

Staying Put – Arrangements for looked after children remaining with their foster carers post 18

SCOPE OF THIS CHAPTER

This policy applies to young people who are currently looked after and who are wishing to remain living with their existing foster carer.

See also policy for Leaving Care.

This policy was agreed in September 2014

This document was reviewed in August 2018

RELATED GUIDANCE

The Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010, the Fostering Regulations and Guidance 2011 (Children Act 1989) and the Children and Families Act 2014.

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1. Introduction.

It is our policy that looked after young people are only expected to move to independence when they are deemed to be ready for this step. This policy aims to provide a framework for making decisions to enable looked after young people to remain with their current foster carer after the age of 18 years and how these arrangements will be supported.

The term 'Staying Put' is used to define the arrangements where a young person was looked after immediately prior to their eighteenth birthday and wishes to continue living with their existing foster carers. Their foster carers also need to be in agreement with the proposed arrangement.

Once a young person reaches the age of 18, they are no longer legally a Looked After Child and therefore usual fostering arrangements no longer apply. This policy is applicable to all young people looked after by Newham's Children & Young People's Service if they are living with foster carers on their 18th birthday whether that be with Newham in-house carers, Family & Friends carers or private or voluntary fostering agency carers.

The aim of Staying Put is to promote a gradual transition from care to becoming an independent adult. For many young people reaching their 18th birthday does not mean they are mature enough to take on the responsibilities of living independently. Remaining with existing foster carers gives the young person a sense of stability and security that young people who have not been in care usually have.

The Staying Put arrangement needs to be set out in the young person's Pathway Plan and, once completed, will require authorisation from the Care Leavers Panel. All Staying Put arrangements will be subject to an annual review.

2. Criteria for Staying Put arrangements

All young people who are looked after and reaching 18 years of age will have the opportunity to remain with their current foster carer. This will be considered as a 'Staying Put' arrangement.

A young person may request to 'Stay Put' for one of the following reasons.

Group One – Staying Put to continue education

The young person wishes to continue with further education. This may be in a work placement or within higher education.

If the young person goes away to university, they can return to the carers' home during university holiday periods and weekends throughout the academic year, and the carer will be eligible to receive an allowance for these periods.

Group Two – Staying Put due to vulnerability

The young person is considered too vulnerable to live on their own and the responsibility that is entailed with independent living.

The foster carer will continue to work with the young person to develop their practical and emotional skills to become resilient and work towards the young person making the transition to independence.

The social worker to consider whether any of the following criteria applies to the young person;

- Moderate learning difficulties
- Physical disabilities
- Communication difficulties
- Special education needs
- Risk taking behaviour, exploitation or self harm
- Some mental health issues
- Emotional and physical development
- Substance misuse.

Group Three – Staying Put but waiting for suitable housing

Due to the demand of social housing within the borough, young people who are happy to make the transition to independence once they reach 18, may have to wait for suitable accommodation.

Group Four – Staying Put as a personal preference

The young person does not fall into any of the above three categories but has a preference to remain living with their existing foster carer.

The 'Staying Put' arrangement will extend until

- The young person decides to leave the Staying Put arrangement at any time prior to their twenty-first birthday, or
- The young person reaches their twenty-first birthday.

3. Consultation with the foster carer

The foster carer must be consulted at least one year prior to the young person reaching their 18th birthday to ensure the carer is happy for the staying put arrangement to continue up to the young person reaching their 21st birthday.

The foster carer will also need to be made aware of the changes to the fostering allowances when caring for a young person over the age of 18 – See section 6.

4. Status of placement

Once a looked after young person reaches 18 they will no longer be looked after and the placement will become an arrangement between Newham, the young person and the carer. Fostering Regulations and Care Planning Regulations will no longer apply. The young person will be occupying the foster home on a familial and non-commercial basis.

5. Impact of Staying Put on fostering allowances

Staying Put carers become entitled to a post 18 allowance. This means carers will be entitled to receive a total amount of £250 per young person each week.

This allowance will be made up of financial contributions from young people from their wages, salary, benefits or education allowance plus a top up from CYPS, if necessary, to total £250. Young people are also expected to utilise universal benefits such as Housing Benefit in their own right, even if their carer is also in receipt of Housing Benefit.

The reward element of the fostering allowance paid for 0 – 18 placements will cease as the young person is no longer looked after.

