**Staying Put Policy**

This policy should be read in conjunction with the core procedure manual.

**1.****Introduction**

A Staying Put arrangement is where a [Former Relevant](http://trixresources.proceduresonline.com/nat_key/keywords/former_relev_young_peop.html)child, after ceasing to be [Looked After](http://trixresources.proceduresonline.com/nat_key/keywords/looked_after.html), remains in the former foster home where they were placed immediately before they ceased to be Looked After, beyond the age of 18.

It is the duty of the local authority:

To monitor the Staying Put arrangement; and

To provide advice, assistance and support to the Former Relevant child and the former foster parent with a view to maintaining the Staying Put arrangement (this must include financial support), until the child reaches the age of 21 (unless the local authority consider that the Staying Put arrangement is not consistent with the child’s welfare).

Note: Where a Staying Put arrangement is in place, the local authority, where appropriate, may consider delegating part of the [Personal Adviser](http://trixresources.proceduresonline.com/nat_key/keywords/personal_adviser.html)function to the foster carer.

**2.** **Purpose**

Each local authority is required to have a Staying Put Policy that sets out arrangements where-by the authority will promote the extension of foster care placements beyond a young person’s eighteenth birthday. In addition, this policy includes arrangements for Supported Lodgings to ensure that vulnerable care leavers and those in education receive continued support.

The policy sets out the conditions required for Staying Put to extend a former fostering arrangement beyond a young person’s eighteenth birthday, the associated financial implications, the social care requirements associated with extending former fostering arrangements and the consequential Income Tax, National Insurance and welfare benefit issues.

**3.** **Principles**

The Staying Put arrangement promotes the following:

To improve the assessment, preparation and planning for leaving care;

To provide better personal support for young people after leaving care;

To improve the financial arrangements for care leavers.

**3.1 Operational Principles**

Children, young people, their parents and carers should all be considered as individuals with particular needs;

Children and young people are entitled to protection from abuse, neglect and exploitation;

A young person’s age, sex, health, personality, race, culture and life experiences are all relevant to any consideration of needs and vulnerability and must be considered when planning or providing help;

Continuity of relationships is important, and attachments should be respected, sustained and developed;

Account will be taken of the young person’s wishes and feelings in any decisions affecting their lives;

There are unique advantages for children in experiencing normal family life in their own birth families and every effort should be made to preserve the child’s home and family links;

Carers are entitled to have appropriate information about any young person placed in their care, and have a duty to keep it confidential;

Carers need both practical resources and the experience of being valued if they are to give off their best;

Appropriate training should be provided for all carers;

There should be a mechanism for resolving differences in view of minor disputes;

Agencies have a responsibility to support placements which they have made;

Co-operation between organisations, departments and individuals is crucial in the provision of protection for vulnerable children and young people, and in ensuring proper use of available resources;

Staying Put arrangements are reviewed at regular and suitable intervals.

**4.** **Staying Put Policy**

**4.1 Eligibility**

The primary aim of Staying Put is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave foster care. However revised legislation identifies that those children who are in foster care have a right to request that they stay put until their 21st birthday. This policy is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational achievement and continuity is promoted, and that vulnerable young people can make a gradual transition from care to independence. Staying Put arrangements are considered on an individual basis following an assessment of their circumstances.

Staying Put arrangements are applicable to young people over the age of 18 who were previously in a foster placement. Staying Put arrangements apply to 18-21 year olds who are assessed as vulnerable and not yet ready to make the transition into independent living arrangements.

The Staying Put policy includes children with disabilities, for whom independence can be reached by the time they are 21. For those children with disabilities who are not ready for independent living, a Staying Put arrangement is not the best option, and in these cases, the young person will be referred to Adult Services at 17 so that other housing and support options such as Shared Lives can begin to be planned.

Funding for young people with disabilities who are eligible for Adult Services will remain within that directorate to avoid duplicating existing provision.

The plan for a disabled young person could mean that they live under a staying put agreement up to their 21st birthday, but like all young people’s plans, it will be reviewed regularly, and transitional arrangements on leaving the placement will be made.

The financial arrangements to support the young person’s placement will reflect their individual needs and their entitlement to benefits.

Criteria for a disabled young person:

The young person has an identified disability and is eligible for an Adult Social Care disability service. Within their Pathway Plan, the reasons for a disabled young person continuing to live with their carer under a staying put arrangement should consider the impact of the young person’s disability and why it would be in their interests to stay put;

The plan will look at the young person’s ability to learn the skills they need to make their next step and whether that requires a more supported or a more independent way of living. The young person, their carer and all those supporting the young person should be clear what their responsibilities are in supporting them in developing their living skills.

**4.2 Temporary Arrangements**

Young people may require an interim arrangement to allow for the transition to their own accommodation or other arrangements.

Interim arrangements will require prior planning as part of the pathway planning process and should be identified before the young person reaches 18.

