

Buckinghamshire County Council

Staying Put Policy

June 2019

Arrangements for Care Leavers
aged eighteen and above to
stay with their former
Foster Carers



*Together... Keeping
Children Safe*

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Introduction

'Staying Put' is an arrangement for young people and Foster Carers that supports them to continue living together after the age of 18. The average age of young people leaving home is rising and the transition to adulthood is increasingly becoming more complex and elongated for young people. There is a requirement on Local Authorities to set out local protocols and procedures for extending foster placements as "Staying Put" arrangements in order to support young people's transition to adulthood within a supportive family environment where both the young person and carer want the arrangement to continue.

The primary aim of "Staying Put" is to promote a gradual transition from care to adulthood. This is in recognition that many young people in care often experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave a familial and foster care household. This is also to bring care leavers in line with national trends of adult children who often remain living with parents past the age of 18 and return home during breaks from University/College.

Buckinghamshire County Council is committed to preventing social exclusion amongst care leavers and has developed this "Staying Put" policy in order to ensure that clear processes are in place so that young people can make the transition to independent living at a pace that suits their individual needs. 'Staying Put' can offer young people leaving care a transition to independence closer to that experienced by most other young people, avoid social exclusion and contribute to averting a subsequent housing and tenancy breakdown.

Buckinghamshire County Council's "Staying Put" policy is designed to ensure young people:

- Do not experience a sudden disruption to their living arrangements.
- Have their educational / training achievement and continuity promoted.
- Can make a gradual transition from care to independence or to an adult service.

Buckinghamshire Children's Services is also committed to ensuring Foster Carers do not experience a sudden reduction in their fostering allowance where they are supporting a former foster child under a "Staying Put" arrangement. Foster Carers who go on to offer a young person a home via "Staying Put" are called "Staying Put Carers" as the fostering regulations stop at age 18. "Staying Put Carers" will have their Fostering Maintenance Allowance reduced to take into account the young person's contributions, but will not be expected to provide the same level of financial support to the young person.

The receipt of funds for a “Staying Put” arrangement may have implications for any benefits a carer receives and for tax payments. The Department for Education alongside HM Revenue and Customs and the Department for Work and Pensions produced, in May 2013, guidance on the tax and benefits aspects of staying put arrangements. The guidance is available at:

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

“Staying Put” Definition

From the age of 18, young people are no longer “looked after” or in care and therefore, fostering arrangements no longer apply. Staying Put will usually continue up to the age of 21 years old. Should there be compelling individual circumstances where this need to continue beyond the age of 21 the local authority has discretion to agree further arrangements. The term “Staying Put” is used to define the following arrangements where:

- A young person who was looked after immediately prior to their 18th birthday (as an eligible child) continues to reside with their former Foster Carer/s; and
- The carer/s were acting as foster carers to the child immediately prior to the young person’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).

In circumstances where a young person remains with their former Foster Carer/s after their 18th birthday, the arrangement should therefore be deemed a “Staying Put” arrangement. The term ‘arrangement’ should be used rather than placement as the term ‘placement’ denotes a situation where the local authority arranged and placed the child with a Foster Carer. Once the child reaches the age of 18 and legal adulthood, the local authority is no longer making a placement, but facilitating a “Staying Put” arrangement for the young person.

Buckinghamshire County Council “Staying Put” Scheme

Buckinghamshire County Council’s “Staying Put” scheme has also been designed to ensure that young people, Foster Carers, and “Staying Put” carers are provided with information, practical support and financial support to meet their needs and to promote a successful arrangement.

The overall principle of payment to “Staying Put” carers who were approved Foster Carers for Buckinghamshire County Council will be a **no detriment** principle. If in exceptional circumstances, a young person's level of income is so low that they are

unable to contribute or if the Staying Put Carer experiences a loss in their claimed benefits, then a compensatory adjustment payment may be made by Buckinghamshire County Council. In these circumstances a financial assessment should be undertaken and a recommendation made. If it is assessed that this cannot be funded via any other source and that the “Staying Put” carer should receive a compensatory payment, this should be presented to the Resource Panel with the support of the Head of Service for Looked After Children/After Care for a decision. Agreement for a compensatory payment will be subject to regular review.

The Staying Put rates are based on Buckinghamshire County Council’s Fostering Rates. This reflects the usual fostering allowance with pocket money, clothing and holiday allowance deducted as follows:

| | Fostering Rate | Staying Put Rate |
|----------------------|---|---|
| 18+ Core rate | £360.00 (not including skills payment) | £304.00 (not including skills payment) |

For carers who wish to provide a staying put placement and have been approved by Independent Fostering Agencies (IFA) or other local authorities (OLA). It is expected that they will adopt the Staying Put rates above.