Carers will not be expected to provide the young person with pocket money.

Carers will not receive additional allowances at Christmas/festival time or to coincide with the young person's birthday.

6. Impact of Staying Put on the foster carers' approval

Where the foster carer continues to foster other children, it will be necessary for the supervising social worker to consider whether the continuing placement has any impact on the carer's registration. It may be that the number of placements that the foster carer can offer, or the age range, will need to be temporarily altered. Such changes should be reported to the Fostering Panel.

If the young person was the only child in placement, a discussion should take place with the foster carer to ascertain as to whether they intend to return to fostering children in the future. If they do, there will be no need to change their status as a foster carer. They will continue to be reviewed annually. It will only be possible to place further foster children with the foster carer once a DBS check has been completed on the young person who is Staying Put and the foster carer has a spare room to accommodate another placement.

Where the foster carer does not intend to resume fostering, or where their approval was only for the young person in question (such as Family and Friends foster

carers), then the supervising social worker should discuss their deregistration. The foster carer may wish to complete a letter of resignation.

7. Safeguarding

Young people who remain in the placement after they reach 18 will be required to have an enhanced DBS check if there are other younger foster children within the home.

A risk assessment should be considered if other younger children, who are not siblings of the young person, live in the foster home.

8. Ongoing monitoring of placement

As the fostering regulations no longer formally apply when a young person reaches the age of 18, the monitoring of the placement will transfer from the Fostering Team to the Leaving Care Team.

The young person will be allocated a Worker from the Leaving Care Team who will visit the young person on an 8 weekly basis.

The Leaving Care Team Worker will also work alongside the carer to prepare the young person for independence.

9. Financial contributions from the young people themselves

The amount the young person is to contribute to the household will be decided according to whether the young person is working, claiming benefits or in receipt of an education allowance.

As the benefits system is detailed and complicated it is expected that all plans for staying put arrangements is considered within the statutory review and authorised by the care leavers panel 9 months prior to the young persons eighteenth birthday and their fostering placement ceases. It is also expected that the young person will receive budget management advice or detailed benefit advice in line with their personal circumstances. The young person's allocated worker will refer them to the Debt and Benefit Advice Service.

10. Income Tax and National Insurance issues for 'Staying Put' Arrangements

H.M. Revenue and Customs Helpsheet 236 Qualifying care relief: Foster carers, adult placement carers, kinship carers, staying put carers and parent and child arrangements – gives information about tax allowances and fostering arrangements.

The Helpsheet 236 states:

Staying put care – if you provide care for someone who, immediately prior to reaching 18 years, was subject to a care order or was a ‘looked after’ child (this can include someone who was cared for under kinship care arrangements). The person who you care for must be 18 or over and in full-time education, full-time higher education or full-time vocational training. You must be receiving payments for providing care from a local authority or health service body and the person you care for must have a pathway plan. Where you provide these types of care you may be treated as being self-employed. However, your income or profits from such care will usually be exempt from Income Tax.

Fostering carers are responsible for making their own enquiries as to their income tax and national insurance.

11. Insurance issues, including liability insurance and household insurances

Foster carers will have the same insurance arrangements for Staying Put placements up to the age of 21 as for foster placements for children under the age of 18. See foster carers’ handbook.

Foster carers with private and voluntary agencies will need to check with their agency to ensure adequate insurance cover is available.

12. The ‘Staying Put Agreement’

Young people who are choosing to Stay Put, should meet with their foster carers, their social worker and the foster carer’s supervising social worker, to discuss the new staying put arrangements. The agreement should set out the expectation of all parties and clarify roles and responsibilities. The Staying Put Agreement should be incorporated into the young person’s Pathway Plan.

The ‘Staying Put Agreement’ should cover;

- Tasks to be addressed to encourage resilience and independence
- Income via paid employment, welfare benefits or education allowance
- Credit cards, loan agreements and mobile phone contracts registered at the carers’ address
- Friends, boyfriends/girlfriends and family visits to the address
- Staying away for nights, weekends or longer periods
- Day to day movements and timekeeping

- Education, training and employment
- Health arrangements
- Issues related to younger foster children or birth children
- Moving-on.

13. Moving on.

Staying Put arrangements will last until

- the young person has finished full-time education, or
- such time as they are considered ready to move to independence, or
- they are transferred to an adult social care provision, or
- they reach the age of 21.