

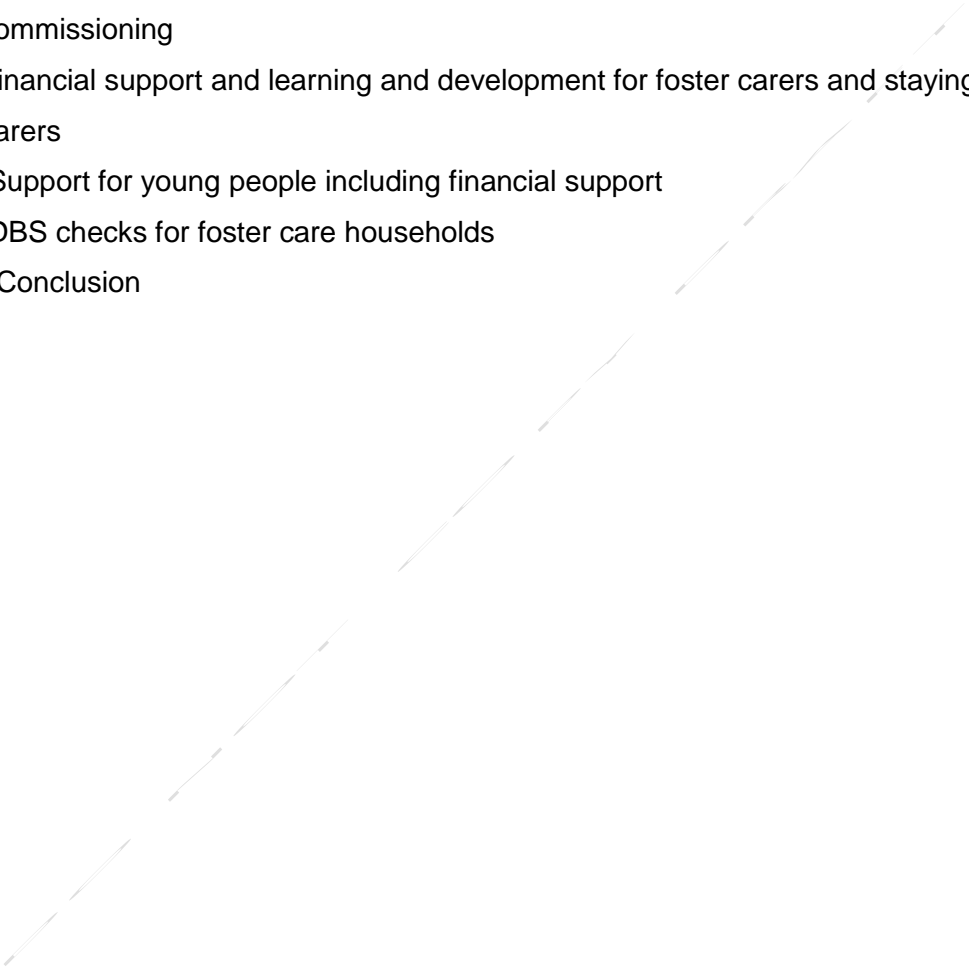
Staying Put

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

Part one: Implementation guidance



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Part one: Implementation guidance

1. Introduction: Aims and objectives of the guidance

The Children and Families Act 2014 (section 98) made amendments to the Children Act 1989 by inserting section 23CZA. Although local authorities can provide 'staying put' type arrangements to any care leaver, a legal requirement was placed on local authorities to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the 'former relevant child' reaches their 18th birthday. This is known as a 'staying put arrangement'.¹

The Fostering Network campaigned with others to extend the age to which young people should be supported to remain living with their foster carers. This led to the establishment of the legal duty to support staying put arrangements in England, which are now recognised as one option in the spectrum of 18-plus living arrangements for young people in transition to adulthood. Despite widespread acceptance that staying put is in children and young people's best interests, there have been a number of issues with implementation that have caused concern for all involved and resulted in variability in policy, practice and participation at a local level.

This guidance is based upon the legislation, statutory guidance and standards that govern services for looked after children, care leavers, and fostering services in England.

The guidance has been informed by wider learning and from surveys conducted by The Fostering Network with young people, foster carers, local authorities and independent fostering providers in England. In addition the guidance is informed by discussions at the Staying Put Working Group, a national group convened by The Fostering Network made up of representatives from across the sector.

The guidance aims to provide a framework of best practice that will assist all parties in the implementation of staying put and seeks to guide local authorities and fostering services in developing an approach to staying put which makes it achievable for all those who choose it as their preferred means of support as they transition to adulthood. It addresses the key implementation issues which fostering providers, foster carers and young people have experienced since the introduction of the new duty in 2014 and provides good practice case studies. We are working with the Department for Education and other stakeholders to address issues which require policy or legislative change.

This guidance should be read in conjunction with the following statutory guidance:

- The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (DfE, revised June 2015)² - **referred to here as 'the care planning guidance'**

¹ Children and Families Act 2014, Part 5 Section 98. Available at: <http://www.legislation.gov.uk/ukpga/2014/6/part/5/crossheading/staying-put-arrangements/enacted> (accessed 28 June 2017).

² Available at: <https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review> (accessed 11 July 2017).

- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers (DfE Revised January 2015)³ – referred to here as **‘the care leavers’ guidance**

and the following practice guidance:

- Catch 22 NCAS – Young Peoples’ Benchmarking Forum Guide – *Staying Put: What does it mean for you?*⁴
- The Children’s Partnership (2014): *Staying Put Good Practice Guide*⁵ - referred to here as **‘the good practice guide’**
- *‘Staying Put’ Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers: DfE, DWP and HMRC Guidance*⁶ (2013, due to be revised) – referred to here as **‘the DfE/DWP/HMRC joint guidance.**

Transitional arrangements for young people with disabilities

Transitional arrangements for young people with disabilities are not specifically addressed in this guidance but are covered in the SEND code of practice.⁷ Staying put is not intended to replace the process whereby disabled children transfer to the care of adult services, but ‘Shared Lives’ is one way in which local authorities can fulfil their duties to young people who qualify for adult services support.⁸

³ Available at: <https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers> (accessed 11 July 2017).

