

**Staying Put Policy
2020 – 2021**



**Arrangements for Care Leavers aged eighteen and above
to stay on with their foster families.**

Revised January 2021

Contents

1. Introduction.....	4
2. Context.....	4
3. What is 'Staying Put'?	5
4. Aims of Staying Put.....	6
5. Our Staying Put Guiding Principles	7
6. Our Kirklees Staying Put Offer.	8
6.1 Independent Fostering Agency (IFA) Carers.....	9
7. Recruiting and retaining Foster Carers	9
7.1 Assessing applicants.....	9
7.2 Staying put carers continuing to foster other children.	10
7.3 Staying Put carers continuing to be a foster carer once the young person 'Staying Put' has moved on (no other children in placement)	11
7.4 Becoming Staying Put carers only.	12
8. Planning Staying Put arrangements.....	12
8.1 Early Planning	12
8.2 Post-16 assessments and pathway plans	13
8.3 Planning transitions for a young person with additional needs.....	15
9. Making a decision to not support a Staying Put arrangement.	16
10. Setting up a Staying Put arrangement.....	17
10.1 Roles and responsibilities in a Staying Put arrangement.....	18
11. Monitoring, Supporting and Reviewing.....	21
11.1 Support to Young People.....	22
11.2 Support to Staying Put Carers.	23
12. Finance.....	23
12.1 Young People's Income	24
12.2 Young Person's liability for rent.....	25
12.3 University and University holiday arrangements.	26
12.4 Forces arrangements.....	29
12.5 Retainers.	29
12.6 Section 23 payments and benefit issues for Staying Put Carers.....	29
12.7 Young Person's Board contribution.....	31
12.8 Allowances for Young People	32
12.9 Staying Put Carer Allowances.....	32
12.10 Income Tax and National Insurance	33
12.11 Council Tax and on-dependant deductions.....	33
12.12 Minimum standards and practical requirements.....	34
12.13 Ending an Arrangement.....	35

12.14 Challenging Decisions and Making a Complaint	36
Appendix 1. Legislation relevant to Staying Put.	37
Appendix 2. Definitions of Staying Put	37
Appendix 3 - Young people’s benefits which do not impact on Carers benefits.	39
Appendix 4. Financial support for Staying Put Carers	40
Appendix 5. Section 23C Payments and Benefit Issues for Staying Put Carers	41
Appendix 6. Further help and Information Helplines	43

1. Introduction.

Every child growing up needs and deserves the love, care and support of a family. It is widely known that children and young people who live in a family home are more likely to achieve their potential, have better outcomes and live well-adjusted happy lives.

Our aspiration as Corporate Parents for the children and young people living and growing up within our care in Kirklees is that wherever possible, their home will be in a family setting which offers a nurturing home life and provides secure and stable relationships.

As Corporate Parents, Kirklees Council is committed to supporting our care experienced young people to have not only the best start in life as a child but also to have the best start as they prepare for life as adults.

We want our young people to have ambition and aspirations, to have the same opportunities to achieve their goals, reach their full potential, and enjoy leisure and cultural activities as any other child would.

We know care leavers can face considerable disadvantages and barriers to achievement and stability as they move into adulthood. Young people in care are more likely to move out into the adult world earlier, often without the same level of ongoing family support their peers are afforded. This can mean they have fewer life chances and as a result achieve poorer outcomes.

Nationally, the average age for young non-care experienced people leaving home is 24 and this is increasing year on year.

Our commitment to care experienced young people approaching adulthood, is to ensure that we provide the means for them to continue to live with their former foster family based on their sense of belonging and being part of that family and their ongoing need rather than having to move out because of rules of age. We want to make sure they are afforded the same opportunity to continue living in the same way other young people live with their families until they are ready to move on.

This policy is designed to promote, encourage and facilitate the Staying Put opportunity for both young adults and foster carers.

2. Context.

The Children and Families Act 2014 places a statutory duty on local authorities to support care leavers who wish to stay with their former foster carers (Staying Put arrangements) until they turn 21.

The intention is that this will allow young people to leave home when they are ready and at a time that is right for them to make the transition to living independently as an adult rather than an arbitrary point in time. It will help them get the best start at an adult life, putting them on equal footing with the same opportunities and life prospects as their peers.

This "Staying Put" policy has been developed to address and meet the requirements of the many pieces of legislation and Guidance that exist in relation to children and

young people, Fostering and Care Leavers, details of these can be found in Appendix 1.

This policy should be read alongside the Financial Support Policy for Young People Leaving Care

3. What is 'Staying Put'?

Staying Put is about care leavers continuing to live with their foster carers when they reach the age of 18. It's an 'arrangement' whereby a young person, who when they turned 18 was an 'eligible child' living with a foster carer, continues to live with that person.

The law says an eligible child is a young person who:

- ↳ is looked after by the local authority.
- ↳ is aged 16 or 17, and
- ↳ has been looked after for a total of at least 13 weeks since the age of 14.

If a young person meets this criteria, they are eligible for support as a care leaver and eligible for Staying Put. Once they become 18, an eligible child is known as a 'former relevant child'.

This arrangement can continue until the young person becomes 21 or stops living in the household before then.

Foster carers do not need to go through any additional assessment or approval process to become Staying Put carers because the young person at 18 is an adult and no longer a child looked after in law.

It is likely and absolutely understandable that a young person will think of Staying Put as just a continuation of their current fostering placement and will continue to call the person providing the care their foster carer, similarly, Staying Put carers will often view the arrangement as an extension of the fostering placement.

It is important though, for both the young person and Staying Put carer to understand that legally, Staying Put arrangements are not foster placements, this is now an agreement between the young person and the carer and not a 'placement' made by the council; the young person is no longer a looked after child, but an adult to whom the fostering regulations, statutory guidance and national standards no longer apply.

This change in status does not and should not in any way diminish the commitment, family bonds and relationships that young people and carers have built over time, but it does mean that some things will change.

Following a young person's 18th birthday, the legal basis by which they live in the home changes and they become an 'excluded licensee' who is effectively lodging in the "Staying Put" carer/s home. The carer technically becomes the young person's landlord.

Whilst the term 'excluded licensee' is a legal one, it should not mean that the young person will be treated any differently to when they were a fostered child.

Over the years, many foster carers have continued to provide loving homes to young people they have fostered once they turned 18, as they rightly consider them as members of their own families. The change in law moved these ad hoc arrangements to one which is legislated for until the young people reach the age of 21, which the council must support.

The decision to establish a Staying Put arrangement should always be one that a young person and their foster carer reach together based on their commitment to each other and applies in the same way whether a foster carer is an in house carer approved by the council or by an independent fostering agency.

The council's role is to work with young people and carers, promoting and planning Staying Put arrangements to help both young people and carers understand what the difference is and how this might in reality look and feel for them.

4. Aims of Staying Put.

The main aim of Staying Put is to ensure that young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted and that all young people can make a gradual transition from care to independence or to an Adult Service if the young person's assessed needs meet this criteria.

Each young person will have differing needs, so it is only right that the individual aims of Staying Put arrangements are made specific to each young person with their best interests and welfare at the heart of any decision making.

More specifically, Staying Put arrangements are designed to:

- Ensure that care leavers journey to adulthood is as much as possible the same to that of their peers, within a supportive family environment.
- Ensure that care leavers are not made to leave their foster family before they feel ready to move on to greater independence.
- Help care leavers maximise opportunities for education, employment or training.
- Reduce the likelihood of homelessness.
- Ensure that care leavers develop the necessary emotional and practical skills before they move on to live independently.
- Reduce the likelihood of social exclusion.

Staying Put is a great way to continue to support care leavers through the transition to adulthood, but it is not the only option available, and may not be the choice all care leavers living with a foster carer wish to make for their future once they turn 18.

There are a number of housing and accommodation options to explore with young people as they prepare to leave care. Safety and affordability will be key considerations alongside independent living skills and emotional resilience to live alone.

Social workers and Personal Advisors will explore all the options with young people as part of their pathway planning to find a way forward that best meets their individual needs.

5. Our Staying Put Guiding Principles

We believe young people and carers will get the most out of arrangements if there is a simple set of guiding principles for the approach to Staying Put:

Family life

Staying Put arrangements should be the same as far as possible, as the normal family life any young person would have. As they have always done, Staying Put carers will continue to care for any young person living with them as a member of their family. All families have differing rules and expectations on what is acceptable, as teenagers become adults, Staying Put arrangements will need to take account of this and be flexible to individual circumstances and needs.

Best interests

The best interests of the young person should be at the heart of decision making about Staying Put arrangements enabling young people to have the best opportunities to lead successful lives.

Recruitment of foster carers

Prospective Foster Carers will be advised from the point of their initial application and training that young people will be required to be supported and cared for up until they become 21-years old.

This is to ensure there is a clear culture and understanding from our foster carers, when committing to caring for a child or young person that they will be supporting them into adult life and the preparation of young people for adulthood is an essential part of the role of foster carers working with children of all ages.

Support

Support to carers and young people should be geared to their specific circumstances and needs. Carers should be enabled to develop the skills required to best help the young person to do well in life, keep safe from harm and promote a culture of supporting young people into independent living through learning the essential skills, such as budgeting and personal care.

Clear information

Foster carers and young people should be provided with clear information about the support available from the council and its fostering services to help them to make informed choices about whether to enter into Staying Put arrangements. This will always include information about financial arrangements and implications for benefits and tax.

Foster carers will be able to access training regarding Staying Put opportunities and other accommodation options.

Early planning

Planning for Staying Put is key and should be considered as part of the care planning process from the time that a long term foster placement is planned. Decisions as to whether a Staying Put arrangement is an option should be taken as early as possible in a placement and written into a young person's pathway plan.

Equality of opportunity

The council and fostering agencies should do everything possible to ensure that all foster carers have equal opportunities to become Staying Put carers. This includes

Connected Carer foster carers and foster carers approved by independent fostering agencies. A young person should not miss the opportunity to participate in a Staying Put arrangement because the carer cannot afford to do so.

