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| London Borough Of Havering |
| Staying Put Policy |
| 2023 |

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# Document Control

## Sign off and ownership details

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## Equality & Health Impact Assessment record

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| --- | --- | --- |
| **1** | **Title of activity** | *Staying Put Policy*  |
| **2** | **Type of activity** | *Updating policy*  |
| **3** | **Scope of activity** | *Updating policy* |
| **4a** | **Are you changing, introducing a new, or removing a service, policy, strategy or function?** | No | If the answer to any of these questions is **‘YES’**, please continue to question **5**. | If the answer to all of the questions (4a, 4b & 4c) is **‘NO’**, please go to question **6**.  |
| **4b** | **Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?** | Yes/ No |
| **4c** | **Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people’s health and wellbeing?** | Yes / No |
| **5** | **If you answered YES:** | **Please complete the EqHIA in Section 2 of this document.** Please see Appendix 1 for Guidance. |
| **6** | **If you answered NO: (***Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.)**Please keep this checklist for your audit trail.* |  |

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# Introduction

## Purpose

The Children and Families Act 2014 introduced a duty on local authorities in England to advise, assist and support children in foster care to stay with their foster families when they reached 18, if both parties agree.The guidance directed Local Authorities to implement Staying Put policies that provide foster carers and young people with information and guidance on all aspects of continuing a young person’s care beyond their eighteenth birthday.

Staying Put arrangements should be considered for all children in foster care at the first statutory child in care review following the child’s sixteenth birthday, to explore if this could be an option for the individual young person once they reach the age of 18.

The aim of a Staying Put arrangement is to enable young people to remain with their former foster carer until they are more prepared for adulthood. So that care experienced young people can move onto independence at the right time more suited to their individual needs, reducing the likelihood of them experiencing some of the negative outcomes that care leavers are particularly at risk of.

## Policy summary

This policy and arrangements meet the requirements as set out in the following legislation:

**The Children Act 1989 / 2004 and Children Leaving Care Act 2000**. The main aims of which are:

1. To delay young people’s discharge from care until they are prepared and ready to leave.
2. To improve the assessment, preparation and planning for leaving care.
3. To provide better personal support for young people after leaving care.

**The Children and Young Persons Act 2008** (contains amendments to the 1989 Children Act).

1. No child should be made to feel that they should “leave care” before they are ready. The young person and professionals responsible for contributing to the plan 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.

**The Children and Families Act 2014**, section 98, places a duty on Local Authorities to offer ‘Staying Put’ arrangements.

**Care planning, Placements and Case Review (England) Regulation and Guidance 2010** Defines: “eligible “children and the support they should be provided with as that make the transition to adulthood

**Planning Transition to adulthood for Care Leavers (England) Regulations and Guidance 2010**: describes standards and checks which should be applied when planning and agreeing a Staying Put arrangement

**Fostering Service (England) Regulation 2011**: includes a requirement that each local authority have a Staying Put policy.

**National Minimum Standards (NMS) for Fostering Services (2011**): states that there should be a policy and practical arrangements which enables children to remain with their foster carer(s) into legal adulthood.

**Section 3 of the Children & Social work Act 2017**: which requires them to offer Personal advisor support to all care leavers towards whom the local authority have duties under section 23C of the Children Act 1889. Up to the age of 25 (When requested)-irrespective of whether they are engaged in education or training. This includes care leavers who return to the local authority at any point after the age of 21 and request leaving care support.

This policy should be read in conjunction with the HM Government Staying Put DFE, DWP and HMRC guidance published in May 2013, the Staying Put guidance as amended in the Transition guidance and the Preparation for Adulthood Policy.

