



Staying Put Policy

Post 18 Years Former Fostering Arrangements

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1.0 Introduction

The Care Matters initiative, the Children and Young Persons Act 2008 and the Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance) require each local authority to have a “Staying Put” Policy. The policy sets out arrangements whereby the authority will promote the opportunity for a young person to remain in a former fostering arrangement beyond a young person’s 18th birthday. *This arrangement promotes stability in preparation for independent living and adult life.*

The following policy builds on the new Children Act 1989 Guidance and the initiatives explored by the Government’s Department for Education Pilot Schemes.

The policy sets out the conditions required to extend a former fostering arrangement beyond a Young Person’s 18th birthday, it outlines the associated financial implications, the social care requirements associated with extending former fostering arrangements guidance on where to get further detailed advice on consequential Income Tax, National Insurance and Welfare Benefit issues.

The “Staying Put” Policy has also been developed to address the requirements of the Fostering Service (England) Regulations 2011 and related Guidance and the National Minimum Standards (NMS) for Fostering Services (2011). Chapter 3, Para 3.125, Page 34 of the Fostering Service (England) Regulations 2011 sets out a requirement that each local authority has a “Staying Put” Policy and Standard 12.4, Page 26 of the National Minimum Standards sets out the service standard relating to the local authorities’ “Staying Put” policy.

1.1 The Scope of this Policy

The policy outlined in this document are applicable to young people looked after by Kirklees Council if they are living with foster carers on their 18th birthday whether that be Kirklees carers, Connected Persons Carers or Independent Fostering Agency Carers (IFA).

Young people who are in residential placements are not covered by the “Staying Put” Policy.

2. The Basic Principles of the Kirklees “Staying Put” Scheme

- Kirklees Council’s Policy is to promote the development of independence skills in looked after young people from an early age moving on from foster care should be a planned process and young people need to be prepared and supported as appropriate according to need. In all circumstances plans and preparation for moving on should be set out in the young person’s Pathway Plan.
- A proposed end date for a Staying Put Arrangement should always be negotiated with the young person, their Personal Advisor and the carer and be part of the Pathway Plan. When the arrangement is made, timescales will be considered along with details of what needs to happen to achieve the move within those timescales. There will be circumstances where the young person is not ready to move on within the initial agreed timescale and any requested extensions should be discussed with all parties and agreement sought from the Commissioning Panel. Any request for an extension should also include details of how the timescales will be met.
- *In line with Fostering Regulations, the Fostering Allowance will cease when the young person reaches 18 years and will be replaced by Staying Put Allowances.(During any transitional this will be equivalent to Fostering Allowances.) Initially this payment will be the equivalent of the Skills Payments and Continuous Service element of the Fostering Allowance and will be maintained for a transitional period. Deductions of up to 100% dependent on income of the young person will be made from the maintenance element of the allowance. Details of this can be found in the section on financial arrangements.*
- Following a young person’s eighteenth birthday, the legal basis on which he/ she occupies the property changes and they become an ‘excluded licensee’ who is affectively lodging in the “Staying Put” carer/s home. Whilst the term ‘excluded licensee’ is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. The young person will need a DBS check before their 18th Birthday if there are other foster children in the household or plans to place other children in the placement.
- The change from being a fostered young person to adult member of the household, and for the carer from foster carer to “Staying Put” carer, should be carefully planned in order to ensure that both young people and the carer/s 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.

3. Approval of a Staying Put Placement

Once the plan for a Staying Put arrangement has been identified as being the most appropriate plan, approval must be sought from the Commissioning Panel.

A report as agreed with the young person and their foster carer setting out details of the reason for the request, the needs of the young person, cost implications and a proposed duration of the arrangement must be submitted for approval by Commissioning Panel at least 4 months before the young persons 18th Birthday.

4.0 Young Peoples Qualifying Criteria

To qualify for a Kirklees “Staying Put” Placement which has to be with the agreement of the Foster Carer, the young person will:

- Usually have been living with the foster carers for more than 12 months before their 18th birthday and still be living with them on their 18th birthday.
- Be deemed on their 18th Birthday to be a Former Relevant Young Person under the terms of the Children Act 1989

4.1 Education or Training

If a young person is undertaking a full time further education course or training course which began before their 18th birthday a “Staying Put” placement may be agreed with the young person and their former foster carer to enable young people to complete education or training and make the gradual transition to independent living.

