

Name of meeting: Corporate Parenting Board
Date: 18th December 2019
Title of report: Briefing Staying Put Fostering for Children in Care

Purpose of report

To Inform the Corporate Parenting Board of Kirklees Council Staying Put Scheme, for Young People in Care.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	NA
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	NA
The Decision - Is it eligible for call in by Scrutiny?	NA
Date signed off by <u>Strategic Director</u> & name	Tom Brailsford for Mel Meggs (6.12.19)
Is it also signed off by the Service Director for Finance IT and Transactional Services?	NA
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	NA
Cabinet member portfolio	Cllr V Kendrick Childrens Portfolio

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

(Have you considered GDPR?)

Yes GDPR has been considered. The information in this report does not identify any individuals.

1. Summary

Providing long term placements in family settings is a key objective of the fostering service. The Care Matters initiative, the Children and Young Persons Act 2008 and the Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance) require each local authority to have a “Staying Put” Policy. The policy sets out arrangements whereby the authority will promote the opportunity for a young person to remain in a former fostering arrangement beyond a young person’s 18th birthday. This arrangement promotes stability in preparation for independent living and adult life. The policy builds on the Children Act, 1989 Guidance and the initiatives explored by the Government’s Department for Education Pilot Schemes. It sets out the conditions required to extend a former fostering arrangement beyond a Young Person’s 18th birthday, and outlines the associated financial implications, the social care requirements associated with extending former fostering arrangements guidance on where to get further detailed advice on consequential Income Tax, National Insurance and Welfare Benefit issues.

The Kirklees “Staying Put” Policy was developed to address the requirements of the Fostering Service (England) Regulations 2011 and related Guidance and the National Minimum Standards (NMS) for Fostering Services (2011). Staying Put is applicable to young people looked after by Kirklees Council if they are living with foster carers on their 18th birthday, whether that be Kirklees carers, Connected Person’s Carers or Independent Fostering Agency Carers (IFA). Young people who are in residential placements are not covered by the “Staying Put” Policy, however we do consider “Staying Close” in terms of semi-independent accommodation being within reasonable distance of the residential home, when leaving care.

The aim is to promote the development of independence skills in looked after young people from an early age. Moving on from foster care should be a planned process and young people need to be prepared and supported as appropriate according to need. In all circumstances plans and preparation for moving on should be set out in the young person’s Pathway Plan.

A proposed end date for a Staying Put Arrangement should always be negotiated with the young person, their Personal Advisor and the carer and be part of the Pathway Plan. When the arrangement is made, timescales will be considered along with details of what needs to happen to achieve the move within those timescales. There will be circumstances where the young person is not ready to move on within the initial agreed timescale and any requested extensions should be discussed with all parties. In accordance with Fostering Regulations, the Fostering Allowance will cease when the young person reaches 18 years and will be replaced by Staying Put Allowances (during any transitional period this will be equivalent to Fostering Allowances.) Initially this payment will be the equivalent of the Skills Payments and Continuous Service element of the Fostering Allowance and will be maintained for a transitional period.

Following a young person’s eighteenth birthday, the legal basis on which he or she occupies the property changes and they become an ‘excluded licensee’ who is affectively lodging in the “Staying Put” carer’s home. Whilst the term ‘excluded licensee’ is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. The young person will need a DBS check before their 18th Birthday if there are other foster children in the household or plans to place other children in the placement. The change from being a fostered young person to adult member of the household, and for the carer from foster carer to “Staying Put” carer, should be carefully planned in order to ensure that both young people and the carers understand the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

To qualify for a Kirklees “Staying Put” Placement which has to be with the agreement of the Foster Carer, the young person will usually have been living with the foster carers for more than 12 months prior to their 18th birthday and still be living with them on their 18th birthday. The young person will be deemed on their 18th Birthday to be a Former Relevant Young Person under the terms of the Children Act, 1989. If a young person is undertaking a full time further education course or training course which began before their 18th birthday a “Staying Put” placement may be agreed with the young person and their former foster carer to enable young people to complete education or training and make the gradual transition to independent living.

Young People may be able to remain with their former foster carer due to issues of exceptional vulnerability for an agreed period of up to one year after their 18th birthday. Where a young person may meet the criteria for Adult Services, a referral could be made to the Transitions Team when the young person is aged 16. If the young person meets the threshold for Adult Services, the option of the former foster carers becoming a “Shared Lives” carer will be explored and if agreed, Adult Services will take over the arrangements. If a young person is awaiting allocation of a tenancy or actively bidding for a tenancy, subject to approval, they may be able to stay with their former foster carer beyond their 18th birthday if the foster carer is in agreement with this arrangement payments will be made of £218.29 per week, made up of: £100 per week skills payment one per household, and £118.29 allowance.

The allowances paid are the equivalent of a supportive board and lodgings payment paid to “Staying Put” carers where the young person continues in the same arrangement following the 30th of Sept after their 18th Birthday. The fee covers all costs in relation to all rent, support, utilities, insurance, food and meals. The young person will contribute to the food and meals “board” element of the costs. The “Staying Put” carer will not be expected to give the young person a clothing allowance, pocket money, holiday allowance or birthday and festival allowances. The young person will always make a contribution to the agreed maximum weekly allowance for their “board” which will be a minimum of £20 per week dependent on their allowances, grants, bursaries, benefits or income. Where a young person reaches the age of eighteen and fostered children also remain in placement, all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household. The major change being that the previously fostered child (from age 18) becomes a “Staying Put” young person and an adult member of the household.

2. Information required to take a decision

No decision is required, this report is submitted for information at the request of the Board.

3. Implications for the Council

3.1 **Working with People**
Not applicable

3.2 **Working with Partners**

Not applicable

3.3 Place Based Working

Not applicable

3.4 Improving Outcomes for Children

This information is provided at the request of Corporate Parenting Board to provide information relating to the scheme that Kirklees Council has in place that allows young people to remain in the care of their foster carer post 18.

3.5 Reducing demand of services

Not applicable

3.6 Other (e.g. Legal/Financial or Human Resources)

Not applicable

4. Consultees and their opinions

N/A

5. Next steps

N/A

6. Officer recommendations and reasons

That the report be noted.

7. Cabinet portfolio holder's recommendations

Not applicable

8. Contact officer

Andy Quinlan, Service Manager Fostering

9. Background Papers and History of Decisions

N/A.

10. Service Director responsible

Tom Brailsford, Service Director (Resources, Improvement and Partnerships)