Flexibility

Arrangements should be flexible to enable support to be provided over and above the minimum legal duty, recognising that the relationship between the carer and young person will not always end at 21 or when the Staying Put arrangements cease.

6. Our Kirklees Staying Put Offer.

We recognise the fantastic work and commitment Foster Carers give to children and young people. Without this support, the children and young people Foster Carers provide a home to simply wouldn't be able to experience so many of the things that other young people take for granted.

We want to make sure young people can continue to receive these experiences and enable them to remain living within a stable and supportive home and pursue educational, training and employment opportunities whilst developing the emotional, social, economic and practical skills required for living independently.

As children and young people grow up, their practical and emotional support needs naturally evolve and change. What a child needs at for example 7 or 8 years of age will be very different to what a young adult needs at 18 and beyond.

Whilst it is reasonable to assume a young adult will need less support, the reality is becoming an adult brings a set of new challenges which means young people will perhaps need a different support and guidance to help them successfully navigate their way through into adulthood.

The Kirklees Staying Put scheme will ensure young people and their carers are well supported and Staying Put Carers allowances are fair, transparent and based on the support a young person needs as follows:

Staying Put – Year 1 (young person 18-19 years)

On the young person's 18th Birthday, the foster care placement ends and a Staying Put arrangement starts. In year one, the "Staying Put" carers receive the weekly 16yrs+ weekly Fostering Maintenance Allowance (minus £57.90) and the skills level payment in line with their current level.

Staying Put carers are no longer expected to provide pocket money, clothing or the personal element from their weekly allowance as the young person is now an adult and as such are expected to have earnings from employment or be claiming a benefit which replaces the £57.90.

In addition, the young person is expected to pay rent for their room, either directly from their wages or through the housing element of Universal Credit.

(For details of placement allowances, see Appendix 4).

Staying Put– Years 2 & 3 (young person 19-21 years)

For Staying Put arrangements years 2 & 3, “Staying Put” carers continue to receive the weekly 16+ weekly Fostering Maintenance Allowance minus £57.90 and 50% of the skills level weekly fee.

Where a Staying Put carer has a single Staying Put arrangement and they are unable to take a further Foster placement, the skills fee will not be reduced during for the second year (19th to 20th birthday) but will be reduced during the third year (20th to 21st birthday).

Staying Put arrangements can continue until the young person completes a programme of education (college, university) or training being undertaken on their 21st birthday.

Financial support for the Staying Put carer under these circumstances is as follows:

a) the skills element will continue until the 31 August of the year following the young person’s 21st birthday, or the course/training end date (whichever is sooner).

b) the allowance element will be paid along with the skills but can continue beyond the skills payments ceasing and until the young person’s 25th birthday with the agreement of the Permanence Panel

(For details of allowances, see Appendix 4)

6.1 Independent Fostering Agency (IFA) Carers

Fees and allowances for IFA Staying Put arrangements will be the same as those paid to our in-house carers.

Contractual arrangements will clearly set out how we will work together to facilitate and support “Staying Put” arrangements and the costs agreed.

Plans for IFA Staying Put Arrangements will go to Permanence Panel in the same way as other Staying Put plans, the timeframes will also be the same.

A date for transfer to “Staying Put” arrangements should be agreed at Permanence Panel, considering any transitional arrangements that may be required.

7. Recruiting and retaining Foster Carers

Ensuring we have a good mix of different types of homes and support available to older teens and young adults to be able to meet their differing needs is essential. Staying Put is an important part of the council’s Sufficiency and Corporate Parenting Strategies.

7.1 Assessing applicants

We will ensure at the point of application; prospective foster carers understand that young people may wish to enter into a Staying Put arrangement when they reach 18. The fostering service will ensure prospective foster carers are prepared for this possibility and will explain what this might look like for them.

Preparing young people for adulthood is an essential part of parenting, and this applies to the role of foster carers working with children of all ages. Supervising social workers

will work alongside carers to support them to be the best they can be through providing support, guidance, supervision and access to training and development opportunities.

The fostering service will provide carers with clear information about how carers will be supported if they enter into a Staying Put arrangements and how this might impact on their continued fostering.

7.2 Staying put carers continuing to foster other children.

When Staying Put carers wish to remain approved as foster carers, the Staying Put arrangements will always be discussed with foster carers to help understand how this might affect any existing children in placement or future placements the carer might wish to take.

The change in the foster carer's circumstances, including the looked after child becoming an adult member of the household, means that a review of the foster carer's approval will need to be undertaken before a Staying Put arrangement begins.

This will provide the opportunity to discuss the impact of the Staying Put arrangement on the role of the foster carer, and to think carefully through all the implications of the change in the legal status, the relationship with the young person, and of the implications of the change for everyone in the household. The need for any further training or additional support needs will also be discussed.

The review should take place at least 3 months before a Staying Put arrangement begins, as it needs to early enough to enable all discussions to happen and to ensure any changes needed to the terms of the carer's approval are made in a timely manner.

Staying Put carers will continue to be supported and the arrangement monitored by the fostering team. The supervising social worker will include the young person 'Staying Put' as part of the usual support and monitoring that takes place with other children and young people in the placement.

The annual household review should include the Staying Put arrangements and should include feedback from the young person as well as the personal advisor/social worker.

Safeguarding checks e.g. Disclosure and Barring Service checks (DBS) and health for the carers will continue in the same way as they do within the fostering regulations and fostering policies and procedures.

Where the Staying Put carer continues in the role of foster carer, they will need to ensure the young person abides by Fostering Regulations, Standards or Policies. Examples may include not smoking in the home, dressing appropriately and the requirement for periodic DBS checks.

The young person 'Staying Put' will need to also have an enhanced DBS check which should be processed in the same way as for others in the household.

The young person's Personal Advisor or Social Worker will need to obtain the enhanced disclosure before the young person becomes 18 and before the Staying Put arrangement begins, whether there are other foster children in the household or not.

There is no requirement to seek further DBS disclosures, however if the carer continues to be a foster carer, as well as a Staying Put carer they will also be bound by their 'Foster' Agreement to notify the Fostering Service of any circumstances which might make their household unsuitable to foster, and this might include criminal offences committed by the young person.

Known issues which may impact on the continued approval of the foster carer should be included in early discussions about Staying Put, as these will be crucial to the ability of the foster carer and the Fostering Service to make an informed decision.

7.3 Staying Put carers continuing to be a foster carer once the young person 'Staying Put' has moved on (no other children in placement)

There could be many reasons why a carer may not consider additional foster placements whilst they have a Staying Put arrangement in place, it might be simply a case of lack of room or a wish to dedicate all their attention to making the arrangement a success for their young person, it could also be that as an outcome of the review of the carers approval, taking more children during this time isn't the right thing to do.

We want to do all we can to support carers to stay registered as a foster carer if this is what they want to do. If Staying Put carers are not able to take another foster placement whilst the young person remains living with them but wish to remain approved as foster carers in order to return to fostering in the future and the fostering service agrees that it is appropriate to continue the approval, the fostering service will continue to meet all the statutory requirements, regardless of the fact that no child is placed.

This would include regular visits and supervision by the supervising social worker, an annual unannounced visit, annual health and safety and updated DBS checks and updated reviews of approval.

Foster carers who are intending to continue to foster once the young person who is 'Staying Put' moves on do not need to resign as foster carers if it is anticipated that the Staying Put arrangement will continue for more than 12 months but they do need to keep up their professional development.

Carers are encouraged to continue to access training, advice, information and support; and support for their continued professional development in order to maintain their approval status.

When the young person moves on or the Staying Put arrangement comes to an end, the Supervising Social Worker will arrange for a household review of approval to take place so any changes which may have occurred and future recommended approval can be considered. Any changes of approval will be processed in the usual way.

There may be occasions where a foster carer resigns but later decides they would like to return to fostering. In these situations an updated form F should be undertaken. The carer's previous experience, knowledge and training should be taken into account when considering what level the carer will resume fostering on.

As the young person who is Staying Put is now classified as an adult member of the foster carer's household, an enhanced DBS needs to be obtained whether there are other children in the placement or not.

The young person's Social Worker will make sure the DBS check is obtained before the young person becomes 18, so it may be considered at the review of the foster carer's approval before the Staying Put arrangement begins.

The foster carer must notify the fostering service of any circumstances which might make their household unsuitable to foster. This also includes criminal offences committed by the young person. Known issues which may impact on the continued approval of the foster carers need to be sensitively covered in early discussion about Staying Put.

7.4 Becoming Staying Put carers only.

When a foster carer thinks that becoming a Staying Put carer is the right way forward for them and the young person they care for, their Supervising Social Worker will talk to them about whether the wish to remain approved as foster carers, this will cover continuing with an existing placement or taking new placements. Their Supervising Social Worker will help them think through the implications of any decision, both practically and financially.

If it is very clear that the carers no longer wish to foster, they need to submit their resignation in writing. Their resignation should be presented to the Fostering Panel,

This is an opportunity for the fostering service to acknowledge and say thank you for their contribution as foster carers, even though they will continue to receive support as Staying Put carers.

Approval to foster automatically ends 28 days after a resignation is received.

In these circumstances, the household is no longer a foster household and offers a "Staying Put" arrangement only, there is no requirement to undertake any further DBS checks for either the "Staying Put" carer/s or adult members of the household. There would however be an expectation that carers inform the Local Authority if any member of the household were to be convicted of any offence.

8. Planning Staying Put arrangements.

Planning your next steps as a young adult can be many things, exciting – stepping out into the world, having independence and making your own decisions, going to University, starting a career or getting your own place to live. For some young people it might be a time of worry and anxiety– wondering how you'll cope on your own and find somewhere to live.

We want to do all we can to support young people ease into adult life, this is how it will work for Staying Put.

8.1 Early Planning

Throughout their time in their foster home, the foster carer and other professionals working with the young person will have been helping them to develop life skills.

As the young person gets older, their care planning needs to begin to consider their future beyond the time when they are looked after, and this will be reflected in their placement plan and discussed at their Looked After Review.

