

# Staying Put

## Good practice guide



[Blank page]

# Staying Put

Good practice guide



# Contents

Foreword	v
<b>1 About this guide</b>	<b>1</b>
<b>2 What is a staying put arrangement?</b>	<b>2</b>
<b>3 How does staying put differ from foster care</b>	<b>3</b>
<b>4 Aims of staying put</b>	<b>4</b>
<b>5 Criteria for staying put arrangements</b>	<b>5</b>
<b>6 Guiding principles</b>	<b>6</b>
<b>7 Recruitment and retention of foster carers</b>	<b>8</b>
Assessing applicants	8
Becoming staying put carers only	8
Becoming staying put carers in addition to fostering	8
DBS checks on young people	9
<b>8 Planning staying put arrangements</b>	<b>10</b>
Early planning	10
Post-16 assessments and pathway plans	10
Making arrangements	11
<b>9 Deciding not to support a staying put arrangement</b>	<b>13</b>
<b>10 Written agreements</b>	<b>14</b>
<b>11 Roles of those involved</b>	<b>16</b>
Staying put carer	16
Personal adviser	16
Supervising social worker from the fostering service	17
<b>12 Ending an arrangement</b>	<b>18</b>
<b>13 Supporting young people</b>	<b>19</b>
Meeting needs	19
Planning	19
Learning through experience	20
<b>14 Supporting staying put carers</b>	<b>21</b>
Advice and guidance	21
Financial support	21
Learning and development	23
<b>15 Monitoring arrangements</b>	<b>24</b>
<b>16 Challenging local authority decisions</b>	<b>26</b>
<b>17 Policies and commissioning</b>	<b>27</b>
<b>18 State benefits</b>	<b>29</b>

<b>19 Income tax</b>	<b>30</b>
<b>20 Insurance</b>	<b>31</b>
<b>21 Specific circumstances</b>	<b>32</b>
Family and friends foster carers	32
Young people temporarily living away from home	32
Disabled young people	32
<b>Acknowledgements</b>	<b>33</b>
<b>Appendix 1: Children and Families Act Section 98</b>	<b>34</b>
<b>Appendix 2: Further help and information</b>	<b>35</b>
Helplines	35
Statutory guidance	35
Financial arrangements	36
Information for young people	36
Research	36
Practice guidance	36
Care leavers	36
<b>Appendix 3: North Yorkshire County Council licence agreement – Staying Put Agreement</b>	<b>37</b>

# Foreword

Moving into adulthood is often a turbulent time: transitions don't always happen in the order we envisaged: leave school, work, relationship, setting up home, parenthood. The reality is that young people can become an adult in one area but not in others. Whilst most young people know they can call on the support of their families to help them through times of need, care leavers often don't have the same help to fall back on.

That's why we changed the law in the Children and Families Act 2014 to place a duty on local authorities to support care leavers who wished to stay with their former foster carers ('staying put' arrangements) until aged 21. Most importantly of all, it allows them to leave stable and secure homes when they are ready and able to make the transition to independence.

This practice guidance will help councils to implement their new duty and brings together what the best councils are doing to support carers and young people in 'staying put' arrangements. I'm grateful for the support and time that many in local government have given to the development of the guidance as well as to all those voluntary organisations who led this work, particularly the Fostering Network, NCB and Who Cares? Trust. I'm sure we can all agree that this momentous change will give young people leaving care a much better chance of making a success of what lies ahead.

Edward Timpson  
Children's Minister

*Care leavers should expect the same level of care and support that others would expect from a reasonable parent. The local authority responsible for their care should make sure that they are provided with the opportunities they need, which will include offering them more than one chance as they grapple with taking on the responsibilities of adulthood.*

*The Children Act 1989 Guidance and Regulations Volume 3:  
Planning transition to adulthood for care leavers*

# 1. About this guide

This guide has been written for everyone involved in making and supporting staying put arrangements in England. It will be particularly relevant to practitioners and managers in children's social care services, independent reviewing officers, foster carers and looked after young people. Its purpose is to promote good practice so as to ensure that care leavers are provided with the maximum possible opportunity to thrive and achieve as adults. It will assist local authorities to fulfil their duties effectively, assist fostering services to support foster carers to take on the role of staying put carers, and help foster carers and other professionals to understand what is expected of them in relation to staying put.

The guide builds upon the statutory guidance on staying put which is contained in the May 2014 revision of *The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers* and should be read in conjunction with that. It is also complemented by *Staying Put: Arrangements for care leavers aged 18 and above to stay on with their former foster carers* which is joint guidance produced by the Department for Education (DfE), Department for Work and Pensions (DWP), and Her Majesty's Revenue and Customs (HMRC). This provides more detail relating to many of the financial aspects of staying put arrangements.

There are links to these and other helpful documents in Appendix 1.

**At the end of each section there is a list of 'things to consider' which will help you to reflect on your personal experience of staying put and to consider your own practice.**

This good practice guide is based on a set of underlying principles which are set out in section 6, and we hope that local authorities and fostering agencies will find these principles helpful in developing their own approaches to staying put. It doesn't attempt to provide detailed answers to everything which may arise in planning and supporting staying put arrangements because the circumstances and needs of every young person and foster carer will be different. For many people involved, staying put is just a natural progression from foster care and the young person has already become a de facto member of the family, so some of the expectations may feel unnatural and unnecessary. For others the formality of agreeing clear arrangements is the factor which makes it possible for foster carers to continue to provide a secure base for a young person who would otherwise have to move into independent accommodation when they leave care.

Production of this guide has been led by The Children's Partnership, the voluntary and community sector strategic partner to the Department for Education led by the National Children's Bureau and 4Children, working with the support of the Fostering Network. Many organisations and individuals have contributed towards the content of the guide, and these are listed on page 33.

Catch22 NCAS facilitates the Young People's Benchmarking Forum which is producing a young person's guide to staying put. When completed this will be available from [www.leavingcare.org](http://www.leavingcare.org).

## 2. What is a staying put arrangement?

Staying put is about care leavers continuing to live with their foster carers when they reach the age of 18.

Specifically, it is defined by the Children Act 1989<sup>1</sup> and refers to an arrangement whereby a young person, who when they became 18 was in law an 'eligible child' placed with a foster carer,<sup>2</sup> continues to live with that person.

An eligible child<sup>3</sup> is someone who:

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

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

Once they become 18 an eligible child is known in law as a 'former relevant child'.

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

Local authorities have duties to monitor and support staying put arrangements, and these are reflected throughout this good practice guide.

Local authorities have significant statutory obligations to support care leavers whether or not they participate in staying put, and these are explained in the Children Act 1989 statutory guidance already referred to. A former relevant child who is pursuing further education or training may be entitled to support until the age of 25, but beyond their 21st birthday this cannot be defined as staying put.

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 the one which gives English local authorities a duty to monitor and support, as explained in this guide. The DWP and HMRC definitions are outlined in sections 18 and 19.

---

1 Section 23CZA(2), inserted by section 98 of the Children and Families Act 2014.

2 The legislation uses the term 'local authority foster parent' and it should be noted that, as defined by section 105 of the Children Act 1989, this includes foster carers approved by independent fostering providers.

