

Staying Put

Guidance for Children and Young People Services, Fostering Services and Leaving Care Services

Part two: Good practice guidance

Contents

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Part two: Good practice guidance

1. Introduction

This section comprises useful information and good practice guidance for all key stakeholders in respect of staying put. It is essential that all stakeholders operate from a 'rights informed approach' – that is that young people need to be aware of their rights and need to be supported to receive what they are entitled to. In addition young people need to understand that with rights come responsibilities, and that this will be reflected in respect of staying put.

Each section contains helpful hints and tips to consider when thinking about and implementing staying put.

The key principles of staying put allow for young people to retain the day-to-day relationship with their former foster carer and the local authority and fostering services that are responsible for their care. Staying put proactively promotes the roles and responsibilities of the corporate parent to provide good parenting to young people as they transition to adulthood. Moreover staying put is about facilitating and securing relationship-based care for young people; 'the golden thread' that enables former foster carers to 'treat them as part of their family, or part of their life, beyond childhood and into adulthood'.¹

In Scotland, the Continuing Care Guidance states that: *'It is counterproductive to focus on what legislation enables a care leaver's needs to be met as legislation will not cover all eventualities. The priority must be that all looked after children will have a care plan that meets their individual circumstances and allows them to remain in their care placement if at all possible'*.² This is also the approach we believe should be taken in England with young people staying put.

¹ The Care Inquiry 2013 p10.

² Scottish Government, Children and Young People (Scotland) Act 2014: Guidance on Part11: Continuing Care, p.35.

2. Staying put dos and don'ts for services

Do endeavour to work together – reflect, review and revise your practice

- Do know the law – have a clear understanding of the duty on local authorities to advise, assist and support young people and former foster carers who are entering into a staying put arrangement.
- Do ensure your local authority or independent fostering provider publishes their staying put policy setting out your approach to staying put.
- Do communicate and consult with each other regarding staying put procedures to enable a co-ordinated response between children's services, independent fostering providers, independent reviewing officers, commissioning teams and adult services (where relevant).
- Do seek support and/or training to ensure that everyone is clear of their role in implementing the staying put duty.
- Do recognise the role and values of your different perspectives and how this may strengthen staying put implementation.
- Do start planning for staying put as early as possible via the care, placement, permanence and pathway plans; it should be seen as part of the spectrum of care.
- Do remember to make sure matching considerations for long-term foster placements include staying put as an option in the early planning process.
- Do ensure a pathway plan is inclusive of a young person's and carer's wishes and feelings on staying put.
- Do make sure discussions and decisions are recorded in meeting minutes, plans and case records and that these are communicated to everyone involved.
- Do ensure care leavers have a choice to consider staying put alongside other 18 plus options.
- Do provide accessible information about staying put to foster carers across the fostering sector.
- Do discuss at an early stage the option of staying put for young people living with foster carers supported by independent fostering providers and how the arrangement will be supported.
- Do support young people and foster carers with the financial arrangements involved with staying put arrangements.
- Do ensure 'joined up' thinking; each professional and organisation should play their full part.
- Do make information available to young people on how to access advocacy support or how to make a complaint.

- Do develop or initiate shared joint protocols across services

Don't prohibit, prevent, limit, exclude, negate or restrict

- Don't assume all care leavers will want to consider staying put or that it will always be for three years.
- Don't presume foster carers will or won't be able to offer a staying put arrangement.
- Don't delay – poor and late planning processes impact directly on young people and carers.
- Don't exclude each other from the process; your differing roles are significant to ensure young people and foster carers receive the right type of support by the right people.
- Don't assume a foster carer must resign if they offer a staying put arrangement; they may choose to continue to foster or resume their fostering once the staying put arrangement has ended.
- Don't underestimate the financial challenges faced by some foster carers wishing to consider staying put.
- Don't ignore the local authority's duty to monitor staying put arrangements – the pathway plan provides a framework for monitoring.
- Don't underestimate the choices made by young people to move on and then regret such decisions. Ending a staying put arrangement early is not always the best option for some young people; in such circumstances flexibility to return to the household for an agreed period with continued support from the carer and your service is good practice.
- Don't forget staying put is also an option for young people on apprenticeships, in higher education or in the armed forces.
- Don't forget family and friends foster carers are able to offer staying put arrangements.
- Don't forget a Shared Lives placement with a young person's former foster carer could fulfil the local authority's duty to provide support under staying put; where appropriate carers need support to consider this option.
- Don't underestimate your role and impact on shaping young people's transition into independence.

