

# Staying Put Policy

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## 1. Introduction

This policy document provides guidance about the authorities Staying Put arrangements to staff, staying put carers, foster carers, young people and independent fostering agencies.

The document has been developed in consultation with key staff.

## 2. Context

The Children and Families Act 2014 places a statutory duty on local authorities to support care leavers who wish to stay with their former foster carers (staying put arrangements) until aged 21. This duty came into force on the 13 May 2014. This will allow young people to leave stable and secure homes when they are ready and able to make the transition to independence. It will also help them enter adult life with the same opportunities and life prospects as their peers.

Prior to this policy, Durham County Council had a '*Staying On Policy*'. This enabled young people who wished to remain with their foster carers post 18 years in a supported lodging arrangement. This former policy provided a good foundation to develop and build upon whilst taking into account the new statutory staying put requirements now placed upon the local authority. The 'Staying Put Policy' as detailed in this document, will enable foster carers to offer a staying put arrangement without having to undergo further assessment.

## 3. Staying Put

Staying put is about care leavers continuing to live with their foster carers when they reach the age of 18. This is an 'arrangement' whereby a young person, who when they became 18 was in law an 'eligible child' placed with a foster carer, continues to live with that person.

An eligible child is someone who:

- is looked after by the local authority;
- is aged 16 or 17, and;
- has been looked after for a total of at least 13 weeks since the age of 14.

If the young person meets this criteria they are eligible for support as a care leaver. Once they become 18 an eligible child is known as a 'former relevant child'.

When a young person continues to live with their former foster carer in these circumstances, it is referred to as a **staying put arrangement**. This arrangement can continue until the young person becomes 21, or stops living in the household before then.

The local authority has a duty to monitor and support staying put arrangements. The foster carer will not be required to go through an assessment or approval process to

become staying put carers because the arrangements are made between adults and are not regulated.

A young person who enters into a staying put arrangement is likely to view this as continuation of fostering and to refer to the person providing the care as their foster carer, in much the same way. Similarly, staying put carers will often view the arrangement as just an extension of fostering.

In law, staying put arrangements are not foster placements, as the young person is no longer a looked after child but an adult and the fostering regulations, statutory guidance and national standards no longer apply.

The local authority will be involved in **promoting** and **planning** staying put arrangements, which is a three-way partnership with the young person and the former foster carer. The decision to establish the arrangement should be made jointly by the young person and the foster carer. This is based on their commitment to each other and applies in the same way whether the foster carer is approved by the local authority or by an independent fostering agency.

Many foster carers continue to provide a home to a young person whom they have fostered, regarding previous foster children as members of their own families. The change in law moved this ad hoc arrangement to one which is legislated for until the age of 21, which the local authority must support.

#### 4. Aims of staying put

The individual aims of staying put arrangements will be specific to each young person concerned and should be made clear in their pathway plan and the written agreement covering the staying put arrangement. Staying put arrangements are designed to:

- Ensure that young people can experience a transition to adulthood similar to that of their peers, within a supportive family environment;
- Ensure that you people are not obliged to leave their former foster family before they feel ready to move into greater independence;
- Help care leavers to maximise opportunities for education, employment or training;
- Reduce the likelihood of periods of homelessness;
- Ensure that care leavers develop the necessary emotional and practical skills before they are required to live independently;
- Reduce the likelihood of social exclusion.

Staying put will usually be the best way to continue to support care leavers through the transition to adulthood, but it is not the only way to do so and will not be the choice which all care leavers wish to make. Other transitional arrangements will be preferred such as supported lodgings, a return home or other alternatives.

## **5. Principles of staying put**

Staying put arrangements will be most effective when following the principles as outlined below:

### **Family life**

Staying put arrangements should replicate as far as possible normal family life. Foster carers are required to care for any child placed with them as if they were a member of their family and this expectation should carry through into staying put arrangements. All families have differing rules and expectations and staying put arrangements should take account of this and be flexible to individual circumstances and needs.

### **Best interests**

The best interests of the young person should be at the heart of decision making about staying put enabling them to have the best opportunities to lead successful lives.

### **Support**

Support to carers and young people should be geared to their specific circumstances and needs. Carers should be enabled to develop skills required to best help the young person to do well in life and keep safe from harm. Young people should not lose out due to lack of financial support to themselves or their carer.