When a long-term placement is being considered, there should be discussion at the earliest opportunity between the foster carer, child's social worker and the supervising social worker regarding the possibility of the placement leading to a Staying Put arrangement.

Discussions need to be sensitively managed; carers may have concerns about changes in finances or they may be considering longer term plans such as retirement when their young person reaches an age where they can move on. If the young person is present at this meeting and hears concerns, they may feel their carer no longer wants them to be there and could de-stabilise the placement, so for this reason, it is recommended that initial conversations exploring Staying Put happen without the young person being present.

When a foster care placement is provided by an Independent Fostering Agency (IFA), there will be active engagement in exploring opportunities for Staying Put at the earliest opportunity. Even if the IFA will play no role post 18 years, the IFA must promote the opportunity to Stay Put and prepare carers for the role (as appropriate) as well as to advocate for any support that might be needed in the best interests of the young person to fulfil their potential.

Staying put arrangements do not always arise from long term placements. Even when young people enter a foster placement at 16 or 17 years old, it is just as important to consider through the care planning process whether a Staying Put arrangement is an option available when the foster placement ends.

Staying Put needs to be the right thing for both the young person and the carer, whilst we will always want young people to stay living in a family setting, it is important Staying Put arrangements are not used as emergency placements for situations where a young person's placement has broken down. In these cases, semi-independent living and supported board and lodgings need consideration as alternatives to Staying Put.

A decision in principle about whether a Staying Put arrangement may be an option should be made as early on as possible, although it needs to be understood that a young person should not be expected to decide whether they will want this until they are ready to do so. Similarly, it will not always be possible for foster carers to make commitments into the future, especially if circumstances might change.

8.2 Post-16 assessments and pathway plans

The Leaving Care Assessment of Need will identify the assessed timescale required for young people to move into independence and will be used as a framework for beginning to explore the likelihood of the young person transferring into a Staying Put arrangement with their carers.

The young person's Pathway Plan (which might be superseded by a 'living together agreement' from age 18) should set out all of the practical arrangements regarding the young person remaining as a young adult in the Staying Put arrangement. It should

set out the 'ground rules' of the household as well as the areas of responsibility that all parties to the arrangement are expected to fulfil.

Many of these will be an extension of the expectations on them when they were a foster child. This should cover arrangements such as:

- Preparation for adulthood and independence tasks.
- Education, training and employment activities.
- Health arrangements.
- Finance, including young people having credit cards, loan agreements and mobile phone contracts registered at the Staying Put address.
- Income and benefit claims.
- Friends, birth family and partners visiting and staying at the address.
- Staying away for nights/weekends and letting carers know where they are.
- Move-on arrangements.
- Issues related to younger foster care children in the placement, i.e. safeguarding, being a positive role model and time-keeping.

Social workers/Personal Advisors will help set how the arrangement will help the young person develop the skills required for independent living once they move on.

Young People should be supported to continue to develop a range of skills including:

- Relationships - getting on with neighbours; understanding acceptable behaviour; when and how to communicate with relevant professionals; being a responsible adult.
- Emotional Resilience and mental health and wellbeing- managing isolation and where to go for support. Building self-esteem; staying fit and healthy.
- Finance and budgeting - opening a bank account, safe borrowing and managing debt, understanding basic financial products, benefits and welfare reform; budgeting for priority bills, household appliances and everyday shopping on a budget.
- Cooking - cooking healthily and on a budget; understanding nutrition and its impact on overall health.
- Managing a home - washing and ironing, cleaning, basic DIY, operating appliances and what is allowed within a tenancy.
- Career advice - understanding strengths and areas for personal development; developing job skills, understanding job/volunteering pathways and support available; understanding bursaries and other financial support; where to go for advice; understanding the impact of work on benefits.

The supervising social worker and the young person's social worker should also include contingency planning for the young person, to ensure alternative arrangements are in place in case of breakdown of the arrangement. This should be incorporated into the young person's pathway plan and reviewed as appropriate.

If as part of the Pathway Assessment, it is agreed, and the young person and their foster carer(s) wish to make a Staying Put arrangement, the Fostering Service will ensure that advice, assistance and support is provided to make this change as easy and smooth as possible.

Making an informed choice is important for both the foster carer and young person, these are some helpful questions to explore with a foster carer and young people when a Staying Put arrangement is being considered:

- Is it likely that the young person would benefit from a “Staying Put” arrangement when they reach their 18th birthday?
- Are the young person and their foster carer/s or IFA if appropriate in agreement to a “Staying Put” arrangement?
- What are the views of the other children in the foster placement and their social workers to the Staying Put proposal?
- Does the young person and their foster carer understand the criteria for and procedures associated with converting a foster placement into a Staying Put arrangement?
- Does the young person understand their financial and benefit responsibilities associated with being in a Staying Put arrangement?
- Does the foster carer understand the changes in their funding arrangements associated with Staying Put?
- Does the foster carer understand the impact of a Staying Put arrangement on their welfare benefit income and on their Income Tax and National Insurance responsibilities and liabilities?
- What are the preparation for independence tasks, goals and targets to be achieved during the last two years of foster care and when the placement becomes a “Staying Put” arrangement?
- Where relevant, what is the plan for converting the “Staying Put” arrangement into an Adult Placement (Shared Lives) where the young person meets the criteria?
- What is the contingency plan should Staying Put not be a viable option? This should be made clear in the Pathway Plan at the earliest opportunity.

The young person’s social worker will take the plans for Staying Put arrangements to Permanence Panel. To make sure all arrangements are in place in time for the transition from fostering to Staying Put at the young person’s 18th Birthday, the social worker will make arrangements for the proposal to be at panel at least four months before the young person’s 18th birthday. If “Staying Put” proposals have been made at a late stage, there will be some flexibility in these timescales.

To ensure the panel are properly updated, the young person’s Social Worker will attend panel for all their Staying Put cases.

8.3 Planning transitions for a young person with additional needs.

The process for planning for Staying Put arrangements for young people receiving a service from children with disabilities teams should start when the young person is 14 years of age, taking into account the individual needs of the young person and their wishes and feelings.

Where a young person may meet the criteria for Adult Services, the Children with a Disabilities team will make a referral to the Transitions Team on the young person’s behalf, when the young person reaches the age of 16 and a half.

We will discuss with both the young person and their carer’s all accommodation options available to that young person which might be available from adult services.

If both the carer and young person agree that the aim is for the young person to continue to live with their carer after they turn 18, all means of achieving this will be explored, alongside the option of “Staying Put”.

Foster carers who have been providing long term support to a disabled young person are likely to be eligible to transfer to the Shared Lives Scheme. This is a scheme which allows a young person the opportunity to be supported and live within a family setting in the home of an approved Shared Lives Carer as part of their family, sharing everyday life.

The scheme can provide short or long term placements and/or respite. Former foster carers joining this scheme would be paid a fixed amount for care and support services. This would be assessed depending on the level of support that the young person will require.

The young person’s Social Worker and or Personal Advisor will work alongside colleagues from the Specialist Adult Pathway Team to share information about the possible options, so that the young person and their carer can make an informed decision about the best option for them.

If more time is required to explore other possibilities after the young person turns 18, a “Staying Put” arrangement may be used for a transitional period.

As with all other situations, any proposed arrangements should be presented to the Permanence Panel for consideration, except for Shared Lives, where approval is required by an Adult Services Panel.

To help in making a decision everyone is happy with, the carers and young person should be helped to weigh up all the opportunities, advantages and limitations of all the options. For instance, this might be balancing the disruption a move may mean for a young person, against any opportunities that moving to live with a carer with specific skills and experience of supporting young people with additional needs to live the best independent life they can.

Unlike Staying Put, which ends at the age of 21, arrangements provided by Adult Services such as Shared Lives are not subject to this age restriction.

If the carers do become Shared Lives carers then Adult Services support and manage these arrangements.

9. Making a decision to not support a Staying Put arrangement.

We will work with carers and young people to do all we can to support plans for Staying Put arrangements. In all instances, we will make sure the needs and best interest of the young person is at the heart of all decisions made regarding their future and will make sure their views and wishes are clearly heard.

There may be rare occasions where we cannot support an arrangement, this will likely be because something very significant has happened or changed since the plan was made.

In situations where the young person does not have the capacity to understand what is happening and to agree to the arrangement, adult social care services may need to make alternative arrangements in the young person's best interest for their future, for example a 'Shared Lives' arrangement.

Careful consideration will be given to any proposal not to support the facilitation or maintenance of a Staying Put arrangement. In cases where we think it is not in the best interests of the young person, for transparency, all decisions will be made at Permanence Panel.

If a decision is taken not to support the arrangements, the reasons why will be recorded and explained to the young person, carer and social worker so everyone understands what has happened and why.

The young person and carer could still decide to go ahead with the arrangement despite the decision and advice given. In these situations, the arrangement is considered a 'private arrangement' which means there is no further role for the fostering service and it will not be able to provide financial support.

There does however remain a duty on the local authority to monitor this arrangement and to safeguard and promote the wellbeing of the young person.

In these circumstances this role will fall to the Looked after Children and Care Leavers Service, and usually the young person's Personal Advisor. In such circumstances we will clearly explain how this will be done and any decisions made will be clearly recorded and shared with all relevant parties.

10. Setting up a Staying Put arrangement.

As part of the process of deciding to enter into a "Staying Put" arrangement, the carer and young person will have already been helped to understand the nature of the arrangement and all that it entails, including the new legal and financial arrangements through discussions with the young person's Social Worker, the Supervising Social Worker and Personal Advisor.

The change from being a fostered young person to an adult member of the household, and for the carer from foster carer to "Staying Put" carer may represent a significant change, both the carer and young person may need some support in making this transition. Wherever this is the case, we will make sure we do all we can to make this arrangement work for both the carer and young person.

Before a Staying Put arrangement starts, a 'living together agreement' needs to be drawn up and agreed between the carer, the young person and their social worker or personal advisor. The foster carer's supervising social worker will work alongside to support and contribute to this process.

The purpose of the written agreement is to clearly set down the arrangements so the carer and young person know what is expected of them.

