement on the fostering household will be one of the factors considered in the assessment to be prepared prior to the Service Manager agreeing to the arrangement. It will also be discussed at the foster carer's annual review.

Where there are no fostered children in placement

Where there are no other children in placement the Staying Put provider may decide to put their fostering role 'on hold', to take another placement, or to resign as a foster carer/s.

Where the Staying Put provider remains an approved foster carer the usual fostering visits, review and training requirements will continue to be undertaken by the Fostering service as for any other foster carer who does not have a current placement.

Where the Staying Put provider decides that they no longer wish to foster their resignation will be formally acknowledged. The fostering regulations will no longer formally apply when a young person reaches the age of 18 although the standards of care expectation will continue as below. The overall arrangement would then come within the 'Suitable Accommodation' framework as set out in the Planning Transition to Adulthood Guidance.

Expectations of Staying Put providers

Foster carers can offer both Fostering and Staying Put placements. Although the Staying Put provision is no longer subject to the Fostering minimum standards there will continue to be an expectation on the Provider, including:

- The young person will have their own bedroom
- The ability to provide support and guidance and enable the young person to develop independent skills.
- The ability to continue to provide looked after/children young people with a safe nurturing and supportive environment.
- Staying Put carers will be expected to be proactive in encouraging the young person to take up opportunities in education or employment,

access advice from other agencies and promote the need for healthy living.

- Young people should be supported as part of the 'staying put' arrangement to continue to develop a range of skills including:
 - i. Relationships
 - ii. Getting on with neighbours; understanding acceptable behaviour;
 - iii. When and how to communicate with relevant professionals;
 - iv. Emotional Resilience;
 - v. Managing isolation and where to go for support;
 - vi. Building self-esteem;
 - vii. Finance and budgeting - opening a bank account, safe borrowing and managing debt, understanding basic financial products, benefits and welfare reform; budgeting for priority bills, household appliances and everyday shopping on a budget;
 - viii. Cooking - cooking healthily and on a budget; understanding nutrition and its impact on overall health;
 - ix. Managing a home - washing and ironing , cleaning, basic DIY, operating appliances and what is allowed within a tenancy;
 - x. Applying for jobs - understanding strengths and areas for personal development;
 - xi. Developing job skills, understanding job/volunteering pathways and support;
 - xii. Available; understanding bursaries and other financial support;
 - xiii. Where to go for advice; understanding the impact of work on benefits

7. Monitoring and Reviewing Arrangements

Staying Put arrangements should be reviewed at the Pathway Plan Review at a minimum of every 6 months. This should include a review of any problems or difficulties which have emerged and what is working well. A review can be arranged earlier by agreement between the young person, carer and professionals involved. The young person and carer can also access advice at any time from their Personal Adviser or Child and Family Support Worker.

Higher Education

Where a young person attends Higher Education during the term and returns to their Staying Put arrangement for the course vacations the Staying Put provider will be paid a 'retainer' during the term time and the full daily allowance during vacation periods and for any period where the young person returns to stay overnight or for a longer period due to illness or other purpose.

Where the young person remains living with the Staying Put provider and attends Higher Education on a daily basis they will be expected to apply for all loans and bursaries that may be available to them. From these funds the young person will be expected to pay a service charge to the provider during the term time. The young person will be expected to fund their personal care costs themselves.

The majority of young people undertaking higher education courses are not entitled to means tested benefits. Lone parents and sick and disabled young people undertaking higher education courses may be entitled to means tested benefits and should apply accordingly.

Armed Forces

Where a young person in a Staying Put arrangement leaves to join the Armed Forces the Staying Put arrangement will remain available for three months, or until they have completed the initial training. West Sussex will pay a retainer fee to the Staying Put provider and the full allowance when the young person returns overnight during this period. After three months, if the young person remains in the Army, the Staying Put arrangement will come to an end and any continuing relationship will be a private arrangement between the young person and former foster carer.

Roles and responsibilities

The young person's social worker is responsible for:

- In collaboration with the Supervising Social Worker (including an Independent Fostering Placement), establishing whether the foster carer is prepared to consider a Staying Put placement. **Where the foster carer is not in agreement with the proposal the Staying Put plan cannot be progressed.**
- Where appropriate providing the young person with information regarding the Staying Put policy and ensuring that this is discussed in subsequent Statutory Looked After and Pathway Plan reviews.
- In conjunction with the Child and Family support worker, completing an assessment/matching report setting out the circumstances, aspirations and purpose of the Staying Put arrangement.
- Ensuring that the young person understands and agrees to the changes in the relationship with their former foster carer/ 'Staying Put provider' when they reach 18 years. This will include working with the young person and Child and Family support worker to draw up the Living Together agreement.

