

**Name of meeting:** Corporate Parenting Board

**Date:** 27<sup>th</sup> July 2021

**Title of report:** Staying Put Policy Refresh

**Purpose of report:** All Local Authorities are required to set out how they will operate a Staying Put scheme. This is a refresh of the existing policy and sets out arrangements in Kirklees for Care Leavers aged eighteen and above to continue living with their foster families.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes. This policy affects all Wards.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision – Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Mel Meggs – Strategic Director for Children's Services. 18 <sup>th</sup> May 2021
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 11 <sup>th</sup> June 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft. – 8 <sup>th</sup> June 2021
Cabinet member <a href="#">portfolio</a>	Councillor Viv Kendrick

**Electoral wards affected:** All.

**Ward councillors consulted:** Not applicable.

**Public or private:** Public.

**Has GDPR been considered?** Yes, No personal or sensitive data, or other information covered by GDPR, is included in this report.

## 1. Summary

- 1.1. All Local Authorities are required to set out local protocols and procedures for supporting Care Leavers aged 18 and over to remain living with their former foster families up to the age of 21. These are known as Staying Put arrangements.
- 1.2. The Staying Put policy was last refreshed in 2016. As part of Children's Services improvement journey to deliver outstanding services for Children and Young People, the Fostering Service have been working to promote and encourage the take up of the Staying Put opportunity for both Care Leavers and Foster Carers.
- 1.3. The policy sets out an improved support and financial offer which reflects the importance of the role Staying Put Carers play in equipping young people with the emotional confidence and practical skills needed to live independently, ensuring Care Leavers get the best start to their adult lives whilst they remain living in a supportive family home.
- 1.4. This policy needs to be considered alongside the Care Leavers Support and Financial Guidance Policy. Care Leavers who take up the opportunity of a Staying Put arrangement are entitled to receive the support, advice and guidance set out in the Care Leavers Support and Financial Guidance Policy

## 2. Background.

- 2.1. Through the Council Plan and the Children's Service's Improvement Plan, the Council and Children's Services share an inclusive vision, where all children and young people get the best start in life. Key to this is the ability for children and young people to live and grow up with loving and nurturing parents and families.
- 2.2. There is strong national evidence to support outcomes and life chances improve when young people delay moving to independent living. Our ambition as Corporate Parents is to enable young people 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. 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 at the age of 18 and without the same level of ongoing family support their non-care experienced peers are afforded. In comparison, nationally the average age for young non-care experienced people leaving home is 24 and this is increasing year on year.
- 2.3. Successful implementation of this policy will contribute to reducing the equality gaps in Kirklees between vulnerable care leavers and their non-care experienced peers. As Corporate Parents, our commitment to care experienced young people approaching the age of 18, 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 rather than having to move out because of rules of age. We want to make sure these young people 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 to living independently.
- 2.4. The need for an updated Staying Put Policy has been raised by the Kirklees Fostering Network (KFN) during the course of their regular partnership meetings with the Fostering Service. Improved planning for Staying Put arrangements, Allowances for Staying Put carers and clarity on arrangements when Care Leavers in Staying Put arrangements go to University are areas KFN asked the service to review. All these areas have been addressed within the proposed policy.
- 2.5. This "Staying Put" policy has been developed in line with the requirements of the Legislation and Regulatory Guidance which exists in relation to children and young people, Fostering and Care Leavers. Evidence and feedback from both best practice research and KFN have been taken into consideration when refreshing the Staying Put Policy.

2.6. The refreshed Staying Put policy if approved, will see the introduction of some changes and some aspects will feel different for both carers and young people alike. The key changes are set out below along with proposals for mitigation of any risks identified as a result of the proposed changes.

**2.7. Staying Put Carers payments and weekly allowances.**

Unlike allowance amounts for Foster Carers which are set by Children’s legislation, allowances for Staying Put carers are set at the discretion of each local authority.

Whilst it is reasonable to assume a young adult will need less support and therefore allowances should reflect this, the reality is becoming an adult brings a set of new challenges which means young people will need different support and guidance from their carers to help them prepare for living successful, happy and independent lives as adults.

Under the current policy, the transition from being a Foster Carer to being a Staying Put Carer results in a significant reduction in allowances which could be a barrier to Foster Carers being able to continue to support Care Leavers in Staying Put arrangements. The table below reflects how payments change under the current policy.