**4.3 Procedure for extending placements**

For young people living in foster care, the first statutory review following the young person’s 16th birthday should consider whether a Staying Put placement may be an option. The young person’s [Pathway Plan](http://trixresources.proceduresonline.com/nat_key/keywords/pathway_plan.html) prior to the young person’s 16th birthday should identify the timescale required for them to move to independence and should be used as the framework for beginning to explore the following issues:

**4.3.1** **For the Young Person**

Is it likely that the young person wishes to remain Staying Put when they reach their 18th birthday;

Does the young person understand their financial and benefit responsibilities associated with remaining in a Staying Put arrangement;

What is the [Parallel Plan](http://trixresources.proceduresonline.com/nat_key/keywords/parallel_plan.html)for the young person should the Staying Put arrangement not be a viable option for both parties;

When carrying out an assessment of an [Eligible Young Person’s](http://trixresources.proceduresonline.com/nat_key/keywords/eligible_young_people.html)needs, the local authority must determine whether it would be appropriate to provide advice, assistance and support to facilitate a Staying Put arrangement. Where they determine that it would be appropriate, and where the young person and the local authority foster parent wish to make a Staying Put arrangement, then the local authority must provide such advice, assistance and support to facilitate a Staying Put arrangement.

**4.3.2 For the Foster Carer**

Does the foster carer/s understand the criteria for, and associated procedures for extending a foster placement into a Staying Put arrangement;

Does the foster carer/s understand the changes in their funding arrangements associated with a Staying Put arrangement;

Does the foster carer/s understand the impact of a Staying Put arrangement on their welfare benefit income and on their Income Tax And National Insurance responsibilities and liabilities.

**4.3.3 Agreements for Staying Put Arrangements**

Staying Put arrangements must be agreed by both the young person and the foster carers. Advice about the differences between a foster placement and a Staying Put arrangement should be given to the young person and carers by the 16+ Team and the Fostering Service, for both parties to make an informed decision about proceeding with the arrangement;

Agreement must be reached by the young person’s [Child in Care Review](https://newcastlechildcare.proceduresonline.com/local_keywords/lac_rev.html)at 17 ½ years to enable sufficient time for planning and support preparation.

To ensure enough time is available to make the necessary planning arrangements for extending a placement beyond a young person’s 18th birthday, a Care Team Meeting should take place as part of the pathway planning process no less than 6 months before their 18th birthday.

The Care Team Meeting should include the foster carer/s, fostering supervising social worker, 16 + team social worker and staying put social worker, and should establish whether a staying put arrangement is suitable and appropriate. The meeting should identify all key tasks, roles and responsibilities related to extending the fostering arrangement. The meeting should explore the impact of a Staying Put arrangement on the foster carers’ financial circumstances. The Staying Put arrangement should be reviewed at all subsequent Pathway Planning Review meetings.

**4.4 Monitoring and Review Arrangements**

Any proposed Staying Put Arrangements will be considered and discussed at the young person’s Child in Care Review prior to their 16th birthday. At this review, the [Pathway Plan](http://trixresources.proceduresonline.com/nat_key/keywords/pathway_plan.html)will be started. The first Pathway Plan must be completed within 3 months of the young person’s 16th birthday.

All subsequent reviews will be Pathway Plan Reviews and chaired by an [Independent Reviewing Officer (IRO)](http://trixresources.proceduresonline.com/nat_key/keywords/indep_reviewing_officer.html)until the young person reaches 18. Thereafter, Pathway Plans will be reviewed by the 16+ team manager.

It would be appropriate to invite the Staying Put supervising social worker to the review if staying put is an option.

A review can be arranged earlier if the need arises, and if agreed by the young person, carers, and the professionals involved.

The young person and carers can also access ongoing advice and support as needed from the 16+ Team social worker and the Staying Put supervising social worker.

Whilst fostering regulations no longer formally apply when a young person reaches the age of 18, the following standards should continue to govern the expectations of the Staying Put, if there are no other foster placements within the home:

* Yearly reviews of the carer/s;
* Annual Health and safety checks;
* Regular supervision from the allocated social worker;
* Undertaking any training needed as identified by the Staying Put Supervising Social worker;
* The health of the Staying Put carer will be explored during their annual Review and a Medical Health Assessment undertaken if deemed necessary by the Staying Put Supervising Social Worker.
* New [Disclosure and Barring Service (DBS)](http://trixresources.proceduresonline.com/nat_key/keywords/dis_barring_service.html)check every three years on all adult members of the household, regular visitors and children of the carers aged 18 and older (unless they register for the [Disclosure and Barring Service Update Service)](http://trixresources.proceduresonline.com/nat_key/keywords/dislosure_barring_update_service.html)**.**

If the former carer is going to continue to provide placements as a foster carer, the young person in the Staying Put arrangement will need to have a DBS check as they become an adult living in the home. This will require sensitive management and sensible negotiation. If the former carers are still registered as foster carers, the DBS checks will continue routinely.