If the young person leaves the agreed course when it is not part of the agreed plan the “Staying Put” will need to be discussed with all parties to consider whether eligibility for a further period under the Vulnerability Criteria applies. Where this applies a further period will be negotiated along with a plan of action and timescales to be presented for agreement by the Commissioning Panel within one month of the end of the course. Where a young person does not meet the Vulnerability Criteria arrangements for a planned move will be made to a timescale agreed with the young person and carer.

4.2 Vulnerability

Young People may be able to remain with their former foster carer due to issues of exceptional vulnerability for an agreed period of up to one year after their 18th birthday. This arrangement will be subject to on-going review and may be extended with the agreement of the Commissioning Panel.

A report will be submitted to the Commissioning Panel and should focus on the level of the young person’s vulnerability explaining why this situation has occurred, what steps have been undertaken to support the young person with practical, relationship, emotional and resilience skills and how these will be enhanced by the young person remaining in the “Staying Put” arrangement.

4.3 Disability

Where a young person may meet the criteria for Adult Services, a referral could be made to the Transitions Team when the young person is aged 16. If the young person meets the threshold for Adult Services, the option of the former foster carers becoming a “Shared Lives” carer will be explored and if agreed, Adult Services will take over the arrangements.

If the existing carer is unable to provide the Shared Lives Arrangement or more time is required to explore this, a Staying Put arrangement may be made for a transitional period whilst an alternative Shared Lives arrangement is identified or shared lives assessment is completed. This must be agreed as with other arrangements via the Commissioning Panel. Where the young person does not meet the threshold for Adults Services a request for a “Staying Put” arrangement should be made using the Vulnerability Criteria set out in Point 2 when the young person is approaching 18th birthday.

4.4. Planned Move on

If a young person is awaiting allocation of a tenancy or actively bidding for a tenancy, subject to approval, they may be able to stay with their former foster carer beyond their 18th birthday if the foster carer is in agreement with this arrangement.

The young person must be taking realistic and reasonable steps to secure an appropriate offer of accommodation within any agreed timescales.

5.0 Financial Arrangements

Payments will always be always be jointly funded by Kirklees Council and where appropriate the young person.

5.1 Young Persons Financial Arrangements

Young people who remain in a Staying Put arrangement can claim means tested benefits for their personal needs from their 18th birthday. These benefits can be claimed regardless of the circumstances of the young person's former carers.

- young people can claim Income Support under the 'Relevant Eligible' rules if they remain estranged from their family and are undertaking a full time education or training course
- lone parents can claim Income Support until their child is 5 years old. A range of other benefits are also available
- Employment and Support Allowance can be claimed in circumstances where the young person is deemed to be sick or disabled. If the young person meets these eligibility criteria then this benefit can be claimed from their 16th birthday regardless of their legal care status or living in foster care. Young people with a disability may also be in receipt of a Personal Independence Payment
- Jobseekers Allowance where the young person is registered as unemployed and actively seeking employment

- Young people who remain in a Staying Put arrangement will be expected to make a contribution from their income, whether that is earned income or benefits based

5.2 Transitional arrangements

Where a young person meets the eligibility criteria for Saying Put and a Staying Put arrangement has been agreed, there will be no changes to the Carers' Skills Payments or Continuous Service Payment until the Sept 30th after the young person's 18th birthday. Fostering Allowances may also continue in all cases for the same period; however deductions will be made in line with any payments, wages or benefits which are received by the young person this could be up to 100% of the total. The Skills Payments and Continuous Service Payments will cease after the period stated above.

5.3 Staying Put Fee

A fee of the equivalent of a supportive board and lodgings payment will be paid to "Staying Put" carers where the young person continues in the same arrangement following the 30th of Sept after their 18th Birthday. The fee covers all costs in relation to all rent, support, utilities, insurance, food and meals. The young person will contribute to the food and meals "board" element of the costs.

The “Staying Put carer will not be expected to give the young person a clothing allowance, pocket money, holiday allowance or birthday and festival allowances.