⁴ Available at: <https://www.catch-22.org.uk/wp-content/uploads/2015/01/Staying-Put-FINAL-WEB.pdf> (accessed 11 July 2017).

⁵ Available at: http://cdn.basw.co.uk/upload/basw_113930-2.pdf (accessed 29th June 2017).

⁶ Available at: <https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above> (accessed 11 July 2017).

⁷ Dept of Health and Dept for Education (2014) *Special educational needs and disability code of practice: 0 to 25 years*. Available at: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25> (accessed 28 June 2017).

⁸ National Health Service website *Shared Lives schemes*, available at: <http://www.nhs.uk/Conditions/social-care-and-support-guide/Pages/shared-lives.aspx> (accessed 28 June 2017).

2. Definition

A staying put arrangement has a specific meaning in legislation. It refers to the situation when a young person, who has been looked after for a total of at least 13 weeks since the age of 14, remains living with the foster carer with whom they were placed when they turned 18.⁹ It is an arrangement based upon both parties, that is the young person and the foster carer(s), expressing the wish to enter into such an arrangement when a young person becomes 18. As stated in the good practice guide: *'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'*.

Staying put is referred to as an 'arrangement' to differentiate it from a foster 'placement'. The young person staying put is no longer a looked after child after they reach 18 years of age. They are a young adult and a care leaver. They are entitled to support as a care leaver up to the age of 25 and will be allocated a personal advisor.^{10 11} A staying put arrangement is governed by the care leavers' legislation and statutory guidance rather than the fostering services regulations.¹²

⁹ Children Act 1989 section 23CZA (inserted by s.98 Children and Families Act 2014).

¹⁰ Children Act 1989 section 23CZB (inserted by s.3 Children and Social Work Act 2017) – awaiting implementation.

¹¹ (2016). *Keep on caring: supporting young people from care to independence*. Available from <https://www.gov.uk/government/publications/keep-on-caring-supporting-young-people-from-care-to-independence> (accessed 29th June 2017).

¹² The Children Act 1989 Guidance and Regulations Volume 3 (Planning Transitions to Adulthood for Care Leavers.) p13.

3. Principles of good practice

There are a number of guiding principles which should underpin approaches to staying put to ensure positive outcomes. These are based on, and further develop, principles set out in the good practice guide:¹³

- Family life – allowing the young person to transition to adulthood from the security and stability of an existent/established family base.
- Best interests – the young person is at the centre of decision making about staying put.
- Support – the arrangement provides continuity of support geared to the needs of both parties.
- Clear information – about support and options available, in accessible formats, enabling young people and foster carers to make choices and informed decisions.
- Early planning – as part of planning for permanence, staying put must be considered within the care planning (and pathway planning) process for all children with a care plan of long term foster care. Care planning must be robust and records should be clear. The flowchart on page 10 summarises the planning process.
- Equality of opportunity – fostering services should ensure that all foster carers have equal opportunities to become staying put carers.
- Flexibility – policies and procedures need to be flexible and robust, to accommodate the specific needs of the individual young person and the former foster carer.
- Preparation – long-term foster carers should receive training to prepare them for being a staying put carer, from the pre-approval stage and throughout their fostering career.
- Opportunity - to enable young people to contribute and achieve in education, employment, and training.
- Clear roles - all stakeholders must be clear as to their roles and responsibilities in supporting staying put, including links to other agencies such as education and health services.

The Keep on Caring cross-Government strategy details the new legal duty¹⁴ on local authorities to ‘consult on, and then publish a local offer for care leavers’.¹⁵ Young people need to know and be reassured that they will be supported and cared for beyond the age of 18. They should be aware of the support and care arrangements available to them and what they can expect from those who have been responsible for their care: that is the local authority, their foster carers and the independent fostering provider.

‘The end of services should be based on needs and not age.’ (Young person, Care Inquiry session 2a)¹⁶

¹³ Children’s Partnership (2014) *Staying Put Good Practice Guide*. Available at: http://cdn.basw.co.uk/upload/basw_113930-2.pdf (accessed 29th June 2017).

¹⁴ Children and Social Work Act 2017 s.3 – awaiting implementation

¹⁵ HM Government (2016) Keep on Caring: Supporting Young People from Care to Independence. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535899/Care-Leaver-Strategy.pdf (accessed 11 July 2017).

¹⁶ The views and recommendations of children and young people involved in the Care Inquiry, April 2013.

It is essential that fostering services – both local authority and independent fostering providers – ensure that foster carers understand that this could extend to becoming a staying put carer supporting young people up to the age of 21 as they transition from being in care to adulthood and independence.

Recommendations for fostering services and local authorities:

- **We recommend that all fostering services incorporate staying put arrangements in their foster care agreement, statement of purpose document and guides for children and young people.**
- **Children’s social workers and independent reviewing officers should proactively promote staying put as part of the continuum of care and this should be reflected in care planning and decision making where it is the care plan for the young person.**^{17 18}

¹⁷ Staying Put Good Practice Guide p6-7.

¹⁸ The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers Chapter 7.

4. Capacity in foster care: Sufficiency and foster carer approval

The Fostering Network has a proven track record in supporting foster carers and fostering services. The Fostering Services Benchmark Survey¹⁹ (first collated in 2013) has proved to be an invaluable tool in assisting fostering services to focus on the recruitment and retention of foster carers in a time of economic austerity and changing demands of the types of foster placements needed. For the majority of children it is, first and foremost, through the skills and dedication of their foster carers that outcomes will improve. Foster carers provide an incredibly valuable role in society, caring for some of our most vulnerable children.

Recruiting and retaining sufficient numbers of committed, competent foster carers, with the skills, capacity, motivation, resilience and support to meet looked-after children's needs is a continual challenge for local authorities and independent fostering services.

All local authorities in England are required to ensure that they have sufficient accommodation for looked after children under 'the sufficiency duty'.²⁰ This means that all local authorities must demonstrate how they commission services for looked after children (and care leavers) via a number of providers including 'a range of provision to meet the needs of care leavers including arrangements for young people to remain with their foster carers and other supported accommodation'.²¹

Staying put should be included in each individual local authority's sufficiency plan. This will serve to ensure that each local authority has identified the number of placements and staying put arrangements required to meet the assessed needs of the children and young people in the authority. We recommend that a needs analysis is completed to identify the numbers of children and young people requiring care, the types of placements needed to meet the assessed needs and projections in respect of care leavers and their care and accommodation needs.

