

Children's Services

“Staying Put”

North Lincolnshire Council

Policy and Procedures.

2016 - 2017

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“Staying Put” Policy and Procedures 2016 - 2017

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Introduction

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. To meet the commitments in the White Paper and the duties towards care leavers in the Children and Young Persons Act 2008, the Care Planning, Placement and Case Review Regulations and Guidance 2010 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 an emphasis was placed on a more graduated approach to planning transition to adulthood

The average age of leaving home is rising and the transition to adulthood is increasingly becoming more complex and elongated. The “Staying Put” policy framework requires local authorities to set out local arrangements for extending foster placements as “Staying Put” arrangements in order to extend children/young people’s transition to adulthood within a family and household supported environment. The intention being to ensure young people can remain with their former 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.

North Lincolnshire Council is committed to preventing social exclusion amongst care leavers and has developed this “Staying Put” policy in order to ensure that they can continue to live with former foster carers after their 18th birthday and make the transition to independent living at a pace that suits their needs.

This policy sets out:

1. The process for converting a foster care placement beyond a young person’s eighteenth birthday into a “Staying Put” arrangement;
2. The financial requirements and benefit issues for young people;
3. The financial rates and payment implications for foster carers and “Staying Put” carers;
4. The welfare benefit issues for foster carers and “Staying Put” carers;
5. The income tax and national insurance implications and issues for foster carers and “Staying Put” carers.
6. The social care requirements and practical issues associated with extending fostering arrangements as “Staying Put” arrangements;

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

- Children and Families Act 2014;

- 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;
- Fostering Service (England) Regulations 2011 and related Guidance (and amendments);

National Minimum Standards (NMS) for Fostering Services (2011) (and amendments). Chapter 7, Para 7.19 to 7.59 - Page 66 to 72 of the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2014) and Chapter 3, Para 3.125, Page 34 of the Fostering Service (England) Regulations 2011 set out a requirement that each local authority has a “Staying Put” policy and Standard 12.4, Page 26 of the National Minimum Standards sets out the service standard relating to the local authorities’ “Staying Put” policy.

North Lincolnshire Council is committed to support young people leaving care by enabling them to remain in their former foster placement beyond the age of 18 years until they are prepared and ready to transition into independent adult life.

As young people from the age of 18 years are no longer legally “looked after”, fostering arrangements and legislation relating to children no longer apply.

Young people remaining in their foster home post 18 years will be cared for under a “Staying Put Arrangement”. The foster home will no longer be referred to as a placement.

Definitions of a Staying Put Arrangement

Department for Education (DfE) Definitions

A “Staying Put” arrangement is one where:-

1. 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;
2. 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 (amended July 2013) and the child had been placed with them by the local authority, or via an Independent Fostering Agency);
3. 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;

4. The “Staying Put” arrangement is set out in the child/young person’s Pathway Plan;

5. 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;

6. The “Staying Put” arrangement extends until:

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

7. Should a young person leave the staying put arrangement and later wishes to return to stay with their former “staying put” carer and all three parties are in agreement with this, the local authority will support the former “staying put carer” and resume the financial support in line with the current “staying put allowance”.

Department for Work and Pensions (DWP) Definitions

The specific DWP legislation covering “Staying Put” arrangements highlights that (1) where a young person continues to reside with their former foster carer after their eighteenth birthday, and (2) where the child was looked after immediately prior to their eighteenth birthday, and (3) where the payments are made by the local authority to the carer under section 23C of the Children Act 1989, the payments are disregarded in calculating the carers entitlement to means tested benefits.

Where part of the payment for the “Staying Put” arrangement comes from a contribution from the young person (as a payment for rent, either directly or from housing benefit) the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim. (For guidance on how this is addressed in North Lincolnshire, see pages 18, 19 and 20). Additionally, the section 23C disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the “Staying Put” arrangement, should the young person return to their former foster/“Staying Put” carer or, move to another carer after their eighteenth birthday.

HM Revenue and Customs (HMRC) definitions

The term “Staying Put” (HMRC) is used to define arrangements where:

1. A young person was looked after immediately prior to their eighteenth birthday;
2. The young person has a Pathway Plan;

3. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority;

4. “Staying Put” arrangements can extend until:

- the young person reaches their twenty-first birthday, or
- the young person completes the agreed programme of education or training being undertaken on their twenty-first birthday.

Definitions overview

Where possible; DfE, DWP and HMRC definitions and frameworks relating to “Staying Put” have been harmonised. However, given the complexity of the three different legislative frameworks relating to “Staying Put” arrangements, and the fact that some of the legislation does not cover all four countries in the United Kingdom, this has not been wholly possible.

An eligible child is someone who:

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

It is a term meaning that they are eligible for support as a care leaver, and does not refer specifically to “Staying Put” support. Once they become 18 an eligible child is known in law as a ‘former relevant child’.

A “Staying Put” arrangement exists until:-

- The young person leaves the “Staying Put” arrangement
- or
- reaches 21
- or
- the young person completes the agreed education programme and training which was being undertaken on the 21st birthday, (if they have been living in the “Staying Put” arrangement since their 18th birthday)

The North Lincolnshire Council “Staying Put” Scheme

The primary aim of “Staying Put” is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care

often experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave a familial and foster care household. Therefore, the North Lincolnshire Council “Staying Put” scheme is designed to ensure young people do not experience a sudden disruption to their living arrangements, that educational and training achievement and continuity is promoted, that all young people can make a gradual transition from care to independence or to an Adult Service.

The North Lincolnshire “Staying Put” scheme aims to ensure that young people and carers are supported and “Staying Put” providers are remunerated appropriately. This scheme is applicable to young people remaining with their former in house or independent fostering agency (IFA) carers and where the foster placement converts to a staying put arrangement.

A foster care placement can be converted from the young person’s 18 birthday to a “Staying Put” arrangement up until the young person reaches the age of 21 years; during this period the “Staying Put” carer’s allowance that the carer was receiving will continue, that is :-

£246.44 basic fostering allowance
Minus
£53.50 housing benefit
Minus
£26.64 pocket money allowance
Minus
£15.00 personal contribution
Minus
£44.36 clothing allowance
= £ 108.94
Plus
£53.50 housing benefit/rent (payable through Staying Put Allowance (if North Lincs based carer or direct to carer from the staying put carers local authority housing benefits team)

= £162.44

The “Staying Put” carer is no longer expected to provide the above allowances to the young person, as they are expected to claim a means tested benefit, or have earnings from employment. In addition, the young person is expected to claim housing benefit, which is paid directly to the “staying put” carer or pay rent.

Where young people have a disability that meets an Adult Services, Fair Access to Care (Putting People First) criteria the foster care placement should be converted to a Shared Lives/Adult Placement arrangement by the young person’s 18th birthday. “Staying Put” arrangements for disabled young people are therefore a temporary arrangement and will continue until the “Staying Put” carers are approved as Shared Lives/Adult Placement carers.

“Staying Put” applies where a young person remains in “Staying Put” whilst attending university. The “Staying Put” arrangement can extend until the young person completes their university course where the course extends beyond a young person’s 21st birthday.

Where young people leave a “Staying Put” arrangement to attend university and would like to return to a “Staying Put” household during vacations, this should be assessed on an individual basis.

