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# STAYING PUT POLICY

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Ensuring stability for young people through staying with their foster carers into adulthood



KENT COUNTY COUNCIL  
CHILDREN, YOUNG PEOPLE AND EDUCATION  
CARE LEAVERS 18+ SERVICE  
MAY 2019-2021

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## Section 1 Introduction

This policy sets out Kent County Council's Integrated Children's Services approach towards promoting and supporting its young people in foster care that remain with their former foster carer(s) under staying put arrangements once they reach their 18<sup>th</sup> birthday.

This policy is applicable to all young people, including unaccompanied asylum-seeking, should they be accepted by the home office to have a leave to remain status in the United Kingdom, in the care of Kent County Council, who are living with their former foster carer(s) on their 18<sup>th</sup> birthday. The foster carer(s) may be Kent in house foster carers, connected person's carers or Independent Fostering Agency carers.

This policy has been written under the intention that it is read in conjunction with Kent County Council's Leaving Care Policy and the Care Leavers Local Offer.

## Section 2

### Legal framework and the definition of a *staying put arrangement*

This policy builds upon the statutory guidance on staying put which is contained in the May 2014 revision of the Children's Care Act 1989 Guidance and Regulations Volume 3. Planning transition and adulthood for Care Leavers should be read in conjunction with the statutory guidance.

It is also supported by staying put arrangements for Care Leavers aged 18-years and above to stay with their foster carer(s). This is a joint guidance produced by the Department for Education, Department for Work and Pensions and Her Majesty's Revenue and Customs. This provides more detail relating to many of the financial aspects around staying put arrangements.

#### The definition of a staying put arrangement

Staying put arrangements should replicate as far as possible a 'normal family life'. The foster carer(s) are required to care for any child or young person placed with them as though they were a member of their family, this expectation should carry through into staying put arrangements.

All families have different rules, expectations and ways of doing things. Considering this, staying put arrangements should take this into account and be sufficiently flexible to be tailored to individual circumstances and needs.

The term *staying put* can be used as follows;

- A young person who was in care immediately prior to their 18<sup>th</sup> birthday, as an eligible child, and continues to reside with their former foster carer(s);
- The carer(s) were acting as foster carer(s) to the young person immediately prior to their 18<sup>th</sup> birthday. This assumes that the foster carer(s) were approved in accordance with the Fostering Service (England) Regulations 2011, and the young person had been placed with them by Kent County Council or an independent fostering agency;
- A young person is assessed to be an eligible child, with the meaning of paragraph 19B (2) of Schedule 2 of the Children's Act 1989, immediately before they reach 18-years old;
- The staying put arrangement is set out in the child or young person's pathway plan;
- A staying put arrangement ends when a young person becomes 21-years old or ceases to live within the household. This depends on which comes first, or the young person completes the agreed programme of education or training being

undertaken on their 21<sup>st</sup> birthday, if continuously living in the arrangement since their 18<sup>th</sup> birthday.

Kent County Council as a local authority has a significant statutory obligation to:

- Monitor and support staying put arrangements, these are reflected throughout this policy;
- Support its Care Leavers whether they decide to participate in a staying put arrangement. This is detailed in the Children Act 1989 statutory guidance. A former relevant child who is pursuing further education or training may be entitled to support until they turn 25-years old. However, beyond their 21<sup>st</sup> birthday this cannot be identified as a staying put arrangement.

It is important to understand that government departments have differing approaches to defining staying put within the statutory framework applicable to their area of responsibility.

The definition given above comes from the Children Act 1989 and is one which gives English local authorities a duty to monitor and support, as outlined within this policy.

## Section 3

### Guiding principles

Staying put arrangements will be most effective when underpinned by clear principles as detailed within the practice guidance below:

#### Best interests

The best interests of the young person should be at the heart of decision making in relation to staying put arrangements.

This enables them to have the best possible opportunities to lead successful lives.

#### Recruitment of foster carers

Foster carers recruited to care for children and young people through permanency, will be advised from the point of their initial application and training that young people will be required to be supported and cared for up until 21-years old.

This is advised to ensure there is a clear culture and understanding from our foster carers, when committing to permanency for a child or young person, that they will be supporting them into adult life and must be provided with information on financial implications that this commitment may have for their household.

#### Support

Support to both foster carers and young people should be geared to their specific circumstances and needs.