The agreement includes the necessary information as part of a 'rental agreement' and also provides formal evidence of the nature of the relationship (excluded licensee) between the young person and carer (e.g. to support a claim for Universal Credit Housing payment element)

The final Living Together Agreement needs to be in place by the time the young person reaches the age of 17½ to support the transition to a Staying Put arrangement from the time they turn 18.

How much detail is required will very much depend on the nature of the existing relationship and how much this might change. The approach to drawing up a written agreement should be sensitive to the feelings of everyone involved and be proportionate to their particular circumstances.

The agreement should outline:

- The ground rules of the household.
- Finances
- Other matters which are important to the young person or carer
- Individual responsibilities.
- Standards of behaviour in order to meet fostering regulations, if the carer continues to be a foster carer for other young people within the household.

The agreement should be completed before a “Staying Put” arrangement starts. The ‘Living Together’ Agreement should be drawn up and agreed, ideally, as part of a meeting between the “Staying Put” carer, the young person and their Social Worker and Personal Advisor. The foster carer’s Supervising Social Worker should also be part of the meeting and contribute to this process.

As the meeting not only covers the reasons for the “Staying Put” arrangement, but also the practical requirements associated with “Staying Put” such as National Insurance, Income Tax and Welfare Benefits issues for the foster carer/ Staying Put carer and the Welfare Benefit issues for the young person, it may be appropriate for the meeting to take place in 2 parts, and for the financial arrangements for the carer to be discussed when the young person is not present.

Some young people might find a formal meeting too stressful and have strong views on the agreement’s contents. This will need to be considered as part of the planning for the ‘Living Together’ Agreement, to ensure that it is an agreement which “makes sense” to the young person, is genuinely bought into by the young person and carer in order for it to succeed.

A date for the change of financial arrangements should be confirmed if this is to be anything other than the young person’s 18th Birthday.

10.1 Roles and responsibilities in a Staying Put arrangement

Individuals need to be clear about their roles in supporting a Staying Put arrangement. If everyone understands what’s expected of them it will help towards making the arrangement a success.

Staying put carer.

- Participate in reviews of Pathway Plan: Carers need clear information about the ways they will be supported, including financial arrangements before they indicate their ability to offer Staying Put.
- Provide a fully furnished bedroom as a home for the young person.

- Agree house rules with young person as part of living together, be respectful of their views and wishes as a young adult.
- Provide heating, hot water, lighting, food, a house key, support and Wi-Fi connection.
- Ensuring accommodation is of a good standard and allow household health and safety checks to be carried out.
- Provide day to day support and guidance helping the young person to develop independent living skills and where to go for help if necessary.
- Participate in the Pathway Planning process
- Inform the young person's leaving care personal advisor and the fostering worker if you wish to end the Staying Put arrangement (giving at least 28-days' notice). This notice period can be waived in exceptional circumstances where it would be deemed inappropriate or unsafe for the young person to remain for the full 28 days.
- Inform the young person's leaving care Personal Advisor as soon as possible of any significant incidents and if the arrangement is likely to be disrupted or end prematurely.
- Ensure relevant staff / agencies e.g. the young person's Personal Advisor, Adults Emergency Duty Team or Police are made aware if the young person is absent or missing and this is a concern/out of character.
- Ensure (with the help of Social Workers) an appropriate 'Safer Caring / Safeguarding Plan' is in place to manage any impact on other / younger children in the household.
- Assist the young person to develop the emotional capacity and self-confidence to manage through adulthood.
- Review mortgage, household and car insurance policies to cover individual circumstances as a Staying Put carer and have adequate insurance in place.
- Willingness to return to panel if also fostering other children and young people in order to acknowledge the change in circumstances with the Staying Put young person becoming an adult member of household.
- Work with the Personal Advisor to provide support as needed for young person (as indicated in Living Together Agreement)

Young Person

- Embrace support provided by carers and participate in the pathway planning process to help develop and improve independence skills.
- Behave in a responsible way, showing respect for their carer(s), their property, neighbours, other children/ young people in placement and the local community.
- Share information with carers and Personal Advisor (to include anything that may indirectly impact on a carers household i.e. if a young person is in contact with the Police, the carer should be made aware)
- Keep to the license agreement and house rules (Living Together Agreement) agreed as part of Staying Put arrangement
- Agree to pay a rental contribution in line with the Local Housing Allowance shared room rate, in 2020/21 this is £56.50 week (this rate may change annually in line with Welfare Benefit changes), either from earnings or by claiming an appropriate benefits such as Universal Credit or a combination of earnings and benefit
- Set up a Direct Debit or standing order to pay their Staying Put carer their rent.

- Set up a Direct Debit or standing order to pay the carer any additional rental amount that is not covered by benefit (i.e. if personal income is higher than allowance)
- Speak to their Personal Advisor to ask for a review of their pathway plan if they feel the council has failed to provide appropriate support towards their Staying Put arrangement.
- Complete relevant checks, including disclosure and barring service check (DBS) if other children and young people are in the family home and the carer continues to offer foster placements to others.
- Look after your room and the things in it.
- Keep house keys safe and don't have copies made unless your carer agrees its ok.
- Inform Staying Put carer regarding any visitors or regular visitors.
- Inform their leaving care personal advisor if arrested, investigated, cautioned or convicted of any offence and agree to their personal advisor sharing this information with their Staying Put carer
- Let leaving care personal advisor and the Staying Put carer know in advance if I wish to end the Staying Put arrangement (giving at least 28-days' notice)
- Cancel any payments / arrangements and re-route bills etc when the arrangement ends.
- Contact leaving care personal advisor if they would like to change the Living Together Agreement or to raise any worries.

Social Worker

- Work with the young person and the carer at the earliest opportunity to raise awareness of the opportunity to stay put
- Be clear on the key tasks, roles and responsibilities for all parties supporting the young person between 16-18 years to support the development of a potential Staying Put arrangement
- Meet with Personal Advisor and carer alone in the early stages of discussing a Staying Put arrangement (at least six-months before) to run through financial arrangements including rental amount, tax information etc.
- Participate in Pathway Planning Process ensuring all parties are fully aware of options post-18.
- Be a champion for early planning.
- Ensure Staying Put arrangements are presented to Permanence Panel in a timely manner.
- Liaise with Independent Reviewing Officer

Personal Advisor

- Provide advice and support to the young person.
- Give young person clear information about advocacy services and how to make a complaint if needed.
- Keep in touch with the Staying Put carer and provide advice and support as required (in line with what has been agreed with young person)
- Ensure the pathway plan is regularly reviewed.
- Ensure all claims for benefit (when in full-time education), are ready to be actioned when the young person reaches 18.
- If the young person is in employment, get copies of wage slips at least 8-weeks before they turn 18.

- Liaise with social workers in implementation of the pathway plan.
- Advise and assist the young person with applications for move-on accommodation.
- Co-ordinate provision of services to support the young person.
- Keep informed about the young person's progress and wellbeing.
- Review the Living Together Agreement and the House Rules at least every 6-months with the young person and carer and as part of the Pathway Plan review

Supervising Social Worker

- Provide advice and support to the Staying Put carer
- Inform the Staying Put carer or any likely risks and advise on risk management, safeguarding and safer care.
- Carry out a DBS check on the young person and other household members prior to them reaching the age of 18 (if household continues to be registered for fostering)
- If carers are also Kirklees foster carers, continue to provide monitoring and support and contribute to the review of their appraisal 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 pathway plan.
- Respond to learning and development needs of carers.
- Provide information on tax and benefits.

Independent Fostering Agency

- Ensuring that all parties are aware of the opportunity to Stay Put.
- Ensuring that Carers are aware of the need to transition to a Staying Put arrangement with Kirklees if they want to offer a Staying Put arrangement.
- Having their own Staying Put Policy which includes detail on risk management and support. This should also include detail on who completes the DBS checks (for young person turning 18) and who signs off the check and monitoring which is agreed with LA in advance of arrangement.
- Foster carers will be supported to offer Staying Put arrangements wherever possible to meet best interests of young person (as supported by internal IFA protocols in line with this policy to ensure everyone is working in partnership)
- Maintain carers registration and supervision as a foster carer (if applicable) for any other foster placements.
- Information sharing with the foster service in advance of Staying Put arrangement.

11. Monitoring, Supporting and Reviewing

Once the arrangement is made, the council will make sure everything is working well and the young person is making progress towards their independence goals through regular reviews.

We have a duty to monitor all Staying Put arrangements and make sure those involved are supported appropriately, this applies also if it has been decided not to support the arrangement. In such circumstances the young person's Personal Advisor will co-ordinate the monitoring of the arrangement.

Support to both carers and young people should be tailored to their specific circumstances and needs. Carers should be enabled to develop the skills required to best help the young person to do well in life and keep them safe from harm.

The Staying Put agreement should be reviewed as a minimum at least 6 monthly as part of the Pathway Plan reviewing process, however there may be reasons why a young person or the carers asks for this to be done more often, we will work with carers and young people to support this where requests are made.

11.1 Support to Young People

Meeting needs

All young people in Staying Put arrangements have their own individual support needs and these should be outlined in their pathway plan and in more detail in the living together agreement. Staying Put Carers will usually be the main source of day to day support, however wider support networks including the personal adviser and our care leaver services provided through No. 10 and No. 12 are equally as valuable and young people should be aware of what is available to help support them.

Arrangements are likely to go well if the young person is treated as part of the family, in the same way as the carers' own children. Other important factors are:

- Being listened to regarding their thoughts and wishes.
- Keeping lines of communication open and letting thoughts and feelings be known.
- Asking for help when needed.
- Receiving emotional support from the carers, with the carer in turn being properly supported.
- Keeping mutual respect for each other including each other's belongings, space and privacy.
- Being given increased responsibility.
- Carers receiving training to teach young people independent living skills e.g. budgeting, cooking and managing bills.
- Regular meetings between the young person, their personal adviser and the carer to talk about what is going well or not so well and any extra support needs.
- A personal advisor who understands Staying Put.
- A personal advisor who understands the benefits system.
- Encouragement and support to maintain family and friends relationships as part of the young adult's support network.

