

# Staying Put Policy



Putting children, young people and their families at the heart of everything that we do

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## Introduction

The primary aim of our Staying Put policy is to support it's looked after young people in foster care; to complete their education and training or be ready for work and transition to independence and adulthood when they are ready and at their own pace.

This policy details the Staying Put arrangements provided by our approved Foster Carers and those Foster Carers provided by Independent Fostering Agencies (IFA), subject to agreement by the carer. The intention is to ensure our young people can:

- ✓ Stay with their former foster carers until they are prepared for adulthood
- ✓ Experience a transition similar to their peers
- ✓ Avoid social exclusion and be supported within a loving family home environment

## Policy

### Our Staying Put policy will:

- Ensure care leavers can experience a transition to adulthood similar to that of their peers, within a supportive family environment
- Ensure care leavers are not obliged to leave their former foster family before they feel ready to move to greater independence.
- Help care leavers to maximize opportunities for education, employment or training
- Reduce the likelihood of periods of homelessness
- Ensure care leavers develop the necessary emotional and practical skills before they are required to live independently
- Promote equality of opportunity to ensure arrangements to be sufficiently flexible to enable support to be provided over and above the minimum legal requirements recognising the relationship between a foster carer and young person will not always end at 21-years old or when a Staying Put arrangement ceases.
- Involve the young person in decision making about Staying Put arrangements.  
Discussions with young people must start early so they don't feel anxious as they approach their 18<sup>th</sup> Birthday.

- Any foster placements with an IFA or Luton foster carers will be made aware at the start of the placement and through the placement review process of the opportunity for the young person to ‘Stay Put’ beyond 18 years.

**Our Staying Put policy is applicable to:**

- All ‘eligible’<sup>1</sup> care leavers who are looked after by Luton Council and are living with ‘in house’ foster carers or Independent Fostering Agency carers.
- Kinship/ family foster carers can become Staying Put providers in exactly the same way as other foster carers, however the young person may not be able to claim housing benefit due to the family connections the Staying Put providers are already in receipt of housing benefit.
- Unaccompanied Asylum Seeking Children (UASC) who are eligible<sup>2</sup> and reach the age of 18 (Where the young person is awaiting a ‘Removal Notice’, support will be reviewed on a case-by-case basis and must be clearly outlined in the young persons’ Pathway Plan)

Our Staying Put policy should be read in conjunction with Luton Council’s [Leaving Care Policy](#) and the [Care Leavers Local Offer](#).

## Legal framework & Staying Put explained

This policy builds upon the statutory guidance on Staying Put which is contained in the May 2014 revision of the Children’s Care Act 1989 Guidance and Regulations Volume 3. It is also supported by Staying Put arrangements for Care Leavers aged 18 years and above to stay with their foster carer(s). This is a joint guidance produced by the Department for Education, Department for Work and Pensions and Her Majesty’s Revenue and Customs. This provides more detail relating to many of the financial aspects around Staying Put arrangements.

## Department for Education Policy

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<sup>1</sup>As defined in the Children (Leaving Care) Act 2000, and subsequent regulation and guidance  
<sup>2</sup>Luton Council will provide support to young people who are subject to Immigration legislation only within the constraints of the legislation and relevant regulation and guidance

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

1. 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.
2. 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 (amended July 2013) and the child had been placed with them by the local authority, or via an Independent Fostering Agency).
3. A young person is deemed an eligible child, within the meaning of paragraph 19B (2) of Schedule 2 to the Children Act 1989, immediately before he/she reached 18.
4. The Staying Put arrangement is set out in the young person's Pathway Plan.
5. A proportion of the allowance paid to the Staying Put carer/s is paid by the Local Authority Children's Services under section 23C of the Children Act 1989.
6. The Staying Put arrangement can extend until:
  - A. The young person first leaves the Staying Put arrangement; Or
  - B. The young person reaches their 21st birthday, if continuously, and still living in the arrangement (see pages 9 to 13 for situations where a young person leaves Staying Put to attend University and wishes to return in the vacations); Or
  - C. The young person completes the agreed programme of education or training being undertaken on their 21st birthday, if continuously living in the arrangement since their 18th birthday.

### **Department for Work & Pensions Policy**

The specific DWP legislation covering Staying Put arrangements highlights that (1) where a young person continues to reside with their former foster carer after their 18th birthday, and (2) where the child was looked after immediately prior to their 18th birthday, and (3) where the payments are made by the local authority to the carer under section 23C of the Children Act 1989, the payments are disregarded in calculating the carers entitlement to means tested benefits (young person must be residing in the Staying Put arrangement).

Where part of the payment for the Staying Put arrangement comes from a contribution from the young person (as a payment for rent, either directly or from housing benefit/Universal Credit [and/or a contribution towards meals/food and services/utilities])

the non-section 23C element will be taken into account in the calculation of the Staying Put carers own means tested benefit claim (if they are in receipt of a legacy benefit).

Additionally, the section 23C disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the Staying Put arrangement, should the young person return to their former foster/Staying Put carer or, move to another carer after their 18th birthday (in situations where a Staying Put carer is receiving a legacy benefit).

As meals are provided in Staying Put arrangements, the framework used to assess the impact of the rent payments on the Staying Put carers are the income from a 'Boarder' rules. Under legacy benefits an element of the rent payment is disregarded, under Universal Credit all income from a 'Boarder' is disregarded.

## HMRC Revenue & Customs Policy

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

1. A young person was looked after immediately prior to their 18th birthday;
2. The young person has a Pathway Plan;
3. A proportion of the allowance paid to the Staying Put carer/s is paid by the Local Authority;
4. Staying Put arrangements can extend until:
  - ▶ the young person reaches their 21st birthday;

Or the young person completes the agreed programme of education or training being undertaken on their 21st birthday.

## Policy Overview

Staying Put arrangements will replicate as far as possible a 'normal family life'. The foster carer(s) are required to care for any child or young person placed with them as though they were a member of their family, this expectation will carry through into Staying Put

arrangements.

All families have different rules, expectations and ways of doing things. Considering this, Staying Put arrangements will take this into account and be sufficiently flexible to be tailored to individual circumstances and needs.

**The term *Staying Put* can be used as follows;**

- A young person who was in care immediately prior to their 18th birthday, as an eligible child, and continues to reside with their former foster carer(s);
- The carer(s) were acting as foster carer(s) to the young person immediately prior to their 18th birthday. This assumes that the foster carer(s) were approved in accordance with the Fostering Service (England) Regulations 2011, and the young person had been placed with them by Luton Children's Service
- A young person is assessed to be an eligible child, with the meaning of paragraph 19B (2) of Schedule 2 of the Children's Act 1989, immediately before they reach 18-years old
- The Staying Put arrangement is set out in the child or young person's pathway plan and will start between the age of 18 and 21 or until the completion of an education or training course
- A Staying Put arrangement ends when a young person becomes 21-years old or ceases to live within the Staying Put provider's household. This depends on which comes first, or the young person completes the agreed programme of education or training being undertaken on their 21st birthday, if continuously living in the arrangement since their 18th birthday.

## **Procedure**

### **Our staying put procedure**

The primary aim of Staying Put is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care often experience delayed maturity, and that their 18th birthday is likely to be an inappropriate point to leave a familial and foster care household. Therefore, the Luton Staying Put arrangement is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted and

that all young people can make a gradual transition from care to independence or to an Adult Service.