Foster carers should be enabled to develop the skills best required to help the children and young people in their care to do well in life and promote a culture of supporting young people into independent living, through learning the essential skills, such as budgeting and personal care.

#### Clear information

Foster carers and young people should be provided with clear information regarding the support available from Kent County Council and its Fostering Service.

This is to provide them with support on choices, such as if they wish to enter a staying put arrangement. This will always include information around financial arrangements and implications for benefits and tax.

This is a joint responsibility of the Independent Reviewing Officer at reviews, the social worker for the young person and fostering social worker. Foster carers will be able to access training regarding staying put opportunities and other accommodation options.

## Early planning

Early planning for staying put arrangements is crucial. Arrangements should be considered as part of the care planning process and from the time that a long-term foster placement is planned, and permanency planning is undertaken.

Decisions in principle about whether staying put is an option should take place with the young person and their foster carer(s). This discussion and decision should be clearly recorded on the young person's pathway plan and care plan and reviewed at each subsequent review meeting by the Independent Review Officer.

The young person's 16<sup>th</sup> birthday is the time when their pathway plan should be completed, including decisions in principle that lie around whether a staying put arrangement is in their best interest.

This discussion should take place with the young person and their foster carer(s) to provide them with enough time to consider all implications, expectations and requirements or to identify alternative placements should a staying put arrangement be identified as not viable.

By the time that the young person turns 17 ½-years old, there must be a planning meeting to finalise arrangements<sup>1</sup> with the foster carer, young person and provider.

## Equal opportunities

To maximise the opportunity for young people to participate in staying put arrangements within a Fostering Service, both local authorities and agencies, should carry out everything possible to ensure all foster carers have equal opportunities to become staying put carers. This includes family and friend foster carers and those approved by independent fostering agencies.

## Flexibility

Arrangements should be sufficiently flexible to enable support to be provided over and above the minimum legal requirements and recognise that the relationship between a foster carer and young person will not always end at 21-years old or when a staying put arrangement ceases.

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<sup>1</sup> Appendix A.

## Section 4

### Criteria for staying put and arrangements for disabled young people

There are no specific or altered 'eligible' criteria standards or requirements for entering into a staying put arrangement and all young people can remain with their foster carer(s). However, the young person's needs must be met within the standard, complex or intensive levels of provision, should they have a disability.

Should the young person require a higher-level of support that does not fall under one of the levels of provision that is offered through the staying put arrangement, it may be identified as appropriate to consider placing the young person in a Shared Lives placement. If the Children in Care team are working with a young person with complex needs, there must be planning and assessment at aged 16, to establish whether the young person meets the criteria for adult social care including the 16-25-year-old team.

If the young person's foster carer(s) wish to continue supporting them and it is in the best interest of the young person to remain with their foster carer(s), then the foster carer(s) will need to apply to be assessed by the Shared Lives<sup>2</sup> team that are registered with the Care Quality Commission. The placement should be agreed at the at the decision-making panel.

Children's and Adult Services should work together using the Transition policy, to ensure the best possible transition to adult life for our young people.

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<sup>2</sup> <https://www.kent.gov.uk/social-care-and-health/care-and-support/disability/supported-housing/sharing-a-home>

## Section 5

### Preparation for a staying put arrangement

To ensure enough time is available to make the necessary planning arrangements for extending a placement to turn into an arrangement beyond a young person's 18<sup>th</sup> birthday, the young person's social worker must take full responsibility to ensure that appropriate meetings with the foster carer(s) and young person are held to explore staying put arrangements and that a decision regarding the young person's future placement after they turn 18-years old are incorporated into the pathway plan from their 16<sup>th</sup> birthday.

After the last Children in Care review before the young person turns 16-years old, they should receive their 16+ pathway plan. This pathway plan information includes their guide to staying put arrangements and the Independent Review Officer will ask the social worker at the review meeting whether the young person has been provided with this information. Should it be identified that they have not, then a date is agreed on when this will be provided to them.

No later than the first Children in Care review after the young person turns 16-years old, scoping meetings should have taken place to inform the social worker whether the pathway plan for the young person after they turn 18-years old will be a staying put arrangement or an alternative form of accommodation.

The Independent Review Officer will ask at this review whether the meetings have taken place and what is the proposed plan that is put in place and being worked towards for when the young person turns 18-years old.

