

# **Staying Put Policy**

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# Islington Staying Put Policy

## 1. Introduction

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Since May 2014, fostered young people in England have the right to stay with their foster families when they reach 18, if both parties agree. The implementation of the Children and Families Act 2014, part 5 Welfare of Children (98) means that local authorities in England are required to facilitate, monitor and support staying put arrangements for fostered young people until they reach the age of 21, where this is what they and their former foster carers want unless the local authority considers that the staying put arrangement is not consistent with the welfare of the young person.

When a child who is living with a foster family at the age of 17 stays on living with that family after their 18th birthday this is called a Staying Put arrangement. The foster carer is no longer acting in the capacity of foster carer for that young adult; they are their 'former foster carer'. The foster placement becomes a 'staying put arrangement' and is no longer governed by fostering services regulations.

Islington Children's Services recognizes the value of these arrangements for young people, and believes that Staying Put arrangements can:

- Ensure that young people are able to experience the transition to adulthood in a way similar to other young people their age;
- Ensure that young people do not leave their former foster family until they feel ready for greater independence;
- Help young people to maximise their opportunities for education, employment, or training;
- Reduce the risk of homelessness;
- Enable young people to develop emotional and practical skills to live independently;
- Reduce the likelihood of social exclusion.

## 2. What is the Difference Between Foster Care and Staying Put?

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Although the personal relationships between the child and their foster family will remain as they have always been, a number of changes follow from the fact that the child is now an adult.

The 18+ year olds are no longer legally **Looked After** and fostering regulations no longer apply. They are no longer a foster child. They become an adult member of the fostering household.

The term 'arrangement' should be used rather than 'placement' - the term 'placement' denotes a situation where the local authority arranged and placed the child with a foster carer. Once the child reaches the age of eighteen and legal adulthood, the local authority is no longer making a placement, but facilitating a Staying Put arrangement for the young person.

The arrangement for the young person to continue to have a room as an adult in the foster home is set out in a Living Together Agreement between the foster carer, the young person and Islington Children's Services. The standard Living Together Agreement is available from the Fostering Team. Young people and the Staying Put family may also want to make a Living Together Agreement to agree the "house rules" now that the young person is an adult. The Supervising Social Worker and the young persons' advisor (YPA) can assist with this.

Whilst the Staying Put arrangement is supported by the council, it is the duty of the local authority:

- To visit and monitor the Staying Put arrangement; and
- To provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the Staying Put arrangement (this must include financial support), until the child reaches the age of 21 if they and the former foster carer agree that this is what they want (unless the local authority consider that the Staying Put arrangement is not consistent with the child's welfare).

### **The 'former foster carer' offering a staying put arrangement**

The carer does not have to remain approved as a foster carer when they are providing a Staying Put arrangement. However, they may at the same time be offering foster placements to children who are looked after, and Islington encourages this where possible. Such placements will continue to be subject to provisions of the fostering services regulations. In this circumstance, the former relevant child will, as things stand, require a DBS check as they become a member of the fostering household. Although it may be inconvenient, it is a helpful document which might help a young person to get a job.

An in-depth conversation should be undertaken with the foster carer in a supervisory visit before any Staying Put arrangement begins and clearly recorded on the carer's electronic file. This will enable the carer to fully understand the change in their status and the implications of matching and safeguarding any new care arrangement. Foster carers should continue to receive supervision, attend training, have annual reviews, and continue to develop their skills.

Islington aims to ensure that the right support is in place for young people to remain with carers after their 18th birthday.

Where a Staying Put arrangement is in place, the local authority, where appropriate, may consider delegating part of the Young Person's Advisor (YPA) function to the former foster carer (See **Children Looked After: Social Worker Leaving Care, Personal Adviser (YPA) Roles and Responsibilities Protocol**).

### **3. Who is Eligible for Staying Put?**

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All young people who have been looked after for a total of 13 weeks after they reached the age of 14 and who remain looked after by Islington in an unrelated foster family up to their 18th birthday are eligible for a Staying Put arrangement after the age of 18.

