

Staying Put Procedures

1. Entitlement to Stay Put

In Herefordshire a young person is entitled to Stay Put in their foster placement if on reaching 18 years of age they are engaged in Education, Training or Employment (ETE).

Exceptionally a young person, who is not engaged in ETE but is actively seeking to be engaged, may Stay Put. Young people not in ETE have a 3 month window of opportunity to secure their engagement in ETE. After the 3 months of not being engaged in ETE has elapsed the opportunity to Stay Put maybe extended for a further 3 months through a process of referral to the Head of Looked After Children (LAC). The Head of LAC may only extend the opportunity to Stay Put for a further maximum period of 3 months in order to provide the young person with the support and stability to become engaged in ETE.

After a 6 month consecutive period of not being engaged in ETE the young person will be helped to move on from their Staying Put arrangement within 28 days.

If those opportunities for education, training or employment are not available then consideration will be given to extend the placement beyond six months. However, the young person should be actively encouraged to involve themselves in community activities, voluntary work or a self improvement course.

Young people in foster placements who are assessed as not being able to live independently at 21 years of age will be assisted by their Social Worker, to identify alternative choices/options by their 18th birthday.

2, Establishing a Staying Put Arrangement

The option of Staying Put should be identified within the young person's Care Planning/Pathway Planning process no less than 6 months before their 18th birthday. The 16+ advisor should inform the 16+ Team Manager if a Staying Put arrangement has been identified as an option and is being considered by the young person and foster carers.

An arrangement to Stay Put must be agreed by both the young person and the foster carers. Advice about the differences between a foster placement and a Staying Put arrangement should be given to the Young Person and Carers by the 16+ advisor and the Fostering Supervising Social Worker, in order for both parties to make an informed decision about proceeding with the arrangement.

Occasionally young people or carers may change their minds after making an initial decision about Staying Put. The system should always allow both young people and foster carers to change their minds about establishing a Staying Put arrangement, but care should be taken to avoid disruption to a young person's education at a critical time.

The 16+ advisor/ 16+ SW should forward a copy of the young person's Pathway Plan to the 16+ team manager no less than 6 weeks before the young person's 18th birthday.

The 16+ advisor/16+ SW will work with the young person to assess whether they will have to make a financial contribution to the cost of Staying Put. The 16+ advisor/ 16+ SW will also work with the young person to maximise their entitlement to benefits and calculate the amount required from the Staying Put budget. Consideration should also be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment.

The 16+ advisor/16+ SW will ensure that all claims for benefits are submitted in a timely fashion that minimises any potential disruption in allowances being received by the former carer. The 16+ advisor/16+ SW will in conjunction with the young person follow up these claims for benefits until a decision has been made and a payment commences. In certain circumstances it may be necessary for the 16+ advisor/16+ SW to agree with the 16+ Team manager/Fostering Team Manager a contingency arrangements so that the former carer's level of remuneration is not disrupted.

The 16+ advisor/16+ SW will in collaboration with the Fostering Supervising Social Worker convene a Staying Put support meeting immediately prior to the young person's 18th birthday, and in collaboration with the young person and foster carer and the 16+ Team Manager complete a Staying Put agreement. The purpose of the Staying Put agreement meeting is for both the former carers and the young person to appreciate what is expected of each other.

The 16+ Team Manager will authorise Staying Put complete a notification to finance form no less than 4 weeks before the young person's 18th birthday. And will forward this form onto the relevant person in Children's Social Care Finance.

3, Professional Roles

The 16+ advisor/16+ SW will continue to provide support to the young person throughout the Staying Put process. They will complete Pathway Plans and support the young person within the new arrangement with the former carers. The 16+ advisor/16+ SW will ensure that the young person understands the terms of the Staying Put agreement. This may include reinforcing what the young person is expected to purchase from their Income Maintenance (JSA/Income Support or equivalent) Supporting the young person to apply for relevant funding and benefits, and helping them to establish a method of making any regular payments such as Local Housing Allowance to the former carer according to the terms of the agreement.

For Herefordshire Foster Carers, if other children are in placement, the Fostering Supervising Social Worker will continue to provide support to the carer for those children. Their role will also involve supporting the carer to understand the nature of the Staying Put arrangement and their entitlement to funding, and advise the carer about their changing role with the young person under the Staying Put arrangement. The Fostering Supervising Social Worker will be able to provide ongoing advice about tax and national insurance implications, and about personal liability insurance.

For Foster Carers who work for an Independent Fostering Agency, in most circumstances the **16+ advisor/16+ SW** will provide the support to the former carer, rather than the Agency Worker. The support and advice provided will be similar to that described in 3.2 above, and will reflect that the

Independent Fostering Agency is no longer actively involved in supporting the former carers to provide ongoing care and support to the young person who is Staying Put.

