

# **Fostering Stability: Sheffield's Staying Put Caring Policy for Care Leavers**

**Children and Families Service**

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<b>Title</b>	<b>Fostering Stability: Sheffield's Staying Put Caring Policy for Care Leavers</b>
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## Introduction

Our aspiration for the children and young people living and growing up within our care is that they each grow to realise their full potential, dreams and ambitions. We know that the average age for young adults leaving home continues to increase year on year and we encourage our children and young people moving from being children in care to care leavers to remain connected to families and foster carers for ongoing support.

To this end we want to promote the 'Staying Put Caring' opportunity for young adults to 'stay put' with former foster carers at the point they become eighteen years old and until they are 21 and this policy and framework below is set to encourage and facilitate this. For young people, their carers and social workers making decisions about the future will always require individual planning and consideration. Our commitment is to ensure that where it is possible, and assessed as the right thing for the young people, we provide the means by which they can continue to live within their former foster family based on ongoing needs and desire rather than limited through rules of age.

## 1. Legal Framework

This policy should be read in conjunction with:

- The Children Act 1989 Guidance and Regulations Volume 3 (Revised Jan 2015): Planning transition to adulthood for care leavers.
- Staying Put: Arrangements for care leavers aged 18 and above to stay on with their former foster carers, which is joint guidance produced by the Department for Education (DfE), Department for Work and Pensions (DWP), and Her Majesty's Revenue and Customs (HMRC). This provides more detail relating to many of the financial aspects of Staying Put Caring arrangements.
- Staying Put – Good practice guide (the Children's Partnership, 2014)

## 2. What is a Staying Put Caring Arrangement?

2.1 The Care Matters White Paper 2007 contained a significant focus on improving the support for children preparing for adulthood including a pilot programme enabling young people to remain with their foster carers beyond the age of eighteen and up to 21. This was introduced as formal guidance in May 2013 in order to emphasise a more graduated approach to planning transition to adulthood. The intention of the initiative was to ensure young people could remain with their former foster carers until they were prepared for adulthood, could experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown. Initially, the duty was restricted to young people already in education, training and employment or to those who were assessed as vulnerable or disabled. Revisions to the law have removed any qualifying criteria beyond the requirement that a young person will have lived with a foster carer as a looked after child immediately before reaching 18 and was an "eligible child" entitled to leaving care services under the Children (Leaving Care) Act 2000. Our policy has recognised these changes and in addition provides a fair and equal level of funding to carers regardless of their status as either in-house or independent.

2.2 Staying Put Caring 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 Caring arrangements. Families all have different rules, expectations and ways of doing things, and Staying Put Caring arrangements should take account of this and be sufficiently flexible to be tailored to individual circumstances and needs.

2.3 An eligible child is someone who:

- is looked after by a 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

It is a term meaning that they are eligible for support as a care leaver, and does not refer specifically to Staying Put support.

2.4 Once they become 18 an eligible child is known in law as a 'former relevant child'. Whenever a young person continues to live with their former foster carer in these circumstances, it is referred to as a Staying Put Caring arrangement. Staying Put Caring arrangements continue until the young person becomes 21, or stops living in the household before then, or when the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday, if continuously living in the arrangement since their eighteenth birthday.

2.5 Local authorities have a duty to monitor and support Staying Put Caring arrangements, and these are reflected throughout this policy.

2.6 Local authorities have significant statutory obligations to support care leavers whether or not they participate in Staying Put, and these are explained in the Children Act 1989 statutory guidance Children (Leaving Care) Act 2000 and Children and Social Work Act 2017 already referred to.

### **3. Guiding Principles**

3.1 Staying Put Caring arrangements will be most effective if they are underpinned by clear principles. This practice guidance is based on the principles listed below which are underpinned by our commitment within Sheffield City Council to support our care leavers achieve the best possible outcomes they can.