3. Staying put dos and don'ts for supervising social workers

Do always remember, consider, focus, reflect, facilitate and endeavour

- Do know the law – have a clear understanding of the duty on local authorities to advise, assist and support young people and former foster carers who wish to consider a staying put arrangement.
- Do familiarise yourself with your local staying put policy and practice implementation.
- Do seek support and/or training to enable you to clarify your role in implementing the staying put duty.
- Do introduce the idea of staying put to fostering applicants from the outset, for example in preparation group training.
- Do provide clear and accessible information about your staying put policy to your foster carers.
- Do ensure your foster carers have access to your finance policy re payments to staying put carers.
- Do ensure staying put is on the agenda when undertaking the process of care planning and permanence planning for children who are looked after.
- Do make sure discussions and decisions are recorded in meeting minutes, plans and case records.
- Do ensure your foster carers are actively involved in the process of pathway and placement planning.
- Do ask questions with relevant colleagues – the team around the child – to maximise support and develop your knowledge base regarding transitions to adulthood.
- Do seek support from your line manager and colleagues as and when necessary.
- Do support your foster carers to understand the full implications of providing a staying put arrangement in respect of their approval, allowances/fees, training etc.
- Do review your foster carers' approval in advance of a staying put arrangement commencing.
- Do enable foster carers to understand and differentiate between the role and responsibilities of a foster carer and staying put carer.
- Do enable and prepare your carers to understand/recognise the transition from child to young adult and foster placement to staying put arrangement.

- Do help your foster carers to understand the language and terminology surrounding staying put.
- Do monitor and evaluate your staying put arrangements and practice.

Don't prohibit, prevent, limit, exclude, negate or restrict

- Don't assume anything – asking questions and seeking clarity on the process can mitigate delay and poor planning/practice.
- Don't feel excluded from the process, your role is significant to ensure young people and your foster carers receive the right type of support.
- Don't presume foster carers will or won't be able to offer a staying put arrangement.
- Don't start the planning process too late, this is unhelpful to young people and foster carers.
- Don't underestimate the financial challenges faced by some foster carers wishing to consider staying put.
- Don't assume a foster carer must resign if they offer a staying put arrangement because they have no spare bedroom to provide for a foster placement.
- Don't forget to challenge others if you have concerns about the decision-making process.
- Don't think you need to be an 'expert' – seek out information and support when you need it.
- Don't forget the 'devil is in the detail', pay attention to the small things too.
- Don't forget to seek out the views/wishes of the young person, birth family and the foster carer.
- Don't pass off your responsibilities to someone else.
- Don't forget to ensure all necessary DBS checks are undertaken in a timely manner.
- Don't give up – work to overcome obstacles and develop your practice implementation on staying put.

4. Facts and information about staying put for children and young people

Staying put – key issues:

- The local authority must provide advice, assistance and support to you and your carer if you both wish to consider a staying put arrangement.
- It is the decision of you and your foster carer whether you want to stay put.
- Only in exceptional circumstances, when it is not consistent with your welfare, can the local authority choose not to support your staying put arrangement.
- Staying put must always be considered as an option when thinking about your pathway plan and where you may want to live when you reach 18.
- Staying put is open to young people who have disabilities, or who are at university, on an apprenticeship, seeking asylum or in the armed forces.
- The opportunity to stay put applies equally to young people who have been cared for by foster carers from the local authority and those whose carers are from independent fostering services.
- A 'living together agreement' will be drawn up to explain and review rules and what you can now expect as a young adult.
- Your contribution from benefits, training allowance or wages should be explored and discussed.
- If your foster carer intends to continue fostering other children once you move onto staying put, you will need to have a criminal records check (DBS check) as you approach 18.
- Staying put lasts until you become 21, unless you move out before then.

Young people's entitlements:

- The right to a pathway plan, from soon after you become 16.
- The right to support from your social worker, personal adviser and former foster carer (and adult social care if eligible).
- The right to receive clear information about staying put (and/or Shared Lives arrangements where appropriate).
- The right to be involved in decision making, for example when you leave care, where you live, what support you receive.
- Entitlement to welfare benefits, dependent on individual circumstances and need.

