

Staying Put Guidance

Children and Young People's Services

September 2019

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1. Introduction

Young people aged 18 are no longer legally in 'Care' and therefore fostering arrangements no longer apply. This Guidance sets out the arrangements needed should a carer and young person wish to seek to extend a placement beyond the young person's 18th birthday and the conditions and criteria required for this to happen. This arrangement is referred to as Staying Put.

It is important to note that the young person effectively becomes a lodger ('excluded licensee') in the 'Staying Put' carer's home post 18, and the carer their landlord under these arrangements. However despite the legal basis changing the treatment of such young people should be no different to a fostered child.

2. Scope and Definition

Over the last 5 years (2007-2011) between 75-115 young people aged 16 or over left care each year. Some of these will have left before their 18th birthday. Others who were 18 may not have been in foster care or may not want to remain with their foster carers.

This Guidance covers all young people in care with Haringey Council up to the age of 18 who may wish to remain with their present foster carers after their 18th birthday.

- an 'eligible child' (defined in paragraph 19B of Schedule 2 to the 1989 Act, and in regulation 40 of the 2010 Regulations) is a looked after child aged 16 or 17, who has been looked after for a total of at least 13 weeks which began after s/he reached the age of 14, and ends after s/he reaches the age of 16;
- a 'relevant child' is a young person aged 16 or 17 who was an 'eligible child' but is no longer looked after, defined in section 23A of the 1989 Act and regulation 4 of the Children (Leaving Care) (England) Regulations 2001;
- a 'former relevant child', defined in section 23C of the 1989 Act, is a young person aged 18 or over who was either an eligible or a relevant child. The local authority has duties in relation to former relevant children until they reach the age of 21, or 25 in the case of former relevant children who are pursuing a programme of education or training;

3. Aim

The purpose of this Guidance is to promote the gradual transition from care to independent living. It recognises that many young people may be in the

middle of completing their current education or requiring an immediate but time limited bridging placement prior to university or a planned move to permanent accommodation. It also recognises that some young people in care display delayed maturity and additional vulnerabilities which mean they need continued support and stability. The Guidance is therefore designed to minimise disruption to young people's living arrangements during a critical phase of their transition.

4. Procedure and Financial Process

4.1 Procedure

The Pathway Plan undertaken at the age of 15½ should begin to identify the timescale for the young person to move to independent living and should be the framework used to explore the following. The social worker and their manager, with oversight from the independent reviewing officer, will consider the following:

1. Whether the young person will fit the criteria for 'Staying Put' when they reach their 18th birthday
2. Ensure that the young person and the foster carer agree to the conversion of the placement to a 'staying put arrangement' including understanding the funding arrangements and young person's financial responsibilities associated with Staying Put.
3. Ensure that there is a parallel plan for the young person should the 'staying put' arrangement not be viable.

The viability of the 'staying put' arrangement should be considered at the young person's looked after review around their 17th birthday and should set out the actions required to ensure any final arrangements are in place by the young person's 18th birthday. The outcome of this meeting should be presented to the Young Adults Service Panel, who are responsible for the decision to extend a former fostering arrangement.

Prior to the presentation to the panel both the fostering service and the allocated social worker are responsible for ensuring the carer and young person are clear on the criteria and financial framework for converting the foster placement to a 'staying put' arrangement and have been fully informed of the National Insurance, Income Tax and welfare benefits issues for the foster carer(s) and welfare benefit issues for the young person.

Following approval at panel the allocated worker and supervising social worker will assist the carer and young person to complete Staying Put Agreement (as per the appendix 2 attachment). There is a shortened version of this guidance for the young person which can be given to them (as per appendix 1 attached).

4.2 Financial issues

From the young person's 18th birthday until the end of their 'A' levels or college course the young person will be able to stay on with the carer/s under a 'staying put' agreement. This will be reviewed at the end of each academic year depending on the duration of the college course.

