

SUFFOLK COUNTY COUNCIL

STAYING PUT POLICY & PROCEDURE

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This Policy is meant for practitioners, children in care, foster carers, staying put carers and SCC partners.

This policy document sets out:

1. The process for extending a foster care placement beyond a young person's 18th birthday into a Staying Put arrangement
2. The social care requirements and practical issues associated with extending fostering placements into Staying Put arrangement
3. The financial requirements and benefit issues for young people, foster carers and staying put carers.

We will on request produce this policy, or particular parts of it, into other languages and formats, in order that everyone can use and comment upon its content.

Version Control	Reason for revision and summary of changes needed	Date
V2	Changes in benefits system is reflected in this version, including the removal of Step 1 to Step 2 in the previous version which is no longer applicable.	May 2019
V3	New updated calculations, update of links and appendixes and the addition of Glossary of terms. Authorisation of arrangement by Head of Corporate Parenting rather than County Resource panel.	June 2023

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Glossary of Terms

Term	
Excluded Licensee	This is the legal housing status of a young person living with their former foster carer under a Staying Put arrangement. People who occupy their home under an 'excluded licence' can be evicted after being given 'reasonable' notice. A lodger is one of the most common types of excluded licensees and a young person occupying their home under a Staying Put arrangement is essentially a lodger. People with this kind of housing status are also sometimes referred to as 'excluded occupiers'
Former Foster Payment	The amount payable to the foster carer prior to the staying put arrangement. For in-house fostering arrangements the figure consists of fostering allowance and fostering fees and is used to calculate the amount of staying out allowance.
Fostering allowance	The first of two elements of fostering payments based on the tiered scheme level SCC has adopted (see the Schedule of Allowances and Fees at Appendix 6).
Fostering fee	The second of two elements of fostering payments based on the tiered scheme level SCC has adopted (see Appendix 6).
Staying put allowance	The allowance paid in place of fostering payments (after deductions have been made for rent and utility payments paid by the young person to the staying put carer and after an amount equivalent to the universal credit standard allowance has been deducted)
Staying put payment	The total amount paid to the staying put carer by SCC under section 23c of the Children Act (Likely to be the same amount as the staying put allowance unless the staying put carer is also entitled to compensatory payments because the rental income they receive from the young person has reduced their benefit entitlement)

1. Introduction, Definitions and Legal Framework

Suffolk County Council Staying Put policy outlines the arrangements for young people, who were previously in foster care, to remain living with their former foster carers upon reaching 18 until they are able and ready to live independently or reach the age of 21, possibly 25, depending on circumstances.

The primary aim of Staying Put is to promote a gradual transition from care to adulthood and independent living. The Suffolk Staying Put scheme is designed to ensure young people do not experience a sudden disruption to their living arrangements, that education and training are promoted and that all young people can make gradual steps from care to independence or to an Adult Service.

The local authority will always support the continuation of placements post 18 when it is the wish of foster carers and young people that it continues. This is not always right for carers or young people and all services will then need to support carers and young people so that moving is planned and supported. In cases where young people have moved on it very often does not mean the end of the relationship between carers and young people. The local authority is committed to supporting carers and young people to maintain relationships.

As a result, it is very important to start the discussion with the carer early enough so they can have enough time to consider their circumstances and make a decision. In this way the planning for the young person is kept alive and the placement and their wellbeing are not undermined

The policy will help to ensure that care leavers can experience a transition akin to their peers, as well as avoid housing and tenancy difficulties.

Legal Framework

This Staying Put policy has been developed to address the requirements of the:

- Children's Commissioner's report
- Fostering Service (England) Regulations 2011 and related Guidance and amendments
Care Planning, Placement and Case Review (England Regulations and Guidance 2010, with additions and revisions in 2013 and 2014;

- Planning Transition to Adulthood for Care Leavers (England) Regulations and Guidance 2010, revised 2014;
- National Minimum Standards (NMS) for Fostering Services (2011) and amendments.
- Children and Families Act 2014 and Children and Social Work Act 2017

Legal status of young person

From the age of 18 young people are no longer legally 'in care' or 'looked after' and therefore fostering arrangements and legislation relating to children placed with foster carers no longer apply. In circumstances where a young person remains with their former foster carer after their 18th birthday, the arrangement will be deemed a 'Staying Put arrangement' if it was facilitated by the local authority and should be referred to as such.