Planning

Support should be planned in a way which helps the young person to become gradually more self-sufficient over time. The Staying Put arrangement is intended to help prevent young people who leave care at or before 18 from experiencing a 'cliff edge' whereby the support they need could drop off dramatically. Planning will ensure that this does not occur when Staying Put comes to an end at 21 or earlier.

Learning

The Staying Put arrangement provides young people with an opportunity to learn from their experiences in a safe environment. A young person may wish to move out into other types of accommodation and may find living alone harder than expected. It is appropriate in such circumstances for the Staying Put carer to continue to give support

and to take the young person back into their household should the new arrangements not work, as any parent would.

The council will continue to support the Staying Put carers for an agreed period. In these situations, a report would need to be presented to the External Placement Panel to make a decision on how long we will continue to provide support based on the individual circumstances.

Should the young person move back to live with their former foster carer the arrangements will continue to be properly supported in line with the council's duties towards care leavers.

11.2 Support to Staying Put Carers.

Advice and guidance

When Staying Put carers are also foster carers, they will continue to receive supervision and support from their supervising social worker, who will take account of the fact that the household includes a young person for who they are Staying Put carers. When there is a young person in a Staying Put arrangement and a child/young person in foster care in the same household, the supervising social worker will be the person who takes the lead in supporting the carer in both roles. This approach will provide continuity for the carer as well as for the young person and will ensure that the carer receives support in all aspects of care they are providing.

When there is only a young person in a Staying Put arrangement in the household (no children/young people in foster care), the young person's Personal Advisor will continue to provide support and be a point of contact alongside the Fostering Team Duty Social Worker.

Learning and Development

Where "Staying Put" carers retain their approval as Local Authority foster carers, their learning and development needs will continue to be regularly reviewed under Fostering Regulations and training and learning opportunities provided, in keeping with these requirements. Their Fostering Supervising Social Worker will continue to take a lead role in overseeing this.

In situations with Agency Foster Carers where the agency has been commissioned to provide the supervisory role for the "Staying Put" arrangement, whether the carers continue to be foster carers or not, the carers learning and development needs should be met via the agency and any agreements/ contracts made should reflect this.

Where carers cease to be foster carers when they take on the "Staying Put" role and are still supervised and supported by the Foster Service, their learning and development needs will be kept under review and any needs will continue to be by the Foster Service.

12. Finance

Changes in the amount of income as a result of a Staying Put agreement might be a concern for potential carers and the young person alike. We want to make sure our offer is fair and balanced, reflecting the differing levels of support young people will need whilst acknowledging the care and commitment foster carers give.

The Fostering service will have worked through the financial implications of making a Staying Put arrangement with both the young person and carer. What income is available and from what sources will be clearly explained alongside how it might affect things like any benefits people in the household are claiming and Tax and National Insurance liabilities.

12.1 Young People's Income

Once a young person turns 18, what money they receive and where it comes from will change.

Young People who take up the opportunity of a 'Staying Put' arrangement are expected to have an income either through wages from a job or claiming a means tested benefit for their personal needs from their 18th birthday.

This is the same for all young people leaving care regardless of whether they live in a Staying Put arrangement or move on to living independently.

This income replaces money for:

Pocket Money

Clothing Allowance

Personal Items (this is things like school trips, presents for friends, gym or social club subscriptions)

When the young person was 17, these things were part of their foster carer's maintenance allowance, now they are a young adult, a young person needs to use their own money to pay for these things.

The allowance paid to Staying Put carers will no longer include money towards these areas.

Young people in full time education up the point of going to University or other Higher Education are able to claim Universal Credit and are expected to do so in order to pay the rent element of their Staying Put Agreement.

Universal Credit is paid monthly in arrears, so young people have to wait one calendar month from the date they submit an application before the first Universal Credit payment is made. This is called the assessment period.

Once this is completed, there can be a wait of up to seven days for the payment to reach the young person's bank account.

This means it can take up to five weeks before a young person will receive their first payment.

To try ensure a smooth transition, Personal Advisors will support young people to make their claim 4 weeks before their 18th birthday which is the earliest the claim can be made.

During this waiting period, we will ensure income maintenance is paid to the young person. (Please refer to the Guide to Financial support for further details on income maintenance payments)

To receive this support whilst benefits are being processed, young people will be required to attend all appointments and respond to any asks in relation to progressing their claim.

Personal Advisors should ensure young people understand what they need to do and provide any support needed.

In addition the young person needs to make a commitment not to apply for a Universal Credit Advanced Payment (it should be explained this is because advanced payments have to be paid back and will be taken out of their benefits once they are processed, this could mean they find they struggle to have enough money to live on, pay bills etc.)

There are a number of benefits or allowances a young person may need to claim depending on their circumstances which will not be taken into account should a Staying Put Carer be claiming a means tested benefit themselves. Details of these can be found in Appendix 1.

12.2 Young Person's liability for rent

In line with all young people who take up other types of accommodation when they leave care, all young people who live in a 'Staying Put' arrangement will need to pay rent for where they live. Getting used to being responsible and paying living costs on time is a core budgeting skill young people need to have before they move on to living independently.

The rent liability for young people living in a Staying Put arrangement in Kirklees is £56.50 per week, excluding food, utilities and support. The £56.50 rent figure is set on a commercial basis and is based on the Local Housing Allowance rate for a room in a shared house. This rate may change.

Young people are expected to pay the rent of £56.50 per week (2021/22) from their earnings or housing benefit element of Universal Credit, or a combination of both directly to their Staying Put Carer via a Direct Debit or Standing Order.

The housing element of Universal Credit for Staying Put is assessed using the 1996 Housing Benefit maximum rent rules relating to 'Boarder' arrangements because Staying Put Carers provide meals as part of the agreement.

The standard letter should be issued and signed by both Staying Put Carer and young person as evidence of the young person's liability to pay rent and is used as the licence agreement in circumstances where a young person is expected to claim housing benefit/Universal Credit. The letter sets out the full costs of the arrangement broken down into:

- Rent
- Support.
- Utilities/Services.
- Meals/Food.

Where a young person isn't in a position to cover their rent through wages from work, the young person's Personal Advisor and/or Staying Put Carer will both work with the young person to support them to claim their entitlements to benefits.

Young people living in Connected Carers “Staying Put” placements with sisters, brothers and certain extended family members who are formally approved as foster carers may experience difficulties claiming the housing benefit element of Universal Credit when they reach 18, this is usually because when explaining on their claim who they live with, understandably, a young person will often say they live with a relative and this is where problems arise, as normally housing benefit elements can't be paid if you live with family.

In these Connected Carer Staying Put circumstances, it is important that the claim makes clear the fact the person they are living with is a former foster carer/Staying Put carer rather than a relative.

In situations where a young person is not eligible to claim this to help with their rent, the Care Leavers Service will pay the rent/accommodation element of the Staying Put arrangement. (Providing a claim has been made and rejected)

For young people who are working, earnings over a certain amount (set by the Department for Work and Pensions) result in a gradual reduction of housing benefit/universal credit. In these circumstances the young person will need to make up the difference between rent set and the amount of housing benefit received from their income

Non-payment of rent.

If a situation arises where a young person does not pay their rent, either by not making the required payment or by not claiming housing benefit/housing element of Universal Credit, they may be subject to an eviction process.

In all situations where a young person owes four weeks rent (£226.00) a Staying Put Stability Meeting will be held.

The Staying Put Stability Meeting will decide on the action required by the young person to address the rent arrears.

Young people will be given every opportunity to repay any arrears and eviction will only take place as a last resort in situations of rent arrears. The personal advisor and supervising social worker if appropriate, will work with the young person and carer to agree what can be done to address the arrears.

In some circumstances, it might be possible to arrange for a payment direct to the carer from the Department for Works and Pensions.

12.3 University and University holiday arrangements.

As Staying Put arrangements should mirror the opportunities young people get through continuing to live at home, we want young people who go to University to have a supporting family to come home to in the same way their peers do. Staying Put arrangements can still be set up if a young person is planning to go to University.

As part of pathway and Staying Put planning, whether a young person is intending on going to University should be explored and whilst we know plans can change, the basis on which they'll stay in the Staying Put arrangement needs to be agreed and captured so the financial arrangements are clear and understood by both the young person and the carer.

Payments to carers with young people who go on to further education will vary depending on a number of things, such as whether a young person continues to live at home and attends a local University or lives away in Halls of Residence or Private Rented accommodation near their University and comes home for weekends or holidays. It will also depend on whether the carer keeps the room free for a young person or takes in another Foster Child.

Young people at University living with Staying Put Carer.

Where young people stay living with their "Staying Put" carer whilst attending university (by this we mean they don't go away to live in Halls of Residence or Private Rented Accommodation) they are still liable for rent as set out in the licence agreement.

Young people attending University are unlikely to be entitled to claim the housing element of Universal Credit because their student loans and bursaries are considered to be their income from which they need to pay their housing costs.

During term time, (38 weeks) young people will need to continue to pay their Staying Put carer their rent of £56.50 from their student loans and bursaries. During the three main holidays (up to 14 weeks) the Care Leavers Services will pay rent for these periods to the Staying Put carer. We recognise some Universities have different lengths of term times; we will be flexible in the amount of weeks we pay main holiday periods to carers.

Payments to carers will follow the Staying Put year one, year two and year three model and is funded; accordingly, the rent element of £56.50 per week remains the responsibility of the young person (paid directly by the young person during term time and paid by Kirklees Care Leavers Service on behalf of the young person during the three main vacations). The young person will still be expected to make their contribution towards board and utilities to their Staying Put Carer, as with the rent, they will need to pay this from their student loans and bursaries.

If a young person's course continues beyond their 21st Birthday, Staying Put can be extended until the young person completes their university course.

The spirit of this is intended to support young people to be able to complete courses that are nearing an end, rather than support to new courses that start very shortly before a young person turns 21.

Financial support for the Staying Put carer under these circumstances is as follows:

- a) the fee and allowance element will continue until the 31st of August of the year following the young person's 21st birthday, or the course/training end date (whichever is sooner).

