

## Somerset Council Staying Put Policy and Procedures

Leaving Care Team Leader

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## 1. Introduction and Purpose

It is a requirement of the Children and Families Act 2014, with effect from 13 May 2014, that Local Authorities support former relevant care leavers to remain with the foster carer(s) with whom they were placed immediately before they ceased to be looked after if:

- both parties express a wish to enter into such an arrangement and
- the Local Authority has assessed the young person's needs and determines that it is appropriate and in their best interests.

They can do so until the age of 21, and beyond, so long as both conditions apply and if it meets their individual needs such as finishing a course of education.

However, where, in exceptional circumstances, the Local Authority considers that the Staying Put arrangement is not consistent with the welfare of the young person, the local authority is not under a duty to support the arrangement.

## 2. Legal Context

The Children Act 1989

Children and Families Act 2014

Children Act Guidance and Regulations, Volume 3: Planning Transition to Adulthood for Care Leavers

## 3. Eligibility

This policy applies to all young people who are subject of a Care Order or Section 20 accommodation and who are remaining, or likely to remain, in their substantive foster placement beyond their 18th birthday. This applies to all former relevant care leavers including those in higher education wishing to live and study at distance from the foster care's home during term time. An exception might be where the young person is eligible under the Fair Access to Services (FACs) criteria and the most appropriate arrangement is for an adult care placement under the Somerset Shared Lives Scheme.

## 4. Objectives

Somerset Council believes that enabling young people to 'Stay Put' until they are ready to move to independence is a key focus of corporate parenting and has devised the following policy to support young people who are looked after.

The aim of the Staying Put arrangement, giving the young person an extended period of support with their carer, is that they are more prepared for adult life and independence through:

- the development of the necessary independent living skills
- the development of emotional resilience, building self-esteem
- the development of financial capability and budgeting
- the establishment of positive relationships and social networks
- the ability to access and maintain education, training or employment opportunities and maximise their potential.

The arrangement is also intended to help the young person plan their move to suitable and sustainable accommodation when they are ready to do so.

## 5. Preparation and Planning for Staying Put

Discussions with all parties about whether Staying Put at 18 is the most appropriate option for the young person should start as early as possible, ideally before the young person reaches the age of 16. An early decision will enhance the young person's sense of stability and it will allow time to make the necessary arrangements for a secure and stable placement.

Prior to talking to the foster carer, the Social Worker should first consult with the Fostering Supervising Social Worker for in house foster carers or, for Independent Agency placements, the Manager of the agency. An agreement should be made about who the most appropriate person/people would be to talk to the foster carer, prior to mentioning to the young person, in case the carer(s) is/are not able or willing to consider it. The young person's Social Worker should then consult the young person, at an appropriate time. Leaving Care staff can assist in these discussions. It is important that Social Work, Fostering and Leaving Care staff work closely together throughout the planning of a proposed Staying Put arrangement.

This policy and / or the briefer Summary of Staying Put Arrangements should be given to the carer and the young person and any other relevant person. The young person should be made aware that they will need to agree to a DBS application being made for them, if there will continue to be younger foster children in the household.

If the outcome of the discussions is that Staying Put is the preferred plan, the proposal should be included in the Care and Pathway Planning processes and considered at the next statutory review.

If the recommendation of the review is that a Staying Put arrangement would be in the young person's best interests, the social worker should complete a staying put request form 6 months before the young person's 18<sup>th</sup> birthday and send it to the Operations Manager CLA and Leaving Care for authorisation.

If the young person is in an Agency Placement, the Home Team will need to be informed of the plan for staying put so they can contact the Fostering Agency and agree financial arrangements.

Each subsequent Children Looked After/Pathway Plan review must check the views of the young person and foster carer about the Staying Put plan and clarify the specific expectations of the young person, their social worker and the carer to enable the plan to be successful.

When a staying put arrangement is planned it will need to be included in the carer(s) annual review preceding the start of the arrangement. Their approval terms may need to be amended to reflect the proposed arrangement.

## 6. Support for the young person

Children in our care will have a Leaving Care Worker working alongside the social worker by the time a child is 17 ½ . Both the social worker and leaving care worker are responsible for planning with the young person and foster carer for adulthood at 18. At aged 18 the Leaving Care worker takes full responsibility from the child's social worker.

## 7. Support for and supervision of the foster carer(s)

If a foster placement transitions to a Staying Put arrangement, and the foster carer(s)/connected carers do not have any other foster or connected children or young people in placement, and do not wish to have any children or young people placed in the future, the carer(s) will be deregistered as foster carers. Deregistered foster/connected carers who support a Staying Put arrangement will continue to be offered support by a member of the Fostering Service throughout the duration of the

Staying Put arrangement. The frequency of support will be guided by the needs of the carer and will be agreed before the Staying Put arrangement commences. Agreed support can be reviewed and adjusted according to the needs and wishes of the carer, throughout the Staying Put Arrangement. The support may come from a Senior Social Work Assistant or a Fostering Supervising Social Worker.

The Staying Put carer(s) will be offered the training and support they need to ensure that they are able to continue to help the young person develop their independence skills.