## Scope

All young people placed with a foster carer continuously for 13 weeks prior to their eighteenth birthday who have an established relationship with their foster carers; in agreement with the young person, the foster carer and the social worker are eligible to be considered to receive continuing support from their foster carer(s) under a Staying Put arrangement. Provided they meet one of the following criteria;

* The arrangement would enable the Education, Employment or Training (EET) needs to be met (i.e. attending University), although not engaging in EET will not be sufficient on its own for not supporting a Staying Put arrangement
* The young person is vulnerable and needs a more supportive environment
* The carers have the right skills to offer the support required to enhance independent living skills
* The carers’ health and personal circumstances can support Staying Put arrangements.
* There are planned move on arrangements within an agreed timescale

Young people remaining with their foster carers beyond the age of 18 will be described as living in a Staying Put arrangement rather than living in a fostering placement. This is because once the young person is 18 and legally an adult the Local Authority is no longer making a placement for a child in care but facilitating an arrangement for the young adult.

Once in a Staying Put arrangement, the legal basis under which a young person occupies their former foster carer’s home changes and he or she has effectively become a “tenant” lodging in the Staying Put carer’s home. While “tenant” is a legal definition, it is crucial that young adults in “Staying Put” arrangements should not be treated differently to when they were in the same property as a child in a foster carer placement.

The purpose of the staying put arrangement is to develop skills which will enhance a smooth transition to adulthood. The actions, responsibilities and timescales identified as part of the arrangement and recorded in the Pathway Plan should be responded to by the staying put carers, leaving care worker, partner agencies and the young adult.

## Timescales

The young person, their Social Worker and Independent Reviewing Officer (IRO) will start to discuss planning towards independence, including the option of a Staying Put arrangement, before the young person reaches the age of 16. This should be undertaken as part of the pathway planning process and as part of the child in care reviews.

This wishes and feelings of the young person should be sought and acknowledged, and regularly reviewed as the young person progresses towards the age of 18.

The Supervising Social Worker will ascertain the Foster Carers’ view on the possibility of supporting such an arrangement should the young person request one and is likely to meet the criteria for a Staying Put arrangement. The Supervising Social Worker will provide advice and information on Staying Put arrangement including the expectation of the carer, their role and the financial implications.

It is important to note that not all young people will want to be part of a Staying Put arrangement and not all carers will want to facilitate this. All involved should be encouraged to be honest and open with their views regarding a Staying Put arrangement to avoid unnecessary disruption for a young person and to enable sufficient time for alternative plans to be made

.

## Aims, objectives and outcomes

**Stage One; Age 15 Years 9 Months to 17**

When the young person reaches the age of 15years, preparation for the Needs Assessment / Pathway plan will commence. This will involve the allocated social worker, the Independent Reviewing Officer (IRO), Virtual School and other involved professionals. At this meeting the appropriateness of the staying put arrangement as part of the young person’s longer term plan will be explored. The following questions should be addressed at this stage;

1. Are there indications that the key criteria for Staying Put will be met when the young person reaches the age of 18?
2. Have the young person and foster carer received the Staying Put information (including the financial implications) of the Staying Put arrangements?
3. If the young person is in an independent fostering agency (IFA) have the financial fees been made clear to the carer and the fostering agency?
4. Have the key professionals including the foster carer, supervising social worker, young person’s social worker, IRO, education and other key agencies from adults or mental health services (particularly were a Staying Put arrangement is being planned on the basis of assessment of vulnerability) been consulted with and provided with relevant information?
5. Is there an action plan identifying tasks responsibilities and timescales?
6. Have parallel plans been identified and developed to ensure alternative arrangements are in place to support the young person should a Staying Put arrangement not meet the criteria or not be viable for other reasons?

**Stage Two; Age 17–18 years**

Agreement to a Staying Put arrangement as the preferred plan should be requested before the young person’s eighteenth birthday. This should follow ongoing consultation with the young person and their foster carer and should be finalised in the child in care reviews and within the pathway plan. The young person’s pathway plan should set out all expectations as well as areas of responsibility that all parties to this arrangement are expected to fulfil.

A Staying Put professionals meeting should take place when the young person is 17years old to ensure that all practical issues and requirements are addressed prior to the young person reaching their eighteenth birthday. This will ensure a smooth transition to the Staying Put arrangement.

A Staying Put agreement will be developed and signed by the young person, carer, social worker and the leaving care worker. This agreement will include the expectation of the carer in developing independent skills of the young person in areas such as budgeting, cooking as well as outcomes in relation to education, training for employment.