### **Clear information**

Foster carers and young people should be provided with clear information about the support available from the local authority and fostering services to help them to make choices about whether or not to enter into staying put arrangements. This will include information about financial arrangements and implications for benefits and tax.

### **Early planning**

Planning for staying put is important and should be considered as part of the care planning process from the time that a long term foster placement is planned. Decisions as to whether a staying put arrangement is an option should be taken as early as possible in the placement and written into the young person's pathway plan.

### **Equality of opportunity**

The local authority and fostering agencies should do everything possible to ensure that all foster carers have equal opportunities to become staying put carers. This includes family and friends foster carers and foster carers approved by independent fostering agencies. A young person should not miss the opportunity to participate in a staying put arrangement because the carer cannot afford to do so.

## **Flexibility**

Arrangements should be flexible to enable support to be provided over and above the minimum legal duty, recognising that the relationship between the carer and young person will not always end at 21 or when the staying put arrangements ceases.

## **6. Recruitment and retention of foster carers**

### **Assessing applicants**

The authority will ensure that prospective foster carers understand that young people may wish to enter into a staying put arrangement when they reach 18. The fostering service will ensure that they are appropriately prepared for the possibility. The preparation of young people for adulthood is an essential part of the role of foster carers working with children of all ages. The supervising social worker will ensure that this happens through the support and supervision they provide.

The fostering service will give carers clear information about how they can expect to be supported if they enter into a staying put arrangements and how this might impact on their continued fostering.

### **Becoming staying put carers only**

When foster carers plan to become staying put carers they will need to discuss with the fostering service whether or not they wish to remain approved as foster carers, either to continue with an existing placement or to take new placements. If carers decide that they no longer wish to foster they are free to submit their resignation in writing, in which case their approval automatically ends 28 days after this is received by the fostering service. This is an opportunity for the fostering service to acknowledge their contribution as foster carers, even though they may continue to support them as staying put carers.

### **Staying put carers in addition to fostering**

When staying put carers wish to remain approved as foster carers, the impact of the new arrangements will be considered by the fostering service. The young person who is staying put is now an adult, so the foster carer will be able to take another placement within any terms of their approval. This may not always be possible or appropriate due to lack of accommodation, the demands of the staying put arrangement or other factors.

A review of the foster carer's approval will be undertaken before a staying put arrangement begins. This will provide an opportunity to discuss the impact of the staying put arrangement on the role of foster carer. The need for any further training or additional support needs will also be discussed. The review will enable the discussion of all relevant matters and allow time for the fostering service's decision maker to act upon its recommendations, including any changes to terms of approval.

If the 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 return to 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, including an annual unannounced visit; reviews of approval; provision of training, advice, information and support; and support for continued professional development.

## **Disclosure and Barring (DBS) checks**

As the young person who is staying put is now classified as an adult member of the foster carer's household, an enhanced disclosure must be obtained from the Disclosure and Barring Service (DBS). This will be obtained before the young person becomes 18, so that it may be considered at the review of the foster carer's approval before the staying put arrangement begins. The foster carer must notify the fostering service of any circumstances which might make their household unsuitable to foster. This also includes criminal offences committed by the young person. Known issues which may impact on the continued approval of the foster carers should be covered in early discussion about staying put.

## **7. Planning staying put arrangements**

### **Early planning**

Preparation for the transition to adulthood and the development of life skills is a continuous process and something that takes place whilst a young person is growing up. As a child gets older their care plan should begin to consider their future beyond the time when they are looked after and this will be reflected in the permanence plan and placement plan.

When a long term placement is being considered, there should be discussion between the foster carer, the child's social worker and the supervising social worker regarding the possibility of it leading to a staying put arrangement

The authority will actively engage with and include independent fostering agencies in discussions about staying put.

A decision in principle about whether or not a staying put arrangement is possible should be made as early on as possible, although a young person should not be expected to decide whether they will want this until they are ready to do so. It is not always possible for foster carers to make commitments into the future, especially if circumstances might change.

Independent reviewing officers will ensure through the care planning process that looked after children are aware of the options and that their permanence plan sets out expectations for when the placement ends.

Staying put arrangement will not always arise out of long term foster placements. When young people ensure a foster placement at 16 or 17, it is important to consider through care planning processes whether a staying put arrangement is an option available to them and if so, whether their needs will best be met through such as arrangement when the foster placement ends.