The Luton Staying Put arrangement has been designed to ensure that young people, foster carers, and Staying Put carers are provided with information, practical support and financial support to enable young people to make a successful transition to adulthood

The Luton Staying Put arrangement enables a foster care placement to be extended from the young person's 18 birthday as a Staying Put arrangement until:

1. If our young person leaves the Staying Put arrangement if before the age of 21;
2. If our young person reaches the age of 21;
3. If our young person completes the agreed programme of education/training being undertaken on his or her 21st birthday.

Luton's Supervising Social Workers, Social Workers for the young people, Leaving Care Personal Advisors, Independent Reviewing Officers, Staying Put providers and the young people themselves have a role to play with the setting up of Staying Put arrangements and supports Staying Put providers or carers.

## **Our Staying Put Financial guidance**

Luton Children's Services is committed to ensuring foster carers (both Luton and Independent Fostering Agency carers) do not experience a reduction in their income by supporting a former foster young person or child under a Staying Put arrangement. Whilst the Staying Put provider will receive the same level of income as they did when the child was a foster child, some of the income under the Staying Put arrangement will come from the young person in the form of a payment for their rent, which may come via earned income, housing benefit or a combination of both. In addition, Staying Put providers will have their Fostering Allowance reduced by appropriate amount as the young person will no longer be in Care and they will no longer be expected to provide this level of financial support to the young person as stated below.

The fee payable to the Staying Put accommodation provider will be dependent on the amount agreed with the local authority at the time and such payments will commence

directly following the cessation of their fostering payments to avoid further financial difficulties for the Staying Put provider (s) and the young person.

**In-house Staying Put providers** – A foster care placement can be extended from the young person's 18<sup>th</sup> up until their 21<sup>st</sup> birthday as a Staying Put for all young people. The funding will comprise funding from:

- ▶ LBC professional fee and a contribution towards amenities and food.
- ▶ Local housing benefit, the amount varies according to area;
- ▶ Defined contribution from the young person such as income, entitlement, allowances or benefits.

There will be general deductions made including pocket money, clothing allowance and a personal element. The Staying Put provider is no longer expected to provide these allowances to the young person, as they are expected to replace this amount from their earnings from employment, or by claiming a means tested benefit/Universal Credit. In addition, the young person is expected to pay rent, (either from earnings or the housing element of Universal Credit or a combination of both) which is paid directly to their Staying Put provider/ carer.

Whilst the young person is awaiting their first Universal Credit payment a weekly living allowance will be provided during the five-week transition period. The housing costs – Housing Element of Universal Credit should be paid directly to the Staying Put carers/provider.

**Payments to IFA Staying Put providers will comprise funding from:**

- ▶ IFA fostering allowance less, deductions that the young person is responsible for including housing element of the young person's universal credit payments and allowances that the Children's Service will no longer need to pay (pocket money, clothing allowance , savings, travels etc.) .
- ▶ A reduced percentage of the agency fee.

The allowance paid directly to the carer covers rent, utilities and time in supporting the young person.

Depending on their circumstances, young people in a Staying Put arrangement can claim one or more of the following benefits from their 18th birthday:

- ▶ Income support
- ▶ Education bursary
- ▶ Universal credit
- ▶ Housing benefit

If a client can claim any of the above benefits LBC will support the carer or IFA by paying the full fostering allowance for 28 days as a Staying Put provision while benefits are being applied for, after this period the reduced Staying Put costs start.

Should the client not be able to access benefits, usually due to their legal status the reduced Staying Put costs will commence on the 18<sup>th</sup> birthday and we will pay the clients subsistence allowance and the housing element.

From their income, the young person will be responsible for buying their own clothes, toiletries, mobile phone contracts/ phone top-ups and other items previously covered by the fostering allowance paid to the carer, helping the young person to develop budgeting and independent living skills.

The following summarises some of the key consideration all parties are to take into account.

- The young person will receive Universal Credit in their name; this will include a subsistence allowance for the young person and a housing benefit at a local rate. A License agreement and “safeguarding letter” need to be completed for housing benefit application by the young person’s Social Worker. This is to ensure the Staying Put carer receives the housing benefit directly and **NOT** the young person.

**Note:** Each local housing office has a housing benefit calculator that can be viewed online if required to calculate individual benefit.

All young people will be supported by their carer and encouraged by their Personal Advisor to apply for housing benefit if a license agreement is put into place.

A rental amount will be agreed at the start of the Staying Put arrangement.

**Note:** If no rental amount is agreed and a license agreement (appendix 3) is not in place, housing benefit cannot be applied for by the young person.

If eligibility prevents a young person from claiming housing benefit, this will also be detailed in the Living Together agreement.

For those in full-time education (16 hours or more of education per week), housing benefit is calculated on the basis of the local housing rate. It may be necessary to discuss rates and possible discretionary payments with the local housing team if a young person in full-time education is challenged financially.

**Note:** This does not apply to those young people attending university who are entitled to financial support from the Leaving Care team.

- The Staying Put provider must not be worse off financially due to not receiving the full benefit entitlement. If the young person is working and earning income from this, they will pay the Staying Put Provider the equivalent in local Housing Benefit. However, if the Staying Put provider is already in receipt of Housing Benefit for the household, Luton Council would not pay the Housing Benefit element, as this would be duplicating the provider or carers' Universal Credit claim. In such cases, Luton Children's Service will pay the equivalent rate, and the Social Worker for the young person must include this in the overall Staying Put costs.
- The young person will receive a college bursary if he or she is attending college, which supports them with fares and educational needs. The universal credit payment will support them with living allowance and basic clothing. If the young person gets a job and the universal credit is stopped or reduced, the client has to top up the Staying Put allowance from their income. LBC would support the client with transport if their income is low.

- Additionally, if the young person decides to go to university and moves from the placement to university accommodation the Staying Put placement may end and

Luton will pay the young person a Higher Education allowance to support them with accommodation over the periods they do not receive student finance. Any arrangements between the Staying Put Provider and the young person about returning to the placement in the holiday periods may be between them; however, it is advised that the young person's Personal Advisor is notified prior to this taking place to enable support and advice to be provided, if so required.

- If the young person stays with the Staying Put carer as they are in a local university, Luton Children's Services will pay the housing benefit element to the Staying Put provider as the young person cannot claim benefits as they are in receipt of student finance. Under this arrangement, the young person would not receive the Higher Education allowance from Luton Children's Services and they would support themselves with their student finance.
- All Foster Carer(s) and Staying Put accommodation providers must register with Her Majesty's Revenue and Customs as self-employed. The simplified tax arrangements apply and foster carer(s) and Staying Put accommodation providers will continue to be able to claim under their existing simplified tax arrangement.
- Where young people remain living with their former foster carer(s) under a Staying Put arrangement, the income tax and national insurance framework and liabilities that apply are set out in the Shared Lives carer's guidance.
- The same class 4 national insurance contributions apply in line with fostering.
- The Shared Lives qualifying care relief guidance sets out that Staying Put accommodation providers receive tax exemptions up to a given qualifying amount for each Staying Put young person living with them.
- The Staying Put qualifying rate mirrors the system and amounts that applied when the arrangement was previously a foster care placement.
- The Staying Put exemption does not affect any income from other sources, for example, employment and investments. Such other income will be taxed in the normal way.
- Staying Put providers, including Foster Carers, should note that they may be able to claim working tax credit which is administered by Her Majesty's Revenue and

Customs. Staying Put care is counted as work for tax credit purposes.

