

Children's Services Staying Put Policy

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Approved by

Tina Benjamin

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About this document

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Intended Audience

This document has been issued to the following people for Review (R) Information (I) and Review and Sign off (S).

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Contents

Contents

About this document.....	2
1. Introduction	4
2. Legal Framework and Definition	4
3. Guiding Principles	5
4. Planning.....	5
5. Monitoring and Reviewing	7
6. Professional Roles.....	7
7. Safeguarding Measures.....	8
8. Funding.....	8
9. Income Tax and National Insurance	9
10. Insurance.....	10
11. Liability to Pay Rent and Eviction Process	10
12. Ending the Staying Put Arrangement.....	10

1. Introduction

Surrey County Council recognises the importance of supporting stable and loving homes for children and young people in foster care. Staying Put arrangements, provide the option for young people in foster care to remain with their former foster carer(s) when they reach their 18th birthday, allowing continuity and stability.

The purpose of this policy is to outline eligibility, planning and review protocols and financial implications of Staying Put arrangements. It is applicable to all young people who were previously eligible children living in foster care, and who were Looked After immediately prior to their 18th birthday. It should be read in conjunction with Surrey County Council's [Care Leavers Local Offer](#).

Young people placed in independent fostering agency arrangements will be considered against the same criteria as Surrey foster care placements. Surrey County Council will ensure that the process as detailed within this policy involves the independent fostering agency at all key stages. It is expected that independent fostering agencies that Surrey County Council commission arrangements with, will fully embrace the legislative and good practice guidance associated with the staying put initiative, as will their foster carer(s).

If a young person has a disability and will need to be supported by the transition team and/or adult services post-18, then a Shared Lives placement assessment will be needed. All aspects of this policy are still applicable and upheld in these circumstances.

2. Legal Framework and Definition

Staying put arrangements should replicate as far as possible a 'normal family life'. The foster carer(s) are required to care for any child or young person placed with them as though they were a member of their family, this expectation carries through into Staying Put arrangements. All families have different rules, expectations and ways of doing things. Considering this, Staying Put arrangements should be sufficiently flexible to be tailored to individual circumstances and needs.

A Staying Put arrangement remains in place until a young person's 21st birthday or they choose to leave the household, whichever comes first. If a young person is still completing an agreed programme of education when they turn 21 years old, the arrangement will extend until this is completed.

This policy builds upon the statutory guidance on Staying Put which is contained in the [January 2015 revision of the Children's Care Act 1989 Guidance and Regulations Volume 3](#). Planning transition and adulthood for Care Leavers should be read in conjunction with the statutory guidance.

It is also supported by '[Staying Put arrangements for Care Leavers aged 18-years and above to stay with their foster carer\(s\)](#)'. This is a joint guidance produced by the Department for Education, Department for Work and Pensions and Her Majesty's Revenue and Customs.

Surrey County Council as a local authority has a significant statutory obligation to:

- Monitor and support Staying Put arrangements;
- Support its Care Leavers to decide whether to participate in a Staying Put arrangement.

3. Guiding Principles

Staying Put arrangements will be most effective when underpinned by clear principles as detailed within the practice guidance below:

Best interests - The best interests of the young person should be at the heart of decisions.

Recruitment of foster carers - Foster carers are recruited to care for children and young people with permanency, until they are 21-years old. There will be clarity of this expectation from the point of initial application. Financial implications will be explained from the outset.

Support - Foster carers and young people will be provided with individualised support, with a focus on the development of independent living skills for the young person.

Clear information - Foster carers and young people should be provided with clear information regarding the support available from Surrey County Council and its Fostering Service. This is a joint responsibility of the Independent Reviewing Officer at reviews, the social worker for the young person and fostering social worker. Foster carers will be able to access training on Staying Put opportunities and other accommodation options.

Early planning - Arrangements should be considered as part of the care planning process and from the time that permanency planning is undertaken. Decisions in principle about whether Staying Put is an option should take place with the young person and their foster carer(s) and allow consideration of all implications, expectations and requirements or to identify alternative placements should a Staying Put arrangement be identified as not viable. This discussion and decision should be clearly recorded on the young person's pathway plan and care plan and reviewed at each subsequent review meeting. By the time that the young person turns 17 ½-years old, there must be a planning meeting to finalise arrangements.