Note:

- The Head of Children’s Care Services has the discretion to make additional payment arrangements as required

Whilst this document provides a set of standards that apply to Buckinghamshire Council “Staying Put” carers, it is expected that Independent Foster Care Agencies (IFA) would have similar standards. IFA “Staying Put” policies will be monitored via the Council’s Commissioning Team and should set out how the IFA applies the requirements of the “Staying Put” framework to its own carers.

What the Staying Put Allowance Covers

At age 18 it is expected that the young person will cover the costs of their saving, clothing, pocket money and holidays from their income unless they remain in full time education. The Staying Put rate paid to carers covers:

The Staying Put Home

- A suitable bedroom for the child
- Extra heating costs
- Extra lighting

- Extra decorating costs
- Contribution to Home Contents Insurance
- Contribution to Car insurance (fully comprehensive)

Food

- Standard food requirements
- Special dietary needs

Toiletries

- All basic toiletries
- All basic skin & hair products

Education costs

Those aged 18 plus may still be in education and it is expected that staying put carers will support and assist continuing education. The staying put allowance account for assistance with:

- Basic Stationary
- Attending meetings at college etc.
- Occasional assistance

Employment costs

Those aged 18 plus may still be in work or paid apprenticeship and it is expected that staying put carers will support and assist continuing education. The staying put allowance account for assistance with

- Basic Stationary
- Occasional assistance and support

Transport

- All the transport costs including public transport that are incurred in normal family life
- It is anticipated that the young person will fund their own transport to school/college but understood they may on occasion need assistance from the carer in the form of transport

All Religious Needs Including

- Prayer books/equipment
- Dietary needs

Telephone/Internet

- Calls to birth family members
- Calls to children's services

- Access to the internet as appropriate and for carers to communicate with relevant other professionals

Leisure Activities

- Recreational Outings (Inc. travel and entrance fees)

Extending a Foster Care Placement into a “Staying Put” Arrangement

Before discussing “Staying Put” with a young person a meeting should be held involving the supervising social worker, child’s social worker and the Foster Carer to explore their views on “Staying Put”. The meeting should involve a discussion on the potential impact on the Foster Carer’s financial circumstances should the placement continue as a “Staying Put” arrangement after the young person’s 18th birthday and their understanding of the following:

- The procedures and requirements for extending a foster care placement into a “Staying Put” arrangement.
- The young person’s financial and benefit responsibilities associated with remaining in a “Staying Put” arrangement.
- The changes and implications in the funding arrangements for Foster Carers associated with a “Staying Put” arrangement on any welfare benefits they may be in receipt of and on their income tax and national insurance contributions.
- The Foster Carer/s requirement to inform their mortgage provider/landlord and their household/buildings insurer that the foster child is “Staying Put”.

Following the meeting with the Foster Carer the allocated social worker will discuss ‘Staying Put’ with the young person including what this will mean for them in practical terms and responsibilities.

Note: Young people should not be included in the initial meeting and planning process with their Foster Carer, and should only be included after their Foster Carer/s have confirmed that they are able to retain the young person (in principle) under a “Staying Put” arrangement. This is required in order to ensure the stability of the placement and to avoid unsettling the young person.

In order to make sure that the transition from foster care to adulthood at 18 years is a smooth one, discussions should be held with the young person and Foster Carers regarding the option of “Staying Put” as early as possible and with enough time for “Staying Put” to be discussed at the Looked After Child (LAC) review immediately prior to their 16th birthday.

The responsibility for co-ordinating the initial “Staying Put” meeting with the Foster Carer rests with the young person’s social worker but it is expected that the Foster

Carer's supervising social worker has had discussions with the Foster Carer/s to prepare them for the meeting.

The outcome of the "Staying Put" meetings with the Foster Carer and young person should be discussed at the statutory review immediately prior to the young person's 16th birthday. This review should be used to identify the timescale for young people to move to independence and should also be used as the framework for beginning to explore "Staying Put". The option should continue to be discussed at each LAC review up until the young person's 18th birthday and will include the Foster Carer's supervising social worker. The review and Pathway Plan should also consider a parallel plan for the young person should the "Staying Put" arrangement not be viable.

Once it is confirmed that the plan post 18 is Staying Put and when the young person reaches the age of 17¼, the case should be presented to Buckinghamshire County Council's Looked After Children Resource Panel setting out the tasks, roles and responsibilities of all involved in the "Staying Put" arrangement. Information should include the views of the Foster Carer, young person and the Independent Reviewing Officer (IRO) and any specific financial issues related to the carer.

There is no requirement on the length of time that a young person is placed with their Foster Carers before they are 18 years old for entitlement to a "Staying Put" arrangement. The "Staying Put" plan should be integrated into the child's Pathway Plan and ratified as part of the reviewing process which should track the progress of the plan.