## **Post-16 assessments and pathway plans**

The local authority has a duty to consider the possibility of staying put when undertaking the assessment of the young person's needs within three month of their 16<sup>th</sup> birthday. The assessment will consider whether it would be appropriate to provide advice, assistance and support with a view to facilitating and maintaining a staying put arrangement in the future. If this is assessed as appropriate and the young person and their foster carer wish to make a staying put arrangement when the foster placement ends, then the authority will ensure that advice, assistance and support is provided to facilitate this.

## **Making arrangements**

It is important that staying put arrangements are managed sensitively and that the young person and foster carer fully understand the nature of the proposed arrangement. Initial separate discussions with the young person and carer should take place to establish their own position. A meeting of key people should then take place involving the young person, their social worker and personal advisor, foster carer, their supervising social worker, people with parental responsibility, the IRO (if appropriate) and any advocate involved.

If a staying put arrangement is considered to be the most appropriate for the young person and the foster carer then this should be written into the pathway plan. When a staying put arrangement does not go ahead, the reasons for this should be made clear and recorded in the pathway plan and the placement plan so both the young person and foster carer understand as to why certain decisions have been made.

Young people who are subject of a special guardianship order (SGO) also qualify for advice and assistance from the age of 16 until they are 21 if they were looked after immediately prior to the SGO being made. The local authority will pay a special guardianship allowance in respect of a young person over 18 until they complete a course of full time education or training only in extenuating circumstances. When foster carers are considering applying for an SGO the young person will not qualify for support under staying put.

## **8. Not supporting staying put**

If a staying put arrangement is not consistent with the young person's welfare the local authority will not support it. Careful consideration will be given to any proposal not to support the facilitation or maintenance of a staying put arrangement and the reasons should be recorded and made clear to all parties concerned. If staying put is not consistent with the welfare of the young person, this will most likely be because something very significant has changed since the arrangement began. When the



young person does not have the ability to understand what is happening and to agree to the arrangement, adult social care services may need to make alternative arrangements.

## 9. Written agreements

Before a staying put arrangements starts, a **'living together agreement'** will be drawn up and agreed between the carer, the young person and their social worker or personal advisor. The foster carer's supervising social worker should also contribute to this process. The agreement should outline:

- The ground rules of the household;
- Other matters which the parties feel are important;
- Individual responsibilities.
- Standards of behaviour in order to comply with fostering regulations, particularly if the carer continues to be a foster carer for other young people within the household e.g. not smoking in the household, dressing appropriately, agreeing to a DBS check and the number of nights which the young person can be absent from home before they lose housing benefit or the carer's financial support from the local authority is affected;

The degree of detail which is required will depend on the nature of the existing relationship and how much this might change. The approach to drawing up a written agreement should be sensitive to the feelings of those involved and proportionate to their particular circumstances. The purpose of the written agreement should be to clarify where necessary the arrangements – young people should already know the family's ground rules and expectations.

Please refer to appendix 1 of this policy for a 'living together agreement' template.

## 10. Roles of those involved

Individuals need to be clear about their roles in supporting a staying put arrangement.

### Staying put carer

- To provide a home for the young person;
- To provide day to day support and guidance;
- Ensure that the young person acquires the skills necessary for independent living and knows where to go for help if necessary;
- To assist the young person to develop the emotional capacity and self-confidence to manage through adulthood;
- Participate in reviews of the pathway plan.

## Personal adviser

- To provide advice and support to the young person, in accordance with regulation 8 of the Care Leaver Regulations 2010;
- To monitor the arrangement through a regular review of the pathway plan;
- To keep in touch with the staying put carer and provide advice and support as required;
- To coordinate provision of services to support the young person, providing advice and support regarding the range of benefits that the young person is eligible for;
- To be aware of the young person's progress and wellbeing.

## Supervising social worker from the fostering service

- If the carers are also foster carers, to provide advice and support to the staying put carer;
- If carers are also foster carers, consider the impact of this on fostering, address this through supervision and contribute to the review of their approval as foster carers;
- To participate in reviews of pathway plans when the carer is also a foster carer and to respond to the learning and development needs of the carer.

