

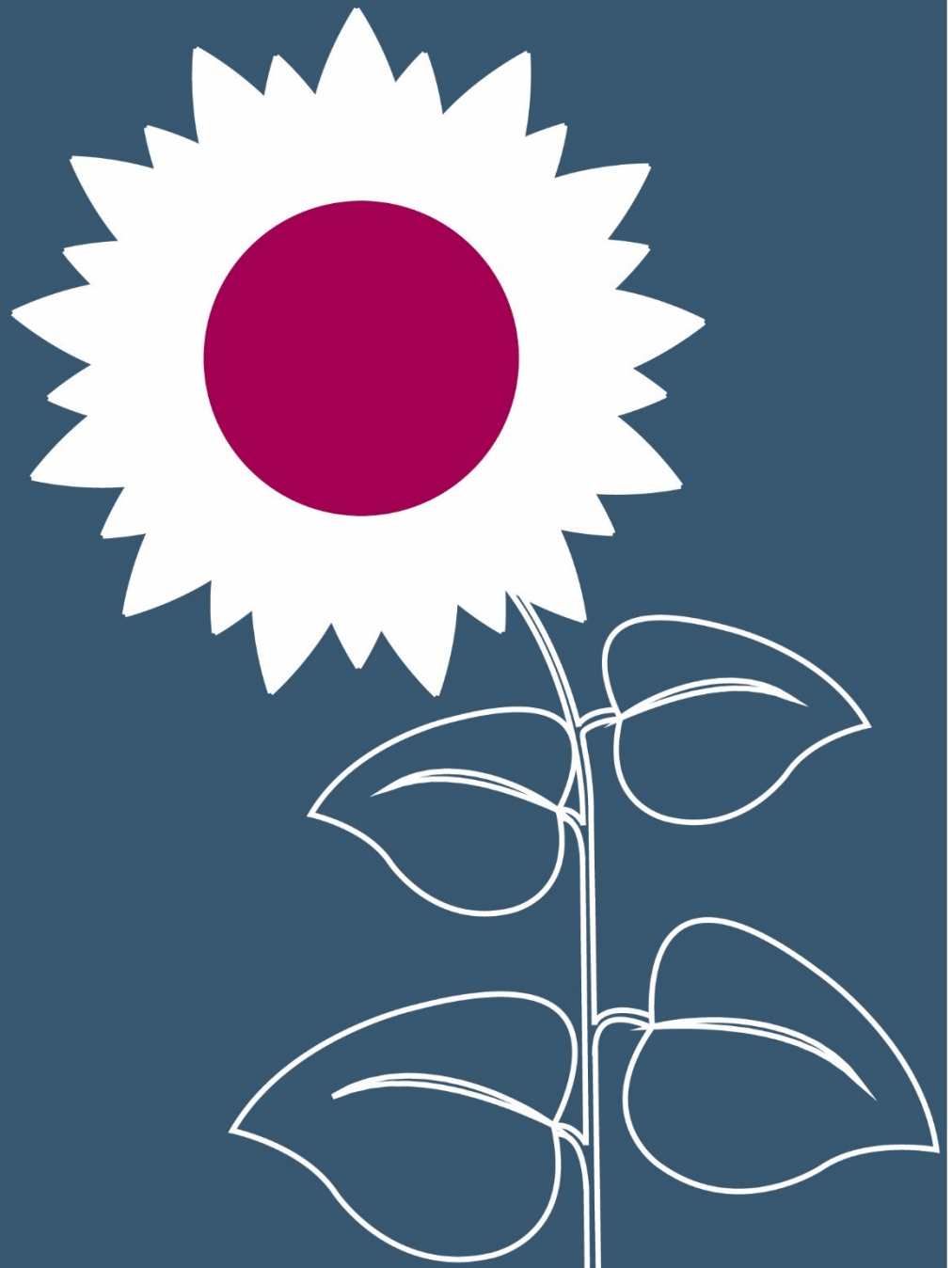


City of  
**Stoke-on-Trent**

# Staying Put Policy

Tri x 4\_8\_2 (June 2022)