Preparation for independence, tasks, goals and targets to be achieved including who is responsible for tasks being completed, should be agreed and addressed within the Pathway Plan from the age of 16. Where the plan is to convert to a "Staying Put" arrangement, the Pathway Plan will describe the details and will identify how the arrangement will support the young person to develop:

- Independence skills
- Relationship skills
- Financial and budgeting skills
- Self-care skills
- Engagement skills relating to further/higher education, training and employment

The Pathway Plan will reference how young people can access their leaving care grant. The bulk of the grant will not be made available until the young person moves on to live independently. However, some items can be purchased from the leaving care grant whilst the young person is in the staying put arrangement, which they can take with them once they move from the "Staying Put" arrangement to their own accommodation.

Financial Requirements and Personal Benefits for Young People

Young people remaining in a “Staying Put” arrangement who are not in full time education are expected to be in employment and have earnings, or claim a means tested benefit for their personal needs from their 18th birthday. These earnings or benefits replace the following:

- a. Pocket Money
- b. Clothing Allowance
- c. Savings contribution from Foster Carers Allowance

Young people should be advised of the benefits/allowances they may be entitled to and assisted to make claims as appropriate. Young people who are not working may be entitled to a range of benefits dependent on their circumstances and their Personal Advisor (PA) should assist them to identify their entitlements.

Young people commencing Higher Education courses at any age are not eligible to claim means tested benefits, with the exception of certain lone parents and sick and disabled young people.

Young people deemed sick or disabled are able to claim Employment and Support Allowance from their 16th birthday and therefore the personal allowance which covers pocket money, clothing and savings will cease to be paid once this claim is successful and being received by the young person.

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 local authority makes towards their rent. If the disability benefit is claimed, the “Staying Put” carer may be able to claim Carer’s Allowance.

Where a young person has a disability that meets an Adult Services Fair Access to Care (FAC) “Putting People First” criteria, the foster care placement should be converted to a Shared Lives/Adult Placement arrangement by the young person’s 18th birthday. “Staying Put” arrangements for disabled young people are therefore a temporary arrangement and will continue until the foster/”Staying Put” carers are approved as Shared Lives/Adult Placement carers. “Staying Put” carers for disabled young people, who meet the FAC criteria, will continue to be paid the same Fostering Maintenance Allowance (minus the young person’s contribution) and the same Training and Skills Fee (if receiving one) that they were paid prior to the young person turning 18.

Liability for Rent and Housing benefit for Young People

All young people living in a “Staying Put” arrangement have a rent liability of the current rent level and housing benefit claim rate for the area in which they are residing. Young people are expected to pay rent from their earnings or housing benefit, or a combination of the two. If at university they should speak to the virtual school or the PA to confirm funding available to support accommodation costs.

The liability for rent will be set out in the young person’s licence agreement and young people will be assisted to meet their commitments and claim appropriate benefits where applicable by their PA.

Young people living in connected care arrangements who wish to continue with a “Staying Put” arrangement are not always eligible to claim housing benefit on reaching the age of 18 because of the familial relationship. In situations where a young person is not eligible to claim Housing Benefit, Buckinghamshire County Council will pay the rent element of the “Staying Put” arrangement (subject to a claim having been rejected and the matter being appealed). Whether the claim is rejected or not, will depend on the District Council housing benefit department deeming the relative a former Foster Carer or a close relative.

The PA should always support the housing benefit claim through liaising with the Housing Benefit department and provide evidence which makes it clear that the relative was caring for the young person under a fostering arrangement and that they are registered Foster Carers for this purpose. Where necessary the PA should assist the young person to make an appeal where their application is turned down.

Young People are able to claim Housing Benefit even when their “Staying Put” carer/s is in receipt of Housing Benefit themselves. However, where carers are in receipt of benefits themselves any monies outside of that paid by the local authority under section 23C is taken into account when calculating the impact on the “Staying Put” carers own welfare benefit claim. Where Housing Benefit is paid under the 1996 Housing Benefit rules Children’s Services “Staying Put” Schemes will request that the Housing Benefit payments are paid directly to Children’s Services as agents (sometimes deemed a third party claim) of the carer/s. This will then be paid to the “Staying Put” Carer under section 23C.

As fostering regulations cease when a child reaches the age of 18, young people are deemed excluded occupiers on a licence. A standard letter should be issued to and signed by the “Staying Put” carer 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. The letter sets out the full costs of the arrangement broken down into:

- Rent
- Support
- Utilities/Service Charges
- Food/Meals.

NOTE: In circumstances where young people claim Housing Benefit that is not paid directly to Buckinghamshire County Council and the “Staying Put” carer/s are in receipt of a means tested benefit, the young person’s benefit claim may result in the “Staying Put” carer’s benefit being reduced. This reduction will be off-set by Buckinghamshire paying an amount equivalent to the level of the benefit reduction as a section 23C compensatory payment.