Former carers should be given information about the **income tax and national insurance implications of the Staying Put arrangement**. There are a number of tax concessions for Adult Placement schemes.

HMRC have stated that the same arrangements that apply to Adult Placement scheme carers should apply to former foster placements if the carer continues to provide support, and continues to receive the same level of payment.

Adult placement' Carers are treated as self-employed for tax purposes and can pay Class 2 National Insurance contributions in order to qualify for basic state pension.

For carers who are in receipt of welfare benefits, advice should be given about whether Staying Put payments will be disregarded or considered as income for means tested benefits. These payments may include:

- Rent payments paid to the carer;
- Payments from the young person to the carer;
- Payments from LCC to the carer (made under The Children Act 1989).

A young person may not be able to claim Local Housing Allowance if the Carers are already in receipt of Housing Benefit or Local Housing Allowance to meet their own housing costs.

In circumstances where all the funding for a Staying Put arrangement comes from the Staying Put budget, the payment can be made under Section 24 of The Children Act 1989. In these circumstances, a letter should be written to the former carer by the 16+ Team Manager confirming that payments are being made under Section 24 of the Children Act 1989 to support the young person in education, and that the payment should be disregarded for income tax and benefit purposes.

Legislation regarding the treatment of payments to the carer is complex, and individual financial circumstances vary, and it may be necessary to advise the carer to seek specialist advice (from Citizens Advice Bureau, for example) about their specific circumstances and the effect of the Staying Put arrangement on their tax, national insurance, welfare benefits, and working tax credit or child tax credit.

If the carers are tenants themselves, it is advisable for them to check their tenancy agreement and ensure that their lease allows them to have a lodger.

If the carers are mortgage payers it is advisable for them to check whether having a lodger is within the terms and conditions of their mortgage lender and insurer.

It is advisable for carers to inform the Insurance Company providing their household insurance when a young person is no longer a fostered child but remaining in their home as an adult lodger, and to

check that existing insurance arrangements still provide adequate household cover under this arrangement.

Foster Carers are currently covered for legal protection insurance provided and paid for by LCC in the case of an allegation made against them by a foster child. Carers must be informed that this legal protection insurance cover does not continue under a Staying Put arrangement.

Key information and training will be offered to carers in the lead up to a post 18 Staying Put arrangement. Carers will continue to be registered as carers and under go an annual review and comply with the National Standards.

Paperwork

- The Pathway Plan should identify an intention to establish a Staying Put arrangement.
- ***A Staying Put Agreement*** should be completed before the Staying Put arrangement begins.
- The 16+ Team Manager will forward payment authorisation no less than four weeks before the young person's 18th birthday, this will need to have been signed off by the Head of LAC. The 16+ Team Manager will then forward the finance form to the relevant person in Children's Social Care Finance.
- ***Staying Put agreements which will include a Licence Agreement should be completed prior to the commencement of the Staying Put Arrangement.***

5. Finance and Funding Sources

The total package of financial support will generally match fostering allowances made to carers when they were fostering.

Where the young person has commenced their thirteenth year of education in the academic year in which they turn 18, foster carers will continue to receive the same level of remuneration as before the young person was 18.

This will continue from the young person's 18th birthday until two weeks after the completion of the final examination in year 13. After this period the funding would then reduce to the standard Staying Put allowance. If young people are assisted to claim benefits the timing of these claims should not disrupt their education or exam period.

Specialist fostering or independent sector fostering rates will only be paid if:

- The former carer is prevented from taking another foster child because the young person is converting to a Staying Put arrangement; and
- The young person is in their thirteenth year of education;
- The retainer fee will apply when the young person is absent in this case.

The young person will retain the JSA/Income Support level of this financial package. This will enable them to purchase things that would previously have been included in the fostering allowance, and is intended to enable the young person to develop budgeting skills. This would include clothes and toiletries, and should cover social and leisure activities.

The young person's income may come from:

- Income support/JSA;
- Employment.

If the young person's total average income over a 6 week period exceeds £50pw they will be expected to contribute 50% of their income over £50 towards the placement costs, up to a maximum of £50pw contribution.

The financial package for the former carer will be equivalent to that received through fostering allowances minus the allowance made to the young person.

This is made up of funding from:

- Local Housing Allowance (LHA) - the amount varies according to area;
- Any contribution from the young person, from income or entitlement to grants, allowances or benefits;
- LCC Staying Put funding will make up the balance of the cost.

The young person may be able to claim income support or be entitled to EMA if they are in full-time education.

The young person can usually claim Local Housing Allowance and as a Care Leaver will be exempt from the single room rent restriction.

