



STAYING PUT POLICY

APRIL 2017

1. Introduction

1.1 It is widely recognised that for many young people the transition to adulthood is often a turbulent time with many emotional and financial issues involved. These issues can be particularly acute for young people in care who may be more likely to experience, social exclusion, unemployment, periods of abuse, neglect or time in custody.

1.2 The Children's Act 1989 and 2014, the Children Leaving Care Act 2000 place a legal duty on Local Authorities to provide support for Care Leavers. The Local Authority is the "corporate parent" for children in care and therefore has a responsibility for their wellbeing. The precise level of care required by each care leaver will depend on their assessed needs and on their leaving care status as defined by statute.

1.3 The 2010, 2011 and 2014 Regulations, set out under Volume 3 of the Children's Act 1989, have strengthened an emphasis on Leaving Care as being a transitional period rather than something that occurs at a particular point in time. Care Leavers are expected to receive support from their responsible authority up to their 25th birthday if they so wish and are eligible.

The aim of such continuing support is to ensure that Care Leavers are provided with comprehensive personal support so that they achieve their potential as they make the transition to adulthood. In order to help address this, the Children and Families Act 2014 (s98) placed a statutory responsibility upon Local Authorities to have in place a robust arrangement to ensure young people in foster placements who turn 18, have an opportunity to remain with

their Foster Carers, should they and their carers wish, until they reach the age of 21 or 25 if in education.

1.4 The London Borough of Bromley's 'Staying Put' arrangements allow Care Leavers to remain with their Foster Carer post 18 either because they need continuity while completing further education or simply because both the Care Leaver and the Foster Carer are in agreement to the arrangement as this is thought to be in the Care Leaver's best interest. This policy aims to achieve the following principles and objectives:

- Active and positive promotion of the 'Staying Put' policy to young people and carers.
- For all young people to have the opportunity to enter into a 'Staying Put' arrangement where this has been agreed to be in the best interests of the young person to achieve independence through their Pathway Plan.
- Ensuring carers and young people are aware and clear in regards to the financial impact of a 'Staying Put' arrangement.
- Ensuring there is a policy of 'no detriment' towards the fees carers receive when transitioning from a Foster Carer to a carer providing a 'Staying Put' arrangement to a young person.
- Avoiding another change or loss of carer for a young person coming to the end of their 'Staying Put' arrangement at the age of 21 or 25 if in Education.

2. Definition of Staying Put

2.1 Once a Looked After young person reaches the age of 18 and enters into a 'Staying Put' arrangement, they will no longer be considered as Looked After by the Local Authority. The young person's placement will therefore become an arrangement between Bromley, the young person and the carers. Fostering and Care Planning Regulations will no longer apply. The young person will be occupying the foster home as a lodger and the Foster Carer will become their landlord.

2.2 The term 'arrangement' should be used rather than placement; as this placement denotes a situation where the Local Authority arranges and places a child with a Foster Carer. However once the child reaches the age of 18 and legal adulthood, the Local Authority is no longer making a placement but maintaining a 'Staying Put' arrangement for the young person.

2.3 The term "Staying Put" in the 'Staying Put' Guidance 2013, is used to define the following arrangements:

- A Care Leaver who was looked after immediately prior to their 18th birthday (as an eligible child) and continues to reside with their former Foster Carers;
- The carers were acting as Foster Carers to the child immediately prior to the care leaver's 18th birthday, (that is, the carers were approved as Foster Carers in accordance with the Fostering Service (England) Regulations 2011, and the child had been placed with them by the Local Authority, or via an Independent Fostering Agency);
- A Care Leaver is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 of the Children Act 1989, immediately before he/she reached 18;
- The 'Staying Put' arrangement is needs led and is set out in the Care Leaver's pathway plan which is located on Carefirst;

- A proportion of the allowance paid to the 'Staying Put' carer is paid by the Local Authority's Children's Services under section 23C of the Children Act 1989;
- The 'Staying Put' arrangement extends until:
- The Care Leaver leaves the 'Staying Put' arrangement;
 - Or
- They are transferred to an adult social care provision
 - Or
- They reach the age of 21 or 25 if still in education.

3. Eligibility Criteria

3.1 Children Looked After can remain with their Foster Carer post-18 in a 'Staying Put' arrangement if:

- The young person and Foster Carer wish to do so and
- Children's Social Care determines that it would be appropriate and is consistent with the young person's welfare

3.2 Where Bromley determines that such an arrangement would be appropriate and that it would meet the needs of the young person once they reach 18, the opportunity to 'Stay Put' is open to all of Bromley's Children Looked After regardless of whether they are in education, employment or training before turning 18. The opportunity to 'Stay Put' in Bromley applies equally to young people who have been cared for by Foster Carers from the Local Authority directly or by those cared for by carers commissioned from an Independent Fostering Agency for Bromley. There is no minimum time the young person needs to have lived with their Foster Carer prior to turning 18 for them to be considered eligible for a 'Staying Put' placement.