Prior to leaving the “Staying Put” arrangement the principles and requirements regarding returning in the vacation should be set out in the young person’s pathway plan. The arrangements for returning during the vacation will need to consider the following points. The amount of rooms the carer has available, any commitments to foster children in the household, the needs of the young person returning in the vacation to have a DBS check, the allowance to be paid to the carer, which should be based on the Staying Put rate of £108.94 per week plus housing benefit = £162.44.

(North Lincs “Staying Put” arrangements come within the DfE, DPW and HMRC “Staying Put” definitional criteria).

Terminology

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 applies. In circumstances where a young person remains with their former foster carer/s after their 18th birthday, the arrangement should therefore be deemed a “Staying Put” arrangement. The term ‘arrangement’ should be used rather than placement; the term ‘placement’ denotes a situation where the local authority arranged and placed the child with a foster carer. Once the child reaches the age of 18 and legal adulthood, the local authority is no longer making a placement, but facilitating a “Staying Put” arrangement for the young person.

Changing Status – Foster care placement to “Staying Put” arrangement

Following a young person’s 18th birthday, the legal basis on which they occupy the former foster care home changes and they become an ‘excluded licensee’ who is affectively lodging in the “Staying Put” carer/s home. Whilst the term ‘excluded

licensee' is a legal one, it should not denote that the young person will be treated differently than they were as a fostered child. In addition, the carer may also become, and be deemed the young person's landlord.

The associated change from foster child to adult member of the household, and for the carer from foster carer to "Staying Put" carer, (technically the young person's landlord) should be carefully and sensitively planned in order to ensure that both young people and the carer understands the nature of the arrangement and that the positive aspects of being in foster care are not diminished by the new legal and financial arrangements and terminology.

An excluded licensee can be asked to leave the property by the "Staying Put" carer, who must give 'reasonable notice'. In extreme circumstances it may be considered reasonable for the "Staying Put" carer to give very short notice and ask the young person to leave on the same day. This should not be without consultation with the Fostering Social Worker/PHASE Worker and the young person's personal advisor.

Procedure for converting a foster care placement into a "Staying Put" arrangement

The Leaving Care Assessment of Need/pathway planning process begins at the **age of 15³/₄** and should identify the timescale required for young people to move to independence and should be used as the framework for beginning to explore the following questions and issues:

1. Is it likely that the young person would benefit from a "Staying Put" arrangement when they reach their 18th birthday?
2. Is the young person and their foster carer/s in agreement to a "Staying Put" arrangement?
3. Does the young person and their foster carer/s understand the procedures and requirements for converting a foster care placement into a "Staying Put" arrangement?
4. Does the young person understand their financial and benefit responsibilities associated with remaining in a "Staying Put" arrangement?
5. Does the foster carer/s understand the changes in their funding arrangements associated with a "Staying Put" arrangement?
6. Does the foster carer/s understand the impact of a "Staying Put" arrangement on their welfare benefit income and on their Income Tax and National Insurance responsibilities and liabilities?

7. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable?

8. What are the preparation for independence tasks, goals and targets to be achieved during the last two years of foster care and when the placement becomes a “Staying Put” arrangement?

9. What is the plan for converting the “Staying Put” arrangement into an Adult Placement (Shared Lives) where the young person has a disability and meets the Adult Services Fair Access to Care (Putting People First) criteria?

To ensure sufficient time is available to make the necessary planning arrangements for converting the foster placement into a “staying put” arrangement beyond a young person’s 18th birthday, a professionals meeting should take place as part of the Leaving Care Assessment of Need/Pathway Planning Process. This meeting should take place **immediately prior to the young person’s 16th birthday**. The “Staying Put” meeting should include the foster carer/s, supervising social worker and leaving care social worker/personal adviser and should establish the viability and likelihood of a “Staying Put” arrangement occurring. The meeting should identify all the tasks that are required to converting the fostering arrangement into a “Staying Put” arrangement and apportion roles and responsibilities. The meeting should also explore the impact on the foster carers’ financial circumstances should the arrangement continue after the young person’s 18th birthday.

Young people should not be included in the initial meeting and planning process, and should only be included after their foster carer/s have confirmed they are able to retain the young person under a “Staying Put” arrangement once the young person reaches the age of 18. This is required in order to ensure the stability of the placement and to avoid unsettling the young person.

The “Staying Put” professionals meeting should be repeated when the young person reaches the age of 17¼ and should ensure that any final arrangements and requirements are in place by the young person’s 18th birthday. The outcome of the meeting should be discussed at the young person’s subsequent statutory review and the decision ratified by the Independent Reviewing Officer. The outcome of the meeting and decision of the Statutory Review should then form the basis of the report presented to the North Lincolnshire Families First Panel, when the young person reaches the age of 17½, who are responsible for any decision regarding extending a fostering arrangement into a “Staying Put” arrangement.

All meetings should make reference to the reason for the “Staying Put” arrangement, the practical requirements associated with “Staying Put” and also the National Insurance, Income Tax and Welfare Benefits issues for the foster carer/s/”Staying Put” carer/s and the Welfare Benefit issues for the young person.

All requests for converting a former foster placement into a “Staying Put” arrangement after a young person’s 18th birthday must be presented to the Families First Panel who will ratify the plan. The request for “Staying Put” should be

presented when the young person reaches the age of **17½ to 17¾**. Once agreed, the “Staying Put” arrangement can extend until the young person moves to their independent tenancy or reaches their 21st birthday (or until the education/training course being undertaken on their 21st birthday is completing), with monitoring of the arrangement being undertaken by the leaving care personal adviser and the “Staying Put” carers’ supervising social worker or support worker.

Information to be presented to the Families First meeting.

The following information should be presented to the Families First Panel when the young person reaches the age of 17½ to 17¾ setting out the purpose and aims of the “Staying Put” arrangement and any particular milestones, targets and outcomes.

The overall purpose and aims should be set out in the young person’s Pathway Plan and the day to day arrangements for supporting the young person should be set out in their *Living Together Agreement*, which is an extension / conversion of the Placement Plan.

Information on tasks, roles and responsibilities should include:

- Arrangements for supporting the young person to claim any benefits they are entitled to and who will assist them with this task;
- Arrangements for supporting and promoting education and training;
- Transition arrangements to an Adult Service and a Shared Lives Scheme;
- The anticipated length of the “Staying Put” arrangement and the anticipated move-on arrangements;
- What preparation for independence tasks are to be undertaken and what improved life skills are anticipated by converting the foster care placement to a “Staying Put” arrangement;
- What are the safeguarding arrangements for the young person, any foster children in placement and the children of the foster carers, has a DBS check been started or completed, is it anticipated that a risk assessment will be required;
- Where a young person is “Staying Put” in an arrangement outside of the North Lincolnshire area will they return to North Lincolnshire or move to the private sector where they live?
- Any specific vulnerabilities and needs of the young person;

Information should include the views of the foster carer, young person and IRO and any specific financial issues related to the carer. (See also section 'Staying Put Practical Arrangements – Living Together Agreements' p25)

Financial requirements and personal benefits for young people.

Young people remaining in a "Staying Put" arrangement can, and are expected to be in employment or claim a means tested benefit for their personal needs from their 18th birthday (from age 16, in regard to Employment & Support allowance [ESA]). These earnings or benefits replace the:

- A) Pocket Money,
- B) Clothing Allowance
- C) Personal allowance element previously contained in the foster carers fostering allowance and
- D) A personal contribution from the young person in the staying put arrangement.

