

Lambeth Staying Put Policy

2022



About this document

Title	Staying Put Policy
<u>Purpose</u>	To outline our ambition for our children looked after to remain in staying put placements and the planning and support and processes to achieve this ambition
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Introduction

It is Lambeth's ambition that as many of our young people as possible are able to remain with their foster carers in staying put arrangements beyond their 18th birthday. This will ensure stability and a close supportive network for our young people to thrive within. We know that young people are more likely to secure positive outcomes and successfully transition into adulthood by staying within a family environment.

Legal Framework

This policy should be read in conjunction with:

- [The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers](#) (Revised Jan 2015)
- [Staying Put: Arrangements for care leavers aged 18 and above to stay on with their former foster carers](#), which is joint guidance produced by the Department for Education (DfE), Department for Work and Pensions (DWP), and Her Majesty's Revenue and Customs (HMRC). This provides more detail relating to many of the financial aspects of Staying Put arrangements.

What is a Staying Put Arrangement?

Staying Put is about care leavers continuing to live with their foster carers when they reach the age of 18, as if they were a member of their family.

Staying Put arrangements are designed to give young people leaving care an experience of family life as close as possible to that of young people who have not been in care. Foster carers should care for any child placed with them as if they were a member of their family, and this expectation carries through into Staying Put arrangements. Families all have different rules, expectations and ways of doing things; Staying Put arrangements should take account of this and be flexible enough to be tailored to individual circumstances and needs.

An *eligible* child is someone who:

- is looked after by a local authority;
- is aged 16 or 17, and;
- has been looked after for a total of at least 13 weeks since the age of 14

These children are eligible for support as care leavers. At 18 an eligible child becomes a *former relevant* young person.

When a young person continues to live with their former foster carer after 18, it is known as a Staying Put arrangement. This arrangement continues until the young person becomes 25 if they continue to be in education, otherwise this arrangement ceases when they reach 21.

Local authorities have duties to monitor and support Staying Put arrangements, and these are reflected throughout this policy.

Government departments have differing approaches to defining Staying Put within the statutory framework applicable to their area of responsibility. The definition given above comes from the Children Act 1989 and is the one which gives local authorities a duty to monitor and support.

Guiding Principles

Staying Put arrangements are most effective when underpinned by clear principles. This practice guidance is based on the following principles:

Best interests

The best interests of the young person should be at the heart of decision making about Staying Put, enabling them to have the best possible opportunities to lead successful lives.

Support

Support to both carers and young people should be geared to their specific circumstances and needs. Carers should be supported to develop the skills required to best help the young person to do well in life and keep safe from harm. Young people should be equipped with the skills they need to live independently when they choose to do so.

Clear information

Foster carers and young people should be provided with clear information about the support available from local authorities and fostering services to help them to make choices about whether or not to enter into Staying Put arrangements. This will include information about financial arrangements and implications for benefits and tax.

Early planning

Early planning for Staying Put is crucial. This will ensure that arrangements are in place well before the young person's 18th birthday and ensure a smooth transition for the young person:

- Arrangements should be considered as part of the care and permanence planning process, from the time that a long term placement is planned (or any new placement is made of a young person aged 16+). Carers and young people should be informed that Staying Put is an option as part of the process of deciding that a foster placement will be permanent or long term
- Discussions should take place with the foster carer/parent to enable them to understand all the implications associated with a potential staying put arrangement.
- Decisions in principle about whether or not Staying Put is an option should be taken as early as possible in the placement, and written into the young person's pathway plan
- Discussion of Staying Put should take place at all statutory review meetings for young people aged 15 and above