Payment Rates to Buckinghamshire “Staying Put” Carers

The rate paid will usually be the Fostering rate paid the week prior to the young person’s 18th birthday less pocket money, clothing and holiday allowances as detailed in appendix one. This includes any contribution made by the young person and additional payment may be made if the carer is worse off as a result of tax/benefit changes.

If the carer is receiving skills payment this is paid as follows. The Buckinghamshire “Staying Put” scheme has three phases and the Training and Skills Fee will be reduced gradually throughout the “Staying Put” arrangement as follows:

Year 1 – (Up to 19th birthday)

The “Staying Put” carer will continue to receive the skills payment as usual.

Year Two

Following the young person’s 19th birthday the Skills Fee is reduced by 25%.

Year Three

From the young person’s 20th birthday the Training and Skills Fee is reduced by a further 25% and the carer will be receiving 50% of their original Training and Skills fee.

Financial Arrangements for Young People with Disabilities

The Year Two and Three reductions do not apply to young people who meet the criteria for their placement to be converted to a Shared Lives Arrangement. Where a young person who meets Fair Access to Care criteria is remaining under a Staying Put arrangement and the carers are approved as ‘Shared Lives/Adult Placement carers, the “Staying Put” arrangement will be funded by the Adult Services.

Return to Staying Put

Living away from the former Foster Carer’s home for temporary periods such as attending higher education courses should not preclude a “Staying Put” arrangement.

This might include a residential further education institution; undertaking induction training for the armed services or other training or employment programmes that require a young person to live away from home.

Where a young person and their former Foster Carer both agree that they will remain in the “Staying Put” arrangement whilst the young person is attending university, armed forces training or similar, the “Staying Put” arrangement can extend until the young person completes their university course where the course extends beyond a young person’s 21st birthday. The above expectations and principles apply with the exception that the rent will be paid from their Higher Education entitlement.

HMRC definitions allow for a young person to return to an arrangement (“Staying Put”) for example during a university vacation as long as all other HMRC requirements would need to be met, i.e.:

- the young person was looked after immediately prior to their 18th birthday;
- the young person is aged 18 to 21, or, if 21 or over is continuing in a programme of education or training;
- the young person has a Pathway Plan;
- a proportion of the allowance paid to the carer is paid by the Local Authority (Section 23(C)).

Where young people leave a “Staying Put” arrangement to attend university and it is agreed that they will return to the “Staying Put” household during vacations, this should be assessed on an individual basis. The “Staying Put” arrangements and requirements regarding returning in the vacation should be set out in the young person’s Pathway Plan and living together agreement.

The arrangements for returning during the vacation will need to consider the following:

- The amount of rooms the former Foster Carer has available;
- any commitments to foster children in the household;
- the needs of the young person returning in the vacation to have a DBS check;
- the allowance that will be paid to the carer during the periods the young person is living in their home and when they are away from the arrangement.

Where young people leave a “Staying Put” arrangement to undertake a military forces induction or training programme and would like to return to a “Staying Put” household during leave, this should be assessed on an individual basis. The principles set out above should be used to gauge the viability of a return during leave.

No Recourse to Public Funds

No Recourse to Public Funds means that a person will not be able to work or claim most benefits, tax credits or housing assistance that are paid by the state. Asylum seeking young people may have no recourse to public funds but will still meet the

criteria for a care leaving service and can access “Staying Put” in the same manner as young people who have a positive asylum decision or, who are British Citizens. In these circumstances Buckinghamshire County Council will be responsible for their rent.

Continuation of a “Staying Put” Arrangement

Young people are expected to be using the “Staying Put” arrangement on a full time and regular basis. Where a young person is using the “Staying Put” arrangement for less than 4 nights per week on a regular basis (i.e. less than 4 nights per week for a period of 4 weeks) a review of the “Staying Put” arrangement will take place. A staying put agreement can end with agreement of all parties at any time.

Should Staying Put carers or Young people not uphold their part of the agreement including making payments then the agreement should be reviewed by the personal advisor and if necessary ended. We would normally expect a notice period of 28 days to allow time for an alternative accommodation to be sought.

“Staying Put” General Allowances

Birthday and Christmas/festival allowances that young people receive whilst they are looked after will cease once a young person reaches the age of 18 (the 18th birthday allowance is covered by the fostering policy).

Young People who are Staying Put will be encouraged to continue to take part in family activities, the holiday allowances previously provided for foster children may be available subject to an assessment of need and other funding sources being explored such as the young person’s own earnings and funding through voluntary organisations.

Young people who are in full time education, in forces training or unemployed are not generally expected to make an additional contribution to the ‘Staying Put Carer’ - the only time this would be agreed is where the young person is being encouraged to get used to budgeting – i.e. buying their own food.

Section 23C - Payments and Benefit Issues for “Staying Put Carers”

This section covers the rules regarding payments to “Staying Put Carers” that are in receipt of a means tested benefit/s. National Insurance benefits are not affected by this income.