<b>Allowance Elements paid to Foster Carers</b>	<b>Amount a Foster Carer receives</b>	<b>Amount a Staying Put Carer receives.</b>
Weekly Maintenance Allowance child aged 16 and over	£249.89. This amount includes £57.90 which is the amount set to cover clothes, pocket money, personal care etc	Flat rate -£118.29
Skills level payment Level 1 Level 2 Level 3 Level 4	£101.40 £126.75 £177.45 £228.15	Flat rate -£101.40
Continuous Service Payment	£10.14 per week for each year fostered with Kirklees up to a maximum of 15 years (i.e., up to £152.10 per week)	£0.00
Annual Allowances Birthday 16+ Christmas 16+ Holiday 16+	£249.89 £249.89 £499.78	£0.00. Allowances are paid directly to a young person when they turn 18. Rates are set out in the Care Leavers Support and Financial Guidance Policy.

The Care Leaver’s Service has reviewed the payment model to ensure Staying Put Carers allowances are fair, transparent, and based on the support a young person needs. It is hoped this change will incentivise more Foster Carers to go on to support Care Leavers as Staying Put Carers.

The new model proposes the following framework of payments.

Payment to Staying Put Carer	Year 1 – young person aged 18-19	Years 2 and 3 – young person aged 19-21
Weekly Maintenance Allowance child aged 16 and over minus £57.90 to reflect carers are no longer expected to pay pocket money, buy clothes etc	£191.99	As year 1
Skills payment reflecting the skills level the carer was on at the time of transitioning to a Staying Put Carer	Range of £101 - £228.15	50% of the skills level weekly fee. Where a 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 (19 <sup>th</sup> to 20 <sup>th</sup> birthday) but will be reduced during the third year (20 <sup>th</sup> to 21 <sup>st</sup> birthday).
Rent	£56.50 payable directly from young person through wages or benefits. Not a cost to service	As year 1

## 2.8. Responsibility for rent.

After reviewing policies from different local authorities and attending the National Leaving Care Benchmarking Forum Staying Put and National Policy update session, it is apparent the current Kirklees Staying Put Policy is out of line with how Staying Put is being implemented in other authorities.

Analysis of other local authority's policies shows the majority of policies include and set out a young person's responsibility to pay rent for their Staying Put accommodation. Under the current policy, Care Leavers living in Staying Put are expected to make a small contribution to board costs, but there is no explicit liability for rent. This means there is a difference in the way Care Leavers who live in Staying Put arrangements are treated compared to their peers who move on to living independently.

To ensure all Care Leavers are treated equitably, it is proposed, in line with all young people who take up other types of accommodation when they leave care, that all young people who live in a 'Staying Put' arrangement will need to pay rent for where they live and make a reasonable contribution to food and utilities. Getting used to being responsible for and paying living costs on time is a core budgeting skill young people need to have before they move on to living independently.

It is proposed in line with the practice of other local authorities, that rental liability be set on a commercial basis. The rent liability will be in line with the Local Housing Allowance, currently this is £56.50 per week.

Advice received from colleagues in the Welfare and Exchequer Service is that to avoid the risk of being considered to have 'Contrived Agreements' (where some Staying Put Care Leavers pay rent and others do not) by the Department for Work and Pensions (DWP), it will be necessary to retrospectively put a standard agreement in place for all existing Staying Put arrangements.

The agreement needs signing by both Staying Put Carer and is used as the licence agreement in circumstances where a young person needs to claim the housing element of Universal Credit.

If we were to be considered to have Contrived Agreements, it would result in the DWP not paying the housing element of Universal Credit.

This is a significant change for both our young people and their Staying Put Carers. To mitigate this issue, a sensitive approach to communications is needed. It is proposed:

- A range of communications are planned which includes offering existing Staying Put Carers and young people the opportunity to discuss with the Foster Service and Care Leavers Service what these changes will mean for them.
- Support be put in place to help young people claim benefits to cover their rental liability if they are unable to pay through their own sources of income (wages from work)
- Support to be put in place for Staying Put Carers to help them understand any financial impact these changes will have on any means tested benefits they receive. This will be delivered jointly with the Kirklees Welfare Benefit Team.

There are 27 active Staying Put arrangements in place which will need supporting.

## 2.9. Early planning.

Early planning is key to creating sustainable arrangements for young people and their carers. The updated policy provides clear timeframes for when the planning and finalisation of Staying Put arrangements need to take place.