Staying Put Placement Guidance - Living Together Agreements

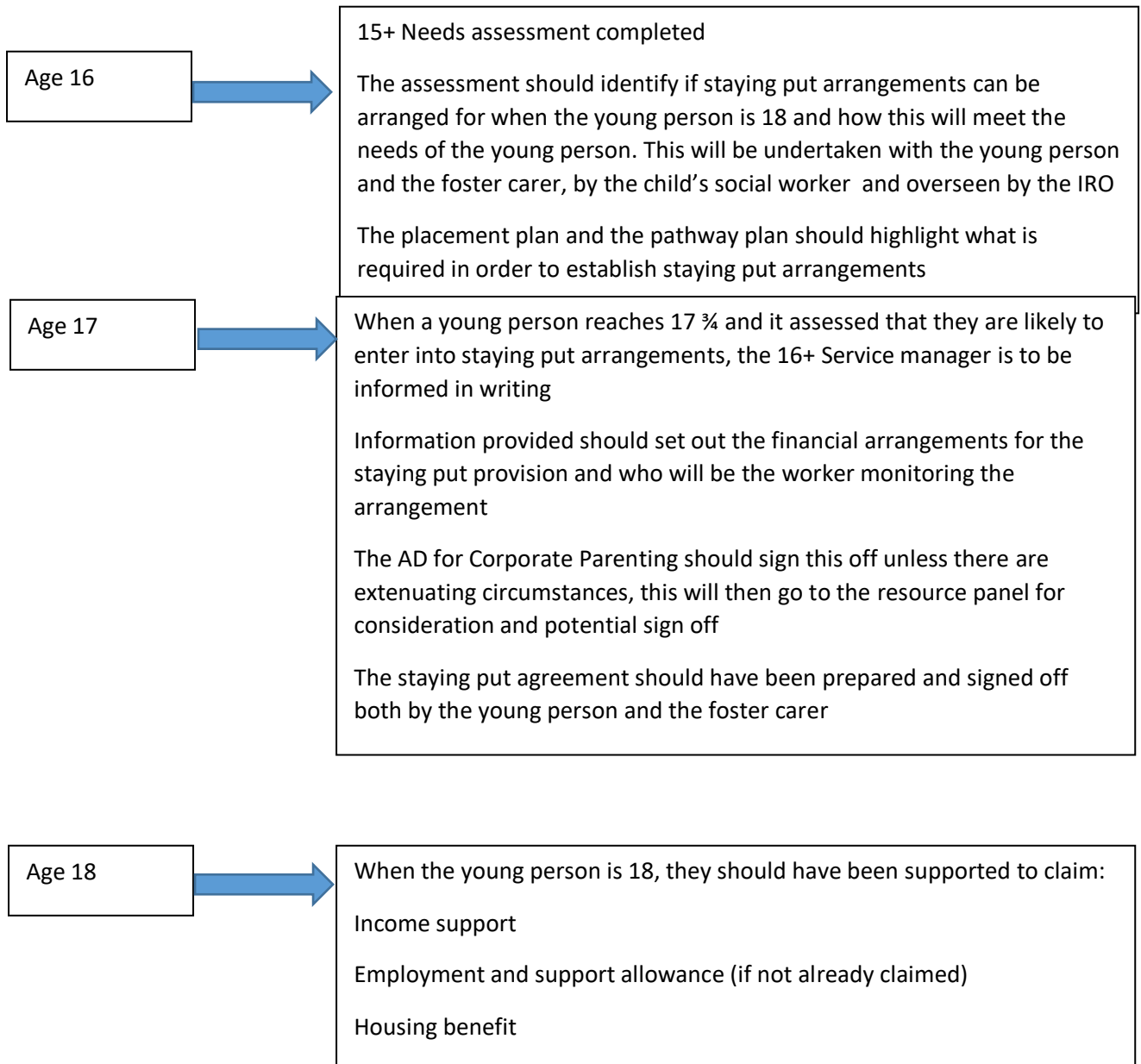
Young people, Staying Put carers, leaving care personal advisers and supervising social workers should meet to develop a 'Living Together Agreement' at least three months before the young person's 18th birthday. This agreement sets out expectations and clarify roles and responsibilities

Equality of opportunity

Staying Put arrangements should be the norm, not the exception. Fostering services – both local authority and independent - should do everything possible to ensure that all foster

carers have the opportunity to become Staying Put carers. This includes family and friends foster carers, also known as connected person. A young person's immigration or asylum status does not affect their entitlement to enter into a Staying Put arrangement.

