

Staying Put Policy

Relevant guidance and regulatory framework:

Fostering Services (England) Regulations and Guidance 2011.

“Staying Put” Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers, DfE, DWP and HMRC Guidance, May 2013.

Regulation 6, 7 & 9 and Schedule 2 of the Planning Transition to Adulthood Guidance, which includes the Care Leavers (England) Regulations 2010.

Introduction

This policy concerns the provision of an opportunity for young people to remain living with their foster parents beyond the age of 18 years under a Staying Put Arrangement.

The Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 and the Fostering Regulations and Guidance 2011 both require local authorities to have a Staying Put policy. The Fostering Services National Minimum Standards (standard 12.4) requires independent fostering providers to have a policy and practical arrangements which enable young people to remain with their foster parents into legal adulthood.

At ISP, we believe that all care leavers can benefit from an opportunity to remain with their foster parents which enables them to experience a transition like that of their peers and avoid the negative outcomes often associated with leaving care such as social exclusion and tenancy breakdown. Our policy framework provides a means by which the Staying Put arrangement can take place within the agency and with access to additional services that the agency can provide.

The benefits of a Staying Put arrangement

- The young person experiences a transition to adulthood similar to that of their peers, within a supportive family environment.
- The young person has more time to develop their independent living skills before they leave home.

- The young person has an opportunity to complete their education and training without the additional demands and stresses of managing a home and being financially independent.
- Reduced risk of homelessness caused by immaturity and insufficiently-developed life skills.
- Reduced risk of social exclusion or social exploitation caused by loneliness and emotional vulnerability.

Legal status of Staying Put arrangements

The young person in a Staying Put arrangement is legally an adult, is no longer ‘in care’ and fostering regulations no longer apply. We will therefore refer to them as a ‘young adult’ at this time. A Staying Put arrangement is a license agreement that gives them the status of an ‘excluded licensee’ (lodger) in their foster home. The young person’s foster parent effectively becomes their landlord (and will be referred to as their ‘Staying Put carer’), but this is a legal circumstance and they should continue to be very much part of the family – as they were before.

There will be changes, however, because the young person will become an adult member of the household. They will need to have a DBS check if there are foster children living in the home, and they will need to be afforded more freedom and independence in line with their adult status and need to develop their life skills. This will need careful planning, and continuing supervision within ISP can help to navigate these changes.

A Staying Put Arrangement can continue until a young adult is 21 years old, or up to 25 if they are continuing a course of full-time education. It may provide a framework for young adults who go to University or join the armed forces to return to their previous foster parents during holidays and breaks. It may also apply to unaccompanied asylum seeking children (UASC). The local authority’s policy should be consulted on this matter.

A flexible approach

Young people approaching 18 years of age have differing support needs, and the nature of the Staying Put Arrangement will vary in accordance with these needs. A foster parent can choose to make an arrangement directly between themselves and the young person’s local authority – and in this circumstance, ISP will have no role or responsibility within the arrangement. Alternatively, the local authority can make the arrangement through ISP, purchasing a package of support for the young person and their foster parent, and continuing the relationship with ISP.

We offer two packages to the local authority, with different levels of support from ISP in accordance with the young person’s needs and those of their former foster parent.

1. Our standard package provides a continuation of ISP’s signature therapeutic wraparound service, in recognition that the complex problems which brought a

young person into placement with ISP often continue into young adulthood. This package will support young adults whose life skills are delayed and who need continuing guidance and support with several aspects of daily life. Our foster family will continue to receive supervision and training, and have access to reflective practice groups to support them in their new role.

2. Our enhanced package of support provides all of the above, plus continued access to the full range of ISP's services to meet the needs of the young adult. This includes access to therapy, support with education and respite. This package would be appropriate for young adults with significant ongoing health and disability needs, who do not qualify for adult services placements but who need continuing guidance and care with many aspects of daily life.

Both packages include the following core benefits:

- Continuation of the family's approval as foster parents.
- Supervision for the Staying Put carer, and support from a fostering advisor.
- Continued training for the Staying Put carer, to guide and support them in their new role. This training will include 'Adult Safeguarding' training.
- Access for the family to ISP's reflective practice groups and centre-based support events.
- A Life Skills Development programme for the young adult to progress their life skills within the placement.
- Access to a range of information and resources for the Staying Put carer and young adult through our I-SPACE website.
- Out-of-hours support and guidance.
- Ongoing review of the family safer caring plan and impact of any particular risks regarding the Staying Put young adult.
- The agency will arrange the young adult's DBS check.