The recruitment and retention of foster carers is a major challenge in the current climate. There has been some uncertainty about the ability of fostering services to recommend continued suitability to foster for carers who do not have vacancies and/or capacity to offer fostering placements in addition to staying put arrangements but whose intention is to return to fostering.

The regulations and guidance do not prevent a staying put carer (former foster carer) from continuing to foster. The good practice guide²² is clear that it is possible for a staying put carer to maintain their foster carer approval while they are caring for a young person under a staying put arrangement, if it is the carer's intention to resume fostering in the future. The fostering service must ensure that foster carers can be fully supported to maintain their approval, and must meet the statutory requirements including regular visits by the supervising social worker, reviews of approval, provision of training, advice, information and

¹⁹ The Fostering Network (various years), *Fostering Service Benchmark Survey*. Available at <https://www.thefosteringnetwork.org.uk/policy-practice/recruitment-and-retention/benchmark-survey>

²⁰ Department for Children, Schools and Families (2010). *Sufficiency Statutory Guidance on securing sufficient accommodation for looked after children*. Available at <https://www.gov.uk/government/publications/securing-sufficient-accommodation-for-looked-after-children> (accessed 29 June 2017).

²¹ Ibid. p11

²² Children's Partnership (2014). *Staying Put Good Practice Guide*.

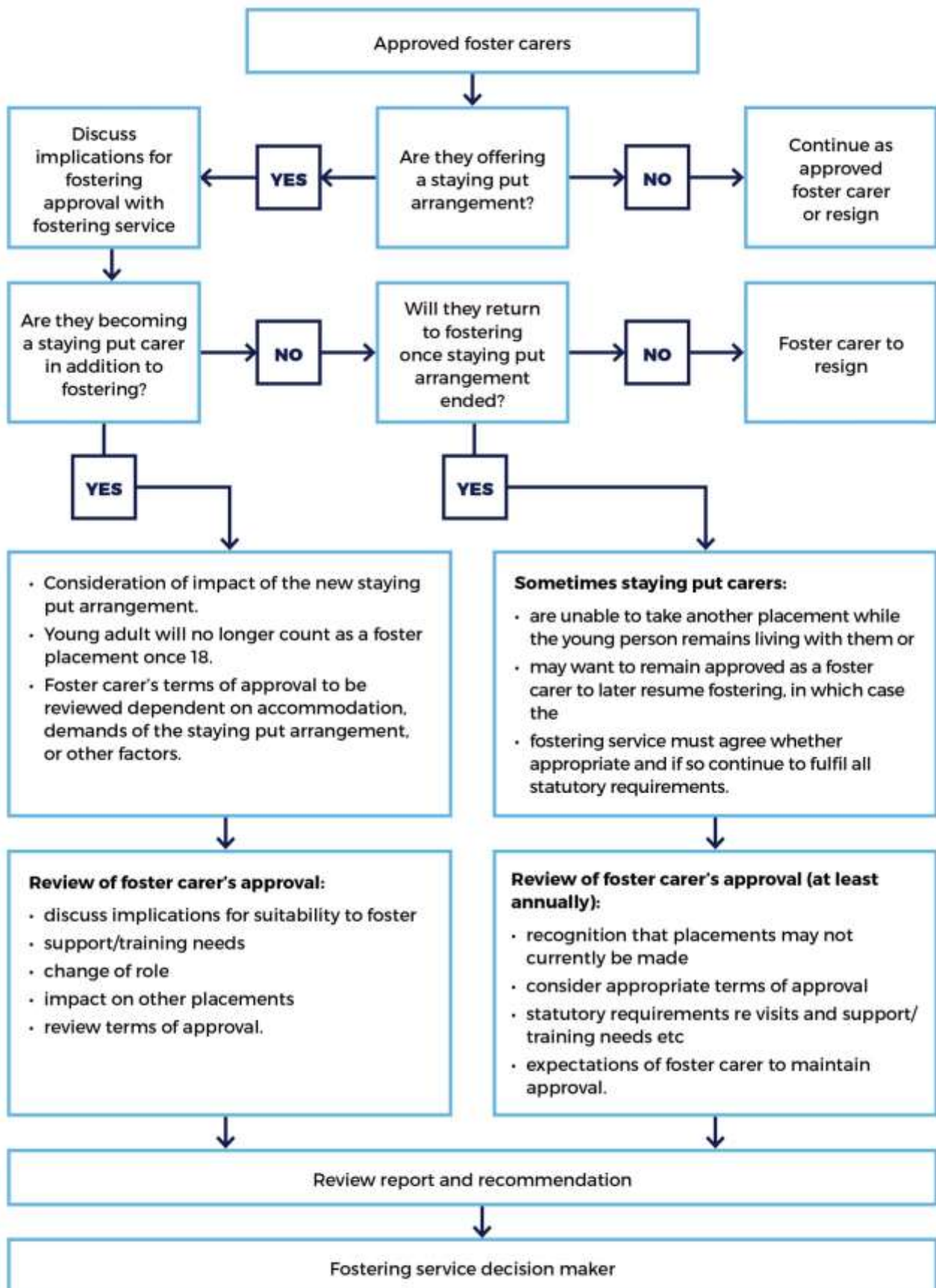
support, and support for continued professional development. The flowchart on page 10 sets out the staying put process to be followed.

Recommendations for fostering services:

- **Staying put should be included in each individual local authority's sufficiency plan to ensure there is capacity to meet the needs of care leavers in each local area.**
- **Fostering services should support their foster carers if they wish to maintain their foster carer approval while they are caring for a young person under a staying put arrangement.**



Process for foster carers and staying put carers



Case study

North Lincolnshire Council - sufficiency strategy 2016-2019

'The percentage of children leaving care over the age of 16 who remained looked after until their 18th birthday increased to 75% showing that young people have been supported to remain living with their carers into adulthood. This is good practice as it ensured the young person has stability through to adulthood and compares to a national average of 68%.' (page 7 of strategy).