However the young person may have entitlement to these allowances as outlined in the Financial Guidance and payment will be made in addition to the weekly staying put allowance or direct to the young person as appropriate.

The young person will always make a contribution to the agreed maximum weekly allowance for their “board” which will be a minimum of £20 per week dependent on their allowances, grants, bursaries, benefits or income in line with Financial Guidance for Care Leavers which applies to looked after young people over 16 set out below.

The young person will make their contribution directly to the “Staying Put” carer in order to support the young person developing financial responsibility.

Please refer to the Financial Guidance updated annually for the amount of the contribution to be made by the young person. The table below is a guide.

Total weekly Income, Allowances, Grants, Bursaries and Benefits of:	Young Persons Contribution
Up to £100	£20
£101 - £125	£23
£126 - £150	£27
£151 - £200	£32
£176 - £200	£42 (<i>maximum contribution</i>)

A financial agreement will be made and included in the “Staying Put - Living Together Agreement” between the young person and the Staying Put Carer.

The “Staying Put” carer will need to seek individual financial advice on the impact of changing to a “Staying Put “arrangement on their own benefits or income which includes the following:

- Housing Benefit
- Council Tax and Council Tax Benefit
- Income Tax and National Insurance
- Pension Credits

When young people remain living with their former foster carers under a Staying Put arrangement then the Income Tax and National Insurance framework and liabilities for foster carers have been extended to apply to former foster carers who are now Staying Put carers.

6. Independent Fostering Agency Carers

Early discussions need to be held with the applicable Independent Fostering Agency and Foster Carer to discuss the option of the arrangement changing from Fostering to a “Staying Put” arrangement. Transitional arrangements apply for a period up to 30th September.

The “Staying Put” arrangement will formerly be made between the former foster carer, the young person and Kirklees Council.

The former Independent Fostering Agency carers will become Kirklees “Staying Put” Carers and receive the equivalent standard Supported Board and Lodgings allowance only from Kirklees Council and the young person.

Agency Foster carers will not qualify for any Continuous Service Payment.

7.0 Staying Put – Social Care and Regulatory Frameworks

7.1 Fostered Child/Children living in placement alongside the “Staying Put” Arrangement

Where a young person reaches the age of eighteen and fostered children also remain in placement, all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household. The major change being that the previously fostered child (from age 18) becomes a “Staying Put” young person and an adult member of the household. As such the young person will be required to:

- Complete a Staying Put Agreement.
- Undertake DBS check (and possibly a risk assessment); and
- The foster carer/s will need to have the staying put arrangement discussed and agreed by the Commissioning Panel and confirmed at the Carers’ Annual Review

7.2 No Fostered Child living in placement alongside the “Staying Put” Arrangement

When a young person reaches 18 years of age and there are no other fostered children living in the household, Fostering Regulations will no longer formally apply however the following standards will continue to govern the Kirklees “Staying Put” arrangements.

- A placement plan which includes the roles, responsibilities and the expectations of the “Staying Put” carer and the young person, will be included in the ‘Living Together Agreement’;
- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks (as a minimum this should comply with landlord and licensee/tenant requirements).

Regular supervision from the Supervising Fostering Officer will be negotiated and agreed as required throughout the term of the arrangement.

In circumstances where “Staying Put” carers only have an over 18 year old “Staying Put” young person living with them, supervising fostering officers will need to assess individual circumstances. At a minimum any other arrangements should be consistent with board and lodgings providers.

8. General Information for “Staying Put” Carers

“Staying Put” carers should ensure they inform their mortgage provider or landlord and their buildings and contents insurance provider that they will continue to be supporting a former foster child as a young adult under a “Staying Put” arrangement. Failure to inform the above may cause a breach of mortgage/tenancy requirements and may result in insurance cover being void due to a ‘failure to disclose material facts.

Where “Staying Put” carers transport young people, similar arrangements to those in place for transporting foster children should continue to apply, this may include, the need for comprehensive business insurance, a valid MOT and a Road Vehicle License and a road worthy vehicle.