All of the following benefits/allowances (1 to 6) do not have any impact on the "Staying Put" carer's welfare benefits, should they be claiming a means tested benefit. 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.

1. Disabled young people are able to claim Employment and Support Allowance from their 16th birthday therefore the pocket money (£24.64), clothing allowance (£44.36) and a personal allowance element (£53.50) - (2016/7) in total will cease to be paid (from the Fostering Maintenance Allowance) to the foster carer when the young person receives their first E&SA payment.
2. Disabled young people can claim Disability Living Allowance (if under 16) or Personal Independence Payment (if 16 or over and not already on DLA). This is a non-means tested benefit and therefore has no impact on other benefits or the contribution that the young person or the local authority makes towards their rent. If the disability benefit is claimed, the "Staying Put" carer may be able to claim carer's allowance.
3. Lone Parents can claim Income Support until their child is 5 years old, Healthy Start Vouchers and a Sure Start Maternity Grant 11 weeks before the due birth date (the Sure Start Maternity Grant is only provided once for the oldest or first child). From the birth of their baby they will also be eligible to claim Child Tax Credits and Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above benefits, but only from the birth of their baby). (Approximately £156.26 in total per week – 2016-2017.)

4. Young people can claim Income Support (IS) under the 'Relevant Education' rules if they remain 'estranged' from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher education level. Young people can claim Income Support at any point prior to their 21st birthday and will continue to receive payment until the end of the academic year following their 21st birthday, i.e. generally until July following their 21st birthday. (IS rate is £57.90 - 2016-2017).
5. Jobseekers Allowance (JSA) can be claimed where the young person is registered as unemployed and is actively seeking employment. (JA rate is £57.90 - 2016-2017).
6. A disabled young person in education who gets both Employment and Support Allowance and Disability Living Allowance or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary – see www.gov.uk/1619-bursary-fund.
7. IS, JSA, and HB are means-tested. The capital limit for these benefits is normally £16,000, with savings over £6,000 meaning a reduction in benefits. However, money held in a trust fund (including Court of Protection) arising from personal injury (e.g. Criminal Injury Compensation Awards) does not count as capital. Criminal Injuries Compensation Awards are only disregarded for the first 52 weeks following receipt of the award.

Housing Benefit for young people

1. All young people are expected to claim Housing Benefit from their 18th birthday which is paid directly to the Foster Carer and is used to cover the rent/accommodation element of the "Staying Put" arrangement.
2. Young people living in connected persons "Staying Put" placements with sisters, brothers and certain extended family members who are formally approved as foster carers are not eligible to claim housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit North Lincolnshire Council Children's Services will pay the rent/accommodation element of the "Staying Put" arrangement.
3. The rent level and housing benefit claim rate in 2016-2017 is £53.50 per week.

Liability for rent

All young people living in a “Staying Put” arrangement have a liability for rent of £53.50 per week which is set on a commercial basis. Young people are expected to pay the rent of £53.50 per week from their earnings or housing benefit, or a combination. The liability for rent is set out in the young person’s license agreement see:

See Appendix Two:- Standard “Staying Put” Arrangement - Housing Benefit Claim Letter - License to Occupy – License Agreement.

Housing benefit for young people - Guidance

From the age of 18 young people can claim help from Housing Benefit towards their rent where there is a liability to pay rent on a commercial basis.

Where meals are provided within the “Staying Put” arrangement, the method used to calculate the level of Housing Benefit is the 1996 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements.

Young People are able to claim Housing Benefit even when their “Staying Put” carer/s are in receipt of Housing Benefit themselves. However, where carers are in receipt of benefits themselves, the non-section 23C element of the overall allowance will be counted as income from the “Staying Put” arrangement; this non-section 23C element will be treated as income from a ‘Boarder’. Section 23C money is the element of the payment paid from the local authority fostering service; the non-section 23C portion is all of the other elements, some of these other elements may still be paid through the local authority fostering service, for example, where housing benefit for the young person is paid directly to the local authority. (See section – ‘Section 23C Payments and Benefit Issues for “Staying Put” Carers’).

In circumstances where Housing Benefit is based on the maximum rent rules, it is possible to request a Pre-Tenancy Determination in advance of the Housing Benefit claim being submitted, in order to determine the level of Housing Benefit that will be paid on a given property. Pre-Tenancy Determinations are carried out by the Local Rent Officer.

Where Housing Benefit is paid under the 1996 Housing Benefit rules Children’s Services “Staying Put” Schemes can request that the Housing Benefit payments are paid directly to Children’s Services/PHASE as agents (sometimes deemed a third party claim) of the carer/s.

As fostering regulations cease when a child reaches the age of 18 the primary framework governing these arrangements is tenure law. Young people are deemed excluded occupiers on a license.

The standard letter (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 license agreement in circumstances where a young person is expected to claim Housing Benefit. The letter sets out the full costs of the arrangement broken down into:

- Rent
- Support
- Utilities
- Food/Meals.

The rent liability for young people living in a “Staying Put” arrangement in North Lincolnshire is £53.50 per week, excluding food, utilities and support. The £53.50 rent figure is based on the Local Housing Allowance rate for a room in a shared house.

NOTE:

In circumstances where young people claim Housing Benefit and the “Staying Put” carer/s are in receipt of a means tested benefit, the young person’s benefit claim will result in the “Staying Put” carers benefit being reduced. This reduction will be off-set by NLC/PHASE paying an amount equivalent to the level of the benefit reduction as a section 23C compensatory payment.

(See Section on - Section 23C Payments and Benefit Issues for “Staying Put” Carers p19).

Payment rates to North Lincolnshire “Staying Put” carers

North Lincolnshire Children’s Services is committed to ensuring that “staying put” carers are not out of pocket by supporting a former foster child under a “Staying Put” arrangement. All “Staying Put” carers, irrespective of whether they are former Local Authority or Independent Fostering Agency (IFA) foster carers will receive the NLC fostering maintenance allowance, some of the allowance under the “Staying Put” arrangement will come from the young person in the form of a payment for their rent, which may come via Housing Benefit from Housing Benefit or paid by the young person if in employment. All “Staying Put” carers will have their Fostering Allowance reduced by £137.50 (2016-2017) plus £53.50 housing benefit/rent, but will no longer be expected to provide this level of financial support to the young person. From the age of 18 (16 in certain circumstances) young people are eligible to claim a welfare benefit of £57.90 (2016-17) which will replace the amount previously provided by

their carer. In circumstances where a young person is in receipt of earnings, their earnings can be used to replace the allowances that are no longer provided by their carer.

Former IFA foster carers who go on to provide a staying put arrangement to a North Lincolnshire young person reaching the age of 18 will become a North Lincolnshire “Staying put” carer but can continue to be a registered foster carer with their IFA if they wish to continue fostering other children. As a North Lincolnshire “staying put” carer they will receive the allowance as detailed above and shall be supported by North Lincolnshire Council either by a North Lincolnshire Council Fostering Social Worker or a worker through PHASE Leaving Care support service.

When a young person is initially placed with an IFA, there will be a discussion and agreement regarding staying put provision once the young person reaches the age of 18. This discussion will take place at the pre placement planning meeting or within the first five working days of the placement if it was an emergency unplanned placement. This Staying put policy and procedures document will be shared with the foster carer at that time and agreement to provide a “staying put” arrangement in the future as per the policy and procedures will be signed by all parties.