3 Children Act 1989, Schedule 2, paragraph 19B.

### 3. How does staying put differ from foster care?

In a practical, everyday sense, a young person who enters into a staying put arrangement is likely to view this as a continuation of fostering and to refer to the person providing the care as their foster carer, in much the same way as we all continue to refer to our parents as just that, whether or not we are still living at home. Similarly, staying put carers will often view the arrangement as just an extension of fostering, albeit that the young person is increasingly independent.

The significant difference is that in law staying put arrangements are not foster placements, because the young person is no longer a looked after child but an adult, and the fostering regulations, statutory guidance and national minimum standards no longer apply. Local authorities should always be involved in promoting and planning staying put arrangements, which should be a three-way partnership with the young person and the former foster carer. However, ultimately it is the young person and their foster carer who make the joint decision to establish the arrangement. This is based on their commitment to each other, and applies in the same way whether the foster carer is approved by a local authority or by an independent fostering provider.

There is nothing new about the notion of foster carers continuing to provide a home to young people whom they have fostered: many have done this in the past and regarded previous foster children as members of their own families for the rest of their lives. The change in the law in 2014 moves this from an ad hoc arrangement to one which is legislated for until the age of 21, and which local authorities must support.

#### Things to consider:

- Are you clear about the difference between foster care and staying put?
- Does your staying put policy reflect these differences?
- Have procedures been updated to reflect the changes in the law from May 2014?

## 4. Aims of staying put

Many care leavers have a more difficult start to adulthood than their peers as a consequence of their past experiences, coupled with the absence of a supportive family base. Staying put arrangements help to mitigate against these factors so that care leavers are better equipped to do well in life. The individual aims of staying put arrangements will be specific to each young person concerned, and should be made clear in their pathway plan and the written agreement covering the staying put arrangement. In general however, staying put arrangements are designed to:

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

*"You don't expect your birth children to live independently at 18. The chances of traumatised young people doing this are slim. It's hard to develop that resilience, they need that extra support. If they could stay with us longer so we could support them into independence it would improve their life chances. It's like they're on a bit of elastic for the first few years, eventually they fray it enough that they are off."*

*Foster carer*

*"I am now part of the staying put agenda and that has enabled me to stay put with my foster carers that I was living with before I was eighteen. This has helped me to stay on at college and to continue to reach my goals. My carers are really supportive of what I want to do. Being able to stay put has meant pretty much everything to me. If I had gone independent at eighteen I wouldn't have lasted and would have had to go back to my parents which wouldn't have worked out. I wouldn't have progressed as a person and I would have had different prospects."*

*Young person*

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

### Things to consider:

- How well does the staying put provision in your local authority or fostering service help care leavers to make successful transitions to adulthood?
- Is staying put available to all young people who would like to participate?

## 5. Criteria for staying put arrangements

There are no eligibility criteria for entering into a staying put arrangement, other than the young person being an 'eligible child' for care leaver support as explained on page 2. If on the day before their 18th birthday the young person was a looked after child placed with a foster carer, and had been looked after for at least 13 weeks since the age of 14, then by continuing to live with their former foster carer this constitutes a staying put arrangement. This applies whether the foster placement was long term or short term, and includes placements made at any time up to the young person's 18th birthday.

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

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

### Things to consider:

- Is the young person an 'eligible child'?
- Do they and their foster carer wish to remain living together once the young person is 18?

# 6. Guiding principles

Staying put arrangements will be most effective in meeting these aims if they are underpinned by clear principles. This practice guidance is based on the principles listed below, but there may also be others which are important to local services.

## Family life

Staying put arrangements should replicate as far as possible normal family life. Foster carers are required to care for any child placed with them as if they were a member of their family,<sup>4</sup> and this expectation should carry through into staying put arrangements. Families all have different rules, expectations and ways of doing things, and staying put arrangements should take account of this and be sufficiently flexible to be tailored to individual circumstances and needs.

## Best interests

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

## Support

Support to both carers and young people should be geared to their specific circumstances and needs. Carers should be enabled to develop the skills required to best help the young person to do well in life and keep safe from harm. No young person should lose out due to lack of financial support to themselves or their carer.

## Clear information

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

## Early planning

Early planning for staying put is crucial and arrangements should be considered as part of the care planning process, from the time that a long term foster placement is planned. Decisions in principle about whether or not staying put is an option should be taken as early as possible in the placement, and written into the young person's pathway plan.

---

4 Fostering Services (England) Regulations 2011, Schedule 5.

## Equality of opportunity

In order to maximise the opportunity for young people to participate in staying put, fostering services – both local authorities and agencies – should do everything possible to ensure that all foster carers have equal opportunities to become staying put carers. This includes family and friends foster carers and foster carers approved by independent fostering providers. Entering into a staying put arrangement should be the norm, not the exception, and no young person should miss the opportunity to participate in staying put because the carer cannot afford to do so.

## Flexibility

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

## Things to consider:

- How well do local arrangements for staying put reflect these principle?

# 7. Recruitment and retention of foster carers

## Assessing applicants

Prospective foster carers need to understand from the time of their assessment that young people may wish to enter into a staying put arrangement when they reach 18. Even foster carers who are being assessed only to take short term placements or younger children may later find themselves in a position to offer staying put, and fostering services should ensure that they are appropriately prepared for the possibility. Preparation of young people for adulthood does not begin at 16 or at 18 but is an essential part of the role of foster carers working with children of all ages, and supervising social workers should ensure that this happens through the support and supervision they provide.

The Fostering Network's *The Skills to Foster (third edition)* pre-approval training includes material designed to help to equip prospective foster carers to support the transition to adulthood through fostering and staying put.

Fostering services need to ensure that their carers are given clear information about how they can expect to be supported if they enter into a staying put arrangement, and how this may impact on their continued fostering.

## Becoming staying put carers only

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

## Becoming staying put carers in addition to fostering

When staying put carers wish to remain approved as foster carers, the impact of the new arrangements will need to be considered. The young person who is staying put will no longer count as a foster placement once they become an adult, and so the foster carer will be able to take another placement within any terms of their approval. This may not always be possible or appropriate due to lack of accommodation, the demands of the staying put arrangement, or other factors.

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

Sometimes staying put carers are not able to take another foster placement whilst the young person remains living with them, but wish to remain approved as foster carers in order to resume fostering in the future. If the fostering service agrees that it is appropriate to continue approval then it must meet the statutory requirements regardless of the fact that no child is placed. This includes regular visits by the supervising social worker (including an annual unannounced visit); reviews of approval; provision of training, advice, information and support; and support for continuing professional development.

## DBS checks on young people

Since the young person who is staying put becomes an adult member of the foster carer's household, to comply with fostering regulations an enhanced disclosure must be obtained from the Disclosure and Barring Service (DBS)<sup>5</sup>. This shouldn't reveal anything of surprise to the fostering service or the carer, but may need handling sensitively, particularly with the young person themselves. It is appropriate to obtain the enhanced disclosure before the young person becomes 18, so that it may be considered at the review of the foster carer's approval before the staying put arrangement begins.

Some may regard it as intrusive to require a DBS disclosure just because they have turned 18, but at the same time this does mark a change in the young person's status within the household. Although there is no requirement to seek further DBS disclosures, some fostering services have a policy of updating checks at regular intervals through the DBS update service. If this is the case the young person will need to agree to this if their staying put carer remains a foster carer. The foster carer will also be bound by their foster care agreement to notify the fostering service of any circumstances which might make their household unsuitable to foster, and this might include criminal offences committed by the young person.