On the young person's 18th birthday, the legal basis on which they occupy the former foster carer's home changes as they now become an 'excluded licensee' (lodger) who is effectively lodging in the Staying Put carer's home (host/ licensor). Whilst the term 'excluded licensee' is a legal one, it should not denote that the young person will be treated with any less care than when they were a fostered young person. The Staying Put carer will be deemed the young person's landlord.

This change in the legal status of the young person occurs whether a formal Staying Put arrangement is agreed or financed as there is currently no alternative legal basis under which the young person can remain in their former carer's household. An excluded licensee can be asked to leave the property by the Staying Put carer, who must give 'reasonable notice' and allow opportunity for resolution of difficulties.

The term '**arrangement**' **should be used** rather than placement. 'Placement' denotes a situation where Suffolk County Council arranged and placed the child with a foster carer. Once the young person reaches the age of 18 and legal adulthood, Suffolk County Council is no longer making a placement, but facilitating a Staying Put arrangement for the young person.

For definitions used by the Department for Education (DfE) and Department for Work and Pensions (DWP) see the Government's Guidance at [HM Government Staying Put](#).

2. Arrangement and Procedure – who the Policy applies to

The Staying Put arrangement is applicable to all 'Eligible' care leavers (Children Act 1989 19B C2) who are (were) looked after by Suffolk County Council and who are living with former foster Carers. This procedure will apply whether the young person lives with local authority foster Carers, or Independent Fostering Agency Carers (IFAC).

This is particularly important for young people with additional needs where there may be a joint Children's and Adult's Services approach to transition. Where there is any difficulty in planning, the process undertaken should ensure that neither the young person nor carer is disadvantaged during the transition.

The policy also applies to Unaccompanied Asylum-Seeking children (UASC) who are Eligible and reach the age of 18. However, in those cases where the young person is awaiting a decision to be made by the Home Office following an appeal, support will be reviewed on a case-by-case basis and must be clearly outlined in the young persons' Pathway Plan.

Staying Put arrangements are currently not available to young people living in residential placements, supported lodgings or unregulated accommodation. However, they may be eligible to a [Staying Close](#) arrangement.

3. Procedure for establishing a Staying Put Arrangements (Pre-18)

The Pathway Needs Assessment started at age 15¾ should identify the timescale and steps required for young people to move to independence. This assessment by the Child in Care social worker should be completed in consultation with the Leaving Care Service, fostering supervising social worker and foster carer. The assessment should consider assessing whether the young person would benefit from a Staying Put arrangement when they reach their 18th birthday. The Pathway Needs Assessment should show clearly that Staying Put has been discussed and if a Staying Put arrangement is likely to take place, then this will be clearly stated in the Pathway Plan.

It is important that the young person's social worker and the Fostering Service supervising social worker work together to ensure that the young person and their foster carer understand the procedures and requirements for establishing a Staying Put arrangement. In addition, the financial and benefit changes associated with remaining in a Staying Put arrangement.

Once it is established that, in principle, the young person and their foster carer want to

progress to Staying Put at 18, this arrangement should be discussed at regular intervals within the Child in Care (CiC) review following their 16th birthday. The decision should be ratified by the Independent Reviewing Officer (IRO). The outcome of the meetings and the decisions of the CiC review should form the basis of the discussion with and authorisation by the Head of Corporate Parenting.

Pre-18 arrangement and decisions

The situation for the Staying Put carer or the young person may change after an initial decision to enter into an arrangement has been made so regular reviews are important to establish any changes that affect future care arrangements.

Important changes must be identified and addressed promptly to avoid uncertainty and anxiety for the young person and practitioners should be able to plan adequately for any change in circumstances. Therefore, it is important that the staying put plan is reviewed regularly, this can be done within CIC reviews. These arrangements will be continuously monitored with IRO oversight (until young person is 18) to ensure that tasks are completed, and any changes are collectively resolved.

A Staying Put meeting should be completed at 17.5 years of age. At this stage the following documents can be finalised:

- Staying Put Living together agreement
- Staying Put Approval form

If a plan changes, including in an emergency, when the young person is nearly 18 years of age and a different arrangement is required, the social worker or young person adviser and the practice manager must approach the Head of Corporate Parenting to discuss the needs of the young person.

Obtaining a Staying Put Calculation

The decision to agree to a Staying Put arrangement must be an informed one so it is important to provide details of the financial arrangements to both the carer and the young person in a timely and accessible manner and preferably at least 3 months before the young person's 18th birthday and the calculations should be reviewed regularly.