Young People at University living away and returning to Staying Put arrangement in holidays and/or weekends.

Where a young person lives away during term time and would like to return to their Staying Put home during the holidays, the following guidance should be used to make sure the arrangements are clear for both the young person and the carer:

Arrangements must be in place and agreed in the young person's pathway plan before the young person leaves their Staying Put arrangement to start their university course.

Final arrangements and plans must be made at least two months ahead of the time they will be returning for their holiday i.e. (by mid-October; for Xmas, by, mid-February for Easter and by mid-April/May for the Summer holidays).

The plan for the young person to return must be agreed by the young person, Staying Put carer, leaving care personal adviser, fostering supervising social worker and the social worker for any foster child living in the household.

Where carers remain registered as foster carers, all young people who return to a foster placement will require a DBS check and where necessary a risk assessment. Consideration needs to be given to the impact of the returning young person on any foster child in placement. This will be particularly important where a child has been placed since the young person started university; it is important the social worker for the newly placed child is consulted and involved in the discussions. Agreement to the Staying Put arrangement would be dependent on the young person's DBS check, risk assessment and the needs of any foster children in placement.

Payments to Staying Put Carers will be as follows.

Where a "Staying Put" carer has a spare room that the young person can use during the Christmas, Easter or summer vacation, providing:

- their stay is intended to be over 6 days.
- the arrangement is agreed in advance and set out the pathway plan.

The rate paid will be £188.54 per week (this is the 16+ weekly allowance minus £57.90 maintenance amount) this will be paid pro rata for the duration of the holiday period that the young person stays at home.

The young person will still be liable for rent whilst a Staying Put arrangement is in place. It would be unreasonable to expect a young person to pay both their University accommodation costs and rent for their Staying Put arrangements. In these circumstances, the rent element of £56.50 per week will be paid on behalf of the young person by Kirklees Leaving Care Services. This will be paid both in term time and during holidays. We will pay this regardless of the duration a young person returns home, as long as the room is available for them to use when they do.

Depending on the Staying Put carers' frequency of payments, to help reduce any financial strain, carers can request payment is made at the point the young person returns to the Staying Put arrangements.

Young people who return home for weekends and/or periods of 6 days or less should cover any costs from their Student Finance Loans and University Bursaries and should agree the level of the payment with the carer. In these circumstances, payments will not be made under the Staying Put framework.

If a situation arises where a young person's return was planned for 6 days or less and then due to an unplanned event or specific requirement, needs to stay for longer than 6 days, payment under the framework can be initiated following a pathway planning

meeting. Where agreement is given, payment can be backdated to the initial date that the young person returned.

A Staying Put arrangement will not be supported if a young person will not have a room of their own when returning during holidays,

12.4 Forces arrangements

Where a young person leaves a Staying Put arrangement to undertake military forces induction, or a further education training programme and would like to return to a Staying Put household during leave/vacations, this should be organised based on the University Arrangements set out above. DBS checks, risk assessments and payment arrangements – over/under 6 days, room availability and advanced planning.

12.5 Retainers.

Kirklees Children's Services is unable to provide retainers to carers whilst young people are temporarily living away from home for the following reasons.

Retainers and any payment that is provided where there are no young people living in the Staying Put arrangement are counted as income by the DWP when calculating entitlement to means tested benefits.

For people who receive benefits, income is treated differently depending on whether a person is receiving a legacy benefit such as jobseekers allowance and income support or receiving Universal Credit.

People on legacy benefit would have the amount of retainer deducted immediately from their benefits, in some cases it might mean the benefit might be stopped completely as people would be considered to have enough money coming in.

Under Universal Credit there is an 8 week 'run-on' period, which means the retainer received would not be counted during this time, and then would be deducted on an ongoing basis from this point in time.

Staying Put Carers who receive no means tested benefits would not be affected.

As such, it would not be fair to provide retainers due to the financial disadvantages it may bring to some Staying Put Carers.

12.6 Section 23 payments and benefit issues for Staying Put Carers.

In circumstances where young people claim Universal Credit/Housing element or pay rent direct from their wages and the Staying Put carer is in receipt of some types of means tested benefit, the young person's benefit claim or rent payment may result in the carers' benefit being reduced.

National Insurance benefits are not affected by this income.

The rules are complicated and there are differences in how they are applied by the DWP dependent on whether the carer is in receipt of Universal Credit themselves or is in receipt of 'legacy benefits', (these are benefits such as Jobseekers Allowance, Income Support, Housing Benefit)

We have summarised here what the rules are and what we will do to make sure Staying Put Carers are not financially impacted. More in depth information and some examples can be found in Appendix 5.

Payments made by the Council to Foster Carers, Staying Put Carers, young people in care and Care Leavers are made in the main under something called Section 23C of the Children Act 1989.

Under this law, these payments are not counted as 'income' by the DWP when they are working out how much benefit a person is entitled to, these are known as 'disregards'.

Under Section 23 C, these payments are only disregarded if they relate to people living in a non-commercial agreement.

Foster placements are non-commercial agreements, because the children and young people living there are under 18, and therefore in law, are the responsibility of the Council. The law sets out what and how much the Council must pay Foster Carers and Children and Young People allowances for.

Once a young person becomes 18, they are an adult. Like any adult, they now are responsible for paying for things themselves.

Paying rent requires there to be an agreement in writing between the young person and the Staying Put Carer, it is a financial contract between two adults and is therefore a Commercial Agreement.

Rent and contributions towards food and utilities are examples of payments that would be counted as a carer's income, because they are paid directly to the carer by the young person and not by the Council under Section 23C.

We want to ensure Staying Put Carers do not find themselves facing financial difficulties as a result of a young person claiming the housing element of Universal credit.

We understand that the impact of Staying Put arrangements on carer's finances will be important to them when they are considering whether this is right for them and we wish to do all we can to support young people and their carers to continue living together as a family if this is what they want to do.

Like all local authorities, Kirklees Council has the ability (called discretionary powers) to 'top up' an amount equal to the amount of any reductions in Housing Benefit the carers receive as a result of their young person claiming Universal Credit.

For carers who do receive a reduction in their Housing Benefit, this reduction will be off-set by the Kirklees Council, and we will pay an amount equivalent to the level of the benefit reduction via Discretionary Housing Payments.

Treatment of benefits and Universal Credit.

As mentioned above, income is treated differently if a carer is receiving Universal Credit themselves than it is if they are receiving a legacy benefit.

Earlier in this policy, we explained that young people in Staying Put arrangements are considered to be 'Boarders' under the housing regulations.

For carers who receive Universal Credit, any income from a 'Boarder' is fully disregarded in terms of the carers Universal Credit claim, however, carers do need to be aware if they are living in rented accommodation and claiming help towards their housing costs, how having a young person in a Staying Put arrangement affects how their occupancy charges are calculated, and what this might mean for the help towards their costs (also known as Bedroom Tax, Under Occupancy Charge or Spare Room Subsidy)

Under Universal Credit, a 'Boarder' is not counted as occupying a room when it comes to working out the housing cost elements, the room is considered spare because Boarders are not considered to be part of the household.

This means that for carers who are tenants, whether they live in social housing such as council or housing association properties or in private rented properties, will get a spare room deduction from their Housing Element of Universal Credit, simply put, they will receive less help towards their housing costs.

In circumstances where Carers find themselves impacted as a result of Staying Put arrangements, Kirklees Council will make Discretionary Housing Payments equivalent to the under-occupancy deduction.

12.7 Young Person's Board contribution

Like most young people who live at home with their parents, young people will need to make a contribution towards things like food and utilities.

Young People and their Staying Put Carer should agree on a fair amount that takes into account how much income they have, what meals will be provided and whether the young person will buy all their own food.

To encourage the growth of financial responsibility, the young person should pay their contribution directly to their carer.

Below are some suggested contribution amounts for young people and their carer to consider.

Young Person's Income	Young Person's Contribution
up to £100	£20.00
£100-£125	£23.00
£126-£150	£27.00
£151 and over	£32.00

Many Staying Put Carers may feel conflicted over taking money for 'board', but ultimately, it does help prepare a young person for managing their budgets for the future. Regardless of how much income a young person has, we recommend £20.00 as a minimum board contribution.

A young person's contribution needs to be agreed and captured in both the Staying Put licence and the Staying Put Agreements.

12.8 Allowances for Young People

From the young person's 18th birthday "Staying Put" carers are no longer expected to provide pocket money, a clothing allowance or a personal allowance, we have covered in Section 12.1 the need for young people now they are adults to provide these things for themselves from their own sources of income.

In order to ensure we treat all care leavers fairly, fostering birthday and Christmas/festival allowances and access to the holiday allowances stop being paid to carers once a young person reaches the age 18.

From the young person's 18th birthday these allowances will be paid direct to the young person from the Care Leavers Service, details of these are covered in the Support Policy for Young People Leaving Care

Any additional funding or requirements relating to family contact, specific activities, education bursaries and health needs for individual young people and "Staying Put" arrangements should be agreed and be set out in the young person's pathway plan.

Again, further information on these allowances can be found in the Support Policy for Young People Leaving Care

12.9 Staying Put Carer Allowances

In Kirklees, the general principle is that a 'Staying Put' provider will not be financially disadvantaged in comparison to when they were receiving the fostering allowance.

However, the payments and how these are made up, need to fairly reflect that the level of care and responsibility for a young adult is less than that for a younger looked after child.

As such, unless a 'Staying Put' carer continues to have a foster child in placement, a 'Staying Put' carer will receive a skills fee and a weekly allowance of £191.99. This is a reduction of £57.90 to reflect that they are no longer expected to provide the following, which was previously contained in their fostering allowance:

- Pocket money
- Clothing
- Personal Items (e.g. subscriptions to clubs, presents for child's friends, toys, school trips etc.)

In addition to the above reductions, Christmas/Festival, Birthday and Holiday Allowance to Carers also come to an end when the young person turns 18.

Under the Support Policy for Young People Leaving Care, these allowances will be paid directly to the young person from the Care Leavers Service.