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

### Things to consider:

- Is the concept of staying put introduced at the recruitment and assessment stage?
- How is it decided when is the best time to review the foster carer's approval prior to staying put commencing?
- How is support provided to foster carers who will not be fostering again until the staying put arrangement ends?

---

5 Regulation 26(2), Fostering Services (England) Regulations 2011.

# 8. Planning staying put arrangements

## Early planning

Preparation for the transition to adulthood is not a one-off process to be thought about at the age of 16 but a continuous part of growing up. The young person's foster carer, and other members of the team around the child, will have been helping them throughout childhood to develop the life skills they will need. As the child gets older their care plan should begin to consider their future beyond the time when they are looked after, and this will be reflected in the permanence plan and placement plan.

Whenever a long term placement is being considered, there should be discussion between the foster carer, the child's social worker and the supervising social worker regarding the possibility of it leading to a staying put arrangement. When the placement will be with a foster carer approved by an independent fostering provider it will be important for the person responsible for commissioning the placement to be involved. Local authorities should actively engage with and include independent fostering providers in discussions about staying put. Even if the independent fostering provider will play no role post-18, they need to help the foster carer to understand the implications of the decision and to prepare for the role, and to advocate for any support they might need. A decision in principle about whether or not a staying put arrangement is possible should be made as early on as possible, although a young person should not be expected to decide whether they will want this until they are ready to do so. Neither is it always possible for foster carers to make commitments into the future, especially if circumstances might change.

Even when a young child is placed long term it is important that everyone understands the options from the outset, even though circumstances may change over subsequent years. Independent reviewing officers should ensure through the care planning process that looked after children are aware of the options, and that their permanence plan sets out expectations for when the placement ends.

Staying put arrangements do not always arise out of long term foster placements. Even when young people enter a foster placement at 16 or 17, it is just as important to consider through care planning processes whether a staying put arrangement is an option available to them and, if so, whether their needs will best be met through such an arrangement when the foster placement ends. The duty to monitor and support a staying put arrangement is not linked to any qualifying period, so long as the eligible child was placed with the foster carer when they turn 18.

## Post-16 assessments and pathway plans

Local authorities have a specific duty<sup>6</sup> to consider the possibility of staying put when undertaking the assessment of the young person's needs within three months of their 16th

---

6 Section 19BA of the Children Act 1989, inserted by section 98 of the Children and Families Act 2014.

birthday. The assessment must consider whether it would be appropriate to provide advice, assistance and support with a view to facilitating and maintaining a staying put arrangement in the future. If this is assessed as appropriate, and the young person and their foster carer wish to make a staying put arrangement when the foster placement ends at 18, then the local authority must ensure that advice, assistance and support is provided to facilitate this.

Foster carers should always contribute to the assessment, not just because of their knowledge of the needs and abilities of the young person, but also because a staying put arrangement cannot be planned without their own commitment. Foster carers need clear information about the ways in which they will be supported, including the financial arrangements, before they are able to indicate their ability to offer staying put. This should be discussed with them privately in the first instance to ensure that they have the opportunity to explore and consider the practicalities and implications, so that it is easier to manage any tensions or conflicts which may arise, particularly if for any reason they feel unable to meet the young person's expectations.

The outcome of the assessment will shape the young person's pathway plan, which will be kept under review, and the foster carer should be encouraged and supported to contribute to the review of the pathway plan.

Although staying put must always be considered and will be the preferred option for the majority of eligible children when they become 18, that is not to say that it will automatically be the most appropriate option. Staying put will usually be based on the strength of relationship between the young person and their foster carer, and the sense of belonging to a family. Sometimes however, a young person will be eager to move into more independent living or to live with family members. The key thing is that the option should be available and considered.

## Making arrangements

The changes from looked after child in a fostering placement to adult member of the household, and from foster carer to staying put carer, need to be carefully and sensitively planned to ensure that both parties understand the nature of staying put arrangements, and that the positive aspects of foster care are not diminished. It will be important for the young person and the foster carer to understand as fully as possible the nature of the proposed arrangement. This will usually be best achieved by way of an initial individual discussion with the carer and with the young person separately to establish their own position, followed by a meeting of the key people concerned. The meeting should always include the young person and their social worker and personal adviser, the foster carer and their supervising social worker, and if appropriate the IRO, people with parental responsibility, and any advocate involved.

*"They need to ask the young person what they think, and ask them separately from the foster carer. Someone independent should do it."*

*Young person*

If a staying put arrangement is planned then this should be written into the pathway plan. Even when no commitment has been made to a staying put arrangement, reviews of the pathway plan and care plan should consider whether anything has changed to make this possible. Whenever a staying put arrangement does not go ahead, the reasons for this should be made clear and recorded in the pathway plan and the placement plan so that both the young person and the foster carer have a clear record as to why certain decisions were made.

Stages in planning a staying put arrangement

1. Make clear information available to all foster carers and young people, to inform choices.
2. Consider at an early stage of permanence planning.
3. Discuss potential whenever making a long term foster placement, regardless of the age of the child.
4. Discuss individually with the foster carer and with the young person so that they are aware of the implications and possibilities prior to the post-16 assessment.
5. Where staying put is a possibility, hold a meeting with the young person, foster carer, social worker, personal adviser, supervising social worker (whether from the local authority or an independent fostering provider) and others as appropriate to draw up a plan.
6. State in the pathway plan whether or not staying put is planned, and keep the plan under review.
7. Include appropriate information in the placement plan.

Young people who are the subject of a special guardianship order (SGO) qualify for advice and assistance from the age of 16 until they are 21 if they were looked after immediately prior to the SGO being made. Additionally, local authorities can pay a special guardianship allowance in respect of a young person over 18 until they complete a course of full time education or training. When foster carers are considering applying for an SGO the local authority should make sure that they are aware that the young person will not qualify for support under staying put. These are important matters to be considered as part of permanence planning.

### Things to consider:

- Is staying put considered when planning a long term match?
- Are the options discussed as early on as possible, rather than left until age 16?
- Are the options considered through care planning and pathway planning, and decisions recorded?
- Does everyone understand the nature of staying put and have all the information they need?

## 9. Deciding not to support a staying put arrangement

Local authorities have a legal duty to support all staying put arrangements, with the only exception being if they consider that the arrangement is not consistent with the young person's welfare. The statutory guidance refers to these as 'exceptionally rare circumstances'.

Very careful consideration should be given to any proposal not to support the facilitation or maintenance of a staying put arrangement, and the reasons should be recorded and made clear to the parties concerned. There may be an alternative which the local authority considers to be more favourable to the young person's personal development, but this does not in itself make the staying put arrangement inconsistent with their welfare. Moreover, the young person will have been placed with the same carer, as a looked after child, up to the day before the staying put arrangement began.

*"Whatever is unsuitable in staying put would have been unsuitable before."*

*Young person*

If staying put is not consistent with the welfare of the young person, this will most likely be because something very significant has changed since the arrangement began. Alternatively, it might be because the young person does not have the cognitive ability to understand what is happening and to agree to the arrangement, in which circumstances adult social care services may need to make alternative arrangements. It is a principle of the Mental Capacity Act 2005 that just because an individual makes what might be seen as an unwise decision, they should not be treated as lacking capacity to make that decision.