The Staying Put calculation is obtained by the social worker or young person adviser from the

Welfare Rights Helpline and its purpose is three-fold:

- To show the Staying Put Carer how much they will receive under the arrangement and to provide a breakdown of where the money will come from (ie SCC, the young person and possibly the Department for Work and Pensions)
- To show the young person how much they will have to pay their Staying Put carer (the amount of rent and their contribution to the household's utility bills) and how much of their income they will have left afterwards.
- To confirm the amount to be paid by Suffolk County Council to the Staying Put carer as Staying Put Payments under section 23 of the Children Act.

The process for obtaining a Staying Put calculation is as follows:

- The Social Worker or Young Person's Adviser completes the Checklist for a Staying Put Calculation (see Appendix 10) and emails it to the Welfare Rights Helpline (welfarerightshelpline@suffolk.gov.uk)
- The Specialist Support and Training Officer responsible for covering the Welfare Rights Helpline on the day the completed checklist is received carries out the calculations and emails a breakdown of the financial arrangements to the person who sent the checklist. (see Appendix 10 for relevant template).
- The Social Worker or Young Person's Adviser discusses the relevant Staying Put figures with the young person and Staying Put carer so that each is aware of their financial arrangements and obligations.
- The relevant figures are transferred from the breakdown of the calculations received from Welfare Rights Helpline to the Staying Put Approval Form by the Social Worker or Young Person's Adviser (Appendix 7)

It is important to contact the Welfare Rights Helpline for an updated calculation if there is a change of circumstances that might affect the calculation before the arrangement is due to begin. For example, a change in the amount a young person earns from work will change the amount of universal credit they are entitled to and the amount of rent they must pay from their earnings or changes in the Universal Credit by DWP.

Presentation of Staying Put application to Head of Corporate Parenting.

The Staying Put application should be presented to the **Head of Corporate Parenting** from (17.5yrs), who is responsible for the final decision to establish a Staying Put arrangement.

The Head of Corporate Parenting will expect to receive the following documents:

- The overall aims of the Staying Put arrangement and any specific financial issues related to the carer, including the anticipated length of the arrangement.
- A Staying Put 'Living Together' Agreement showing the day-to-day arrangements for supporting the young person.
- A Staying Put Approval Form (see Appendix 7), which will include a summary of the Staying Put calculation produced with the assistance of the FIAS Welfare Rights Helpline.

If it becomes clear that one or both parties do not wish to enter into a 'Staying Put' arrangement, this should be recorded within the Pathway Plan, and alternative planning will continue.

4. Reviewing post 18 arrangements

The Local Authority expects that the Staying Put Living Together Agreement should be discussed and reviewed every 6 months as part of the young person's Pathway Review meeting. Where changes are made the Living Together agreement should be amended and re-signed by all parties.

5. Changing status and new financial arrangements **From Foster Care Placement to Staying Put Arrangement**

Foster carers will be encouraged to consider Staying Put arrangements as part of the planning for their looked after child / young person and Suffolk County Council will be responsible for ensuring that the financial arrangements are clearly explained.

The first year

In the first year, the Staying Put carer will receive rent and utility payments from the young

person and a Staying Put Allowance from Suffolk County Council to support the arrangement. (See Financial Planning Guide at Appendix4 for more financial details)

Staying Put carers are expected to provide the support to the young person to promote and develop their life skills in preparations for independence. The support provided should reflect the developing needs of the young adult and should be set out in the young person's pathway plan.

After the first year of the Staying Put arrangement

Where a Staying Put carer and young person wish to continue with the arrangement after the initial year and it is assessed that the young person would continue to benefit from remaining with their Staying Put carer, the following process will take effect.

The Staying Put arrangement will be discussed with the Head of Corporate Parenting for their approval. If agreed the arrangement will continue until the young person first leaves the household (if before 21), reaches the age of 21, or completes the programme of education or training being undertaken on the young person's 21st birthday.

Unless otherwise agreed by the Head of Corporate Parenting, payments of the Staying Put Allowance will stop on the first anniversary of the arrangement. This means that the income the Staying Put carer receives under the arrangement will consist solely of rent and utility charges the young person is required to pay unless the Staying Put carer continues to qualify for compensatory payments from Suffolk County Council because of the ongoing impact of rental payments on the carer's own benefits (*see page15* and Financial Planning Guide at Appendix 4 for more information about compensatory payments).