The Child and Family Support worker is responsible for:

- Completing a Living Together agreement between the young person, provider and Local Authority.
- Ensure the Staying Put provider is aware of and receives a copy of placement guidance.
- Supporting the Staying Put provider through visits and phone calls
- For Foster Carers who work for an IFA the Child and family Support worker will support the carers, possibly alongside the IFA supervising social worker if other children are in placement.
- Ensuring the Staying Put carer is aware of the implications for them regarding Benefits, Income Tax, Council Tax and signpost them for the appropriate guidance.

The Personal Advisor is responsible for:

- Providing the holistic support for the young person regarding education, training or employment and social support.
- Ensuring that the young person has applied for any education funding or Benefit payments to which they may be eligible. The Personal Advisor will inform the young person of the rates to which they will be expected to contribute from any earnings or other income, including Housing Benefit and DLA.

The Supervising Social Worker is responsible for:

- Ensuring a DBS check is completed on the young person prior to their 18th birthday where a Staying Put provider will continue to foster children under the age of 18
- Continuing to supervise the West Sussex foster carer should other children be placed with them
- Where a fostered child is in placement the Supervising Social Worker will include discussion about the Staying Put young person as part of the household and liaise where appropriate with the Personal Advisor and Child and Family Support worker
- In order to promote the understanding of "Staying Put", expectations should be incorporated in the recruitment and training of Foster Carers and, where appropriate, in the annual foster care review process.

Finance

Young person

Most young people will have access to an income from:

- Income Support/Job Seeker Allowance
- College Bursary
- Employment

Where a young person has no income, either short or longer term, the Personal Advisor will arrange for West Sussex to pay them an allowance which would usually be at the same rate as Income Support or equivalent.

The young person will be responsible to buy their own clothes, toiletries, mobile phone costs, transport costs, social activities, holidays, and costs associated with birthdays, Christmas and other religious festivals.

Every eligible young person is expected to apply for Housing Benefit and to continue to do so whilst eligible. The Personal Advisor, in collaboration with the Staying Put provider, will support the young person to make this application. West Sussex will pay the provider the equivalent rent and expect this to be reimbursed through direct payment from the Housing Benefit Office.

Where young people are engaged in further education or training or actively seeking employment the young person will contribute a weekly service charge to help prepare them for independent living. This charge will also apply to young people in apprenticeships. For those in employment, particularly those with fluctuating or 'zero' hours contracts, the service charge will be calculated on a case by case basis.

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Where the young person is in receipt of loans for higher education and remain living with the Staying Put provider they will be expected to pay a Service Charge during the university term. The Local Authority will pay the full Staying Put allowance during holiday vacations.

Staying Put provider

West Sussex Council will pay a 'staying put allowance' to the Staying put provider⁵. This allowance covers food, utilities, wear and tear and emotional support. The young person is expected to pay for all their personal costs from their own income (as above).

The staying put allowance is paid exclusive of the service charge paid by the young person and of the Housing Benefit which is paid direct to Children's Services.

Where a Staying Put arrangement is proposed with an Independent Fostering Agency foster carer a separate agreement will be required to determine the level of fee to be paid.

Insurance and Public Liability

West Sussex insurance cover does not extend for Staying Put Arrangements, once foster children reach the age of 18 they are no longer children looked after. The legal responsibilities are different therefore Staying Put providers will need to take responsibility for ensuring they have public liability insurance.

If the staying put provider is caring for two or more placements the cover would still apply in respect of the child/ren under the age of 18 but not to any adult.

"Staying Put" carers should ensure they inform their mortgage provider or landlord and their buildings and contents insurance provider that they will continue to be supporting a former foster child as a young adult under a "Staying Put" arrangement. Failure to inform the above may cause a breach of mortgage/tenancy requirements and may result in insurance cover being void due to a 'failure to disclose material facts'.

