

**Summary Sheet**

**Council Report**

**Title: Staying Put Report**

**Is this a Key Decision and has it been included on the Forward Plan? Yes**

**Strategic Director Approving Submission of the Report:** Ian Thomas

**Report Author(s)** Ian Walker, Head of Service, LAC and Leaving Care

**Ward(s) Affected:** All

**Summary:** Changes in legislation and guidance for children in care and care leavers requires an updated Staying Put policy. This policy will underpin our efforts to ensure that all young people have the opportunity to remain living with their foster carer(s) after they leave care at age 18. This policy ensures that the offer to young people and their carers is fairly applied and that planning for Staying Put begins as soon as the pathway planning process begins.

**Recommendations:** DLT is requested to consider the contents of this report and approve its implementation as policy.

**List of Appendices Included:** Living Together Agreement; Information for young people and carers; projected costs; process document.

**Background Papers:** None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel:**  
None

**Council Approval Required:** Yes

**Exempt from the Press and Public:** No

## **Title (Main Report): Staying Put Policy**

### **1. Recommendations**

1.1 That this proposed policy is approved and implemented immediately.

### **2. Background**

2.1 At present the average age in the UK for people to move out of their parent's home is 25 and yet young people in care have been expected to make a successful transition some 7 years before this and without the emergency support of their parents.

2.2 The Care Matters White Paper contained a significant focus on improving the support for children preparing for adulthood including a pilot programme enabling young people to remain with their foster carers beyond the age of eighteen. This was introduced as formal guidance in May 2013 in order to emphasise a more graduated approach to planning transition to adulthood. The intention of the initiative was to ensure young people could remain with their former foster carers until they were prepared for adulthood, could experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown. Initially, the duty was restricted to young people already in education, training and employment or to those who were assessed as vulnerable or disabled. Revisions to the law have removed any qualifying criteria beyond the requirement that a young person will have lived with a foster carer as a looked after child immediately before reaching 18 and was an "eligible child" entitled to leaving care services under the Children (Leaving Care) Act 2000. Our policy has recognised these changes and in addition provides a fair and equal level of funding to carers regardless of their status as either in-house or independent. The term Staying Put is therefore used to define the following arrangements where:

- A young person who was looked after immediately prior to their eighteenth birthday (as an eligible child) continues to reside with their former foster carer/s;
- The carer/s were acting as foster carers to the child immediately prior to the young person's eighteenth birthday (that is, the carers were approved as foster carers in accordance with the Fostering Service (England) Regulations 2011 and the child had been placed with them by the local authority, or via an Independent Fostering Agency);
- A young person is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 to the Children Act 1989, immediately before he/she reached eighteen;
- The "Staying Put" arrangement is set out in the child/young person's Pathway Plan;

- A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority Children’s Services under section 23C of the Children Act 1989;

2.3 The “Staying Put” arrangement extends until:

- The young person first leaves the “Staying Put” arrangement; or
- The young person reaches their twenty-first birthday, if continuously, and still living in the arrangement; or

2.4 The young person completes the agreed programme of education or training being undertaken on their twenty-first birthday, if continuously living in the arrangement since their eighteenth birthday. The DfE Staying Put arrangements can therefore cover all young people who were previously eligible children living in foster care and who were looked after immediately prior to their eighteenth birthday, as long as the arrangement meets the above criteria, regardless of whether the young person is undertaking full or part-time education, training or employment or none of these activities.

### **3. Key Issues**

3.1 At present Rotherham is supporting 19 Staying Put arrangements. This amounts to approximately 15% of the total current care leaver cohort aged 18+. It has been generally recognised that the longer a young person remains in a foster placement and can defer their move to independent/semi-independent living then the more successful that transition to adulthood is likely to be. The success of these elongated transitions is enhanced by the fact that by this stage the carers have such an investment in the young person that they will continue to be a major source of support well into adulthood. We would therefore like to increase the number of Staying Put arrangements by up to 29 by the end of the year 2017/18.

3.2 In addition to this a clear and appropriate route to a Staying Put placement will be one of the key lines of enquiry in the next Ofsted inspection of the Leaving Care Service. It is therefore in the best interests of both the organisation and the young people themselves to develop our Staying Put offer.

3.3 One of the barriers to increasing the number of young people Staying Put has been a lack of clarity regarding the process and the levels of general and financial support a carer can expect to receive via this arrangement. This can cause significant challenges especially in the discussions with Independent Fostering Agency placements where carers frequently expect to receive the same level of financial support they had received via their fostering agency. This policy should provide the requisite clarity and encourage more young people and carers to access the Staying Put arrangements. Where carers are not in a position to offer a Staying Put arrangement due to the levels of financial or other support they will receive, this policy will ensure that an alternative Pathway Plan is identified at an early point.

3.4 The policy sets a rate of financial support to former foster carers based on the reward element of a RMBC foster carer's allowances. This rate should be applied equally to former carers from both RMBC and the independent sector.