There should be 2 scoping meetings that are held between the 2 Children in Care reviews that take place either side of the young person's 16<sup>th</sup> birthday.

The first scoping meeting should be co-ordinated by the young person's social worker and chaired by the fostering social worker, it is expected that the following stakeholders should attend: the young person's foster carer(s), young person's social worker, fostering social worker. This meeting should seek to establish:

- The viability, appropriateness and likelihood of a staying put arrangement occurring;
- The key tasks, roles and responsibilities related to extending the young person's fostering placement;
- The impact on the foster carer(s) financial circumstances, should the placement transform into a staying put arrangement and continue after the young person's 18<sup>th</sup> birthday. Clear information on the funding for a staying put arrangement must be given to the foster carer(s) at this stage;
- Foster carers approved post-2016 would have been recruited specifically to offer permanency. They would have also been advised of the staying put policy and



that a request may be made to them to consider continuation of a placement for the young person that they are caring for until they turn 21-years old;

- Any potential barriers to achieving a successful staying put arrangement;
- The expectation that the carer will prepare the young person for independence and ensure they are accessing education, training and/or employment opportunities;
- The difference between caring for a child or young person and supporting an adult.

Should it be decided during this meeting that a staying put arrangement is not viable, the social worker will need to scope out the options that are available for this young person and meet individually with them to explore these other options for them to incorporate this into their pathway plan.

The social worker will carry out a needs led assessment and formulate a plan which will be drawn up to prepare the young person to acquire their independent living skills that are required to move into independent or semi-independent living.

Once this is incorporated into their pathway plan it will continue to be reviewed and discussed during reviews. This decision and future planning will form a basis of the ongoing statutory review of the care and pathway plan.

Should it be agreed at the initial scoping meeting that a staying put arrangement is viable, the young person's social worker must meet with the young person individually and explore the staying put arrangements expectations and requirements and gain their wishes and feelings around this.

If the young person agrees to proceeding into a staying put arrangement, this will be written into their pathway plan and the appropriate support will be provided to prepare them and their foster carer(s) for this. However, should the young person wish to not proceed with this option and look at alternative accommodation options then this will be written into their pathway plan and the appropriate support for this will be provided.

The possibility and practicalities of a fostering placement transitioning into a staying put arrangement upon the young person turning 18-years old should then be discussed in every statutory care and pathway plan meeting.

Following on from the first Children in Care review after the young person turns 17-years old, the young person's social worker will be responsible or submitting a referral to the total placement service advising of their placement converting to a staying put arrangement once they turn 18-years old.

A planning meeting with the provider should be held following this referral being made and this should take place before the final Children in Care review.

The total placement service will inform the provider of the change that is due to take place and the final Children in Care review before they turn 18-years old should ensure any final arrangements, such as paperwork and requirements will be in place by this time<sup>3</sup>.

All meetings should refer to the criteria and financial framework for extending the staying put arrangement, national insurance, income tax and welfare benefit issues for the foster carer(s) and welfare benefit issues for the young person.

### Support for the young person

Following the decision by the foster carer(s) to become a staying put arrangement, a meeting to discuss this option should be arranged with the young person by their social worker.

At this meeting the changes, process and expectations of such arrangements will be explained to the young person. The expectation is that young people can remain with their foster carer(s) up to the age of 21-years old, where assessed as appropriate.

A needs led assessment will be carried out and formulated into a pathway plan that will be drawn up to prepare the young person to acquire their independent living skills. It is expected that the young person should be supported to continue developing a range of skills, this includes;

<b>Relationships</b>	Getting on with neighbours, understanding acceptable and unacceptable behaviour and when and how to communicate with relevant professionals.
<b>Emotional resilience</b>	Managing isolation, where to go for support and building self-esteem.
<b>Finance and budgeting</b>	Opening a bank account, safe borrowing and managing debt, understanding basic finance products, benefits, welfare, reform, budgeting for priority bills, household appliances and everyday shopping on a budget.
<b>Cooking</b>	Cooking healthily on a budget, understanding nutrition and its overall impact on health.
<b>Managing a home</b>	Washing, ironing, cleaning, basic DIY, operating appliances and what is allowed within a tenancy agreement.
<b>Supporting education, training and employment</b>	Supporting education, employment and training whilst understanding the range of options available to the young person around this.  Understanding strengths and areas for personal

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<sup>3</sup> Appendix A.

development; developing job skills, understanding jobs, volunteering pathways, available support, understanding bursaries, other financial support; where to go for advice, understanding the impact of work on benefits and the amount they will be expected to contribute to the arrangement.