⁵ Under section 23 Children Act 1989

8. Department for Work and Pensions and HMRC policies re 'Staying Put' arrangements

Summary

In May 2013 the Department for Work and Pensions (DWP) and Revenue services published new policies aimed at supporting 'Staying Put' placements.⁶ Both agencies define a Staying Put arrangement in strict terms. The young person must have been living with an approved foster carer immediately prior to their 18th birthday. There is no definition of the length of time the young person must have lived in the fostering placement. To qualify as a Staying Put arrangement the local authority must make a financial contribution under section 23C Children Act. The DWP consider the Staying Put arrangement to end immediately the young person moves out, whilst HMRC rules allow young people to return or to move to another provider.

In general terms the DWP and HMRC have extended the rules governing foster carers to Staying Put carers. However foster carers and "Staying Put" carers should always inform the DWP and HMRC if their circumstances change and should always check with the DWP and HMRC regarding their personal circumstances and how payments for foster care or "Staying Put" care may affect their means tested benefits or any Income Tax or National Insurance liability.

See appendix for further details

Housing Benefit

The personal advisor must ensure that all young people who are eligible for housing benefit must apply. Where the Staying Put provider is in receipt of Housing Benefit it is possible for the young person to also be eligible for Benefit without affecting the provider's claim. The personal advisor and Child and Family Support worker should ensure that the young person continues to claim for Housing Benefit following short periods of work or ineligibility.

It is important that the Personal Advisor/Child and Family Support worker and Local Rent Officer show how the rent level has been agreed and how much is paid for support, utilities, wear and tear, housing management (carer support) and meals. The level paid depends on the type of accommodation in which they are living and level of rent which is set locally by the Local Rent Officer.

Ending the Staying Put arrangement

The Staying Put arrangement will cease on the young person's 21st birthday or on an earlier date agreed in the Pathway Plan. Wherever possible the young person or provider should give 28 days notice of ending the placement. If at this time the young person is at a critical stage in their education (eg. final exams) they will be able to Stay Put until completion. Advance planning will be

⁶ Staying Put Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers

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necessary to ensure young person can move on successfully to suitable accommodation from their Staying Put arrangement.

It is acknowledged that there may be circumstances where the provider feels that the risk of continuing with the arrangement is too great. An excluded licensee can be asked to leave the property by the "Staying Put" carer, who must give 'reasonable notice'. In extreme circumstances it may be considered reasonable for the "Staying Put" carer to give very short notice and ask the young person to leave on the same day. Also the young person may make a decision to leave and not be prepared to wait 28 days.

It is important that the young person is aware of the potential consequences of moving out without an adequate plan or notice as a Staying Put arrangement cannot be reinstated should they wish to return at a later date. This possibility should be addressed in the Staying Put agreement where conflict management and 'cooling down' periods can be agreed before they arise.

Where a young person has left without a plan a meeting should be arranged by the Child and family Support worker and/or Personal Advisor with the young person and provider to discuss the situation and consider the option of return. A reasonable timescale should be agreed and a further meeting held if required. If the young person does not return following these meetings then a formal meeting, chaired by the manager of the Supported Lodgings team, should be held. Should there be no resolution the young person will be given two weeks formal notice of the ending of the placement.

Note: This does not mean that the young person cannot return to their ex foster carers at a later date but this would be under a private arrangement without the Benefit and Tax concessions available under a Staying Put arrangement.

Appendix 1

Department for Work & Pensions

The DWP "Staying Put" framework primarily applies to a young person remaining with their former foster carer on a familial basis, where no commercial arrangement applies and until they first leave the arrangement, or until the age of twenty-one, or until the end of an agreed programme of education or training being undertaken on the young person's twenty-first birthday if they continuously lived in the arrangement.

The specific DWP legislation covering "Staying Put" arrangements highlights that

(1) where a young person continues to reside with their former foster carer after their eighteenth birthday on a non-commercial and familial basis, and

(2) where the child was looked after immediately prior to their eighteenth birthday, and

(3) where the payments are made by the local authority to the carer under section 23C of the Children Act 1989, the payments are disregarded in calculating the carers entitlement to means tested benefits.

When a commercial arrangement is made, i.e. any element of the cost of the arrangement comes from a source other than section 23C; the non-section 23C element will be taken into account in the calculation of the "Staying Put" carers own means tested benefit claim.

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

HM Revenues & Customs Framework

HMRC have defined "Staying Put" more broadly than the DfE and DWP to ensure compatibility with legislation covering all four countries within the United Kingdom. This can be advantageous to both carers and young people where a young person wishes to return to the same or, another arrangement after they left their original "Staying Put" arrangement.