Providing an increased range and choice of provision for care leavers and other post-16 provision

Ensuring that young people have the support they need to remain living in safe stable placements with adults with whom they have positive and meaningful relationships and with the support they need is a vital part of ensuring the sufficiency of placements. To ensure this is achieved in North Lincolnshire we have:

- Committed to children in our care remaining with their foster carers as part of our 'Staying Put' scheme and in line with Government policy. We support all of our children in care post 16 currently in a fostering arrangement "to remain with their foster carers until
 - they are prepared for adulthood,
 - can experience a transition akin to their peers,
 - avoid social exclusion and
 - be more likely to avert a subsequent housing and tenancy breakdown". (Staying Put. HM Govt. May 2013)" (page 13 of strategy).

and

- We reviewed and updated our Corporate Parenting Pledge and put in place a Care Leaver's charter which has been compiled with our young people and signed and supported by corporate parents. (page 14 of strategy).

Source: North Lincolnshire Council (2016) *Children in Care and Care Leavers Placement Sufficiency Strategy 2016-19*. Available at: www.northlincs.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=35846 (accessed 29 June 2017).

Case study

Lincolnshire County Council – capacity

'Of the 31 current staying put providers some (but not all) continue to be approved foster carers too. This has impacted on capacity, and the recruitment and retention strategy continues to focus on replenishing the stocks. However, we have also used capital bid monies to assist carers in building an extension/looking at additional space via Capital Bid and not staying put monies, in order to create capacity.'

Source: Fostering Manager, Lincolnshire County Council.

5. Staying put policy

It is imperative that all stakeholders are clear regarding the roles, responsibilities and expectations of all parties in staying put arrangements. All local authorities in England should have a staying put policy which is published and accessible; all independent fostering providers should also publish their policies. Local authorities should ensure that all fostering services, foster carers and eligible young people are aware of their local staying put policy. The policy should clearly state the local authority's approach and must be compliant with the statutory framework. This is the foundation upon which all support to young people and former foster carers is built.²³

Independent fostering providers occupy a unique position in that staying put policies they produce will need to consider and incorporate the principles of the local authorities with which they are contracted to provide fostering placements and staying put arrangements. Policies need to be both robust and flexible ensuring that the requirements of the statutory framework are met while being responsive to the needs of young people and their former foster carers. The policy should ensure that all parties are clear in respect of the responsibilities and levels of support that will be available to both the young person and the former foster carer.

Recommendations for fostering services:

- **We recommend that a former foster carer should be supported by their supervising social worker (whether local authority or independent fostering provider) when they move to a staying put arrangement.**
- **Local authorities and independent fostering providers will be required to have joint protocols (working together agreements) that are equitable and fair. The statutory guidance advises that: 'Local authorities should have discussion with independent fostering providers at an early stage regarding the option of a staying put arrangement. This discussion should include the amount of allowance the local authority will pay the former foster carer.'**

²³ Children's Partnership (2014) *Staying Put Good Practice Guide* pp27-28.

Case study

Cambridgeshire County Council – staying put policy development

- Two consultation events were held with in-house foster carers who were looking after teenagers pre-18, and or had young people who had remained with them post-18 on a private arrangement with no financial support – as was common practice before the staying put pilots.
- Two events were held with young people – again involving those who were 16 plus, and including some post-18 care leavers.
- A draft policy was shared at both events and the service used the feedback following the events to tweak the policy where appropriate.
- Once agreement was secured from members and funding was in place, a further three consultation events took place with independent fostering providers.
- By the time of the second independent fostering provider event it was possible to provide some feedback on how staying put was working for in-house services, as the policy was already in place and feedback had been coming in from both foster carers and young people.

The full policy can be accessed via this link:

http://cambridgeshirecin.proceduresonline.com/chapters/p_staying_put.html

Case study

North Yorkshire Council – staying put policy

North Yorkshire Council ensures that all young people, foster carers and staff (including partner agencies) are aware of the local policies in respect of staying put in the following way:

- Comprehensive information is available on the website.
- Information is regularly shared with fostering teams, looked after children and permanence teams.
- Information is shared quarterly with housing providers.
- Leaving care staff attend fostering support and prep groups where staying put is discussed.
- A clear policy for staying put can be accessed by all staff at any time.
- There is a designated staying put portfolio lead (manager level) who can be contacted by staff and carers. Fostering teams have access to an information for carers guide, which they share with carers.
- The portfolio lead receives monthly lists of young people aged 17 and over in foster care and contacts their workers to ask if staying put is being considered. If there is a possibility of staying put then a senior member of staff visits the carer to discuss the implications of staying put, in particular the differences between staying put and foster care. This meeting takes place without the young person, so that the young person does not feel that the placement is about money and enables an open and confidential discussion with the carers about their financial situation i.e. whether they are in receipt of welfare benefits themselves.
- The portfolio lead recently attended a group for prospective foster carers. The group were discussing transitions. They were very enthusiastic and supportive of the idea of staying put. It helps if foster carers start with the idea they will be fostering until the young person is ready to move on, rather than until their 18th birthday. Leaving care attendance at such groups helps develop this further.

Source: Assistant Team Manager, North Yorkshire County Council

Some local authorities, including the London Borough of Tower Hamlets, have developed a 'pledge' to state publicly their commitment to staying put as a care option for young people in transition.

Case Study

London Borough of Tower Hamlets – staying put pledge

'The Council pledges to:

- Ensure that any young person living in foster care is supported, through the pathway planning process, to remain with his/her carer when he/she turns 18 if that is what both the young person and his/her carer wants to happen.
- Ensure that both young people and their carers are fully aware of the implications of a staying put arrangement at 18 if that is what both the young person and the carer want to happen.
- Provide financial support to the staying put arrangement up to the young person's 21st birthday.'

6. Planning for staying put

Staying put should be introduced as an option in the continuum of care for all children in care who are living in long-term foster care placements and for all those young people who enter the care system at the age of 15 and above.

Staying put should be incorporated in a timely way into care planning, and later the pathway planning process, and should be discussed at the start of a long-term fostering arrangement as part of the placement planning. Children and young people should be involved in all the decisions which impact on their care ensuring that they are clear about the options available to them when they reach the age of 18.