Young People with Disabilities – Shared Lives

Where young people have a disability, that meets an Adult Community Services (ACS), Fair Access to Care (Putting People First) criteria, the foster care placement can be converted to Shared Life arrangement on their 18th birthday. However, this will be subject to discussions with ACS and the carer will need to go through an approval process which can take a few months. In the interim authorisation can be sought from Head of Corporate parenting to designate the carer as an interim Staying Put carer until arrangements with Shared Lives and ACS are finalised.

Early assessment is therefore important when working with ACS (Adult and Community

Services) and It is also important that the young person is discussed in Transition panel by age 17 years. Where there is a delay in the assessment process for the young person transitioning into adult services, the SCC escalation process should be followed.

6. Other Private Arrangements – non-staying put arrangements

If an assessment has been completed and the Local Authority does not feel that a proposed Staying Put arrangement would be appropriate, or meet the welfare of the young person, the local authority will not support it. In this case if a young person and their carer wish to extend the arrangement this will be a private arrangement. Suffolk CYPS will not fund the arrangement and the young person and their previous foster carer will need to agree both the level of payment and the practical arrangements.

Assistance (information and advice) would be available from the Leaving Care Service for the young person, but the responsibility of this arrangement would be with the former foster carer(s) and the young person.

This would also be the case if the young person and their carer wish to extend the Staying Put arrangement beyond the maximum period (beyond 21 if not at university and beyond 25 if at university) that would be supported by Suffolk CYPS.

7. Financial Circumstances and Considerations for Young Person

A young person living under a Staying Put arrangement will have much the same financial responsibilities as an adult, which means they will be responsible for their rent, a contribution towards household utility costs and their day-to-day living costs.

Young People and Universal Credit

Young people in a Staying Put arrangement can and are expected to be in education or / and employment. They are also expected to claim any benefits they are entitled to in a timely manner. The means tested benefit they are likely to be entitled to is Universal Credit (UC).

Even when working, a young person may need financial assistance with paying their rent, which means some young people living in a Staying Put arrangement will need to claim Universal Credit.

The Care Leavers' Protocol between [Suffolk Jobcentres and Suffolk County Council's Leaving Care Teams](#) means that a care leaver can begin making their Universal Credit claim

28 days before their 18th birthday and can submit it on their 18th birthday or immediately afterwards to maximise their entitlement.

Universal Credit can include an element for rent (the 'Housing Costs Element') and can be claimed by someone who is unemployed, or in work, and by students in certain specified circumstances, some of which will apply to a young person living under a Staying Put arrangement.

To assist with a prompt claim for Universal Credit it is essential that the Staying Put arrangement is ready to be put in place beforehand. The Staying Put calculations will confirm likely entitlement and the relevant documentation will be necessary to verify the rent, which will determine the young person's entitlement to the housing costs element of Universal Credit.

Arrangements can be made for the housing costs element of universal credit to be paid direct to the Staying Put carer (ie landlord) but this will be part of the discussion about the Staying Put agreement and will be considered on a case-by-case basis. Where direct payments do not cover full rent it will be the responsibility of the young person to top up the universal credit payments from their other income (eg earnings) and these payments will be made on top of the contribution the young person is expected to make towards the cost of household utilities. (currently £47.67 a month / £11.00 a week)

Position if young person ineligible for housing costs element of Universal Credit

Young people living in kinship Staying Put arrangements where their sisters, brothers and certain extended family members (not Grandparents) were formally approved as foster carers are not eligible to claim the housing costs element of Universal Credit on reaching the age of 18.

In situations where a young person is not eligible to claim the Housing Costs Element because of the 'close relative' rule, Suffolk Children and Young People's Service will pay the rent element of the Staying Put arrangement that would otherwise be covered by the Housing Costs Element of Universal Credit. This arrangement will be monitored because if the young person is working there will be a calculation to determine the amount payable by CYPS and the amount payable by the young person.

Young people commencing **Higher Education** courses at any age are not eligible to claim means-tested benefits, with the exception of certain lone parents and sick and disabled

young people. Young people in education may be eligible to claim the 16-19 year old Bursary – see www.gov.uk/1619-bursary-fund.