## 11. Ending an arrangement

The young person or the foster carer is able to bring the arrangement to an end before the young person reaches 21. If the local authority regards the arrangement as not consistent with the young person's welfare the authority may withdraw support, but it does not have the legal power to bring the arrangement to an end.

Arrangements should end by a three-way agreement, involving the young person, carer and the personal advisor. The personal advisor will also have a key role in helping to plan a move to an alternative living arrangement.

The staying put carer and young people should understand the circumstances in which either might want to consider ending an arrangement and the implications for both parties should this occur. The young person or carers are required to give 28 days' notice if they wish to end the arrangement. This is covered in the 'living together agreement'.

## 12. Supporting young people

### Meeting needs

All young people in staying put arrangements have their individual support needs and these should be outlined in their pathway plan and in more detail in the living together agreement. The carer will usually be the major source of day to day support, however wider support networks including the personal adviser is valued.

Arrangements are likely to go well if the young person is treated as part of the family, in the same way as the carers' own children. Other important factors are:

- Being listened to regarding their thoughts and wishes;
- Keeping lines of communication open and letting thoughts and feelings be known;
- Asking for help when needed;
- Receiving emotional support from the carers, with the carer in turn being properly supported;
- Keeping mutual respect for each other including each other's belongings, space and privacy;
- Being given increased responsibility;
- Carers receiving training to teach young people independent living skills e.g. budgeting, cooking and managing bills;
- Regular meetings between the young person, their personal adviser and the carer to talk about what is going well or not so well and any extra support needs;
- A personal advisor who understands staying put;
- A personal advisor who understands the benefits system.

## Planning

Support should be planned in a way which helps the young person to become gradually more self-sufficient over time. The staying put arrangement is intended to help prevent young people who leave care at or before 18 from experiencing a 'cliff edge' whereby the support they need drops off dramatically. Planning will ensure that this does not occur when staying put comes to an end at 21 or earlier.

## Learning

The staying put arrangement provides young people with an opportunity to learn from their experiences in a safe environment. A young person may wish to move out into a bedsit or lodgings and may find living alone harder than expected. It is appropriate in such circumstances for the staying put carer to continue to give support and to take the young person back into their household should the new arrangements not work, as any parent would. The authority will continue to support the staying put carers for an agreed period. Should the young person move back to live with their former foster carer the arrangements will continue to be properly supported in accordance with the authority's duties towards care leavers.

## 13. Supporting staying put carers

### Advice and guidance

When staying put carers are also foster carers they will continue to receive supervision and support from their supervising social worker, who will take account of the fact that the household includes a young person for who they are staying put carers. When there is a young person in a staying put arrangement and a

child/young person in foster care in the same household, the supervising social worker will be the person who takes the lead in supporting the carer in both roles. This approach will provide continuity for the carer as well as for the young person and will ensure that the carer receives support in their work as a whole.

When there is only a young person in a staying put arrangement in the household (no children/young people in foster care), the Supported Lodging Team will support the carer.

When a young person moves into a staying put arrangement with an independent fostering agency, the agency will be responsible for providing support to the carer.

## Financial support

Staying put carers will receive financial support from the authority. The allowance will cover all reasonable costs of supporting the care leaver to remain living with the carer.

The weekly allowance payable to staying put carers / providers from the authority is identified in table 1.

Table 1: Staying put allowance

Type of provision	Weekly Allowance (£)	Rationale
Local authority foster carer	201.50	This is based on a supported lodging fee.
Independent fostering agency (framework)	340.00	This is based on the agreed fee as identified in the regional contract arrangements. The independent provider will determine the amount paid to the carer and the amount retained for staffing costs by the provider.
Independent fostering agency (off framework)	To be agreed on a case-by-case basis	This is based on the agreed fee at the point at which the arrangement is agreed. The independent provider will determine the amount paid to the carer and the amount retained for staffing costs by the provider. It is anticipated that this will be in line with the on-contract allowance.

The young person is expected to make a contribution to the staying put arrangement. This should be paid directly to the staying put carer. The amount will

be agreed between the young person, the carer, social worker and personal advisor before the arrangement starts and will be recorded in the 'living together agreement'. This will not affect the allowance paid to the carer.

The young person's contribution will cover food costs and heating and will depend on whether they are receiving bed and breakfast, half board or full board.