- The Staying Put provider's taxable income is used to assess the amount of tax credits that they are entitled to receive. Where they receive less in Staying Put payments than the tax-free allowance, their income from providing a Staying Put accommodation is treated as nil for this purpose. This will mean they get the highest rate of working tax credit.

### **Impact(s) of a Staying Put accommodation arrangement on single occupancy council tax discount receivers**

- Single Staying Put providers who claim single occupancy council tax discount may lose this reduction as a result of having a young person over 18-years old living in their home and is deemed under council tax regulations and criteria's as an adult.
- Where this occurs, the Staying Put provider will need to notify their Social Worker so that the increase in council tax payments can be acknowledged through the local resources panel and reimbursed by the department. This amount will be added to the monthly arranged payment(s) to the Staying Put provider under the Staying Put arrangement.

### **What doesn't count as an adult under council tax criteria(s):**

- ▶ Children and young people under 18-years old;
- ▶ Those children and young people on an apprenticeship scheme;
- ▶ 18 and 19-year old's in full-time education;
- ▶ Full-time college and university students;
- ▶ Young people under 25-years old who get funding from the skills funding agency or young people's learning agency;
- ▶ Student nurses;
- ▶ Foreign language assistants that are registered with the British Council;
- ▶ Young people with a severe mental impairment;
- ▶ Live-in carers who look after someone who isn't their partner, spouse or child under 18-years old;
- ▶ Diplomats.

## Financial Guidance, Universal Credit & Personal Benefits for our Young People

All of the following benefits/Universal Credit payments and allowances (1 to 8 below) do not have any impact on the Staying Put carer's welfare benefits/Universal Credit, should they be claiming a means tested benefit/Universal Credit. Young people commencing Higher Education courses at any age are not eligible to claim means tested benefits/Universal Credit, except for certain lone parents and certain sick and disabled young people (limited capacity for work).

Any payment from a 'Boarder' arrangement does not impact on a Staying Put carer who is in receipt of Universal Credit.

Pocket money, clothing and the personal element allowance will continue to be paid for 5 weeks after the young person's 18th birthday in order to allow them enough time to establish their Universal Credit claim.

1. Disabled young people can claim Disability Living Allowance (DLA) (if under 16) or a Personal Independence Payment (PIP) (if 16 or over and not already claiming 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 (DLA/PIP), the Staying Put carer may be able to claim Carer's Allowance. The claim for Carer's Allowance will be reassessed at the point the young person reaches the age of 18.

2. Lone Parents can claim Universal Credit, Healthy Start Vouchers and a Sure Start Maternity Grant, from 11 weeks before their due birth date. The Sure Start Maternity Grant is only provided once for the oldest or first child. From the birth of their baby, they will also be eligible to claim Child Benefit (Eligible and Relevant lone parents aged 16 & 17 can also claim the above allowances/benefits/Universal Credit, but only from the birth of their baby, with the exception of the housing element of Universal Credit, which cannot be claimed until they reach age 18). Lone parents are exempt from the Universal Credit work search and availability requirements until the child reaches their 3rd birthday.

3. Lone Parents can claim Universal Credit, Healthy Start Vouchers and a Sure Start Maternity Grant, from 11 weeks before their due birth date. The Sure Start Maternity Grant is only provided once for the oldest or first child. From the birth of their baby, they will also be eligible to claim Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above allowances/benefits/Universal Credit, but only from the birth of their baby, with the exception of the housing element of Universal Credit, which cannot be claimed until they reach age 18). Lone parents are exempt from the Universal Credit work search and availability requirements until the child reaches their 3rd birthday.
  
4. Young people can claim Universal Credit under the 'Relevant Education' rules if they are 'without parental support' (estranged) from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher education level. Young people can claim Universal Credit at any point prior to their 21st birthday and will continue to receive a payment until the end of the academic year following their 21st birthday, i.e. generally until July following their 21st birthday.
  
5. Young people undertaking full time education or training courses may also be eligible to claim the 16-19 year old Bursary, care leavers have an automatic and priority entitlement – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).
  
6. Care leavers aged 16 to 24 who are undertaking an apprenticeship are entitled to a one-off 'Apprenticeship Bursary' of £1000.00 paid via the apprenticeship provider to assist with costs associated with undertaking the apprenticeship. – see [www.gov.uk/government/news/new-support-for-young-care-leavers-starting-an-apprenticeship](http://www.gov.uk/government/news/new-support-for-young-care-leavers-starting-an-apprenticeship)
  
7. A disabled young person in education who gets both Universal Credit or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund)

8. Universal Credit can be claimed where young people are registered as unemployed and are actively seeking employment.

## Guidance for our Young People with Disabilities

Staying Put does not replace the guidance for a young person with a disability, who meets the relevant criteria for transfer to adult services such as 'shared lives' placements. Luton Adult Social Care will be involved in pathway planning in accordance with Luton's staying put policy and procedures. Where a young person has a disability that meets the Care Act 2014 'Eligibility 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 a disabled young person can therefore be a temporary and interim arrangement and will continue until the foster/Staying Put carers are approved as Shared Lives/Adult Placement carers.

Transition planning for our disabled young people should start at 14 years old.

It is crucial that planning involves representatives from both Adult and Children's Social Care. If the young person meets the criteria for continued support and funding through Adult Social Care this will be in place by the time the young person is 18 years of age. The arrangements for converting the placement into Shared Lives will need to consider the following points:

Where young people have an ongoing disability and meet threshold for Adult Services (Fair Access to Care Services criteria – Putting People First), foster placements will be assessed by the Adult Services Transition Team (Shared Lives) before the child reaches their 18<sup>th</sup> birthday. It is crucial that the young person's assessments take the following into account (not exhaustive list) particularly where a young person is being referred to Health and Community Services, or, the Community Mental Health Team (Adult Mental Health Services) the report will also address any of the following issues:

- ▶ Learning difficulties;
- ▶ Physical disabilities;

- ▶ Communication difficulties;
- ▶ Special Education Needs and Disabilities;
- ▶ Risk taking behaviour, exploitation and self-harm;
- ▶ Mental health issues;
  
- ▶ Emotional and physical development;
- ▶ Substance misuse.

Where it is assessed that the young person will remain with their foster / Staying Put carer on the grounds of disability, the Staying Put arrangement will continue until the carer/s are converted to Adult Placement Carers/Shared Lives Carers and are transferred to an Adult Placement Scheme/Shared Lives Scheme.

Leaving care responsibility remains with Luton Children's Services' Care Leaving Service and six monthly reviews are jointly undertaken with the Social Worker from the Adult Social Care.

Foster carers who have been providing long-term support to a young person with disability will be eligible to transfer to a Shared Lives Scheme. The Shared Lives allows an individual the opportunity to be supported and live within a family setting.

Young people with a disability will be assisted to appropriately claim disability benefits 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.

A young person with disability in education who gets both employment support allowance and disability living allowance and Personal Independent Payment may also be eligible to claim the 16-19 year old Bursary – see [www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund)

### **Procedure for Moving On from Staying Put**

- In general, young people in care who are eligible for social housing can register with the Local Authority's housing department from the age of 16 and are often allocated accommodation immediately prior to their 18th birthday or shortly after.
- Young people who are awaiting the allocation of a Local Authority (housing)

tenancy, or who are actively bidding for a Local Authority (housing) tenancy can remain with their former Foster Carers under a Staying Put arrangement for up to 3 months beyond their 18th birthday. This period is sufficient to ensure transitional

arrangements from the placement to independent living. The Planned Move-on – ‘Awaiting Allocation/Actively Bidding’ extension is available in circumstances where young people are registered on a housing authority waiting list, are bidding on a ‘reasonable’ range of areas within the housing authority boundaries and/or have not been allocated a property by their 18th birthday.