### Things to consider:

- In what ways is the staying put arrangement inconsistent with the young person's welfare?
- What factors in the staying put arrangement make it inconsistent with the welfare of the young person to remain in the household in which they were fostered until their 18th birthday?
- Are there concerns that the young person will not be safeguarded?
- Is it necessary to carry out an assessment of the young person's ability under the Mental Capacity Act 2005?
- What alternative arrangements are available which are consistent with their welfare?
- If no support is provided, will the arrangement go ahead (or continue) regardless?
- If the arrangement continues without support, how will the local authority fulfil its continuing duty to monitor?

# 10. Written agreements

The statutory guidance states that as good practice before a staying put arrangement goes ahead, a 'living together' agreement should be drawn up and agreed between the staying put carer, the young person and their social worker or personal adviser. The foster carer's supervising social worker should also contribute to this process. The agreement should cover the ground rules of the household and other matters which the parties feel are important, as well as explaining the responsibilities of the people concerned. The degree of detail which is required will depend on the nature of the existing relationship and how much this might change. In many ways little changes for young people when they stay put, and living arrangements in the family don't alter just because they have a birthday.

Depending on circumstances, however, there may be matters which are important to make explicit in the agreement even though the young person is already aware of them. Where the staying put carer remains also approved as a foster carer there may be expectations regarding standards of behaviour by the young person which need to be made clear in order to comply with fostering regulations, standards or policies. Examples might be not smoking in the home, dressing appropriately, or agreeing to have periodic DBS checks. There might also be a limit on the number of nights which the young person can be absent from the home before they lose housing benefit or the carer's financial support from the local authority is affected, in which case it will be important for these details to be included in the agreement.

Young people consulted during the preparation of this guide have said that it is very important for there to be a seamless transition from foster care to staying put, and that whatever agreements have been followed before staying put should continue unless there are reasons for changes. A number of young people and staying put carers have said that they find the idea of sitting down with others to write a formal agreement quite inappropriate in the context of a continuing familial relationship. They would expect the ground rules of the household to be understood well before the age of 18, and these should continue unless there is a particular reason for changes. Other young people have suggested that agreements should include practical arrangements in some detail.

Taking account of these views, the approach to drawing up a written agreement should be sensitive to the feelings of those involved and proportionate to their particular circumstances. Some young people have reported that they find the term 'living together agreement' patronising, and so it would be appropriate to discuss with them and their foster carers what to call the agreement and how best to frame it. Lengthy detailed forms are unlikely to be appropriate. Young people consulted in the preparation of this guide have stressed that there's little that should be new when moving into a staying put arrangement.

*"Young people should already know the family's ground rules: if they don't then that's a problem."*

*Young person*

The purpose of a written agreement should be to clarify, where necessary, the ground rules and matters which are important to the parties concerned and, if required, to provide formal evidence of the nature of the relationship between young person and carer (e.g. to support a claim for housing benefit).

Local authorities may have their own format for living together agreements, but it will be most important that this makes sense to, and is understood by, the young person. Being over-prescriptive or inflexible will be unhelpful.

Whilst young people will need to continue to behave in a manner which is compatible with the norms of the household, it is likely that as they become 18 there will be an increasing emphasis on informing the carer rather than seeking their permission.

### Things to consider:

- How clear are the ground rules in the foster placement?
- What will be different as a staying put arrangement?
- What is the purpose of the agreement?
- What is the best way to draw up the agreement, and what should it be called?
- How much information should be included?

# 11. Roles of those involved

Everyone who plays a part in supporting the young person must have the aim of helping them to achieve their ambitions to succeed in life. They need to be clear about their respective roles in supporting the staying put arrangement, and to ensure that they communicate effectively and work together to provide the best support possible to the young person.

*"Nobody explained what Staying Put was...what it meant to the foster carer's role and who had what responsibility."*

*Staying put carer*

Both the personnel and the roles will vary according to local policies, individual circumstances, and the funding arrangements but they may be along the following lines:

## Staying put carer

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

As explained in the statutory guidance, a local authority may delegate to a current or former foster carer aspects of the personal adviser function, so long as it is clear regarding the support that the carer will be providing and how any potential conflicts of interest might be managed.<sup>7</sup> The authority would need to ensure that the carer and young person are both happy with such an arrangement and continue to receive appropriate support.

## Personal adviser

- Provide advice and support to the young person, in accordance with regulation 8 of the Care Leavers (England) Regulations 2010.
- Keep in touch with the staying put carer and provide advice and support as required.
- Ensure that the pathway plan is regularly reviewed.
- Liaise with the local authority in implementation of the pathway plan.
- Co-ordinate provision of services to support the young person.
- Keep informed about the young person's progress and wellbeing.

---

<sup>7</sup> The Children Act Regulations and Guidance Volume 3: Planning transition to adulthood for care leavers (revised May 2014), paragraph 3.25.

---

## Supervising social worker from the fostering service

- Provide advice and support to staying put carer.
- If carers are also foster carers, consider the impact of this on fostering, address this through supervision and contribute to the review of their approval as foster carers.
- Co-ordinate provision of services to support the staying put carer.
- Ensure that the carer is receiving correct payments.
- Participate in reviews of pathway plan.
- Respond to learning and development needs of carer.

In the event that the supervising social worker is not involved in supporting the staying put carer then these responsibilities will need to be clearly assigned to another individual who has that role. There should always be a named worker who provides support to the carer.

### Things to consider:

- Is everyone clear about their own role, and that of others?
- How will you make sure that everyone works together?
- Is there continuity of support from the fostering placement?

## 12. Ending an arrangement

Since staying put arrangements are made through agreement of the young person and their foster carer, either is able to bring the arrangement to an end before the young person reaches 21. In the event that the local authority regards the arrangement as not consistent with the young person's welfare it may withdraw support, but it does not have the legal power to bring the arrangement to an end. However, good practice would always be to make, and if necessary to end, arrangements by three-way agreement and the personal adviser would have a key role in helping to plan a move to an alternative living arrangement. Staying put carers and young people should understand the circumstances in which either might want to consider ending the arrangement, and the implications for both parties should this come about. It may be appropriate to include requirements to give notice in the written agreement covering the arrangement.

As is the case in other families, ceasing to live together does not necessarily cut off ties and commitment, and unless there are good reasons to the contrary the staying put carer should still be helped to support the young person in the new circumstances.

### Things to consider:

- How can the arrangement be ended?
- Does there need to be a contingency plan?
- Is it intended that the relationship between young person and staying put carer will continue once the arrangement comes to an end?
- What advice or support do the young person and staying put carer require to be able to remain in contact?

# 13. Supporting young people

## Meeting needs

Every young person living in a staying put arrangement will have their individual support needs, and these should be outlined in broad terms in their pathway plan and in more detail in the living together agreement. Whilst staying put carers will usually be the major source of day to day support, there is evidence that wider support networks including personal advisers are valued.

Young people consulted in the preparation of this guidance said that they needed to feel loved and cared for by their staying put carers and that it should feel like home for them. They felt that arrangements were more likely to go well if they were treated as part of the family, in the same way as the carers' own children.