While fostering regulations as a whole will no longer apply to the arrangement, key standards will continue to govern the expectations of the placement when the young person reaches the age of eighteen. These will be:

- Regular support and supervision from the fostering service , frequency as agreed
- Annual reviews – these will be chaired by an experienced member of the fostering service, of supervising social worker level or above.
- Annual unannounced visit.
- Health and Safety checks.
- Carer(s) participation in identified training opportunities.

Foster Carers who continue to accept other looked after children during the Staying Put arrangement or who commit to offering placements in the future, following the Staying Put arrangement ending, will continue to receive support and supervision from their allocated Supervising Social Worker at the usual level and frequency for Foster Carers.

## 8. Financial Arrangements

In all cases it is an expectation that young people will contribute towards the cost of their placement, as they would if they were living in a more independent setting. This contribution will come from their earnings if they are working. If they are not working, it is an expectation that they will claim all the benefits or education allowances they are entitled to in order to contribute. For those on a low income an application for housing costs through Universal Credit at the Local Housing Allowance rate should be made. A letter will be provided for the care leaver to make a claim by their Leaving Care worker.

There are some exceptions to the application of Local Housing Allowance. These are:

- When claiming this rate would take the young person above the benefits cap,
- When the young person is living with a close relative or sharing a room and do not qualifying for housing costs,
- When housing costs are already being claimed by the carer and a further claim would impact on their claim
- When the young person does not have an entitlement to claim benefits due to their immigration status)

If any of the above exemptions are in place the Leaving Care service will advise the best option to pursue.

Payments will normally be made directly to the young person who will be asked to set up a standing order/direct debit to Somerset Council. This protects the carer from any financial hardship if payments are interrupted or the young person struggles to manage their financial responsibilities.

If a young person needs additional support that qualifies them for Personal Independence Payments or a higher level of Universal Credit, they will be expected to use this funding to help meet the cost of their additional support needs. This could include transport, cleaning, additional support costs, specialist equipment or adaptations to the home, or to meet the cost of a specialist diet.

Carers will continue to receive their fostering fee and a fostering allowance which will be reduced to reflect that the young person as an adult will now be responsible for meeting some personal costs from their own income.

Arrangements with agency carers will reflect that of in house carers but they should speak directly with their agency to confirm financial arrangements.

The rent element of the Staying Put allowance, and any personal contribution by the young person need to be declared by the former foster carer(s) for tax and benefit purposes and will be counted as income. Information concerning the implications for former foster carer(s) for their tax and benefits can be obtained at:

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above> and advice may be sought via the Fostering Network.

Former foster carers considering / offering a Staying Put arrangement are advised that, as a result of their change of status, there may be financial implications for them, depending on their personal circumstances. They should inform and seek advice from the following:

- the Benefits Agency

- HMRC
- their household insurance company regarding premiums, cover and any additional requirements.
- their mortgage provider or landlord.

It is not intended that the former foster carer(s) will suffer a loss as a result of the Staying Put arrangement but there may be situations where that is a possibility. Examples where this may be the case would be if the carer was going to lose an entitlement to single persons discount for council tax or a reduction in means tested benefits, due to income received under Staying Put.

Such situations need to be considered by the Leaving Care service on a case-by-case basis.

No holiday payments will be made as part of Staying Put payments. It is an expectation that the former foster carer(s) will either encourage the young person to save towards the cost of a holiday, make other arrangements or allow the young person to remain in the family home for the duration of the time they are away. If the young person makes other arrangements, for longer than a two week period, the Staying Put Allowance may be adjusted for that period.

For in house carers the fee, in line with the Foster Carer's Progression Scheme, will continue to be paid. The allowance, fee and contribution made by the young person are expected to cover the full cost of: food, essential clothing, personal and household expenditure, telephone, family outings and activities, birthdays and festivals and travel in line with the Progression Scheme

The tables below summarise how finances will usually be organised for in-house foster carer(s):

**Staying Put Financial arrangements:**

<b>Finances</b>	<b>Payment from</b>	<b>Paid to</b>
<p><b>Fostering Fee</b> Up to date rates can be found here: <a href="http://fosteringinsomerset.org.uk">Fees and allowances explained (fosteringinsomerset.org.uk)</a></p>	Somerset Council	Staying Put provider
<p><b>Staying Put Allowance</b> (equal to the relevant 16+ allowance minus Universal Credit )  Up to date rates can be found here: <a href="http://fosteringinsomerset.org.uk">Fees and allowances explained (fosteringinsomerset.org.uk)</a></p>	Somerset Council	Staying Put Provider
<p><b>Housing Costs if applicable</b>  (The leaving care worker will help the young person to apply for benefits they may be entitled to. More information can be found here: <a href="http://somersetcareleavers.org.uk">Help with benefits – Somerset Leaving Care Local Offer (somersetcareleavers.org.uk)</a>)</p>	Universal Credit	Young Person
<p><b>Rent</b>  (This will be based on the Local Housing Allowance. This information will be recorded on your Living Together Arrangement)</p>	Young Person	Somerset Council
<p><b>Personal Contribution Utilities</b>  (Leaving Care will provide a recommended rate for this and the information will be recorded on your Living Together Arrangement)</p>	Young Person	Staying Put Provider
<p><b>Personal Contribution Food</b>  (Leaving Care will provide a recommended rate for this and the information will be recorded on your Living Together Arrangement)</p>	Young Person	Staying Put Provider