- The young person must take realistic and reasonable steps to secure an appropriate offer of accommodation in a reasonable range of areas.

## **Procedure for Rent Liability & Eviction Notices**

All young people living in a Staying Put arrangement in Luton have a liability for rent of which is set on a commercial basis. Young people are expected to pay the rent from their earnings or Universal Credit (housing element), or a combination of both.

As result of rent variations by geographical area and as the level of the housing element of Universal Credit is assessed using the 1996 Housing Benefit rules by the local rent officer’s assessment, the actual amount of the housing element of Universal Credit payable may therefore vary, meaning the young person may receive less or more than Luton rate or depending on the local assessed figure. The overall payment to the Staying Put provider carer will remain the same, the percentage of the rent element may therefore vary.

In setting and agreeing a rent amount, the young person becomes an excluded occupier and the Staying Put carer becomes a tenant landlord. The Living Together Agreement also includes the rental agreement which is necessary to claim housing benefit and to establish the excluded occupier – tenant landlord relationship between the young person and Staying Put carer.

In situations where a young person does not pay their rent, either by not making the required payment or by not claiming housing benefit (unless otherwise agreed), they may be subject to an eviction process.

In all situations where a young person owes four weeks rental contribution, a network

meeting will be called by the Leaving Care Personal Advisor to find a solution. The network meeting will decide on the action required by the young person to address the rental

arrears. Young people will be given every opportunity to repay any arrears and eviction will only take place as a last resort in situations of rental arrears.

## Housing Cost Procedures

From the age of 18 young people can claim help from Universal Credit towards their rent (housing element of Universal Credit) where there is a liability to pay rent on a commercial basis.

1. All young people are expected to pay rent, from their 18th birthday, either from earnings or the housing element of Universal Credit or a combination of both. The rent/housing element of Universal Credit should be paid directly to the Staying Put provider and is used to cover the rent/accommodation element of the Staying Put arrangement.
2. Young people living in kinship Staying Put placements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim Universal Credit – housing costs element on reaching the age of 18. In situations where a young person is not eligible to claim Universal Credit – housing costs, Luton Children's Services will pay the rent/accommodation element (or the Universal Credit housing costs portion) of the Staying Put arrangement (subject to a claim having been rejected). The claim for Universal Credit – housing costs should be made, based on the fact that the carer is a former foster carer/Staying Put carer rather than being a relative. Young people who are working remain liable for rent; Luton Children's Services will assess the young person's contribution based on the Universal Credit – housing costs rules and would only pay the Universal Credit – housing costs contribution/element.

## Living Away from Home Procedures:

- **Short term residential induction** - If they are on a short term residential induction training and is away from home, the Staying Put arrangement will continue. Will this be

on a long term basis, this will be need to be discussed with all parties involved in relation to the Staying Put funding.

- **Staying Put - University & University Vacation – Planning Requirements and**

**Procedures** – The following information provides guidance on the preparations required should a young person remain in a Staying Put arrangement whilst attending university, or where a young person wishes to return to a Staying Put arrangement at weekends or during the vacations whilst attending university:

The following parties must be in agreement to the young person returning to the Staying put arrangement in the vacation; young person, staying put / foster carer, leaving care personal adviser, fostering supervising social worker and the social worker for any foster child living in the household.

Where a young person leaves a staying put arrangement to attend university and would like to return to a Staying Put household during vacations, the following guidance applies:

- I. All arrangements must be organised and agreed prior to the young person commencing the university course and first leaving the placement;
- II. All arrangements must be agreed and set out in the young person’s pathway plan;
- III. All final arrangements and plans must be made at least two months ahead of the vacation return i.e. (1, mid-October; 2, mid-February; 3, mid-April/May).
- IV. The following parties must be in agreement to the young person returning to the Staying Put arrangement in the vacation; young person, Staying Put/foster carer, leaving care personal adviser, fostering supervising social worker and the social worker for any foster child living in the household.
- V. Luton Children’s Services will only contribute to and/or fund one accommodation arrangement when a young person attends university, either 1) Staying Put, or 2) University Accommodation, or 3) Private Sector Accommodation, or 4) Social Sector Accommodation, this includes the vacation period.

VI. Luton Children's Services is contributing to, or funding University Accommodation, Private Sector Accommodation and a young person wishes to return to a former Staying Put

arrangement (weekends/vacations) the young person will need to agree any contributions with the carer. If foster children are living in the former Staying Put arrangement the young person will need an up-to-date DBS check will need to be in place and staying put provider should alert the supervising social worker to consider any risk.

VII. Luton Children's Services is unable to provide retainers to carers for the following reasons: Whilst a young person may intend to return to a Staying Put arrangement in the vacations, their circumstances may change and that of the carers may also change and therefore either party may decide that it is not appropriate for the young person to return, in such circumstances an overpayment would result.

VIII. The arrangements for returning during the vacation will need to consider the following points. The number of rooms the carer has available, any commitments to foster children in the household, the needs of the young person returning in the vacations to have a DBS check, the allowance to be paid to the carer.

IX. Where it is decided that it is appropriate for a young person to return in the vacations and at other times, the following expectations apply. Where carers remain registered as foster carers all young people who return to a foster placement will require a DBS check and where necessary a risk assessment. Consideration will also need to be given to the impact of the returning young person on any foster child in placement. This will be particularly important where a child has been placed since the young person commenced university, as such the social worker for the placed child should be consulted.

X. Young people who return to previous Staying Put arrangements for weekends and/or periods of 6 days or less should cover any costs from their Student Finance Loans, University Bursaries and Higher Education Bursary and should agree these with carer.

XI. Where a young person returns to a Staying Put arrangement for a period of 6 days or less

and then, due to a specific requirement, needs to remain for longer than 6 days, payment can only be initiated following request to CMRP to endorse the Staying Put arrangement.

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

XII. Where a Staying Put carer has a spare room that the young person can use during the Christmas, Easter or summer vacation, their stay is intended to be over 6 days, the arrangement is agreed in advance and set out the pathway plan the rate paid would be the Staying Put rate that will be dependent on the relevant deductions and professional fee.

XIII. Agreement to the Staying Put arrangement would also be dependent on the young person's DBS check, risk assessment and the needs of any foster children in placement to be completed by supervising social worker and the social worker for the child at the placement.

XIV. The young person is responsible for paying the rent element of staying put cost and agreed amount between the staying put carer and the young person towards food/meals and utilities/services contribution from their Student Finance Loans, University Bursaries and Luton Higher Education Allowances and Bursary. This should be paid directly to their Staying Put provider.

XVI. Should it be agreed that the young person can stay within the household over the vacation periods, a contribution to food and utilities should be made by the young person. The suggested contribution is £40.00 per week. If the young person does not have the use of their own room, a rent charge should not be applied. The payment should be made directly to the staying put provider. The arrangement will need to be organised well in advance of the young person's return and should be set out in their pathway plan so it is important the young person and staying put carer inform the young person's Leaving Care Person Advisor in advance.

## **Forces Procedures**

Where a young person leaves a Staying Put arrangement to undertake military forces induction, or a further education training programme and would like to return to a Staying

Put household during leave/vacations, this should be organised based on the University

Arrangements set out above. DBS checks, risk assessments by the supervising social worker and the social worker for the child at the placement and payment arrangements – over/under 6 days, room availability and advanced planning.