Some factors which young people say are important:

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

The peer research evaluation of the staying put pilots found that young people valued their relationships, including support from their staying put carers, personal adviser, family and friends.<sup>8</sup> Young people who stayed put were more likely to turn to their former foster carers for advice and support than those who did not, and had a wider network of people they could turn to for support.

## Planning

Support should be planned in a way which helps the young person to become gradually more self-sufficient, both practically and emotionally, over time. Staying put arrangements are

---

8 Staying Put 18+ Family Placement Programme Peer Research Report, National Care Advisory Service [2012].

intended to help to prevent young people who leave care at or before 18 from experiencing a 'cliff edge' whereby the support they need drops off dramatically. Good planning will make sure that this does not occur when staying put comes to an end at 21 or earlier.

Local authorities have a duty to provide assistance for education and training, including access to a higher education bursary. The pathway plan should make clear, both for the young person and the staying put carer, the support they will receive.

## Learning through experience

Staying put provides an opportunity for young people to learn from their experiences and mistakes in a safe environment. In common with their peers living in their own families, this can sometimes mean making decisions which they later regret. This could include moving out into a bedsit, or lodgings and finding the reality of living alone harder than anticipated. It would be appropriate in such circumstances for the staying put carer to continue to give support and to take the young person back into their household should the new living arrangement not work out, as would any reasonable parent. This may be a time when the young person is particularly vulnerable, and the local authority will continue to provide support to the young person under the leaving care regulations. Good practice would be to continue to support the staying put carers for an agreed period. Should the young person move back to live with their former foster carer the arrangement should continue to be properly supported in accordance with local authority duties towards care leavers. Whilst the act of moving out in the first place will mean that it is no longer defined as a staying put arrangement under the Children Act 1989, or by the DWP, in practice it will be no different and so the same support will be needed.

### Things to consider:

- Who will co-ordinate support to the young person?
- What are the expectations regarding financial contributions, employment, education, and developing life skills?
- Who will provide the young person with advice on benefits and finance?
- What are the arrangements if a young person wants to return once they have moved out?

# 14. Supporting staying put carers

## Advice and guidance

When staying put carers are also foster carers they will continue to receive supervision and support in that role from their supervising social worker, who will need to take account of the fact that the household includes a young person for whom they are staying put carers. Wherever possible it will be most appropriate for the supervising social worker to be the person who takes the lead in supporting the carer in both roles. This provides continuity for the carer as well as for the young person, and ensures that the carer receives support in their work as a whole.

When foster carers cease to foster in order to provide staying put, consideration should also be given as to whether the supervising social worker can continue to provide them with support even though the arrangement is not fostering. Where possible, this will also provide continuity.

Local authority contracts with independent fostering providers should address these issues and set out whether or not agencies are being commissioned to provide support to foster carers when they become staying put carers.

## Financial support

The legislation requires that the support provided to staying put carers must include financial support. The statutory guidance recognises that the level of this will depend on individual needs and circumstances, but states that local authorities should pay former foster carers an allowance that will cover all reasonable costs of supporting the care leaver to remain living with them, and that careful consideration should be given to the impact of the staying put arrangement on the family's financial position.

A good starting point for estimating the additional cost of supporting a young person through staying put will be the fostering allowance paid by the fostering service prior to the young person's 18th birthday, because the statutory guidance for fostering services requires this to be set to cover the full cost of caring for them.<sup>9</sup> It is appropriate to take account of any financial contribution made by the young person from employment, benefits or other sources.

One of the biggest obstacles to foster carers being able to offer staying put arrangements is a loss of income from fostering, especially if this is their main source of income. Even if they are paid the equivalent of the fostering allowance for a staying put arrangement, the loss of income from fostering fees may be an unsurmountable barrier which prevents a staying put arrangement from being made. Whether or not a staying put arrangement can go ahead should not be determined solely on financial grounds, and establishing the principle of no detriment when moving from a fostering placement to a staying put arrangement removes this barrier. Staying put schemes which continue to pay carers a fee for their skills ensure that young people do not miss out just because their carers cannot afford to offer staying put.

*"He got a place at university but I had to take another job so that I could afford for him to stay living with me."*

*Staying put carer*

---

<sup>9</sup> Children Act 1989 Guidance and Regulations Volume 4: Fostering services, paragraph 5.71.

Allowances to staying put carers should be determined on the basis of no detriment from the previous fostering allowance (including any set entitlements such as birthday, religious festival and holiday allowances) once any contributions from the young person have been taken into account. Local authorities and independent fostering providers have widely diverse structures of fees for foster carers, and it may not always be possible to fully reflect a fee element in the staying put payment. Arrangements should be set out clearly in the local authority's policy.

Information about the implications for income tax and means tested benefits of allowances paid to staying put carers is contained in the joint guidance issued by the DfE, DWP and HMRC.<sup>10</sup> Local authorities and fostering services should identify local resources to help carers to work out the financial implications for themselves as well as for young people. Given the complexity of financial arrangements for staying put it will be most useful to identify a named expert from whom carers, as well as young people, can seek advice.

In order to consider whether or not they would be able to offer a staying put arrangement, foster carers need to be clear from the time it is first being considered about the financial support they would receive. Local authorities need to have clear policies which set out this information and to make it available to their foster carers and, where applicable, to foster carers of independent fostering providers when they make placements. Foster carers from both sectors should be treated in the same way when they move to become staying put carers.

Staying put carers will need to know:

- the amount to be paid;
- when payments will cease;
- any arrangements for review of the level of payment;
- what the payment is intended to cover, and whether it includes a fee element as well as an allowance;
- whether additional discretionary payments can be made;
- if the young person is expected to make contributions and whether this will affect the level of payment;
- whether the carer's allowance includes any payments which they are expected to make to the young person;
- what happens if the young person is temporarily away, such as at university or on holiday;
- what happens if the young person temporarily loses their entitlement to benefits through imposition of a sanction;
- how payments will affect benefit entitlement and tax liabilities, and where to get advice.

Staying put carers should not be expected to cover the costs of any support which is the responsibility of the local authority.

In the case of a single carer, it should be borne in mind that when a young person becomes an adult this will affect liability for council tax if a single person discount was being allowed.

It is important that the arrangements for financial and other support to the staying put carer are put in writing so that everyone is clear what has been agreed. Depending on the circumstances this may be a direct agreement between the local authority and the carer, or a three-way agreement involving an independent fostering provider.

---

<sup>10</sup> <https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

## Learning and development

Many of the core skills of foster carers will be relevant to the role of staying put carer. In anticipation of establishing a staying put arrangement, the fostering service should have helped them to gain additional skills or knowledge to help to equip them for the new role. Standard 12 of the fostering services national minimum standards states that fostering services should have comprehensive arrangements for preparing and supporting young people to make the transition to independence as well as a policy and practical arrangements for staying put. It also states that foster carers who are caring for young people approaching adulthood should receive appropriate training and support.

The supervising social worker should ensure that any learning and development needs are reflected in the foster carer's personal development plan and training and development portfolio, and are considered in reviews of their approval as foster carers. The learning and development needs of the carers should be similarly kept under review when they become staying put carers. Many staying put carers will retain their approval as foster carers, in which case the impact of this on their fostering activity and their learning and development needs will be regularly reviewed under fostering regulations. The person who co-ordinates support to staying put carers who do not continue to foster will similarly need to consider their learning and development needs.