Staff can offer support too. Should the young person be in year-13 then they will have a named Virtual School Kent support officer to help them with this. Once they are in year-14 their personal adviser can link with their 18+ leaving care ETE (Education Training and Employment) Support Officer for guidance.

### The provider<sup>4</sup>

Once our provider has been informed of the proposed staying put arrangement following the young person's initial Children in Care review, after the young person turns 17-years old the provider's accommodation officer will arrange to visit the staying put accommodation provider prior to the young person's final Children in Care review with a view to explain and confirm in more detail the expectations of the arrangement. The meeting will include discussions in relation to financial arrangements that have been agreed between the staying put accommodation provider and Kent County Council.

Once agreed and the meeting has successfully taken place, finances will be administered by the provider once the young person has turned 18-years old. Ongoing support, advice and training opportunities for the staying put accommodation provider will be explained during this meeting with the provider so they are familiar with the services they can access.

When the young person turns 18-years old, the ongoing support will turn into an arrangement and will transfer from Kent County Council's Fostering Service, to the provider. In addition, when the young person turns 18-years old, there will be a meeting that takes place and the attendees will include; the young person, their staying put accommodation provider, the provider's accommodation officer and their personal adviser.

During this meeting, the objectives will be focusing on expectations, tasks and targets. Timescales for these to be implemented and completed by the young person and staying put accommodation provider will be set during this meeting.

When the young person turns 18-years old, they will enter into a private licence agreement that details their entitlement to remain in the staying put accommodation provider's household until 21-years old. This licence is between the staying put accommodation provider and the young person and will be carefully explained to both by the provider. Arrangement reviews will take place on a 3-month basis and this will help to inform all future pathway plan reviews.

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<sup>4</sup> Catch22 at the time of writing this document, 02/01/2019.

## Section 6

### Professional roles

#### Fostering social worker

The fostering social worker will lead the discussions at the initial scoping meeting and support the foster carer(s) or provider throughout the implementation of the staying put arrangement process. This will also ensure the foster carer(s) have been made fully aware of the implications for themselves and the young person.

Any changes in decisions made by the foster carer(s) of the young person should be taken to the statutory review process.

#### Young person's social worker

The young person's social worker will support the young person throughout the development of the staying put arrangement process and ensure the young person is aware of the implications and expectations of the arrangement. Should the young person decide to decline a staying put arrangement, they will be supported in seeking alternative accommodation and support options.

A plan will be in place for the transition into accommodation, this plan will be in place and agreed by the first Children in Care review after the young person turns 16-years old and finalised by their final Children in Care review before they turn 18-years old.

Young people must not be left in a position of being unsure on their accommodation options, should they decide to not proceed with a staying put arrangement.

Where there is a lack of knowledge around housing and its availability, Total Placement Service should be approached, and options be discussed. Their social worker will also support in applying for housing benefits, income support, universal credit or any other benefits they may be entitled to receive.

#### Personal adviser

To aid the transition for our young people into the Care Leaving Service, their allocated personal adviser will be assigned to them from the age of 17-years old.

The young person's allocated personal adviser will work alongside their allocated social worker to form a positive relationship with and understanding of them before moving to the Care Leavers Service. This positive relationship building will be accomplished by attending meetings with the young person, clarifying any financial support changes once they turn 18-years old, answering queries relating to and planning for accommodation and supporting their access to education, training and employment.

During this period, their allocated social worker remains as the lead professional until the young person turns 18-years old and has fully transferred to the Care Leavers Service, where this will then be their allocated personal adviser.

Once the young person has been transferred to the Care Leavers Service, their personal adviser is able to provide them with advice and support whilst getting in contact with them at least every 6-weeks and arrange to have a face to face meeting at least every 8-weeks.

Their personal adviser will facilitate a meeting to complete the young person's pathway plan with their attendance and aim to have the young person's aims and wishes implemented in this and supported.

The pathway plan meeting should include the views of the staying put provider, should this be the pathway planned, to ensure that they are also working towards the same goals with the young person and providing support around this adequately.