Young person's responsibility for paying rent

All young people living in a Staying Put arrangement will have a liability for rent which is set on a commercial basis. The rent figure is based on the Local Housing Allowance one bedroom rate, for the area in which they live. Young people are expected to pay their rent liability from their earnings or their Universal Credit, or a combination of both. The liability for rent is set out in the young person's Licence Agreement. (see Appendix 2)

There are currently six Local Housing Allowance (LHA) one-bedroom rates which apply in different areas within Suffolk. The young person's postcode is used to determine which Local Housing Allowance area they reside in. The Local Housing Allowance areas do not match the local district council boundaries and some district councils have more than one LHA area within their boundaries.

If a young person is entering into a Staying Put arrangement outside Suffolk their postcode will be used to identify the Local Housing Allowance (LHA) that will determine the rent payable. This LHA figure will then be used to determine the amount of Universal Credit payable and it will also be used in the calculation to determine the amount of Staying Put Allowance payable to the Staying Put carer.

The Universal Credit Claim Letter and Licence Agreement (Appendix Two) should be issued and signed by the Staying Put carer as evidence of the young person's liability to pay rent and is used as the licence agreement in circumstances where a young person is expected to claim Universal Credit.

Young people and disability benefits

A young person with a disability or health condition may be entitled to disability-related benefits like Personal Independence Payment and the Limited Capability for Work Related Activity Element of Universal Credit.

It is the responsibility of the child / young person's social worker and young person adviser with the support of the Welfare Rights Helpline to make sure that a disabled young person is receiving their correct benefit entitlement.

For those disabled young people who were in receipt of Disability Living Allowance (DLA) whilst in foster care relevant SCC Guidance should have been followed regarding its payment and management and these should inform any arrangements made under Staying Put (see SCC guidance entitled 'Guidance on Claiming, Payment Management and use of Disability Living Allowance (DLA) by Foster Carers' authored by Sarah Ablet and Christine Day)

8. Financial Circumstances and Considerations for Staying Put Carer

The financial arrangements under Staying Put will involve significant changes for the Staying Put carer who will previously have received their fostering income from Suffolk County Council or a private fostering agency.

The Staying Put carer must be supported by CYP with the help of the Welfare Rights Helpline to ensure they fully understand the financial arrangements and are able to make the necessary adjustments.

Under a Staying Put arrangement the carer will receive income from as many as three sources:

- Staying Put Payments from Suffolk County Council (paid under section 23 of Children Act).
- Rent and a contribution to the cost of household utilities from the young person.
- Contribution to rent from Department for Work and Pensions if young person receives universal credit and arranges for the housing costs element to be paid direct to the Staying Put Carer.

The total amount a carer receives under a Staying Put arrangement will not be the same as they received under their fostering arrangement. This is because the Staying Put carer will no longer be expected pay for the young person's daily expenses by providing pocket money, clothing allowance or personal allowance. As they are now an adult the young person will be expected to meet these costs from their own income.

The figures deducted from former foster payments to arrive at the Staying Put Allowance are made up of:

- The amount deducted because the Staying Put carer is no longer responsible for the young person's day-to day expenses. (This figure is based on the amount the Government has

decided a single person under the age of 25 needs to live on, exclusive of rent. The figure is used to calculate universal credit for a young person and is referred to as the 'standard allowance'. For example, the relevant amount for the financial year 2023-2024 is £292.11 per calendar month, which is £67.41 a week).

- The amount of rent the young person is liable to pay to the Staying Put carer (determined by the relevant 'Local Housing Allowance see Financial Planning Guide at Appendix 4).
- The contribution that the young person is required to make towards the costs of household utilities (electric and gas etc), which is currently £46.67 a calendar month / £11.00 a week.

A breakdown of these figures will be provided to CYP by the Welfare Rights Helpline before the arrangement starts (See breakdown of Staying Put Calculation at Appendix 9 and Financial Planning Guide at Appendix 4 for more information), but the amount paid by the young person and the DWP will change if the young person's income changes.

The Staying Put carer is responsible for making sure the young person pays their rent and contribution towards household bills in much the same way a landlord is, but they will be able to call upon the help and support of CYP if there is a problem with this.

Compensatory payments if rental income from young person reduces Staying Put carers benefits.

The benefits claimed by the young person do not have any impact on a Staying Put carer's own welfare benefits, should they be claiming a means-tested benefit themselves.

However, in some circumstances, rental income received from the young person can affect the staying put carer's benefits. This will depend on the type of benefit the staying put carer is receiving and is something that will be addressed through the Staying Put calculation so long as the Staying Put carer's benefit details are included in the checklist submitted to the Welfare Rights Helpline.