Post-18 arrangements for eligible children and young people should be discussed as part of the care planning process before the young person reaches the age of 16.^{24 25}

It is essential that all stakeholders are clear about roles and responsibilities to ensure that clear arrangements and good communications exist between all parties. As part of robust and early care planning there is a need to have separate discussions with both the young person and the foster carer to enable both parties to make an informed choice on post-18 arrangements. Wherever possible young people should be encouraged to consider staying put as their preferred choice. Staying put is part of the spectrum of care and foster carers need to be supported in being able to provide staying put care.

In those instances where a young person or a foster carer identify that staying put is not the “right choice/option” for them then alternative arrangements should be identified to ensure that the young person is supported as detailed in regulations and statutory guidance.²⁶

Care planning and pathway planning should consider all of the post-18 options available:

- staying put
- supported lodgings
- supported housing and foyers
- independent accommodation
- social housing
- privately rented housing
- vacation accommodation for young people at university.

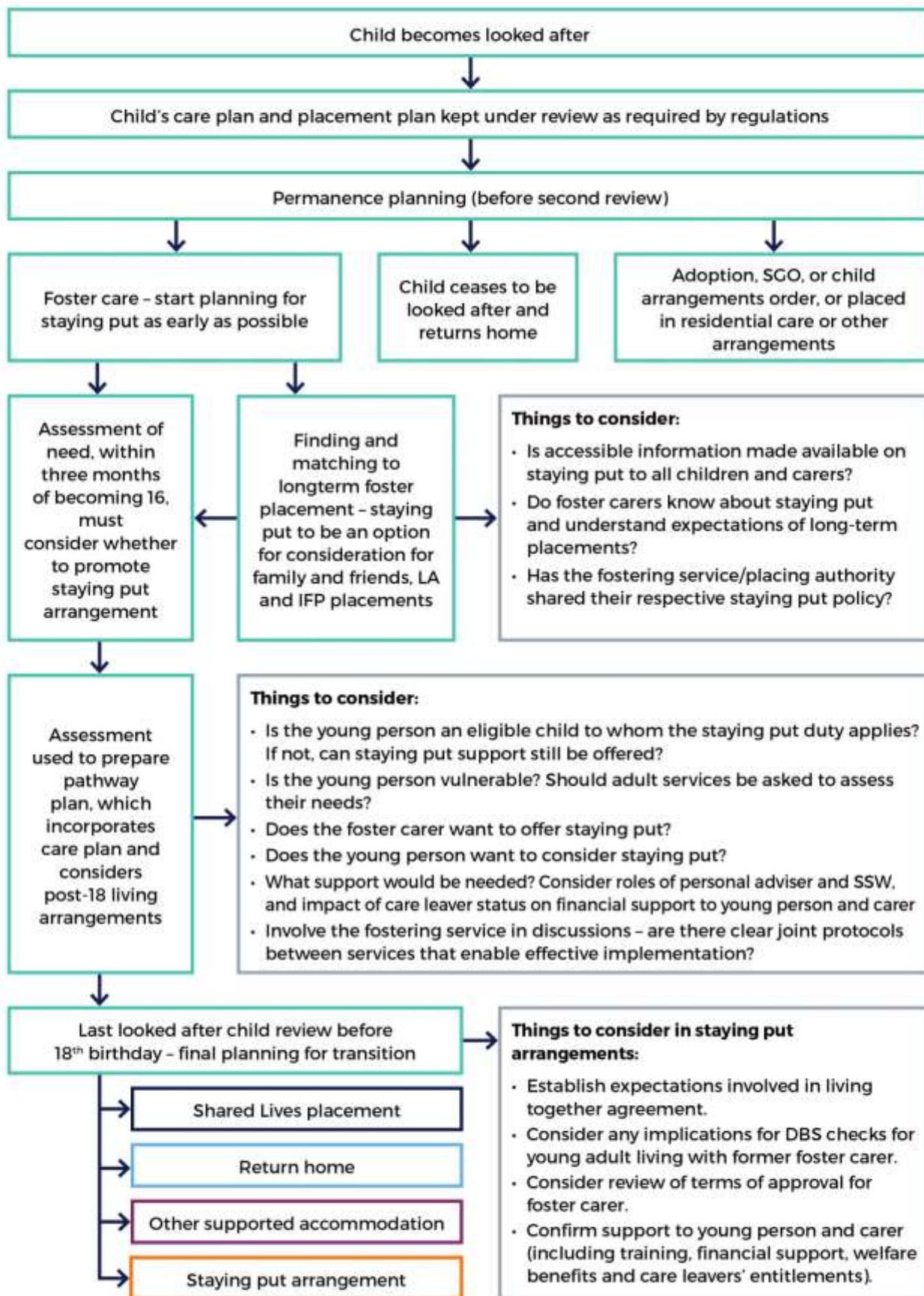
In addition to the above we recommend that staying put should be incorporated into foster carer training. Foster carers need to be clear about the expectations of them for post-18 arrangements including the skills required to support a young person in transition to adulthood.

²⁴ The Children Act 1989, 19BA Schedule 2.

²⁵ Statutory Guidance Volume 3: *Planning Transition to Adulthood for Care Leavers*, paras 7.27-7.28.

²⁶ UK Government (2016). *Keep on Caring*.

Planning for a staying put arrangement



Case study

Lincolnshire County Council – planning for staying put

- Staying put is written into internal procedures as part of care planning, and is discussed within carers' supervision and support – from the age of 12 plus.
- The social workers, independent reviewing officers and social care staff are aware of the referral procedure and at age 16 when the pathway plan is considered, staying put plans begin to take shape with the social worker.
- Barnardo's leaving care service comes on board at 17-years-old.
- Staying put worker is allocated at 17½.
- Staying put co-ordinator will contact carer to arrange a visit and discuss staying put scheme with carers and young person.
- Co-ordinator will also attend at least two looked after children reviews prior to young person's 18th birthday.
- If carers remain as foster carers, their supervising social worker is also involved in the planning.

Source: Fostering Manager, Lincolnshire County Council.

Recommendations for fostering services:

- **Staying put should be incorporated in a timely way into care planning, and later the pathway planning process, and should be discussed at the start of a long-term fostering arrangement as part of the placement planning.**
- **Staying put should be incorporated into foster carer training to ensure foster carers are clear about the expectations of them in supporting young people to transition to adulthood.**

7. Living together agreements

It is essential that the local authority and independent fostering provider staying put policy details how foster placements become staying put arrangements.