Equal opportunities - To maximise the opportunity for young people to participate in Staying Put arrangements, both local authorities and agencies, should carry out everything possible to ensure all foster carers have equal opportunities to become Staying Put carers.

Flexibility - Arrangements should be sufficiently flexible to recognise that the relationship between a foster carer and young person will not always end at 21-years old or when a Staying Put arrangement ends.

4. Planning

Discussions about Staying Put arrangements should begin with the foster carer(s) and the young person as early as possible. Formally, any Staying Put arrangements should be identified within the pathway plan completed after the young person's 16th birthday and the young person should be provided with a guide outlining this information.

No later than the first Children in Care review after the young person turns 16-years old, a scoping meeting, coordinated by the young person's social worker and chaired by the fostering social worker should take place with the foster carer(s) in attendance to establish the following:

- The viability, appropriateness and likelihood of a Staying Put arrangement occurring and any potential barriers to success

- The key tasks, roles and responsibilities related to extending the young person's fostering placement
- The impact on the foster carer(s) financial circumstances, should the placement transform into a Staying Put arrangement
- The expectation that the carer will prepare the young person for independence and ensure they are accessing education, training and/or employment opportunities
- The difference between caring for a child or young person and supporting an adult

Should it be decided during this meeting that a Staying Put arrangement is not viable, the social worker will need to explore other options and meet with the young person to discuss these and incorporate an alternative into their pathway plan. A needs led assessment will then need to be carried out and a plan formulated to support the young person to develop the skills required to move on to semi-independent or independent living, this will be reviewed on an ongoing basis.

However, should it be agreed that a Staying Put arrangement is viable, the young person's social worker must explore the expectations and requirements of this with them and gain their thoughts and feelings. If the young person agrees to enter a Staying Put arrangement, this will be written into their pathway plan, and the appropriate support will be provided to prepare them and their foster carer(s). However, should the young person choose not to proceed and look at alternative accommodation then this will be written into their pathway plan and the appropriate support will be provided. The possibility and practicalities of a Staying Put arrangement should be discussed in every statutory care and pathway plan meeting to address any changes from the perspective of the foster carer(s) and/or young person.

Following on from the first Children in Care review after the young person turns 17-years old, a Staying Put Meeting should be held with the social worker, young person, personal advisor and Staying Put carer. At this meeting the Staying Put Agreement should be completed and signed by all parties. The pathway plan should then be updated with the practicalities and ground rules of the arrangement, including what will be done to support the young person to develop the necessary skills to prepare for independent living, including:

Relationships - Getting on with neighbours, understanding acceptable and unacceptable behaviour and when and how to communicate with relevant professionals.

Emotional Resilience - Managing isolation, where to go for support and building self-esteem.

Finance and budgeting - Opening a bank account, safe borrowing and managing debt, understanding basic finance products, benefits, welfare, reform, budgeting for priority bills, household appliances and everyday shopping on a budget.

Cooking - Cooking healthily on a budget, understanding nutrition and its overall impact on health.

Managing a home - Washing, ironing, cleaning, basic DIY, operating appliances and what is allowed within a tenancy agreement.

Supporting education, training and employment - Supporting education, employment and training whilst understanding the range of options available to the young person.

Understanding strengths and areas for personal development; developing job skills, understanding jobs, volunteering pathways, available support, understanding bursaries, other financial support; where to go for advice, understanding the impact of work on benefits and the amount they will be expected to contribute to the arrangement.

5. Monitoring and Reviewing

The same health and safety principles that applied under the foster placement will continue in a Staying Put Arrangement.

The Staying Put arrangements should be reviewed as part of the young person's pathway plan on a 6-month basis, to ensure that any implemented targets are being met, the young person is developing independent living skills and to identify what is working well and any emerging difficulties to inform future plans. A review can be arranged earlier if needed, by an agreement between the young person, Staying Put carer and personal advisor.

6. Professional Roles

Fostering social worker - The fostering social worker will lead the discussions at the initial scoping meeting and support the foster carer(s) or provider throughout the implementation of the Staying Put arrangement process. They will also ensure that any changes in decisions made by the foster carer(s) of the young person are taken to the statutory review process.