The basic position is that Staying Put carers will be compensated by Suffolk County Council for any loss of benefit and the FIAS Welfare Rights Helpline will calculate compensatory calculations when provided with the Staying Put carer's relevant financial and household details.

Staying Put and private fostering agencies

Private fostering agencies cease to be involved when a Staying Put arrangement begins, which means the agency does not receive any Staying Put related payments from Suffolk County Council.

Staying Put arrangements with agency foster carers will be treated the same as in-house foster carers and Staying Put payments will be based on the Schedule of Allowances and Fees at Appendix 6.

The amount of Staying Put Allowance paid to the Staying Put carer will be calculated by identifying the standard in-house fostering payment that is closest to the amount the fostering agency was paying to the foster carers at the time the young person turned 18.

To satisfy SCC's commitment that former foster carers should not be worse off under a Staying Put arrangement the standard fostering allowance and fee that should be used to calculate Staying Put payments should be the nearest figure that is above the amount previously paid by the agency.

Withdrawal of Staying Put payments after the first year

Unless the young person is in education or an exception is made to the general rule, Staying Put payments from Suffolk County Council will stop on the first anniversary of the arrangement.

Insurance, Mortgage and Tax.

Staying Put carers should ensure they inform their mortgage provider or landlord and their buildings and contents insurance provider that they will continue to be supporting a former foster child as a young adult under a Staying Put arrangement.

Failure to inform the above may cause a breach of mortgage/tenancy requirements and may result in insurance cover being void due to a 'failure to disclose material facts'. Staying Put carers continue to be covered under the Suffolk County Council Insurance Policy in the same way as foster carers.

Staying Put carers who transport young people are required to apply the same standards and level of care when transporting Staying Put young people as they did when they were transporting a foster child, i.e. comprehensive insurance, a valid MOT, a valid Road Vehicle Licence and a road worthy vehicle.

Staying Put will be treated under the New Qualifying Care Relief rules. This applies to both Income Tax and National Insurance. For further information on specific cases, see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/201015/Staying_Put_Guidance.pdf

9. Studying at University

Helping a young person to get to university is something to be commended and celebrated and this milestone is something Suffolk County Council will endeavour to positively recognise and support through its Staying Put arrangements.

All young people who are in a Staying Put arrangement should be encouraged to remain for the duration of their studies. The Staying Put arrangement can extend beyond their 21st birthday to allow young people to complete their university course if they have started one.

Attending University locally

Where a young person attends a local university and remains living with the carer on a full-time basis the full amount of the Staying Put payment will be made for the duration of the course, dependent on the availability of student finance. ([Student finance for undergraduates: New full-time students - GOV.UK \(www.gov.uk\)](#))

As it is unlikely the young person will be able to claim Universal Credit to cover the amount of rent they will be required to pay the Staying Put carer, Suffolk County Council will be responsible for including this amount in the Staying Put Payment unless it can be covered by an student loan.

Attending university and living away from home

If a young person attends a university away from home but returns to the household during holidays and possibly at weekends a Staying Put arrangement can continue but financial arrangements will be made on an individual case-by-case basis.

Arrangements can be made for the Staying Put carer to receive the relevant Staying Put payments during the holidays when the young person returns to their care and these payments will be based on the standard formula for calculating payments.

The starting point for calculating Staying Put payments during term time, when the young person is absent, will be a retainer based on 25% of the Staying Put Allowance that is payable when the occupier is resident outside term time. This additional arrangement is designed to apply to those Staying Put carers who continue to be registered foster carers and who would be keeping a room for the young person that would prevent them from taking on another foster child.

For those carers with only one room for fostering, but willing to take short breaks/respice placements during term time, a retainer would be paid whilst there is no child in placement in recognition of their continuing involvement in fostering. The Staying Put arrangement can extend beyond 21st birthday to allow young people to complete their university course they have started.

Practitioners should note that every staying put arrangement is different, Suffolk County Council will continue to support carers and young people to celebrate admission into higher education institutions. As a result, every different circumstance will be discussed in a staying put panel or working with the Head of Corporate Parenting to support the arrangement.