The carer/s will receive the carer/s allowance only and not the child's allowance as the young person is no longer classed as a child. The carer/s' allowance will remain at the full fostering rate (current rate £205, 2015).

It is preferable that the young person claims their welfare benefits as soon as they turn 18 years old, however, under exceptional circumstances i.e. if the young person turns 18 in the middle of exams, the Young Adults Service will continue to provide subsistence. Once exams have finished then benefits will need to be claimed, for example, Income Support and Housing Benefit.

There is also an expectation that housing benefit be claimed if the carer/s are not in receipt of means tested state benefits.

The amount of housing benefit received will be deducted from the carer/s allowance and the Young Adults Service will top up the rate to make it up to the £205.

This allowance covers the young persons rent for their room, utilities, support and a small contribution towards communal groceries associated with the placement costs. The make up of this £205 allowance will be provided via the young person's housing benefit claim (as above) if their 'staying put' carers are not claiming a means tested benefit, with an additional top up from the local authority to make up the total amount. For example Housing benefit awarded is £150 per week, Young Adults Service will top up £55 per week.

The young person will be expected to maximise their benefit entitlements which includes a housing benefit claim where applicable, and personal benefits such as Income Support, Job Seekers Allowance, the 16-19 Bursary, training allowance, Employment and Support Allowance or earnings. The young person will be expected to be responsible for the bulk of their grocery costs, all of their clothing and toiletry requirements, travel etc. A contribution of £10 will be expected to be provided by the young person to their carer to cover any miscellaneous costs associated with living in the family household, this is also in place to enhance the young person's life skills for future independent living. Further private financial arrangements can be made between the carer and young person should they chose to do so, for example if the young person tends to eat most meals with the carer and family.

Within the agreement the carer will be expected to provide oversight of the young person and continue to support the young person to gain the skills for independent living, and report any concerns to the allocated personal advisor. The carer will also be expected to keep the room in good condition and report any concerns to the fostering service.

The young person will be expected to adhere to the Staying Put agreement which sets out expectations of all parties involved.

4.3 Young People at University

Young people who have left their placement to attend university may wish to return to their former foster carers during vacation periods with their carers agreement. In such circumstances care leavers at university receive £100 (maximum of 3 weeks at Easter, 3 weeks at Christmas and 14 weeks during the summer) contribution towards their rent during vacation periods and can use this to provide for their room. Further contributions can be arranged privately between the carer and young person for additional expenses incurred. The additional contributions from the young person will need to be made from the young person's university bursaries and grants.

If the young person wishes to stay with the former foster carer whilst at University then the 'Staying Put' arrangement **ceases** and then becomes a private arrangement between the two parties which is to be funded out of the young person's loans, bursaries and grants.

During the holidays then the above applies for returning to foster carer. For further explanations please see Higher Education Policy.

If the young person decides not to attend university, or takes a gap year prior to the start of their degree course, and wishes to remain within the foster carer's home, this will be deemed as a private arrangement.

4.4 Income tax and national insurance Issues for 'Staying Put' arrangements

The placement is no longer deemed a foster care placement and is classed as an independent ex-foster care placement (in terms of income tax and national insurance regulations) the placement is deemed a vulnerable adult placement Carers must be made aware of the income tax and national insurance regulations relating to post eighteen placements that are set out in the [National Association of Adult Placement Schemes](#) (N.A.A.P.S.) simplified arrangements leaflet and Inland Revenue Help Sheet 236. [Current link for 2014-15 edition of sheet is <http://www.hmrc.gov.uk/helpsheets/hs236.pdf>

In certain circumstances payments for post eighteen placements may require the completion of a relevant tax declaration. Additionally, the payment may affect any state benefit the carer/s are receiving, particularly Housing Benefit, Income Support/Job Seekers Allowance and will need to be declared to the Department of Work and Pensions and specialist advice sought.

Specialist financial, benefit and tax advice should be sought in all circumstances to ensure that carers are fully aware of the implications of providing a placement to a young person over the age of eighteen. As tax and NI arrangements can change each year it is important that carers seek guidance from the HMRC annually.