Unlike the Fostering Allowance, which was paid solely from Children's Services, the 'Staying Put' allowance is made up of different elements and can come from different sources.

The elements of the 'Staying Put' payment will come from:

- Universal Credit/Housing Benefit

- A contribution from the young person
- A 'Staying Put' allowance from the Fostering Service.

12.10 Income Tax and National Insurance

All Staying Put carers must be registered with Her Majesty's Revenue and Customs (HMRC) as self-employed.

Where young people remain living with their former foster carer under a Staying Put arrangement, the Income Tax and National Insurance rules for Staying Put Carers can be found [here](#) in the HMRC help sheet - Qualifying care relief: foster carers, adult placement carers, kinship carers and Staying Put carers.

Put simply, Staying Put Carers can receive a tax exemption up to a set amount for each young person living with them. The rates and amounts applied are the same as they were when the arrangement was a foster care placement.

Staying Put carers will continue to be able to claim under the same existing simplified tax arrangements as when they were Foster Carers.

Staying Put carers are covered by the Qualifying Care Relief system where they provide an arrangement for a young person who was looked after immediately before the young person's 18th birthday.

Qualifying Care Relief can continue until the young person reaches the age of 21, or, until they complete a programme of education or training being undertaken on their 21st birthday.

The tax free allowance only applies to the Staying Put carer's income from caring. If a carer has income from other sources for example wages from employment or investments, they will pay tax on that income in the normal manner.

The same class 4 national insurance contributions apply for Staying Put in line with fostering.

Staying Put Carers and those considering becoming a Staying Put Carer are strongly advised to consult their local HMRC office for guidance on their individual circumstances and liabilities.

At the point of conclusion, individual advice will be offered to the Staying Put carers to inform their decision making.

12.11 Council Tax and on-dependant deductions

Since April 2013, Kirklees Council, like all other local authorities, has its own Council Tax Scheme which replaced Council Tax Benefit. In Kirklees we have the Council Tax Reduction Scheme and the Discretionary Reduction Scheme. It enables the council to help those that need it most and aligns to the council's priorities.

Vulnerable children and young people are a priority for the council; all Care Leavers including those living in Staying Put arrangements who live in Kirklees that would normally be responsible for paying Council Tax, dependent on their earnings, are able to access the council's main Council Tax Reduction Scheme and will be entitled to a

further reduction under the council's Discretionary Reduction Scheme. In effect, this means Care leavers will pay no Council Tax.

Even though young people in Staying Put arrangements will not have to pay Council tax themselves, (dependent on whether they are working and how much they earn) it may mean there is an impact on the amount of Council Tax carers have to pay, if they are in receipt of some reductions themselves, for instance the 25% Single Person Council Tax Reduction.

As with other sections of this policy, we will set out what does and doesn't impact carer's benefits, and where there is an impact, we will say what we will do about it to make sure Staying Put carers don't experience a financial loss.

Young People in full time education.

A full time course is considered to be 16 hours or more a week.

Full time students are 'invisible' for Council Tax purposes, this means they are not counted towards Council Tax; there will be no impact on the "Staying Put" carers Council Tax or Council Tax Support. This includes:

- Young people on an apprenticeship scheme.
- 18 and 19-year old's in full-time education.
- Full-time college and university students.

Other people who do not count as an adult under Council Tax criteria

- Young people under 25-years old who get funding from the skills funding agency or young people's learning agency.
- Student nurses
- Young people with a severe mental impairment.

Carers who receive a 25% single person Council Tax reduction.

Where a carer is working and receives the 25% single person Council Tax reduction, this reduction may continue when a young person is living in a Staying Put arrangement. The continuation of the 25% reduction will depend on the circumstances of the young person, some of which we have outlined above.

When the Staying Put arrangement is being planned, the Supervising Social Worker will make sure we support carers to understand the impact of the arrangement on their Council Tax, Council Tax Support and whether a Non-dependent Deduction will be applied.

In line with other areas of this policy where becoming a Staying Put Carer impacts financially through reduction in benefits, any loss in Council Tax support or increased Council Tax charge will be met from the Discretionary Council Tax reduction scheme equivalent to the carer's financial loss.

12.12 Minimum standards and practical requirements.

When a Foster Carer becomes a Staying Put carers, there is a need for them to let their mortgage provider or landlord and their buildings and contents insurance provider know that they will continue to be supporting a former foster child as a young adult under a "Staying Put" arrangement.

If providers and landlords aren't told of the above change of circumstances, it may cause a breach of mortgage/tenancy requirements and could also result in insurance cover being void due to a 'failure to disclose material facts', so it's really important that Staying Put carers let providers know of the changes.

The same health and safety principles including household/car insurance that applied under the Foster Placement will continue in Staying Put arrangements. Where carers transport young people, there is the same the need for comprehensive business insurance, a valid MOT and a Road Vehicle License and a road worthy vehicle.

The majority of foster carers hold public liability insurance which comes from their membership of Foster Talk. This will continue for Staying Put carers. Staying Put carers will however need to check the status of the insurance once the young person living with them reaches 18 years old.

Agreement needs to be made about young people having credit cards, loans, mobile phone contracts registered at the address as this may impact on the carer's credit rating. All these things should be discussed as part of planning a Staying Put Agreement and captured in the agreement form which both the carer and young person need to sign up to.

12.13 Ending an Arrangement

Ending a Staying Put arrangement might happen for a number of reasons. Ideally these will be planned endings, but sometimes situations happen where other arrangements need to happen quickly.

Should they choose to, either the young person or the Staying Put Carer can decide to bring an arrangement to an end. We have set out below how things will work for different situations.

Planned Move-On

Where young people decide that they would like to leave the Staying Put arrangement, or the Staying Put carers decide that they would like the arrangement to come to an end, each party should give at least 28 days 'notice of termination'.

This should be the case in all but exceptional circumstances, so that arrangements can be ended in a planned fashion and ensure there is time for appropriate planning to take place.

If the young person is considering bringing the arrangement to an end, they should share their views with their Personal Advisor, the Personal Advisor will then work with the carer and a representative of the fostering service, as appropriate.

The young person's leaving care personal adviser will work with the young person to support them to access suitable accommodation that best meets their needs.

Emergency and Unplanned Move-On and Evictions

Where a young person displays extreme behaviour such as committing an offence against a person within the household, they may be required to leave the Staying Put arrangement on the same day or within a short period of time.

Wherever possible, a “Staying Put” Stability Meeting will take place which will consider if there are opportunities to keep the arrangement going, through for instance new or changed house rules and a new living together agreement. Consideration can be given to what additional support to the carer and /or the young person might be needed to achieve this.

If this isn’t possible, the meeting will set out where the young person will move to and when this will happen.

The leaving Care service /personal advisor will arrange emergency accommodation for a short period whilst an accommodation pathway for the young person is developed.

12.14 Challenging Decisions and Making a Complaint

If a looked after young person (before they are 18) feels that the Local Authority has failed to provide appropriate support towards facilitating a “Staying Put” arrangement, they can speak to their Independent Reviewing Officer to request a review of their Pathway Plan and/or make a complaint and/or contact an independent advocate.

A young person living in a “Staying Put” arrangement is also entitled to make a representation or complaint to the Local Authority about the provision of support, and for this to be investigated under the Children’s Services complaints procedure.

A complaint by a “Staying Put” carer, or by a foster carer but relating to their role as a “Staying Put” carer, would be considered under the Local Authority’s Complaints Procedure.

In the event that the Personal Advisor or any other professional in contact with the young person has any concerns that they may need safeguarding, they should understand that these would be investigated by Adult Services if no children are involved. In such circumstances, Children’s Service workers will work in collaboration with Adult Services to support the investigation.

Appendix 1. Legislation relevant to Staying Put.

- Children and Families Act 2014.
- Care Planning, Placement and Case Review (England) Regulations and Guidance 2010, with additions and revisions in 2013 and 2014.
- Planning Transition to Adulthood for Care Leavers (England) Regulations and Guidance 2010, revised 2014.
- Fostering Service (England) Regulations 2011 and related Guidance (and amendments);
- National Minimum Standards (NMS) for Fostering Services (2011) (and amendments).
- The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review. Specifies support requirements for young people in care who may be preparing for Staying Put.
- <https://www.gov.uk/government/publications/children-act-1989-care-planning-placementand-case-review>
- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers (DfE, revised May 2014), Chapter 7 para 7.19 to 7.59 specifies revised statutory guidance regarding 'Arrangements for living with former foster carers after reaching adulthood'
- <https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

Appendix 2. Definitions of Staying Put

Department for Education definition of Staying Put

The term "Staying Put" is used to define the following arrangements where:

1. A young person who was looked after immediately prior to their eighteenth birthday (as an eligible child) continues to reside with their former foster carer/s;
2. The carer/s were acting as foster carers to the child immediately prior to the young person's eighteenth birthday (that is, the carers were approved as foster carers in accordance with the Fostering Service (England) Regulations 2011 (amended July 2013) and the child had been placed with them by the local authority, or via an Independent Fostering Agency);
3. A 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;
4. The "Staying Put" arrangement is set out in the child/young person's Pathway Plan.
5. A proportion of the allowance paid to the "Staying Put" carer/s is paid by the Local Authority Children's Services under section 23C of the Children Act 1989.
6. The "Staying Put" arrangement extends until:
 - the young person first leaves the "Staying Put" arrangement.

or

- the young person reaches their twenty-first birthday, if continuously, and still living in the arrangement
- 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.

An eligible child is someone who:

- is looked after by a local authority.
- is aged 16 or 17, and;
- has been looked after for a total of at least 13 weeks since the age of 14.

It is a term meaning that they are eligible for support as a care leaver and does not refer specifically to “Staying Put” support. Once they become 18 an eligible child is known in law as a ‘former relevant child’.

The DFE definition of a “Staying Put” arrangement is adopted by and underpins Kirklees Staying Put policy.