#### *3.2 Best interests*

The best interests of the young person should be at the heart of decision making about Staying Put Caring, enabling them to have the best possible opportunities to lead successful lives. Research informs us that a young person in a stable home environment is more likely to achieve well in employment, education and training. An increase in the number of Staying Put Caring arrangements will reduce the number of young people not in employment, training and education and closes the gap between our young people and those in the wider community who tend to leave home when it is right for them to do so, rather than at a set age.

#### *3.3 Support*

Support to both foster carers and young people should be geared to their specific circumstances and needs. Carers should be enabled to develop the skills required to best help the young person to do well in life and keep safe from harm. Ideally, no young person should lose out due to lack of financial support to themselves or their carer so every effort will be made to find solutions to

financial barriers.

### *3.4 Clear information*

Foster carers and young people should be provided with clear information about the support available from local authorities and fostering providers to help them to make choices about whether or not to become a Staying Put Caring r. This will always include information about financial arrangements and implications for benefits and tax for the carer.

### *3.5 Early planning*

Early planning for Staying Put Caring is crucial and arrangements should be considered as part of the care and permanence planning process, from the time that a long term placement is planned or any new placement is made of a young person aged 16+. Decisions in principle about whether or not Staying Put is an option should be taken as early as possible in the placement, and written into the young person's pathway plan.

If a foster placement is considered permanent or long term, carers and young people should be informed that Staying Put Caring is an expectation at the time that a decision regarding permanence is made.

Discussion regarding the foster placement changing to a Staying Put Caring arrangement when the young person reaches the age of 18 years should be included at all statutory review meetings for young people aged 15 and above. This will ensure that arrangements are in place well before the young person's 18<sup>th</sup> birthday. This will ensure a smooth transition for the young person and mirror 'normal family life' as far as this is possible.

### *3.6 Equality of opportunity*

In order to maximise the opportunity for young people to participate in Staying Put Caring , fostering services – both local authority and independent agencies - should do everything possible to ensure that all foster carers have an equal opportunity to become Staying Put Caring rs. This includes family and friends foster carers and foster carers approved by independent fostering providers. A young person's immigration or asylum status does not affect their entitlement to enter into a Staying Put Caring arrangement but may affect the duration. A Staying Put Caring arrangement should be the norm, not the exception, and services should work with carers to ensure that obstacles to a young person staying put are overcome.

### *3.7 Flexibility*

Arrangements should be sufficiently flexible to enable support to be provided over and above the minimum legal duty. The Staying Put Caring arrangements will end at the 21<sup>st</sup> birthday or when the arrangement ends by either part prior to this date. Care leavers have the right to advice, support and guidance from a Personal Advisor up to the age of 25.

## **4. Criteria for Staying Put Caring arrangements**

4.1 If on the day before their 18th birthday the young person was a looked after child placed with a foster carer, and had been looked after for at least 13 weeks since the age of 14, then by continuing to live with their former foster carer this constitutes a Staying Put Caring arrangement. This applies whether the foster placement was long term or short term, and includes placements

made at any time up to the young person's 18th birthday.

4.2 We have a general duty to do all we can to support care leavers into further and higher education, training or employment, but these are not preconditions for starting or maintaining a Staying Put Caring arrangement. The legislation does not permit local authorities to introduce their own eligibility rules.

4.3 There is no reason to put foster carers through any sort of assessment or approval process to become Staying Put Carers because the arrangements are made between adults and are not regulated.

#### *4.4 Arrangements for young people with Learning Difficulties/Disabilities*

Young people who have an enduring disability which is likely to have an impact on their ability to live independently, should be referred to the Children with Disabilities Team for joint assessment in respect of continuing support needs i.e. from Adult Services. If following assessment the disability meets the Fair Access to Care criteria, the former foster placement should convert to an Adult Services placement known as Shared Lives once the young person becomes 18. Where the young person is in education then children's services will continue to fund at the fostering rate in place during that period until 31<sup>st</sup> July of the academic year of the young person's birthday. The placement will be recorded as a staying put/ shared lives and responsibility for payment will be transferred to adults' service from the 1 August that year. This ensures equity for all children in education until the end of that academic period regardless of date of birth. If the young person is not in education then the transfer point to adults will be on their 18<sup>th</sup> birthday. A Shared Lives assessment will need to take place through Adult Services as the placement will be regulated. Even where cases are led by a social worker from Adult Services, young people are able to access support from a Personal Advisor from the Leaving Care Service.