4.5 Support for the carer

Fostering regulations no longer apply after the young person has reached the age of 18 however the following standards will continue to apply to Staying Put arrangements:

- A return to fostering panel when there is change of circumstances
- New **Disclosure and Barring Service** check every three years on all adult members of the household, regular visitors, and children of the carers aged sixteen and older.
- Health and safety checks
- Attending required training and optional support groups.
- Regular oversight and support from the supervising social worker. **This will be 2 x a year unless other arrangements agreed.**
- Please note young people post 18 will require a valid police check in households where foster children are living and will be the responsibility of the supervising social worker to ensure completion of the task.

In some circumstances fostercarers may continue to also have under 18's in the placement. In this case fostering regulations will apply to such households and the 18 year old will be monitored as part of those process and procedures.

4.6 Living together: the 'Staying Put' agreement

An agreement between the 'staying put' carers and the young person needs to be developed prior to the young person's 18th birthday. It is the responsibility of the allocated social worker and the supervising social worker to meet with the carer and young person to facilitate the discussion and signing of this agreement. This agreement will be reviewed in line with the Pathway Plan review, or where disputes have arisen, and responsibility will pass to the Personal Advisor post 18.

The agreement should cover:

- The financial arrangements
- Preparation for independence tasks and support
- The welfare benefit claims
- Visitors and overnight stays
- Staying away overnight and informing carer of movements
- Education, training or employment (ETE) activities
- Any arrangements related to health needs
- Move on arrangements

A template is attached in the appendix as a guide. It will require personalisation between carer and young person.

5. The legal context

- The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers October 2010

- The Care Leavers (England) Regulations 2010 October 2010, Statutory Instrument 2010 No. 2571 Children and Young Persons, England [came into force 1st April 2011].
- The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review March 2010 (Chapter 5)

These regulations and guidance give effect to the provisions in the Children and Young Persons Act 2008 to give care leavers an entitlement to a Personal Adviser and support from the local authority where they wish to resume education and training beyond the age of twenty-one and up to age 25. This revised statutory guidance also emphasises the importance of suitable accommodation for care leavers and lists the criteria that local authorities need to consider, for example:

- Children and Young Persons Act 2008

This act included provisions to ensure that young people did not have to leave care before they are ready, by giving them a greater say over moves to independent living and ensuring they retained support and guidance as long as they need it.

- Children (Leaving Care) Act 2000

Key provisions of the act include:

- Continuing assistance for care leavers aged 18 to 21, especially with education and employment. Assistance with education or training continues to the end of the agreed programme, even if it takes some past the age of 21.
- Local authority duty to assess and meet the needs of young people aged 16 and 17 who are in care or care leavers.
- Local authority duty to keep in touch with care leavers until they are at least 21.
- Every eligible young person in care should receive a comprehensive pathway plan when they turn 16. This plan should map out a clear route to independence.
- Each young person should have an adviser who will coordinate the provision of support and assistance to meet the needs of the young person.
- A financial regime will be provided for care leavers to ensure they have comprehensive financial support.

6. Principles

Research and practice¹ show that care leavers have the best chance of success if those responsible for their support take the following principles into account as they work with young people for their transition to adulthood:

¹ Stein M (with data annexe by Morris M) (2010) C4EO Knowledge Review 3: *Increasing the number of care leavers in 'settled, safe accommodation'* (September 2010).

- Would this be good enough for my own child?
- Is this tailored to their individual needs, particularly if they are more vulnerable than other young people?
- Providing a second chance if things don't go as expected.

The regulations and guidance are designed to ensure care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with the opportunities and chances needed to help them move successfully to adulthood.

The Council and its partners have also adopted the London Pledge. The Pledge aims to ensure that children and young people in care across London have equal access to the same range of key services and support wherever they live, go to school or access employment or training opportunities in London. The pledge is set out in the Council's Corporate Parenting Strategy.