“Staying Put” allowances (2016 -2017)

1. The “Staying Put” arrangement NLC “staying put” Carers rate (applied from the young person’s 18th birthday) is:

- £246:44 fostering maintenance allowance per week **minus:-**
 - £24:64 pocket money
 - £53:50 housing benefit
 - £15:00 personal contribution
 - £44:36 clothing allowance **plus**
 - + £53.50 housing benefit/rent

Total Paid £162.44 (2016-17) per week

2. From the young person’s 18th birthday the pocket money (£24.64) and clothing allowance (£44.36) = £69:00 (2016-17) will cease to be paid to the “Staying Put” carer and should be replaced by the young person’s welfare benefit claim (Income Support or Jobseekers Allowance).

3. Disabled young people are able to claim Employment and Support Allowance from their 16th birthday therefore the pocket money (£24.64), clothing allowance (£44.36) 69.00 (2016-2017) in total will cease to be paid (from the Fostering Allowance) to the foster carer when the young person’s benefit claim is in payment.

5. The Fostering Allowance Rate covers all accommodation, support, utilities, meals/food and associated placement costs.

“Staying Put” general allowances (2016-7)

1. From the young person’s 18th birthday “Staying Put“ carers are no longer expected to provide pocket money, a clothing allowance, rent or a personal contribution allowance (£137.50), young people are expected to replace this via means tested benefits or employment. “Staying Put” carers should continue to provide all other elements of the Fostering Allowance, travel etc.

2. In order to create parity with other care leavers, fostering birthday and Christmas/festival allowances and access to the holiday allowances cease once a young person reaches the age 18. From the young person’s 18th birthday these payment areas are covered by the NLC Leaving Care Finance Policy.

3. Any additional funding or requirements relating to family contact, specific activities and health needs for individual young people and “Staying Put” arrangements should be agreed by the Service Manager Decision Panel and should be set out in the young person’s pathway plan.

4. “Staying Put” carers should continue to provide the same level of support and services to the young person as they did when they were a foster child. The support provided should be set out in the young person’s pathway plan.

5. As set out above all young people are required to claim a personal benefit, or, replace the clothing, pocket money and personal allowance element by part-time earnings and also claim Housing Benefit.

6. In situations where young people are working part-time, and do not claim a means tested personal benefit they will be expected to use their earnings to replace the pocket money and clothing allowance and claim housing benefit. Earnings over £62.35 (2016-2017) will result in a reduction of housing benefit which will need to be made up by a contribution by the young person.

7. Young people living in foster care placements/”Staying Put” arrangements with sisters, brothers and certain extended family members who are formally approved as foster carers are not eligible to claim housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit Children’s Services will pay the rent/accommodation element of the “Staying Put” arrangement.

8. All Housing Benefit should be paid directly to the “Staying Put” Provider.

Section 23 payments and benefits issues for “staying Put” carers

This section covers the rules regarding payments to “Staying Put” carer/s that are in receipt of a means tested benefit/s. National Insurance benefits are not affected by this income.

Payments made to the “Staying Put” carers from the Local Authority Children’s Services under section 23C of the Children Act 1989 via the young person, or directly to the carer/s on behalf of the young person are disregarded when calculating the carer’s entitlement to means tested welfare benefits. The section 23C payment is disregarded in its entirety in circumstances where young people continue to live as a member of their former foster carer’s family on a non-commercial basis.

Where young people contribute to the arrangement and/or claim housing benefit (which requires a commercial arrangement) they cannot continue to be deemed to be living solely in a familial arrangement and therefore any element of the payment from a source other than the section 23C element is taken into account when calculating the impact on the “Staying Put” carers own welfare benefit claim. The section 23C element will always be disregarded when calculating the “Staying Put” carer’s welfare benefit entitlement

Where Housing Benefit is paid to the young person, or they pay the rent element from their earnings, all non-section 23C payments regardless of their source will be counted as income under the ‘Boarder’ rules. Under these rules the first £20.00 and 50% of the remainder is disregarded. For example, if a carer receives £188.54 per week in total for the “Staying Put” arrangement of which £124.54 is paid by the local authority under section 23C and £64.50 is paid by the young person from housing benefit and personal contribution, the amount taken into account by the DWP will be £64.50. Of the £64.50, £20.00 and a further £22.00 (50% of the £44.00) is disregarded, therefore the carer will be deemed to have a £22.50 per week income from the ‘Boarder’ (“Staying Put”) arrangement and they will lose £22.50 of their Income Support, income based Jobseekers Allowance or income-related Employment and Support Allowance.

In circumstances where the “Staying Put” carer is in receipt of Housing Benefit along with the above-mentioned benefits, the Housing Benefit is not affected. If the “Staying Put” carer is getting Housing Benefit but NOT getting another means-tested benefit, the £22.50 will count as income, and this will lead to a £15.00 per week reduction in Housing Benefit (a 65p per week reduction for every £1.00 of extra income).

This arrangement would apply to each young person if two or more young people aged eighteen or over remain in the placement.

In these situations where the “Staying Put” carer is in receipt of a means tested benefit the young person should still claim Housing Benefit, an amount equivalent to the carers DWP benefit reduction will be paid to them from section 23C. The section

23C compensatory payment will be disregarded in full by the DWP. In the above example a £22.00 or £15.00 per week compensatory section 23C payment will be made.

Where the “Staying Put” carer is over the pension credit age (the pension credit entitlement age is rising from 60 to 65 between 2010-2020) and is in receipt of Pension Credit more generous disregard rules regarding income from ‘Boarder Arrangements’ apply and should be explored. In practice, the whole amount paid (in respect of a ‘Boarder Arrangement’ to the carer in receipt of Pension Credit is likely to be disregarded, regardless of the young person claiming Housing Benefit and the source of the payment to the carer.

In situations where a “Staying put” carer is getting child tax credit or working tax credit, they should declare their ‘profit’ from providing a “Staying Put” arrangement, as calculated on page 21. That profit may well be nil.

Early planning and identification of, the benefits and financial circumstances of individual carers is critical to ensuring that appropriate plans and arrangements are in place for both the carers and young person. Given the complexity of making these arrangements, commencing planning these from the child’s 16th birthday should provide sufficient time to ensure the necessary arrangements and support are in place by their 18th birthday.

Council tax, council tax support and non dependent-deductions

1. From April 2013 Council Tax Benefit has been replaced by Council Tax Support schemes that reflect individual local authority priorities and are administered through local rules.
2. The impact of the “Staying Put” arrangement on “Staying Put” carers Council Tax and Council Tax Support will depend on both the circumstances of the “Staying Put” carer and the young person. For example, full time students are ‘invisible’ for Council Tax purposes and will not have any impact on the “Staying Put” carers Council Tax or Council Tax Support.
3. In circumstances where a “Staying Put” carer is working and in receipt of the 25% single person Council Tax reduction, this discount may continue when a “Staying Put” young person is living in the arrangement. The continuation of the 25% discount will depend on the circumstances of the young person.
4. Where “Staying Put” young people are claiming a means tested benefit, a Non-dependent Deduction should not be applied to the “Staying Put” carers own means tested benefit claim.
5. When planning for a “Staying Put” arrangement, consideration should be given to the impact of the arrangement on the “Staying Put” carers Council Tax, Council Tax Support and whether a Non-dependent Deduction will be applied. In circumstances where an increase in Council Tax occurs; a reduction in Council Tax Support applies, or a Non-dependent Deduction is applied an application should be made to

the Service Manager Adoption and Fostering Services for a payment from section 23C equivalent to the carers financial loss.

6. “Staying Put” young people will not incur an ‘Under Occupancy’ or ‘bedroom tax’ charge on the “Staying Put” carers.

The treatment of benefits

Payments from Children’s Services to young people under section 17, section 20, section 23, section 24 and section 31 (Children Act 1989) do not count as income for benefit purposes. Payments made to young people and passed to former foster carer/s from section 23C (Children Act 1989) are disregarded in the assessment of the former foster carer/s’ income for benefit purposes, if the young person was formerly in the claimant’s care, is aged 18 or over and continues to live with the claimant within a non-commercial family type arrangement. If the arrangement is a commercial one (i.e. if the young person contributes to the arrangement by paying rent) the section 23C disregard ceases on any non-section 23C element of the payment.

Income tax and national insurance issues for “staying put” arrangements

Where young people remain living with their former foster carer/s under a “Staying Put” arrangement, the Income Tax and National Insurance rules that apply are set out in the ‘Shared Lives Carers’ – ‘Qualifying Care Relief’ Guidance.

The ‘Shared Lives Carers’ – Qualifying Care Relief Guidance’ sets out that “Staying Put” carers receive tax exemptions up to a given ‘qualifying amount’ for each “Staying Put” young person living with them. The “Staying Put” qualifying rate mirrors the system and amounts that applied when the placement was previously a foster care placement.

“Staying Put” carers will be covered by the Qualifying Care Relief system where they provide a “Staying Put” arrangement for a young person who was looked after immediately prior to the young person’s 18th birthday. Qualifying Care Relief can continue until the young person reaches the age of 21, or, until they complete a programme of education or training being undertaken on their 21st birthday.

The Qualifying Care Relief system provides for foster carer/s and/or “Staying Put” carer/s to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions on their caring income. The Income Tax free allowance consists of two elements. Firstly, a fixed amount per foster care or “Staying Put” household per year (for 2016 -2017 this is set at £10,000). Secondly, an additional amount per week per child (£200 per week under the age of eleven [0-10], £250 per week age eleven to their eighteenth birthday [11-17] 2016-2017) and £250 per week per adult aged eighteen to the twenty-first birthday [18-20] or until the end of the programme of education or training, as defined as “Staying Put” by HMRC (see terminology section).

The £10,000 per year applies once per household regardless of how many foster children or “Staying Put” young people are placed. The additional amount applies per child/young person per week. Where there is more than one paid “Staying Put” carer in the household, the allowance is shared equally by both carers.

The tax free allowance is only available to households with three or fewer placements. However, foster care placements are excluded for this purpose, and sibling groups are counted as one placement.

The tax free allowance only applies to the “Staying Put” carer’s income from caring. If they have income from other sources, they will pay tax on that income in the normal manner.

If the “Staying Put” carer/s exceed the allowance they will have a choice of using the ‘simplified’ method or the standard profit and loss method to calculate their taxable profits. The carer/s will also be liable to pay Class 4 National Insurance Contributions on their taxable profit. Under the simplified method, a carer’s taxable profit is the income they receive from caring which exceeds their tax free allowance. Where foster carer/s or “Staying Put” carer/s do incur an Income Tax and Class 4 National Insurance liability and they have not used their personal allowance this can be used to off-set this liability.

Individual carers can consult their local HMRC office for guidance on their circumstances and liabilities.

In practice HMRC will treat the taxable profit from foster care or “Staying Put” care as earnings from self-employment for National Insurance Contributions purposes.

“Staying Put” carer/s as well as foster carer/s should note that they may be able to claim Working Tax Credits which are administered by HMRC. Fostering/”Staying Put” care is counted as work for Working Tax Credit purposes.

The carer’s taxable income is included in the total household income that is used to assess the amount of tax credits that they are entitled to. So, where the carer is paid less than their tax free allowance, their income from caring for tax credits purposes is also nil.

HMRC is aware that a number of foster carers and ”Staying Put” carers may not have registered for Class 2 National Insurance Contributions because they make little or no taxable profit. Foster care and “Staying Put” care is deemed as self-employment and as such carer/s should register as self-employed. All self-employed people aged 16 and over who are below State Pension age are liable and must register to pay Class 2 National Insurance Contributions. Failure to do this may affect their entitlement to Employment and Support Allowance, Maternity Benefit, State Pension and Bereavement Benefit. However, self-employed carers may be able to apply for Carers Credits which have replaced Home Responsibilities Protection, and those with low taxable profits may be able to apply for a Small Earnings Exemption.

To claim a carers credit, foster carers/"Staying Put" carers must complete form CF411A available from HMRC (www.hmrc.gov.uk).

- If carers have not previously registered as self- employed they can obtain further information by calling the Newly Self-employed Helpline on 0300 200 3504.
- If they are currently registered to pay Class 2 National Insurance Contributions they can obtain further information by calling the Self-employed Helpline on 0845 915 4655 instead.
- HMRC Help sheet 236 sets out information about the 'Shared Lives Carers' – 'Qualifying Care Relief Guidance' - Fostering and "Staying Put" Income Tax and National Insurance framework.

<http://www.hmrc.gov.uk/helpsheet/hs236.pdf>

Foster carers and "Staying Put" carers should always inform the DWP and HMRC if their circumstances change and should always check with the DWP and HMRC regarding their personal circumstances and how payments for foster care or "Staying Put" care may affect their means tested benefits or any Income Tax or National Insurance liability.

"Staying Put" – Social care and regulatory frameworks Where a fostered child/ren is/are also living in the "staying put" arrangement

Where a young person reaches the age of 18 and fostered children are also living in the placement, all aspects of the legislation relating to fostering continue to apply and govern the regulation of the household. In the case of IFA foster carers this remains the responsibility of the IFA.

The major change being that the previously fostered child (from age 18) becomes a "Staying Put" young person and therefore an adult member of the household. As such the young person will require:

- A Disclosure and Barring Service (DBS) check, previously called a CRB check (and a risk assessment if the DBS check highlights a 'trace' i.e. potential risk);
- In North Lincolnshire a DBS check should be undertaken and completed:
 - ❖ on all children of foster carers or "Staying Put" carers when the child reaches the age of 18;
 - ❖ on all fostered children reaching the age of 18.
 - ❖ 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).

From the age of 18 the requirement for a young person to have a placement plan that sets out the day to day arrangements for the placement ceases; the placement plan should be converted to a 'Living Together Agreement' which sets out the practical "Staying Put" arrangements. (See section - "Staying Put" Practical Arrangements – Living Together Agreements p25).

In addition, the foster carer/s should be returned (review report presented) to the fostering panel for a change of circumstances (new adult member of the household – "Staying Put" young person).

The report should address any issues arising from a DBS check and associated 'risk assessment' and how any foster children, or children of the foster carer/s living in the household will be safeguarded.

Fostering panel will need to give due consideration to the impact of the "Staying Put" arrangement on the foster carers' terms of approval, including the numbers approved for, and whether this number includes the "Staying Put" young person.