Placement costs

The agency will provide placement costs to the local authority on application. These will include a professional fee for the Staying Put carer and an additional fee for the agency depending on the package required. There may be an element of fee negotiation involved to reflect individual needs and circumstances.

The Staying Put carer's fee will typically be lower than the full weekly allowance for fostering, due to the removal of allowances that no longer apply (e.g. pocket money, savings, clothing, recreation, personal care, telephone, fares). We aim to ensure that Staying Put carers are not financially disadvantaged by agreeing to a Staying Put arrangement.

The young adult will pay rent if they are in employment, at an agreed rate, or they will apply for the housing element of Universal Credit and elect to have this paid directly to their Staying Put carer, as is their right as a care leaver. These rent payments would be part of the agreed fee and not in addition.

There may be a requirement for the young adult to make an additional weekly financial contribution to the household, e.g. for food provided. This will be set out in the Living Together Agreement.

The Staying Put carer should seek financial advice regarding any implications of the arrangement for their income and tax liabilities.

Planning for a Staying Put arrangement

The young person's Care Plan, and the development of the Pathway Plan at 16 years, should address the potential for a young person to remain living with their foster family at 18 years, under a Staying Put arrangement, and suitable alternative options should this not be their chosen pathway.

A Staying Put arrangement will be agreed if it is considered to be in the young person's best interests, and both they and their foster family wish it to happen. The foster parent's supervising social worker will discuss with them what a Staying Put arrangement involves and share their thoughts and feelings with the young person's social worker. ISP will also share the young person's progress through the agency's Life Skills Development programme and advocate for any continuing support that the young person will need as they turn 18.

The process of discussing and agreeing a Staying Put arrangement must include discussions with the foster parent and young person about their respective roles and responsibilities, financial arrangements and support needs. The local authority and ISP must both be involved in these discussions, and agreements reached with regard to the roles and responsibilities of the local authority and ISP in the transition process and during the placement.

Transferring to a Staying Put arrangement

Young people who remain in an approved fostering household at 18 years will become adult members of that household and will require a valid Disclosure and Barring Service (DBS) check. The agency will ensure that this happens at the appropriate time when a Staying Put arrangement is agreed and the Staying Put carer remains approved as a foster parent by the agency.

The Staying Put carer will need to notify their local council of a change to their household composition if they have been a single adult in the household and in receipt of a 25% council tax reduction. The young adult's circumstances will be taken into consideration and if, for example, they are in full-time education, the household council tax bill will not change.

The young adult will need to apply for Universal Credit if they are entitled to receive this, and be supported to do so by their social worker/PA/foster parent/ISP, in accordance with agreed roles and responsibilities. Care leavers can apply for Universal Credit in advance of their 18th birthday, and should opt for the housing element of their claim to be paid directly to the Staying Put carer as landlord.

In order to make a claim for the housing element of Universal Credit, a Licence Agreement will need to be drawn up. This can be achieved by using either the local authority's documentation or the agency's.

The young adult may also continue to be able to claim education bursaries and Personal Independence (PIP) Payments to which they are entitled as a result of taking a qualifying course of education or on account of a disability.

Throughout the duration of the arrangement, the young adult will be financially independent and responsible for any debts they incur. Financial information and guidance must be provided, and this must cover:

- Bank accounts and overdrafts
- Credit agreements
- Direct debits
- Benefit sanctions

The Living Together Agreement (licence agreement)

The Living Together Agreement serves as the licence agreement, which sets out the legal terms of the living arrangement. The young adult will be an 'excluded occupier' and rent will be paid on a monthly basis. The arrangement can be ended with one month's notice.

A licence agreement is needed for the young adult's application for Universal Credit and this document should therefore be in place one month before the start of the Staying Put arrangement so that they can make an advance claim for financial support.

The monthly rent will be set according to the Local Housing Allowance (LHA). The local housing department can advise on the appropriate amount.

The Living Together Agreement sets out the roles and responsibilities of all parties involved in the Staying Put Arrangement: the young adult, their Staying Put carer, the agency and the local authority.