## **5. Implications for foster carers**

5.1 Both Sheffield Local Authority's fostering and Independent fostering services need to ensure that their carers are given clear information about how they can expect to be supported if they enter into a Staying Put Caring arrangement, and how this may impact on their continued fostering.

#### *5.2 Becoming Staying Put Carers Only*

When a foster carer plans to become a Staying Put Carer they will need to discuss with the fostering service whether or not they wish to continue to be approved as foster carers, either to continue with an existing placement or to take new placements. If they decide that they no longer wish to foster they should submit their resignation in writing to the fostering service. This is an opportunity for the fostering service to acknowledge and celebrate their contribution as foster carers

#### *5.3 Becoming Staying Put Carer in addition to fostering*

When foster carers wish to continue as both approved foster carer and Staying Put Caring r, the impact of the new arrangements will need to be considered. The young person who is Staying Put will no longer be considered as a foster child in placement once they reach 18, 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 Caring

arrangement, or other factors.

5.3.1 The change in the foster carer's circumstances, including the child in care becoming an adult member of the household, means that a review of the foster carer's approval should be undertaken before a Staying Put Caring arrangement begins. This will provide the opportunity to discuss the impact of the Staying Put Caring arrangement on the role of the foster carer and to think carefully through all the implications of the change in the legal status of the relationship with the young person. The local authority will discuss with the foster carer their needs for any further training or additional support needs. The review should be carefully planned at a stage which enables discussion of all the relevant matters and also allows time for the fostering service's decision maker to consider its recommendations, including any changes to terms of approval.

5.3.2 Sometimes Staying Put Carers are not able to take another foster placement whilst the former fostered 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 continue to 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 continuing professional development.

#### 5.4 *DBS checks on young people*

5.4.1 Since the young person who is Staying Put becomes an adult member of the foster carer's household, to comply with fostering regulations an enhanced disclosure must be obtained from the Disclosure and Barring Service (DBS). This shouldn't reveal anything of surprise to the fostering service or the carer, but may need handling sensitively, particularly with the young person themselves. It is appropriate to obtain the enhanced disclosure 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 Caring arrangement begins. The cost of the DBS check will be met by the local authority.

5.4.2 There is no requirement to seek further DBS disclosures; however fostering services have a policy of updating checks at regular intervals through the DBS update service. If this is the case the young person will need to agree to this if their Staying Put Caring r remains a foster carer. The foster carer will also be bound by their foster care agreement to notify the fostering service of any circumstances which might make their household unsuitable to foster and this might include criminal offences committed by the young person who is Staying Put.

5.4.3 Known issues which may impact on the continued approval of the foster carer should be included in early discussions about Staying Put Caring, as these will be crucial to the ability of the foster carer and the fostering service to make an informed decision.

#### **5.5. House in Multiple Occupation**

A House in Multiple Occupation (or HMO) is "a property rented out by at least 3 people who are not from 1 'household' (e.g. a family) but share facilities like the bathroom and kitchen" see [www.gov.uk/house-in-multiple-occupation-licence](http://www.gov.uk/house-in-multiple-occupation-licence) Carers may need to consider the possibility that their house may become a House in Multiple Occupation as the status of the young person changes. Information in relation to this can be sought from the Staying Put Coordinator or housing department.

## **6. Preparation for a Staying Put Caring arrangement**

6.1 To ensure sufficient time is available to make the necessary planning arrangements for extending a placement beyond a young person's 18th birthday, a professionals meeting should take place three months before a young person's 16th birthday or 3 months after a young person becomes Looked After if this is after they are 16. The Staying Put Caring meeting and assessment should include the foster carer/s, the foster carer's supervising social worker, allocated social worker and leaving care personal adviser and should establish the young person's wishes regarding staying put, viability, appropriateness and likelihood of a Staying Put Caring arrangement occurring. The meeting should identify all key tasks and roles and responsibilities related to extending the former fostering arrangement. The meeting should explore the impact on the foster carers' financial circumstances should the placement continue after the young person's 18th birthday.