3.2 The policy requires planning for Staying Put to start as soon as the pathway planning process begins at age 16.

3.3 The policy provides clearer guidance to carers, young people, social workers, personal advisers and independent reviewing officers.

3.4 The policy ensures that independent fostering agencies accept RMBC terms at the point of accepting a Rotherham child.

#### **4. Options considered and recommended proposal**

4.1 No options were considered. The policy complies with government policy and guidance.

#### **5. Consultation**

5.1 The policy has been circulated to independent fostering agencies. A consultation event took place in January 2017 and agreed amendments have been included in the final draft.

5.2 Care Leavers have been consulted in the formulation of this policy and, subject to approval, a young person's guide will be provided to ensure they fully understand their entitlements and responsibilities arising from it.

5.3 The commissioning team was consulted and agreement for this policy achieved

5.4 RMBC fostering services were consulted and a consultation event took place in January with foster carers after the draft policy was circulated to all carers. Agreed amendments have been included in the final draft.

#### **6. Timetable and Accountability for Implementing this Decision**

6.1 Once approved by the Corporate Parenting Board it is recommended that the policy be implemented with immediate effect.

#### **7. Financial and Procurement Implications**

7.1 A detailed financial projection of costs is attached.

7.2 The cost of each Staying Put arrangement is based on the same amount previously paid to RMBC carers as foster carers minus the clothing and pocket money allowance which the carers provided to the child. The

clothing and pocket money allowance being replaced by the young person's earnings or benefit entitlement from age eighteen. The remainder of the allowance paid to carers being made up of a payment entirely from a) Children's Services or a combination of funding from 1) Children's Services, 2) a contribution from the young person for rent, service charges (utilities) and food, some of which may come from Housing Benefit.

7.3 There has been significant variance in the amounts paid to former foster carers (usually those from the independent sector) due to lack of clarity in the allowances available and an expectation that similar payments to those appropriate for children in foster care will continue. This policy confines any negotiation to a limited number of decision makers to ensure that decisions to increase the accepted standard rate are consistently applied. The forecast predicts a reduction in the average cost of future arrangements.

7.4 In keeping with government policy and guidance and the benefits of Staying Put for young people, we will be promoting this policy at an earlier stage in an attempt to encourage more young people and their carers to enter into Staying Put arrangements. The projected increased take-up will increase the overall cost for Staying Put in the 2017/18 financial year compared with previous years. However, it is a significantly more cost-effective to prepare young people for independent adult life in Staying Put arrangements than in semi-independent accommodation in the private sector. The Staying Put budget will be realigned within the existing Leaving Care Allowances budget with the additional budget funded from income relating to the government's Staying Put grant.

7.5 Independent Fostering Agencies will be made aware of and will accept the terms within at the point that a foster placement is commissioned.

## **8. Legal Implications**

8.1 Section 23CZA of the Children Act 1989 places a specific duty on local authorities to advise, assist and support (which includes financial support) both the young person and their former foster carers when they wish to stay living together after the young person reaches their 18<sup>th</sup> birthday. Statutory guidance clarifies that under this duty the level of financial support payable will depend upon individual needs and circumstances, and 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. This Policy sets out how the Council will comply with the duty.

## **9. Human Resources Implications**

9.1 None

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 This policy provides a clearer framework for the implementation of Staying Put arrangements and promotes earlier planning to offer stability during and after foster care.
- 10.2 This policy should support more looked after young people to remain in their foster placement into their adulthood and therefore make a more successful transition to independence.
- 10.3 The policy will increase the average age that young people leave home, closing the gap between care leavers and young people from the wider community
- 10.4 Research informs us that a young person in a stable home environment is more likely to achieve well in employment, education and training. An increase in the number of Staying Put arrangements will reduce the number of young people not in employment, training and education.

## **11 Equalities and Human Rights Implications**

- 11.1 The policy provides a fair and equal level of funding to carers regardless of their status as either in-house or independent.

## **12. Implications for Partners and Other Directorates**

- 12.1 Independent fostering agencies have been consulted and accept this policy.

## **13. Risks and Mitigation**

- 13.1 It is anticipated that the implementation of this policy will increase the numbers of care leavers who will remain in Staying Put arrangements. This will bring some increased financial pressure to the Leaving Care Service. However, this is likely to be offset by the reduced costs in respect of supported tenancies some of which can be high cost placements for the more vulnerable care leavers.
- 13.2 Some foster carers may not be prepared to accept the financial terms of the arrangement. Early planning, a more detailed assessment of the young person's needs and consistent decision making will help to prevent an arrangement from going forward. For young people with enduring complex needs, early referral to the Transitions Team will facilitate an assessment under the Care Act and potentially the conversion of a foster placement to Shared Lives rather than Staying Put where support to the carer and young person is enhanced and the financial support increased.

## **14. Accountable Officer(s): Ian Walker, Head of Service for LAC and Care Leavers**

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Mark Chambers

Director of Legal Services:- Neil Concannon

Head of Procurement (if appropriate):- N/A

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