Roles and responsibilities cover the following issues:

- The development of life skills
- Responsible and safe behaviour
- General house rules
- Communication
- The notification of significant events
- Support and guidance for the young adult

- Support and guidance for the Staying Put carer
- Financial obligations
- Managing problems and complaints
- Ending the agreement

Reviewing the arrangement

The young adult's social worker or personal advisor will review their Pathway Plan and Staying Put arrangement at least six-monthly to ensure that their needs are being met. This review will involve the young adult, Staying Put carer and ISP.

Ending a Staying Put arrangement

The Staying Put arrangement will include any plans for the anticipated end date of the arrangement. Scheduled reviews of the arrangement will consider any changes to these plans. In addition, either the young adult or the Staying Put carer can bring the arrangement to an end earlier than planned, by giving one month's notice. This notice period is required by the terms of the licence agreement, and also provides time for the arrangement of suitable accommodation for the young adult to move to.

If a review of the arrangement concludes that it is no longer consistent with the young adult's welfare then the local authority may withdraw its support and recommend a planned move to an alternative living arrangement. If the young adult is not in agreement with this decision, they may seek the support of an advocacy service to challenge the decision and ensure their views have been considered.

Staying Put arrangements will end when the young adult reaches their 21st birthday, unless an agreement has been reached for it to continue while they complete an approved course of education or training. Extended arrangements can be made until the young adult is 25.

Annual Review process relating to Staying Put arrangements

a) Where foster children are living in the "Staying Put" arrangement

Where fostered children are living in the "Staying Put" arrangement/household the checks and requirements associated with fostering legislation will remain as a prerequisite and will therefore provide a framework for safeguarding and checking arrangements for the whole household. In these situations the carer must remain an approved foster carer and the Fostering Services (England) Regulations and Guidance 2011 will apply with the consequential requirements of supervision, review and safeguarding. Whilst the fostering legislation will primarily apply to the placements of the fostered children/children looked after, it does ensure a system of approval, checking and supervision is applied to the whole household.

The change in the foster parent's circumstances, including the looked after child becoming an adult member of the household, means that a review of the foster parent's approval should be undertaken before a staying put arrangement begins. This will provide the opportunity to discuss the impact of the staying put arrangement on the role of the foster parent and to think carefully through all the implications of the change in the legal status of the relationship with the young person. The need for any further training or additional support needs should also be discussed. The review should be carefully planned at a stage which enables discussion of all the relevant matters and also allows time for the decision maker to act upon its recommendations, including any changes to terms of approval.

- We will consider the timing of when the review is to be presented to panel. Legislation does not require ISP to present reviews to panel (other than within the first year of approval), but it is our policy to present on a four-yearly basis. We will be flexible as to how this is utilised with Staying Put arrangements, and can either bring forward or push back panel review presentations in order to reflect the Staying Put transition cases.
- We will endeavour to undertake the annual review (which will be presented to panel) as close to the Staying Put transition date as possible to reflect the change in this living arrangement. The annual review will note the young adult's status in the home and the foster parent's role and capacity in providing this arrangement to the young adult.
- There may be a change of approval required in respect of the foster parent's approval criteria and the review will reflect this.
- The young adult will be consulted as part of the review, as are all adult household members and children living under fostering arrangements.

b) Where no foster children are living in the "Staying Put" arrangement

The duties under the Fostering Regulations and the National Minimum Standards do not apply to Staying Put arrangements. It is not a requirement that the fostering service supervises these placements, or that the carer remains an approved foster parent.

That said, ISP will operate within this framework for these arrangements. Sometimes, Staying Put carers are not able to take another foster placement whilst the young person remains living with them, but wish to remain approved as foster carers in order to resume fostering in the future. If the fostering service agrees that it is appropriate to continue approval then it must meet the statutory requirements regardless of the fact that no child is placed. This includes regular visits by the supervising social worker, reviews of approval, provision of training, advice, information and support. It would not be common practice to place foster parents 'on hold' for the period that they were looking after the Staying Put young adult.

In circumstances where it is clear that the Staying Put carer will not be fostering any further children, it may be deemed appropriate to terminate their approval as a foster parent, and the discussions and planning stage will need to consider this. It may be more appropriate for the Staying Put arrangement to be managed directly by the local authority.