6.1.2 The Staying Put professionals meeting should be repeated when the young person reaches the age of 17 and should ensure any final arrangements and requirements are in place by the young person's 18th birthday. A *review* meeting should be held 3 months before a young person reaches the age of 18 years to ensure that all requirements for the Staying Put Caring arrangement are in place.

6.1.3 All meetings should make reference to the criteria and financial framework for extending the Staying Put Caring arrangement and the National Insurance, Income Tax and Welfare Benefits issues for the foster carer/s and welfare benefit issues for the young person. The outcome of these meetings should be discussed at the subsequent statutory reviews.

## **6.2 Foster carer**

6.2.1 A meeting to discuss the option of becoming a Staying Put Caring r should be arranged with the foster carer when their foster child has reached their 16th birthday. At this meeting the process and financial support available should be explained to the foster carer. The expectation is that young people can remain with the foster carer up to their 21st birthday and that the foster carer is preparing the young person fully for independence and that they are supporting the young person in employment, education or training. This will be included in the care/pathway plan and from part of the living together agreement.

6.2.2 The carer should be fully informed of the implications of agreeing to a Staying Put Caring arrangement and identify the differences between caring for a child and supporting an adult. Although there is an expectation of a seamless transition and the maintenance of existing rules and household/family norms carers should be encouraged to consider how they will react to impending adulthood and the young person's expectation of greater independence

6.2.3 If the foster carer does not wish to sign up to the Staying Put Caring arrangement then the foster carers' supervising social worker will inform the young person's social worker or personal adviser. A needs-led assessment will be carried out and formulated into a plan which will be drawn up in order to prepare the young person to acquire their independent living skills and included in the Pathway Plan. The move on options would be discussed and included in the Pathway Plan.

6.2.4 If a foster carer decides not to enter into a Staying Put Caring arrangement, The reasons describing why a foster carer has chosen not to sign up to a Staying Put Caring arrangement need to be clearly recorded on both the child's file and the foster carer record by each respective worker

## **6.3 Young Person**

6.3.1 A meeting to discuss the option of Staying Put should be arranged with the young person

when they reach their 16th birthday by their social worker or personal adviser. At this meeting the changes, financial implications and process should be explained to them. The expectation is that young people can remain with the foster carer up to their 21st birthday. Following this meeting, young people need to be given the opportunity to think about the options that may be available for them and to consult with other professionals or family members should they wish to do so. They should be provided with written information and where possible linked with other young people who have benefitted from a Staying Put Caring arrangement who will be able to discuss on a peer to peer basis the pros and cons of the arrangement from the young person's perspective.

6.3.2 If the young person does/does not wish to sign up to the Staying Put Caring arrangement then the young person's social worker or personal adviser or transitions worker will inform the foster carer if they were not part of that joint discussion

6.3.3 An assessment will be carried out and formulated into a plan which will be drawn up, in order to prepare the young person to acquire their independent living skills, and included in the young person's Pathway Plan.

6.3.4 Young people who say they do not want to remain in a Staying Put Caring arrangement should have the opportunity to revisit this decision at any time, and as many times as they need to, before their 18<sup>th</sup> birthday in discussion with the foster carer. Even where a young person may initially say they do not want to remain in a Staying Put Caring arrangement, discussions need to be had with the young person's carers to ensure that if the young person changes their mind, arrangements are already in hand to ensure the smoothest transition possible for when the young person reaches the age of 18 years.