Whilst foster carers may be well prepared for supporting a young person towards independence at 18, it may be that as staying put carers they find that the practical, legal and ethical dimensions of caring for a child are very different from those of supporting an adult. Consequently they may not always feel adequately prepared for the task. In the same way that a parent loses their legal rights and responsibilities when their child becomes an adult, a staying put carer no longer has the legal responsibilities of a foster carer and will find themselves supporting and advising the young person without the legal framework of foster care or any delegated authority to make decisions. Additional training which focuses on the specific challenges facing staying put carers should be provided. Depending on the circumstances, this may need to include further development of the skills necessary to support young people who have mental health difficulties, are vulnerable to exploitation or have difficulty managing education, employment or training. Staying put carers may need ongoing support and advice about how to handle such factors.

### Things to consider:

- Who co-ordinates support to the staying put carer?
- Where applicable, are the financial and other arrangements between the local authority, the independent fostering provider and the carer clear?
- If the staying put carer also fosters, what is the impact on this?
- Is there clear information about what they will be paid?
- Does this cover the costs of the carer supporting the young person?
- How are support arrangements documented?
- Is the carer clear about their liabilities for income tax and national insurance?
- Who will give the carer advice about benefits and financial matters if required?
- How are the carer's learning and development needs being addressed?

# 15. Monitoring arrangements

Local authorities have a legal duty to monitor all staying put arrangements, and the purpose and process should be made clear to the young person and the staying put carer. Young people consulted saw monitoring as important to make sure that the arrangement goes well, but some felt the term monitoring suggested an overly intrusive process so this might be better framed as keeping progress under review.

The pathway plan provides a framework for monitoring. The young person's personal adviser is responsible for co-ordinating the provision of services, and so has a central role in keeping in touch with the young person and monitoring progress, but it is important that they work in a way which does not exclude the staying put carer. This is likely to include regular informal contact with both the young person and the carer, and the appropriate frequency and arrangements should be discussed and agreed. There should be a meeting at least every six months to review the pathway plan.

The local authority has a duty to monitor a staying put arrangement even if, very exceptionally, it has decided not to support the arrangement. In such circumstances it is likely that the personal adviser will remain best placed to co-ordinate the monitoring and they may feel it necessary to visit the young person more frequently than would otherwise be the case.

In the event that the personal adviser or anyone else in contact with the young person has any concerns that they may need safeguarding, they should understand that these would be investigated by adult services if no children are involved.

Futures for Children have developed a policy to make sure that staying put carers and staff know how to respond if they have safeguarding concerns about an adult who is a former looked after child placed under a staying put agreement and where these concerns do not involve children.

Key elements are:

- Referrals for anyone over the age of 18 must be made to the local authority safeguarding of vulnerable adults team where the adult is living. This team will take the lead role and follow their own safeguarding procedures.
- The consent of the adult thought to be at risk will always be sought. If the adult is considered to have the mental capacity in relation to a decision about giving or withholding consent, they have the right to withhold consent to the use of the safeguarding adults procedures except:
  - If other people appear to be at risk of harm (adults or children)
  - If there is a legal restriction or an overriding public interest
  - If the person is exposed to life threatening risk and they are unreasonably withholding their consent
  - If the adult at risk appears to lack mental capacity or to have impaired mental capacity in relation to the issue of consent, in which case the local authority will assess the person's mental capacity as defined by the Mental Capacity Act 2005.

## Things to consider:

- How does the local authority get feedback about the progress of the arrangement?
- Is the young person receiving the support they need?
- What progress is being made towards any specific objectives?
- Is the young person happy in the arrangement?
- Are there any concerns about safeguarding?
- Is the staying put carer receiving the support they need?
- Does the carer need any additional training?
- Does the living together agreement need updating?
- Are there appropriate plans in place for what happens when the staying put arrangement ends?

# 16. Challenging local authority decisions

If a looked after child feels that the local authority has failed to provide appropriate support towards facilitating and maintaining a staying put arrangement, they should be encouraged to speak to their independent reviewing officer to request a review of their pathway plan. They should also be told of their right to make a complaint and to contact an independent advocate.

A young person living in a staying put arrangement is also entitled to make a representation or complaint to the local authority about the provision of support, and for this to be investigated under the children's services complaints procedure.<sup>11</sup>

Foster carers can also make a complaint to the local authority, and if this relates to fostering it must be investigated under the children's services complaints procedure. A complaint by a staying put carer, or by a foster carer but relating to their role as a staying put carer, would be considered under the authority's general complaints procedure if it falls outside the scope of the children's services procedure.

## Things to consider:

- Are young people entering a staying put arrangement given clear information about advocacy services and how to make a complaint?
- Are staying put carers clear about how to make a complaint if necessary?

---

11 Children Act 1989 s.24C

# 17. Policies and commissioning

Local authorities should publish clear policies setting out their approach to staying put, including how arrangements are supported and the financial support provided to carers, and these should be made available on their website. Information should also be disseminated to foster carers and young people when placements are made and when the post-16 assessment is being undertaken.

The fostering statutory guidance also states that fostering services should have staying put policies and so in addition to local authorities, independent fostering providers should also publish their policies. Policies will need to reflect the way in which agreements are made between local authorities and independent fostering providers to provide support. The policies of independent fostering providers should set out their approach to supporting foster carers to enter staying put arrangements, and in practice those arrangements will depend also on the local authorities' policies. Agencies should help their foster carers to understand the implications of the relevant authority's policy.

## Checklist for a staying put policy

The following headings will be helpful to consider when developing a staying put policy:

- Statutory framework
- Definition of staying put
- Research evidence
- Principles and objectives of the policy
- Explanation of terminology
- Involvement of young people and carers in developing the policy
- Planning staying put arrangements within requirements of care planning and pathway planning
- Pathway planning
- Making written agreements, including those for financial support
- Support for young people
- Exceptional circumstances – withholding support
- Expectations of foster carers to offer staying put
- Support arrangements for foster carers who are unable to take further placements for the duration of staying put arrangements
- Support for staying put carers
- Staying put carers who are also foster carers
- Financial arrangements – young people
- Liability for rent on a commercial basis (if housing benefit is to be claimed)
- Financial arrangements – staying put carers
- Professional roles
- Contracts between local authorities and independent fostering providers
- Monitoring arrangements
- Record keeping
- Household and vehicle insurance, income tax, national insurance and benefits
- Absences from the home due to further or higher education or service in the forces
- Disabled young people
- Safeguarding vulnerable young people
- Advocacy and complaints

Local authorities should include their expectations in relation to staying put in the arrangements they make for commissioning services from independent fostering providers. Contractual arrangements should spell out how the two parties will work together to facilitate and support staying put arrangements. Continuity will best be maintained if the fostering service is contracted to continue to support the carers for an agreed fee, and the carers are clear about the payments they will receive and whether these are from the fostering service or the local authority.

Good contractual arrangements will set an expectation that foster carers will be supported to offer staying put arrangements wherever possible, and include protocols for agreeing the details between all concerned so that everyone is working in partnership.

