



LBS STAYING PUT POLICY 2021

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1. INTRODUCTION

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.

Sutton Children's Services recognises 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; and
- Reduce the likelihood of social exclusion.

2. FOSTER CARE AND STAYING PUT

Although the personal relationships between the child and their foster family may remain as they have always been, a number of changes occur once the child becomes an adult.

From the age of 18, under a Staying Put arrangement:

- Young people are no longer legally Looked After and fostering regulations no longer apply;
- The young person is no longer a foster child. They become an adult member of the fostering household; and
- The 'placement' becomes an 'arrangement' between the foster carer, the young person and Sutton Children's Services and is subject to a Licence Agreement between the parties involved.

2.1 Living Together Agreement

Before a Staying Put arrangement begins, the young person's Social Worker should draw up a Living Together Agreement with the young person and the Staying Put carer. The Supervising Social Worker should also be consulted.

The amount of detail in the agreement will depend on the relationship between the young person and their carer. The agreement will normally include the ground rules of the household and the responsibilities of the involved individuals. Where the Staying Put carer continues to foster, there may be

additional standards of behaviour for the young person, e.g. not smoking in the house.

Whilst the Staying Put arrangement is supported by the Council, the carer should be visited and offered advice and support from the Fostering Service to ensure that the arrangement continues to be right for the young person and the carer.

3. STAYING PUT ELIGIBILITY CRITERIA

All young people who are eligible for Leaving Care Services (i.e. have been looked after for a total of 13 weeks after they reached the age of 14 and who remain looked after by Sutton in a foster family up to their 18th birthday) are eligible for a Staying Put arrangement after the age of 18.

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

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

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 three months of their 16th birthday.

4. DECISION NOT TO SUPPORT STAYING PUT

A decision not to support a Staying Put arrangement 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 young person. However, if the carer cannot accept Sutton's financial terms, the Staying Put arrangement may not be possible. The matter would then be referred for a decision by the Head of Service for Corporate Parenting.

5. CHILDREN AND YOUNG PEOPLE WITH DISABILITIES

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

6. STAYING PUT PRINCIPLES

Everyone involved in supporting young people to Stay Put should adhere to the following principles:

- To make arrangements which replicate normal family life;
- To act in the young person's best interests;
- To support young people and carers, and meet their specific needs;
- To provide clear information, so that young people and carers can make informed choices;
- To carry out early planning;
- To ensure equality of opportunity: making Staying Put arrangements the norm for young people in all types of placements and making arrangements to prevent finances precluding Staying Put arrangements; and
- To be flexible: recognising that the relationship between the young person and the carer may continue after the young person's 21st birthday.

7. CARERS AND FOSTERING

Some carers will want to cease fostering and provide only a Staying Put arrangement. They may give 28 days notice of their resignation, in writing, to the Fostering Panel. Staying Put carers will have a named Supervising Social Worker, who will visit at least annually or six monthly, or more frequently, depending on the circumstances.

With the agreement of the Fostering Service, foster carers may remain approved, but provide no foster placements during the Staying Put arrangement. In such cases, the carer will need to continue to meet the statutory requirements, including regular visits by the Supervising Social Worker; annual foster care reviews; mandatory training; invitations to foster care forums etc.

Where a Staying Put carer wishes to continue fostering, the following actions must take place prior to the Staying Put arrangement:

- The Supervising Social Worker must initiate a review of the foster carer's approval; and
- The young person's Social Worker will request a DBS enhanced disclosure for the young person who is now an adult through the carer's fostering service.

The carer does not have to remain approved as a foster carer when they are providing a Staying Put arrangement. However the council hopes that foster carers will wish to remain approved.

A foster care review should be undertaken before a Staying Put arrangement begins. This will enable the carer to fully understand the change in the arrangement and the implications of matching and safeguarding any new

placement. Foster carers should continue to receive supervision, attend training, have annual reviews and continue to develop their skills.

8. SAFEGUARDING

Staying Put carers need to be clear how to respond if they have safeguarding concerns for the adult who is a former child looked after, where these concerns do not involve children.

This may include referring the young person as an Adult at Risk, or helping the young person to request services. Where consent cannot be obtained, the carer will need to understand the basics of the Data Protection Act and the Mental Capacity Act in relation to young people over 16 years.

9. DECISION MAKING AND REVIEW PROCESSES

9.1 Early discussions

Recruitment and retention of foster carers

All foster carers (including those who only take short term placements or young children) will be informed about the possibility of their being asked to provide a Staying Put arrangement. Core fostering training will include the issues involved with young people Staying Put.

Long term placements

Whenever a long term foster placement is agreed, the child's Social Worker and the Supervising Social Worker should initiate discussions about Staying Put from the beginning.