## **7. Extending Placements**

7.1 There are circumstances where placements can be extended beyond a young person's 18<sup>th</sup> birthday without becoming Staying Put Caring arrangements. It may be that alternative accommodation is not available as planned, requiring a brief extension. The financial terms and conditions of the extension will remain unchanged. Extensions should only be approved on a month by month basis. Payments to the young person and the carer/fostering agency should be maintained at the existing rates. A written agreement to this effect must be recorded and approved by the relevant service manager and authorised by an Assistant Director for Children and Families.

7.2 If a young person will be completing a course of education that ends the academic year following their 18<sup>th</sup> birthday, regardless of whether a decision has been made that a Staying Put Caring arrangement will be in place thereafter, payments to the young person and the carer should be maintained at the existing rates until the end of the academic year on the 31st July. The placement will be recorded as a Staying Put Caring arrangement from their 18<sup>th</sup> birthday, as they will no longer be a child looked after. A written agreement to this effect must be on file and approved by the service manager and authorised by an Assistant Director for Children and Families by the time of the 1<sup>st</sup> review following a young person's 17<sup>th</sup> birthday.

## **8. Professional Roles**

8.1 All Staying Put Caring arrangements will be supported and overseen by a personal advisor. Arrangements, and additionally supported where required, by a nominated Staying Put Coordinator in the Leaving Care Service. In situations when the household continues to foster, a supervising social worker will remain allocated and should support the carer in their combined role as Staying

Put Caring r and foster carer.

## 8.2 *Preparation for Staying Put Caring – Supervising social worker*

8.2.1 The fostering social worker will support and advise the foster carer up until the beginning of the Staying Put Caring arrangement throughout the Staying Put Caring process.

## 8.3 *Personal Advisor*

8.3.1 The personal advisor will support the young person throughout the Staying Put Caring process in keeping with leaving care legislation and guidance. They will assist the young person in applying for benefits or any other finance for which the young person is entitled to claim.

## 8.4 *Staying Put Caring Coordinator within the leaving care service*

8.4.1 The Staying Put Caring Coordinator will be the first point of contact when considering Staying Put Caring arrangements and in conjunction with a young person's Personal Advisor they will provide:

- Information to young people and foster carers about how Staying Put Caring works in Sheffield
- The detail regarding payments to former foster carers and the young person's contribution
- Advice, support and information. This may include advice about money, jobs, benefits, and employment, training and housing options
- Support with benefit applications
- The link between Children and Young People's Services and other agencies, such as The Department for Works and Pensions and Independent Fostering Agencies
- To lead on the development of the Staying Put Caring arrangements, including consultation with interested parties
- Data regarding the use of Staying Put Caring arrangements

## 8.5 *The Placement Team*

8.5.1 The Placement Team will ensure that a copy of this policy is made available to independent Fostering Agencies (IFA) at the time a foster placement is commissioned. There should be an explicit expectation that an IFA accepts the terms of this policy. The placement team also ensure that the Local Authority arrangements for payments to a Staying Put Caring r are made.

## **9. Financial Issues**

### **9.1 *Funding***

9.1.1 The funding of the Staying Put Caring arrangement is derived from a number of sources: the young person's contribution; (including potential housing benefit/ universal credit, other benefits or personal allowance) and the local authority element. The authority will reduce any payment by the amount the young person is expected to contribute which is a maximum £20 where the young person is able to claim housing benefit to cover the accommodation costs see 9.1.4 below.

9.1.2 Where applicable the young person will apply for the maximum housing benefit/universal credit for which they are entitled.

9.1.3 The young person is expected to make a financial contribution from their personal benefit allowance towards the cost of food and utilities. This is currently set at a maximum of £20.00 per week; however the actual amount will be agreed between young person and the provider in advance of the Staying Put Caring arrangement starting, incorporated into the Living Together Agreement and reviewed either when circumstances change or at the pathway plan review.

9.1.4 Where a young person is working, they will be expected to contribute towards the household and their upkeep and in addition to the initial £20.00, the young person should be contributing an agreed %, up to a maximum of 20% of their net earnings towards the household costs (this needs to be agreed between the carer and young person – with the support of the personal adviser and the Staying Put Caring Coordinator. The percentage agreed will need to avoid causing any unnecessary hardship to the young person and will be set at a low rate where required to achieve this. These amounts should be reviewed annually by the young person, carer and personnel advisor and earlier if there are significant changes and should not be at a level that prevents the young person from saving. This is to be paid by the young person directly to the carer. This will be laid out in the Living Together Agreement.

9.1.5 The Staying Put Caring payment may cover: accommodation, support, utilities, food and associated costs. Pocket money and clothing will be now covered by any benefit, earnings or personal allowance the young person receives.

9.1.6 The element of payment for the Staying Put Caring arrangement from the local authority will be set at the equivalent of fostering core allowance plus the skill level payment in place at the point of the young person's 18<sup>th</sup> Birthday, less the young person's contribution. The skill element will remain fixed throughout the period of Staying Put Care . The core element will be increased in line with the annual government guidance payment for those children/ young people aged 18. This will ensure that the carer receives the same financial package in the new arrangement as previously although funding sources may be different. The agreement to maintain a former foster child through Staying Put Caring will mean that payments for any other foster children in placements will remain the same. e.g. if a carer has 2 or more foster children receiving skill rates for 1 child and then a reduced rate for subsequent children the Staying Put Caring arrangement will not change the skill rate for the second or subsequent children.

9.1.7 All young people are required to claim housing benefit. In situations where young people are working part-time, and do not claim a means tested personal benefit they will still need to claim housing benefit/ universal credit. Earnings over a certain threshold (set by the DWP) will result in a tapered reduction of housing benefit/ universal credit. In these circumstances the element of contribution by the young adult living in the household will vary in amount to restore the contribution to the full equivalent amount of full benefit entitlement. E.g. if housing benefit/ universal credit was initially set for £70 and then reduced to £40 due to income changes it would be the responsibility of the young person to pay the £30 difference to ensure no detriment to the carer.

9.1.8 Where the carers are already in receipt of means tested benefits and that income is reduced should a young person claim housing benefit /universal credit, Sheffield children's services will become responsible for paying the equivalent amount based on the Local Housing Allowance rate.

9.1.9 The Personal Advisor will help young people complete housing benefit/universal credit applications. This will be laid out in the Living Together Agreement. If a young person does not claim benefits they are entitled to or pay their contribution, they will be in breach of their Living Together Agreement. The Coordinator will meet with the carer and young person to find a

resolution to the situation.

9.1.10 When housing benefit/universal credit or the young person's contribution is not made available to the carers a meeting will be called as soon as practical to review the Living Together Agreement. Sheffield children's services will compensate for a young person's failure to pay their contribution or claim housing benefit/universal credit for a period of one month from the start date of the arrangement. Thereafter the carer should decide a decision will be made as to whether the placement is still practicable and whether they wish to continue providing the accommodation. It is important that the carer notifies the personnel advisor and Staying Put Caring Coordinator of the failure to pay immediately if this occurs in order that appropriate consultation and liaison can occur to prevent elongated periods without the young person making payments.

9.1.11 Housing benefit/universal credit is now determined by Local Housing Allowance or Local Reference Rates based upon the area in which the applicant lives and may change each month. However, these rates are fixed in the month of application until the end of the financial year. Up to date Housing benefit levels are published each month on the area LHA website: <https://www.gov.uk/>

9.1.12 The young person's housing benefit/universal credit application should be made by the young person with support from their Personal Advisor. To ensure that there is a smooth process the application should be made at least 4 weeks prior to the young person's 18th Birthday.

9.1.13 Carers receiving a Staying Put Caring payment have a duty to inform the Local Authority of any significant changes in circumstances e.g. another person moving into the home.

## 9.2 *Young People at University*

9.2.1 Young people at university are not normally able to claim housing benefit/universal credit but can apply for student finance, out of which they are expected to pay the rent element of the Staying Put Caring arrangement if they are living with their former foster carer while studying. Any contribution from Sheffield children's services should be in keeping with the finance policy.

9.2.2 If a young person is at university and living away from home during term time, a Staying Put Caring arrangement can still be made to ensure that they can return home for the university holidays and weekends. The local authority will pay the Staying Put Caring rate for the times the young person is at home, and will agree a financial arrangement with the carer, if it is necessary, to ensure the placement is kept open and available for use by the young person. This decision will be made at the discretion of the Assistant Director for Provider Services and will be made in the best interests of the young person.

## **10. Independent Fostering Agency (IFA)**

10.1 Young people placed in Independent Fostering Agency placements will be considered against the same criteria as Sheffield local authority foster carer placements. The local authority will ensure that the process as detailed in sections 4 and 5 of this policy involves the IFA at all key stages.

10.2 Once a young person becomes 18, the fostering placement ends and thereafter the IFA is not a formal party to the Staying Put Caring arrangement. The financial arrangements for Staying Put Caring are made between the local authority and the carers and reflect the way in which payments to local authority carers are calculated. i.e. the carer will receive from the various sources set out above in 9.1.7, a sum equal to the income they received previously from fostering the child, minus the amount that previously covered the costs of pocket money and clothing. There should be no

expectation that the carer's independent fostering agency itself continues to receive a fee.

10.3 The post age 15 planning meetings, professionals meetings and child care reviews will be the medium by which all IFAs will be involved in the Staying Put Caring process. There will be occasions where the decision by the young person and their carer/s to enter into a Staying Put Caring arrangement will not follow the processes in Section 4, for instance the young person may have come in to placement post 15, however at whatever point discussions occur, the IFA will be fully involved. The local authority expects that those representing the IFA at meetings/reviews have the authority to agree with the decisions made by the carer/s and the young person when considering Staying Put Caring arrangements.

10.4 Once the decision is made by the young person and their carer/s to enter into a Staying Put Caring arrangement post 18, the IFA will be notified and asked to ensure that their carers formally notify the IFA of their change in circumstances. The IFA may be continuing to provide a supervising social worker where a child in care remains placed with the carers, in keeping with the governments good practice guidance.

10.5 It is expected that IFAs with whom the local authority commission placements will fully embrace the legislative and good practice guidance associated with the Staying Put Caring initiative. A copy of this policy will be sent to the IFA at the point of commissioning a placement by the Commissioning Team.

## **11. Benefits for Young People**

11.1 Young people remaining in a Staying Put Caring arrangement can claim means tested benefits for their personal needs from their 18th birthday. These benefits replace the pocket money and clothing allowance previously contained in the foster carer's maintenance allowance.

11.2 Personal advisers will be responsible for assisting care leavers in understanding their benefits and will assist them using the **Benefit Adviser tool on [www.gov.uk](http://www.gov.uk)**. As every case is different and there are different entitlements, this tool is vital in understanding the exact entitlement for that individual. Further benefits advice is available from Citizens Advice Bureau.

## **12. The Treatment of Benefits**

12.1 Personal payments from Children's Services to young people and carers under section 17, section 20, section 23, section 24 and section 31 do not count as income for benefit purposes.

## **13. Income Tax and National Insurance Issues for Staying Put Caring arrangements**

### **Income Tax**

13.1 All foster carers and Staying Put Carers must register with HMRC as self-employed.

13.2 The Simplified Tax Arrangements apply and Foster carers and Adult Placement Carers will continue to be able to claim under their existing simplified tax arrangements. Full Tax details are provided in the HMRC help sheet 236.

13.3 Where young people remain living with their former foster carer/s under a Staying Put Caring arrangement, the Income Tax and National Insurance framework and liabilities that apply are set out in the new "Shared Lives Carers" Guidance. The 'Shared Lives' - 'Qualifying Care Relief

Guidance' sets out that Staying Put Caring receive tax exemptions up to a given qualifying amount for each Staying Put young person living with them. The Staying Put Caring qualifying rate mirrors the system and amounts that applied when the placement was previously a foster care placement.

13.4 The Staying Put Caring exemptions do not affect any income from other sources, for example, from employment or from investments. Such other income will be taxed in the normal way.