Islington Children's Services will work to enable Staying Put arrangements for all eligible young people where the arrangement is in the interests of the child, and where the former foster carer is able and willing to support the arrangement.

The Staying Put arrangements may continue until the young person reaches 21 but can end sooner if the young person stops living in the household.

In family and friend's fostering arrangements, alternative arrangements to Staying Put may be considered. This will be dependent on the needs and wishes of the individual child and carer and will need to be agreed between the Service Managers for Independent Futures and Fostering and Permanency, with oversight from the Assistant Director for Corporate Parenting.

Early planning is critical to the success of the arrangement. There is a statutory duty to consider Staying Put when undertaking an assessment of the young person's needs within 3 months of their 16th birthday, to consider whether this would be in the young person's best interests. The possibility of the arrangement should then be discussed privately with the carer and agreements should be recorded in the young person's Pathway Plan.

### **4. Decision Not to Support Staying Put**

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A decision not to support a Staying Put arrangement for children living in unrelated foster carer would be very rare and the reasons should be clearly recorded and explained to all parties. The decision should be based upon the best interests of the child. However, if the carer cannot accept Islington's financial terms, the Staying Put arrangement may not be possible. The matter would then be referred to the Assistant Director for Corporate Parenting for a final decision.

### **5. Disabled Young People**

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This policy does not replace the eligibility of disabled young people to transfer to adult services for 'Shared Lives' placements. A Shared Lives placement with the former foster carer could fulfil the duty to support young people under Staying Put.

## 6. Safeguarding of Young People in Staying Put Arrangements

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Staying Put carers need to be clear how to respond if they have safeguarding concerns about an adult who is a former looked after child placed under a Staying Put agreement and where these concerns do not involve children. These may be concerns about referral to the Adults at Risk safeguarding team where the young adult lives. The issue of consent will be considered in relation to the mental capacity of the young person, if other people are at risk, is there is a legal restriction or overriding public interest, if the person is exposed to life threatening risk, if the adult at risk appears to lack mental capacity or impaired capacity, the local authority will assess the mental capacity as defined by the Mental Capacity act.

## 7. The Funding of Staying Put Arrangements

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Islington foster carers providing a Staying Put arrangement are paid a Staying Put allowance whilst a young person is in placement to enable the carer to provide support, care and accommodation.

Upon reaching 18, young people will have their own income, either from wages from employment or an apprenticeship, or from income support and housing benefit if they are in Further Education or training. They will also receive some financial support from Independent Futures (IF) with their travel costs to their college or training provider. This income is taken into account when making the Staying Put arrangement.

Young people Staying Put continue to live as part of their former foster family but as adults they will be expected to make a financial contribution to family costs from their personal income. This is because former foster children are entitled to their own income unlike their peers (other young people who continue to live at home). Formerly fostered young people are entitled to travel costs, the 16-19 bursary, income support, and housing benefit.

Young people are expected to make a contribution to the costs of the arrangement in the form of rent and a contribution towards food and utilities as part of independence training.

The amount of rent payable by the young person will vary in different parts of the country, according to where the foster home is situated.

Please see the **Financial Policy for Islington Foster Carers** for current rates in relation to allowances for Staying Put carers.

### **Young people at university who are staying put**

Islington care leavers get the full loans and an extra bursary from Independent Futures to pay for their living costs (see **Care Leavers' Offer** for full details). They are expected to pay the rent element from this sum plus a contribution towards food.

Income paid by Independent Futures is treated as foster carer income for tax and benefit purposes and is not deducted from any benefits.

### **Benefits should be claimed by young people wherever possible**

Young people should claim the rent element of Staying Put (set at the current London rate) from Housing Benefit. Foster carers should ensure that young people keep their claims going by following the instructions from their local Housing Benefits Office. The young person should pay the carer the total Housing Benefit received, which will be deducted from the former foster carers' allowance, unless any other arrangements have been made.

The department is committed to achieving fairness in financial arrangements for family and friends' foster carers. However, young people in former family and friends' fostering arrangements cannot claim Housing Benefit if they are related to the carer. If the foster carer is related to their foster child, they will not be able to receive rent through housing benefit. Other foster carers may not be able to receive Housing Benefit on behalf of their young people because of their own tax and benefit or housing circumstances. Foster Carers in this position should discuss the financial arrangements with their Supervising Social Worker.

