

## STAYING PUT POLICY

### Young People Post 18 Years Remaining with Former Foster Carer

#### 1. Introduction

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In England, the Children and Families Act 2014 received Royal Assent on 13 March 2014 and a new duty on local authorities to provide advice, assistance and support to young people in foster care to remain living with their former foster carers (a 'staying put arrangement') came into effect on 13 May 2014. This enables a young person to stay with their former carer up to the age of 21 years or beyond to a maximum of 25 years if they remain in full-time education.

Dudley MBC is committed to preventing social exclusion amongst care leavers and has developed the following policy in order to ensure that 'disabled' young people and care leavers receive continued support.

This policy sets out the conditions required to extend a former fostering arrangement beyond a young person's eighteenth birthday, the associated financial implications, the social care requirements associated with extending former fostering arrangements and the consequential Income Tax, National Insurance and Welfare Benefit issues.

From the age of eighteen young people are no longer legally in 'Care' and therefore fostering arrangements no longer apply. Following a young person's eighteenth birthday, the legal basis on which they occupy the property (former foster care home) changes and they become an 'excluded licensee' who is effectively 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 associated change from foster child to adult member of the household, and for the carer from foster carer to host family ("Staying Put" carer), should be carefully and sensitively planned in order to ensure that both young people and their 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.

Before agreeing the new arrangement both the foster carer(s) and the young person must understand and agree to accept the changed financial responsibilities in writing.

Foster carers may continue to be registered to foster other children but their terms of approval may need to be amended to acknowledge the change of circumstances.

#### 2. Extending Placements - Procedure

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The Leaving Care Assessment of Need undertaken when the young person is in year 11 should identify the timescale required for young people to move to independence and should be used as the framework for beginning to explore the following issues:

- a) Is it likely that the young person will want to remain with their carers after they reach 18;
- b) Does the young person and the foster carer(s) understand the associated procedures for transferring a foster placement to a "Staying Put" arrangement;

- c) Does the young person understand their financial responsibilities and benefit entitlements associated with entering into a “Staying Put” arrangement;
- d) Does the foster carer(s) understand the changes in their funding arrangements associated with a “Staying Put” arrangement; the Staying Put allowance payment will be up to £200 per week.
- e) Does the foster carer(s) understand the impact of a “Staying Put” arrangement on their welfare benefit income and on their Income Tax And National Insurance responsibilities and liabilities;
- f) What is the parallel plan for the young person should the “Staying Put” arrangement not be viable.

To ensure sufficient time is available to make the necessary planning arrangements for extending a placement beyond a young person’s 18th birthday, a professionals meeting should take place once the young person has completed Year 11. It is the responsibility of the Children in Care Social Worker to arrange this meeting. The “Staying Put” meeting should include the foster carer(s), social worker and Children in Care social worker/personal adviser and should establish the viability and likelihood of a “Staying Put” arrangement occurring. The meeting should identify all key tasks and roles and responsibilities related to transferring the former fostering arrangement. The meeting should explore the impact on the foster carers’ financial circumstances should the placement continue after the young person’s 18th birthday.

Once this meeting has taken place the young person’s views should be sought to see if they want to remain with the foster carer(s) past their 18<sup>th</sup> birthday and ensure that they understand they will be expected to contribute to their placement using their benefits or wages as appropriate.

Once the foster carer(s) and young person have agreed that they would like to enter into a Staying Put arrangement a provisional agreement must be signed.

The “Staying Put” professionals meeting should be repeated when the young person reaches the age of 17½ and should ensure any final arrangements and requirements are in place by the young person’s 18th birthday. This will be part of the Pathway Planning process.

Any arrangements will form part of the recommendations of the LAC review following completion of year 11.

### **3. "Staying Put"**

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The primary aim of the “Staying Put” agreement is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care experience delayed maturity and that their 18th birthday may be an arbitrary and inappropriate point to leave foster care. Therefore this policy is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational achievement and continuity is promoted and that ‘vulnerable’ young people can make a gradual transition from care to independence. The Children in Care team will work in conjunction with the fostering service to provide necessary training for carers around preparation for independence.

## 4. Finance Issues

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### a) Allowances

From the young person's 18th birthday the pocket money and clothing allowance will cease to be paid to the foster carer and should be replaced by the young person's welfare benefit claim.

### b) Benefits

All young people are required to claim housing benefit if their "Staying Put" carers are not claiming a means tested benefit. In situations where young people are working part-time, and do not claim a means tested personal benefit they will need to claim Housing Benefit.

From the age of 18 young people (Former Relevant Children) can claim help from Housing Benefit towards their rent where there is a liability to pay rent on a commercial basis.

Where meals are provided, as in "Staying Put" arrangements, the rules set out that the level of Housing Benefit is based on a reasonable rent for a one-bedroom dwelling with meals included which is set by the Local Rent Officer who will provide what is called a Local Reference Rent or a Claim Related Rent for the "Staying Put" carers home. The lowest of these, less an amount for meals, will become the maximum rent used to work out the amount of help given with their rent.