The young person's personal adviser will co-ordinate the provision of additional services, where necessary, and support the young person to ensure they make the most of the support and services available to them.

Their personal adviser will remain informed in the young person's progress and wellbeing through regular updates from the young person, and other stakeholders involved in their support.

Their personal adviser will be able to provide information around financial entitlement and support to aid them in managing their finances effectively, including daily outgoings. In addition, they can aid in relation to housing options that are available to the young person and support in identifying further/higher-education, employment or training.

#### [The provider's accommodation officer](#)

The accommodation officer's role is to supervise, manage and support the staying put accommodation providers.

The accommodation officer will be a link between the staying put accommodation provider and Kent County Council while ensuring that the appropriate support is implemented for the young person.

They will ensure regular telephone calls and visits take place on a one to one and group basis, regularly. In addition, they will support the staying put accommodation provider by providing them with advice and address any concerns they may have.

#### [The provider's performance and account manager](#)

The performance and account manager's role is to ensure that all staying put accommodation providers are paid on time whilst monitoring the success of the service.

In addition, they will manage the opening and closing of arrangements in partnership with Kent County Council and therefore will be able to answer financial queries in relation to payments made to the staying put accommodation provider.

### The provider's recruitment and training co-ordinator

The recruitment and training co-ordinator is responsible for the recruitment and quality assurance of new supported accommodation in family environment providers.

They will manage the provider's marketing and recruitment while undertaking assessments and informing other providers of panel decisions. In addition, they are responsible for ensuring all providers are adequately trained, this includes training for staying put accommodation providers to go alongside their fostering training.

### The provider's Service Manager

The service is overseen by a Service Manager who is responsible for ensuring that the service is compliant with the needs and requirements of Kent County Council.

The Service Manager will manage and take responsibility for any serious issues in the service and will support the rest of the team in ensuring a positive outcome and delivery.

### Foster carer(s)

The role of the foster carer(s) is to be present at the early planning meetings that commence at the age of 16-years old and receive pathway plan notes to enable them in supporting the path of the children and young people that they look after.

The foster carer(s) check with the young people that they have all the information that they require in formatting and language that is appropriate for them to understand. Foster carer(s) will assist in the decision making on whether it is in the best interest for the young person to transfer into a staying put accommodation arrangement and assist them in seeking further information on this to aid in their decision-making process.

The foster carer(s) ensure that they receive adequate and comprehensive information on the financial implications of staying put, at the earliest time possible.

They will also ensure the young person understands the implications of the new arrangement, should they decide to transfer to a staying put arrangement and ensure they are aware that they are no longer in foster care and are now on the path to becoming independent and therefore they are renting a room within their former foster carer(s) household, under an agreement as part of their first step to independence in adulthood.

### Independent Review Officer(s)

The Independent Review Officer chairs the Children in Care review before the young person turns 16-years old. This meeting should confirm whether the young person has received or when they will receive their 16+ pathway plan pack.

The pathway plan review held after the young person's 16<sup>th</sup> birthday should confirm whether they will consider entering a staying put agreement or not.

The social worker should ensure the staying put arrangement is reflected in the pathway plan and this should be checked. This plan should be a live document

setting out the different services and how they will be provided to meet the young person's individual needs and requirements in full.

During the review the Independent Review Officer will ensure that the young people who are eligible to enter a staying put arrangement are fully aware of this process, expectations and support whilst understanding their entitlements.

If a staying put arrangement is identified as unsuitable for a young person, then the Independent Review Officer should be informed of the other transition options that are available to them and their preferred option.

If it is felt and identified that a young person may be eligible for adult services when they reach 18-years old, then their social worker should refer them to this service.

A review meeting will take place to finalise the staying put arrangement at 17 ½ - years old. The Independent Review Officer will continue to review and monitor the young person's pathway plan to ensure there is no drift in the care planning and that a robust transition plan is in place.

## Section 7 Funding

The fee payable to the staying put accommodation provider will be dependent on the amount agreed with the local authority at the time and such payments will commence directly following the cessation of their fostering payments to avoid further financial difficulties for the staying put accommodation provider and the young person.

There are three levels that are paid to the staying put accommodation provider, standard, complex and intensive. The payment will be dependent on a need's assessment being undertaken by the social worker and an agreement being given by the access to resources panel. This then must be confirmed by a Service Manager for the Care Leavers Service.