The care leavers' guidance recommends that a 'living together agreement' should be drawn up and agreed by all parties – that is the young person, the young person's social worker or personal adviser, the staying put carer, and the foster carer's supervising social worker - before a staying put arrangement goes ahead.²⁷ However, the level of detail needed will vary depending on the individual circumstances and relationship between the young person and the carer(s).

The good practice guide stresses the need for the approach to drawing up a written agreement to be '*sensitive to the feelings of those involved and proportionate to their particular circumstances.*'

'Young people should already know the family's ground rules: if they don't then that's a problem.' Young person²⁸

It is essential that the young person and their former foster carer understand what the living together agreement is for, its scope, who is responsible for the different elements of the agreement and that it is realistic and achievable.

The living together agreement needs to consider and include the following:

- Ground rules of household, for example friends/partners visiting, staying away, role modelling to other household members, development of skills required for independent living.
- Individual responsibilities of the young person, the staying put carer(s), the local authority social worker and/or personal adviser and the independent fostering provider.
- Finances – income and/or benefits for both the young person and the staying put carer.^{29 30}
- Provision of advice, support and assistance to the young person and the staying put carer, including where appropriate supporting documentation.
- Duration and review of the agreement.
- Agreements regarding how to manage ending a staying put arrangement.

²⁷ Children Act 1989 Guidance and regulations Volume 3: Planning Transition to Adulthood for Care Leavers, para 7.34.

²⁸ Children's Partnership (2014) *Staying Put Good Practice Guide*.

²⁹ DfE, DWP and HMRC Guidance (May 2013) *Staying Put: Arrangements for Care Leavers aged 18 and over to stay on with their former foster carers*. Available at: <https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above> (accessed 29 June 2017).

³⁰ Catch22 NCAS (2014). *Staying Put: What does it mean for you?* Available at: <https://www.catch-22.org.uk/wp-content/uploads/2015/01/Staying-Put-FINAL-WEB.pdf> (accessed 29 June 2017).

Case study

York City Council – sample living together agreement

The Agreement forms a three way agreement between the Staying Put Provider (the Provider), the Young Person, and City of York Council (CYC).

The agreement contains the following sections:

1. PARTIES TO THE AGREEMENT

2. TIMESCALE

3. WHAT THE PROVIDER WILL DO UNDER THIS LICENCE AGREEMENT

The Provider will be responsible for:

- a. *keeping the structure, exterior and communal parts of the premises in good repair. This includes drains, gutters and external pipes.*
- b. *making sure the installations for the supply of water, gas, electricity, sanitation and rubbish disposal are all in good repair and working order. This applies to room heating and water heating, communal amenities where they apply.*
- c. *These duties are subject to the Provider's right to make good and charge the Young Person for the cost of deliberate damage, or neglect of its premises or communal parts.*

4. HOUSEHOLD FACILITIES & SERVICES

5. CONDITIONS OF LICENCE AGREEMENT

6. HOUSE RULES

Including policies on:

- *Use of telephone*
- *Use of Computer*
- *Private Space*
- *Visits from relatives and carers*
- *Visits from friends*
- *Other visits (professionals etc.)*
- *Smoking*
- *Alcohol*
- *Quiet times*
- *Coming in times*
- *Tidying up after themselves (e.g. washing up)*
- *Cleaning bedroom*

7. FINANCIAL ARRANGEMENTS

8. CONTACT AND VISITS

9. INSURANCE COVER

10. ANY OTHER ISSUES RELEVANT TO THE PLACEMENT/ARRANGEMENT

11. CHANGING THE TERMS OF THE STAYING PUT AGREEMENT

12. TERMINATION OF AGREEMENT

13. SIGNATURES including Witness

The full document can be accessed at:

http://yorkchildcare.proceduresonline.com/client_supplied/app_2_liv_toget_agree.doc
[X](#)

Case study

St Christopher's – staying put in practice

D was placed on a solo basis with his foster carer at the age of 14, with concerns around gang involvement, non-school attendance and youth justice intervention. His relationship with the foster carer and her family enabled D to re-frame some of his experiences of carers and to build his self-value and self-esteem.

He remained in the foster home under a staying put arrangement from his 18th birthday. D and his carer shared activities; he enjoyed cooking and learned to budget family meals. He also gained an understanding around safety within the home, the self-protective factors for his relationships outside the home, budgeting and communication. D took over responsibility for booking doctors and dentist appointments from his 16th birthday although he would always ensure his foster carer attended the dentist with him.

He is now 21 and feels more able with his independence and believes himself that he will be ready to live independently. He is confident that his foster carer will remain in his life and support him as and when needed. He has completed his college course and works part time. He continues to enjoy family activities with both his birth family and his foster family.

Recommendations for fostering services:

- **All parties should be involved in developing the living together agreement.**
- **The agreement needs to be realistic and achievable, and all parties need to understand who is responsible for what.**

8. Local authorities and independent fostering providers: Working agreements and commissioning

Agreements

Policies should cover staying put arrangements whether with local authority or independent fostering provider foster carers.

It is essential that local authority and independent fostering providers establish joint protocols in respect of staying put. The protocols should be flexible to ensure that they take account of the individual circumstances and needs, including clear reference to staying put as a post-18 option for a young person as part of their agreed care plan/pathway plan.

Recommendation for fostering services:

- **Joint protocols must be inclusive and explicit in respect of roles and responsibilities in the provision of practical support, including financial support.**

Commissioning

The role of commissioners is crucial in the establishment of healthy working relationships; commissioners should be knowledgeable in the requirements of staying put arrangements and any commissioning policies must not exclude independent fostering providers.

Commissioning for staying put arrangements should be incorporated into the contractual requirement for independent fostering providers. Where an independent fostering provider has a continuing role in supporting carers who are providing a staying put arrangement, it is reasonable for a fee for this support to be agreed.