9.2 Discussions prior to 16th birthday

Leaving Care Pathway Plan

As part of the Leaving Care Pathway Plan, the young person's Social Worker should discuss Staying Put arrangements with the young person. The Supervising Social Worker should speak separately to the carer, in order to find out their views about entering into a Staying Put arrangement.

If the young person and the carer both think that a Staying Put arrangement is a possibility, A Staying Put meeting should be convened by the young person's Social Worker, before the young person is 16 years old. The purpose of the meeting is to explore the viability and likelihood of a Staying Put arrangement. The meeting should include identifying and allocating all the tasks required to

extend the foster placement into a Staying Put arrangement (including the impact on the foster carers' financial circumstances).

The meeting should include: the young person and their Social Worker; the foster carer/s and the Supervising Social Worker; the Leaving Care Social Worker/ Personal Adviser; and a Transitions Worker for children and young people with disabilities.

CLA Reviews and Pathway Plan Reviews

The CLA Review prior to the young person's 16th birthday will include a discussion about whether a Staying Put arrangement will be needed. A subsequent review may make this recommendation where the criteria is met. However, planning should take place well ahead of the young person's 18th birthday.

9.3 Role of the Supervising Social Worker when a young person turns 17

If there is any likelihood of a young person Staying Put after 18, the supervising social worker should discuss the finances, so that the carer can:

- Make an informed decision about caring for a young person;
- Consider the impact on their own finances; and
- Offer a clear message to young people about their future and to their social worker about what needs to be done.

The Supervising Social Worker will also:

- Provide advice and support to Staying Put carers;
- If carers are also foster carers, consider the impact of this on fostering, address this through supervision and contribute to their approval as foster carers;
- Coordinate provision of services to support the Staying Put carer;
- Ensure that the carer is receiving correct payments;
- Participate in reviews of the pathway plan; and
- Respond to learning and development needs of carers.

9.4 Role of Social Worker/ Personal Advisor when young person turns 17

The role of the Social Worker/ Personal Advisor is 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 Leaving Care Placement Panel. It is the Social Worker's/Personal Advisor's role to help the young person apply for Universal Credit 28 days prior to their 18th birthday.

The Social Worker/Personal Advisor will also:

- Provide advice and support to the young person;
- Keep in touch with the Staying Put carer and provide advice and support as required;
- Ensure that the pathway plan is regularly reviewed;
- Liaise with the host local authority to implement the pathway plan;
- Coordinate the provision of services to support the young person; and
- Keep informed about the young person's progress and wellbeing.

9.5 Role of Independent Reviewing Officer until young person reaches 18

The Independent Reviewing Officer (IRO) will review the pathway plan and ensure that actions taken by the Supervising Social Worker, young person's Personal Advisor and Social Worker are in the young person's best interests and Staying Put guidance adhered to. If agreements cannot be reached within this policy, the matter should be taken to the Head of Service for Corporate Parenting for resolution.

9.6 Ratifying Staying Put arrangements

Staying Put arrangements will be signed off by the Head of Service for Corporate Parenting.

Ongoing Staying Put arrangements should be reviewed on a six monthly basis at the Pathway Plan Reviews, which are coordinated by the young person's Social Worker/ Personal Advisor.

9.7 Supervision of placements/ payments to agencies for foster care placements after 18

The placements of young people over 18 years 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 every two months unless alternative arrangements are necessary, and advice can also be given over the phone.

Sutton foster carers may attend fostering support groups or Staying Put Carers Support Groups. The Personal Advisor will visit at a frequency as agreed in the pathway plan (and will always make at least one home visit every three months).

A supervision payment of £100 per session can be made to the IFA to ensure that the 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.

10. FUNDING OF STAYING PUT ARRANGEMENTS

10.1 Universal Credit Housing Element - young people

Upon reaching 18, young people are helped by the Leaving Care Social Worker/ Personal Advisor to apply for universal credit.

In order to claim the Universal Credit Housing Element the accommodation arrangement has to be the status of 'excluded licensee'. Young people will have a Licence Agreement that covers rent, utilities and arrangements for the provision of support and states that the young person is liable for their rent. The Social worker should refer the young person to the Welfare Reform Team to ensure all eligible benefits are claimed.

Some young people will not be eligible for housing benefits because of their immigration status and Children's Social Care will then pay the fostering/ supportive lodgings rent in most cases.

10.2 Staying Put scheme

Foster carers receive an allowance for rent and utilities and a reward element (Staying Put Allowance), set out in the table below.

Allowance payment to carers	£s per week
Utilities	32.00
Rent	85.00
Staying Put Allowance	170.00
Total	287.00

10.3 Retainers

Where a young person requires the placement to remain open for periods where they are residing elsewhere e.g. term time at University, in order for them to return during holiday periods, a retainer fee of 50% of the usual total per week will be paid to the provider. This is based on the understanding that at any time if the young person required the placement it would be available for them.