Where no fostered children are living in the "staying put" arrangement

Whilst fostering regulations no longer formally apply when a young person reaches the age of 18 the following requirements and standards will continue to govern North Lincolnshire "Staying Put" arrangements in circumstances where no fostered child/children are living in the household and where the carers are no longer registered foster carers:

- The placement plan which included the roles, responsibilities and the expectations of the foster carer and the young person should be converted into a 'Living Together 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 any further fostering placements (on a temporary or permanent basis).
- A yearly review of the "Staying Put" carer and the overall arrangement;
- Safeguarding and risk assessment checks on household members and regular visitors;
- Health and safety checks;
- Regular supervision from the supervising social worker / support worker for the 1st year of the "Staying Put" arrangement and longer if appropriate or required;
- The opportunity to attending appropriate training and support groups
- Support to the carer and monitoring of the arrangement will be provided by North Lincs Fostering Service or PHASE.

In circumstances where "Staying Put" carers only have an 18 year old, (or older) "Staying Put" young person living with them or are a former IFA foster carer, the FSW/PHASE support worker will need to assess individual circumstances and

consider the appropriateness of all of the above checks, particularly where it is envisaged that no further foster children will be placed in the future.

Support for “staying put” carers

All “Staying Put” Carers will be allocated a named support worker.

1. In situations where foster children are placed in the household, or may be placed in the future and the “Staying Put” carer remains registered as a foster carer, the existing Fostering social worker (FSW) will normally continue to support the overall arrangement (Fostering and “Staying Put”). In the case of IFA carers continuing as a registered foster carer for the IFA, they will be supported by PHASE (if they are living in North Lincolnshire) or North Lincs Fostering Service (if they live outside of North Lincolnshire).
2. In situations where there are no foster children in the household and it is not planned that any further foster children will be placed, and PHASE will support the “Staying Put” arrangement, if they live in North Lincolnshire and by the Fostering Service if they live outside of North Lincolnshire.

Minimum standards and practical requirements

In situations where no foster children live in the placement and a decision is taken to terminate/deregister the “Staying Put” carers fostering registration, the overall arrangement then comes 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.

“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 North Lincolnshire Council Insurance Policy in the same way as Foster Carers.

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

“Staying Put” expectations should be incorporated into the ‘Foster Carer Agreement’ that foster carers sign on initial approval, and then on a yearly basis following a successful review of their terms of approval.

“Staying Put” practical arrangements – Living together agreements.

All young people (who are looked after) living in foster care should have a placement plan that sets out the day to day arrangements governing the placement; this is then incorporated into their Care Plan/Pathway Plan.

The requirement to have a placement plan ceases when a child reaches the age of 18 and is replaced in North Lincolnshire by the requirement that all young people remaining with their former foster carers under a “Staying Put” arrangement have a ‘Living Together Agreement’. The ‘Living Together Agreement’ replaces the placement plan and should cover the same range of issues and include a focus on the young person’s needs associated with the reason for the “Staying Put” arrangement being agreed.

Young people, “Staying Put” carer/s, leaving care personal advisers and fostering social workers should meet to convert the placement plan into a ‘Living Together Agreement’ prior to a young person’s 18th birthday. The agreement should set out the expectation of all parties and clarify roles and responsibilities. The agreement should be incorporated into the young person’s pathway plan.

The Living Together Agreement should cover:

1. Preparation for independence tasks, expectations, goals and targets;
2. Finance, including young people having credit cards, loan agreement and mobile phone contracts registered at the address;
3. Income and benefit claims;
4. Friends and partners visiting and staying;
5. Staying away for nights/weekends and informing carers of travel arrangements and movements;
6. Education, training and employment activities;
7. Health arrangements;
8. Move-on arrangements;
9. Issues related to younger foster care children in the placement, safeguarding, role modelling and time keeping;
10. Specific issues to do with the needs of the young person.

(See separate *Living Together Agreement* document)

Conclusion and Universal Credit.

The information in this guidance sheet is correct as of December 2016 and will apply to “Staying Put” arrangements during 2016-2017. The introduction of the Universal Credit system will create changes to the benefit and tax credit system for foster carers, “Staying Put” carers and young people in, and leaving care.

The introduction of Universal Credit is being tested through a number of Pathfinder areas and will, in time, be phased on a national basis.

During the phased transfer period there will be four possible “Staying Put” arrangements, all of which will have different impacts on the “Staying Put” carer and young person’s claim:

1. “Staying Put” carer on old benefit system, young person on old benefit system;
2. “Staying Put” carer on old benefit system, young person on Universal Credit system;
3. “Staying Put” carer on Universal Credit system, young person on old benefit system;
4. “Staying Put” carer on Universal Credit system, young person on Universal Credit system.

Foster carers and “Staying Put” carers must ensure that they inform the Department for Work and Pensions and HM Customs and Revenue of any change of circumstance in their family, with their foster children, or with their “Staying Put” young people.

Procedure flow diagram

No	Action	Record	Responsibility	Timescale
1	<p>The Care Plan/Pathway Plan is prepared in conjunction with the Social Worker (SW), Fostering Social Worker (FSW), Independent Reviewing Officer (IRO), foster carer and young person and identifies the plan for the young person to remain with their former foster carer beyond the age of 18. The plan is then taken to Service Managers Decision Panel for Ratification.</p> <p>The foster carer/former foster carer will continue to receive the support, advice and guidance from their Fostering Social Worker (FSW) if they continue to be registered as foster carers. If they don't or if they are an IFA carer they will be supported by PHASE (in the case of IFA carer if in north Lincolnshire or an FSW if outside of North Lincolnshire.)</p>	Carefirst Carefirst	IRO SW FSW/PHASE Worker	Review before 16 th birthday, and review 6 monthly. During the "staying Put" arrangement
2	<p>If, in exceptional circumstances, concerns are raised regarding the appropriateness of the young person remaining with their former foster carer in a "Staying Put" arrangement, a meeting will be convened by the child's social worker. The foster carer, their FSW and the IRO must be invited to the meeting.</p> <p>If, following the above meeting, North Lincolnshire Council does not support the plan for the former foster carer to become a "Staying Put" provider for</p>	Carefirst Carefirst, letter	Child's social worker Service Manager Children's social work services	Within 7 days of meeting.

	<p>the young person, the young person and the carer will be provided with clear reasons in writing. The above meeting is to determine which Service Manager is best placed to write to young person and carer.</p> <p>Within the letter, both the young person and the carer will be advised of their rights including the young person's right to discuss the matter with their Independent Reviewing Officer (IRO) prior to the review before their 18th birthday, their right to complain via the Local Authority's complaints procedure and the young person's right to speak to the independent advocate.</p> <p>**please refer to guidance notes below.</p>			
3	Funding of the provision is discussed with the carer and the young person and the relevant forms are completed. (this would have been initially discussed at point of foster placement)	Carefirst Forms	Fostering Social Worker/PHASE worker	
4	The Fostering Social Worker/PHASE worker completes a Conversion Form.	Carefirst Conversion Form	Fostering Social worker/Phase Worker	Within 1 week of LAC review
5	The Fostering Social Worker/PHASE worker completes the relevant financial forms and processes for payment ensuring that payments are set up in readiness for the conversion on the young person's 18 th birthday.	Financial Form	Fostering Social Worker/PHASE Worker	Within 1 week of LAC Review,
6	The Personal Advisor/PHASE worker supports the carer and young person to complete any potential benefit claims under the "HM Government Staying Put Arrangements for Care Leaver aged 18 and above to Stay on with their Former Foster Carers"		Personal Advisor/PHASE Worker	Within 1 week of Young Persons 18 th Birthday

	May 2013.			
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**** Guidance Note**

Local authorities have a legal duty to support all “Staying Put” arrangements, with the only exception being if they consider that the arrangement is not consistent with the young person’s welfare. The statutory guidance refers to these as ‘exceptionally rare circumstances’. Very careful consideration should be given to any proposal not to support the facilitation or maintenance of a “Staying Put” arrangement, and the reasons should be recorded and made clear to the parties concerned.

There may be an alternative which the local authority considers to be more favourable to the young person’s personal development, but this does not in itself make the “Staying Put” arrangement inconsistent with their welfare. Moreover, the young person will have been placed with the same carer, as a looked after child, up to the day before the “Staying Put” arrangement began.

If “Staying Put” is not consistent with the welfare of the young person, this will most likely be because something very significant has changed since the arrangement began. Alternatively, it might be because the young person does not have the cognitive ability to understand what is happening and to agree to the arrangement, in which circumstances adult social care services may need to be involved in the process.

Things to consider:

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

Where meals are provided in the “Staying Put” arrangement the young person is legally determined as a ‘Boarder’.

Section 23C payments are referred to locally as ‘Boarding out allowance’. Section 23C is the Children (Leaving Care) Act 2000 sets out the duties of the responsible authority towards a former relevant child

- Children living in Independent Fostering Agency (IFA) foster placements should still be able to remain with their former foster carer in a “Staying Put” arrangement if this is the wish of the young person and their former foster carer. Arrangements in these cases will vary depending upon the individual fostering agency. Arrangements will need to be discussed with North Lincolnshire Commissioning team in the first instance.

All payments will cease upon:

- The arrangement coming to an end
- The arrangement no longer being agreed as suitable by the local authority
- The young person in placement reaching 21 years old if not in full time education or completing the agreed programme of education following their 21st birthday.

Payment Arrangements

Section 23c Payments will be received weekly and paid directly to the “Staying Put” carers via BACS bank transfer.

Housing benefit and any agreement nominated payment from the young person will be paid to the “Staying Put” carers from the young person via a method jointly agreed.

Section 23C payments will not be paid for a young person during periods they are not residing in the “Staying Put” placement.

Where the young person is attending university.

Living at home attending university

Any young person who receives the full maintenance element of student finance either through a loan or a grant must use this to fund the £56 a week rent element of the staying put arrangement.

Attending university away from home

If a young person is funding a 52 week university accommodation the £56 rent element of the finances will be funded through Section 23c funding for the holidays when the young person returns to the "Staying Put" carers. The young person is still expected to pay the £15 contribution from their current source of income.

APPENDIX ONE



Staying Put - Move-On Arrangements – Planned and Un-Planned Endings and Evictions

All young people reaching the age of 18 should have a pathway plan that sets out the arrangements for any future move to semi-independent or independent living. Young people reaching the age of 18 and commencing a “Staying Put” arrangement should also have a pathway plan that sets out the provisional arrangements for moving-on from “Staying Put”. The majority of young people will leave “Staying Put” in a planned manner and move to a North Lincolnshire housing authority or housing association tenancy in the same way that other care leavers do. Individual arrangements should be set out the young person’s pathway plan.

Planned Move-On

Where young people decide that they would like to leave the “Staying Put” arrangement, or the “Staying Put” carers decide that they would like the arrangement to come to an end, each party should give at least 28 days notice. The young person’s leaving care personal adviser will arrange for the young person to access suitable accommodation via North Lincolnshire City Council housing department or partner housing association.

Disruptions

Where a young person displays unacceptable behaviour or participates in activities that are deemed inappropriate, a disruption meeting will take place in line with the fostering disruption policy. Any new or changed requirements or house rules will be set out in an up-dated Living Together Agreement.

Emergency and Unplanned Move-On and Evictions

Where a young person displays extreme behaviour, commits an offence against a person within the household they may be required to leave the “Staying Put” arrangement on the same day or within a short period of time. Wherever possible, a disruption/planning meeting will take place and will set out where the young person will move to.

The circumstances leading to the young person being required to leave the arrangement may result in the young person being deemed intentionally homeless.

Additionally, leaving the “Staying Put” arrangement in an emergency and in an unplanned manner may limit the young person’s accommodation choices, and in the short term they may need to live in a range of temporary accommodation.

Non-Payment of Rent

In situations where young people do not pay their rent, either by not making the required payment or by not claiming housing benefit they may be subject to an eviction process. In all situations where a young person owes four weeks rent (£256.00) a disruption meeting will be called. The disruption meeting will decide on the action 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 in situations of rent arrears.

Tenancy Status – Excluded License

The tenancy status of young people living in “Staying Put” arrangements is that of an ‘Excluded Licensee’. Being on a ‘License’ and living in a household with the ‘landlord’ means that the licensee has very few tenancy rights and can be asked to leave the property with ‘reasonable notice’. Reasonable notice could be construed as having to leave immediately, where a person has acted in an extremely inappropriate manner, for example, violence towards members of the household, property damage, abusive/racist behaviour, theft from the property.

APPENDIX TWO

Standard “Staying Put” Arrangement - Housing Benefit Claim Letter

License to Occupy – License Agreement
“Staying Put” Carers Address



License to Occupy - License Agreement

“Staying Put” carers address

North Lincolnshire Benefits Service
Add address

Young Person (**TENANT**):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement (“Staying Put” Arrangement)

The Staying Put carer is deemed the landlord

Name of Landlord Foster Carer/Staying Put Carer

Agent for the Landlord North Lincolnshire Children’s Social Work Service

Dear Sir/Madam,

This letter is provided to confirm that (**Add Full Name**) was previously a foster care child placed in my household. (**Add Full Name**) has now reached the age of eighteen and will be remaining as an ‘independent adult’ in my house **to complete his/her education or due to his or her vulnerability** under a “Staying Put” arrangement.

The total cost of this staying put arrangement is

(Add Full Name) is liable for rent costs of £ per week excluding meals and utility charges. North Lincolnshire Children's Social Work Service will continue to provide an allowance to meet the support costs of **(Add Full Name)**. As **(Add Full Name)** is provided with meals and is a care leaver I understand **(he/she)** is eligible to claim Housing Benefit under the 1996 Housing Benefit maximum rent rules relating to 'Boarder' arrangements.

As **(Add Full Name)** was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to the "staying put" provider. The payment should be made to-
Account Number 00000000, Sort Code

If you require any further information regarding payments please contact:

Payments Team,
Hewson House,
Station Road,
Brigg
North Lincolnshire. DN20 8XJ Telephone 01724 29

If you require any further information please do not hesitate to contact me.
Yours faithfully

APPENDIX THREE

Standard Benefit Claim Letter - Young Person in Foster Care



North Lincolnshire Council Children's Services

ADD ADDRESS

CLIENT NAME:

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement ("Staying Put" Arrangement)

Name of Landlord/"Staying Put" Carer

Agent for the Landlord - North Lincolnshire Children's Social Work Service

Dear Sir/Madam,

This letter is provided to verify the identity of the above named young person and to confirm and clarify his/her circumstances.