Staying Put Arrangement Flowchart



Criteria for Staying Put arrangements

There are no eligibility criteria for entering into a Staying Put arrangement, other than the young person being an 'eligible child' for care leaver support. If the young person has been looked after for at least 13 weeks since the age of 14, and was a looked after child placed with a foster carer on the day before their 18th birthday, then continuing to live with their former foster carer creates a Staying Put arrangement. This applies whether the foster placement was long term or short term.

There is no reason to put foster carers through any sort of assessment or approval process to become Staying Put carers. However, foster carers should understand the difference between fostering a young person and supporting them as part of a Staying Put arrangement.

Arrangements for young people with a disability

A young person with a disability who meets the Fair Access to Care (FACS) criteria, will at the age of 18 convert (pending assessment) to an Adult Care Services placement known as Shared Lives, at which point case and financial responsibility transfers to Adult Services.

Further reading around the FACS criteria can be found here

<https://www.scie.org.uk/publications/guides/guide33/changing-scene/eligibility-criteria.asp>

Implications for Foster Carers

Fostering services need to ensure that carers are given clear information about how they will be supported with Staying Put arrangements, and how this may impact on them continuing to foster.

Becoming Staying Put carers only

Foster carers planning to become Staying Put carers should discuss with the fostering service whether or not they are going to continue fostering other children and young people in addition to being staying put carers. If they decide that they no longer wish to foster they need to submit their resignation, in which case their approval automatically ends 28 days after this is received by the fostering service. This is an opportunity for the fostering service to acknowledge and celebrate their contribution as foster carers. They will continue to support them as Staying Put carers.

Becoming Staying Put carers in addition to fostering

When foster carers wish to continue as both approved foster carers and staying put carers, the impact of the new arrangements will need to be considered. As an adult, the young person who is staying put will no longer be considered as a foster placement, and so the foster carer will be able to take another placement within any terms of their approval.

A review of the foster carer's approval should be undertaken before a Staying Put arrangement begins, to look at the change in the foster carer's circumstances. This will provide the opportunity to discuss the impact of the staying put arrangement on the role of the foster carer and to think carefully through all the implications of the change and how this may impact on future fostering placements during the staying put arrangement. The need for any further training or additional support needs should also be discussed. The review should be timed to allow for the fostering service's decision maker to consider its recommendations,

including any changes to terms of approval. This would take place as soon as the staying put arrangement is agreed.

Sometimes staying put carers are not able to take another foster placement whilst the young person remains living with them, but wish to remain approved as foster carers in order to resume fostering in the future. If the fostering service agrees that it is appropriate to continue approval then it must continue to meet the statutory requirements regardless of the fact that no child is placed. This includes regular visits by the supervising social worker (including an annual unannounced visit); reviews of approval; provision of training, advice, information and support; and support for continuing professional development.

DBS checks on young people

Since the young person who is staying put becomes an adult member of the foster carer's household, to comply with fostering regulations an enhanced disclosure must be obtained from the Disclosure and Barring Service (DBS), only if the foster carer continues to foster other children. Although this should not reveal anything of surprise to the fostering service or the carer, it should be handled sensitively, particularly with the young person. It is appropriate to obtain the enhanced disclosure before the young person becomes 18, so that it may be considered at the review of the foster carer's approval before the staying put arrangement begins.

For young people remaining with a Lambeth foster carer, the Lambeth Fostering Support Team will be responsible for carrying out these DBS. For young people remaining with their Independent Fostering Agency foster carer the agency will be responsible for carrying this out and the costs of this will be reimbursed by Lambeth Social Care, Access to Resources Team.

There is no requirement to seek further DBS disclosures, however fostering services have a policy of updating checks at regular intervals through the DBS update service. If this is the case the young person will need to agree to this if their staying put carer remains a foster carer. The foster carer will also be bound by their foster care agreement to notify the fostering service of any circumstances which might make their household unsuitable to foster other children during the staying put arrangement, which may include criminal offences committed by the young person who is staying put.