Note:

- A former relevant child who is pursuing further education or training may be entitled to support until the age of 25, but beyond their 21st birthday this cannot be defined as “Staying Put”.
- Young people who are in residential placements are not covered by the “Staying Put” Policy

Department for Work and Pensions Definition

The specific DWP legislation covering “Staying Put” arrangements highlights that:

1. where a young person continues to reside with their former foster carer after their eighteenth birthday
And
2. Where the child was looked after immediately prior to their eighteenth birthday,
And
3. Where the payments are made by the local authority to the carer under section 23C of the Children Act 1989, the payments are disregarded in calculating the carers entitlement to means tested benefits.

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.

Additionally, 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, should the young person return to their former foster/“Staying Put” carer or, move to another carer after their eighteenth birthday.

HM Revenue and Customs Definitions

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

1. A young person was looked after immediately prior to their eighteenth birthday.
2. The young person has a Pathway Plan.
3. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority.
4. “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.

“Staying Put”: Arrangements for Care Leavers aged 18 and over to stay on with their former foster carers, DfE, DWP and HMRC Guidance May 2013
<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

Appendix 3 - Young people’s benefits which do not impact on Carers benefits.

- Disabled young people are able to claim Employment and Support Allowance from their 16th birthday.
- Disabled young people can claim Disability Living Allowance (if under 16) or Personal Independence Payment (if 16 or over and not already on DLA). This is a non-means tested benefit and therefore has no impact on other benefits or the contribution that the young person or the council makes towards their rent. If the disability benefit is claimed, the ‘Staying Put’ provider may be able to claim a carer’s allowance.
- A disabled young person in education who gets both Employment and Support Allowance and Disability Living Allowance or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see www.gov.uk/1619-bursary-fund.
- Lone parents can claim Income Support until their child is 5 years old, Healthy Start Vouchers and a Sure Start Maternity Grant 11 weeks before the due birth date (the Sure Start Maternity Grant is only provided once for the oldest or first child). From the birth of their baby they will also be eligible to claim Universal Credit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above benefits, but only from the birth of their baby).
- Young people can claim Universal Credit under the ‘Relevant Education’ rules if they remain ‘estranged’ from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher education level. Young people can claim Universal Credit at any point prior to their 21st birthday and will continue to receive the payment until the end of the academic year following their 21st birthday, i.e. generally until July following their 21st birthday.
- Young people undertaking full time education or training courses may also be eligible to claim the 16-19 bursary, care leavers have an automatic and priority entitlement – see www.gov.uk/1619-bursary-fund

- The capital limit for means tested benefits is normally £16,000, with savings over £6,000 meaning a reduction in benefits for the young person on a sliding scale.
- Money held in a trust fund (including Court of Protection) arising from personal injury (e.g. Criminal Injury Compensation Awards) does not count as capital. Criminal Injuries Compensation Awards are only disregarded for the first 52 weeks following receipt of the award.

Appendix 4. Financial support for Staying Put Carers

Staying Put Year 1 Weekly Allowances & Fees (from date TBC)

Staying Put financial support allowances and fees paid directly from Kirklees Council to carers from the young person's 18th birthday are:

- a) Skills level 1 – £101.40 per week
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus £57.90 = £191.99

Total Paid - £293.39pw

- b) Skills Level 2 – £126.75 per week.
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus £57.90 = £191.99

Total Paid - £318.74pw

- c) Skills Level 3 - £177.45 per week
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus £57.90 = £191.99

Total Paid - £369.44pw

- d) Level 4 - £228.15 per week
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus £57.90 = £191.99

Total Paid - £420.14pw

2. “Staying Put” Years 2 & 3 Allowance & Fees (from date TBC)

Staying Put financial support allowances and fees paid directly from Kirklees Council to carers from the young person’s 18th birthday are:

- a) 50% of Skills Level 1 = £57.40 per week.
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus
£57.90 = £191.99

Total Paid - £249.39pw

- b) 50% of Skills Level 2 = £63.38 per week.
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus
£57.90 = £191.99

Total Paid - £255.37pw

- c) 50% of Skills Level 3 = £88.73 per week
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus
£57.90 = £191.99

Total Paid - £280.72pw

- d) 50% of Skills Level 4 = £114.075 per week
Plus the over 16 fostering maintenance allowance -£249.89 per week - minus
£57.90 = £191.99

Total Paid - £306.07pw

Note:

(The 50% “Staying Put” skills reduction is waived for one year where a “Staying Put” carer has a single “Staying Put” arrangement and is unable to take a further placement due to limited accommodation).

Appendix 5. Section 23C Payments and Benefit Issues for Staying Put Carers

This section covers the rules regarding payments to “Staying Put” carer/s that are in receipt of a means tested legacy benefit/s (prior to the roll out of Universal Credit). National Insurance benefits are not affected by this income.

Payments made to the “Staying Put” carers from the Local Authority Children’s Services under section 23C of the Children Act 1989 via the young person, or directly to the carer/s on behalf of the young person are disregarded when calculating the carer’s entitlement to means tested welfare benefits.

The section 23C payment is disregarded in its entirety in circumstances where young people continue to live as a member of their former foster carer's family on a non-commercial basis.

Where young people contribute to the arrangement and/or claim Housing Benefit (which requires a commercial arrangement) they cannot continue to be deemed to be living solely in a familial arrangement and therefore any element of the payment from a source other than the section 23C element is taken into account when calculating the impact on the "Staying Put" carers own welfare benefit claim. The section 23C element will always be disregarded when calculating the "Staying Put" carer's welfare benefit entitlement.

The rent element of the Staying Put arrangement is set at £56.50. If a young person is not entitled to Housing Benefit due to excess income, then their contribution would be £56.50 per week. If a young person is entitled to Housing Benefit but it is assessed below £56.50, they would be expected to contribute the difference.

Where Housing Benefit is paid to the young person, or they pay the rent element from their earnings, all non-section 23C payments regardless of their source will be counted as income under the 'Boarder' rules. Under these rules the first £20.00 and 50% of the remainder is disregarded.

For example, if a carer receives £188.54 per week in total for the "Staying Put" arrangement of which £124.54 is paid by the local authority under section 23C and £56.50 is paid by the young person from Housing Benefit, the amount taken into account by the DWP will be £56.50. Of the £56.50, £20.00 and a further £18.25 (50% of the £36.50) is disregarded, therefore the carer will be deemed to have a £18.25 per week income from the 'Boarder' ("Staying Put") arrangement and they will lose £18.25 of their Income Support, income based Jobseekers Allowance or income-related Employment and Support Allowance.

In circumstances where a young person receives maximum Housing Benefit (rent assessed above £56.50), the full amount will need to be declared to the DWP and the DWP should then apply the 'income from a boarder' disregard.

In circumstances where the "Staying Put" carer is in receipt of Housing Benefit along with the above-mentioned benefits, the Housing Benefit is not affected. This arrangement would apply to each young person if two or more young people aged eighteen or over remain in the placement.

In situations where the "Staying Put" carer is in receipt of a means tested benefit the young person should still claim Housing Benefit, an amount equivalent to the carers DWP benefit reduction can be paid to them from section 23C. The section 23C compensatory payment will be disregarded in full by the DWP. In addition to using section 23C, Local Authorities have other discretionary powers available in order to

redress benefit deductions. In Kirklees we will use Discretionary Housing Payments and the Discretionary Council Tax reduction policy to ensure Staying Put carers are not financially worse off. As with section 23C compensation payments, these payments are disregarded in full by the DWP.

Where the “Staying Put” carer is over the Pension Credit age (the Pension Credit entitlement age is rising from 60 to 65 between 2010-2020) and is in receipt of Pension Credit more generous disregard rules regarding income from ‘Boarder Arrangements’ apply and should be explored. In practice, the whole amount paid (in respect of a ‘Boarder Arrangement’ to the carer) in receipt of Pension Credit is likely to be disregarded, regardless of the young person claiming Housing Benefit and the source of the payment to the carer.

In situations where a “Staying put” carer is getting child tax credit or working tax credit, they should declare their ‘profit’ from providing a “Staying Put” arrangement, as calculated on page 20. That profit may well be nil. Early planning for, and identification of, the benefits and financial circumstances of individual carers is critical to ensuring that appropriate plans and arrangements are in place for both the carers and young person.

In situations where a foster carer is receiving Carers Allowance (Young Person receiving daily living component of PIP) and becomes a Staying Put Carer the Carers Allowance may cease if the DWP considers Staying Put payments to the carer as earnings. This could also impact other means-tested benefits such as Income Support/Housing Benefit/Universal Credit.

If the “Staying Put” carer is in receipt on Universal Credit then the ‘income from a boarder’ will be disregarded. If the “Staying Put” carer receives housing costs as part of the Universal Credit claim there is no bedroom allowance for the “Staying Put” young person so there may be an under- occupancy charge. If the carer has a benefit reduction, an amount equivalent to the carers DWP benefit reduction will be paid to them as a Discretionary Housing Payment.

Given the complexity of making these arrangements, commencing planning these from the child’s 16th birthday should provide sufficient time to ensure the necessary arrangements and support are in place by their 18th birthday.

Appendix 6. Further help and Information Helplines

The Fostering Network member helpline
020 7401 9582
info@fostering.net
www.fostering.net

Coram Voice (advice for young people)
0808 800 5792
www.coramvoice.org.uk

Fostering Information Exchange (discussion forum)

<https://knowledgehub.local.gov.uk/web/fosteringinformationexchange>

Fosterline (information and advice for foster carers)

0800 040 7675

enquiries@fosterline.info

www.fosterline.info

Information for young people

Know Your Rights, Know Your Benefits: A guide for young people in and from care (Catch 22)

<http://resources.leavingcare.org/uploads/ede7b4f3ac9752c3175675175ea12b99.pdf>

Staying put guide for young people –www.leavingcare.org

Practice guidance

Staying Put: Frequently Asked Questions

For fostering services:

<http://www.fostering.net/all-about-fostering/providers/staying-put-update#.U4XdIvIdXsc>

For foster carers:

<http://www.fostering.net/all-about-fostering/foster-carers/staying-put-faq#.U4Xd0fldXsd>