

**STAYING PUT POLICY**

**V2.1 JANUARY 2022**

1. Introduction

The average age of leaving home is rising and the transition to adulthood is increasingly becoming more complex and elongated. The "Staying Put" policy framework requires Local Authorities/Trusts to set out local arrangements for extending foster placements as "Staying Put" arrangements in order to extend children/young people's transition to adulthood within a family and household supported environment. The intention being to ensure young people can remain with their former foster carers until they are prepared for adulthood, can experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown.

Birmingham Children's Trust ("the Trust") is committed to preventing social exclusion amongst care leavers and this Staying Put policy which will provide details as to how to ensure that they can continue to live with former foster carers after their 18th birthday and make the transition to independent living at a pace that suits their needs.

The term Staying Put Provider within this document refers to the former foster carer/s (whether approved by the Trust, another Local Authority/Trust or an Independent Agency) of the young person who has/have agreed to extend the offer of support to the young person past their 18th birthday on a Staying Put basis.

The policy sets out:

1. The process for changing a foster care placement beyond a young person's eighteenth birthday into a Staying Put arrangement;
2. The financial requirements and benefit issues for young people;
3. The financial rates and payment implications for Staying Put Providers;
4. The welfare benefit issues for Staying Put Providers;
5. The income tax and national insurance implications and issues for Staying Put Providers; and
6. The social care requirements and practical issues associated with the change to a Staying Put arrangement.

**The Policy was amended in January 2022 to provide guidance about "Staying Put" payments for young people who are undertaking basic training for the Armed Forces.**

2. Birmingham Children's Trust Staying Put Scheme

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 often experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave a familial and foster care household. The Trust Staying Put scheme is designed to ensure that young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted, and that all young people can make a gradual transition from care to independence or to an Adult Service. The scheme applies to both Birmingham Children's Trust and external foster carers.

1. **Staying Put** - A foster care placement can be changed from the young person's 18th birthday to a Staying Put arrangement. During this period the Trust will pay the Staying Put Provider a Staying Put fee in line with the financial policy. All other fostering related fees and allowances (i.e. carer fees, birthday allowances, holiday allowances, clothing allowances etc.) will cease to be paid;
2. The young person is expected to claim means tested benefits, or have earnings from employment. If the young person is not entitled to claim benefits by virtue of being in full time education the Trust will pay the equivalent of the benefits personal allowance to the young person. The young person is expected to pay a contribution to the Staying Put Provider to cover rent and household expenses (which is equivalent to 15% of their income);
3. The Staying Put Arrangement is in place until the Young Person is 21 years old or 25 years (see point 6) with regular 6-monthly reviews). The Staying Put Provider must give adequate notice to end the “Staying Put” Arrangement. However where there are issues of personal safety or concern for the Staying Put Provider immediate notice can be given. You can access further information from [**Shelter's website**](https://england.shelter.org.uk/housing_advice/housing_for_young_people/help_and_housing_for_care_leavers);
4. Where young people are awaiting the allocation of social housing it is expected that this will be achieved by their 19th birthday. The Staying Put arrangement will cease when the young person moves into social housing;
5. Where young people have a disability that has been assessed as meeting the criteria for a service from Adult Services, the placement should be converted to a Shared Lives/Adult Placement arrangement by the young person's 18th birthday. Planning for this (as part of pathway planning) should start before the child's 16th birthday. Where it remains a staying put arrangement, there needs to be clarity between the Staying Put payment for standard living costs and any community care/ direct payment based on adult social care assessed needs;
6. A young person may remain in a Staying Put arrangement beyond their 21st birthday whilst attending full time education. By agreement, and based on assessed needs, it can continue until the conclusion of the course or until the young person's 25th birthday, whichever occurs first;
7. Where young people leave a Staying Put arrangement to attend full time education the Staying Put fee will not be paid while they are at university. However if they return to their Staying Put household during the Christmas, Easter or Summer holidays the Staying Put fee will be paid. If however the young person is returning regularly as they have no family to go to and consider their Staying Put Provider their family on an assessed basis payment of the fee shall be considered. This should be set out in the young person's Pathway Plan prior to the young person commencing their university course;
8. Where young people join the armed services, the Staying Put host will be paid 25% of the allowance whilst the young person completes their initial phase 1 basic training. The basic training period ranges from 10 – 24 weeks depending on which armed service the young person joins. This is an acknowledgement that within the period of basic training, the young person may decide not to pursue a career within the Armed Forces and may wish to return to the home of the Staying Put host, whilst they plan their future education, employment or training.