### **Asylum Seeker Procedures**

Asylum seeking young people with no recourse to public funds can access Staying Put in the same manner as young people who have a positive asylum decision or, who are British Citizens. Reference should be made to the Immigration Act 2016 given that the Act (when the guidance is issued) removes an entitlement to Staying Put to certain groups of failed asylum-seeking care leavers.

### **Education and/or Training Procedures**

A Staying Put arrangement can be extended beyond the young person's 21<sup>st</sup> birthday if they are in the process of completing education or examination.

A date may be set to enable young people to complete education or training courses, to make a gradual transition to independent living and in order to provide stability.

### **Procedure for Extending a Foster Care Placement into a Staying Put**

#### **Arrangement**

Where Staying Put is agreed, following an 18th birthday of a young person, the legal basis on which they occupy the foster home changes. Young People will have a signed licence agreement (Luton's Living Together Agreement – see Appendix 2) - and will become an 'excluded licensee', effectively a lodger in the Staying Put Carer's home. The carer will also become, and be deemed the young person's landlord. While this is a legal term, the young person will remain an integral part of the family home.

Whilst the term 'excluded licensee' is a legal one, it should not denote that the young

person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person's landlord.

The associated change from foster child to adult member of the household, and for the carer from foster carer to Staying Put carer, (technically the young person's landlord) should be carefully and sensitively planned in order to ensure that both young people and their carer/s understand the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

An excluded licensee can be asked to leave the property by the Staying Put carer, who must give 'reasonable notice' (wherever possible 28 days). In extreme circumstances it may be considered reasonable for the Staying Put carer to give very short notice and ask the young person to leave on the same day. In such circumstances Luton Children's Services will work with the young person to explore short term emergency accommodation (2-3 days) whilst an appropriate accommodation pathway is identified.

All Luton approved Staying Put carers will be supported by the Luton's Fostering Service. The Luton Fostering Service will ensure the monitoring and support for a Staying Put Carer is at the right level to support a young person to transition to independence. Key standards will continue to govern the expectations of the Staying Put carer including regular monitoring and support.

Staying Put carers will adjust the level of support required according to the young person's needs and increasing independence. The support will be set out in the young person's pathway plan. The fostering service will no longer expect placement diaries to be completed, but will inform the Personal Advisor of significant events.

Not all young people can, or will want to remain living with their foster carers beyond 18, and equally foster carers, for a variety of reasons will not be able to have their foster child remain with them post 18. To avoid difficulties in placement, honest and sensitive communication between the young person, their foster carer and the Social Worker or designated Personal Advisor (if any) in the

Leaving Care Service involvement must take place at an early stage. The arrangements for a Staying Put arrangement will need to consider the following points and the guidance.

The Staying Put will form a component of the young person's longer-term Pathway Plan, a professionals staying put meeting will take place no later than 6 weeks prior to the young person's 16<sup>th</sup> birthday. The Social Worker, Foster Carer and their Supervising Social Worker will meet to discuss the potential tasks, roles and responsibilities related to changing the Foster Placement to a Staying Put arrangement when the young person reaches 18 (The Leaving Care Assessment of Need (Needs Assessment)). The Independent Reviewing Officer is to be kept informed of the outcome of the meeting. The responsibility for co-ordinating the initial Staying Put professionals meeting, rests with the young person's Social Worker.

The outcome of the meeting will be presented at the statutory review immediately following the young person's 16<sup>th</sup> birthday. **Note:** professionals are to take into account the needs of the young person in the initial meeting and planning process, and should only be included after their foster carer/s have confirmed that they are able to retain the young person under a Staying Put arrangement once the young person reaches the age of 18 (in principle). This is required in order to ensure the stability of the placement and to avoid unsettling the young person should the foster carers be unable to provide a Staying Put arrangement.

### Process & role of the Social Worker

The Social Worker will ascertain the wishes and feelings of the young person about Staying Put alongside other independent options.

- Ensure appropriate meetings with the foster carer(s) and young person are held to explore Staying Put arrangements and that a decision regarding the young person's future placement after they turn 18-years old is incorporated into the Pathway Plan from their 16th birthday.
- The young person's 16th birthday is the time when their Pathway Plan will be completed, including decisions in principle that lie around whether a Staying Put arrangement is in their best interest.
- The Social Worker will ensure the Staying Put arrangement is reflected in the

Pathway Plan and this will be overseen and signed off by their manager. This plan will be a live document setting out the different services and how they will be provided to meet the young person's individual needs and requirements in full.

- However, should the young person wish to not proceed with this option and look at alternative accommodation options this will be written into their Pathway Plan and appropriate support provided
- The first Staying Put meeting will be co-ordinated and chaired by the young person's Social Worker and will include the young person's foster carer(s), young person's Social Worker and Supervising Social Worker.
- If agreed at the initial Staying Put meeting that a Staying put arrangement is viable, the young person's Social Worker must meet with the young person individually and explore the Staying Put arrangements expectations and requirements and gain their wishes and feelings around this.
- A second Staying Put meeting will be repeated when the young person is 17yrs and three months old ensuring all final arrangements and requirements are in place to enable a smooth transition to a Staying Put arrangement. It is best practice that this will take place before the final Children in Care review (See flow chart-Appendix 1)
- By the time the young person is 17yrs and four months old, the young person's Social Worker will present the Staying Put arrangement to the Care Management and Resource Panel (CMRP) for approval.
- All requests for extending a placement after a young person's 18th birthday must be presented to the CMRP for approval of the plan.
- The Social Worker will complete the paperwork for the Care Management and Resource Panel to seek funding approval for the Staying Put arrangement and additional funding requirements that may be needed before the final Children in Care Review. The information to be presented to CMRP will include the views of the foster carer, young person and IRO and any specific financial issues related to the carer.
- At least one month prior to the young person turning 18-years old, the Social Worker will convene a meeting with all parties, including the Leaving Care Personal Advisor, young person, Supervising Social Worker and Staying Put provider to check everything including any final arrangements, Living Together Agreement paperwork,

costs, Care Management and Resource Panel's approval and other requirements

such as housing benefits to contribute towards the Staying Put cost are in place by this time.

- Where identified a young person may be eligible for adult services when they reach 18-years old, their Social Worker will refer them to this service.
- The young person's Social Worker will record the agreed Staying Put fees to LCS cost tab at least 2 weeks before the young person's 18<sup>th</sup> birthday to ensure a smooth transition and to enable the Staying Put provider's payment to continue post-18.

### Process & Role of Staying Put Provider(s)

The role of the Staying Put Provider is to be present at the early planning meetings that commence at the age of 16 and receive pathway plan notes to enable them in supporting the path of the children and young people that they look after.

- The young person's Social Worker and Staying Put providers will ensure the young Person has all the information that they require in formatting and language that is appropriate for them to understand.
- Foster Carer(s) will assist in the decision-making on whether it is in the best interest for the young person to transfer into a Staying Put accommodation arrangement and assist them in seeking further information on this to aid in their decision-making process.
- Provide a fully furnished bedroom as a home for the young person
- Agree house rules with young person as part of living together
- Provide heating, hot water, lighting, food, a house key, support and Wi-Fi connection.
- Comply with landlord responsibilities including ensuring accommodation is of a good standard and allow household health and safety checks to be carried out
- Provide day to day support and guidance helping the young person to develop independent living skills and knowing where to go for help, if necessary
- Participate in the Pathway Planning process

- Inform the young person's Leaving Care Personal Advisor and the Supervising Social Worker if they wish to end the Staying Put arrangement (giving at least 28 days' notice). This notice period can be waived in exceptional circumstances where it

would be deemed inappropriate or unsafe for the young person or any of the other parties to remain for the full 28 days.