The protocols should be reasonable and fair and should include:

- agreement of payment of any relevant interagency fees in keeping with staying put policy and commissioning policy
- clarity on the roles and responsibilities of the local authority and the independent fostering provider
- agreement as to which agency will lead on the provision of advice, assistance and support to the former foster carer
- clarity that the lead agency will be responsible for the provision of learning and development opportunities to staying put carers, to support their continuing professional development
- agreement in respect of payments to be made to the former foster carer at a rate which reflects fees and allowances
- specific guidance in respect of the care planning/pathway planning process clarifying the role of the local authority and how independent fostering providers and foster carers can contribute
- agreement in respect of the responsibilities for the monitoring and review of staying put arrangements

- agreement regarding the quality assurance of staying put arrangements and clear processes to be followed when a staying put arrangement does not meet basic standards.

Working together agreements

In addition, a working together agreement should be drawn up which includes where responsibility lies for:

- provision of advice and support to the carer and the young person
- learning and development opportunities for the carer and the young person
- provision of advice about finance and benefits to the carer and the young person
- monitoring the arrangement
- ending the arrangement.

Case study

South Central Independent Fostering Agency Contract - Staying Put Protocol

For use with placements made by the following local authorities: Bracknell Forest Council, Hampshire County Council, Oxfordshire County Council, Portsmouth City Council, Reading Borough Council, Royal Borough Windsor & Maidenhead, Slough Borough Council, Southampton City Council, Surrey Council, West Berkshire Council, and Wokingham Borough Council.

This protocol also includes Isle of Wight IFA placements under separate contractual arrangements.

Introduction:

The Independent Fostering Agencies and Authorities of the South Central Framework have agreed this protocol which outlines staying put arrangements for young people in IFA placements. The protocol has been jointly developed by a representative group of Local Authorities and Independent Fostering Agencies. Arrangements for staying put with IFA carers will, in all cases, be discussed and agreed between the authority and The IFA. Direct approaches to and arrangements with IFA carers should not be made by Local Authorities.”

Source: South Central Independent Fostering Agency (IFA) Contract: “Staying Put” Protocol, p. 2.

Case study

Excel Fostering – staying put in practice

M came into care in her teens. She had suffered major trauma and was separated from parents and sibling.

The foster carer was a single carer with only one room available for fostering. Despite the trauma she was experiencing, with excellent support and care from her foster carer, the agency and her local authority social worker the young woman achieved excellent results in both GCSEs and A-level exams. She was encouraged to apply to go to university, which she really wanted to do, but couldn't envisage leaving the foster carer and living full time at university.

The foster carer really wanted to support the young woman. They had an incredibly strong attachment but when she had first applied to become a foster carer the agency she was with at the time had required her to give up work so she could not see how she would be able to support her. The local authority social worker advocated strongly on behalf of both the foster carer and the young person and managed to achieve a care package that paid the foster carer and paid all the necessary costs to enable the young woman to attend university.

The payment to the former foster carer was not the full amount that she had received as a foster carer but was enough to make staying put a viable option and enabled the young woman to come back home as often as she wanted as 'her room remained her room'.

In time the young woman moved to live with her long-term boyfriend and the financial support to the foster carer ceased.

M continues to be supported by her former foster carer and visits home whenever she wants to.

Recommendations for fostering services:

- **We recommend that commissioning frameworks across England include reference to staying put arrangements and that children's services commissioning teams are party to the development of approaches to staying put that apply equally to young people in local authority and independent fostering provider foster placements.**
- **We recommend that local authorities in partnership with independent fostering providers should establish contractual agreements which include staying put.**

9. Financial support and learning and development for foster carers and staying put carers

The local authority will be required to evidence that each staying put arrangement meets 'basic standards'. It is the local authority's responsibility to provide (whether directly or through commissioned services) support to both the young person and to the former foster carers. This includes foster carers approved and supported by independent fostering providers. The levels of support to be provided should take account of the individual circumstances and needs.

Financial support

Section 23CZA(4) of the Children Act 1989 requires that local authority support to staying put carers must include financial support. The care leavers' guidance clearly 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'*.³¹ This includes payments to independent fostering provider foster carers. The good practice guide identifies that *'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.'*³²

Payments to former foster carers should be made through Section 23 of the Children Act 1989.

Guidance on financial support can be found in the good practice guide³³ and the DFE/DWP/HMRC joint guidance³⁴ and should be clearly outlined in the local authority's staying put policy. The amount to be paid for a staying put arrangement will be determined by local policy but the level of support will be governed by individual needs and circumstances.

Financial advice and guidance should be considered as part of the care planning process as detailed in the section on planning a staying put arrangement. Young people and their carers will need to understand their entitlements and their responsibilities.

Information in respect of payments should be available in fostering service finance policies. Expectations regarding financial contributions from young people should be available in local authority care leavers policies.

There needs to be clear information available in respect of the potential loss of earnings that would arise from cessation of the payment of a fostering fee, and how this may impact on becoming a staying put carer.

³¹ Statutory Guidance Volume 3: *Planning Transition to Adulthood for Care Leavers*, para 7.30.

³² Children's Partnership (2014) *Staying Put Good Practice Guide* p.21

³³ Children's Partnership (2014) *Staying Put Good Practice Guide*.

³⁴ DfE, DWP and HMRC Guidance (May 2013) *Staying Put: Arrangements for Care Leavers aged 18 and over to stay on with their former foster carers*.

The good practice guide advises³⁵ that staying put carers will need to know the following:

- 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.

Case study

Lincolnshire County Council – funding

Lincolnshire was one of the original pilot areas for staying put, and receives a central government allocation of £183,422. This is forwarded directly into the fostering budget and is ring-fenced for staying put. It is spent on weekly allowances, mileage and all other expenses akin to the fostering budgets, and covers the full cost of providing the service.

The staying put budget covers the providers' weekly allowance. They are paid at various rates, depending on the rate paid prior to the young person turning 18.

Provider's allowance example:

£233.65 (weekly 16+ allowance)

- £30.00 income support: young person pays this to carer from their £57.90 support allowance

- £75.00 housing benefit: average housing benefit payments £75.00 - £88.00 per week, depending on post code

= £128.65 provider's payment.

Recommendations for local authorities and fostering services:

- **We recommend that payments for staying put arrangements are set at a level which, after taking account of any contributions by the young person, ensure no detriment of allowances or fees to the former foster carer.**

³⁵ The Children's Partnership (2014): *Staying Put, Good Practice Guide*.