Six weeks before the young person is 18 they should be supported to set up their benefits, including a claim for Housing Benefit. Young people will be referred to the Department of Work and Pensions (DWP) to help process their applications.

All young people should understand that a financial assessment will be undertaken to assess their financial contribution towards this arrangement (see next section). Any young person over 18 years old in employment / paid training will be expected to make a financial contribution towards their accommodation and bills if they meet the criteria. Post 18yrs old this arrangement will be reviewed at least every 6 months.

The pathway plan prior to the young person 18 birthday should be signed by the young person’s social worker, their manager, and other relevant partner agencies and be formally signed off at the young person’s final child in care review.

The young person will be allocated a leaving care worker who will support the allocated social worker through this period.

**Stage Three; Age 18**

At the age of 18, a young person’s benefits should already be applied for and they should be received six weeks after their eighteenth birthday. A tenancy agreement should be in place. Any back pay of housing related costs should be given to the Local Authority in line with the agreement.

The young person’s allocated leaving care worker, will support the young person access to support offered by partner agencies at The Cocoon such as DWP, Housing and Mental Health.

The young person should have an up to date Needs Assessment and Pathway Plan and the Staying Put Agreement which should be completed with and signed by the young person, the worker and the foster carer and evidenced on the child’s electronic case file.

**Stage Four; Post 18**

Care leavers may remain in their Staying Put arrangement up until their 21st birthday should they continue to meet the identified criteria. The leaving care team may wish to continue to support post 21 if it meets their individual needs, such as finishing the course of education. This would need to be identified and form part of their pathway plan. However, any such agreement would need to be supported by a detailed needs assessment in agreement with the carer. It is expected that most young adults will be ready to move to their own accommodation by the age of 21 (although this will be reviewed on an individual basis).

# Policy

### Payments and financial implications for young people

A staying put arrangement is not intended to change the way that young adults are cared for, although by law they will no longer be a child in care but a care experienced adult. The young adult will already have a Needs Assessment/Pathway Plan and this will continue throughout this arrangement. All young adults in staying put arrangements will have a financial assessment which will be reviewed at least every 6 months

From the young person’s eighteenth birthday, Staying Put carers are no longer expected to provide pocket money, a clothing allowance, a savings allowance or personal allowances element. The young person will now have an income of their own from either a salary, benefits or further education bursary/loan. In all situations, a financial assessment will be undertaken to ascertain the young person’s financial contribution towards this arrangement.

All young adults are expected to apply for housing benefit where eligible and this will be paid directly to the carer.

In addition the fostering Birthday and Christmas allowances will cease once the young person reaches the age of 21. Please refer to the leaving care local offer which covers all financial support offered to young adults in the Havering leaving care service.

**Young adults at university**

Any young adult attending university who wants to return to the carer’s home at weekends and holiday periods will need to have this arrangement discussed within the child in care review (prior to turning 18).

Individual circumstances will be considered and the Local Authority will pay a fee £75 towards weekend accommodation costs. This arrangement will be reviewed every three months.

**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 Shared Lives scheme can provide short or long term placements and/or respite. Former foster carers joining this scheme will 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.

# Payments and Financial Implications for Foster Carers

The local authority is committed to ensuring that carers are not financially disadvantaged in agreeing to support a Staying Put arrangement. However, it is likely that the source of their allowance will include contributions made by the young people through either benefits or wages. Where young people gain employment, a financial assessment will be undertaken and contributions from the local authority will reduce in line with an increase in contribution from the young person

The Staying Put payment of £200 per week (which is subject to review annually) will be paid to the carer by the Local Authority and Housing Benefit or if the child is not eligible the local authority will cover the housing element of £160 per week.

**Income Tax Issues (Qualifying Care Relief)**

As at April 2023 if a young adult was fostered before the age of 18, the Staying Put carer is entitled to foster carer tax relief of £10,000 per year, plus £250 per week for the young adult, in addition to their own tax fee allowance.

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.