**4.5 Professional Roles**

The allocated social worker/[Personal Advisor](http://trixresources.proceduresonline.com/nat_key/keywords/personal_adviser.html)will continue to provide support to the young person throughout the Staying Put process. They will complete [Pathway Plans](http://trixresources.proceduresonline.com/nat_key/keywords/pathway_plan.html) and support the young person within the new arrangement with the former foster carers. The 16+ Team will ensure that the young person understands the terms of the Staying Put agreement. This may include reinforcing what the young person is expected to purchase from their income maintenance or welfare benefits and/or supporting the young person to apply for relevant funding and benefits.

If other children are in placement, the supervising social worker will continue to provide support to the carer for those children. The Staying Put supervising social worker will support the carer to understand the nature of the Staying Put arrangement and their entitlement to funding and advise the carer about their changing role with the young person under the Staying Put arrangement. They will also monitor and review the placement.

**4.6 Financial Arrangements**

**4.6.1 Staying Put Allowances**

Payments to Foster Carers for Staying Put Arrangements are set out in the Fostering Services Scheme of Allowances, which is reviewed annually. These payments are to cover accommodation, support, utilities and all food costs. The young person will be responsible for the purchasing of clothing/travel passes and personal toiletries.

Young people are entitled to claim welfare benefits where appropriate. Exceptions to this are in relation to asylum seeker status.

In a situation where a young person is 18 and completing their final year of school or college, and is eligible for a Staying Put arrangement with their carer (i.e. after the academic year), the carer will continue to be paid the fostering fee and allowance until the end of the academic year, the Staying Put rate will then commence.

For young people who are engaging in an apprenticeship or traineeship or a part time job and earn in the region of £100 plus, the carer and the young person may wish to discuss contributions to their Staying Put carer. The discussion will need to involve the social worker. Any contributions made to the foster carer by the young person will be deducted from the weekly Staying Put fee payable to the carer.

For young people who are attending university away from home i.e. are staying in halls of residence or university accommodation, their foster carer can be paid a retainer fee as set out in the Fostering Services Scheme of Allowances. This is on condition that the young person is returning to the foster carer’s home during holidays and occasional weekends. This will be reviewed on a regular basis to ensure the young person is returning home and the room is retained for their benefit.

Further information about additional financial support to care leavers who attend higher education can be accessed through the 16+ team.

**4.6.2 Financial Arrangements for young people with disabilities:**

Payment to the foster carer will be in line with the payment to carers under the Shared Lives Scheme via Adult Services. This payment is currently paid to the carer by the fostering service and reclaimed from Adult Services.

The young person will be expected to claim full benefits including housing benefit;

In line with arrangements in Adults Services, the young person’s finances will be assessed, and they will be expected to contribute towards the costs of the placement. Further information on payments and contributions can be accessed via the Fostering Services Scheme of allowances.

**4.6.3 Income Tax and National Insurance Issues for Staying Put Arrangements**

Where young people remain living with their former foster carer/s under a Staying Put arrangement, the income tax and national insurance framework and liabilities that apply are set out in the new “Shared Lives Carers” Guidance.

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

The ‘Shared Lives’ - ‘Qualifying Care Relief Guidance’ sets out that Staying Put carers receive tax exemptions up to a given qualifying amount for each 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 Treatment of Benefits (23c Children Act 1989, Continuing functions in respect of former relevant children):

Where a young person remains living with their former foster carer after their 18th birthday and the child was looked after immediately prior to their 18th birthday and all the payment for the “Staying Put” arrangement comes from the local authority children’s services (from section 23c), the payment is disregarded in calculating the carers entitlement to welfare benefits.

The section 23c disregard only applies where a familial arrangement is in place, and the young person continues to live with their former foster carer and was looked after immediately prior to their 18th birthday;

Section 23c disregard is lost when a young person leaves the placement and is not covered if they return during vacations;

If any part of the payment comes from any source other than Section 23c, the disregard is lost.

Further DfE, DWP and HMRC guidance and information related to Staying Put arrangements can be found at:

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

**4.7 End of Placements**

Planning will be undertaken to ensure the young person can move on into suitable accommodation. This should be reviewed and planned accordingly within the Pathway Plan Review Meetings.

The Staying Put arrangements will end when the young person becomes 21 or when they have completed their relevant course as agreed within the young person’s [Pathway Plan](http://trixresources.proceduresonline.com/nat_key/keywords/pathway_plan.html).

The Staying Put arrangements can be ended before the young person's 21st birthday, by the young person or foster carer giving relevant notice. The licence agreement allows for the ending of the arrangement with 28 days’ notice or for a serious breach of the agreement. (See License agreement detailing process).