Preparation for a Staying Put Arrangement

Foster Carer

Supervising social workers should arrange a meeting to discuss the option of Staying Put at least six months before the foster child reaches their 16th birthday, this meeting should also include a worker from the 16+ team. At this meeting the process and the funding should be explained to the foster carer. The expectation is that young people can remain with the foster carer up to their 25th birthday and that the Foster Carer is preparing the young person fully for independence and supporting the young person in employment, education or training. The carer should be fully informed of the implications of agreeing to a Staying Put arrangement and identify the differences between caring for a child and supporting an adult. A helpful document has been produced to support carers in working with the young person to support their preparation for independent living, all foster carers should have a copy of this document prior to the young person they care for becoming 16 via their supervising social worker.

Although there is an expectation of a seamless transition and the maintenance of existing rules and household/family norms, carers will be supported to consider how they will

manage impending adulthood and the young person's expectation of greater independence. It is recognised that the foster carer knows the young person the best and this discussion will support the revision of any rules that may apply within their household.

If the foster carer does not wish to agree to a Staying Put arrangement then the supervising social worker will inform the young person's social worker and/or personal adviser. The reasons why a foster carer has chosen not to sign up to a Staying Put arrangement need to be clearly recorded and provided to the responsible service manager. This will allow for analysis of these, and consideration of any changes that need to be made to support foster carers in feeling better able to move to a Staying Put arrangement for the young people in their care.

Young Person

It is important that the possibility of Staying Put is not discussed with the young person until the foster carer has agreed that it is a possibility.

Assuming this, a meeting to discuss the option of Staying Put should be arranged with the young person by their social worker (supported by a personal adviser and/or transitions worker as appropriate) after the young person is 15 but before their 16th birthday. At this meeting the changes and process should be explained to them. The young person's social worker will inform the foster carer of the outcome of the discussion.

Following this meeting, the young person will have the opportunity to think about the options available for them and to consult with other professionals or family members should they wish to do so. They should be provided with written information and where possible linked with other young people who have benefitted from a Staying Put arrangement, who will be able to discuss the pros and cons of the arrangement from a young person's perspective.

Young people who say they do not want to remain in a Staying Put arrangement should have the opportunity to revisit this decision at any time, and as many times as they need to, before their 18th birthday, in discussion with their social worker, personal advisor and foster carer. Even where a young person may initially say they do not want to remain in a Staying Put arrangement, discussions need to be had with the young person's carers to ensure that if the young person changes their mind, arrangements are already in hand to ensure the smoothest transition possible for when the young person reaches the age of 18 years.

Late entrants to care

Where young people are placed aged 16+, discussion with the carer about Staying Put should be undertaken as part of agreeing the placement. Where the carer is in agreement, this can then be factored into the young person's pathway plan.

Professional Roles

All Staying Put arrangements will be supported by a personal advisor or social worker. In situations when the household continues to foster, a supervising social worker will remain allocated and should support the carer in their combined role as Staying Put carer and foster carer. At the final looked after child review, the independent reviewing officer (IRO) will ensure a discussion is held around staying put arrangements and check an agreement has been reached. The young person's social worker will then take forward agreed actions.

Supervising Social worker

The supervising social worker will support the foster carer throughout the Staying Put process but the young person's social worker will take forward the planning. A review will

take place, as part of the annual review process twelve months before the young person reaches their 18th birthday in relation to the staying put arrangement. Any recommendations will be taken to the fostering panel, by the young person's social worker, only if approval is required.

The supervising social worker will provide support through regular supervision and identify any additional training that may be required in order that the carer has the skills to support the young person prior to the young person's 18th birthday.

Young Person's Social worker, Personal Adviser

The social worker or personal advisor will support the young person throughout the Staying Put process, in keeping with leaving care legislation and guidance (<https://www.legislation.gov.uk/ukpga/2000/35/contents>).