In the eastern region, the ER4 contract operated by four local authorities for the provision of foster placements by independent fostering providers places a requirement on all foster carers to offer a staying put arrangement for young people. The relevant procedures form an appendix to the contract, which contains the following clauses:

- All young people who remain in a new foster placement past the age of 16 will be expected to be offered a 'Staying Put' arrangement with their carers.
- The Provider ensures that the 'Staying Put' concept is shared with Foster Carers at the Skills to Foster training so they understand the possible options for young people, and the implications for them as Foster Carers.

### Things to consider:

- Does the local authority staying put policy cover the matters listed above?
- Does the policy include arrangements for commissioning from independent fostering providers?
- Does the independent fostering provider have an appropriate staying put policy?
- Are policies published and made available to all foster carers?
- Is there a guide to staying put for young people?
- How are young people and carers involved in keeping policies under review?

# 18. State benefits

The DWP framework for staying put primarily applies to a young person remaining with their former foster carer on a familial basis, where no commercial arrangement applies, and until:

- they first leave the arrangement (even if they later return), or
- the age of 21, or
- they complete an agreed programme of education or training being undertaken on their 21st birthday, provided that they live in the arrangement continuously.

A commercial arrangement exists if any element of the cost of the staying put arrangement is met from a source other than section 23C of the Children Act 1989 (which is the local authority's duty to support a former relevant child). Any payment from another source is taken into account in calculating any means tested benefit which might be payable to the staying put carer.

Former relevant children who have a liability to pay rent can claim Housing Benefit to help with this, subject to the usual entitlement conditions. The liability to pay rent must be enforceable on a commercial basis and not contrived, and so a licence agreement would have to be made setting out the costs broken down into rent, support, utilities and food/meals. A fuller explanation is provided in the joint DfE/DWP/HMRC guidance. Local authorities need to have clear policies, consistently applied, on young people's liability for rent, or the arrangements may be deemed as a contrivance to maximise the young person's Housing Benefit.

North Yorkshire County Council have developed a format for a licence agreement where housing benefit is to be claimed, and this is reproduced in Appendix 3.

*Catch 22 NCAS has published a guide to benefits entitlement for young people in and from care.*

Payments made to a staying put carer by a local authority (under Children Act 1989 section 23C) will always be disregarded when calculating their entitlement to benefits, but other payments such as Housing Benefit claimed by the young person will be counted as income. Further explanation is given in the DfE/DWP/HMRC joint guidance. Local authority staying put policies need to take account of these issues so that the level of payment made to staying put carers enables them to enter into or continue with the arrangement.

## Things to consider:

- Are young people and carers clear about their entitlement to benefits?
- Who provides them with expert advice?

# 19. Income tax

HMRC defines staying put more broadly than either the Children Act definition used by the DfE or that used by the DWP. The HMRC definition covers arrangements where:

- the young person was looked after immediately prior to their 18th birthday, and
- has a pathway plan, and
- a proportion of the allowance paid to the staying put carer is paid by the local authority.

In such circumstances the arrangement will be regarded as staying put until the young person:

- reaches the age of 21, or
- completes an agreed programme of education or training being undertaken on their 21st birthday.

The staying put carer need not ever have been a foster carer, so this approach covers some arrangements which are beyond the scope of the Children Act 1989 definition which forms the basis of this guide.

Staying put carers receive the same qualifying care relief for income tax purposes as do foster carers, as set out in HMRC Helpsheet 236. They are regarded as self-employed in the same way as are foster carers.

## Things to consider:

- How are staying put carers made aware of their position in relation to income tax and national insurance?

## 20. Insurance

Local authorities and fostering services should make clear to staying put carers, including those who are no longer approved as foster carers, whether or not they are covered by any insurance policies in their staying put role. Good practice would be to extend any cover which applied as foster carers, and this can often be easily arranged so long as the parties are clear about terms. Staying put carers need to be aware of any legal support available to them, such as that provided by the Fostering Network or other organisations, should a former foster child make an allegation against them.

Staying put carers should be reminded of the need to check that their household and car insurance policies cover their particular circumstances since not all insurers approach fostering or staying put in the same way.

### Things to consider:

- Is insurance cover provided for staying put carers?
- If not, are additional costs of insurance reimbursed to carers?

# 21. Specific circumstances

## Family and friends foster carers

Family and friends foster carers can become staying put carers in exactly the same way as other foster carers. However, Housing Benefit cannot be paid to a young person who is living with a close relative,<sup>12</sup> so this may mean that the local authority has to make different financial arrangements to enable family and friends foster carers to offer staying put arrangements.

Some shared lives schemes will not assess relatives as carers.

## Young people living away from home

The statutory guidance makes clear that living away from home on a temporary basis does not preclude a staying put arrangement from continuing. This includes, but is not limited to, studying at university or a residential further education institution, undertaking induction training for the armed services, and other training or employment programmes that require a young person to live away from home.

It is important that care leavers should not have to sever relationships with their former foster carers in order to continue their education or training, because like other young people they need the continuing support which they get from a familial relationship to help them to achieve a sense of security and stability whilst they do so.

Staying put policies need to explain how young people will continue to be supported during such periods, and in particular whether financial arrangements will be affected. The principles which govern payments to foster carers should be applied. This may mean the carer receiving a reduced allowance whilst the young person is away from home, but the payment should still cover the reasonable costs of continuing to support them and of preserving a home for them.

## Disabled young people

Staying put is not intended to replace the process whereby disabled young people who meet the relevant criteria transfer to adult care services such as 'shared lives' placements. Where this is the case adult social care services should be involved in the pathway planning in accordance with local protocols and the Children Act 1989 statutory guidance. A shared lives placement with the young person's previous foster carer could fulfil the local authority's duty to provide support under staying put.

### Things to consider:

- Are family and friends foster carers able to offer staying put arrangements?
- How does staying put support young people through higher education?
- What arrangements are there for disabled young people to remain with their former foster carers?

---

<sup>12</sup> 'Close relative' is defined in the joint DfE/DWP/HMRC guidance.

# Acknowledgements

Text by Doug Lawson

Design by Dan Kelly

In writing this guide I have been greatly assisted by the support of a steering group, as well as comments and contributions by young people, foster carers, staying put carers, fostering services and voluntary organisations. My grateful thanks go to all those organisations and individuals listed below.

Doug Lawson

Action for Children  
The Adolescent and Children's Trust  
Barnardos  
Birmingham City Council  
Cambridgeshire County Council  
Catch-22 National Care Advisory Service and young people's benchmarking forum  
The Centre for Social Justice  
Chris Cutler  
City of York Council  
Coram Voice  
Department for Education  
Dorset County Council  
The Fostering Network  
Futures for Children  
Jim Bond  
John Short  
Jon Fayle  
Lincolnshire County Council  
London Borough of Barnet  
London Borough of Islington  
Loughborough University Centre for Child and Family Research  
The National Children's Bureau  
Nationwide Association of Fostering Providers  
North Yorkshire County Council  
Rachel Lowe  
Sheffield City Council  
Sunbeam Fostering Agency  
Thurrock Borough Council  
The Together Trust young people and staying put carers  
The Who Cares? Trust and young people's consultation group