The term "Staying Put" (HMRC) is therefore used to define arrangements where:

- A young person was looked after immediately prior to their eighteenth birthday;
- The young person has a Pathway Plan;
- A proportion of the allowance paid to the "Staying Put" carer/s is paid by the Local Authority;
- "Staying Put" arrangements can extend until:
- The young person reaches their twenty-first birthday or

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- The young person completes the agreed programme of education or training being undertaken on their twenty-first birthday.

This broader HMRC definition allows for a young person to return to a Staying Put arrangement for example during a university vacation where all requirements above are met.

This definition can also mean that from the HMRC prospective any person can be defined as a Staying Put carer where the four criteria above are met. The carer does not need to be a registered foster carer or former foster carer. In circumstances where Children's Services define a person as a Staying Put carer by paying them an allowance, the local authority needs to ensure the safeguarding arrangements are appropriate to meet the young person's needs and that monitoring and support for the Staying Put carer is satisfactory.

HM Revenue and Customs (HMRC), Income Tax and National Insurance

The rules governing Income Tax and National Insurance issues for former foster carers changed on 6th April 2010 from "Adult Placement Care" arrangements to "Qualifying Care Relief Shared Lives Carers" arrangements. These rules extend the rules that apply to foster carers to Staying Put carers.

In order to qualify young people are required to share the Staying Put carer's home and daily family life during the arrangement i.e. live as a member of the carer's family.

Staying Put carers will be covered by the Qualifying Care Relief system where they provide an arrangement for a young person who was looked after immediately prior to their 18th birthday. This can continue until the young person reaches 21 or until they complete a programme of education or training. A young person below the age of 21 does not have to be engaged in education or training for the Qualifying Care Relief system to apply to their carers.

The Qualifying Care Relief system provides for Staying Put carers to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions.

The Income Tax free allowance consists of 2 elements:

- a fixed amount of £10,000 per Staying Put household per year
- an additional amount of £250 per week per young person aged 18-21

The tax free allowance is only available to households with 3 or fewer placements, however, foster care placements are excluded for this purpose and sibling groups are counted as 1 placement. Where there is more than one paid "Staying Put" carer in the household, the allowance is shared equally by both carers.

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The tax free allowance only applies to the Staying Put carer's income from caring. If they have income from other sources, they will pay tax on that income in the normal manner.

If the carer's income exceeds the allowance HMRC will treat the taxable profit from foster care or "Staying Put" care as earnings from self-employment for National Insurance Contributions purposes.

Staying Put carers may be able to claim Working Tax Credits as this is counted as "work" for this purpose. The carer's taxable income is included in the total household income that is used to assess the amount of tax credits they are entitled to. So where the carer is paid less than their tax free allowance, their income from caring for tax credits purposes is also nil.

HMRC is aware that a number of Staying Put carers may not have registered for Class 2 National Insurance Contributions because they make little or no taxable profit. Staying Put is deemed as self-employment and as such carers should register as self-employed. All self-employed people aged 16 and over who are below State Pension age are liable and must register to pay these contributions. However, self-employed carers may be able to apply for Carers Credits which have replaced Home Responsibilities Protection, and those with low taxable profits may be able to apply for a Small Earnings Exemption.

To claim a Carers Credit, Staying Put carers must complete form CF411A available from HMRC www.hmrc.gov.uk

If carers have not previously registered as self employed they can obtain further information by calling the Newly Self-employed Helpline on 0845 915 4515

HMRC Helpsheet (hs) 236 sets out information about the 'Shared Lives Carers' – 'Qualifying Care Relief Guidance' - Fostering and "Staying Put" Income Tax and National Insurance framework <http://www.hmrc.gov.uk/helpsheet/hs236.pdf> provides advice on income tax and national insurance for foster carers, kinship carers, staying put carers, adult placement carers and parent and child arrangements all of which are deemed 'Shared Lives Carers' who are eligible for Qualifying Care Relief www.hmrc.gov.uk

Appendix 2

Housing Benefit for Young People – Guidance

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

Where meals are provided within the “Staying Put” arrangement, the method used to calculate the level of Housing Benefit is the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements. The amount payable will be set by the Local Rent Officer who will provide a Local Reference Rent or a Claim Related Rent. The lowest of these will be used to work out the amount of help given with their rent, less an amount for meals.