- Subject to criteria, a bursary of up to £1,200 per year if you are aged 16 to 19 and in full-time education (other than at university).
- Payment of a one-off higher education bursary of £2,000 if you are on a higher education course.
- The right to be provided with clear information about making a complaint or sharing your concerns.
- The right to have information about how to access independent advocacy which provides you with support and helps to represent your views.



5. Facts and information about staying put for foster carers

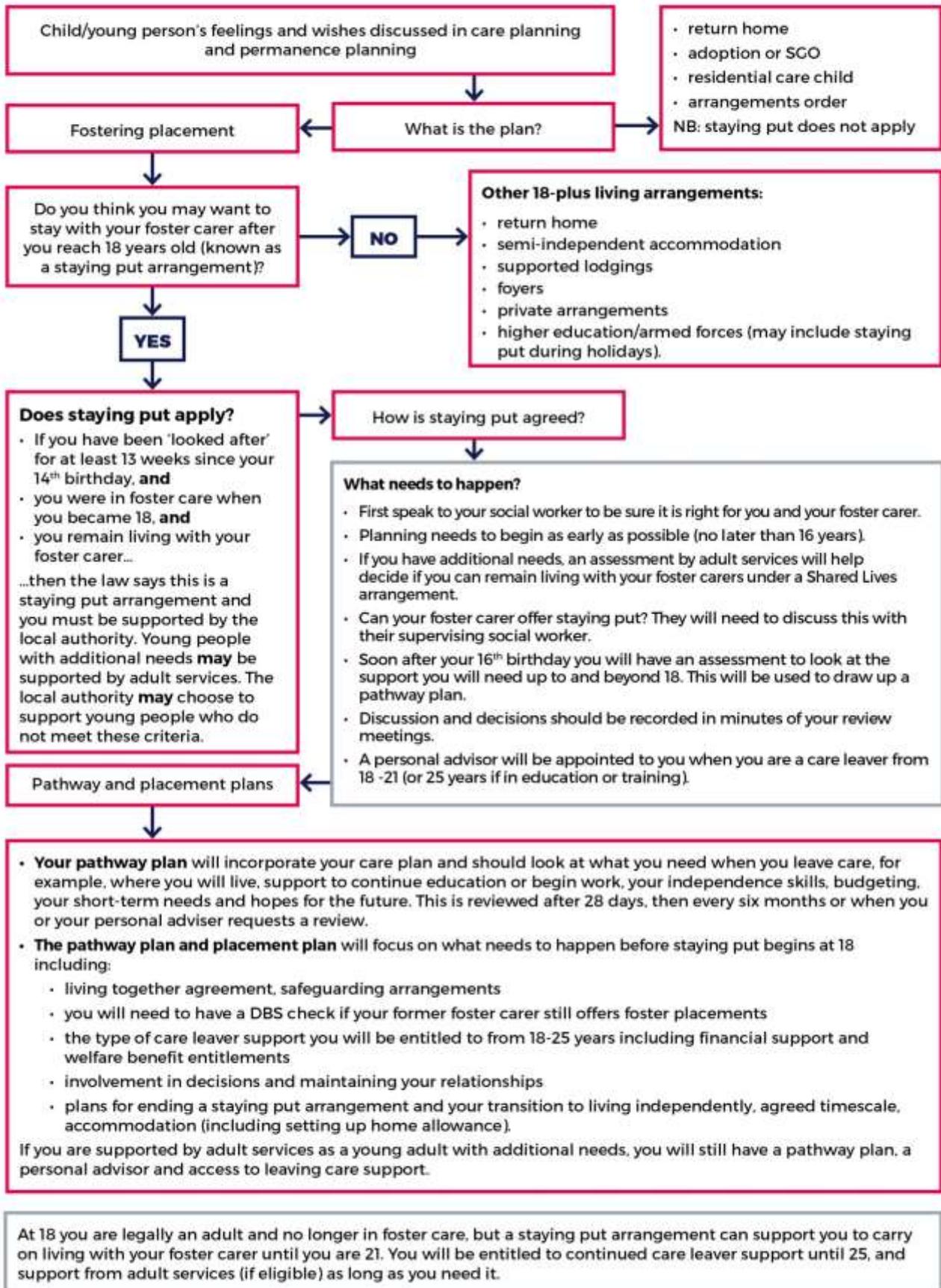
Staying put – key issues:

- It is the young person and foster carer's decision if they want to enter into a staying put arrangement: the local authority or fostering service cannot set their own criteria.
- A local authority must provide advice, assistance and support to 'eligible children' and their foster carers choosing to 'stay put' including financial support to carers.
- Payments you receive may affect your own benefit entitlements, although tax allowances remain the same as payments made to staying put carers are taxed under the HMRC Qualifying Tax Relief scheme.
- There is no required minimum length of foster placement to qualify for staying put but the young person must be in placement with you as they turn 18.
- Staying put lasts until the young person becomes 21, unless they move out before then or you end the arrangement.
- Young people with additional needs may be eligible for support from adult services – if so, you could be approved to care for them as a Shared Lives carer.
- Local authorities can provide support to any young person leaving foster care even if they do not meet the legal criteria for staying put support .
- It is the young person and foster carers' decision if they want a staying put arrangement
- Staying put is open to young people at university, on an apprenticeship, seeking asylum or in the armed forces.
- Young people staying put are no longer 'looked after children' so you are no longer 'fostering' them – your relationship will need to develop to accommodate this.
- A 'living together agreement' will be drawn up to explain and review rules and what you should now offer to, and expect from, the young adult.
- You can continue to foster if you have capacity – if not, and you plan to return to fostering when they move on, ask to maintain your approval.
- Young people staying put continue to be eligible for care leaver entitlements and rights.
- Use the time to continue your support of the young person but help them to develop independence skills in readiness for 'moving on' in future.

Foster carer's entitlements:

- Freedom to decide if offering staying put is the right thing for you and the young person.
- The local authority must provide you with financial support although this will vary according to local policy and the individual circumstances of you and the young person.
- You should receive an allowance that covers all reasonable costs of supporting the care leaver to remain living with you.
- Discuss separately with your supervising social worker the implications for you of providing a staying put arrangement.
- A review of your approval as a foster carer should you want to continue to foster now or in the foreseeable future.
- Specific training and guidance you require to help support the young person, particularly in helping to develop their independent life skills.
- Involvement of your fostering service in planning for staying put arrangements.
- A named worker to support you as a staying put carer.

Process for children and young people on staying put arrangements





Part three: Things to consider in implementation

Planning arrangements

1. Effective matching

- Effective matching can influence a carer's decision to offer staying put and young people's willingness to 'stay put' due to quality of relationships. Ensure carer's understanding of permanence includes staying put.

2. Early planning

- Early consideration of available 18 plus options before 16 years (some flexibility in timing in response to individual need): staying put arrangement, returning home, semi-independent accommodation, supported lodgings, foyers, private arrangements, higher education etc.
- For young people with disabilities, early joint working between social workers from children's services and adult social care – visit to discuss transitions and relevant assessments to enable continuity of support/assessment as Shared Lives carer, if appropriate.
- Everyone's involvement: young person, birth parents, carers, children's social worker, fostering social worker, personal advisor, leaving care team, independent reviewing officer, school/college, (relevant) health professionals, (relevant) adult services team and advocate – same for local authority or independent fostering provider carers.
- Undertake an assessment of need to determine what assistance is required and appropriate.
- Discuss and record decisions in statutory review.
- Develop a pathway plan that is inclusive of the young person and carer's wishes and feelings on a staying put arrangement.
- Funding – consider the impact and entitlement to welfare benefits for a carer and the young person via your advice and support role in this discussion (see finances).
- Keeping in touch - support networks both when staying put not possible/preferred or post-staying put arrangements to maintain relationships (with carers, personal advisor) and enable an effective move to independence (not just another cliff edge).

Agreements

1. Living together agreement

- Ground rules of household, responsibilities of all involved, for example finances, income/benefits, friends/partners visiting, having a key, staying away, role modelling to other household members, development of skills required for independent living.
- Is the young person residing with a former foster carer on a non-commercial and familial basis or on a commercial basis as an 'excluded licensee' (with the former foster carer as 'landlord')?
- Supporting documentation – re welfare benefits, housing benefit, council tax, post staying put accommodation etc.
- Agreements regarding how to plan and manage the ending of a staying put arrangement, including contingencies where an ending is unexpected.

2. Protocols

- To govern safeguarding arrangements.
- To review health and safety/suitability of accommodation checks.
- DBS checks for over 18s.
- Insurance liabilities and responsibilities for staying put carers, local authorities and impact for independent fostering providers.