During the basic training, an additional pro-rata payment will be made for periods of leave spent with their 'Staying Put' carer.  The combination of the retainer and pro-rata payment must not exceed the value of the weekly staying put allowance in this initial period of basic training, which will be specific to the armed forces and range from 10-24 weeks.

After the basic phase 1 training ends, a retainer will not be paid. However, where a young person's room has been kept exclusively for their use, and the young person returns to stay at weekend or during a period of leave, the Staying Put host will be paid their full allowance pro-rata for the period of the stay and up to the 21st Birthday.

3. **Changing Status – Foster Care Placement to Staying Put Arrangement**

From the age of 18 young people are no longer 'in care' or 'looked after' and therefore fostering arrangements (including all fostering payments and allowances) and legislation relating to children placed with foster carers no longer applies. In circumstances where a young person remains with their former foster carer/s after their 18th birthday, the arrangement should therefore be deemed a Staying Put arrangement. The term 'arrangement' should be used rather than placement; the term 'placement' denotes a situation where the Local Authority/Trust arranged and placed the child with a foster carer. Once the child reaches the age of 18 and legal adulthood, the Trust is no longer making a placement, but facilitating a Staying Put arrangement for the young person.

Following a young person's 18th birthday, the legal basis on which they occupy the property (former foster home) changes: the former foster carer becomes the young person's Staying Put Provider, and the young person is effectively lodging in the Staying Put Provider's home (as an 'excluded licensee'). Whilst the term 'excluded licensee' is a legal one, it should not denote that the young person will not be provided with adequate support as their needs require.

The associated change from foster child to adult member of the household, and for the carer from foster carer to Staying Put Provider should be carefully and sensitively planned in order to ensure that both young people and carers understand the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

Foster carers are under no obligation to enter into a staying put nor are young people obliged to agree to one, once they have reached 18. These potential arrangements should be discussed by both parties during the pathway planning process which will start from the age of 15 and half, well before the young person reaches 18. The agreed way forward should be reflected in the pathway plan.

There should always be a parallel Housing/Accommodation Plan for the young person. This should include an application to BCC Housing Department at the same time as considering a Staying Put Arrangement.

While a Staying Put arrangement is in place the young person can be asked to leave the property by the Staying Put Provider, who must give 'reasonable notice'. The Staying Put Provider must give adequate notice to end the "Staying Put" Arrangement. However where there are issues of Personal Safety or concern for the Staying Put Provider immediate notice can be given.

4. Further information

Tri.x Guidance:

Tri.x Chapters – Leaving Care & Transition; Staying Put Arrangements

[Care Leavers Financial Support Arrangements](https://proceduresonline.com/trixcms2/birminghamcs/doc-library#collapse15)

[Staying Put Living Together Agreement Template](https://proceduresonline.com/trixcms2/birminghamcs/doc-library%22%20%5Cl%20%22collapse15)

National guidance:

[Staying Put - Arrangements for Care Leavers Aged 18 and Above to Stay on With Their Former Foster Carers - Government Guidance issued by the DfE, DWP](https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above)

 [HMRC (2013); The Children Act 1989 Guidance and Regulations - Volume 3: Planning Transition to Adulthood for Care Leavers](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf).

[Children Act 1989: transition to adulthood for care leavers](https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers)