

## **Cabinet – 24 July 2013**

### **Staying Put (Foster Care) Policy**

<b>Portfolio:</b>	Councillor R Andrew – Children's Services
<b>Service:</b>	Fostering Service and Corporate Parenting Service, Children's Services
<b>Wards:</b>	All
<b>Key decision:</b>	No
<b>Forward plan:</b>	No

#### **1. Summary**

- 1.1 The report outlines a proposal for the introduction of a new Staying Put (Foster Care) Policy for Walsall (to be found at **Appendix 1**).
- 1.2 The proposed policy provides a framework within which children identified as suitable for remaining within their foster homes post 18 years old can be identified, approval given and the monitoring systems which support these placements.
- 1.3 The policy sets out the purpose of supporting vulnerable care leavers who are transitioning into adulthood consistent with our Corporate Parenting duties and responsibilities and with the local authority's sufficiency duties.

#### **2. Recommendations**

- 2.1 That Cabinet approve the Staying Put Policy.

#### **3. Report detail**

- 3.1 The policy recognises that moving into adulthood is a challenging period and outlines the importance of supporting vulnerable care leavers as they move into adulthood by enabling the most vulnerable to remain with their former carers under defined circumstances.
- 3.2 The definitions used within the policy are in accordance with Department for Education definitions and describe the arrangements made when a young person who has been looked after immediately prior to their eighteenth birthday continues to live with their former foster carers without a break in those arrangements.
- 3.3 The policy outlines four criteria under which young people can be considered under the Staying Put arrangements. These are:

- Education
- Vulnerability
- Disability
- Planned Move on

The policy further outlines the duration of any Staying Put placement which will be between 3 months and 3 years, dependent upon the individual circumstances of the young person.

- 3.4 The policy outlines the financial position for young people and for Staying Put Carers and outlines a benchmarked rate of £232 per week plus a contribution for the young person of 25% of any mean tested benefits they are in receipt of.
- 3.5 The section headed Pathway Planning outlines the headline action that must be taken to support consideration of a Staying Put request. This section is supported by a detailed procedure within the Children's Services procedure manual designed to maintain best practice.

#### **4. Council priorities**

- 4.1 The Staying Put Policy is consistent with Walsall's Sustainable Community Strategy; specifically the Staying Put policy helps to address the issue of stability for vulnerable young adults while they access further education or training, thus supporting improving outcomes in learning and life by enabling them to remain within a stable family setting.
- 4.2 The Staying Put Policy also provides a safety net for some vulnerable young people who may be experiencing difficulties in transitioning into semi or independent living arrangements. This will support their emotional well-being and contribute towards enabling them to improve their employability and ultimately a more sustainable community.
- 4.3 The Staying Put Policy also supports the Council in delivering its responsibility as a Corporate Parent for looked after children as part of Children's Services. These responsibilities extend to care leavers and this policy extends the support available to this vulnerable group of young people.

#### **5. Risk management**

- 5.1 A number of suitable cases have been approved on the basis of need and risk pre-policy.
- 5.2 Feedback from carers in 2012 clearly indicated the necessity of forward planning as the Staying Put payment rate is a reduction on the Foster Carer rate. Forward planning is also critical to ensure that vulnerable young people are supported to plan their future in a way that allows them to make sensible, safe choices to fulfil their learning goals and become safe and productive members of Walsall communities.
- 5.3 Failure to develop a consistent Staying Put Policy may result in young people for whom Walsall MBC has a Corporate Parenting Responsibility losing the benefit

of consistent and stable family care at a point when they may be particularly vulnerable and susceptible to poor decision making.

## **6. Financial implications**

- 6.1 The fee rate of £232, plus a contribution by the young person if they are in receipt of means tested benefits, is consistent with national rates identified from the national Staying Put social work pilot and the existing rate for carers looking after young people aged 16 and over. However, unlike foster care, the scheme will not pay an additional fee for utilising the carer's skills or make payments for personal allowances, holidays or birthdays.
- 6.2 Cabinet originally delegated responsibility to agree the means test for financial support in line with national recommendations to the Assistant Director on 30 November 2005 and reaffirmed this in an Information report on 8 February 2012. This policy may be considered to fall within this delegated framework.
- 6.3 There is no specific budget attached to this proposal and a budget will need to be set within an annual budget setting cycle through the realignment of resources with the objective of achieving a zero cost model. This will be achieved through moving away from the current model of using supported accommodation and towards Staying Put placements.
- 6.4 There is a budget for independent living, within Placements, that funds the instances of young people staying with their foster carers post 18 currently. Costs last year were approximately £80k and the forecast costs for 2013-14 are the same. This cost could increase if takeup increases following the implementation of the Staying Put policy.
- 6.5 The implementation of a Staying Put Policy will result in the loss of some foster care places as carers' choose to support just the young adult they previously supported as a foster carer. It is anticipated that this will be approximately 4 carers a year which will be addressed through ongoing recruitment approaches. As an indication if four carers per year receive the Staying Put fee through the provision of 4 Staying Put arrangements this will cost the council approximately £48k.

## **7. Legal implications**

- 7.1 The principal regulatory framework for Staying Put arrangements are to be found in:
  - The Children and Young Persons Act (2008)
  - Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance)
  - "Staying Put" Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers HM Government (May 2013)
- 7.2 Fostering Services: National Minimum Standards 2011, part of the regulatory framework for fostering services and services for looked after children. The Standards can be used as part of any self assessment or for the purposes of service re-design. Many supported lodging schemes, particularly those based in

Children's Services, adhere closely to the National Minimum Standards as they provide a useful reference point for schemes, including transition work with foster carers and preparing for independence.

- 7.3 The National Care Advisory Service offers guidance on Disclosure and Barring Service checks which will be required for those young people who remain in a former foster home where younger children are also fostered. Compliance with Disclosure and Barring Service will be kept under review to ensure that Walsall meets best practice thresholds.

## **8. Property implications**

- 8.1 There are no property implications.

## **9. Health and wellbeing implications**

- 9.1 Adopting this Staying Put policy is consistent with the Marmot Principles previously approved by Cabinet on 24 September 2012. The policy supports life chances for care leavers by providing every child with the best start in life with particular reference to safeguarding, education, employment and training by providing stability for vulnerable young people.

## **10. Staffing implications**

- 10.1 There are no staffing implications.

## **11. Equality implications**

- 11.1 Schedule 3, Fostering Services: National Minimum Standards (2011) sets out the minimum standards of placements for equality of access of placements for young people and carers and equality of provision.
- 11.2 The Sufficiency Duty placed upon Local Authorities also places a requirement to provide a range and level of services to children and young people locally and appropriate to their needs.
- 11.3 Adopting and implementing a Staying Put policy will have no adverse impact on looked after young people as they transition into adulthood.

## **12. Consultation**

- 12.1 The Staying Put policy was initially developed by a professional working group of children's service officers including a head of service, a benefits specialist, a transition and leaving care manager, the placement and resource manager and the fostering service manager.
- 12.2 Foster carers who have participated in the Staying Put placements agreed pre policy have also provided valuable feedback regarding the need for forward planning and the type of ongoing support required.
- 12.3 Further consultation was undertaken in spring 2013 with Housing Services and Revenues and Benefit Services to ensure that the Policy was consistent with current practice. As a result minor amendments were made to the timeframe for

Staying Put under the Planned Move on Criteria. Further discussion will take place with Revenue and Benefits to scope and implement an extension to pilot 'Money, Job, Home'

## Background papers

- Draft Staying Put Policy Supporting Care Leavers
- The Children and Young Persons Act (2008)
- Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance)
- "Staying Put" Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers HM Government (May 2013)

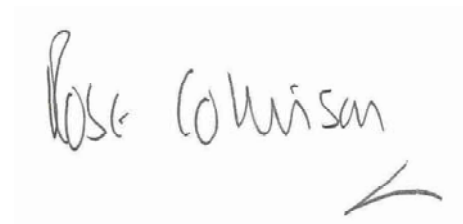
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## Signatures

A handwritten signature in blue ink that reads "Rose Collinson". Below the signature is a small, stylized flourish or checkmark.

Signed:  
Rose Collinson  
Interim Executive Director  
21 June 2013

A handwritten signature in blue ink that reads "Councillor R Andrew". The signature is written in a cursive style.

Signed:  
Councillor R Andrew  
11 July 2013



**Walsall Council**

**Walsall Children's Services**

# **Staying Put Policy Supporting Care Leavers**

**Better Together for Children**

## **1. Regulatory Framework**

The Children and Young Persons Act 2008 and the Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance) require each local authority to have a Staying Put Policy that sets out arrangements whereby the authority will promote the extension of foster care placements beyond a young person's eighteenth birthday.

Walsall MBC is committed to preventing social exclusion amongst care leavers and this policy sets out the conditions required to extend a former foster arrangement beyond a young person's eighteenth birthday. The policy recognises that a more graduated approach towards adulthood at a time when the average age at which adults leave their family home is increasing is an appropriate response. Becoming adult is increasingly complex and Staying Put is designed to assist looked after young people experience a transition into adulthood which is akin to the experience of their non-looked after peers.

It is designed to ensure that young people do not experience sudden disruption to their living arrangements, that educational achievement and continuity are promoted and that vulnerable young people make gradual transition from care to Independence when the time is right for them.

The Staying Put Policy sets out the conditions required to extend a former fostering arrangement beyond a young person's eighteenth birthday, the associated financial implications, the social care requirements associated with extending former fostering arrangements and the consequential Income Tax, National Insurance and Welfare Benefit issues.

From the age of eighteen young people are no longer legally in 'Care' and therefore fostering arrangements no longer apply. Following a young person's eighteenth birthday, the legal basis on which they occupy the property (former foster care home) changes and they become a tenant who is effectively lodging in the Staying Put carer/s home. Whilst the term tenant is a legal one, it should not denote that the young person will be treated differently

### **1.2 Scope of this Policy**

The procedures outlined in this document are applicable to all young people looked after by Walsall MBC if they are living with foster carers on their eighteenth birthday, whether that be WMBC carers, Connected Persons carers or Independent Fostering Agency carers (IFA).

The policy also applies to Unaccompanied Asylum Seeking Children (UASC) who reach the age of 18. However, in circumstances where the young person is awaiting a 'Removal Notice' continued financial support must be reviewed on a case by case basis.

Young people who are in residential placements are not covered by the Staying Put Policy.

### **1. Definitions**

The term 'Staying Put' is used in accordance with Department for Education definitions to describe the arrangements made where a young person who has been looked after immediately prior to their eighteenth birthday continues to live with their former foster carers without a break in those arrangements.

Once a young person has reached the age of eighteen the legal basis on which they reside in their former foster home changes from foster child to adult member of the household. The associated change for the carer is from foster carer to landlord.

This change must be carefully planned in order to ensure that both the young person and the carer understand the nature of the new arrangement.

The criteria for Staying Put arrangement may last between 2 and 3 years. In some circumstances these arrangements can be extended to up to 3 years, or until the young person completes their agreed programme for education or training to provide additional support in the areas of education and employment, to address specific vulnerabilities and to provide stability while these areas are addressed. For Staying Put arrangements to be considered the young person must have been looked after by and continue to reside with their former foster carers.

## **2. Staying Put Criteria**

The primary aim of Staying Put is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave foster care. Therefore, the following policy is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational achievement and continuity is promoted and that 'vulnerable' young people can make a gradual transition from care to independence.

### **3.1 Group One ~ Education.**

Young people can remain in their former foster carer/s in order that they can complete their education or training course up for up to 2yrs.

The criteria for this are that the education or training course is full time, that is to say the young person must be receiving 12hours or more of guided learning, and that the extension applies to the course, or level of the course that the young person is undertaking on their eighteenth birthday; for example:

- if a young person is 18 in March and is undertaking a one year course the extension would apply until the course is completed in the July of the same Year (the academic year of their eighteenth birthday)
- if the young person is 18 in March and undertaking the first year of a two year course, the extension would apply until the July following their 19<sup>th</sup> birthday
- if the young person is completing a level 1 GNVQ course on their 18<sup>th</sup> birthday the extension runs until the completion of the level 1 GNVQ

The extension will cease when the young person leaves a course or chooses to move to another course.

Where a young person completes A Level or equivalent courses in July and is commencing university the following September/October the education extension will apply until the start of the course



If the young person completes an A level or equivalent course in July but is not taking a university course, the education extension will apply for one month following the end of the course or one month following the A level result day. Should the young person require additional support an extended transitional period must be requested and may be agreed.

Where a young person has a diagnosed disability or learning disability which requires additional support to access and achieve in training, education or employment, there will need to be close liaison between Children's Services and Adult Services to secure effective transition plans.

Where a young person wishes to live with their Staying Put carer while they attend a local university, a meeting must take place to clarify the funding arrangements which must then be agreed by the Head of Service. In principle these arrangements should become a supported lodgings placement.

A young person who goes away to university can also be supported to return to their carers' home during the holiday periods under the supported lodgings scheme.

## **2.2 Group Two ~ Vulnerability**

A vulnerable adult is:

*“ A person over 18 years of age who is or may be in need of community care services by reason of mental or other disability, or age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”*

Young people can remain with their former foster carers for up to one year in accordance with criteria set out below.

- The young person is assessed as not yet mature enough and or does not yet have the skills needed and or is having significant difficulty in preparing for independence, however, they do not meet the criteria for adult services.

The concept for vulnerability is vague and subjective and assessing the level of vulnerability is extremely difficult. The following is guidance on the information that must be provided to the Head of Service, Corporate Parenting, when the young person reaches the age of 17 years.

The report must address all of the following if they apply:

- Moderate learning difficulties
- Physical disabilities;
- Communication difficulties
- Special Educational Needs
- Risk taking behaviour, exploitation and self-harm
- Mental health issues
- Emotional and physical development
- Substance misuse

and should focus on the level of the young person's vulnerability. The report must explain why the young person is considered to be vulnerable and what has been done to assist the young person in preparing for independence. This should include the development of the practical, relationship, emotional and resilience skills and how these will be enhanced by the young person remaining in a Staying Put situation. The report should also include explicit information regarding what further support will be provided to enable the young person to develop their independent living skills and to establish or maintain either a benefit claim or an education, training or employment activity. The report must also include the eventual moving on plan.

### **2.3 Staying Put ~ Disability**

Staying Put may be appropriate for young people who have a disability or learning disability and who are waiting for a tenancy with appropriate equipment, support or adaptation

### **3.4 Staying Put ~ Planned Move On**

Young people who are actively bidding for a local authority or Registered Social Landlord housing tenancy can remain for up to 3 months beyond their eighteenth birthday or until their tenancy is allocated.

## **3. Young Persons Financial Arrangements**

Depending upon their circumstances young people who remain in a Staying Put arrangement may be able to claim means tested benefits for their personal needs from their 18<sup>th</sup> birthday. These benefits will replace the pocket money element previously contained in the foster carers' maintenance allowance. All these benefits can be claimed regardless of the circumstances of the young person's former foster carer

- Young people can claim Income Support under the 'Relevant Eligible' rules if they remain estranged from their family and are undertaking a full time education or training course
- Lone parents can claim Income Support until their child is 5 years old. A range of other benefits are also available, including Child Tax Credits and Child Benefit from the birth of the child and Healthy Start Vouchers and a Sure Start Maternity Grant for the first child only
- Employment and Support Allowance can be claimed in circumstances where the young person is deemed to be sick or disabled. If the young person meets these eligibility criteria then this benefit can be claimed from their 16<sup>th</sup> birthday regardless of their legal care status or living in foster care. Young people with a disability may also be in receipt of a Personal Independence Payment
- Jobseekers Allowance where the young person is registered as unemployed and actively seeking employment

Young people who remain in a Staying Put arrangement will be expected to make a contribution of up to 25% of their income, whether that is earned income or benefits based

## **Housing Benefit**

From the age of 18 young people who fall within the definition of former relevant children and who have a liability to pay rent can make a claim for Housing Benefit to help towards their rent. In these circumstances Children's Services will notify the Placement Finance Team who will ensure that this amount is deducted from the Staying Put Carer's Allowance.