Payments made to the “Staying Put Carer” from Buckinghamshire County Council 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. Where young people contribute to the arrangement through a rent liability and pay this directly, or via a claim for housing benefit (which requires a commercial arrangement) the 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 Carers" welfare benefit entitlement.

Council Tax, Council Tax Support and Non-Dependent Deductions

The impact of the "Staying Put" arrangement on "Staying Put Carers" Council Tax and Council Tax Support will depend on both the circumstances of the "Staying Put" carer and the young person. For example, full time students are 'invisible' for Council Tax purposes and will not have any impact on the "Staying Put Carers" Council Tax or Council Tax Support.

When planning for a "Staying Put" arrangement, consideration should be given to the impact of the arrangement on the "Staying Put Carers" Council Tax, and whether a Non-dependent Deduction will be applied. In circumstances where an increase in Council Tax occurs; a reduction in Council Tax Support applies, or a Non-dependent Deduction is applied an application should be made to the Buckinghamshire Children Looked After Children Resource Panel for a payment from section 23C equivalent to the carer's financial loss.

Under Occupancy Measure

If the carer has one 'spare' bedroom, the amount of housing benefit they are allowed will be reduced by 14% of the rent and any eligible service charges. If they have two or more spare bedrooms, they will lose 25%. Rules around spare bedrooms are strict and these changes only apply to working age people claiming housing benefit. This is termed Under Occupancy or Bedroom Tax. "Staying Put" young people **are exempt** and will not incur an 'Under Occupancy' also known as the bedroom tax charge on the "Staying Put Carers".

Payments from Children's Services to young people under Section 17, Section 20, Section 23, Section 24 and Section 31 (Children Act 1989), do not count as income for benefit purposes. Payments made to young people and passed to former Foster Carer/s from section 23C (Children Act 1989) are disregarded in the assessment of the former Foster Carer/s' income for benefit purposes, if the young person was formerly in the claimant's care, is aged 18 or over and continues to live with the claimant within a non-commercial family type arrangement.

“Staying Put” - Social Care and Regulatory Frameworks

Where a young person reaches the age of 18 and fostered children are also living in the placement (or will be placed in the future), all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household.

When a previously fostered child (from age 18) enters into a “Staying Put” arrangement they become an adult member of the household. As such the young person will require a Disclosure and Barring Service (DBS) check and a risk assessment if the DBS check highlights a potential risk. Arrangements will be required for managing regular adult visitors of the “Staying Put” young person and their contact with any children in placement.

From the age of 18 the requirement for a young person to have a Placement Plan that sets out the day to day arrangements for the placement ceases; the Placement Plan should be converted to a ‘Living Together Agreement’ when the young person is 17^¾ which set out the practical “Staying Put” arrangements.

Approved Foster Carers have the option to remain registered as carers even if they only provide care under a staying put arrangement. It is the Foster Carers responsibility to ensure they continue to meet the expectations of being a Foster Carer, such as training etc. even if many of the other requirements do not apply as there is no looked after child. Their continued approval is monitored by the annual review process.

Whilst fostering regulations no longer formally apply when a young person reaches the age of 18 (and no further foster children will be placed) the following requirements and standards will continue to govern the Buckinghamshire “Staying Put” arrangements in circumstances where no fostered child/children are living in the household:

- The Placement Plan should be converted into a ‘Living Together Agreement’ when the young person reaches the age of 17^¾, in preparation for their 18th birthday (up until their 18th birthday the Placement Plan remains in place);
- A return to the Fostering Panel to discuss changes in the household arrangements and any plans for future deregistration and/or agreeing a period of fostering inactivity if a carer is not taking any further fostering placements (on a temporary or permanent basis).
- A yearly review of the “Staying Put Carer” and the overall arrangement presented to the Resource Panel;
- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks in line with the standards applied to Foster Carer placements;

- Regular supervision from a member of the fostering service at a frequency of no less than every 3 months;
- The opportunity to attend appropriate training and support groups.

Support for “Staying Put Carers”

All “Staying Put Carers” will be allocated a named supervising fostering social worker.

In situations where foster children are placed in the household, or may be placed in the future and the “Staying Put Carer” will remain registered as a Foster Carer, their existing supervising fostering social worker will continue to support the overall arrangement (Fostering and “Staying Put”).

Where there are no foster children in the household and it is not planned that any further foster children will be placed, the existing supervising fostering social worker will continue to support the “Staying Put” arrangement for one year. The Foster Carer may choose to resign and can still be supported as a “Staying Put Carer” At the end of the first year, the arrangements for supervision will be reviewed by the Fostering Service. Depending on the needs of the young person and/or the “Staying Put Carer” the same supervising fostering social worker may continue to support the arrangement. Alternatively, and where appropriate, a different member of the fostering team may be allocated to oversee the “Staying Put” arrangement, this person may be a supervising fostering assistant. “Staying Put Carers” can continue to claim expenses in the same way they did as Foster Carers.