The provider will be responsible for all payments made to the staying put accommodation provider.

The payments to the staying put accommodation provider will therefore be made up in conjunction with funding from:

- Kent County Council fee;
- Local housing allowance or housing benefit, the amount varies according to area;
- Defined contribution from the young person. Such as, income, entitlement, grants, allowances or benefits.

<b>Level of support</b>	<b>Minimum weekly support payment</b>	<b>Accommodation payment</b>	<b>Support provided per week</b>
<b>Intensive</b>	£240.00	In line with local housing benefit rate	30+ hours
<b>Complex</b>	£190.00	In line with local housing benefit rate	15-29 hours
<b>Standard</b>	£140.00	In line with local housing benefit rate	Up to 14 hours

These payments are reviewed bi-annually in line with the contract.

The combined staying put payment detailed above covers accommodation, support, utilities, food and associated arrangement costs; this does not cover pocket money or clothes as this will be replaced by the young person's personal benefit allowance or earnings.

Travel costs other than in the event of an emergency or costs that have been pre-agreed by the young person's personal adviser will not be paid.

Young people, in all circumstances, must claim all benefits they're entitled to and should be supported to do this by their allocated social worker or personal adviser. Kent County Council will fund their arrangement in full should there be any delay in



benefits being received. However, this will then be claimed back once the young person is in receipt of their full benefit amount.

#### Young people turning 18-years old whilst in full-time education<sup>5</sup>

If a young person is studying or training within a full-time education course (at A 'Level standard or equivalent) after they turn 18-years old, to avoid disruption for the young person, the full fostering payment will be granted from their 18<sup>th</sup> birthday until the end of the academic year or last examinations in the academic year that they turn 18-years old.

Generally, this will need to be full-time education course, studied at A 'Level standard or equivalent where a move during the academic year of study would have a significant detrimental effect upon the young person. Agreement for the fostering rate to continue past 18 years of age, for a young person in **any other education arrangement**, should be decided on a case by case basis, following presentation at the Access to Resources Panel.

This will still be classified as a staying put arrangement and the provider will continue to provide support. Where a young person is aged 18-years old and is eligible for welfare benefits, including housing benefit and department for work and pension benefits, this amount will be deducted from the contribution and used towards the cost of the staying put arrangement.

The allocated social worker or personal adviser must support the young person to claim all available benefits to support Kent County Council in maximising their funding. Housing benefits will be paid to the foster carer(s) and this amount will be deducted from the overall payment made by Kent County Council.

Young people will claim income support or universal credit from their 18<sup>th</sup> birthday and this amount will also be deducted from the fostering payments. Young people will contribute £20.00 towards food, should they wish for this to be provided to them by their staying put accommodation provider, and £7.00 towards utilities from their income support or universal credit.

The remaining amount of income support or universal credit will be to cover pocket money and clothing, including any privileges they may like, for example, mobile phone, extra curriculum activities and more; the foster carer(s) will not be required to cover this in maintenance. This should be covered in detail during the arrangement agreement meeting.

Remaining under the staying put scheme for the period between the end of their A level exams and the beginning of university, where applicable, will revert to the standard staying put funding structure and foster carer(s) are not eligible for the full fostering rate.

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<sup>5</sup> Academic level-3 courses.

### Young people aged 18-years old who end their period of study whilst their foster carers are in receipt of the full fostering payment

Where a young person decides against completing their course of education, in A levels or an equivalent, the fostering payment will cease and there will be an assessment of the young person's needs by their social worker to determine the fee payable to the staying put accommodation provider in line with the payment chart earlier in this document.

### Young people attending university and returning to their staying put accommodation during holiday periods

Young people living away from their foster carer(s) household for temporary periods of time, for example, attending higher education courses, should not preclude young people from remaining in a staying put arrangement.

It is recognised that supporting a staying put arrangement enables the continuation of familial relationships that provides the young person with security and stability that they require whilst they are focusing on education and their future aspirations.

Should this be the case then the staying put accommodation providers will be paid the standard rate, and rent, for the time that the young person stays with them during the holiday period and during term time they will not be eligible to receive any financial support element.

### Young people attending university whilst remaining in their staying put accommodation

Some young people may wish to attend a local university. Therefore, they may choose to remain in their staying put accommodation whilst learning towards their higher education.