- Inform the young person's Leaving Care Personal Advisor as soon as possible of any significant incidents and if the arrangement is likely to be disrupted or end prematurely
- Ensure relevant staff / agencies are made aware if the young person is absent or missing
- Ensure an appropriate 'Safer Caring / Safeguarding Plan' is in place to manage any impact on other / younger children in the household
- Assist the young person to develop the emotional capacity and self- confidence to manage through adulthood
- Review mortgage, household and car insurance policies to cover individual circumstances as a Staying Put Provider and adequate insurance in place and to inform relevant parties in line with requirements
- Willingness to return to panel if also fostering other children and young people in order to acknowledge the change in circumstances with the Staying Put young person becoming an adult member of household
- Work with the Personal Advisor to provide support as needed for young person (as indicated in Living Together Agreement)
- To be prepared for a visit from Luton Leaving Care Personal Advisor and/ or any representative of the Luton Council for the duration of the Staying Put arrangement.

### **How to End Staying Put**

- Staying Put arrangements are made through agreement of the young person and foster carer. Either party is able to bring the arrangement to an end before the young person is 21. All parties must give as much notice as possible and in most circumstances this must be a minimum of 28 days. Advance planning is necessary to ensure the young person can move on to suitable accommodation from their Staying Put arrangement.

- The Staying Put arrangement will end when the young person reaches their 21<sup>st</sup>
- birthday. This will be formalized in a Living Together Agreement, ensuring all parties

recognize the end of the agreement. If the young person is at a critical time in their education (i.e. final exams), they will stay put until the exams have ended.

- In the event that Luton Children's Service regards the arrangement as not consistent with the young person's welfare, it may withdraw its support, but it does not have the legal power to bring the arrangement to an end. We will endeavour to ensure that all parties work together to help to plan a move to an alternative living arrangement.

- The Staying Put arrangement may be terminated if the young person does not make use of the arrangement within the spirit it was agreed. There is an expectation that the young person will stay at the family home at least 5 of 7 nights of the week (unless otherwise agreed).

- When planning to end a Staying Put arrangement it is important to remember that as the young person reaches 21-years old they will no longer qualify as requiring *priority* need for housing. If the move-on plan is to secure council accommodation, the young person may have to apply in advance (at least 6 months) of their 21<sup>st</sup> birthday.

- Should the young person wish to remain with the Staying Put accommodation provider, it will become a private arrangement between them, and no funding will be provided by Luton Council. However, the young person can request support from a Personal Advisor, to continue until up to the age of 25 years.

- There will be circumstances where a planned ending from a Staying Put arrangement, to independence within the community does not work out and returning to the foster carer is in the best interest of the young person. Within a 4-week period, a young person may be able to return to their previous Staying Put arrangement and the original payment arrangement will resume. In these circumstances, the arrangement will continue to be considered as Staying Put accommodation.

- The Personal Advisor will notify Fostering Service, IFA and Finance Officers in the Commission Team, prior to a Staying Put arrangement ends.

## Procedure of Safeguarding

All Staying Put arrangement should continue to have safer caring plans in respect of:

- ▶ The Staying Put young person;
- ▶ Foster children;
- ▶ Children of the foster carer/Staying Put carer;
- ▶ Visitors (foster carers [and their children], foster children and Staying Put young person).

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.

Arrangements for 'delegated authority' to the carers should continue once a foster child becomes a Staying Put young person, particularly regarding the agreement for, oversight and management of any of their visitors. Whilst 'delegated authority' would not apply to the Staying Put young person, it would apply to ensuring foster children in the household are 'safe', therefore the Staying Put carer may need to make decisions regarding the Staying Put young person's activities to ensure the foster child/children are 'safe'.

## Process & Role of the Leaving Care Personal Advisor

- The young person's allocated Personal Advisor will work alongside their allocated Social Worker to form a positive relationship with and understanding of them before moving to the Leaving Care Service. This positive relationship building will be accomplished by attending meetings with the young person, clarifying any financial support changes once they turn 18-years old, answering queries relating to and planning for accommodation and supporting their access to education, training and employment.
- During this period, the allocated Social Worker remains as the lead professional until

the young person turns 18-years old and has fully transferred to the Leaving Care Service, where this will then be allocated to a Personal Advisor.

- Once the young person has been transferred to the Leaving Care Service, their Personal Advisor is able to provide them with advice and support whilst getting in contact with them at least every 6-weeks and arrange to have a face to face meeting at least every 8-weeks. Their Personal Advisor will facilitate a meeting to complete the young person's Pathway Plan with their attendance and aim to have the young person's aims and wishes implemented in this and supported.
- The Pathway Plan meeting will include the views of the Staying Put provider, to ensure that they are also working towards the same goals with the young person and providing support around this adequately.
- The young person's Personal Advisor will co-ordinate the provision of additional services, where necessary, and support the young person to ensure they make the most of the support and services available to them.
- The young person's Personal Advisor will review the Living Together Agreement and the House Rules at least every six months with the young person and Staying Put carer and as part of the Pathway Plan review.
- The Personal Advisor will be able to provide information around financial entitlement and support to aid the young person in managing their finances effectively, including daily outgoings. In addition, they can aid in relation to housing options that are available to the young person and support in identifying further/higher-education, employment or training.
- Where a young person displays unacceptable behaviour or participates in activities that are deemed inappropriate, a Staying Put disruption meeting will take place in line with the Pathway Plan review process. Any new or changed requirements or house rules will be set out in an up-dated Living Together Agreement.

### **Process & Role of the Independent Reviewing Officer**

- The Independent Review Officer will confirm in the care review whether the young person has received or when they will receive their pathway plan.
- During the review the Independent Reviewing Officer will ensure that the young

people who are eligible to enter a Staying Put arrangement are fully aware of this process, expectations and support whilst understanding their entitlements.

- Where a Staying Put arrangement is identified as unsuitable for a young person, then the Independent Review Officer will be informed of the other transition options available and the young person's preferred option.
- A review meeting will take place to finalise the Staying Put arrangement at 17 and three months-years old. The Independent Review Officer will continue to review and monitor the young person's pathway plan to ensure there is no drift in the care planning and that a robust transition plan is in place.
- Designated Leaving Care Independent Reviewing Officer (IRO) to ensure any planned Stay Put arrangements are agreed and appropriate paperwork signed at the Penultimate CLA Review.

### **Process & Role of the Supervising Social Worker**

- To have discussion with the foster carer, prior to the first Staying Put meeting to take place on or before the young person turns 16 and to support the Foster Carer(s) throughout the implementation of the Staying Put arrangement. This to ensure the Foster Carer(s) are fully aware of the implications for themselves and the required expectations.
- Ensure the frequency of Supervising Social Worker visits to Staying Put providers who remain registered as foster carers will continue as required by Fostering Regulations
- Ensure the frequency of fostering service visits to Staying Put providers who cease to be approved as foster carers will be at a minimum of three monthly unless the needs of the young person determine a higher frequency of visits as identified and set out in the Living Together Agreement.
- Ensure a return to fostering panel to discuss changes in the household arrangements and to consider any changes Staying Put providers or Fostering Service may want to put forward.