Recording Information – “Staying Put Carers”

“Staying Put Carers” should keep a log/diary of significant events with dates and times in case a situation arises with a “Staying Put” young person where information needs to be shared. Information being recorded should be shared with the young person. Young people should also be informed that the log/diary/information will only be shared with other professionals on a ‘need to know’ basis.

Where the carer ceases to be a Foster Carer, their fostering recording file will become a “Staying Put” recording file. Foster Carers that provide foster care and “Staying Put” will have a “Staying Put” section within their fostering file.

Safeguarding and “Staying Put”

All “Staying Put” arrangement should continue to have ‘safer caring’ plans for:

- The “Staying Put” young person;
- Foster children;
- Children of the Foster Carer/”Staying Put Carer”;
- Visitors.

The safer caring arrangements for each household will depend on the make-up of the household and whether there are foster children and/or children of the foster/”Staying Put Carer” living there and also the level of ‘vulnerability’ of the children and “Staying Put” young person. Foster Carers/”Staying Put Carers” should be fully involved in formulating safer caring arrangements, which in part will depend on any risk and ‘vulnerability’ issues associated with children and adults in the household. Prior arrangements for ‘delegated authority’ to the carers will cease when the young person becomes an adult at the age of 18, however, the delegated authority may then apply regarding the “Staying Put” young person’s impact on a foster child. All safeguarding issues will need to be covered in the Living Together Agreement, particularly regarding the agreement for and oversight/management of the young person’s visitors.

Minimum Standards and Practical Requirements

In situations where no foster children are living in the placement and a decision is taken to terminate/deregister the “Staying Put Carers” fostering registration, the overall arrangement then comes within the ‘Suitable Accommodation’ framework as set out in the Planning Transition to Adulthood Guidance, which includes the Care Leavers (England) Regulations 2010 (revised 2015) and must comply with Regulation 6, 7 & 9 and Schedule 2.

“Staying Put Carers” should ensure they inform their mortgage provider or landlord and their buildings and contents insurance provider that they will continue to be supporting a former foster child as a young adult under a “Staying Put” arrangement. Failure to inform the above may cause a breach of mortgage/tenancy requirements and may result in insurance cover being void due to a ‘failure to disclose material facts’.

“Staying Put Carers” who transport young people are required to apply the same level of standards, safety equipment and care when transporting “Staying Put” young people as they did when they were transporting a foster child, i.e. comprehensive business insurance, a valid MOT, a valid Road Vehicle Licence and a road worthy vehicle.

“Staying Put Carers” continue to be covered under Buckinghamshire County Council’s Insurance Policy in the same way as Foster Carers.

All “Staying Put” expectations should be incorporated into the ‘Fostering Agreement’ that Foster Carers sign on initial approval, and then on a yearly basis following a successful review of their terms of approval.

Appendix One

Quick guide to staying put and payments calculator

Staying Put:

Who does the policy apply to?

The policy applies to all children who are under 18 and wish to stay put and all carers; whether Bucks carers or IFA's, the rates are the same. The terms of the staying put agreement should be agreed by all parties and by the Resource Panel by the time the child is aged 17 and six months. The policy applies until the child reaches the age of twenty one unless they are completing full time education in and staying put will continue until the course is complete or, the child has a disability in which case staying put can apply until age 25.

Payments to Carers

The Policy provides that from the age of 18 Foster Carers can continue to care for children in placement when they turn 18. This calculator is designed to assist in identify how much the carer will receive and how much of a contribution the young person is expected to make

The basic principal is simple, the carer will receive the maintenance element of the fostering allowance plus (if the only child in placement) any skills payment they are already receiving as a foster carer from age 18-19. From age 19-20 the skills element is reduced to 2/3rd of the original amount and from age 20 to 21 it's paid at 1/3rd of the original amount. This payment includes the young person's contribution.

Based on allowances @ 23rd Jan 18 the basic rate a staying put carer can expect is the weekly Maintenance allowance is **£304.00**

Skills Payment

Our skills payment is paid at £75.00 per week per child. This paid to carers who have completed mandatory training - the Fostering Team can advise if the carer is receiving the skills payment

Carers will not receive, pocket money, clothing, holiday, birthday or festival allowances under staying put

Reductions and Additional Payments

- Carers may receive a **reduced payment** if the Young Person is away at education (Uni/Collage/etc). The reduction is equal to the young persons contribution payment (inclusive of housing benefit)
- Carers may receive an **additional payment** should they incur additional costs as a result of council tax charges or a reduction in benefits the carer is entitled to. This must be agreed at resource panel.