7. Equalities and diversity

Children and Young People's Service records equalities data in accordance with the Equality Act 2010 and the Ofsted requirements to monitor data on age, sex, race and disability.

In order to meet the needs of children and young people in Haringey, Framework-i also allows for the collection of data on religion. Hence the following information should be included in case records:

- Data relating to: age, sex, race, disability, religion
- The communication and language needs of service users and carers should always be considered; for example where a child, young person or their carer may need interpreter, written material in an alternate format or a language other than English.
- Arrangements should be made for advocates, interpreters, relatives or friends, to assist any child, young person or carer where necessary.

Appendix 1

Where would you like to live?

At this point in your life you may not be ready to leave care as you are studying at 6th Form or college. One of the options could be that you would like to stay on with your foster carers whilst you finish your studies.

Staying on with carers

Some young people stay on with their foster carers as lodgers where that suits everybody.

If you are in full time education (such as A levels) or at college, you can stay in your foster home after your 18th birthday and up until you finish your A levels, college course or start university, if this is what you want. You will be living there as a paying tenant and may have to claim social security benefits to pay for your rent, your food and your keep.

It is preferable that you claim benefits as soon as you turn 18 years old, however, in exceptional circumstances, for example if you are in the middle of your exams, then the Young Adults Service will pay you subsistence until you finish your exams.

Income Support – to help pay your living costs

You may be able to claim Income Support to cover your living costs if you are unable to work for any of the following reasons:

- You are on a course of non-advanced education (up to A-level or equivalent)/at college for 16 hours or more

Housing Benefit – to help pay your rent

If you are over 18 and at college or working but on a low income, then you may be able to claim Housing Benefit. Local councils pay Housing Benefit to people who need help to pay their rent. It is paid by cheque every four weeks, normally directly to your landlord/fostercarer. This means that your fostercarer becomes your landlord.

Staying Put Agreement

You and your fostercarer will sign a staying put agreement which will set out what is expected from you and your fostercarer while you are living with them under the new arrangement.

Appendix 2

STAYING PUT AGREEMENT

Dated :

This is a Staying Put Agreement between London Borough of Haringey, **Mr/Mrs Foster Carer** and **Joe/Joanne Bloggs**.

Joe/Joanne Bloggs was fostered with **Mr/Mrs Foster Carer** from XX/XX/XXX to XX/XX/XXXX. It was agreed by all parties **Joe/Joanne Bloggs** would remain with **Mr/Mrs Foster Carer** until XX/XX/XXXX. As **Joe/Joanne Bloggs** was 18-years-old on the XX/XX/XXXX and is supported under s.24, Leaving Care Act 2000, he/she is unable to remain 'fostered'. The placement changed to Staying Put arrangement effective from XX/XX/XXXX until review again on the XX/XX/XXXX. This agreement will be reviewed again XX/XX/XXXX for a further 6 months, next review date will be XX/XX/XXXX.

Joe/Joanne Bloggs unable to make a housing benefit/Universal Credit application as Mr/Mrs Foster Carer is currently in receipt of these benefits herself.

This agreement can be ended at any time should any party wish to do so. However, should anyone, including **Mr/Mrs Foster Carer**, wish to end this agreement; one month notice has to be given to allow time for an alternative placement to be found.