- Ensure health and safety checks are in line with the standards applied to foster carer placements
- In situations where foster children are placed in the household, or may be placed in the future and the Staying Put provider will remain registered as a foster carer, their existing Supervising Social Worker will continue to support the overall arrangement
- In situations where there are no foster children in the household and it is not planned that any further foster children will be placed, the arrangements for supervision will be reviewed. Depending on the needs of the young person and/or the Staying Put provider the same Supervising Social Worker may continue to support the arrangement. Alternatively, and where appropriate, a different member of the fostering service may be allocated to oversee the Staying Put arrangement, this person may be an appropriate professional who is not a qualified Supervising Social Worker
- Where a Foster Carer ceases to be a Foster Carer, their fostering recording file (electronic or paper) 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.
- Staying Put carers continue to be covered under Luton Borough Council's Insurance Policy in the same way as Foster Carers
- All Staying Put expectations will 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.
- The SSW will discuss all safeguarding arrangements including Disclosure and Barring Service (DBS) checks required on young people reaching 18 where fostered children remain living in the household. It is essential the DBS process commence in a timely manner, initiated by the Supervising Social Worker.
- In the event the DBS check identifies concerns, Luton's Risk Assessment process led by the SSW, will be followed to ensure other children in the placement or who may be placed in the household are not put at significant risk of harm.
- For those young people who are unaccompanied asylum seekers, a DBS may not

be possible because the required documentation is not available. In this instance, safeguarding procedures will be followed and a risk assessment completed.

## Processes, Roles & Responsibilities of the Young Person

- Engage in the support provided by carers and participate in the pathway planning process in order to develop and improve independence skills
- Behave in a responsible way, showing respect for their carer(s), their property, neighbours, other children/ young people in placement and the local community
- Share information with carers and Personal Advisor (to include anything that may indirectly impact on a carers household i.e. if a young person is in contact with the Police, the carer will be made aware)
- Adhere to the license agreement and house rules (Living Together Agreement – see appendix 1) agreed as part of Staying Put arrangement
- Agree to pay a rental contribution at applicable local rate per week either from earnings or by claiming housing benefit or a combination of earnings and housing benefit (as appropriate) and notify their Personal Advisor and Staying Put carer when in receipt of housing benefit
- Set up a standing order to pay their Staying Put carer their housing benefit (if not paid directly to the Staying Put Provider from the local Housing Team)
- Set up a standing order to pay the carer any additional rental amount that is not covered by housing benefit (i.e. if personal income is higher than allowance)
- If the young person feels that Luton Council has failed to provide appropriate support towards facilitating and maintaining a Staying Put arrangement, the young person will be encouraged to speak to their Independent Reviewing Officer to request a review of their pathway plan
- Right to make a complaint and to contact an Independent Advocate if needed
- Complete relevant checks, including disclosure and barring service check (DBS) if other children and young people are in the family home and the carer continues to offer foster placements to others
- Maintain room, furnishings and fittings in good order

- Ensure house keys are kept safe and not duplicated
  - Inform Staying Put carer regarding any visitors or regular visitors
  - Inform Leaving Care Personal Advisor if arrested, investigated, cautioned or convicted of any offence and agree to their Personal Advisor sharing this information with their Staying Put carer
- 
- Let Leaving Care Personal Advisor and the Staying Put carer know in advance if they wish to end the Staying Put arrangement (giving at least 28-days' notice)
  - Cancel any payments / arrangements and re-route bills etc. when the arrangement ends
  - Contact Leaving Care Personal Advisor if they would like to change the Living Together Agreement and or raise any concerns.

### Process of Independent Fostering Agencies

- The Provider must ensure that all Foster Carers are aware of the Authorities' current staying put policy and participate in discussions with the young person and young person's social worker regarding the suitability of this for the individual young person and the potential for them to remain in the placement after leaving care, as part of care and pathway planning
- Young people placed in independent fostering agency arrangements will be considered against the same criteria as Luton foster care placements. Luton Council will ensure that the process as detailed within this policy involves the Independent Fostering Agency at all key stages
- It is expected that Independent Agency foster carers(s) will be paid at a fee agreed by the agency and Luton Children's Service. There will be the same expectation on the Independent Agency foster carer(s) will they be offering Staying Put arrangement. They are provided with Staying Put information in line with the expectation for the young person to be able to stay there until 21-years old
- When entering into Staying Put agreement with Luton Children's Services, Independent Fostering Agencies enter into this on the basis that when the young person turns 18-years old, the foster carer(s) income will be reduced in line with the

young person supporting themselves on universal credit, including claiming benefit or income from work.

- **The agency's fees will be reduced and they will be expected to provide a breakdown of the carer's weekly income and Luton Children's Service will carry out**

**the same deductions as Luton in-house foster carer in line with the young person supporting themselves and including claiming benefits.**

- Once the Care Management and Resource Panel have formally acknowledged the decision made by the young person and their foster carer(s) to enter into a Staying Put accommodation agreement, the Independent Fostering Agency will be notified.

### **Process of Monitoring & Review**

The Staying Put arrangements will be reviewed as part of the young person's pathway plan on a 6-monthly basis, this is to ensure that any implemented targets are being met. This must be led by young person's Personal Advisor. The SSW and Staying Put providers are to provide input into reviews.

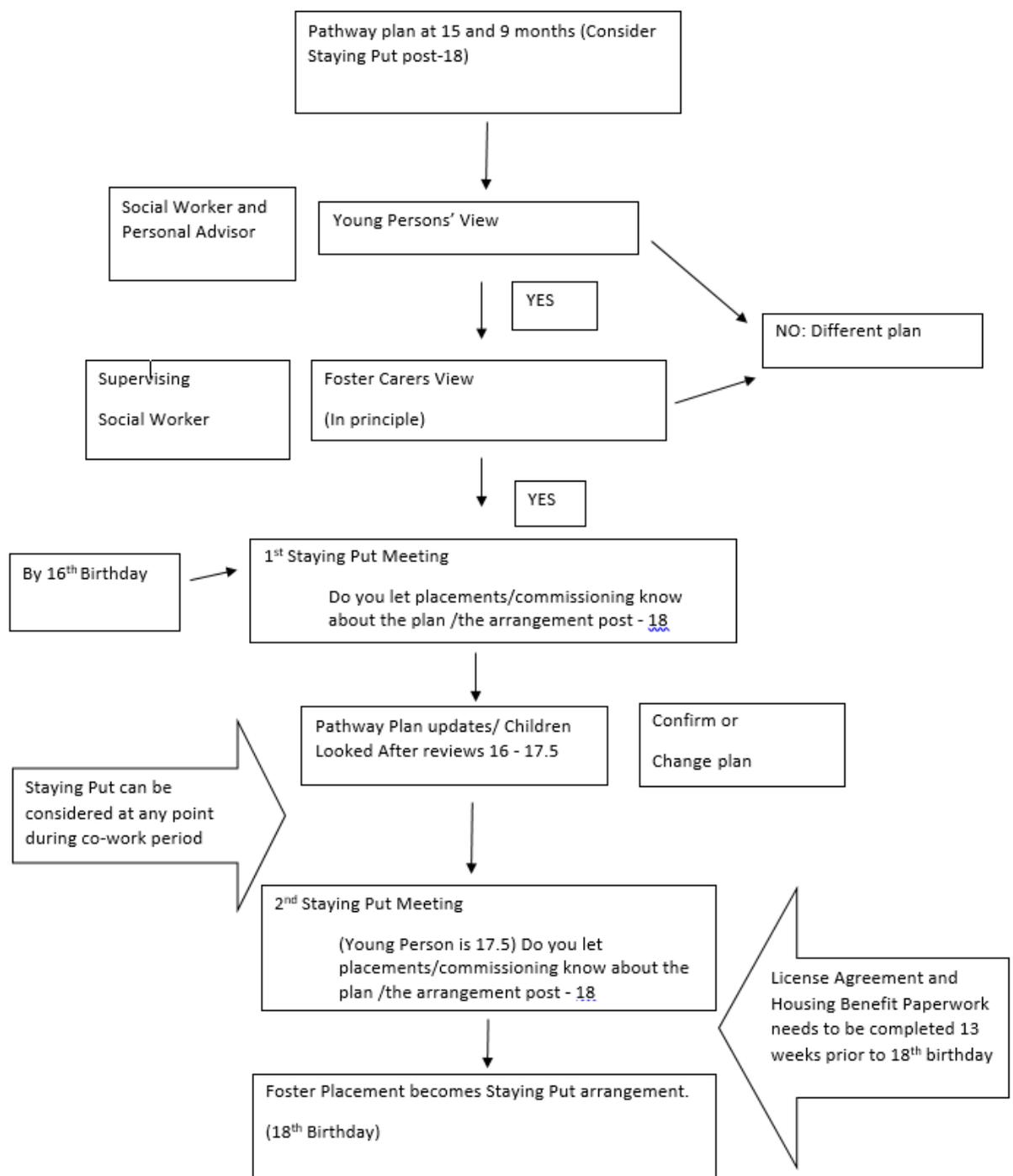
The pathway plan review will ensure the young person is developing and acquiring independent living skills. This will also record any problems or difficulties that have emerged, what is working well in the arrangement and future plans.