By the time a young person is 17½, all plans including the living together agreement need to be in place and finalised in order to be agreed at Permanence Panel no later than 4 months before the young person's 18th birthday.

As part of this early planning, there is the need to provide support to potential Staying Put carers to help them understand the changes, what it might mean for their household and any financial implications.

To ensure carers can make informed decisions and understand the financial impact Staying Put arrangements may have, the service will make a timely referral on behalf of the carer to the Kirklees Welfare Benefit team who will provide support, information and guidance.

## 2.10. Allowances for Staying Put Carers when young people are at University.

The legislation is clear that continuing in education should not preclude a young person from taking up the opportunity of a Staying Put arrangement, however it does not provide any further guidance to how these arrangements should operate.

The Children Leaving Care Act 2000 places a duty on local authorities to ensure Care Leavers have suitable accommodation to return home to during the holidays if they are attending Higher Education Settings.

It is clear from talking to other local authorities and reviewing their policies, this is a challenging area to address due to the lack of legislative guidance and the number of scenarios that can occur depending on whether a young person lives in the Staying Put home whilst attending University or lives away e.g., in Halls of Residence and returns home for holidays and whether a room is kept solely for the young person to use when they return home.

As part of the work to look at best practice, we reviewed policies from other local authorities. Of the policies reviewed, we did not find any that set out clearly the arrangements and allowances for the different scenarios. We have addressed this in our updated policy.

To ensure there is fairness across the wider cohort of Care Leavers and other Staying Put Care Leavers, the service has clearly set out how liability for rent and payments to carers will work when a young person in a Staying Put arrangement attends University.

Where young people stay living with their "Staying Put" carer whilst attending university they will still be liable for rent as set out in the living together agreement.

During term time, 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, the Care Leavers Services will pay rent for these periods to the Staying Put carer.

Allowance payments to carers will follow the Staying Put year one, year two and year three model framework.

Where a young person lives away during term time and would like to return to their Staying Put home during the holidays, there must be a bedroom available for the young person to use. Staying Put arrangements will not be supported if a young person would be sleeping on a sofa or expected to share a room.

The rate paid will be £199.54 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.

The cost and benefits of paying rent across 52 weeks to a Staying Put Carer to keep a room for a young person to return to versus paying for suitable hotel accommodation during the three main holiday periods (this can vary between 12 -14 weeks) has been analysed.

The annual cost of rent would be £2,938.00 per student living away at University.

Prices of hotel accommodation fluctuate across the year. Weekly rates increase during the holiday periods. They increase significantly over Easter and Christmas periods.

Examples of prices from a well-known budget hotel, start from £245 per week over the summer, increasing to £282.50 and £305.50 over Christmas and Easter, respectively.

Based on these costs, it is estimated the annual cost of paying for a young person to stay in suitable hotel accommodation during the holidays may start from £3,136 - £3,626 depending on the duration of the holiday periods.

Whilst cost needs to be a factor, the most important thing to consider is the impact these arrangements would have on young people's ability to maintain their studies without having to worry about where they will stay in the holidays or feeling alone or isolated when they do return.

#### **2.11. Ensuring Staying Put Carers are not financially worse off.**

Where a Staying Put carer is in receipt of some types of means tested benefit, a young person making a claim for benefit in their own right towards their accommodation costs or rent payment may result in the carers' benefit being reduced.

To mitigate the issue of Staying Put Carers experiencing a detrimental financial impact through their benefits being reduced, like all local authorities, Kirklees Council can '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, we propose this reduction will be offset by Kirklees Council. We will pay an amount equivalent to the level of the benefit reduction through Discretionary Housing Payments.

Similarly, for Staying Put Carers who may lose or have their Council Tax Benefits reduced, the Council has powers under the Local Government Finance Act 1992 section 13A 1(c) to award a reduction under their local Discretionary Council Tax reduction scheme. It is proposed the Council uses this discretionary power to ensure no Staying Put Carers are financially worse off.

#### **2.12. Sufficiency of Foster Placements.**

Implementing the proposal for Staying Put carers to keep a room free for young people at University to return home to during holiday periods has the potential to impact on the number of Foster Placements available in the system.

Increasing the number of in-house Foster Placements is key to the Sufficiency Strategy. There is a need to increase the number of foster placements available to reduce the amount of spend on external placements resulting from the reliance on Independent Foster Agencies (IFA's) as well as

being able to increase the numbers of children who are looked after living within the boundaries of Kirklees. The latter is an area critiqued by Ofsted.