- **We recommend that all staying put payments are reviewed and published each year.**

Learning and development

Fostering services should be explicit in their expectations of foster carers from the outset and staying put should be clearly referenced throughout a foster carer's career, particularly for long-term foster carers. Foster carers need to understand what staying put means for them and any child/young person they are/will be caring for.

Recommendation for fostering services:

- **We recommend that all fostering services should incorporate staying put into the foster carers' charter and into their learning and development programmes.**

The change of role from foster carer to staying put carer is complex. Carers will require advice and guidance in understanding the changes this transition entails. Ongoing learning and development are crucial in a foster carer's career and this should be a natural extension for those who become staying put carers. Planning to be a staying put carer is part of the foster carer's journey – especially for foster carers providing long-term care – and we believe that training should be provided as good practice to help to prepare those carers who will care for young adults aged 18 to 21 and possibly beyond.

We recommend that essential learning and development opportunities for staying put carers should build on training completed to date as part of the continuous development a foster carer receives. Training and development opportunities should include:

- preparation for staying put including record keeping, caring for a young adult
- delegated authority
- safer caring
- relationships including family contacts
- child sexual exploitation
- mental health and wellbeing
- drugs and alcohol – use and misuse
- therapeutic life story work
- preparation for independence including entitlements re welfare benefits, housing benefits and post-staying put contact
- life skills
- caring for a young adult – including legal considerations.

Learning and development opportunities should be made available that will enable the carer to manage their changed role, living with an 'adult' member of the household and opportunities that will help them to assist the young person develop the knowledge, skills and capabilities that they will need to take their place in society as an adult.

**Case study
Cambridgeshire – support**

Staying put providers are supported by the staying put co-ordinator (employed by the council), who reviews the placement every three to six months and phones every six weeks (more frequently if there are any issues arising). Providers can contact the fostering department for advice and support at any time. A leaving care worker visits the young person every six to eight weeks and has phone contact.

Support to staying put carers should include advice and guidance. This could be provided via their supervising social worker, therefore providing continuity to both the former foster carer and the young person;³⁶ research findings show that continuity of care and of maintaining relationships greatly improves outcomes for care experienced young people.

Support services should include where possible peer support/support groups.

If the carer retains their approval as a foster carer in addition to providing a staying put arrangement then they will be subject to the requirements of the Fostering Services (England) Regulations 2011 (as amended), even if they have no vacancies due to the staying put arrangement.

³⁶ The Care Inquiry (2013) *Making not Breaking*.

10. Support for young people including financial support

For most young people, family life does not impose a rigid timetable in respect of the realisation of independence; it is not a 'one off' event but is a cumulative process based on life experiences, learning and opportunities. As a consequence the support to a young person needs to be tailored to their individual needs and sensitive consideration should be given to helping the individual navigate their way through the processes for benefits, employment, tax and tenancy agreements.

Young people who are staying put are entitled to the full range of leaving care support services as determined under the provisions of the Children Act 1989, the Care Leavers (England) regulations 2010 and the care leavers' guidance. The pathway plan is the key document in determining a young person's individual need as they transition to adulthood, how the identified need will be addressed and by whom. This is the case whether the young person will be staying put or choosing other post-18 living arrangements. The young person will be required to work closely with their personal adviser and their former foster carer in building the skills, knowledge and experience they will need to transition into adulthood.

There is an expectation that young people who are staying put will be supported to continue to develop a range of life and social skills that will prepare them for future independence including:

- relationships
- emotional resilience
- finance and budgeting
- cooking
- managing a home
- applying for jobs
- continuing education.

11. DBS checks for foster care households

The fostering regulations require criminal records checks to be made in respect of anyone applying to become a foster carer and all members of their household aged 18 and over.³⁷ This is done by means of a check with the Disclosure and Barring Service (DBS). It is established practice for fostering services to update DBS checks at regular intervals.

The same regulations require foster carers to notify the fostering service of any change in the composition of their household or anything else which might be seen to affect their suitability as a fostering household.³⁸ This would include a criminal offence committed by any adult member of the household. When a young person moves from being looked after (fostered) to staying put this means that they become an adult member of the foster carer's household and a DBS check must therefore be undertaken, as it would for the foster carer's own adult children.

The suitability of a foster carer and their household to continue fostering must be reviewed whenever the fostering service considers it necessary, but at intervals of no more than 12 months.³⁹ We recommend that the DBS check is obtained before the young person becomes 18; this means that it can be considered at the review of the foster carer's approval before the staying put arrangement begins.

In the majority of cases the DBS check will not reveal anything surprising or unknown to the young person, the fostering service or the carer, and any pre-existent criminal offences should have been addressed via the young person's care plan, placement plan and if required via a risk assessment. Whatever the circumstances the completion of a DBS check should not come as a surprise; as part of the preparation for transition young people and foster carers should be aware of the processes that will come into effect.

The duty to undertake a DBS check does not apply if the foster carer's approval ends immediately the staying put arrangement commences.

³⁷ The Fostering Services (England) Regulations 2011 Schedule 3.

³⁸ The Fostering Services (England) Regulations 2011 Schedule 5.

³⁹ The Fostering Services (England) Regulations 2011 Regulation 28.

12. Conclusion

It is imperative that all managers, practitioners, foster carers and young people are informed of and are familiar with the statutory requirements and entitlements enshrined in staying put legislation, statutory guidance, good practice guidance, local policy and governance. In addition all key stakeholders need to be aware of and able to access the learning and development opportunities available.

It is for children's services – particularly care planning services, leaving care services and fostering services – to develop and implement the specific means to ensure that good outcomes are achieved for young people and their former foster carers. This implementation guidance highlights the key elements of the legislation and statutory guidance from the source documents to assist children's services in considering what must be done and how they can broker the right agreements and arrangements for care leavers as they transition into adulthood. There is no 'blanket approach' that can be advocated, but there are some basic questions and standards that should be addressed when considering whether their staying put service satisfies the outcomes identified in the Department for Education's Children in Care Strategy – Statement of Intent⁴⁰ that 'children in care achieve stability in their lives' and that this is realised by ensuring that the 'carer is central to achieving these ambitions'.