### **Young people's financial support from Independent Futures**

Young people over 18 can get help from Independent Futures (Islington's Leaving Care Service) with essential educational expenses, travel to and from college, advice on how to claim the 16 - 19 bursary, and other educational help. Personal Advisors can help young people to apply for all their benefits and can give advice.

Independent Futures will also provide an extra bursary of **£3,000** per year to young people at university, in addition to government loans. Many universities also have their own bursary schemes.

### **Informing the Fostering Service when carers receive Housing Benefit**

Staying Put carers are required to inform Islington's Fostering Service when they start to receive the Housing Benefit rent payments from their former foster child to avoid the inconvenience, to them, of being overpaid and having to pay the money back to the Council.

### **Housing Benefit – Young People**

When young person reaches 18, personal advisors will complete a License Agreement with them that sets out the arrangements for rent, utilities and for the provision of support. Under the License Agreement the young person is liable for their rent.

### **If young people are working**

If a young person is working, then their income from employment is taken into account in their claim for housing benefit. Currently, young people who are working contribute 65% of their

“surplus income” after deducting an amount for their living expenses. For example: A young person who is working and earning **£100 (net income) per week** would have to contribute about **£21 per week** towards their rent.

Young people will always be able to meet the costs of housing and travel to work, education or training and have enough money to live on contribute to household expenses through the current arrangements for financial support to care leavers.

### **Council Tax**

If a young person receives benefits or is a full time student and is living with a single carer the carers will receive a council tax discount of 25%. If the young person is working, then the discount would be lost, and the young person will need to pay their share of the Council Tax. The same arrangements apply as for Housing Benefit, with the young person being liable to pay only an affordable proportion of their “surplus income”.

### **Tax relief and exemption**

Income tax relief is available to foster carers.

Qualifying Care Relief is a tax scheme that provides a tax-free amount to be deducted from foster carers’ total fostering payments to work out whether they need to pay tax on their fostering income. If carers do, it may be possible to offset this amount against their personal tax allowance.

This applies to all foster carers (mainstream, family and friends’, parent and child carers, and Staying Put and Shared Lives placements where the carer previously fostered the young person before they became 18).

Foster carers at pension age have different arrangements.

Foster carers may be entitled to benefits but still be liable for tax. If a carer is in receipt of benefits, they should disclose these payments.

For detailed information on tax relief and exemption, please see the **Financial Policy for Islington Foster Carers**.

### **Registering with Her Majesty’s Revenue and Customs (HMRC) – the Tax office**

All foster carers are expected to register as self-employed with HMRC. If a foster carer has no taxable profit from fostering, they may not be required to complete a self-assessment tax return form but should still register with HMRC and consider National Insurance to ensure their pension rights. If a foster carer has taxable profit from their fostering, they must register with



HMRC for tax and national insurance and will be required to complete a self-assessment tax return, self-employment pages.

To register, call HMRC newly self-employed helpline on 0300 200 3500 or look online at [www.HMRC.gov.uk/sa/register.htm](http://www.HMRC.gov.uk/sa/register.htm)

**All further advice on tax and benefits is available from:**

- Foster line **0800 040 7675** or ([enquiries@fosterline.info](mailto:enquiries@fosterline.info))
- The Fostering Network on [Finances | The Fostering Network](#)
- Islington Council's Income Maximisation Team, freephone number 0800 731 8081, available from 9.30am - 4.30pm, Monday - Friday.

## **BENEFITS**

### **Housing Benefit – Host Carers**

Some carers may not be able to receive a payment of rent from young people because this will affect their own benefit or tax position. Family and Friends' carers are not entitled to receive Housing benefit from a young person who is related to them. Supervising Social Workers should discuss the Staying Put financial arrangements with all their carers so that young people are also enabled to remain living with these carers in a Staying Put arrangement.

Supervising Social Workers should seek guidance from the LBI Income Maximisation Team as to how accepting housing benefit would affect a former foster carer's own finances in each individual set of circumstances.