Carers will no longer be required to save for young people.

10.4 If young people are working

Young people who are working cannot claim the full housing benefit entitlement and need to contribute to the rent from their income, in line with current housing benefit rules. (Currently 65% of a young person's "surplus income" after deducting an amount for living expenses.) For example: a young person who is working and earning £100 (net income) per week would have to contribute about £25 per week towards their rent.

10.5 Young person's allowance

Young people Staying Put will be treated as members of the family and included in family meals. However, this should not preclude the young person from making a contribution towards food and household utilities from their personal income, as part of their learning to budget.

Where arrangements are made between the young person and the carer to contribute some of the young person's allowances towards the provision of food etc. Any such arrangements should be documented as part of the Living Together Agreement.

10.6 Additional payments

Supervising social workers will discuss the proposed financial arrangements with foster carers. If a carer cannot accept housing benefits because of their own benefit situation Sutton's Leaving Care Service will pay the rent element.

10.7 Financial contributions

If a young person remains with a former foster carer and the payment comes from the Local Authority under Section 23c of the Children Act 1989 then the payment will be subject to foster carer tax relief and disregarded for benefit purposes.

10.8 Tax

Carers should seek independent tax advice about their income tax. Information is available from the [HMRC: helpsheet 236](#).

It will be the responsibility for host carers to complete a HMRC self-assessment form if they are earning above the personal allowance threshold.

10.9 Young people in Independent Fostering Agency (IFA) placements

Staying Put arrangements with IFA carers work in a similar way.

Young people are expected to claim universal credit wherever possible.

If IFA foster carers do not accept this allowance as a weekly payment for the arrangement from the young person's 18th birthday, then a proposal for any

continuation at a higher rate must be presented to the Multi Agency Placement Panel as early as possible after the child's 17th birthday.

10.10 Young people at university

Where young people require holiday accommodation, a proposal will be submitted to the Head of Service for Corporate Parenting.

Upon reaching 18, young people will have their own income, either from wages from employment or an apprenticeship, or from universal credit if they are in further education or training. They will also receive some financial support with their travel costs to their college or training provider. This income is taken into account when making the Staying Put arrangement. 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.

The recommended contribution of the young person towards food and utilities is £18 per week, but all families will make their own arrangements in this area.

11. INSURANCE

Public liability cover will be in place to cover all the arrangements made by Sutton and should cover any arrangements which come under Sutton supervision from agencies. IFA carers should refer to their agency insurance.

12. CHALLENGING DECISIONS

If the looked after young person feels that the Local Authority has failed to provide appropriate support towards the Staying Put arrangement, they should be encouraged to speak to their IRO, 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](#).

APPENDIX A. STAYING PUT DEFINITIONS

Overview

Where possible; DfE, DWP and HMRC definitions and frameworks relating to “Staying Put” have been harmonised. However, given the complexity of the three different legislative frameworks relating to “Staying Put” arrangements, and the fact that some of the legislation does not cover all four countries in the United Kingdom, this has not been wholly possible.

Staying Put Carers should not normally need to refer to the definitions below. However, there may be times when it is helpful to refer to the legislative definitions.

“Staying Put” is used to define the following arrangements where:

- A young person who was looked after immediately prior to their 18th birthday (as an eligible child) continues to reside with their former foster carers
- The young person is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 to the Children Act 1989, immediately before he/she reached eighteen
- The “Staying Put” arrangement is set out in the young person’s Pathway Plan;
- A proportion of the allowance paid to the “Staying Put” carer is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989
- The “Staying Put” arrangement extends until:
 - the young person first leaves the “Staying Put” arrangement or
 - the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday, if continuously living in the arrangement since their eighteenth birthday.

Department of Work and Pensions

Under the DWP legislation covering “Staying Put” payments made by the local authority to the carer under section 23C of the Children Act 1989 are disregarded in calculating the carers entitlement to means tested benefits where the young person:

- Continues to reside with their former foster carer after their eighteenth birthday
- Was looked after immediately prior to their eighteenth birthday

Where part of the payment for the “Staying Put” arrangement comes from a contribution from the young person (as a payment for rent, either directly or from housing benefit) the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim.

The section 23C disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the “Staying Put” arrangement for whatever reason.

HM Revenue and Customs

The term “Staying Put” (HMRC) is used to define arrangements where:

- A young person was looked after immediately prior to their eighteenth birthday
- The young person has a Pathway Plan
- A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority
- “Staying Put” arrangements can extend until:
 - the young person reaches their twenty-first birthday or
 - the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday.