

**LANCASHIRE COUNTY COUNCIL'S 'STAYING PUT' POLICY AND
PROCEDURES FOR FORMER RELEVANT CARE LEAVERS**

'STAYING PUT' POLICY

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1. Introduction

This policy and procedure sets out the arrangements for looked after young people living in foster placements who have reached the age of 18 and completed Year 13 of their education or who have reached the age of 18 and are in training or employment. It sets out the arrangements by which a young people can remain living in their foster placement under a 'Staying Put' arrangement beyond the age of 18, up to the age of 19 (up to 14 days after the young person's 19th birthday). It applies to all types of foster placement however it is not applicable to young people living in residential care, supported living arrangements or independent living arrangements.

For the purposes of this policy and procedure, where a foster carer is caring for a young person under a Staying Put arrangement after the age of 18, the carer is referred to as a Staying Put carer and the placement as a Staying Put arrangement.

2. Aims

The key aims if the Staying Put Policy and Procedure are to:

- Enable young people to build on and nurture their attachments to their carers, so that they can move to independence at their own pace and be supported to make the transition to adulthood in a more gradual way like other young people who are able to rely on their own families for this support.
- Provide the stability and support necessary for young people to achieve in education, training and employment.
- Give consideration to young people's views about the timing of moves to greater independence from their final 'looked after' placement.

Whilst a young person's engagement with education, training and employment is a pre-requisite for the Staying Put Policies of other Local Authorities, Lancashire County Council have not applied this criteria as they believe that young people

needing additional support to engage with or sustain education, training, employment and voluntary work are more likely to do so when living in a supportive, stable environment with adults who are able to encourage, motivate, guide, show an interest in and support practically and emotionally, a young person's path of education, employment or training. A Staying Put arrangement enables a young person to remain for an additional 12 months in their former foster placement enabling them to focus on their post-18 educational, training and employment plans and receive further support to be prepared for independence.

3. Objectives

Lancashire's Staying Put Policy and Procedure meets objectives within the Children Act 1989 and the Child (Leaving Care) Act 2000 to improve the life chances of young people in and leaving Local Authority care; and is in accordance with the principles and requirements of the Care Leavers (England) Regulations 2010 and the Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers.

The Staying Put arrangement promotes the main aims in relation to young people within the Children Act 1989 and the Children (Leaving Care) Act 2000 which are:

- To delay young people's discharge from care until they are ready and prepared.
- To improve the assessment, preparation and planning for leaving care.
- To provide better personal support for young people after leaving care.
- To improve the financial arrangements for care leavers.
- This Policy and Procedure also fits within the Public Service Agreement 2 National Indicators 147 and 148 (part of the OC3 statistical return) which has been extended for 2013 - 14 to include information about young people who are eligible for care leaver support. It measures the main activity of young people (e.g. Education, Training or Employment status), type of accommodation they are living in, whether this is suitable or unsuitable, and whether the Local Authority is in touch with them around their 19th, 20th and 21st birthday.

The Staying Put Policy and Procedure supports Lancashire County Councils commitments to the five outcomes of 'Every Child Matters' and Priorities set out in Lancashire's Children and Young People's Plan 2011-2014. It gives young people aged 18 to 19, the opportunity to pursue education, training and employment in a stable, supportive, family environment without disruption of having to move into 'independence' during the critical period of the transition from adolescence into adulthood.

Both The Green Paper 'Care Matters – Transforming the Lives of Children in Care' and the White Paper 'Care Matters – Time for Change' refer to the importance for young people of 'entering adult life at the right time'.

The opportunity for young to 'Stay Put' seeks to extend a young person's experience of moving into adulthood. The Staying Put Policy and Procedure fits within Lancashire County Council's aspiration to be a good corporate parent to all young

people to whom it has acted as a substitute family and to promote good outcomes and increased choice for care leavers.

The Policy and Procedure also provides a framework to allow care leavers at university to return to their former carers during vacation time, and young people who commence basic training with the armed services to return to their carers during breaks, reflecting the ongoing support which would be available to young people living in supportive families.

A young person 'Staying Put' with foster carer(s) can also contribute to the 'decreasing' role of the Personal Adviser and/or allocated worker to these young people, by taking into account the relationship and support provided by the Staying Put carer(s) to the young person, enabling the Personal Adviser / allocated worker to increase the support provided to other care leavers who may be living independently with less support and in more disadvantaged circumstances. However the young person's Personal Adviser / allocated worker will offer support, advice and guidance to the Staying Put carer(s) in their role of supporting the young person living with them to sustain the Staying Put arrangement and move into adulthood and independence in a planned way.

This Policy and Procedure relates to young people who are not ready to move / don't wish to move into full independence at 18 but who are believed to have the ability to do so at some point in the future. The role of a Staying Put carer is to enable to young person to eventually and successfully move into independence through providing:

- Emotional and practical support.
- Advice and guidance.
- Encouragement.
- Role-modelling.
- Motivation in relation to employment, training, education or voluntary work.
- Promote and enable the young person to develop practical and emotional skills for independence.

Through this, the Staying Put carer will provide a level of 'care' to the young person however it would generally not be anticipated that the care provided would be at a level much above the level that any other young person of a similar age would require.

Where a young person has significant additional needs that require a higher level of support or care, dependant of the level of additional needs, this Staying Put Policy and Procedure may not apply. For these young people, the additional support needs and / or the placements beyond the age of 18 (or beyond the age of 18 and until the the end of Year 13) should be supported, monitored and funded through other Procedures and Policies, such as the 'Shared Lives scheme' or other Adult Social Care Services arrangements where young people meet the criteria for these services.

STAYING PUT' PROCEDURE

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1. Entitlement to Stay Put

- 1.1 Lancashire's Staying Put Policy and Procedure currently covers only young people living in foster placements at the age of 18. This includes foster carers approved by Lancashire County Council (including 'connected persons' foster carers) and foster carers approved by independent fostering agencies. It does not include those fostering situations where the foster carer and young person are related.
- 1.2 If young person in foster care reaches the age of 18 in year 13 of any course of education and is due to complete the course at the end of year 13, Boarding Out payments will continue for 14 days after the date that the course of education can be considered completed (e.g. last exam, end of term or whichever falls soonest). The purpose of this is to minimise potential disruption to a young person at a vital time in their course of study.
- 1.3 If a young person reaches the age of 18 in year 13 but is due to continue in their course of education into year 14 for whatever reason (including choosing to retake an academic year, changing course or changing educational establishment) then Boarding Out payments will only continue to be paid for 14 days after the young person's 18th birthday unless there are exceptional circumstances to support Boarding Out payments continuing beyond this date.
- 1.4 If a young person in foster care reaches the age of 18 and is in training, employment or undertaking voluntary work then Boarding Out payments will only continue to be paid for 14 days after the young person's 18th birthday unless there are exceptional circumstances to support Boarding Out payments continuing beyond this point.
- 1.5 Beyond these dates, the young person may be able to remain in their former foster placement under a Staying Put arrangement until the young person's 19th birthday. This would be part of a young person's Pathway Plan and be agreed by the young person and their foster, supported by the young person's Social Worker and foster carer's Supervising Social Worker and approved by the Team Manager with overall responsibility for the young person.
- 1.6 Young people in foster care going to University at 18 and wishing to return to their former foster placement as a home base have an entitlement to this being under a Staying Put arrangement – see Section 10.
- 1.7 Young people joining the armed services can return to their former foster placement under a Staying Put arrangement while they complete the first three months of basic training – see Section 10.

2. Establishing a Staying Put Arrangement

- 2.1 The option of Staying Put should be discussed with a young person in foster care and their foster carer(s) when completing the first Needs Assessment and Pathway Plan at 16 and at their first CLA Review in their 16th year.
- 2.2 Staying Put should then be considered as a possible option at each Pathway Plan Review leading up to the young person's 18th birthday. This should also be discussed with the foster carer(s) by their Supervising Social Worker and at Foster Carer Reviews.
- 2.3 An arrangement to Stay Put must be agreed by both the young person and the foster carer(s). Advice about the differences and expectations between a foster placement and a Staying Put arrangement should be given to the young person and foster carers by the young person's Personal Advisor and Supervising Social Worker in order for both parties to make an informed decision about proceeding with the arrangement.
- 2.4 From the age of 18 young people are no longer legally 'in care' or 'looked after' and therefore fostering arrangements for young people remaining in their foster placement, no longer apply. The legal basis in which they remain in their former foster placement changes and legally they become an 'excluded licensee' who is effectively 'lodging' in the Staying Put carers home.
- 2.5 Occasionally young people or carers may change their minds after making an initial decision about Stay Put. Both young people and foster carers are entitled to change their minds about establishing a Staying Put arrangement, but care should be taken to avoid disruption to a young person's education at a critical time and foster carers need to be mindful and committed to this even if they subsequently change their mind.
- 2.6 The decision that a young person should remain in a former foster placement under a Staying Put arrangement should be recorded in a young person's Pathway Plan and financial agreement to this sought from the Team Manager at the earliest possible opportunity. Initial agreement to funding a Staying Put arrangement should be considered to be a commitment to funding this to the age of 19.
- 2.7 Once a plan of Staying Put has been agreed, the Personal Advisor will work with the young person to assess whether they will have to make a financial contribution to the cost of the Staying Put arrangement. The Personal Advisor will also work with the young person to maximise their entitlement to benefits if applicable. Consideration should be given to ensure that an application for benefits does not discourage a young person for obtaining or maintaining part or full-time employment.
- 2.8 The Personal Advisor will ensure that where a decision about a Staying Put arrangement is agreed, all claims are submitted in a timely fashion that

minimises any potential disruption in allowances being received by the Staying Put carer(s). The Personal Advisor will, in conjunction with the young person, follow up claims for benefits until a decision has been made and a payment commences. In certain circumstances it may be necessary for the Team Manager to agree to fund contingency arrangements so that the Staying Put carer's level of remuneration is not disrupted.

2.9 The Supervising Social Worker for the foster carer(s) will support the foster carer(s) to explore whether a Staying Put arrangement will affect any benefits received by them – see Section 3 for further details.

2.10 The Personal Advisor will in collaboration with the Supervising Social Worker convene a Staying Put Meeting immediately prior to the young person's 18th birthday and in collaboration with the young person and foster carer(s) review the young person's Pathway Plan at this point. The notes of this meeting and Pathway Plan should clearly record:

- The agreed expectations of an arrangement for the young person Staying Put with their former foster carers including:
 - Friends and partners staying overnight
 - Expectations for the young person staying overnight elsewhere and keeping the Staying Put carer informed of whereabouts and plans (under a Staying Put arrangement there will be an expectation that the young person will sleep a minimum of 4/7 nights in their Staying Put arrangement on average)
 - Use of the address for mobile phone contracts, credit cards and loan agreements
 - Family routines
 - Home security
- Financial support including contributions from the Local Authority, Benefits and contribution from the young person to the arrangement
- The support the young person will be provided with by the Personal Advisor and their Staying Put carer(s)
- The support that will be provided to the Staying Put carer(s) by the Personal Advisor.
- What work will be undertaken to support the young person in gaining further independence skills and by who
- Short and long-term plans, goals and aspirations for the young person's education, training and employment including voluntary work or work experience including plans to secure education, training, employment or voluntary work where they are not currently in this.
- Arrangements for meeting health needs
- Arrangements for contact with family and significant others and support of these arrangements
- Expectations and issues relation to other children in the home.

3. Professional Roles

3.1 Personal Advisor – Support to young person

- The Personal Advisor will, in collaboration with the Supervising Social Worker convene a Staying Put Meeting 8 weeks prior to the young person's 18th birthday (taking account of an examination period around that time meaning an earlier meeting may be beneficial) and in collaboration with the young person and foster carer(s) Review the young person's Pathway Plan at this point.
- Once the young person reaches the age of 18 and is no longer a looked after young person, the Personal Advisor for that young person may change. It is good practice for there to be a period of co-working between the Social Worker and Personal Advisor who will support the young person as a 'former relevant' care leaver so that the transition of responsibility for the young person occurs as smoothly as possible with all relevant information handed over.
- The Personal Advisor will ensure support is provided to the young person throughout the Staying Put arrangement whether directly or from other agencies / services.
- The Personal Advisor will ensure that the young person understands the terms of the Staying Put agreement. This may include helping the young person adjust to the change in their financial responsibilities, expectations and boundaries.
- The Personal Advisor will support the young person to apply for relevant funding and benefits and help them to establish a method of making any regular payments such as their contribution, Local Housing Allowance or Housing Benefit to the Staying Put carer(s) according to the terms of the agreement.
- The Personal Advisor will support the young person to move on from the Staying Put arrangement at the appropriate time.
- The Personal Advisor will complete the finance form for the young person to access any of their Setting Up Home Allowance as part of their Pathway Plan.

3.2 Personal Advisor – Support to Staying Put carer(s) (Lancashire and independent fostering agency foster carers)

- The Personal Advisor will support the Staying Put carer(s) to understand the nature of the Staying Put arrangement, their changing role with the young person under this arrangement and the expectations of them as part of the Staying Put arrangement
- The Personal Advisor will provide advice and support to the Staying Put carer(s) as needed, for the duration of the arrangement.
- The Personal Advisor will support the Staying Put carer(s) to access any advice needed regarding any benefits, tax or national insurance issues once the young person is living with them under a Staying Put arrangement.

3.3 Supervising Social Worker – Lancashire county Council foster carers

- For Lancashire County Council foster carers, prior to a Staying Put arrangement commencing and to inform their decision making around this the Supervising Social Worker for the foster carer(s) will support them to access advice and explore whether a Staying Put arrangement will affect any benefits received, tax and national insurance implications and about personal liability insurance.
- Once a Staying Put arrangement commences if other looked after young people are in the placement the Supervising Social Worker will continue to provide support to the foster carer(s) in relation to those children.
- Supervising Social Worker will complete a DBS check for the young person who is to Stay Put following their 18th birthday if there are young people continuing to be fostered in that placement.

3.4 Independent Fostering Agencies

- Where there is consideration of a young person remaining with an agency foster carer under a Staying Put arrangement, discussion between the Personal Advisor and fostering agency Supervising Social Worker should take place at the earliest possible opportunity.
- Prior to a Staying Put arrangement commencing and to inform their decision making unless the Supervising Social Worker agrees to provide this role, the Personal Advisor will support the carers to access advice and explore whether a Staying Put arrangements will affect any benefits received, tax and national insurance implications and about personal liability insurance.
- If other children are in placement, the Supervising Social Worker will continue to provide support to the foster carer(s) in relation to those children.
- The Supervising Social Worker will complete a check for the young person who is to Stay Put following their 18th birthday if there are young people continuing to be fostered in that placement. This DBS will be funded by Lancashire Children's Social Care.

4. Documentation

- 4.1 For young people in foster placements, consideration of a Staying Put arrangement post-18 should be discussed in completing the initial Pathway Plan Needs Assessment and Plan and considered at each Pathway Plan Review.
- 4.2 The Pathway Plan Review which falls before of after the young person's 17th Birthday (whichever is nearest) should discuss and confirm whether a Staying Put arrangement at 18 is agreed by foster carer(s) and young person as being an option. Financial agreement to this in principle should then be sought from Team Manager at the earliest possible point following the Review and the

decision at this point, recorded in the Pathway Plan. If financial agreement is given, this will be up to 14 days after the young person's 19th birthday.

- 4.3 10 weeks prior to the young person's 18th birthday the Personal Advisor will, in collaboration with the Supervising Social Worker convene a Staying Put Meeting (account should be taken of any examination period around that time meaning an earlier meeting may be beneficial). In collaboration with the young person and foster carer(s) the young person's Pathway Plan will be reviewed. This review will confirm that a Staying Put arrangement is the plan for the young person at the relevant point dependant on circumstances (see 1.2 – 1.4):
- *If young person in foster care reaches the age of 18 in year 13 of any course of education and is due to complete the course at the end of year 13, Boarding Out payments will continue for 14 days after the date that the course of education can be considered completed (e.g. last exam, end of term or whichever falls soonest). The purpose of this is to minimise potential disruption to a young person at a vital time in their course of study.*
 - *If a young person reaches the age of 18 in year 13 but is due to continue in their course of education into year 14 for whatever reason (including choosing to retake an academic year, changing course or changing educational establishment) then Boarding Out payments will only continue to be paid for 14 days after the young person's 18th birthday unless there are exceptional circumstances to support Boarding Out payments continuing beyond this date.*
 - *If a young person in foster care reaches the age of 18 and is in training, employment or undertaking voluntary work then Boarding Out payments will only continue to be paid for 14 days after the young person's 18th birthday unless there are exceptional circumstances to support Boarding Out payments continuing beyond this point.*
- 4.4 The Staying Put Meeting will discuss the differences between a Staying Put arrangement and a foster placement and confirm all involved are aware of these differences. The change in relationship and responsibilities of both the young person and foster carer(s) when the young person is 18 also needs to be discussed. The meeting will be an opportunity to discuss and agree expectations and roles under a Staying Put arrangement and options for the young person at 19 moving on from the Staying Put arrangement.
- 4.5 Financial support for the Staying Put arrangement will be discussed including:
- Any benefits or financial advice to be sought by the foster carer(s) and support to the foster carer(s) to be provided in relation to this prior to the Staying Put arrangement commencing.
 - Any benefit claims to be made by the young person and who will support the young person to do this.
 - The contribution to the Staying Put arrangement to be made by the young person.

- The expected contribution to the arrangement from housing benefit.
 - The financial contribution to be made by the Local Authority.
- 4.6 A provisional start date for the Staying Put arrangement should be agreed and the meeting should set a date for a further Staying Put Meeting to be convened 3 weeks prior to this start date for the Staying Put agreement to be completed. The notes from the Staying Put Meeting should be recorded and distributed within 7 working days of the meeting.
- 4.7 The notes from the Staying Put Meeting should be used to seek confirmation of funding of the Staying Put arrangements by District Manager. The approval of this should be recorded in the Pathway Plan.
- 4.8 At the second Staying Put Meeting a Staying Put Agreement should be signed by the young person which includes a 'Tenancy Agreement', confirms arrangements for financial support of the arrangement (including financial contributions to be made by the Local Authority, from benefits and from the young person), the agreed expectations and any specific 'house rules', what the Staying Put carer(s) is/are expected to provide for the young person, what the young person will now provide for themselves and arrangements for ending the Staying Put arrangement including 'notice period' by the young person and Staying Put carer(s).
- 4.9 The Staying Put Agreement should be completed before the Staying Put Arrangement begins.
- 4.10 If applicable, the Staying Put carer(s) should be provided with a letter in relation to confirming that funding for the Staying Put arrangement is made under Section 23C, Children Act 1989 and that the payment should be disregarded for income tax and benefit purposes. This letter should be provided 2 weeks before the start date of the Staying Put arrangement and include this start date.
- 4.11 The young person's Social Worker / Personal Advisor must ensure any applications for benefits are made in a timely way and that a young person makes arrangements with their Bank or Building Society to set up a direct debit to their Staying Put carer for any contribution they are paying to the Staying Put arrangement.
- 4.12 All relevant financial paperwork should be completed by Social Worker / Personal Adviser no less than 14 days before the arrangement is due to start to ensure no over-payments of Boarding Out Allowance are received and there is no delay in the carer receiving Staying Put payments from the Local Authority.

5. Finance and Funding Sources

- 5.1 If a young person Staying Put receives an income from benefits, training allowance or wage from employment (or a combination of these) then under a Staying Put arrangement the Staying Put carer(s) are not responsible for

- funding and/or providing all of the things they previously did for the young person in a foster placement.
- 5.2 If the young person receives an income they are responsible for funding their own social life, activities, clothing, toiletries and transport (for social life, education, training, employment). Specific activities or hobbies may be funded by Children's Social Care as part of the young person's Pathway Plan to enable them to be involved in hobbies or structured leisure activities, or to support a talent or skill. Funding approval will be based on assessed need and the benefit to the young person if this were to be financially supported.
- 5.3 The young person will also be expected to pay a nominal amount towards the meals, utility bills and laundry costs in the Staying Put arrangement reflecting the reality of living independently and adult life. It is expected that this will be £20.00 per week (the amount may be dependent on whether the Staying Put carer(s) will be providing any level of transport or whether the young person will receive meals for college / work from the Staying Put carer(s)) however this will need to be negotiated and recorded in the young person's Pathway Plan and the Staying Put Agreement when negotiating the Staying Put arrangement. The young person will be supported to manage their income by the Staying Put carer and their Personal Advisor if this is an identified need in their Pathway Plan however it is expected that work will have been undertaken with the young person around money management and budgeting as part of Pathway Planning prior to the age of 18.
- 5.4 If the young person is receiving an allowance for training which does not total the amount they would receive if receiving benefits then this amount will be topped up to benefit level by Children's Social Care as a Leaving Care Allowance.
- 5.5 For a young person in employment, if their total average net income over a 6 week period exceeds Income Support /Job Seekers Allowance level per week (£56.25: 2012-13) they will be expected to contribute 50% of their income over this amount towards the arrangement costs, up to a maximum of £50 per week contribution. This is in addition to the contribution from the young person from their income towards meals, utility bills and laundry costs in the Staying Put Placement. This contribution will need to be reviewed every 3 months or should the young person's employment circumstances change.
- 5.6 Young people can claim Income Support up until the end of the academic year after their 21st birthday under the 'Relevant Education' rules if they remain 'estranged' from their family and are undertaking a full time (over 12 hours) education or training course which is below higher education level (the additional rule that they had to have started on the course before their 19th birthday was abolished in April 2012).
- 5.7 Employment and Support Allowance can be claimed in circumstances where young people are deemed as having a 'limited capacity for work' because of ill-health or disability (if the young person fits the eligibility criteria this benefit can be claimed from their 16th birthday regardless of being looked after under

Sections 20 or 31 Children Act 1989 or living in foster care). The Employment and Support Allowance rate commences at £56.25 but goes up after 13 weeks, in part depending on how close to working the Department for Work and Pensions consider them to be

- 5.8 In the majority of occasions, Job seekers allowance, Income Support or Employment and Support Allowance can be claimed by young people regardless of the circumstances of the young person's Staying Put carer(s).
- 5.9 Young people will be expected to claim Housing Benefit except in the following circumstances:
- Young people living in connected persons Staying Put arrangements with sisters, brothers and certain extended family members who are formally approved as foster carers are not eligible to claim Housing Benefit on reaching the age of 18.
 - 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 as this will affect the carer's entitlement to means tested benefits. In these circumstances, an amount equivalent to Housing Benefit will be paid to the Staying Put carer from Section 23C Children Act 1989 by Children's Social Care. This means the payment is disregarded when calculating the carer's entitlement to means tested welfare benefits. The disregard only applies where a young person continues to live as a member of their former foster carer's family (Staying Put) on a non-commercial basis (i.e. the young person doesn't claim Housing Benefit). The other financial contributions to the Staying Put arrangement from Children's Social Care will also come from Section 23C Children Act 1989.
 - Where carers are not in receipt of means tested benefit, the young person is expected to claim Housing Benefit and the Staying Put arrangement becomes a commercial one.
 - Where meals are provided, as in a Staying Put arrangements, the rules set out that the level of Housing Benefit is based on a reasonable rent for a one-bedroom dwelling with meals included which is set by the Local Rent Officer who will provide what is called a Local Reference Rent or a Claim Related Rent for the 'Staying Put' carers home. The lowest of these, less an amount for meals, will become the maximum rent used to work out the amount of help given with their rent. In circumstances where Housing Benefit is based on the maximum rent, it is possible to request a Pre-Tenancy Determination in advance of the Housing Benefit claim being submitted, in order to determine the level of Housing Benefit that will be paid on a given property. Pre-Tenancy Determinations are carried out by the Local Rent Officer, via the local Housing Benefit service.
- 5.10 Council tax benefit and discounts changed from April 2013 and were replaced by schemes that are local and specific to each borough or district council.
- Where a young person is living in a Staying Put arrangement with two or more adults who are not in receipt of Council Tax Benefit and who pay full Council Tax a young person Staying Put will not have any impact on the

Council Tax liability. If the young person is claiming benefits they should submit a claim for Council Tax Benefit for administrative purposes;

- In circumstances where a Staying Put carer is working and in receipt of the 25% single person reduction, this discount may continue when a Staying Put young person aged 18 plus is living in the arrangement. If the young person is a student they are counted as 'invisible' so will not affect 'the Staying Put carer's 25% discount.
 - In circumstances where a Staying Put carer is working and is in receipt of the 25% single person reduction and a 'Staying Put' young person reaches the age of 18, or moves in, and they are not counted as 'invisible' it is possible, although unlikely, that a Second Adult Rebate may apply. The Second Adult Rebate is designed to 'compensate' people who lose a 25% single-person discount when a low-income person moves in;
 - In certain circumstances a young person may be treated as a Non-Dependent in terms of the Staying Put carers Council Tax Benefit. If this is the case there are set amounts of non-dependent deductions or that are deducted from Council Tax Benefit according to age, status and income. Non-dependent deductions will change when council tax benefit is reformed in April 2013 and will change again when Universal Credit is introduced. At that stage, there will be no deductions for anyone under age 21
 - Where a commercial arrangement applies and the Staying Put carer is receiving Council Tax Benefit the payment received for the Staying Put arrangement is likely to have an impact on their benefits, including Council Tax Benefit.
- 5.11 Payments from Children's Services to young people under Section 17, Section 20, Section 23, Section 24 and Section 31 Children Act 1989 do not count as income for benefit purposes. This may change with pending changes. In circumstances where all the funding for a Staying Put arrangement comes from Lancashire County Council (through the young person being unable to claim any benefits), the funding can be made under the Section 23C of the Children Act 1989. In these circumstances, a letter should be written to the former carer by the Children Looked After Support Team (CLAST) Team Manager confirming that payments to former carer are being made under Section 23C of the Children Act 1989, circumstances of the young person and that the payment should be disregarded for income tax and benefit purposes.
- 5.12 Where a young person Staying Put affects the Staying Put carers' Council Tax benefit then Children's Social Care will make up the deficit. A young person Staying Put who is a student or on a low income may not be counted against any Council Tax discount or benefit.
- 5.13 Where the total of the contribution to the Staying Put arrangement from the young person and any benefits is more than the total of the former Boarding Out allowance minus the deduction to reflect what the Staying Put carer is no longer responsible for funding, there will be no additional deductions from the amount received by the carer. The young person will still need to make the full contribution agreed.

- 5.14 Legislation regarding the treatment of payments to the carer is complex, and individual financial circumstances vary. Carers should therefore be advised to seek specialist advice (e.g. from the Citizens Advice Bureau or Benefits Agency) about their specific circumstances and the effect of the Staying Put arrangement on their tax, national insurance, welfare benefits, and working tax credit or child tax credit. Staying Put carers must register with HM Revenue and Customs as self-employed and may be entitled to Qualifying Care relief if the young person is in further education, higher education or vocational training. HM Revenue and Customs Helpsheet (hs) 236 provides further information and should be provided to the foster carer(s) for consideration prior to the initial Staying Put Meeting
- 5.15 If the carers are tenants themselves, it is advisable for them to check whether having a lodger is within the terms and conditions of their landlord and contents insurance.
- 5.16 If the carers are mortgage payers it is advisable for them to check whether having a lodger is within the terms and conditions of their mortgage lender and insurer.
- 5.17 It is advisable for carers to inform the insurance company providing their household insurance when a young person is no longer a fostered child but remaining in their home as an adult, and to check that existing insurance arrangements still provide adequate household cover under this arrangement and includes the possessions of the young person remaining with them under a Staying Put arrangement.
- 5.18 Foster Carers are currently covered for legal protection insurance provided and paid for by Lancashire County Council in the case of an allegation made against them by a foster child. Carers must be informed that this legal protection insurance cover does not continue under a Staying Put arrangement.

5.19 **Staying Put payments**

At the point the Staying Put arrangement takes effect the carer (landlord) will be eligible to receive £150 per week based upon the following formula.

- 100% of housing benefit will be paid by the young person to the carer.
- The young person will pay the carer £20.00 per week from their JSA
- LCC will contribute an enhancement which will be the equivalent of the difference between the above and £150 per week
- In the event the young person is not eligible to receive benefits (wages/savings) they will need to make up the difference in payments to the carer.

- 5.20 Where possible, Housing benefit needs to be paid to the Staying Put carer. Where it is paid to the young person, a direct debit needs to be set up to ensure the carer receives this contribution to the Staying Put arrangement.

Where the young person doesn't pay the Staying Put carer the Housing benefit they receive:

- It will result in the arrangement ending.
- It may impact on their future ability to claim Local Housing Allowance / Housing Benefit.
- If the failure to pay results in the Staying Put arrangements being terminated the young person may be considered 'intentionally homeless' by the local housing authority.

5.21 See Section 8 for young people who are parents wishing to remain in their foster placement with their child under a Staying Put arrangement.

5.22 If a young person goes to University or starts basic training with the armed forces then the placement they were in prior to this can be maintained as a Staying Put arrangement and a 'retainer' paid to the Staying Put carer(s) in certain circumstances. Young people are not expected to make a contribution to the retainer but may be expected to make a contribution when they return home dependant on their income – see Section 9.

6. Young Persons Contribution

6.1 As part of the Staying Put arrangement the young person will be expected to have some form of income. They should receive this income into their bank account. The minimum income a young person would be expected to receive would be the Income Support / Job Seekers Allowance rate (2012-13: £56.25). From this the young person will be responsible for:

- Clothing
- Social Life
- Toiletries
- Transport costs relating to education, training, employment, social life

6.2 Children's Social Care may financially support a young person's activities, hobbies, talents or skills as part of the Pathway Plan to enable the young person to continue with these. This payment will be made to the young person or may be made directly to an activity provider (e.g. boxing club, gym).

6.3 The young person may also receive a Leaving Care Allowance to reflect involvement with education, training, employment or voluntary work, funding from Children's Social Care to cover the cost of transport to work, a Further Education Bursary if attending college to cover the costs of this or a Training allowance.

6.4 The young person will be expected to pay a nominal amount towards the meals, utility bills and laundry costs in the Staying Put arrangement reflecting the reality of living independently and adult life. It is expected that this will be between £20.00 per week.

- 6.5 If the young person is receiving an allowance for training which does not total the amount they would receive if receiving benefits then this amount will be topped up to benefit level by Children's Social Care as a Leaving Care Allowance and the full amount up to benefit level.
- 6.6 For a young person in employment, if their total average net income over a 6 week period exceeds Income Support /Job Seekers Allowance level per week (£56.25: 2012-13) they will be expected to contribute 50% of their income over this amount towards the arrangement costs, up to a maximum of £50 per week contribution. This is in addition to the contribution from the young person towards meals, utility bills and laundry costs. This contribution will need to be reviewed every 3 months or should the young person's employment circumstances change.
- 6.7 Young people can claim Income Support up until the end of the academic year after their 21st birthday under the 'Relevant Education' rules if they remain 'estranged' from their family and are undertaking a full time (over 12 hours) education or training course which is below higher education level (the additional rule that they had to have started on the course before their 19th birthday was abolished in April 2012).
- 6.8 The young person will be supported to manage their income by the Staying Put carer and their Personal Advisor if this is an identified need in their Pathway Plan however it is expected that work will have been undertaken with the young person around money management and budgeting as part of Pathway Planning prior to the age of 18 and that prior to the Staying Put arrangement starting, the young person is clear on the financial contribution they will need to make to the arrangement, what they are responsible for financially and the expectation regarding payments to the Staying Put carer(s).
- 6.9 Financial arrangements will be reviewed at Pathway Plan Reviews, or earlier if there is a significant change in the financial circumstances of the young person or Staying Put carer(s).

7. Police Checks

- 7.1 If the former carer is going to continue to work as a foster carer the young person in the Staying Put arrangement will need to have a DBS check as they become an adult living in the home. The young person agreeing to this will be a requirement for the Staying Put arrangement.
- 7.2 Where the foster carer is a Lancashire County Council carer, the DBS check will be funded by the Fostering Service.
- 7.3 Where the foster carer works for an Independent Fostering Agency, the DBS check will be funded by Children's Social Care.

8. Young Parents

- 8.1 If a young person in a Staying Put arrangement has a child living with them, the young person will receive benefits for their child and will be responsible for providing for their child. From the benefits received for themselves and their child, the young person will be expected to contribute a proportion to the Staying Put carer(s) to cover the cost of meals, utility bills and laundry costs for themselves and their child.
- 8.2 The Housing benefit claimed by the young person for themselves and their child should be paid to the Staying Put carer by the young person.