1. **Rent** - It was agreed that rent costs will be covered by the Young Adults Service to cover **Utilities** to a total staying put allowance of £205.
2. **Food/clothes/toiletries** will be purchased by **Joe/Joanne Bloggs**, who will be solely responsible for these items.
3. **Household expenses – Joe/Joanne Bloggs** will contribute a minimum £10 towards miscellaneous household expenses and will be provided via the young persons universal benefit entitlements or earnings. Support will be provided by the service to ensure entitlements are maximised.
4. **Disputes –** If there are any disputes between **Joe/Joanne Bloggs** and **Mr/Mrs Foster Carer** that they are unable to resolve, these should be discussed with the allocated worker/supervising social worker or team manager.
5. **Household rules –** This should be agreed between **Joe/Joanne Bloggs** and **Mr/Mrs Foster Carer**. If they were unable to reach agreement the allocated worker would need to be involved. It has to be held in mind that this address is **Mr/Mrs Foster Carer**' private home and she would want to ensure that her doors are securely locked before going to bed each night. In addition, **Joe/Joanne Bloggs** is expected to be home at a reasonable time as he/she is studying for his/her exams.
6. **Staying Out Overnight** - If **Joe/Joanne Bloggs** is going to stay out overnight, he **must** discuss this with **Mr/Mrs Foster Carer** before the event. **Joe/Joanne Bloggs** does not have to tell **Mr/Mrs Foster Carer** where he/she is staying, as he/she is an adult. However, given safety concerns it is advisable that **Joe/Joanne Bloggs** to let **Mr/Mrs Foster Carer** know exactly where she would be staying.

7. **Visitors – Joe/Joanne Bloggs** must get permission from **Mr/Mrs Foster Carer** before inviting anyone to the home address. If visitors are allowed, they must be supervised by **Joe/Joanne Bloggs** at all times. Visitors would only be allowed when **Joe/Joanne Bloggs** is at home. An arrival and departure time of visitors has to be agreed by **Mr/Mrs Foster Carer**
8. **Bedroom – Joe/Joanne Bloggs** would have exclusive use of his/her bedroom, and allowed access to communal areas. The carer **Mr/Mrs Foster Carer** will ensure the bedroom furniture is fit for purpose and in continued good condition.
9. **Hygiene - Joe/Joanne Bloggs** to ensure that he/she continues to keep his/her room clean and tidy. He/she should also continue to clean up after himself/herself after using communal areas, and help with general chores.
10. **Noise – Joe/Joanne Bloggs** to avoid playing music, television, etc too loud.
11. **Difficulties - If Mr/Mrs Foster Carer** has any issues, difficulties, etc regarding **Joe/Joanne Bloggs** or his/her behaviour these should be discussed with **Joe/Joanne Bloggs** allocated worker. If **Joe/Joanne Bloggs** has any concerns or difficulties his/she need to discuss these with her allocated worker
12. **Preparation for Independent living Tasks include :**
13. **Move On –**
14. **Health –**
15. **ETE -**
16. **Review date –** this plan will be reviewed on the 23/05/2019

	Name	Signature	Date
<i>Young person</i>			
<i>Carer</i>			
<i>Allocated worker</i>			
<i>Supervising Social worker</i>			

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I **Mr/Mrs Foster Carer** agree to pay back any Housing Benefit payments received by me to the London Borough of Haringey.

Signed.....

Print name:.....

Date:.....

APPENDIX 2

Standard “Staying Put” Arrangement - Housing Benefit Claim Letter

License to Occupy – License Agreement

“Staying Put” Carers Address

Housing Benefits Service

Young Person (**TENANT**):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement (“Staying Put” Arrangement) – Excluded Licence

The Staying Put carer is deemed the landlord

Name of Landlord
Agent for the Landlord

Foster Carer/Staying Put Carer
Young Adults Service, Haringey

Dear Sir/Madam,

This letter is provided to confirm that (**Add Full Name**) was previously a foster care child placed in my household. (**Add Full Name**) has now reached the age of eighteen and will be remaining as an ‘independent adult’ in my house **to complete his/her education or due to his or her vulnerability** under a “Staying Put” arrangement. (**Add Full Name**) is liable for rent costs of **£205.00** per week excluding meals and utility charges. As (**Add Full Name**) is provided with meals and is a care leaver I understand (**he/she**) is eligible to claim Housing Benefit under the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

As (**Add Full Name**) was previously ‘Looked After’ and remains vulnerable I would request that the Housing Benefit is paid directly to me.

If you require any further information please do not hesitate to contact me.

Yours faithfully