Some young people will not be eligible for housing benefit because of their immigration status and Children's Social Care will then pay the fostering/supportive lodgings rent in most cases until the young person becomes entitled to their own income.

## **8. Arrangements for Young People in Independent Fostering Agency (IFA) Placements**

Staying Put arrangements with IFA carers will be made in a similar way. The initial Staying Put Rate will be paid to support the arrangement until the young person's 19th birthday and young people would be expected to make a financial contribution to the costs from their income in the same way wherever possible.

The maximum that would be paid to a former foster carer for a Staying Put arrangement is the same as for Islington's foster carers (see the current rate in the **Financial Policy for Islington**

**Foster Carers**). Young people are expected to claim income support and housing benefit wherever possible with additional personal allowances provided by Independent Futures as noted above.

If IFA foster carers and agencies do not accept this figure as a weekly payment for the arrangement from the young person's 18th birthday up until their 19th birthday, then a proposal for any continuation at a higher rate must be presented to the Assistant Director for Corporate Parenting for a final decision as early as possible after the child's 17th birthday.

If the young person wishes to remain in the former foster home after the young person 19th birthday, Children's Social Care would expect IFA foster carers to accept payments at the long-term 19+ Staying Put rate. If this is not acceptable to the IFA, then any proposal to continue the arrangement at a higher rate would need to be considered by the Assistant Director for Corporate Parenting.

**Where university students need vacation accommodation** carers will be asked to provide this service for the rent element of the Supported Lodgings rate at the current London rate.

## **9. Safeguarding in Foster Care**

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Young people who remain living with their former foster carer after the age of 18 will be asked to complete a DBS check if the foster carer continues to be approved as a foster carer. Safer Care agreements will also need to be reviewed.

## **10. Insurance**

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Public liability cover will be in place to cover all the arrangements made by Islington and should cover any arrangements which come under Islington supervision from agencies. IFA carers should refer to their agency insurance. Clarity as to foster carers legal expenses cover is being established a national level.

## **11. Challenging Decisions**

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If the looked after young person feels that the Council has failed to provide appropriate support towards the Staying Put arrangement, they should be encouraged to speak to their Independent Reviewing Officer, or to their Personal Advisor, to request a review of their Pathway Plan. They should also be told about their right to make a complaint and to contact an independent advocate.

A young person in a Staying Put arrangement is also entitled to make a representation or complaint about the provision of support and this can be investigated under the children's services complaints procedure. Foster carers are also entitled to make a complaint and if this relates to fostering, it must be investigated under the children's services complaints procedure.

## APPENDICES

### Appendix 1: Staying Put Process

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- Supervising Social Workers for in-house carers should explain the provisions of this policy to all their foster carers and discuss the general implications. This will ensure that foster carers are prepared well in advance of any request by a young person to Stay Put after the age of 18;
- The Children's Services finance team will send a letter to foster carers when young people become 17, stating that payments will cease at 18 unless other arrangements have been made and to discuss this with their Supervising Social Worker as soon as possible so that alternatives can be considered;
- The Fostering Service track placements at 17+ and ensure that foster carers understand the proposals for Staying Put and plan in advance for what they can offer;
- The above financial matters are treated as urgent at the age of 17 by Social Workers and Supervising Social Workers and their respective managers and referred to the Placements Commissioning Performance Group meeting where arrangements cannot be agreed;
- All carers are encouraged to accept housing benefits for young people over the age of 18;
- All personal allowances for 18+ come from Independent Futures or the benefit agency and the carer no longer gives money direct to the young person;
- Where carers cannot accept housing benefit paid on behalf of young people, the Supervising Social Worker needs to discuss the circumstances with the carer and alternative funding arrangements need to be considered;
- If there is a plan for the young person to remain in the former foster carer's home after the young person's 19th birthday and it is considered to be in the young person's best interest to remain in the household but the carer cannot accept housing benefit, the Placements Commissioning Performance Group meeting must be presented with a proposal to continue the arrangement and the funding required. This also applies where the Council has not succeeded in providing an alternative in good time;
- The Supervising Social Worker must assist the former foster carer to secure legal insurance cover for carers offering adult placements as this differs for those caring for children;
- Communication is key for these arrangements to be a success – Islington is committed to promote early planning between Independent Futures, the Fostering Service and the foster carer, followed by regular communication between the parties, to ensure the care arrangement remains suitable and achieves its aim to transition the young person to adulthood and independence smoothly.