They will assist the young person in applying for benefits and any bursaries/other income which the young person is entitled to claim. As above, they will be responsible for planning the staying put arrangements and decision to pursue the staying put arrangement.

The Placements Team

The Placements team will ensure that a copy of this policy is made available to independent Fostering Agencies (IFAs) at the time a foster placement is commissioned. There should be an explicit expectation that an IFA accepts the terms of this policy. The Placements team will also arrange for payments to be made to Staying Put carers.

Financial Issues

The funding of the Staying Put arrangement is derived from a number of sources:

- housing benefit – impact on carers tax and other benefits.
- the young person's personal contribution
- personalised budgets
- local authority looked after budget

The Staying Put payment to the foster carer is set at £250 per week, including if the young person is away during the term in further education. These payments will be reviewed annually.

Foster carers who live in Lambeth and undertake staying put arrangements will be exempt from council tax for the period of the staying put placement.

The young person is expected to make a financial contribution from their personal benefit allowance towards the cost of food and utilities. The actual amount should be agreed between young person and the carer before the Staying Put arrangement starts, incorporated into the Living Together Agreement, and reviewed either when circumstances change or at the pathway plan review.

It is important that arrangements are in place for as smooth a financial transition as possible because fostering allowances must end on the 18th birthday of the young person. The 16+ team will support in the completion of forms to apply for benefits.

Universal Credit and contact with Department of Work and Pensions.

Where a young person is working, they should be contributing an agreed percentage of their net earnings towards the household costs. Again this needs to be agreed between the carer and young person, with the support of the personal adviser.

Agreed contributions will be laid out in the Living Together Agreement. They should be reviewed at least annually, and earlier if there are significant changes, and should not be at a level that prevents the young person from saving. Contributions are paid by the young person directly to the carer.

All young people are required to claim housing benefit. In situations where young people are working part-time and do not claim a means tested personal benefit, they will still need to claim housing benefit. Earnings over £59.30 will result in a reduction of housing benefit which will need to be made up by a contribution by the young person.

If the carer is in receipt of means tested benefits and that income is reduced if a young person claims housing benefit, children's services will pay an amount to top up their income to the previous level.

If a young person has no recourse to public funds (NRPF) children's services will pay the equivalent of the Local Housing Allowance rate, provided that the young person is not in receipt of any income which could be taken into consideration.

Housing benefit should be paid directly to Staying Put carers (this element is taxable). Personal Advisers will help young people complete housing benefit applications and arrange for payments to be made to carers. This will be laid out in the Living Together Agreement. If a young person does not claim the benefits they are entitled to or pay their contribution, they will be in breach of their Living Together Agreement.

If for any reason housing benefit or young person's contribution is not made available to the carers they should call a meeting to review the Living Together Agreement. Children's services will compensate a carer for a young person's failure to pay their contribution or claim housing benefit for a period of three months from the start date of the arrangement, but cases will be looked at on an individual basis. During this time the carer should decide whether they wish to continue providing the accommodation if the young person continues to not pay.

Housing benefit is now determined by Local Housing Allowance Rates based upon the area in which the applicant lives and may change each month. However, these rates are fixed in the month of application until the end of the financial year. [The Valuation Office Agency provides an online calculator.](#)

The young person's housing benefit application should be made by the young person with support from their personal adviser. To ensure that there is a smooth process the application should be made 13 weeks prior to the young person's 18th birthday.

Carers receiving a Staying Put payment have a duty to inform the Local Authority of any changes in their circumstances that might affect the payment.

Independent Fostering Agency (IFA) Placements

Young people placed in Independent Fostering Agency placements will be considered against the same criteria as Lambeth foster carer placements. The IFA is not a formal party to the Staying Put arrangement. The financial arrangements for staying put are made

between the local authority and the carers in line with what a Lambeth foster carer receives. The IFA will not continue to receive a fee.