Young People are able to claim Housing Benefit even when their “Staying Put” carer/s are in receipt of Housing Benefit themselves. However, where carers are in receipt of benefits themselves, the non-section 23C element of the overall allowance will be counted as income from the “Staying Put” arrangement; this non-section 23C element will be treated as income from a ‘Boarder’. Section 23C money is the element of the payment paid from the local authority fostering service; the non-section 23C portion is all of the other elements, some of these other elements may still be paid through the local authority fostering service, for example, where housing benefit for the young person is paid directly to the local authority. See section – ‘Section 23C Payments and Benefit Issues for “Staying Put” Carers’.

In circumstances where Housing Benefit is based on the maximum rent rules, it is possible to request a Pre-Tenancy Determination in advance of the Housing Benefit claim being submitted, in order to determine the level of Housing Benefit that will be paid on a given property. Pre-Tenancy Determinations are carried out by the Local Rent Officer.

Where Housing Benefit is paid under the 1996 Housing Benefit rules Children’s Services “Staying Put” Schemes can request that the Housing Benefit payments are paid directly to Children’s Services as agents (sometimes deemed a third party claim) of the carer/s. (See template letter appendix 3)

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

The standard letter (appendix 3) should be issued and signed by the Staying Put provider as evidence of the young person’s liability to pay rent and is used as the license agreement in circumstances where a young person is expected to claim Housing Benefit. The letter sets out the full costs of the arrangement broken down into rent; support; utilities; food/meals.

Appendix 3

Housing Benefit Claim Letter License to Occupy – License Agreement

"Staying Put" Carers Address:

Young Person (TENANT):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement ("Staying Put" Arrangement) – Excluded Licence The Staying Put carer is deemed the landlord

Name of Landlord Foster Carer/Staying Put Carer Agent for the Landlord West Sussex Children's Social Work Service

Dear Sir/Madam,

This letter is provided to confirm that (Add Full Name) was previously a foster care child placed in my household. (Add Full Name) has now reached the age of eighteen and will be remaining as an 'independent adult' in my house to complete his/her education or due to his or her vulnerability under a "Staying Put" arrangement. (Add Full Name) is liable for rent costs of £xx.00 per week excluding meals and utility charges. West Sussex Children's Social Work Service will continue to provide an allowance to meet the support costs of (Add Full Name). As (Add Full Name) is provided with meals and is a care leaver I understand (he/she) is eligible to claim Housing Benefit under the 1996 Housing Benefit maximum rent rules relating to 'Boarder' arrangements. As (Add Full Name) was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to West Sussex Children's Social Work Service as an agent of the carer/s. West Sussex Children's Social Work Service will continue to pay the carer/s the combined accommodation and support cost to avoid any disruption to the carer/s payments.

The payment should be made to West Sussex Children's Social Work Service, Reference Account Number 00000000, Sort Code . If you require any further information regarding payments please contact:

West Sussex Benefits Service Creditor Number is

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

Yours faithfully

SIGNED BY FOSTER CARER/STAYING PUT CARER

APPENDIX 4 - COUNCIL TAX, COUNCIL TAX SUPPORT AND NON-DEPENDENT DEDUCTIONS

From April 2013 Council Tax Benefit has been replaced by Council Tax Support schemes that reflect individual local authority priorities and are administered through local rules.

The impact of the "Staying Put" arrangement on "Staying Put" carers Council Tax and Council Tax Support will depend on both the circumstances of the "Staying Put" carer and the young person. For example, full time students are 'invisible' for Council Tax purposes and will not have any impact on the "Staying Put" carers Council Tax or Council Tax Support.

In circumstances where a "Staying Put" carer is working and in receipt of the 25% single person Council Tax reduction, this discount may continue when a "Staying Put" young person is living in the arrangement. The continuation of the 25% discount will depend on the circumstances of the young person.

Where "Staying Put" young people are claiming a means tested benefit, a Non-dependent Deduction should not be applied to the "Staying Put" carers own means tested benefit claim.

When planning for a "Staying Put" arrangement, consideration should be given to the impact of the arrangement on the "Staying Put" carers Council Tax, Council Tax Support and whether a Non-dependent Deduction will be applied. In circumstances where an increase in Council Tax occurs; a reduction in Council Tax Support applies, or a Non-dependent Deduction is applied an application should be made to the Service Manager for a payment from section 23C equivalent to the carer's financial loss.