## **Appendix 2: Living Together Agreement for Staying Put Arrangements**

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**Click here to view Appendix 2: Licence Agreement for Staying Put Arrangements,**  
including:

1. Living Together Agreement
2. Needs and Risk Assessment
3. Support Plan.
4. Inventory of furniture and fittings
6. Islington Complaints Procedure

## **Appendix 3: Roles and Responsibilities for Staying Put Arrangements**

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### **Role of the Supervising Social Worker when a Young Person Turns 17**

The Supervising Social Worker should explain and discuss this policy with all foster carers at the earliest date in order that all foster carers understand the framework for Staying Put.

The Supervising Social Worker should discuss the finances of any specific arrangement if there is any question of a young person remaining with their former foster carer after the age of 18, so that the carer can make an informed decision about continuing this care arrangement, consider the impact on their own finances and offer a clear message to the young person about their future. The Supervising Social Worker should then communicate this to the child's Social Worker.

In addition, the following is the role of the Supervising Social Worker:

- To provide advice and support to Staying Put carers;
- If carers are also foster carers, to consider the impact of this on their fostering role, address this through supervision, and contribute to their continued approval as foster carers;
- To coordinate provision of services to support the Staying Put carer;
- To ensure that the carer is receiving the correct payments;
- To participate in reviews of the Pathway Plan;
- To respond to the learning and development needs of carers.

### **Role of Social Worker / Personal Advisor (YPA) when a Young Person Turns 17**

To discuss options when considering the Pathway Plan, i.e. if the young person wishes to remain in the household after 18, to ensure that this is communicated to the supervising social worker as above. It cannot be assumed that a carer will agree to a young person remaining without funding or that full funding will continue. If the matter cannot be agreed, it should be

presented to the Assistant Director for Corporate Parenting for a final decision. It is the role of the Social Worker/personal advisor (YPA) to help the young person to apply for income support/job seekers allowance and housing benefit where this has been agreed so that payments start on their 18th birthday.

In addition, the following is the role of the Social Worker/YPA:

- To provide advice and support to the young person;
- To keep in touch with the Staying Put carer and provide advice and support as required. In Islington, the carer will be allocated a Supervising Social Worker from the Fostering Team;
- To ensure that the Pathway Plan is regularly reviewed, with input from the Staying Put carer;
- To liaise with the local authority to implement the Pathway Plan;
- To coordinate the provision of services to support the young person;
- To keep informed about the young person's progress and wellbeing.

### **Supervision of Placements / Payments to Agencies for Foster Care Placements After the Age of 18**

Placements for 18+ are no longer subject to regulatory arrangements, however good practice indicates that there will need to be some support to maintain stability. Supervisory visits will be undertaken every 2 months unless alternative arrangements are necessary, and additional advice/support can be given over the phone. Islington former foster carers may attend fostering support groups to access advice/support. The YPA will visit at a frequency as agreed in the Pathway Plan (and will always make at least one home visit every 3 months). Advice, assistance, and support will be available from Independent Futures during the day and emergency out of hours support will be available from the Emergency duty team.

A supervision payment of **£100** can be made to ensure that the former foster carer receives some supervision until the young person's 19th birthday. After this date, if the young person remains in the Staying Put arrangement, then negotiations will take place about the supervision of the placement with Islington's Fostering Team. If IFA agencies cannot accept the above terms, the matter should be referred to the Assistant Director for Corporate Parenting for a final decision.

### **The Role of the Independent Reviewing Officer Until 18 Years Old**

The Independent Reviewing Officer will review the Pathway Plan and ensure that actions taken by the Supervising Social Worker, YPA and social worker are in the young person's best interests and Staying Put guidance is adhered to. If agreements cannot be reached within this policy the matter should be presented to the Assistant Director for Corporate Parenting.