Relevant factors for consideration are likely to include:

- How often the young person is likely to use their room (eg outside term time only or also during term time, perhaps some weekends and with little or no advance notice)
- The practicalities of using the room as a 'fostering room' to provide short breaks for another foster child (eg whether the room is personalised for the young person and whether they may need the security of knowing they can return at any time)
- Whether there are any benefit implications for the staying put carer if the room is treated as empty or 'spare' by the local authority or DWP (eg the bedroom tax or the application of a reduced local housing allowance, both of which would require input from the Welfare Rights Helpline)
- Whether there are any implications for the Staying Put carer's status as a foster carer because of their loss of ongoing experience (especially relevant where they are only able to foster one child at a time and the Staying Put arrangement means a prolonged period without fostering)
- The overall financial implications for the staying put carer.

Please note that it is the responsibility of the Fostering social worker to keep track of short breaks/respite /emergency placements that a carer undertakes for the purpose of calculating ongoing staying put payments and should routinely pass this information to the Leaving Care workers or upon request.

10. Staying Put - Regulatory Frameworks and Support

Where Other Fostered Children are also living in a household offering Staying Put:

In this situation, where the Staying Put carer remains registered as a foster carer, the existing supervising social worker will continue to support the host and the Personal Advisor the overall arrangement (Fostering and Staying Put).

The Staying Put young person will require a Disclosure and Baring Service (DBS) check and a risk assessment, if the DBS check highlights a 'trace' i.e. potential risk, the issues should be discussed between the managers in Leaving Care and Fostering agency team in order to make a clear safeguarding decision that protects everybody.

DBS is required for all young people placed by Suffolk CYP, as long as the foster carer is open to future fostering placements. The Fostering supervising social worker will undertake the DBS check for the care leaver. In order to ensure DBS checks have been completed by the young person's 18th birthday, these will need to be planned in advance (from age 17½).

The annual household review should include the Staying Put arrangements and should include feedback from the young person, their PA and social worker.

Where no other Fostered Children are living in a Household Offering Staying Put

Whilst fostering regulations no longer apply when a young person reaches the age of 18 the following requirements and standards will continue to govern the Suffolk Staying Put arrangements in circumstances where no fostered children are living in the household:

- The placement plan which included the roles, responsibilities and the expectations of the foster carer and the young person will be replaced by a 'Staying Put Agreement'
- A return to fostering panel to discuss changes in the household arrangements and any plans for future deregistration and/or agreeing a period of fostering inactivity if a carer is not taking further fostering placements (temporary or permanent basis).

- The Leaving care social worker / Personal Adviser safeguarding risk assessment checks on household members and regular visitors when required.
- In house carers supervision from the supervising social worker will continue for the first 3 months of the Staying Put arrangement commencing and longer if appropriate or required;
- Independent Agency foster carers supervision will cease once Staying Put is initiated
- The opportunity for the landlord (former foster carer) to attend appropriate training and support groups, if a need is identified by the Leaving Care team, or Fostering Service.

In circumstances where Staying Put carers only have a Staying Put young person living with them, the supervising social worker will need to assess individual circumstances and consider the appropriateness of the carers remaining as registered foster carers, particularly where it is envisaged that no further foster children will be placed in the future.

In situations where no foster children live in the placement and a decision is taken to end the Staying Put carers fostering registration, the overall arrangement then falls within the '*Suitable Accommodation*' framework as set out in the Planning Transition to Adulthood Guidance, which includes the Care Leavers (England) Regulations 2010 (2014) and must comply with Regulation 6, 7 & 9 and Schedule 2.

Management of Standard of Care Concerns

The Staying Put arrangement is, essentially a private arrangement between the young person and their former foster carer, with some additional practical and financial support from the local authority via Leaving Care Services.

However, Suffolk CYPS could decide to end their financial support for an arrangement where there are concerns that the standard of care provided to the young person by the carer does not meet their needs or where the carer is failing to complete key tasks set out in the young person's Pathway Plan to support the young person develop their independence skills.

Any concerns around the standard of care would be considered by the young person's

Personal Advisor and the Manager from the Leaving Care Service. If, following attempts to address the concerns, the situation continued, it would be for them to decide if the arrangement should come to an end and the young person moved to alternative provision.

Management of Allegations

If the Staying Put carer remains a registered foster carer, any allegation made against them would involve investigation by the Local Authority Designated Officer (LADO). Where the Staying Put carer has voluntarily ceased their fostering approval any allegation would be referred to Adult Safeguarding. The outcome of either process may be that the arrangement comes to an end and the young person is found alternative accommodation and support.