A review can be arranged earlier, if it is needed, by an agreement between the young person, Staying Put accommodation provider and Personal Advisor.

### **Process of Recording Information about Staying Put Carers**

Staying Put carer's 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.

## Appendix 1 - Flow-chart for staying put Process



**Appendix 2 - Staying Put Procedures: Housing Benefit Claim Letter - License Agreement**

Dear Sir or Madam,

**RE:** [Name of Young Person] **(TENANT) D.O.B:** / /

**N.I. Number:**

**Current Address:**

**Type of Accommodation and Tenancy:** Previous Foster Care Placement Staying Put Arrangement – Excluded Licence. The Staying Put carer is deemed the landlord.

**NAME OF LANDLORD** (Staying Put Carer):

**Date Staying Put Arrangement Commences:** / /

This letter confirms that **[Young Person]** was previously a looked after child, fostered in my household. **[Young Person]** has now reached the age of eighteen and will be remaining as an 'independent adult' in my house under the Staying Put arrangement.

As **[Young Person]** was previously 'looked after child' I request that the Housing Benefit (relevant LHA One Bedroom rate) be paid directly to me (**Staying put carer's Full Name**) as both their landlord and Staying Put carer.

Enclosed is the Local Housing Authority Landlord Payment Request Form along with details of the License agreement that is on page 2 of this letter.

If you require any further information please do not hesitate to contact me on the details above.

Yours faithfully,

**[Staying Put Carer]**

**Licence Agreement – Staying Put Arrangement** to start on / / [date]

This agreement is made between [Young Person] and [Staying Put provider] It allows you to stay at: [address]..... (“The Property”) and sets out what will be expected of you and what you can expect.

You will have your own accommodation and will be liable for rent costs at the rate of £ per week; this excludes meals and utility charges.

**You acknowledge that:**

- (a) You shall occupy your bedroom as a licensee only;
- (b) You shall not be entitled to any statutory protection under the Housing Act 1998 when this license terminates;

- (c) The Staying Put Carer retains control and possession of the bedroom and the remainder of the property and you have no right to exclude the Staying Put Carer from the bedroom or remainder of the Property;
- (d) The Staying Put Carer shall be entitled at any time to require you to transfer to a comparable room elsewhere within the Property and you shall comply with such requirement.
- (e) The Staying Put Carer is entitled to retain keys for the bedroom and the Property, and the Staying Put Carer and any persons authorised by them may exercise the right to use these keys and enter the bedroom and the Property at any time; and
- (f) The licence to occupy granted by this agreement is personal to you and is not assignable, and the rights given by this licence may only be exercised by you.

Luton Children’s Services will continue to provide an allowance to meet any support costs.

If you are in employment, please keep all your wage slips as these are needed to assess your contribution. You must tell your Leaving Care Worker [add name], of any increase or decrease in wages and any other change in circumstances.

If you want to move out of the Staying Put arrangement, you must tell the Staying Put provider at least 4 weeks before you want to move. The Staying Put provider can also end the Staying Put Agreement at any time by giving 4 weeks’ notice and will do so if:

- 1) You stop paying your rent or
- 2) You do not stick to the expectations set out below

In exceptional circumstance’s this may be less if for example your behaviour is extreme or is putting the Staying Put provider’s safety at risk.

[Young person] agrees that the conditions of occupying this accommodation are:

- S/he will pay the rent regularly and on time.
- S/he has read and understood the expectations, which say what s/he must do.
- S/he agrees to do all the things that are set out in the expectations.

Signed: ..... (Young person) Date: .....

By this agreement, [Staying Put Carer] permits [Young Person] to occupy the above accommodation.

Signed: ..... (Staying Put Carer) Date: .....

## EXPECTATIONS – THE THINGS YOU MUST DO

- You must use the support which your pathway plan says you need

- If at any time, the Staying Put carer is worried about your safety, they have the right to enter your room to check on your welfare
- You must pay the correct agreed amount of rent and keep the payments on time
- You must pay for any loss of damage to your own furniture or belongings
- You must let the Staying Put carer know if anything is broken or needs mending
- You must ask if you want to keep a pet
- You must be considerate to all the people who also share the Property
- You must NOT invite anyone else to share your room. Overnight visitors must be agreed beforehand with the Staying Put carer
- You must not use or keep illegal substances in the Property

Process: Appendix 3

**6 months before Service User turns 18**

- Discuss the move on process to Staying Put with the carer and service user explaining the changes on how the payments change
- Do you let placements/commissioning Team know about the plan /the arrangement post-18

**Independent Fostering Agency (IFA) – 3 months before client turns 18**

Social Worker (SW) to:

- Request from the agency the breakdown of the carers allowance
- Find out local Housing Benefit (HB) rates for a care leaver.
- Discuss and agree the Staying Put cost with the agency.

As above ensure passport and bank account are up and running.

**LBC Foster Carer - – 3 months before service user turns 18**

SW to:

- Check Local HB rates for a care leaver
- Discuss the working agreement in line with the LBC Staying Put Policy
- Get the document signed along with the safe guarding letter so the carer receives the Housing benefit direct. As above ensure passport and bank account are up and running.

**2 months before service user turns 18**

SW to:

- Costings agreed at Care Management and Resource Panel ( CMRP)
- If service users can claim benefits, they request full 28 days fostering allowance
- If service user can't claim benefits due to their legal status the payment automatically goes to reduced staying Put allowance - LBC will pay the Housing Benefit element
- If client is receiving a wage or salary, they would support themselves and pay the carer Housing Benefit element. If the income is low they may get some Benefits

All payments need to be added to LCS (Liquid Logic) cost tab.

**University**

If service user is going to local university and staying in the placement, the Local Authority will pay the carer the Housing Benefit element. The client will not receive the weekly university allowance.

If client decides to go to university and leaves the

**IFA notice period**

At present, some IFAs request a notice period. Please ensure a notice period is given if required. This needs to be served in writing to the agency.