Review June 2023



# Contents

1	Purpose .....	2
2	Eligibility .....	3
3	Staying Put: Specific Circumstances .....	3
3.1	Young People in Employment.....	3
3.3	Young People open to Adult Social Care .....	4
4	How to apply: Stoke-on-Trent foster carers.....	4
5	How to apply: Independent sector foster carers .....	5
6	Support.....	6
7	Finance and Payments.....	7
8	Tax implications due to contributions from young people .....	7
9	Termination of Staying Put Placements.....	7
10	Complaints .....	8

## 1 Purpose

- 1.1 Staying Put is an arrangement where young people in foster care, who have established relationships with their foster carers, are able to remain with these carers until the age of 21. Staying Put is one of the ways that Stoke-on-Trent aims to support care leavers to remain within a family setting. The other option is for young people to be supported by Supported Lodgings providers. Whilst Staying Put offers care leavers the opportunity to move onto independence at a time over which they have more control and which may be more suited to their needs, there are implications for foster carers who wish to change to becoming Staying Put carers. It is important that before any decision is made for young people to remain with their former carers post 18, that carers have a clear understanding of this impact. (See financial section of this policy).
- 1.2 This policy and arrangements meet the requirements as set out in the following legislation:
- *The Children Act 1989 and Children Leaving Care Act 2000. The main aims of both are:*
    1. To delay young people’s discharge from care until they are prepared
    2. and ready to leave.
    3. To improve the assessment, preparation and planning for leaving care.
    4. To provide better personal support for young people after leaving care.
  - *The Children Act 2004.*

- *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.

1.3 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.

## 2 Eligibility

2.1 All care leavers who have an established relationship with their foster carers and, in agreement with the young person, the foster carer and the social worker, where it is deemed in the young person’s best interests, can be considered for Staying Put. When a young person turns 18 they are no longer deemed to be children in care but are care leavers in post 18 accommodation. It will be expected that the young person is engaged in or pursuing education, training or employment (ETE) opportunities although not engaging in ETE will not be sufficient on its own for not supporting Staying Put arrangements.

## 3 Staying Put: Specific Circumstances

### 3.1 Young People in Employment

Where young people gain employment, a financial assessment will be undertaken once the young person’s salary reaches the living wage. The contribution from the local authority will reduce in line with an increase in contribution from the young person. Once the young person’s wage reaches £20,001 (adjusted for inflation) they will be responsible for the whole weekly amount.

£100 weekly allowance: When and what a Staying Put young person will pay as their income increases:

Annual Salary (£)	Council Pay (£)	Young Person Pay (£)	Total to Carer (£)
(#) Up to 14,370	100	0	100
14,371 to 16,000	80	20	100
16,001 to 17,000	60	40	100
17,001 to 18,000	40	60	100
18,001 to 20,000	20	80	100
20,001+	0	100	100

(#) Living wage (defined as the wage that can meet the basic needs to maintain a safe, decent standard of living within the community).

## 3.2 Young People in University

Attending university on a residential basis will not preclude a Staying Put arrangement. Consideration will be given to the circumstances of the young person and former foster carer in order to determine whether Staying Put or vacation accommodation is the most appropriate option of support. Consideration can also be given to retaining the current Staying Put placement for the young person should they wish to return from University for holiday periods.

## 3.3 Young People open to Adult Social Care

Where disabled young people meet the eligibility criteria for adult placement schemes, the possibility of their former foster carers becoming their adult placement carers should be considered, so that both the young person and foster carers transfer to an adult social care service.