11. Move-on arrangements

All young people reaching the age of 18 should have a Pathway Plan that sets out the arrangements for any future planned move to semi-independent or independent living, including contingency for unplanned moves.

Planned Move-On

The expectation is that all young people will leave Staying Put in a planned manner and that every effort will be made to support them to obtain appropriate accommodation, preferably a local housing authority tenancy or housing association tenancy in accordance with The Suffolk Leaving Care Housing Protocol. However, there may be situations where other types of accommodation may be more readily available and meet their needs.

Disruptions

Where a young person displays unacceptable behaviour or participates in activities that are deemed inappropriate, a disruption meeting will take place managed by the Leaving Care social worker / Personal adviser. Any new or changed requirements or house rules will be set out in an up-dated Staying Put Agreement.

Emergency and Unplanned Move-On and Evictions

Where difficulties cannot be managed using the disruption/planning meeting a young person may leave the Staying Put arrangement on the same day or within a short period of time.

Depending on their circumstances, this may result in the young person being deemed intentionally homeless if they make a homelessness application to a local housing authority. Nevertheless, a homelessness referral should still be made under the Duty to Refer ([Homelessness: duty to refer - GOV.UK \(www.gov.uk\)](https://www.gov.uk)) and the young person should still be supported with their homelessness application. The Welfare Rights Helpline is available to help CYPS to support a young person with a homelessness application.

Leaving the Staying Put arrangement in an emergency and in an un-planned manner may severely limit the young person's accommodation choices, and in the short term they may need to live in a range of temporary accommodation that may make them more vulnerable.

Being an excluded licensee and living in a household with the 'landlord' means that the licensee has very limited housing rights and can ask or be asked to leave the property with 'reasonable notice'. Therefore, early resolution of difficulties in a proactive way will be more helpful and young people need to be supported to understand the risks they can put themselves in.

Where there are children living within the household their safety and welfare will be paramount. In situations where it is the young person staying put who presents a new or increased risk which cannot be safely managed within the household, they will be supported to move to alternative accommodation by their leaving care worker. Carers who foster and offer Staying Put arrangements at the same time will be expected to apply this principle and *raise such issues either with supervising fostering social worker, or Personal Advisor.*

Non-Payment of Rent

In situations where young people do not pay their rent, either by not making the required payment from their income or by not claiming the Universal Credit that would enable them to make their payment, they may be subject to an eviction process. In all situations where a young person owes four weeks rent a disruption meeting will be called. *This will be attended by the young person, carer, (host), Personal Advisor and fostering social worker (if appropriate).*

In situations where UC is delayed due to benefit system procedures, the young Person Adviser will support in resolving this with the Department for Work and Pensions (DWP)

and *seek assistance from the Welfare Rights Team*. If necessary, a disruption meeting will decide on other actions required by the young person to address the rent arrears. Young people will be given every opportunity to repay any arrears and eviction will only take place as a last resort.

12. Conclusion

This Staying Put policy aims to support young people, who have been looked after immediately prior to their 18th birthday, to transition to adulthood in a planned and gradual way. The creation of a Staying Put arrangement needs careful thought and planning over time, particularly given the financial complexity and the change in legal statuses and roles.

Discussions and planning should commence as soon as possible in the Pathway Planning process and any decisions should be regularly reviewed to ensure any change is spotted early to make new plans that meet the young person's needs.

13. Appendixes

Appendix no	Name of Document	Embedded document
Appendix 1	Staying Put 'Living Together Agreement'	 Staying Put Living Together Agreement'
Appendix 2	Universal Credit Letter and Licence Agreement.	 Universal Credit Claim Letter and Licence
Appendix 3	Rent Verification Letter	 Rent Verification Letter v2.docx
Appendix 4	Staying Put Scheme Financial Planning Guide	 2019-06-24 Staying Put - Financial Planr
Appendix 5	Staying Put Arrangement Process Timescale	 Staying Put Arrangement Proces
Appendix 6	The Fostering Service Schedule of Allowances and Fees	 2023-24 SCC Fostering Allowanc
Appendix 7	Staying Put Approval Form	 2023-04-04%20Staying%20put%20apprc
Appendix 8	End of Sec23 payments notification letter	 End%20of%20section%202023%20payme
Appendix 9	Breakdown of Staying Put calculation	 2023-04-18 Breakdown of Staying
Appendix 10	Staying Put Calculation checklist	 2023-04-18 Checklist for Staying Put calcul