Local Housing Allowance will usually be paid direct to the young person and they will be expected to maintain arrangements to pay this to the former carer.

The young person should be advised that if they do not make these payments of LHA to the carers:

- It will result in the placement ending;
- It may impact on their future ability to claim LHA;
- If the failure to pay results in the Staying Put arrangement being terminated the young person may be considered to be 'intentionally homeless' by the local housing authority.

In certain circumstances LHA can be paid direct to the landlord if the claimant is likely to have difficulty in managing their financial affairs or if the tenant has built up rent arrears of eight weeks or more.

If the young person cannot claim Local Housing Allowance the Local Authority will compensate by paying an amount equivalent to LHA to the former carers.

6. Young Persons Contribution

If the young person is employed or has an income of more than £50 per week they will be expected to make a contribution to the Staying Put arrangement. If a young person's income varies on a weekly basis, it may be averaged over a six week period to determine the level of the young person's contribution to the Staying Put arrangement.

The young person will keep the equivalent JSA of their income. It is intended that this money will be managed by the young person and used for things like toiletries and clothes, which will previously have been provided for the young person by the foster carer, from the fostering allowance.

They would be expected to contribute 50% of the next £100 of their income, up to a maximum contribution of £50 per week.

The 16+ advisor will continue to encourage Young Person to access employment. This may mean the contribution from the Staying Put budget is higher as they may be unable to claim Local Housing Allowance.

Where a young person's level of income is so low that they are unable to contribute the former carer will suffer no detriment, and if necessary the council will make the provision where it cannot be found from another source.

Financial arrangements will be reviewed at a minimum on an annual basis, or earlier if there is a significant change in financial circumstances.

7. Retainer/Allowance

A retainer can be paid in certain situations.

Young people are not expected to make a contribution to the retainer.

When a young person returns to stay for a period of time, the former carers will be paid at the current Staying Put rate. The young person will be expected to make a contribution to this depending on their income.

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Retainer - Armed Services

If a young person joins the armed services the former carer can be paid a retainer while the young person completes the first three months of basic training.

Retainer - University

A retainer can be paid to the former carer of a young person who is at university during term time. During the breaks from University the former carer will receive a flat rate (the retainer).

The bursary which University Students receive from the Council is classed as income (currently £150 p/w) and the young person will be expected to contribute towards the cost of returning to their former carers during periods of vacation from this and any other source of income.

8. Police Checks

If the former carer is going to continue to work as a Foster Carer the young person in the Staying Put arrangement will need to have a DBS Check as they become an adult living in the home. This will require sensitive management and sensible negotiation.

If the former carers are still registered with LCC as foster carers the DBS checks will continue routinely.

9. The Independent Sector

The Independent Fostering Agencies which have been awarded a contract to make provision Herefordshire Council are required to adhere to the Council's policy with respect to post 18 arrangements.

If the young person and carer are willing to convert the placement to a supported lodgings arrangement and be paid the current Staying Put rate then the IFA should not do anything to obstruct this arrangement.

The Pathway Plan should set out what support should be provided, as in effect the role of the IFA ends at 18. A young person cannot legally be 'looked after' after their 18th birthday. Ongoing support to former carers in the independent sector will usually be provided by the Fostering Supervising Social Worker.

10. Young Parent

If a young person in a Staying Put arrangement has a child living with them, the former carer will be entitled to the current boarding out rate.

11. Monitoring and Reviewing Arrangements

Staying Put Arrangements should be reviewed as part of the Pathway Plan Review a minimum of every six months. This should include a review of any problems or difficulties which have emerged, and what is working well.

A review can be arranged earlier by agreement between the young person, carers, and the professionals involved.

The young person and carers can also access advice at other times from the 16+ advisor/16+ SW or the Fostering Supervising Social Worker.

12. Ending the Staying Put Arrangement

The Staying Put arrangements can be ended before the young person's 21st birthday, by the young person or former carer giving relevant notice. Both parties should give as much notice as possible, and this should in most circumstances be a minimum of 28 days notice. The licence agreement allows for the ending of the arrangement with 7 days notice for a breach of the agreement, but this minimum should only be used in exceptional circumstances.

The Staying Put arrangements will end when the young person becomes 21. If a young person will be at a critical time in their education (e.g. final exam period) at the time when they reach 21 years they will be able to Stay Put until after this period.

Planning will be undertaken to ensure young person can move on into suitable accommodation.

When planning to end a Staying Put arrangement as a young person approaches 21, it needs to be considered that a young person will no longer be classed as in "priority need" for social housing when they reach 21 years. It may be necessary to plan for the young person to move shortly before this time if social housing is to be accessed.

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