3.3 Through the pathway planning process, Bromley actively encourages its Foster Carers to consider the option of 'Staying Put' as a positive leaving care option for the young person. This is arranged jointly between the carer the young person's Social Worker, the Supervising Social Worker for the carer and the young person. This is in line with the positive promotion of 'Staying Put' as a Care Leaver's option in the Government's Care Leavers Strategy 2013.

3.4 If a young person wants to remain with their Foster Carer and this is not within their pathway plan, then they are able to discuss this before they turn 18 with their Independent Reviewing Officer to request that a review of the plan takes place. The young person will also have access to Bromley's complaints procedure and be given information and advice to be able to have an independent advocate either through the National Youth Advocacy Service or Voice to help represent their views to the Local Authority.

4. Planning Arrangements for Staying Put

4.1 Where it looks likely that the young person will meet the eligibility criteria, the leaving care 'assessment of need' undertaken around a Care Leaver's 16th birthday should begin to establish the timescale required for a Care Leaver to be adequately prepared for moving into independence. This will be reviewed via the statutory review of the Care Leaver's pathway plan and consideration will be given to the appropriateness of a 'Staying Put' arrangement being agreed once the Care Leaver reaches 18.

4.2 If the foster placement is with an IFA, the Central Placements Team, following approval from the Leaving Care Team Group Manager, will be responsible for approaching the carer and their agency and negotiating costs and terms. This will include a visit to the IFA carers by the 'Staying Put' lead who will look to clarify outcomes and expectations with the carer and their agency.

4.3 It is important that there are initial discussions regarding the option of 'Staying Put' between the Foster Carer and their supervising social worker. If there is agreement that the young person could stay with the carer under this arrangement then a further discussion with the 'Staying Put' lead will take place to progress further. The young person should only be included in these discussions once the Foster Carers have confirmed that they are able and willing to continue to provide accommodation to them once they turn 18.

4.4 In setting up a 'Staying Put' arrangement, the young person, the carers and the supervising social worker should meet to develop a Living Together Agreement prior to the young person's 18th birthday. This meeting will be chaired by the 'Staying Put' lead who will draw up and formalise the arrangement. The agreement should set out the expectations of all parties and clarify roles and responsibilities. The agreement should be incorporated into the young person's pathway plan.

4.5 The carer and young person entering into a 'Staying Put' arrangement will need to be aware that as the young person will no longer be legally Looked After by the Local Authority post 18, the basis of the relationship between the young person and the carer will change. Consideration should be given to the strength of their current relationship and the level of support the young person derives from the carer.

4.6 The type of support that a former foster carer will need to provide in a 'Staying Put' arrangement should also be taken into account. The Supervising Social Worker will explore with them the level of training required supporting the young person develop their independent life skills.

5. Supervision and Monitoring

5.1 All ongoing 'Staying Put' arrangements should be reviewed and monitored on a 6 monthly basis at the Pathway Plan reviews. As set out in the Moving On section of this policy, a final review of the 'Staying Put' arrangement should take place 6 months before the arrangement is due to terminate. At this meeting the next steps for the young person, following the 'Staying Put' arrangement coming to an end, will be discussed and agreed.

6. Financial Implications

6.1 For young people remaining with their Foster Carer during their final year of A levels or BTEC, the London Borough of Bromley will continue to fund the fostering allowance post their 18th birthday until the end of June to cover the exam period.

6.2 All young people in work and living in a 'Staying Put' arrangement will have a liability for rent of 20% of their take home salary, minus essential travel expenses associated with their employment which will be put towards the maintenance allowance the 'Staying Put' carer is entitled to get from the Local Authority. Bromley will then make up the remaining balance of maintenance allowance after the contribution from the young person has been deducted. This financial contribution will be capped at a maximum of £120.70 per week which is the total maintenance allowance the 'Staying Put' carer is entitled to receive from the Local Authority. (This figure is correct as of April 2017 and may be subject to change annually).

6.3 If the young person is not in work and is claiming benefits, the financial contribution they will be expected to make towards the 'Staying Put' arrangement will be from their benefits. If the young person is at university and not working and they are living in the 'Staying Put' arrangement full time, a contribution will be required from their student maintenance loan.

6.4 All allowances and payments will be reviewed annually and discussed with the Supervising Social Worker and the Staying Put Lead.

6.5 For the young person who moves away from their 'Staying Put' arrangement to attend University in term time, the 'Staying Put' carer will no longer receive the full weekly 'staying put' allowance but will be entitled to a retainer payment. If the young person chooses to return during the non-term time holidays, the carer will receive the full allowance entitlement during that holiday period until the young person returns to their term time accommodation.