In these cases, the staying put accommodation provider support element will be paid all year. However, the young person will be required to pay towards their rent during term times through their student loan(s) which is agreed prior to turning 18-years old.

Kent County Council will pay the rent element during the holiday period and all other allowances will be paid to higher education students that are supported through the Care Leavers Service.

All carers that receive a staying put payment have a duty to inform the local authority of any changes in circumstances.

### Young people

By the time the young person turns 17 ½-years old, the young person's social worker will ensure the young person is aware of the financial contribution they will be expected to make to the cost of their staying put accommodation provider in line with the policy, at the time.

It is expected that the young person will contribute towards the cost of food, should they wish for this to be provided to them by their staying put accommodation provider, household items and utilities from their income support or universal credit payments. They are also expected to claim housing benefit monies, where applicable.

Young people at 18-years old will be eligible to claim income support or universal credit, providing they are in full-time education, excluding university.

The young person's social worker will assist them in submitting an income support or universal credit claim to the Department for Education 6-weeks before their 18<sup>th</sup> birthday<sup>6</sup>.

The young person will also be eligible for housing benefit, when claiming benefits under 21-years old and not in any higher education.

Applications can be made through Job Centre Plus or from their local council. The housing benefits should be paid directly to the staying put accommodation provider and not directly to the young person<sup>7</sup>.

The benefit allowances received will be reviewed as part of the young person's pathway plan process and by their personal adviser after they turn 18-years old.

Consideration should be given to ensure that applications for benefits do not discourage a young person from obtaining or maintaining part or full-time employment.

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<sup>6</sup> See [www.gov.uk/income-support](http://www.gov.uk/income-support) for further information.

<sup>7</sup> See [www.gov.uk/housing-benefit](http://www.gov.uk/housing-benefit) for further information.

## Section 8

### Independent fostering agencies

Young people placed in independent fostering agency arrangements will be considered against the same criteria as Kent foster care placements. Kent County Council will ensure that the process as detailed within this policy involves the independent fostering agency at all key stages.

It is expected that independent agency foster carers(s) will be paid at the same rate as Kent foster carer(s) in line with what is documented within this policy. There will be the same expectation of independent agency foster carer(s) should they be offering permanency. They are provided with staying put information in line with the expectation for the young person to be able to stay there until 21-years old.

When entering into permanency agreements with Kent County Council, independent fostering agencies enter into the agreement on the basis that when the young person turns 18-years old, the foster carer(s) will transfer to the Kent staying put funding structure.

Kent County Council do not commit to funding arrangements at an independent fostering agency rate for staying put accommodation arrangements.

Once the Access to Resource panel have formally acknowledged the decision made by the young person and their foster carer(s) to enter into a staying put accommodation agreement after they turn 18-years old, the independent fostering agency will be notified then requested to ensure their foster carer(s) formally notify the Independent Fostering Agency of their change in circumstance.

It is expected that independent fostering agencies that Kent County Council commission arrangements with, will fully embrace the legislative and good practice guidance associated with the staying put initiative<sup>8</sup>.

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<sup>8</sup> Kent County Council's commissioning department can be contacted on; [fsccommissioning@kent.gov.uk](mailto:fsccommissioning@kent.gov.uk).

## Section 9

# Income tax and national insurance issues for staying put arrangements

All foster carer(s) and staying put accommodation providers must register with Her Majesty's Revenue and Customs as self-employed. The simplified tax arrangements apply and foster carer(s) and staying put accommodation providers will continue to be able to claim under their existing simplified tax arrangement<sup>9</sup>.

Where young people remain living with their former foster carer(s) under a staying put arrangement, the income tax and national insurance framework and liabilities that apply are set out in the Shared Lives carers guidance.

The Shared Lives qualifying care relief guidance sets out that staying put accommodation providers receive tax exemptions up to a given qualifying amount for each staying put young person living with them.

The staying put qualifying rate mirrors the system and amounts that applied when the arrangement was previously a foster care placement.

The staying put exemption does not affect any income from other sources, for example, employment and investments. Such other income will be taxed in the normal way.

Staying put carers, including foster carers, should note that they may be able to claim working tax credit which is administered by Her Majesty's Revenue and Customs. Staying put care is counted as work for tax credit purposes.