**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.

**Council Tax**

Care Leavers are exempt from paying council tax when they turn 18 years old, up until the age of 25 years old. Further guidance and support can be found in our [Local Offer](https://familyserviceshub.havering.gov.uk/kb5/havering/directory/family.page?familychannel=9#:~:text=If%20you%20have%20been%20in,to%20services%20at%20this%20age)) in help applying for this exemption.

If a foster carer receives the single person’s discount this could be affected by having another adult in the household. Advice for this can be sought from the Benefits Advisor.

If the foster carer is going to be out-of-pocket with regards to the paying of Council Tax as a result of having a young person Staying Put with them, consideration can be given to London Borough of Havering financially compensating the carer for that additional expense. However, this would be in exceptional circumstances only.

**Rent**

The former foster carer is able to charge the young person who is Staying Put rent. Where the young person is not able to meet that rental payment from their own income, they would usually be eligible to claim Housing Benefit or Universal Credit (housing costs) to assist them to pay this rent.

The maximum amount of rent that would be met by Housing Benefit or 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 for young people eligible to claim benefits it can be a stressful situation for carers whilst they wait for rent money to be paid via benefits and that this may put some pressure on the proposed Staying Put arrangement.

Where required, the London Borough of Havering can pay a returnable advance payment to the Staying Put carer at the beginning of a new Staying Put arrangement. The amount of this payment will be a maximum of 6 weeks rental payments and is intended to ease any financial burden on the carer during the transition from a foster placement to a Staying Put arrangement. These arrangements will be reviewed at the end of the 6 weeks.

This advance payment will be repaid to the London Borough of Havering by the carer once the young person’s claim for Housing Benefit or Universal Credit housing costs has been processed. There is an expectation that the carer will take all reasonable steps to support the young person in making and maintaining their claim for Housing Benefit / Universal Credit, including chasing the claim at least weekly, with the benefit provider, until the claim is paid.

**Staying Put arrangements with Independent Fostering Agencies**

Requests to extend a placement for young people who are placed with Independent Fostering Agencies (IFA’s) will be considered in the same way as it would be for young people who are placed with the London Borough of Havering Foster Carers.

Planning is of paramount importance and should be completed through the use of the assessed need and stated in the pathway plan. This should further be agreed by the Independent Reviewing Officer of the young person and ratified by the Strategic Head of Service for Safeguarding and Corporate Parenting via the Havering Access to Resources Panel (HARP).

If Staying Put in an IFA is an option the social worker should explore this with the agency and the foster carer, this will need to include the financial implications.

If the arrangement is considered to be appropriate for Staying Put, the young person should pay rent and claim Housing Benefit / 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 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.

An independent fostering agency’s fees will not be paid beyond the young person’s 18th birthday. All carers working via an IFA will be paid directly by Havering as above. Agency fees will not be paid as the arrangement will be primarily between the young adult and the carer (tenancy agreement) and overseen by Havering’s Leaving Care team.

**Private Staying Put Arrangement**

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.

Havering Council 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, currently when the young person reaches their 21st birthday. Former carers may be eligible for the ‘Rent-a-Room’ tax relief.

**How will staying put affect fostering approval**

Havering fostering service would prefer for foster carers to remain approved as foster carers. However, to be a Staying Put carer, fostering approval is not required.

Before a Staying Put arrangement begins it is important to have a Foster Carers Annual Review that takes this into consideration. It is important that all carers fully understand the change in the arrangements. Staying Put arrangements do not have Supervising Social Workers allocated. All the support to the Staying Put arrangement will be via the Leaving Care Team.

If carers continue to foster alongside providing Staying Put support – a Supervising Social Worker will be provided to support the fostering aspect of the role.

# Written Agreement between Young Person, Foster Carer and Leaving Care Service

A Staying Put Agreement will be made between the young adult and the carer before the young person reaches the age of 18.