Example

Therefore a carer where there are no additional costs and the only child in placement would be paid as follows:

Weekly payment up to age 19 (at home) = £379.00

Weekly payment up to age 20 (at home) = £354.00

Weekly payment up to age 21 (at home) = £329.00

Calculating the Young Persons contribution

Most young people living under a staying put arrangement will contribute to the payment to the carers. The actual amount depends on the young person's income and education status. If a young person is attending university, residential college or military induction then they do not pay a contribution for the time they are living away and the carer only receives payment less the YP's contribution. Young people who cannot work are not expected to make an additional contribution nor are those who are on benefits only. Young people who are in work and receipt of a good salary may be asked to contribute but this contribution should be deducted from the payment Buckinghamshire County Council makes to the carer

Young people should be supported by their PA to apply for all the benefits they are entitled to.

Rent is charged to young people at £100.00 per week.

For a young person in receipt of housing benefit then this benefit will be arranged to be paid to Bucks who will pay the carers directly. If the young person has no recourse to public funds, is awaiting the outcome of an application and/or is deemed a family member then Bucks will cover the rent depending on the young person's income as set out below

Young people who are receipt of income in excess of £62.90 per may be required to top the housing benefit payment as described in appendix 5 of the policy. Those in receipt of income in excess of £182.90 will need to pay the full rent cost of £100.00 per week

Young people may also be asked to make a contribution to the household living costs. There is no specified amount in the policy and this would need to be agreed prior to the staying put placement. Given that Carers continue to receive a maintenance payment from the local authority it would not be expected that a child in full time education would make any contribution to household costs.

Non-compliance with the agreement

If the carer or young person wishes to end the agreement they may do so with 28 days' notice. If one party or the other is not complying with the terms of the agreement then the PA should call a meeting to review the terms of the agreement and non-compliance. If this issue cannot be resolved then an end date for the staying put placement is decided by the PA.

Changes to the agreement

The agreement can be reviewed at any time by request of any party; any change to payments should be agreed via resource panel

| Calculate this first | | Calculate this second | |
|--|---------------------|--|-------|
| Carers payment | A (£) | Young Persons Contribution | B (£) |
| Basic Payment | £304.00/ £429.00 | Add Housing Benefit (preferably to be paid to Bucks) | |
| Add skills payment if required – note deductions if any | | Add Rent Contribution (young person pays carer directly) | |
| Add payment for Carers loss of benefits as a result of staying put arrangement if any | | Add Young Persons contribution towards food & bills if any (young person pays carer directly) | |
| Add compensatory payment for income loss due to tax as a result of staying put arrangement if any | | | |
| Total A (this is what the carer should receive weekly including contributions from YP) | | Total B (This is what the young person should contribute weekly - even if paid via Bucks) | |

To calculate the amount the carer should receive when a young person is away at university etc. deduct B from A. This will be rate paid whilst the young person is living away and the full rate should be paid during holidays/leave where the young person returns home to the carers. Weekend/short visit visits etc. do not count.

Account Code 01336512

If using BACS request a reference number and send remittance advice to:
financeservicedesk@buckscc.gov.uk

Alternatively (Where BACS is not available) please pay cheques to Buckinghamshire
Council and send to:

Finance Service Desk
Buckinghamshire County Council
Walton Street
Aylesbury
HP201UY

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

[Signed by "Staying Put" Carer/s]

Appendix Three

Standard Benefit Claim Letter - Young Person in “Staying Put”

Buckinghamshire Children and Young People’s Services
County Hall
Walton Street
Aylesbury
HP201UA

Name of Young Person (LICENSEE):

Date of Birth:

National Insurance Number:

“Staying Put” Address:

TYPE OF ACCOMMODATION:

- Previous Foster Care Placement - “Staying Put” Arrangement – Excluded Licence
- The “Staying Put” carer is deemed the landlord Name of Landlord: (“Staying Put” Carer)

Agent for the Landlord: Buckinghamshire Children and Young People’s Services

Dear Sir/Madam,

This letter is provided to verify the identity of the above named young person and to confirm and clarify his/her circumstances.

The above named young person was previously placed in foster care at the above address. The young person has now reached the age of eighteen and is no longer in foster care; **(he/she)** will be remaining with **(his/her)** previous foster carer/s under a “Staying Put” arrangement. The young person is now deemed ‘independent in **(his/her)** own right’ and is liable for accommodation costs of £100.00 per week, excluding meals/food, utility/service and support charges. The information provided below sets out **(his/her)** legal status and financial circumstances.

I can confirm that **(Add Full Name)** was previously an ‘Eligible’ child, or an ‘Eligible’ and ‘Relevant’ child and became a ‘Former Relevant’ child on **(Add Date)** as defined by the Care Planning, Placement and Case Review Regulations and Guidance 2010 and Care Leavers (England) Regulations 2010.

A. I can also confirm that **(Add Full Name)** was previously ‘Looked After’ by Buckinghamshire Children and Young People’s Services and was ‘Accommodated’ under Section 20 of the Children Act 1989.