# Appendix I: Children and Families Act 2014 Section 98

- 98 Arrangements for living with former foster parents after reaching adulthood**
- (1) The Children Act 1989 is amended as follows.
- (2) After section 23C (continuing functions in respect of former relevant children) insert—
- \*23CZA Arrangements for certain former relevant children to continue to live with former foster parents**
- (1) Each local authority in England have the duties provided for in subsection (3) in relation to a staying put arrangement.
- (2) A "staying put arrangement" is an arrangement under which—
- (a) a person who is a former relevant child by virtue of section 23C(1)(b), and
  - (b) a person (a "former foster parent") who was the former relevant child's local authority foster parent immediately before the former relevant child ceased to be looked after by the local authority,
- continue to live together after the former relevant child has ceased to be looked after.
- (3) It is the duty of the local authority (in discharging the duties in section 23C(3) and by other means)—
- (a) to monitor the staying put arrangement, and
  - (b) to provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement.
- (4) Support provided to the former foster parent under subsection (3)(b) must include financial support.
- (5) Subsection (3)(b) does not apply if the local authority consider that the staying put arrangement is not consistent with the welfare of the former relevant child.
- (6) The duties set out in subsection (3) subsist until the former relevant child reaches the age of 21.\*
- (3) In Part 2 of Schedule 2 (local authority support for looked after children) after paragraph 19B (preparation for ceasing to be looked after) insert—
- \*Preparation for ceasing to be looked after: staying put arrangements**
- 19BA**
- (1) This paragraph applies in relation to an eligible child (within the meaning of paragraph 19B) who has been placed by a local authority in England with a local authority foster parent.
- (2) When carrying out the assessment of the child's needs in accordance with paragraph 19B(4), the local authority must determine whether it would be appropriate to provide advice, assistance and support under this Act in order to facilitate a staying put arrangement, and with a view to maintaining such an arrangement, after the local authority cease to look after him or her.
- (3) The local authority must provide advice, assistance and support under this Act in order to facilitate a staying put arrangement if—
- (a) the local authority determine under sub-paragraph (2) that it would be appropriate to do so, and
  - (b) the eligible child and the local authority foster parent wish to make a staying put arrangement.
- (4) In this paragraph, "staying put arrangement" has the meaning given by section 23CZA.\*

# Appendix 2: Further help and information

## Helplines

The Fostering Network member helpline  
020 7401 9582  
info@fostering.net  
www.fostering.net

Coram Voice (advice for young people)  
0808 800 5792  
www.coramvoice.org.uk

Fostering Information Exchange (discussion forum)  
<https://knowledgehub.local.gov.uk/web/fosteringinformationexchange>

British Association for Adoption and Fostering (advice on policy, practice and legislation)  
020 3597 6116  
adviceengland@baaf.org.uk  
Also regional advice lines – see website  
www.baaf.org.uk

Fosterline (information and advice for foster carers)  
0800 040 7675  
enquiries@fosterline.info  
www.fosterline.info

## Statutory guidance

The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review. Specifies support requirements for young people in care who may be preparing for staying put.  
<https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review>

The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers (DfE, revised May 2014), Chapter 7 para 7.19 to 7.59 specifies revised statutory guidance regarding 'Arrangements for living with former foster carers after reaching adulthood'  
<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>

## Financial arrangements

"Staying Put": Arrangements for Care Leavers aged 18 and over to stay on with their former foster carers, DfE, DWP and HMRC Guidance May 2013 <https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

HMRC Help sheet 236 Qualifying care relief [www.hmrc.gov.uk](http://www.hmrc.gov.uk) (search for 'Qualifying Care Relief' or 'Helpsheet 236')

## Information for young people

Know Your Rights, Know Your Benefits: A guide for young people in and from care (Catch 22) <http://resources.leavingcare.org/uploads/ede7b4f3ac9752c3175675175ea12b99.pdf>

Staying put guide for young people – available later in 2014 from [www.leavingcare.org](http://www.leavingcare.org)

## Research

Evaluation of the Stay Put Pilot -18 Plus Family Placement Programme: Final report <https://www.gov.uk/government/publications/evaluation-of-the-staying-put-18-plus-family-placement-programme-final-report>

Staying Put: 18+ Family Placement Programme: Peer Research Report <https://www.gov.uk/government/publications/evaluation-of-the-staying-put-18-plus-family-placement-programme-final-report>

## Practice guidance

Staying Put: Frequently Asked Questions

For fostering services:

<http://www.fostering.net/all-about-fostering/providers/staying-put-update#.U4XdIvldXsc>

For foster carers:

<http://www.fostering.net/all-about-fostering/foster-carers/staying-put-faq#.U4Xd0fldXsd>

## Care leavers

Care Leaver Strategy

<https://www.gov.uk/government/publications/care-leaver-strategy>

Care Leavers' Charter

<https://www.gov.uk/government/publications/care-leavers-charter>

Care Leavers Entitlements Inquiry

[http://www.thewhocarestrust.org.uk/data/files/Entitlements\\_Inquiry\\_Full\\_Report.pdf](http://www.thewhocarestrust.org.uk/data/files/Entitlements_Inquiry_Full_Report.pdf)

# Appendix 3: North Yorkshire County Council Licence Agreement – Staying Put Agreement

Date: agreed on ..... to start on .....

This agreement is made between you, ..... and ..... ("Staying Put" Provider).

It allows you to stay at: ..... and sets out what will be expected of you and what you can expect.

You will have your own accommodation.

The full cost of supported lodgings will be £ ..... per week.

.....' income will be £ .....

After assessment by the Children's Social Care Finance Department, ..... contribution will be £ ..... per week

Local Housing Allowance is £ .....

"Staying Put" will pay £ .....

Your contribution will be reviewed on a regular basis. Please keep all your wage slips as these are needed to assess your contribution. Any increase or decrease in wages needs to be brought to the attention of your Leaving Care Case Worker, .....

If you want to move out of ....., you must let the provider know at least 4 weeks before you want to move. The provider can also end the "Staying Put" Agreement at any time by giving 4 weeks' notice.

..... agrees that the conditions of her occupying this accommodation are:

- S/he will pay the rent regularly and on time.
- S/he has read and understood the expectations, which say what she must do.
- S/he agrees to do all the things that are set out in the expectations.

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

By this agreement ..... permit ..... to occupy the above accommodation.

Signed: ..... (Provider)      Date: .....

## EXPECTATIONS - THE THINGS YOU MUST DO:

- You must use the support which your pathway plan says you need.
- If at any time, the Provider is worried about your safety, they have the right to enter your room to check on your welfare.

- You must pay the correct agreed amount of rent and keep the payments on time.
- You must pay for any loss or damage to your own furniture or belongings.
- You must let the provider know if anything is broken or needs mending.
- You must ask if you want to keep a pet.
- You must be considerate to all the people who share the house.
- You must NOT invite anyone else to share your room. Overnight visitors must be agreed beforehand with your provider.
- You must not use or keep illegal substances in the property.

The provider can end the "Staying Put" Agreement at any time by giving 4 weeks' notice and will do so if either:

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

[Blank page]

## **About The Children's Partnership**

The Children's Partnership is the voluntary and community sector strategic partner to the Department for Education 2013-15, led by 4Children and the National Children's Bureau and in collaboration with Barnardo's, the Family and Childcare Trust, NCVYS, NSPCC and in producing this guide, the Fostering Network.

The Partnership provides policy and delivery advice to government and supports the VCSE sector to develop new and sustainable approaches, increasing capacity and improving outcomes for children, young people and families.