**This agreement will specify**

**General**

* The purpose and expected timescale for the Staying Put arrangement
* Names and contact details of the allocated workers and other involved professions (including next of kin)
* Any specific needs including health needs.
* Any household rules the carer wishes to clarify including visits by friends and partners and any need to inform the carer of whereabouts including staying away from the placement
* Behaviour expected in relation to younger children in the placement
* Arrangement for staying out for night/weekends and informing carer of movements
* The young adult’s requirement to have DBS

**Finance**

* The budgeting arrangement and particular financial details including benefits claims, banks accounts and savings. To be clear what the young person is responsible for i.e. phone bills, travel, clothing.
* The young adult’s requirement to apply for housing benefit (pre-18) and for this to be paid directly to the carer
* For the young adult to agree to undertake a financial assessment and to make appropriate payment toward living arrangements

The local authority is committed to ensuring that carers are not financially disadvantaged in agreeing to support a Staying Put arrangement. However, it is likely that the source of their allowance will include contributions made by the young people through the benefits or wages.

AS of April 2023 the Staying Put payment of **£200 per week** will be paid to the carer by the Local Authority and Housing Benefit will cover the housing element of £160 per week.

Please note; contributions by young people will be assessed following a financial assessment.

**Financial support for Staying put Arrangement**

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| --- | --- | --- |
|  | Amount in financial year ‘23-‘24 | Comments  |
| Staying Put Foster Carer Fee -payment by LA  | £200 per month | To be reviewed annually by the Local Authority |
| Rent Payment to Foster Carer  | £160 per month | Paid from Young Adults Housing BenefitWhere BH is still pending , LA will cover  |
| Weekend /holiday stay with Foster Carers  | £75 per week | To be reviewed every 3 months by the LA |

**Education, training and Reviews**

* The education or training arrangements and other key activates and support required for the young adult and what the carer will undertake
* The requirement for the carer to evidence the development of independent and life skills of the young adult as part of the arrangement.
* The carers will provide a report in preparation for the 3 or 6 monthly Pathway Plan Reviews in line with the agreed timescales for the individual young adult
* The arrangement for the young person and carer to make themselves available to meet with the allocated worker from the leaving care team at agreed times to include reviews and visits

**Ending of Staying Put Arrangements**

The Staying Put arrangement will remain in place until:

• The young person leaves the Staying Put arrangement; or

• The young person reaches their twenty-first birthday in line with current legislation.

Havering leaving care team will continue to support a young adult in a staying put arrangement beyond age 21 if this meets their individual needs, such as finishing their course of education. This will be assessed on an individual basis.

Havering leaving care team will seek to ensure that the end of a 'staying put' arrangement is not a 'cliff edge' for the young adult but a gradual transition to independent living. The arrangement will be regularly reviewed and the ending should be discussed at the outset and agreement given about how any wish by the carer or young adult to bring the arrangement to an end should be managed.

The allocated worker will discuss with the young adult their transition from such an arrangement to another type of accommodation and agree the type of support the young adult will require. These arrangements will be developed alongside joint protocols with the housing authority, setting out how access to social housing and the care leavers 'priority need' status will be discharged.

An excluded licensee (A person will be granted a protected licence -protected under the Protection from Eviction Act 1977 (PEA 1977)) where they do not have exclusive possession of the accommodation but that accommodation is self-contained accommodation (i.e. toilet, bathroom, cooking facilities within the accommodation). The young adult can be asked to leave the property by the Staying Put carer, who must give 'reasonable notice' i.e. a minimum of 28 days. In extreme circumstances it may be considered reasonable for the carer to give very short notice and ask the young adult to leave on the same day.

### Applicability

**Challenging decisions by local authority**

If a child or young adult 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 if under 18 years old or an advocate . They can also use the London Borough of Havering Council complaints procedure which can be found on the London Borough of Havering [website.](https://www.havering.gov.uk/complaints)

### Ownership and authorisation

Leaving Care Team

# Related documents

[**Leaving Care Local Offer**](https://familyserviceshub.havering.gov.uk/kb5/havering/directory/family.page?familychannel=9#:~:text=If%20you%20have%20been%20in,to%20services%20at%20this%20age))

# Dissemination and communication

# Monitoring and review

This Staying Put Policy will be reviewed in line with changes to any legislation and or guidance of every year.

# Further information