The personal advisor will provide guidance and support to the young person and the carer in relation to benefits that the young person is able to claim in their own right, such as housing benefit and income support. The personal advisor will also identify where the carer can receive advice about benefit entitlement and tax liabilities.

Financial arrangements to support the staying put carer will be confirmed in writing so that all parties are clear what has been agreed. Depending on the circumstances this may be a direct agreement between the local authority and the carer, or a three-way agreement involving the independent fostering agency.

If a carer(s) state that the Staying Put fee paid to them to maintain this arrangement has resulted in financial hardship, Durham County Council is able to undertake a financial assessment of the carer's financial circumstances to determine if the fee should be increased. The carer(s) must agree to a financial assessment taking place and provide all information required to enable a full assessment to be undertaken.

## **Learning and development**

The fostering service will prepare and support young people to make the transition to independence as well as practical arrangements for staying put. Foster carer who is caring for young people approaching adulthood will receive appropriate training and support.

The supervising social worker will ensure that any learning and development needs are reflected in the foster carer's personal development plan and training and development record and are considered in review of their approval as foster carers. The learning and development needs of the carers should be kept under review when they become staying put carers. Many staying put carers will retain their approval as foster carers, in which case the impact of a staying put arrangement on their fostering activity and their learning and development needs will be regularly reviewed under fostering regulations.

## **14. Monitoring arrangements**

The authority has a legal duty to monitor all staying put arrangements. The pathway plan will provide a framework for monitoring which will take place at least every 6 months, involving the young person, the carer, personal advisor. If the staying put carer is also a foster carer, the foster child's social worker will also attend meetings.

## 15. Challenging local authority decisions

If a looked after child feels that the authority has failed to provide appropriate support towards facilitating and maintaining a staying put arrangement, they should speak to their independent reviewing officer to request a review of their pathway plan. The young person also has a right to make a complaint and to contact an independent advocate. The young person's social worker will provide details of the authority's independent advocacy service.

A young person living in a staying put arrangement is also entitled to make a representation or complaint to the authority about the provision of support. This should be investigated under the children's services complaints procedure.

Foster carers wishing to make a complaint to the authority relating to fostering will be investigated under the children's services complaints procedure. A complaint by a staying put carer, or by a foster carer but related to their role as staying put carer, will be considered under the authority's general complaints procedure as it falls outside the scope of the children's services procedure.

# Living Together Agreement

Date agreed:	Arrangement to start on:
<p>This agreement is made between.....(young person) and                  ..... (Staying Put carer).</p> <p>It allows you to stay at .....                  ..... (household address)</p> <p>and sets out what will be expected of you and what you can expect.</p> <p>The full cost of this arrangement will be £..... per week.                  ..... (young person) income will be £.....per week.</p> <p>Housing benefit is £.....per week.</p> <p>Children’s Social Care will pay £.....per week.</p> <p>The staying put allowance paid to the carer will be £.....per week.</p> <p>After assessment by Children’s Social Care .....’. (young person) contribution will be £..... per week.</p> <p>Your contribution will be reviewed on a regular basis. Please keep all wage slips as these are needed to assess your contribution. Any increase or decrease in wages needs to be brought to the attention of your Personal Advisor, .....                  ..... (name).</p>	
<p><b>Ending the arrangement:</b></p> <p>If you want to move out of ..... (address), you must let your carer and Personal Advisor know at least 4 weeks before you want to move. The carer can also end the ‘Staying Put’ Arrangement at any time by giving 4 weeks’ notice.</p>	
<p><b>Conditions and Expectations:</b></p> <p>..... (young person) agrees that the conditions of</p>	

him/her 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 she must do.
- S/he agrees to do all the things that are set out in the expectations.

Things you must do:

- You must use the support which your pathway plan says you need.
- If at any time the 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 or damage to your own furniture or belongings.
- You must let the 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 share the house.
- You must NOT invite anyone else to share your room. Overnight visitors must be agreed beforehand with your carer.
- You must not use or keep illegal substances in the property.

The carer can end the “Staying Put” Agreement at any time by giving 4 weeks’ notice and will do so if either:

- You stop paying your rent.
- You do not stick to the above expectations.

Additional conditions / expectations requested by the young person / carer are outlined below:

Signed: ..... (young person)      Date: .....

By this agreement ..... (carer) permits .....  
..... (young person) to occupy the above accommodation.

Signed: ..... (carer)      Date: .....