9. Staying Put - University

- 9.1 Young people who go to university and wish to remain living full-time with their former foster carers can continue to do so under a Staying Put arrangement with the same funding arrangement as outlined in Section 5. The young person's income would include any student loans and bursaries received and from this the young person would be expected to financially contribute to the Staying Put arrangement as outlined at 5.4. However the young person would not be expected to contribute from any income received from part-time employment.
- 9.2 Young people who go to university but wish to return to their former foster placement during university holiday periods may return to their placement under a Staying Put arrangement. The Local Authority has a duty to fund vacation accommodation and this is in addition to term-time accommodation that Lancashire County Council funds and will total 52 weeks accommodation a year.
- 9.3 Where term-time accommodation is funded away from home (considered to be the young person's former foster placement) then a retainer will be paid to enable the young person to return home during weekends and university holiday periods. The retainer will be funded as a Staying Put allowance enhancement at the levels outlined in 5.20 to 5.22.
- 9.4 The retainer will be funded at $\frac{1}{4}$ of the Staying Put allowance enhancement whilst the young person is in university accommodation to reflect the emotional support the Staying Put carer will provide to the young person and the young person having their own room to return to during weekends / holidays which will be kept for their sole use and in which they will be able to keep their possessions and personal items they do not wish to take to University. The retainer will include periods when the young person returns home for weekends. Funding for transport home for weekends will be agreed and funded by Children's Social Care as part of the young person's Pathway Plan based on need however it would be expected the young person will be spending the majority of their weekends in their university accommodation.
- 9.5 During university holiday periods, the full Staying Put allowance enhancement will be paid to the Staying Put carer and this will include the carer transporting

the young person to and from University at the start and end of the University term (or funding this transport). The Staying Put allowance will be funded by Children's Social Care as outlined in Section 5 however Children's Social Care will fund the proportion that would be funded by Housing Benefit as the young person will be unable to claim this.

- 9.6 If a Staying Put arrangement is funded for holiday accommodation and a retainer paid to cover the term-time period, it is expected that the young person will spend the majority of the time staying in their Staying Put arrangement. However the young person staying up to 2 weeks elsewhere is agreed as part of this (e.g. the young person staying with friends, family or going on holiday with friends. This does not include going on holiday with Staying Put carers). The young person will need to cover the costs of staying with friends / family.

10. Staying Put – Armed forces

- 10.1 When a young person goes into armed forces training at 18, a retainer will be paid to the former foster carer as the full Staying Put allowance enhancement for at the relevant level (as outlined at 5.20 to 5.22) to reflect the emotional support the young person may need during this period and on condition that the young person is able to return to the Staying Put arrangement should they decide not to continue with the training part-way through or at the end. The requirement should the young person not continue with training at the end of the arrangement, is that the young person is able to return to the arrangement on a full Staying Put arrangement for a minimum of 1 month afterwards. Discussions beyond this would need to take place regarding whether the young person remains in this Staying Put arrangement or moves into independence.
- 10.2 The Staying Put allowance retainer paid also takes into account periods of leave the young person is allowed when they may return home, and that they have their own room to return to where they can keep any personal items and possessions for the duration of their training period. It also includes the cost of transporting the young person to and from their training base at the start and end of the training and for leave periods, or funding the cost of this.
- 10.3 Once the young person completes their training and signs up to the armed forces for a further period then the Staying Put arrangement is considered to have come to an end. Any arrangement for the young person to return to the Staying Put carer(s) home during leave periods would be an informal arrangement between the young person and carer(s).

11. Monitoring and Reviewing Arrangements

- 11.1 A Staying Put arrangements should be reviewed as part of the Pathway Plan Review at 2 months and then on a minimum of every six months.
- 11.2 A young person's financial contribution to a Staying Put arrangement where they are earning an income above benefit level should be reviewed every 3

months or should the young person's employment circumstances change. This review can take place as part of a leaving care visit rather than a full Pathway Plan review if appropriate however the outcome of this should be recorded and any changes to the young person's contribution and reasons for this need to be recorded in an updated Staying Put Agreement.

- 11.3 A review can be arranged earlier by agreement between young person, carers, and the professionals involved or if there is a significant change in education, employment or training circumstances of the young person or significant change to the young person's or carer(s) financial circumstances.

12. Ending the Staying Put Arrangement

- 12.1 The Staying Put arrangements can be ended before the young person's 19th birthday by the young person or former carer giving relevant notice. Both parties should give as much notice as possible, and this should in most circumstances be a minimum of 28 days notice. The Staying Put agreement allows for the ending of the arrangement with 7 days of notice for a breach of the agreement, but this minimum should only be used in exceptional circumstances. It is not required that this notice should be given in writing but the notice should be given to the young person's Social Worker or Personal Advisor and recorded on the young person's electronic Children's Social Care record.
- 12.2 Following notice being given to end a Staying Put arrangement, a Pathway Plan Review should be arranged as soon as possible to discuss plans for the young person to move on.
- 12.3 The Staying Put arrangements will end when the young person becomes 19. In exceptional circumstances the Staying Put arrangement can be extended on agreement by a Senior Manager.
- 12.3 Planning will be undertaken to ensure young person can move into suitable accommodation prior to the young person becoming 19 or within 2 weeks after their 19th birthday if the young person is not remaining with their Staying Put carer(s) by informal agreement.