Housing Benefit cannot be paid to close relatives; therefore young people living with a Connected Person (sibling, parent, grandparent, aunt, uncle, step relation or in laws) are not eligible to claim Housing Benefit

Young people who are living with Staying Put carers who are in receipt of a means tested benefit will not be expected to claim Housing Benefit.

Where young people successfully claim Housing Benefit this amount will be deducted from any financial payment made to the Staying Put carer and young people will be expected to use their Housing Benefit to make up the difference.

## **4. Carers Financial Arrangements**

Staying Put describes the circumstances where a young person is over 18 years of age, was fostered, is in education or training and wishes to remain with their foster carers. When a young person reaches the age of 18 they are no longer looked after. The legal basis for the arrangement going forward will be that of a tenant and landlord with the young person effectively lodging in the carer's home.

Staying Put carers are entitled to a Staying Put Carer's Allowance and carers will receive £232 per week. This covers accommodation, all utility costs, food and associated placement costs. The carers are not expected to provide the young person with a personal allowance.

Payments made to a Staying Put carer under section 17, section 20, section 23, section 24 and section 31 (Children Act 1898) via the young person or directly to the carer on behalf of the young person are disregarded when calculating the carer's entitlement to any means tested benefit if the young person is 18 or over and continues to live with the claimant in a non commercial family type arrangement.

### **5.1 Council Tax Liability**

In circumstances where the young person is completing a full time education activity, the young person is 'invisible' for Council tax purposes.

### **5.2 Taxation**

Carers are advised to seek independent tax advice about their income tax, however, when young people remain living with their former foster carers under a Staying Put arrangement then the Income Tax and National Insurance framework and liabilities for foster carers have been extended to apply to former foster carers who are now Staying Put carers.

## **5. Pathway Planning.**

The planning to consider extending a placement under Staying Put criteria must be considered as part of the Pathway Planning processes and discussed at Statutory Review.

It should commence as the young person reaches 15 ½ years and an outcome determined by the time the young person has reached 17 years of age. Early consideration and planning is necessary in order that both the young person and their carer are clear about the plan post eighteen and to ensure that young people are not left feeling uncertain about their future.

For those relevant young people entering the care system over the age of 16yr old, Staying Put will be considered at the four week Statutory Review.

The level of payments for carers will be different from the rates set previously as foster carers. In those circumstances where the carers feel unable to continue to support the young person under the new financial arrangement the ending of such a placement will need to be managed in a planned and sensitive manner to ensure that the positive relationships between carer and young person are not damaged.

Those foster placements suitable for conversion to “Staying Put” arrangements must be reviewed regularly using the timescale parallel to statutory review meetings.

While fostering regulations no longer formally apply where a young person reaches the age of 18, where the carers continue to provide placements for children and young people of both under and over 18 years of age the local authority’s procedures for monitoring and supervising foster placements will continue to apply.

Becoming a Staying Put carer will constitute a significant change in the carers’ personal circumstances and may impact on their suitability to care for other children. Therefore a foster carer review will be held in line with agreed procedures and this will be considered by the Fostering Panel and ultimately the Agency Decision Maker

Young people who remain with foster carers under the Staying Put arrangements will become adult members of the household and as such will require a valid DBS disclosure in households where younger children are also in placement or there is an intention that such a placement might be made.

### **6.1 Living Together Arrangements**

Where a young person will be remaining in placement under Staying Put arrangements, the young person, carers, leaving care personal advisor and supervising social worker will jointly develop a Living Together Agreement prior to the young person’s 18<sup>th</sup> birthday which will clearly set out the expectations of all parties and clarify roles and responsibilities. The agreement should then be incorporated into the young person’s Pathway Plan.

## **6. Review of Policy**

This policy will be reviewed in September 2013, or earlier if regulation relating to means tested benefits changes.

### **“Staying Put” Supported Lodgings Flow Chart**