Young person's social worker - The young person's social worker will support the young person throughout the development of the Staying Put arrangement process and ensure that they are aware of the implications and expectations. Should the young person decide to decline a Staying Put arrangement, they will offer support in seeking alternatives.

If it is felt and identified that a young person may be eligible for adult services when they reach 18-years old, then their social worker should refer them to this service.

Personal advisor - A personal advisor will be assigned when the young person is 16 years old and will aid the transition into the Care Leaving Service. The young person's social worker will remain as lead professional until they turn 18 years old, post-18 their personal advisor will take over and facilitate a meeting to complete the pathway plan.

The young person's personal advisor will coordinate the provision of any additional services and will be able to provide information around financial entitlement and management of finances. Support can also be offered in relation to housing options and identifying further/higher-education, employment or training.

Surrey County Council Service Manager: The Service Manager will manage and take responsibility for any serious issues in the service and will support the rest of the team in ensuring a positive outcome and delivery.

Foster carer(s) - The role of the foster carer(s) is to be present at the early planning meetings that commence at the age of 16-years old to enable them in supporting the path of the children and young people that they look after. They should check with the young people that they have all the information that they require and that it is accessible for them.

Foster carer(s) will also assist the young person in making a decision as to whether it is in their best interests to transfer into a Staying Put arrangement by ensuring they have all of the necessary information, including comprehensive details on finances. Should a young

person choose to enter a Staying Put arrangement, foster carer(s) will also ensure the young person understands the implications. This includes ensuring that they are aware that they are no longer in foster care and are now on the path to becoming independent and therefore they are renting a room within their former foster carer(s) household.

Independent Reviewing Officer(s) - The Independent Review Officer chairs the Children in Care review before the young person turns 16-years old. This meeting should confirm whether the young person has or when they will receive their 16+ pathway plan pack, detailing either a Staying Put arrangement or alternative and that the young person understands the expectations and implications of the chosen option.

A review meeting will take place to finalise the Staying Put arrangement at 17 ½ -years old. The Independent Reviewing Officer will continue to review and monitor the young person's pathway plan to ensure there is no drift in the care planning and that there is a robust transition plan in place.

7. Safeguarding Measures

The same safeguarding measures that apply under the foster placement will continue to apply during the Staying Put period and this shall include a valid DBS check for all over 18's in the household. Should the former foster carer(s) continue to be foster carer(s), the young person that they are providing Staying Put accommodation for will need to undergo a DBS check as they will become an adult living in the home. Surrey County Council will be responsible for ensuring all Staying Put former foster carer(s) have an up to date DBS check. Any adult safeguarding concerns must be referred to Surrey County Council's adult safeguarding service in line with the [Surrey safeguarding adult board procedures](#).

8. Funding

Surrey County Council will be responsible for all payments made to the Staying Put carer. The fee payable to the Staying Put carer will be dependent on the amount agreed with the local authority at the time and such payments will commence directly following the end of fostering payments to avoid financial difficulties. It is expected that independent agency foster carers(s) will be paid at the same rate as Surrey foster carer(s) in line with what is documented within this policy, Surrey County Council do not commit to independent fostering agency rates for Staying Put accommodation arrangements.

The payments to the Staying Put carer (to be reviewed in 24/36 months unless a change of guidance/legislation requires this to be completed earlier) will therefore be made up in conjunction with funding from:

- Surrey County Council support fee	£204.12
- Local housing allowance or housing benefit	£70.00
- Contribution from the young person towards food - negotiable	£20.00

All carers that receive a Staying Put payment have a duty to inform the local authority of any changes in circumstances.