13.5 Staying Put Caring r/s as well as foster carer/s should note that they may be able to claim Working Tax Credit /universal credit which are administered by HMRC. Fostering/Staying Put Caring is counted as work for tax credit purposes. The carer's taxable income is used to assess the amount of tax credits that they are entitled to. So, where the carer receives less in Staying Put Caring personal payments than the tax free allowance is, their income from caring for Working Tax/ universal Credit purposes is treated as nil, which means they get the highest rate of WTC.

### **National Insurance**

13.6 The same Class 4 National Insurance contributions apply as for fostering.

## **14. Staying Put Caring arrangement Guidance - Living Together Agreements**

14.1 A Staying Put Caring agreement meeting must take place prior to the young person's 18<sup>th</sup> birthday, to include the young person, foster carer and supervising social worker. This meeting will address the final arrangements and detail roles and responsibilities and a support plan for the young person.

14.2 The meeting should discuss the reason for Staying Put Caring, practical considerations, financial or benefit considerations, and any issues or concerns for the foster carer or young person. The meeting will also confirm the financial support arrangements for the Staying Put Caring r.

14.3 Once agreed, the Staying Put Caring arrangement can extend until the young person moves to their independent tenancy or reaches their 21<sup>st</sup> birthday (or until the end of the academic year (31<sup>st</sup> August) of any education/training course being undertaken on their 21<sup>st</sup> birthday), with monitoring of the arrangement being undertaken by the personal adviser in the Leaving Care Service.

14.4 Following a young person's 18<sup>th</sup> birthday, the legal basis on which they occupy the property (the home of the former foster carer) changes and they become an 'excluded licensee' who is effectively lodging in the home and the former foster carer becomes a Staying Put Carer. 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.

14.4 The associated change from foster child to adult member of the household, and for the carer from foster carer to Staying Put Carer, should be carefully and sensitively planned in order to ensure that both young people and carers 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.

14.5 Under certain circumstances, an excluded licensee can be asked to leave the property by the Staying Put Carer, who must give 'reasonable notice'. In extreme circumstances it may be considered reasonable for the Staying Put Carer to give very short notice or ask the young person to leave on the same day.

## **16. Health and Safety**

16.1 The same health and safety principles including household/car insurance that applied under the Foster Placement will continue. The car must have a current MOT certificate. This will be monitored by the Staying Put Caring Coordinator.

## **17. Household Insurance**

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

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

17.3 Staying Put Caring expectations should be incorporated into the 'Foster Carer Agreement' that foster carers sign on initial approval, and then on a yearly basis following a successful review of their terms of approval.

## **18. Monitoring and Reviewing Arrangements**

18.1 The Staying Put Caring arrangements should be reviewed as part of the Pathway Plan at least every six months. This should record any problems or difficulties that have emerged and what is working well in the arrangement. A review can be arranged earlier if needed by agreement between the young person, the carers and the personal advisor involved.

## **19. Safeguarding Measures**

19.1 The same safeguarding measures that apply under the foster placement will continue to apply to a Staying Put Caring arrangement. In addition, safeguarding policies and procedures as they apply to vulnerable adults will also be observed.

## **20. Ending the Staying Put Caring arrangement**

20.1 The Staying Put Caring arrangement can be ended at any time before the young person reaches their 21st birthday, by either the young person or the carer by giving a minimum of 28 days' notice. This period can be shortened in exceptional circumstances.

20.2 If the young person wishes to remain with the carer post 21 then it will become a private or informal arrangement and no longer funded by the Local Authority. However, funding may be considered to support an agreed course of education but not necessarily at the level agreed as part of Staying Put Caring.

20.3 There will be circumstances whereby a planned move-on from a Staying Put Caring arrangement doesn't work and a return to the Staying Put Caring arrangement is in the young person's best interests. Subject to prior agreement and within an 8 week period a young person can return to their previous Staying Put Caring household and the original payment arrangement will resume. In these circumstances the arrangement will continue to be considered as Staying Put

Caring.