# 4 How to apply: Stoke-on-Trent foster carers

- 4.1 The young person's social worker should notify the carer's supervising social worker of the proposal for a young person to remain with their foster carer. This should be notified no later than six months before the young person turns 18 and be included in their pathway plan. Ideally this should be included in the pathway plan from the young person's 16<sup>th</sup> birthday.
- 4.2 The supervising social worker will discuss the proposal with the foster carer and confirm their agreement to becoming a Staying Put carer. The carers will be provided with written details of the scheme (***Carers' Guide to 'Staying Put'***). Carers need to be advised to seek advice regarding the impact of Staying Put payments on their tax/benefits.
- 4.3 If the carer ceases to be a foster carer when the young person turns 18 (i.e. they do not intend to foster again) a DBS check should be completed if their current DBS expires during the Staying Put period. If the carer is to continue to foster then the young person turning 18 will need a DBS to be completed.
- 4.4 The foster carer will need to complete the Staying Put agreement to commence from the date of the young person's 18<sup>th</sup> birthday.
- 4.5 The young person's social worker or personal adviser (PA) from the Next Steps Team will assist the young person in applying for Housing Benefit as well as any other benefits to which they may be entitled.
- 4.6 The young person's social worker needs to forward a copy of the carer and young person's agreement, pathway plan and the finance application form to the Strategic Manager for Corporate Parenting or Service Manager, Next Steps for approval.
- 4.7 Once agreement has been obtained, the young person, their social worker, PA and Staying Put carer/s should meet to develop a Staying Put agreement prior to a young person's 18<sup>th</sup> birthday. The agreement should set out the expectations of all parties and clarify roles and responsibilities.

- 4.8 The agreement should cover:
1. Preparation for independence tasks;
  2. Finance, including young people having credit cards, loan agreement and mobile phone contracts registered at the address;
  3. Income and benefit claims;
  4. Friends and partners visiting and staying at the address;
  5. Staying away for nights/weekends and informing carers of movements;
  6. Education, training and employment activities;
  7. Health arrangements;
  8. Move-on arrangements;
  9. Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping.
- 4.9 If a care leaver (18 - 21 years) who has left a foster care placement wishes to subsequently return to that same carer, this should be notified to either the carer or the PA and this will be considered in the same way as any other Staying Put proposal (4.2 to 4.8).

## **5 How to apply: Independent sector foster carers**

- 5.1 Where the young person is placed with an Independent Fostering Agency, the young person's social worker should obtain the views of the young person and carers to the proposal and provide them with the written information. (Foster Carers' guide to 'Staying Put'). This should be notified no later than six months before the young person turns 18 and included in their pathway plan. Ideally this should be included in the pathway plan from the young person's 16th birthday.
- 5.2 The young person's social worker should notify the Placement Finding Team co-ordinator about the proposal.
- 5.3 The Placement Finding Team co-ordinator will liaise with the Fostering Agency to obtain their views about the proposal. No payments will be made to the agency for the arrangement. The rate of pay to independent sector carers will be the same as to Stoke-on-Trent's own carers. No additional funding will be provided for respite care.
- 5.4 When agreement is given to proceed, the young person's social worker will go through the guide for carers and have the Staying Put agreement signed. The young person's social worker must advise the carer to seek advice about the impact of payments on tax/benefits.
- 5.5 If the carers are to permanently cease fostering when the Staying Put arrangement commences, and their DBS expires during the period of the agreement, the young person's social worker will ensure that an enhanced DBS is completed before the expiry date. Where they will continue to foster, the young person's social worker will apply for a DBS for the young person.

- 5.6 Once agreement has been obtained, the young person, their social worker, PA and Staying Put carer/s should meet to develop a Staying Put agreement prior to a young person's 18<sup>th</sup> birthday. The agreement should set out the expectation of all parties and clarify roles and responsibilities. The agreement should be incorporated into the young person's Pathway Plan.
- 5.7 The agreement should cover:
1. Preparation for independence tasks;
  2. Finance, including young people having credit cards, loan agreement and mobile phone contracts registered at the address;
  3. Income and benefit claims;
  4. Friends and partners visiting and staying at the address;
  5. Staying away for nights/weekends and informing carers of movements;
  6. Education, training and employment activities;
  7. Health arrangements.
  8. Move-on arrangements;
  9. Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping.