"Staying Put" young people will not incur an 'Under Occupancy' or bedroom tax charge on the "Staying Put" carers.

WSSC Supported Lodgings Scheme
Living Together Arrangement

The following agreement should be completed in conjunction with all parties being aware of the provider placement guidance.

Staying Put Provider:	
Young Person:	
Personal Advisor:	
Child and Family Support Worker:	
Address of Placement:	
Date Placement Commenced:	
Date of placement agreement meeting:	

The following agreement is between the Staying Put provider and the young person The purpose of the staying put arrangement is to help develop the skills, gain confidence and move towards independence. The agreement will be supported by the Personal Advisor and Child and Family Support Worker.

..... will be expected to attend arranged placement reviews and accept the support/guidance from in seeking employment or education and independence skills.

The full cost of the Staying Put arrangement will be £..... per week, income will be £..... Local Housing Allowance is £..... After an assessment by the Personal Advisor and Child and Family Support worker, will be expected to contribute £..... per week.

..... contribution will be reviewed on a regular basis therefore all wage slips will need to be kept as these will be used to assess the contribution. Any increase or decrease in wages needs to be brought to the attention of the Personal Advisor.

Expectations of :

- You are responsible for your own bedroom, including keeping it clean and tidy, changing the bedding on a fortnightly basis, hovering/dusting, returning any crockery/cutlery to the kitchen and emptying the rubbish bin on a weekly basis.

Use of Television	Yes/No	
Use of DVD	Yes/No	
Use of Computer	Yes/No	
Front door key	Yes/No	£5.00 charge if key is lost
Bathroom	Yes/No	
Lounge	Yes/No	
Kitchen	Yes/No	
Dining Room	Yes/No	
Garden	Yes/No	
Smoking	Yes/No	Designated area
WiFi	Yes/No	
Main Meal	Yes/No will state if any meal is not required
Visitors	Yes/No	Must be left the placement bypm How many

Visitors in bedroom	Yes/No	How many, must be left the placement by..... pm
Washing Machine	Yes/No	Days for use:
Landline Phone	Yes/No	Any bill made without agreement must be paid
Alcohol	Yes/No	

- You will be expected to keep the noise to a minimum and will be responsible for his/her visitors invited into the property.
- You will replace, repair or recompense for any damage caused by yourself or any of your visitors.
- You will be expected to be considerate to any animals in the house and ensure they are kept safe and secure at all times. You will ask if you want to keep a pet.
- No illegal substances must be kept or used within the placement.
- You will respect the privacy and personal possessions belonging to the other members of the household.
- You will dress appropriately in the communal areas and knock all closed doors and wait to be invited to enter.
- You will assist with general housework and leave the living areas as you find them.
- If at any time the provider is worried about your safety you will accept that she/he has the right to enter your bedroom if it is felt to be necessary. Any other times will always be agreed between the both of you.
- The provider cannot enter into any financial contracts on your behalf eg phone contracts, credit cards etc. The provider must not lend or borrow money or cash cheques and cannot buy/sell any items on your behalf.

Staying out Times

The main residence for will mean he/she will need to sleep at the placement for a minimum of four nights a week (excluding holidays). Any overnight stays must be pre-arranged and agreed between and
 During weekdays (Sun/Thur) will return bypm
 During weekends (Fri/Sun) will return bypm

If has not returned by the time expected, this will be reported by to the Personal Advisor, Child and Family Support Worker or Out Of Hours Duty Social Worker. After hours will be reported as a missing person to the police.

Discussions between and are confidential however, there are exceptions when, by law, would have to tell someone.
 has a duty to inform the Personal Advisor and Child and Family Support Worker if there is any concerns about his/her safety and welfare.
 It is responsibility to report any serious illness/injury that requires medical attention, any crimes or involvement with the police, any allegations or complaints, any abuse or if moves out of placement.

A minimum of 28 days notice is usually required on either side if the placement is to come to an end.

There may be some circumstances when the placement can be terminated at short notice in the event of unacceptable behaviour, break in the terms of the agreement or if the household is at risk.

Supplementary House Rules:

-
-
-
-

Expectations of the placement from and

1.	
2.	
3.	
4.	
5.	

Next Placement Review:

Please sign to the terms recorded within this Living Together Agreement

	Signed	Date
SL Provider		
SL Provider		
Young Person		
Child and family Support Worker		
Personal Advisor		