3. Joint protocols

- Established links between DfE, DWP and HMRC – see guidance.
- Developing links with further and higher education, housing departments, health providers, and employment, training and advice services.
- Commissioning frameworks to include reference to staying put arrangements with foster carers approved by independent fostering providers

Support to young people and carers

1. Support to young person

- Clarify support to young person via social worker, personal adviser, transitions' workers to advise and support throughout staying put arrangement.
- Advice and support on finance, accommodation, employment, education, training, independence skills.
- Written information available about care leaver entitlements (see finances).

2. Support to carer

- Clarify role and establish support and training needs of carer, and how these will be met.
- Consideration of roles and responsibilities of the fostering social worker, personal advisor, and/or other professionals throughout the staying put arrangement.

3. Approval and review

- Foster carer approval – consider where appropriate changes to fostering approval/terms of approval if a staying put arrangement is to be offered.
- Fostering panel and fostering service decision maker – terms of approval, reviewing or ending approval, dual role if carer is to continue to offer other foster placements or resume fostering post staying put arrangement.
- Implications for foster carer agreement and supervision agreement.
- Services will need to consider ongoing supervision, support and training to the carer; by whom/how will this be achieved?

Finances

1. Fee/allowances

- Clarify your allowance/fee payment to carers undertaking staying put.
- Clarify allowances to young people based on an assessment of need.
- Define breakdown of staying put arrangement i.e. housing element via housing benefit or children's services funding, young person's personal contribution via potential benefit entitlements/earnings.
- Consider contingencies if sanctions or disrupted benefit claim and develop key external partnerships with DWP (single point of contact).

2. Benefits

- Former foster carers in receipt of means-tested benefits will need to discuss and seek appropriate advice on the rules and implications upon entitlements.
- Depending on circumstances, young people who remain in a staying put arrangement may be able to claim means-tested benefit from the age of 18-years-old.
- Consider council tax and council tax reduction implications.

3. Tax and national insurance

- Former foster carers will continue to be able to claim qualifying care relief and treated under the Shared Lives arrangements if HMRC criteria for staying put are met (see HMRC Help Sheet 236).
- Self-employment status continues with associated tax and national insurance contribution rules.

4. Retainer fees

- Consideration of how retainer fees may be calculated if young person living away from home (for example, university, residential, the armed forces).

5. Entitlements

- Young people in education i.e. student 16-19 bursary, further education, higher education bursary etc.

6. Fees to independent fostering providers

- Fee payable to independent fostering providers for undertaking role in supporting staying put carers?

Policy and procedures

1. Staying put policy

- Fostering services to produce or review this policy (to include information on criteria, impact of staying put on allowances and funding, financial contributions from young people, insurance issues, impact on approval and terms of approval and safeguarding arrangements).

2. Finances policy

- Allowances/fee payments to carers – given in advance to enable decision-making.
- Entitlements for young people – written information available.

3. Participation

- How will you involve young people and foster carers in the process of establishing and implementing staying put arrangements?

4. Commissioning

- Commissioning frameworks to include reference to staying put arrangements.
- To involve children's services commissioning teams in developing approaches to staying put that apply equally to young people in local authority and independent fostering provider foster placements.

5. Ofsted

- The new inspection frameworks have strengthened the requirement on Ofsted to consider the service for young people who have left care.
- This will mean that staying put arrangements should be a focus for inspection (i.e. the overall experiences and progress of children and young people).

6. Complaints

- Young people have a right to use the complaints process to voice their concerns, and seek an advocate (for example, National Youth Advisory Services (NYAS), Coram Voice, Office of the Children's Commissioner).

Monitoring and outcomes

1. Monitor

- Local authorities have a duty to monitor staying put arrangements. Is there a quality assurance role or is this arrangement between the carer and young person?
- Review of pathway plans, support services and standards.
- Feedback from young people and former foster carers.
- Joint protocols and procedures with independent fostering services.

2. Statistics

- Collection of data of number of young people who choose to remain in staying put or not, and reasons for this.
- Data collection of number of former foster carers that do or do not offer a staying put arrangement, and reasons why? Will inform and support recruitment.

3. Recruitment

- Recruitment and retention of carers – increase in numbers required to address carer availability in the longer term. Introducing concept of staying put and understanding of permanence from the outset.

4. Outcomes

- How will you measure outcomes? Do you collect data sets on what happens to care leavers in terms of accommodation, education, employment, health once they have left care?
- Children in care councils – responsibility to review services offered to looked after children and care leavers and report back to senior management and corporate parenting boards.
- Changing the culture of children and young people's journey and experience through