## 6 Support

- 6.1 The PA will provide support to the young person as a minimum as per the statutory requirements. This includes bi-monthly visits unless the young person's wishes are that this does not happen.
- 6.2 Carers can be supported by their IFA but can request additional support or advice from Stoke-on-Trent. Whilst fostering regulations cease to apply for the Staying Put arrangement the following key standards will continue if the carers are to continue fostering:
- a. Annual review of the carers
  - b. Health and Safety checks
  - c. Support and advice
- 6.3 Where a carer will continue to foster for Stoke-on-Trent in addition to offering a Staying Put placement, the supervising social worker will undertake the Staying Put support role for that carer.
- 6.4 Carers will be able to access the fostering service training catalogue where training needs are identified.
- 6.5 In addition the placement will be monitored through the visits to the young person by the PA and during the pathway plan reviews to ensure it is meeting the young person's needs.

## 7 Finance and Payments

- 7.1 In recognising that from the age of 18 young people become adults and are therefore no longer under fostering regulations and that they are entitled to claim benefits in their own right, the following financial arrangements will apply:
- 7.2 The amount which will be paid to all carers, Stoke-on-Trent and independent carers will be £100 pounds per week.
- 7.3 The young person will also claim housing benefit (currently around £60 per week) which must be paid to the carer, unless agreement is reached otherwise. (When young people contribute to the Staying Put arrangement it becomes a commercial arrangement and has possible tax and benefit implications for the carer, particularly if carers are claiming means tested benefits)
- 7.4 Young people will be expected to claim their own benefits and make a contribution of £20 per week to the arrangement. This is to help them with budgeting and financial management in the future.
- 7.5 No additional allowances (such as birthday and festival payments) will be paid by the local authority to the carer for Staying Put arrangements.
- 7.6 If the changes from the fostering payment structure to the Staying Put financial arrangements significantly jeopardise what would be a Staying Put arrangement, then these arrangements will be considered as an exception, on a case by case basis by the relevant Strategic Manager for the leaving care service.

## 8 Tax implications due to contributions from young people

- 8.1 Whenever young people contribute to the Staying Put arrangements, the placement changes to a commercial arrangement where there may be income tax and benefits implications for the carer. All carers are urged to seek their own independent tax and benefits advice.
- 8.2 Any amount paid to carers from the local authority is disregarded in respect of their own benefits and tax. Any amount paid to the carers from the young people will be taken into account, particularly where carers receive some form of means tested benefits.

## 9 Termination of Staying Put Placements

- 9.1 The young person is able to remain with the carer under Staying Put arrangements until their 21st birthday.
- 9.2 Either the young person or carer may choose to end the Staying Put arrangement before this time. However, this should allow sufficient time for the young person to be supported in their transition to independence and where possible, it should be well planned.

- 9.3 Where the local authority has concerns that the Staying Put arrangement is not in the best interests of the young person, the PA will meet with the young person and if necessary, the carer, to discuss the concerns. If the concerns are not satisfactorily resolved, the local authority may decide to end the Staying Put arrangement.
- 9.4 Where the local authority cannot contact the young person or the Staying Put carer in order to determine whether the young person is still Staying Put and that the arrangement continues to meet the young person's needs for a period of three months or more, consideration will be undertaken by the Service Manager to end the Staying Put arrangement and the financial support.

## 10 Complaints

- 10.1 If the young person feels that their wish to remain with their former foster carer has not been taken into account by the local authority and they are not happy with the way that the local authority has acted, they may wish to speak to their Independent Reviewing Officer before they turn 18, they may wish to contact an advocacy service such as CGL or NYAS, or they may wish to use the local authority's complaints procedure.