Payments may vary in some circumstances, some of these are outlined below:

- If a young person is studying or training within a full-time education course (at A 'Level standard or equivalent) after they turn 18-years old, the full fostering payment will be granted from their 18th birthday until the end of the academic year (31st August) while they are still studying. Agreement for the fostering rate to continue past 18 years of age, should be decided on a case by case basis. Young people who remain in education will claim income support or universal credit from the end of the academic year in which they turn 18. Young people will then contribute £20.00 towards food, should they wish for this to be provided to them by their Staying Put carer, and £70.00 towards rent from their universal credit funding. Where a young person decides against completing their course of education, in A levels or an equivalent, the fostering payment will cease and the Staying Put carer will be paid Staying Put fees.
- If a young person is attending university and returning during holiday periods, the Staying Put carer will be paid the standard rate, and rent, for the time that the young person stays with them during the holidays. During term time, whilst the young person is away the Staying Put carer will receive £70 per week.
- Some young people may wish to attend a local university and therefore may choose to remain in their Staying Put accommodation. In these cases, the Staying Put accommodation provider support element will be paid all year. However, the young person will be required to pay towards their rent during term times through their student loan(s). Surrey County Council will pay the rent element during the holiday period and all other allowances will be paid to higher education students that are supported through the Care Leavers Service.

9. Income Tax and National Insurance

All foster carer(s) and Staying Put accommodation providers must register with Her Majesty's Revenue and Customs as self-employed. Foster carer(s) and Staying Put carers will continue to be able to claim under their existing simplified tax arrangement. Full tax details can be found in the Her Majesty's [Revenue and Customs help sheet 236](#).

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 in a Staying Put arrangement. The Staying Put qualifying rate mirrors the system and amounts that applied when the arrangement was previously a foster care placement.

The Staying Put exemption only applies to the Staying Put carer's income from caring. If they have income from other sources, they will pay tax on that income in the normal manner.

Staying put carers, including foster carers, should note that they may be able to claim working tax credit which is administered by Her Majesty's Revenue and Customs. Staying Put care is counted as work for tax credit purposes. The Staying Put carer's taxable income is used to assess the amount of tax credits that they are entitled to receive. Where they receive less in Staying Put payments than the tax-free allowance, their income from providing a Staying Put arrangement is treated as nil for this purpose. This will mean they get the highest rate of working tax credit.

9.1 Benefit claims:

Surrey County Council will seek to ensure that if a Staying Put carer is financially disadvantaged through this arrangement as a result of a change to their benefits they will be financially recompensed on a case by case basis.

Single Staying Put carers who claim single occupancy council tax discount may lose this reduction as a result of having a young person over 18-years old living in their home. Where this occurs, the Staying Put carer will need to notify their social worker so that the increase in council tax payments can be acknowledged and reimbursed by the department.

A Staying Put arrangement should not incur any financial penalties in terms of Government policy on bedroom tax. If a young person is away at university during term time this does not count as having an empty bedroom as the young person is regularly returning to it.

9.2 National insurance:

The same class 4 national insurance contributions apply in line with fostering.

10. Insurance

The Staying Put carer must ensure that they have advised their insurance company of young people living in their home under a Staying Put arrangement, so they are able to ensure they have adequate insurance cover.

11. Liability to Pay Rent and Eviction Process

In situations where a young person does not pay their rent, either by not making the required payment or by not claiming housing benefit (unless otherwise agreed), they may be subject to an eviction process.

In all situations where a young person owes 4 weeks rental contribution, a network meeting will be called. The network meeting will decide on the action required by the young person to address the rental arrears. Young people will be given every opportunity to repay any arrears and eviction will only take place as a last resort in situations of rental arrears.

12. Ending the Staying Put Arrangement

The Staying Put arrangement can end at any time before the young person reaches their 21st birthday (25 if in full time education). This could be done by either the young person or the Staying Put carer by providing 14-days' notice. A planning meeting should be held to prepare for the young person's transition into new accommodation.

When a young person reaches 21-years old they will no longer qualify for requiring *priority* need for housing. As a result, when planning to end a Staying Put arrangement, it is essential that plans are made in advance, to maximise the young person's opportunities to be considered for social housing.

Should the young person wish to remain with the Staying Put carer it will become a private arrangement between them, and no funding will be provided by Surrey County Council.

There will be circumstances where a planned ending from a Staying Put arrangement to independence within the community is not successful and returning to the foster carer is in the best interest of the young person. Should this option be available, within a 4-week period, a young person may be able to return to their previous Staying Put arrangement and the original payments will resume. In these circumstances, the arrangement will continue to be considered as Staying Put accommodation.