For young people at university away from the area, a Staying Put arrangement would be applicable if the plan was for the young person to spend 60% of their holiday time with the former foster carer(s). The foster carer(s) would continue to receive their fostering fee throughout the year and a Staying Put allowance calculated on the basis of 16+ fostering allowance, minus the contribution from the young person would be paid when the young person returns home during holiday periods. A retainer of £25.00 will be paid for the remainder of the year. The young person's contribution will need to be agreed on a case-by-case basis as their financial situations vary widely.

If the young person chooses to live at home while studying at university, they will still in most cases be able to apply for the living away from parents maintenance loan; and will therefore be expected to contribute from their student finances, to their Staying Put arrangement during term time. This will be based on the same arrangements as if they were in full time employment. They would not be expected to contribute during holiday periods as student finances are based on young people being able to return home during these periods.

There may be other circumstances where a young person is not living with the former foster carer full time, for example if they are travelling or if at residential college. As the need for on- going support to the young person will vary considerably depending on the circumstances, decisions about fees and retainers will be made on a case by case basis. It is important that agreement is sought from Somerset Council before any young person makes plans to stay away from their Staying Put arrangement for a period of time of above 2 weeks in duration or for 4 weeks or more over a 12 month period.

For foster carer(s) working for an independent fostering agency, all of the same principles will apply in relation to the payments to the carers and the contributions made by the young people. There is an expectation that consideration is given as to whether the fee to the agency may reduce as the support required for the carer reduces when the young person is an adult. Details of the proposed payments to the Agency as outlined by the Agency manager will need to be submitted to The Home Team and agreed by the Operational Manager CLA and Leaving Care.

## 9. Agreements

The change from foster child to young adult living with a former foster carer needs to be carefully and sensitively discussed, so that both carers and young people understand the nature of the arrangement and alterations in mutual expectations arising from the change.

At least two months before the arrangement is due to start, the Leaving Care Worker will arrange a meeting to discuss details of the Staying Put Arrangement and outline these in the placement planning form which should be shared with both the foster carer and young person. The Leaving Care Worker, Foster Carer and Young Person will attend the meeting and if appropriate the Supervising Social Worker and Young Person's Social Worker may also attend the meeting. At this meeting it will be agreed how the young person will be supported post 18 to develop the independence skills needed for adult life, how spending time away from the home will be managed, what the expectations will be as an adult living in the family, what financial responsibilities the young person will now have and what will still remain with the foster carer.

It is also important that the Living Together Agreement is signed by both the carer and young person before their 18<sup>th</sup> birthday. This document sets up the commercial arrangement required for housing costs to be claimed through Universal Credit. This does not give the young person rights as a tenant. The agreement states a requirement for the young person to pay rent as part of their Staying Put arrangement.

## 10. Safeguarding

Should safeguarding concerns arise for the young person, as they are over 18 years old, a referral to Adult Social Care should be considered in consultation with the young person's Leaving Care Worker.

Should the safeguarding concerns relate to the carers, the supervising social worker should be notified for further exploration. Consideration should be made for an Allegations Reporting Form to be submitted to the Local Authority Designated Officer if appropriate. Referrals to Children's Social Care should be considered for any children remaining with the foster carers.

## 11. Staying Put beyond 21

In certain circumstances it can be agreed for a young person to remain in staying put beyond 21. This is normally (but not always) linked to education. An example would be a university course extending beyond a young person's 21<sup>st</sup> birthday. In these circumstances financial arrangements will alter to reflect the growing independence of the young person as they move into adult life. The fostering fee will remain in place, and the Staying Put allowance will be reduced to reflect the financial independence that would be expected from an adult beyond 21. Where appropriate, the young person would be expected to continue to contribute financially to the

arrangement either via Universal Credit or through their wages. The Staying Put allowance will, post 21, aim to reflect the Local Housing Allowance for the local area. This will ensure that the Staying Put provider has the financial means to meet the additional costs of having a young person living in their home. The young person would be expected to fully meet all their personal costs including food.

## 12. Ending the Agreement

Either the young person or their former foster carer is able to bring the arrangement to an end before the young person reaches 21. If the Local Authority no longer regards the arrangement as being in the young person's best interests, it may withdraw support, but it does not have the legal power to bring the arrangement to an end.

Arrangements should be ended by three-way agreement with a one-month notice period. Exceptions to this notice expectation would be if the continuance of this arrangement posed a risk to anyone's safety or wellbeing.

As is the case in other families, ceasing to live together does not necessarily cut off ties and emotional and practical support. Carers under Staying Put will be helped to continue support for a young person in their new living arrangements for a period. Arrangements for this are agreed on a case-by-case basis, dependent on need.