The staying put accommodation provider's taxable income is used to assess the amount of tax credits that they are entitled to receive. Where they receive less in staying put payments than the tax-free allowance, their income from providing a staying put accommodation is treated as nil for this purpose. This will mean they get the highest rate of working tax credit.

### Impact(s) of a staying put accommodation arrangement on single occupancy council tax discount receivers

Single staying put accommodation providers who claim single occupancy council tax discount may lose this reduction as a result of having a young person over 18-years old living in their home and is deemed under council tax regulations and criteria's as an adult.

Where this occurs, the staying put accommodation provider will need to notify their social worker so that the increase in council tax payments can be acknowledged through the local resources panel and reimbursed by the department. This amount

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<sup>9</sup> Full tax details can be found in the Her Majesty's Revenue and Customs help sheet 236.

will be added to the monthly arranged payment(s) to the staying put accommodation provider under the staying put arrangement.

#### What doesn't count as an adult under council tax criteria(s)

- Children and young people under 18-years old;
- Those children and young people on an apprenticeship scheme;
- 18 and 19-year old's in full-time education;
- Full-time college and university students;
- Young people under 25-years old who get funding from the skills funding agency or young people's learning agency;
- Student nurses;
- Foreign language assistants that are registered with the British Council;
- Young people with a severe mental impairment;
- Live-in carers who look after someone who isn't their partner, spouse or child under 18-years old;
- Diplomats.

#### National insurance

The same class 4 national insurance contributions apply in line with fostering.

## Section 10

### Staying put arrangement guidance and health and safety

Young people, staying put accommodation providers, personal advisers and supervising social workers should meet to ensure the appropriate paperwork is completed<sup>10</sup>. This meeting should be incorporated into the young person's pathway plan.

#### Health and safety

The same health and safety principles that applied under the foster placement will continue and they must ensure the appropriate home insurance has been implemented for their role as a staying put accommodation provider, this includes their vehicle having a current MOT and business insurance.

The staying put accommodation provider must ensure that they have advised their insurance company of young people being welcomed into their home under an agreement, so they are able to advise of the need to have business cover for their home or any other essential requirements.

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<sup>10</sup> Appendix A.

## Section 11

### Monitoring and reviewing arrangements and safeguarding measures

The staying put arrangements should be reviewed as part of the young person's pathway plan on a 6-month basis, this is to ensure that any implemented targets are being met.

The pathway plan review will ensure the young person is developing and acquiring independent living skills. This should also record any problems or difficulties that have emerged, what is working well in the arrangement and future plans.

A review can be arranged earlier, if it is needed, by an agreement between the young person, staying put accommodation provider and personal adviser.

#### Safeguarding measures

The same safeguarding measures that apply under the foster placement will continue to apply during the staying put accommodation use period.

Should the former foster carer(s) continue to be foster carer(s), the young person that they are providing staying put accommodation for will need to undergo a DBS check as they will become an adult living in the home.

If the former foster carer(s) are still registered at Kent County Council as foster carer(s) their DBS checks will continue routinely.

The provider will be responsible for ensuring all staying put former foster carer(s) have an up to date DBS check. Any adult safeguarding concerns must be referred to Kent County Council's adult safeguarding service in line with the Kent safeguarding adult board procedures.



## Section 12

### Ending the staying put arrangement

The staying put arrangement can be terminated at any time before the young person reaches their 21<sup>st</sup> birthday. This could be done by either the young person or the staying put accommodation provider by providing 14-days' notice. A planning meeting should therefore be held to prepare for the young person's transition into new accommodation.

When planning to end a staying put arrangement it is important to remember that as the young person reaches 21-years old they will no longer qualify for requiring *priority* need for housing.

Considering this, it is essential that plans are made in advance, to maximise the young person's opportunities to be considered for social housing.

Should the young person wish to remain with the staying put accommodation provider, it will become a private arrangement between them, and no funding will be provided by Kent County Council. However, the young person can request support from a Personal advisor, to continue until up to the age of 25 years.

There will be circumstances where a planned ending from a staying put arrangement, to independence within the community does not work out and returning to the foster carer is in the best interest of the young person.

Should this option be available, within a 4-week period, a young person may be able to return to their previous staying put arrangement and the original payment arrangement will resume. In these circumstances, the arrangement will continue to be considered as staying put accommodation.

## Appendix A