6.6 Young people who are in higher education and are living away from home are provided with an education grant to cover their accommodation costs throughout the academic year. If a young person chooses to return to their carer for holiday periods then a proportion of this funding will be deducted from the annual grant as a contribution to their care. For young people who remain living with their Foster Carers and attend local Universities, no additional grant will be payable. Support may be available for transport costs and is reviewed on a case by case basis.

6.7 All young people who are eligible to claim benefits whilst in their 'Staying Put' arrangement, whether in work or not, should be encouraged to do so. Young people in 'Staying Put' arrangements may be eligible to claim:

- Income support if they are in further education or on a low income and meet the eligibility criteria
- Job seekers allowance if they are registered unemployed and actively seeking employment
- Employment and Support Allowance and/or Personal Independence Payment if they are over the age of 16 and are deemed sick or disabled

- Housing and Council Tax Benefit where there is a liability to pay rent on a commercial basis
- An Education Grant

6.8 Housing benefit should be paid in full to the Local Authority. If further advice or information is required in regards to any benefits claim then this can be provided through the Staying Put lead or Income Support Officer.

6.9 Where a young person is disabled and waiting for a move to adult care, the Child Looked After Social Worker will need to ensure that they are referred to adult services as part of the transition planning process and that agreement is reached that adult services will take on the financial responsibility from the young person's 18th birthday.

6.10 Unaccompanied Asylum Seeking Children who do not have recourse to public funds will be supported by the Leaving Care Team in line with the current policy. This includes weekly subsistence for the young person and an agreed rent allowance to the carer.

6.11 In regards to carers who agree to a 'Staying Put' arrangement, they will be entitled to a weekly 'Staying Put' allowance which is made up of a maintenance payment and an enhanced professional fee. The prospective 'Staying Put' carer should be clear that although there is a maintenance payment reduction from that which is allocated to Bromley Foster Carers, this is to reflect the fact that they are no longer expected to provide a savings allowance, pocket money, clothing, transport or holiday costs for the young person. When finalising the 'Staying Put' agreement, there should be no financial implications for the carer when transferring from a Foster Carer arrangement.

6.12 The 'Staying Put' carer will need to be aware of the financial and tax implications of entering into a 'Staying Put' arrangement as any money paid in support of the arrangement will be subject to normal tax rules and could affect

the carer's entitlement to benefits. Her Majesty's Revenue and Customs (HMRC) help sheet 236 sets out how 'Staying Put' arrangements can be eligible for the same Qualifying Care Relief allowance with regard to taxable carer's income as arrangements made for Foster Carers. Prospective 'Staying Put' carers are responsible for ensuring that HMRC and the Department of Work and Pensions are aware of their new status as 'Staying Put' carers.

6.13 The 'Staying Put' carer will also have to be aware that the changes in legal status from Foster Carer to 'Staying Put' carer will also have implications for the carer's insurance liability.

6.14 All these financial aspects surrounding the setting up of a 'Staying Put' arrangement in addition to any other relevant financial matters identified by the carer, will need to be explored in full with the Staying Put Lead.

7. Safeguarding

7.1 Where fostered children are living in the "Staying Put" arrangement/household, the checks and requirements associated with fostering legislation will remain and will therefore provide a framework for safeguarding and checking arrangements for the whole household.

7.2 In these situations the carer must remain an approved Foster Carer and the Fostering Services (England) Regulations and Guidance 2011 will apply with the same requirements of supervision, review and safeguarding. Whilst the fostering legislation will primarily apply to the placements of the fostered child/children looked after, it does ensure that a system of approval, checking and supervision is applied to the whole household.

7.3 All 'Staying Put' arrangements must be subject to a joint risk assessment carried out by the Looked After Social Worker, the Leaving Care Team Social Worker/Personal Adviser and the Supervising Social Worker when the arrangements are first being considered.

The risk assessment will need to take into account the impact on other Looked After Children in the fostering household and the extent to which the 'Staying Put' arrangements will affect the carer's terms of approval and ability to take on new placements. The outcome of the assessment must be shared with the Team Manager for Fostering. Additionally, where foster children are in placement, the Foster Carers will need to be returned to the fostering panel due to a change in circumstances as the child/young person 'Staying Put' will have reached adulthood and therefore become an adult member of the fostering household.

7.4 It should also be noted that young people remaining in a foster care household at the age of eighteen, will become adult members of that household and subsequently will require a valid DBS check in settings where a foster child or foster children are in placement. To ensure the check (and possible risk assessment) is completed by the child/young person's 18th birthday the process will need to be initiated in sufficient time.

8. Moving On

8.1 All arrangements may be ended by either the young person or the carer on at least one months notice. Continuing care workers must have a contingency plan in place in the event that arrangements are terminated at short notice.