In circumstances where Housing Benefit is based on the maximum rent, it is possible to request a Pre-Tenancy Determination in advance of the Housing Benefit claim being submitted, in order to determine the level of Housing Benefit that will be paid on a given property. Pre-Tenancy Determinations are carried out by the Local Rent Officer, via the local Housing Benefit service.

### c) Family Placements

Young people living with a relative in a family and friends placement are not eligible to claim housing benefit on reaching the age of 18.

### d) Jobs/Apprenticeships

Where a young person has a job then they will be expected to pay towards the cost of their placement. The amount will be determined dependent upon their income and the young person must inform their Personal Advisor immediately if there is any change.

### e) Young People Attending University or Living Away

Living away from the Staying Put Host's home for temporary periods of time, such as attending higher education courses, will not preclude young people from remaining in a Staying Put arrangement. It is recognised that supporting Staying Put arrangements enables the continuation of familial relationships which gives the young person the security and stability they require whilst they are focusing on their education.

Where the Young Person is resident at University or other residential study establishment the Staying Put Host(s) will be paid a pro-rata payment of the full weekly allowance (up to £200.00) for each 24hour period that the young person resides at the provider's home plus a retainer payment of £150.00 per term.

## **5. Independent Fostering Agency**

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For young people in an independent fostering placement staying put arrangements should be agreed between the Local Authority, the former Staying Put Host and the young person. Unlike with foster placements, this agreement is not with the independent fostering agency, though clearly they will be involved in planning for the staying put arrangements. The remuneration rate will be the same as for former Local Authority foster carers (up to £200.00 per week).

Children's Services Commissioning must be informed prior to the first meeting that a staying put arrangement is being considered (when the young person is in Year 11 onwards).

## **6. Benefits for Young People**

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Benefits are changing, due to the Welfare Reform Act 2012. The biggest change is that Universal Credit replaces housing benefit, tax credits, income support, income - based ESA and JSA. Universal Credit will be paid calendar monthly and will generally be paid in full to the claimant - the rent element will not normally be paid to a third party such as the landlord. Universal Credit will not be available to people aged under 18 unless they are a lone parent or unable to work due to disability. In addition, DLA is replaced by a Personal Independence Payment.

Young people transferring to a "Staying Put" arrangement can claim means tested benefits for their personal needs from their 18th birthday. These benefits replace the Pocket Money and Clothing Allowance previously contained in the foster carers maintenance allowance. All of the following benefits (1 to 3) can be claimed regardless of the circumstances of the young person's former foster carer.

- a) Young people can claim Income Support up until the end of the academic year after their 21st birthday under the 'Relevant Education' rules if they remain 'estranged' from their family and are undertaking a full time (over 12 hours) education or training course which is below higher education.
- b) Employment and Support Allowance can be claimed in circumstances where young people are deemed as having a "limited capacity for work" because of ill-health or
- c) Jobseekers Allowance where young people aged 18+ are registered as unemployed and are actively seeking employment.

## **7. "Staying Put" Placement Guidance - Living Together Agreement**

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Young people, carers, leaving care personal advisers and social workers should meet to develop a 'Living Together Agreement' when the young person is 17½. The agreement should set out the expectation of all parties and clarify roles and responsibilities. The agreement should link into the young person's pathway plan.

The agreement should cover the following and will be covered in the Pathway Plan:

- a) Preparation for independence tasks;
- b) Finance, including young people having credit cards, loan agreements and mobile phone contracts registered at the address;
- c) Income and benefit claims;

- d) Friends and partners visiting and staying at the address;
- e) Staying away for nights/weekends and informing carers of movements;
- f) Education, training and employment activities;
- g) Health arrangements.
- h) Move-on arrangements;
- i) Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping.

## **8. Reviewing the Arrangement**

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A staying put arrangement is part of the young person's **Pathway Plan** towards independent living. It will be considered at each review of the young person's Pathway Plan and the arrangement will normally be brought to an end within this planning process. If any of the parties wish to end the arrangement outside the current plan an immediate review will be arranged.

Both parties should give as much notice as possible and in most circumstances this should be a minimum of 28 days.

## **9. Conclusion**

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Decisions concerning when to make the transition from foster care to independence are particularly significant for young people whose lives have been characterised by separation, loss and placement changes over which they have had minimal or no control (Munro and Hardy, 2006; Ward and Skuse, 2003 as quoted in the Staying Put evidence). We recognise that not all young people in foster care are, at the age of 18, ready to leave for a variety of reasons and we know that the transition from care to independence before a young person is equipped to do so, is detrimental.

Commitment to supporting young people to 'stay put' with people who care about them with support for a planned move to independence beyond their 18<sup>th</sup> Birthday means that when the time comes for them to move on, that they do so on the basis of an informed choice, with the continuity and stability necessary for them to be able to navigate changes in their lives and the psychological space to cope with the challenges of transition.

Please read this policy in conjunction with the following documents:

Staying Put Process Flow Chart  
Staying Put Social Worker Guide  
Staying Put Financial Information  
Staying Put Foster Carer FAQs  
Staying Put Provisional Agreement - Carer  
Staying Put Provisional Agreement - Young Person  
Staying Put Living Together Agreement