In addition, “Staying Put” carers should be provided with information about liability insurance cover in situations where “Staying Put” young people may make an allegation against a foster child in placement, or against their “Staying Put” carer/s, or an allegation is made against the “Staying Put” young person. The majority of foster carers hold public liability insurance stemming from their local authority membership of Foster talk. “Staying Put” carers will need to check the status of the insurance once the young person living with them reaches 18 years old.

Agreement needs to be made about young people having credit cards, loans, mobile phone contracts registered at the address as this may impact on the carer’s credit rating.

9. A “Staying Put - Living Together” Agreement

Young People, “Staying Put” Carers, Personal Advisors from the Looked after Children and Care Leavers Service and Supervising Social Workers should meet to develop a “Living Together Agreement” prior to the Young Person’s 18th birthday.

(See Appendix A)

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.

The agreement should set out:

- Finance, including the young person’s contribution to the placement, income benefit claims young people having credit cards, loans, mobile phone contracts registered at the address.
- Arrangements for giving notice on the “Staying Put” placement by all parties involved, this will usually be 14 days.
- Arrangement for dealing with none payment of the young persons contribution.
- Preparation for independence tasks that the “Staying Put” carer and the young person will carry out.
- Guidelines for friends and partners visiting and staying at the address.
- Limitations on the number of nights away from the placements, weekends and informing carers of movements. If the young person is away more than a couple of nights a week why is a “Staying Put” placement required.
- Understanding on the required to be undertaking education, training and employment activities.
- Health arrangements.
- Agreed end date of “Staying Put” arrangement.
- Issues related to young foster children in the placement, safeguarding, role modelling and time keeping.

Appendix A

Sample Living Together Agreement

This is an Agreement between a young adult who has attained 18 years and their previous foster carer/s who have agreed for the young adult to continue to live with them on a 'staying put' basis.

A person cannot be legally fostered under the Fostering Services Regulations 2011 after they reach their 18th birthday. Due to the change in the young person's status, the arrangement is now a 'staying put' arrangement. The host carer will continue to support and encourage the young adult through their transition to independence, within an agreed period.

The young adult and their host carer/s will discuss and agree general principles under the headings below, to include those outlined in the young adult's Pathway Plan.

Kirklees Council – Living Together Agreement

Name of Young Person:

Name of Carer:

Address:

.....

Is this a Transitional Arrangement?

Yes / No

Are Skills Payment and Continuous Service Payable to carer?

Yes / No.

When will this arrangement cease?

(No later than 30th Sept following the 18th Birthday of the young person)

Date:

Are any deductions be made from young Persons Maintenance Allowance during the Transitional period?

Yes / No

1. Agreed Fees following Transitional Period

Date of commencement:

Weekly contribution from the young adult	
Weekly contribution from Kirklees Council	
Maximum Weekly Fee = Supported Board and Lodgings Fee	£158.
Plus for Kirklees Council Carers only Continuous Service Payment	

2. Arrangements for the Young Person paying their Contribution

3. Arrangements for non - payment of the Young Persons Contribution

4. Confidentiality

(To include the use/management of prior knowledge of the young adult gathered when fostered; the handling of post; telephone messages; visitors, etc)

5. Household Rules

(To include smoking; use of alcohol; over night guests; staying out; household chores i.e. clean up after self; use of landline telephone; laundry; etc)

6. Budgeting

The young adult and the host carer/s agree to discuss the sensible/responsible/appropriate use of the young adult's limited finances.

This is to include understanding of bill paying as a priority etc.

7. Communication

Exchange of contact details of young adult and host carer/s and

Statement of action to be taken by host carer/s if concerned (i.e. contacting the young adult's PA)

Statement of action to be taken by young adult

Statement regarding what information to be shared by host carer/s with PA

8. Moving on from 'Staying Put' arrangement:

Young adult and host carer/s to view alternative accommodation as appropriate

Objective of this 'Staying Put' arrangement between and
.....

By adhering to the above agreement and by working with their host carer/s, the young adult will develop skills that will enable them to care for themselves, enable them to live responsibly independently, within an agreed period

Young adult:

Signature: _____ Date: _____

Host carer/s:

Signature: _____ Date: _____

Signature: _____ Date: _____

PA Name: _____

Signature: _____ Date: _____