B. I can also confirm that **(Add Full Name)** was previously 'Looked After' by Buckinghamshire Children and Young People's Services and was subject to a Section 31 Care Order under the terms of the Children Act 1989.

(Add Full Name) ceased to be 'Looked After' on **(Add Date)** and will continue to receive practical support and, in specific circumstances, financial help from Buckinghamshire Children and Young People's Services under Section 23C of the Care Leavers (England) Regulations 2010 (Children Act 1989). Section 23C payments must be declared when claiming benefits but are not to be counted as income for welfare benefit purposes. Whilst **(Add Full Name)** is establishing **his/her** welfare benefit claim **he/she** will be provided with a £57.90 per week allowance under these powers for a maximum of 6 weeks.

1. As **(Add Full Name)** has now become a 'Former Relevant' child and ceased to be 'Looked After', I believe **he/she** will be entitled to claim Jobseekers Allowance at the rate of £57.90 per week and full Housing Benefit and Council Tax Support.
2. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is engaged on a traineeship at the rate of £57.90 per week, I believe **he/she** will be entitled to claim full Housing Benefit and Council Tax Support.
3. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and is covered by the relevant education criteria, I believe **he/she** will be entitled to claim Income Support at the rate of £57.90 per week and full Housing Benefit and Council Tax Support.
4. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and has been given a
5. 'Fit Note' by **his/her** Doctor, I believe **he/she** will be entitled to claim Employment & Support Allowance and full Housing Benefit and Council Tax Support.
6. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is earning a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support. Please find attached relevant wage slips/prove of income.
7. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is temporarily unable to submit a claim for means tested benefits, Buckinghamshire Children and Young People's Services will provide a £5.00 allowance under Section 23C of the Care Leavers (England) Regulations 2010. As this payment will constitute a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support.

As (**Full Name**) was 'Looked After' on/or after **his/her** sixteenth birthday **he/she** is exempt from the single room rent restriction.

As (**Add Full Name**) was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to Buckinghamshire Children and Young People's Services as an agent of the landlord. Buckinghamshire Children and Young People's Services will continue to pay the landlord the combined accommodation and support cost to avoid any disruption to the landlord's payments.

Please make payments via BACS to Buckinghamshire Council Receipts Account

Sort Code 30 00 02
Account Code 01336512

If using BACS request a reference number and send remittance advice to:
financeservicedesk@buckscc.gov.uk

Alternatively (Where BACS is not available) please pay cheques to Buckinghamshire County Council and send to Finance Service Desk

International Bank Account Number: GB92LOYD30000201336512 Branch
Identifier Code: LOYDGB2LCTY(Swift Code)

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

Yours faithfully

Approved Signatures

Team Manager /Assistant Team Manager

*** Please complete or delete, either section A or B. Complete the bold text sections and the relevant sections 1 to 6. All other sections must be completed.**

Appendix Four

“Staying Put” – Young Person Task Checklist

| Task | Responsibility for Task Completion – (Name and Service) | Completed Yes/No or Date to be completed |
|---|---|--|
| Report/Notification to Resource Panel | | |
| Does the young person have their National Insurance Number | | |
| Does the young person have proof of citizenship or immigration status | | |
| Does the young person have proof of identity x 2 | | |
| Does the young person have proof of address x 1 | | |
| Does the young person have a letter from college as proof of study | | |
| Does the young person have a ‘Fit Note’ from their GP as proof of sickness | | |
| Personal benefit claim | | |
| Housing benefit claim | | |
| Council tax support claim | | |
| If the young person is earning, will they be making a contribution, if so how much and how will the payment be made | | |
| DBS check | | |
| Developing the Living Together Agreement | | |
| <i>ADD AS REQUIRED</i> | | |

Appendix Five

Rent Liability and Contribution table – Earnings/Income and Housing Benefit Eligibility – Contribution Table

The table below sets out the level of contribution that the young person will need to make towards their rent and the amount of housing benefit they will receive for a given level of income/earnings.

| Contributions calculator | | |
|-----------------------------------|---|--|
| Rent Liability = £100.00 per week | | |
| Income £ per week | Housing Benefit contribution - £ per week paid to Buckinghamshire Council | Rent contribution - £ per week paid to Buckinghamshire Council |
| 62.90 | 100.00 | 0 |
| 72.90 | 68.50 | 6.50 |
| 82.90 | 62.00 | 13.00 |
| 92.90 | 55.50 | 19.50 |
| 102.90 | 49.00 | 26.00 |
| 112.90 | 33.50 | 32.50 |
| 122.90 | 36.00 | 39.00 |
| 132.90 | 29.50 | 45.50 |
| 142.90 | 23.00 | 52.00 |
| 152.90 | 16.50 | 58.50 |
| 162.90 | 10.00 | 65.00 |
| 172.90 | 3.50 | 71.50 |
| 182.90 | 0.00 | 75.00 |