Whilst Staying Put arrangements can last up to three years, there are occasions where these arrangements end earlier.

There is the need to strike the right balance between having enough fostering capacity in the system and giving Care Leavers the best start at an adult life through promoting and encouraging the opportunities Staying Put bring.

The Foster Service is looking to mitigate this as part of the Fostering Modernisation project, which covers improving marketing to attract a wider pool of potential Foster Carers and improving the Fostering Recruitment process.

Alongside this, as described in the principles of the Staying Put Policy, more work will be done with prospective Foster Carers from the point of their initial application to explain that young people will need to be supported and cared for 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.

### **3. Implications for the Council**

#### **Working with People**

At the heart of this policy is the recognition of the fantastic work and commitment Foster Carers give to children and young people and the shared desire for Foster Carers to be able to continue to give this support as Staying Put Carers when their foster children become young adults. We have worked with the KFN to understand what barriers they face as Foster Carers when it comes to becoming a Staying Put Carer and incorporated solutions which address these issues so that Care Leavers can continue to experience the many benefits of being part of a family once they turn 18.

#### **Working with Partners**

The insights used to develop and improve the Staying Put Policy have been gained through working with and listening to the views of the KFN to shape the proposal. The KFN represent the wider cohort of Foster Carers in Kirklees.

Learning from the National Leaving Care Benchmarking Forum and the wider National Staying Put Policy has been incorporated to reflect Best Practice in this policy area. .

#### **Place Based Working**

There will be no impact.

#### **Climate Change and Air Quality**

There will be no impact.

#### **Improving outcomes for children**

This policy will contribute to the outcomes of Best Start and Independent by supporting, encouraging, and promoting the Staying Put opportunity to Care Leavers, ensuring they can continue to develop the necessary life skills they need to begin independent adult lives within the same safe, loving family environment they have grown up in.

By providing a stable and nurturing home, it is hoped there will be a positive impact on the number of Care Leavers who take up and sustain Education, Employment and Training past the age of 18.

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

There are no HR or Legal implications.

Whilst the Department for Education appear fully committed to supporting more young people to access Staying Put arrangements by awarding further resources to Local Authority budgets since 2020/21, the level of grant is allocated on a year by year basis and any reduction in future years may have financial implications.

#### **4. Consultees and their opinions**

- 4.1. This policy has been prepared in consultation with the Heads of Service and Service Managers from the Fostering, Children Looked After and Care Leavers Services. It is the opinion of the above services that the updated policy is transparent and provides greater clarity for both staff, Staying Put Carers and Young People. It is felt that the proposed payment model better reflects the different skills needed to support and prepare young adults for living independently.
- 4.2. The proposed model, principles and key changes were shared for feedback with KFN. The response to the proposal was positive, and KFN welcomed a refreshed policy that is clear about what happens when a young person goes to University and which addresses the barriers brought by the reduction in allowances when a Foster Carer becomes a Staying Put Carer.
- 4.3. Children's Service's Senior Leadership team received a briefing for their own sign off of the policy on the 18<sup>th</sup> May 2021.
- 4.4. The Portfolio Holder for Children has been engaged and consulted with throughout the process. A meeting on the 25<sup>th</sup> May 2021 between Cllr Kendrick, Strategic Director Mel Meggs and Service Director Elaine McShane shared and agreed the final version of the updated policy.
- 4.5. The Executive Team were consulted on the 8<sup>th</sup> June 2021 and approved the policy to move forward to Cabinet.

#### **5. Next steps and timelines**

- 5.1. Steps have been taken to implement the policy, with the aim of it being in place by September 2021. This includes communicating the new policy to all relevant service areas and teams to make sure there is understanding of roles and responsibilities in relation to the changes. The service will work with existing Staying Put Carers and young people living these arrangements to communicate changes on a one to one basis and ensure there is support in place where needed in relation to financial impact queries.
- 5.2. A simplified guide to Staying Put will be produced aimed at Foster Carers and young people who may be considering Staying Put for their future together.
- 5.3. Regular updates on progress and the impact/outcomes as a result of implementing the policy will be scheduled in the forward plan and provided to Corporate Parenting Board

#### **6. Service Director responsible**

Elaine McShane – Service Director for Family Support and Child Protection