IFAs will be involved in planning for Staying Put through the planning meetings, professionals meetings and child care reviews described above. Lambeth expects that those representing the IFA at meetings and reviews will have the authority to agree with the decisions made by the carer and the young person in relation to Staying Put arrangements.

Once the decision is made by the young person and their carer to enter into a Staying Put arrangement, the IFA will be notified and asked to ensure that the carer formally notify the IFA of their change in circumstances. The IFA may continue to provide a supervising social worker where a child in care remains placed with the carers. In keeping with government good practice guidance, that same supervising social worker could provide support in the carer's Staying Put role.

It is expected that IFAs with whom the local authority commission placements will fully embrace the legislative and good practice guidance associated with the Staying Put initiative. A copy of this policy will be sent to the IFA at the point of commissioning a placement by the Placements team.

Benefits for Young People

Young people remaining in a Staying Put arrangement can claim means tested benefits for their personal needs from their 18th birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carer's maintenance allowance.

Personal advisers will be responsible for helping care leavers to understand their benefits, and will assist them using the [benefit adviser tool on www.gov.uk](https://www.gov.uk/benefit-adviser). As every case is different, this tool is vital in understanding the exact entitlement for any individual. Further benefits advice is available from the Citizens Advice Bureau.

Personal payments from Children's Services to young people and carers under section 17, section 20, section 23, section 24 and section 31 do not count as income for benefit purposes.

Income Tax and National Insurance Issues for Staying Put Arrangements

Income Tax

All foster carers and Staying Put carers must register with HMRC as self-employed.

The Simplified Tax Arrangements apply and Foster Carers and Adult Placement Carers will continue to be able to claim under their existing simplified tax arrangements. Full Tax details are provided in the HMRC help sheet 236.

The [Shared Lives - Qualifying Care Relief Guidance](#) sets out that Staying Put carers receive tax exemptions up to a given qualifying amount for each Staying Put young person living with them. The Staying Put qualifying rate mirrors the system and amounts that applied when the placement was previously a foster care placement.

The Staying Put exemption does not affect any income from other sources, for example, from employment or from investments. This income will be taxed in the normal way.

Staying Put carers as well as foster carers should note that they may be able to claim Working Tax Credit (WTC), administered by HMRC. Fostering and Staying Put care is counted as work for tax credit purposes. The carer's taxable income is used to assess the amount of tax credits that they are entitled to. So, where the carer receives less in Staying Put personal payments than the tax free allowance, their income from caring for WTC purposes is treated as nil, meaning they get the highest rate of WTC.

National Insurance

The same Class 4 National Insurance contributions apply as for fostering.

Health and Safety

The same health and safety principles including household and car insurance that applied under the Foster Placement will continue. The car must have a current MOT certificate.

Household Insurance

It is the responsibility of the Staying Put carer to inform their home insurance company they now have another adult living in the home under a Staying Put arrangement to ensure they are adequately covered.

Monitoring and Reviewing Arrangements

Planning for Staying Put Arrangements should be reviewed as part of looked after reviews prior to age 18, and in pathway plan reviews post-18. These should record what is working well in the arrangement, along with any difficulties and the agreed solutions to these.

An early review can be arranged by agreement between the young person, carers, personal advisor and independent reviewing officer (for young people who are still looked after).

Safeguarding Measures

The same safeguarding measures that apply under the foster placement will continue to apply to a Staying Put Arrangement.

Ending the Staying Put Arrangement

The Staying Put arrangement can be ended at any time before the young person reaches their 25th birthday for those in education (21 for those not in education), by either the young person or the carer by giving 28 days' notice.

If the young person wishes to remain with the carer post-25 for those in education (21 for those not in education) then it will become a private or informal arrangement, and no longer funded by the Local Authority.

If a planned move on from a Staying Put placement does not work, a return to the Staying Put arrangement may be in the young person's best interests. Subject to prior agreement, and within an appropriate timescale, a young person can return to their previous Staying Put household and the original payment arrangement will resume.

Staying put flowchart



Staying Put Flowchart