The above named young person was previously placed in foster care at the above address. As the young person has now reached the age of eighteen **(he/she)** is no longer in foster care and **(he/she)** is remaining with **(his/her)** previous foster carers under a "Staying Put" arrangement due to **(his/her)** vulnerability/education needs. The young person is now deemed 'independent in **(his/her)** own right' and is liable for accommodation costs of £64.00 per week, excluding meals, utility and support charges. The information provided below sets out **(his/her)** legal status and financial circumstances.

I can confirm that **(Add Full Name)** was previously an 'Eligible' child, or an 'Eligible' and 'Relevant' child and became a 'Former Relevant' child on **(Add Date)** as defined by the Care Planning, Placement and Case Review Regulations and Guidance 2010 and Care Leavers (England) Regulations 2010.

A. I can also confirm that **(Add Full Name)** was previously 'Looked After' by North Lincolnshire Children's Services and was 'Accommodated' under Section 20 of the Children Act 1989.

B. I can also confirm that **(Add Full Name)** was previously 'Looked After' by North Lincolnshire Children's Social Work Service and was subject to a Section 31 Care Order under the terms of the Children Act 1989.

(Add Full Name) ceased to be 'Looked After' on **(Add Date)** and will continue to receive practical support and, in specific circumstances, financial help from North Lincolnshire Children's Social Work Service under Section 24 of the Children Act 1989 or Section 23C of the Care Leavers (England) Regulations 2010. Section 23C and Section 24 payments must be declared when claiming benefits but are not be counted as income for welfare benefit purposes. Whilst **(Add Full Name)** is establishing **his/her** welfare benefit claim **he/she** will be provided with a £57.35 allowance under these powers.

1. As **(Add Full Name)** has now become a 'Former Relevant' child and ceased to be 'Looked After', I believe **he/she** will be entitled to claim Jobseekers Allowance at the rate of £57.35 per week and full Housing Benefit and Council Tax Support.

2. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is engaged on a traineeship at the rate of £57.35 per week, I believe **he/she** will be entitled to claim full Housing Benefit and Council Tax Support.

3. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and is covered by the relevant education criteria, I believe **he/she** will be entitled to claim Income Support at the rate of £57.35 per week and full Housing Benefit and Council Tax Support.

4. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After', remains estranged from his/her parents and has been given a 'Fit Note' by **his/her** Doctor, I believe **he/she** will be entitled to claim Employment & Support Allowance and full Housing Benefit and Council Tax Support.

5. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is earning a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support. Please find attached relevant wage slips/prove of income.

6. As **(Add Full Name)** has now become a 'Former Relevant' child, has ceased to be 'Looked After' and is temporarily unable to submit a claim for means tested benefits, North Lincolnshire Children's Social Work Service will provide a £5.00 allowance under Section 23C of the Care Leavers (England) Regulations 2010. As this payment will constitute a low income, I believe **he/she** will be entitled to claim Housing Benefit and Council Tax Support.

As **(Full Name)** was 'Looked After' on/or after **his/her** sixteenth birthday **he/she** is exempt from the single room rent restriction. 35

As **(Add Full Name)** was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to North Lincolnshire Children's Social Work Service as an agent of the landlord. North Lincolnshire Children's Social Work Service will continue to pay the landlord the combined accommodation and support cost to avoid any disruption to the landlord's payments. The payment should be made to North Lincolnshire Children's Social Work Service, Reference Staying Put – Housing Benefit – Account Number 00000000, Sort Code If you require any further information regarding payments please contact: Payments Team, Hewson House, Station Road, Brigg , North Lincolnshire. DN20 8 XJ. Telephone 01724

North Lincolnshire Benefits Service Creditor Number is

(Add specific information)

If you require any further information please do not hesitate to contact me.

Yours faithfully

Service Manager
Adoption and Fostering Services

*** Please complete, or delete, either section A or B, complete the bold text sections and the relevant sections 1 to 6. All other sections must be completed.**

APPENDIX FOUR



North Lincolnshire Council Children's Services

“STAYING PUT” LIVING TOGETHER AGREEMENT

This Living Together Agreement provides a framework that sets out the house rules and expectations of young people and their carer/s where young people remain living with their former foster carer/s after their 18th birthday and under a “Staying Put” arrangement.

The Living Together Agreement should be based on the information set out in the preceding Placement Plan and the agreements set out in any ‘Delegated Authority’ framework. Whilst the Living Together Agreement is a formal document setting out everyone’s expectations the majority of house rules and expectations will be the same as those in place prior to the young person’s 18th birthday; so most of the requirements will remain broadly the same. However, reaching the age of 18 and adulthood is a good opportunity to revisit all of this and see what needs to change.

The Living Together Agreement is a flexible document and should be used to set out tasks, expectations and house rules which help the “Staying Put” arrangement to run smoothly.

In order to ensure everyone knows what is expected of them, the first Living Together Agreement should be completed prior to a young person’s 18th birthday and be signed and linked to the young person’s Pathway Plan.

The Living Together Agreement contains three main areas:

1. Responsibilities of everyone who signs the agreement;
2. House rules and expectations;
3. Support to be provided to the young person.

The information in this document should cover all of the day to day arrangements that are needed to ensure that the positive aspects of fostering transfer to the “Staying Put” arrangement.

Please sign the Living Together Agreement after discussing and agreeing everyone's expectations.

Signed copies of this document should be given to each person to keep.

- Name of Young Person:

- Young Person's Date of Birth:
- Next of Kin:
- Primary Language:
- Name of Staying Put Carer:
- Address:

- Supervising Social Worker:
- Supervising Social Worker Contact Details:
- Social Worker/Personal Adviser:
- Social Worker/Personal Adviser Contact Details:
- Team Manager/Duty name and contact details:
- Emergency duty number (Out of Hours):
- Missing Person's Police reporting number:
- GP Details:

- Are there any plans to change GP/Opticians/Dentist. If so, by when?:
- Who will assist young person?:

1. Responsibilities of the Young Person:

- Engage in the support detailed in the 'House Rules and Support' Section (below) and the Pathway Plan in order to develop/improve independence skills.
- Behave in a responsible way, showing respect for my carer(s), their property, neighbours, other children/young people in the placement and the local community.
- Avoid behaving in a manner that is discriminatory, inflammatory (to others) or that would be deemed to be anti-social.
- Keep to any house rules set out in this Living Together Agreement.
- Be responsible for paying rent of £..... 68.50 per week, either from earnings or by claiming housing benefit or a combination of earnings and housing benefit.
- Ensure any house keys are kept safe and not duplicated.
- Let my leaving care personal adviser and the "Staying Put" carer(s) know in advance if I wish to end the "Staying Put" arrangement (giving at least 28 days notice).
- Maintain my room, furnishings and fittings in good order.
- Contact my leaving care personal adviser if I would like to change this Living Together Agreement and/or raise any concerns.
- Inform the "Staying Put" carer regarding any visitors and regular visitors.
- Inform my leaving care personal adviser if I am arrested, investigated, cautioned or convicted of any offence.
- Add specific detail as required.

2. Responsibilities of the Staying Put Carer(s):

- Provide a fully furnished bedroom (for rent and personal contribution of £98.50 per week) to be paid for by the young person via earnings and/or housing benefit or a combination.
- Provide heating, hot water, lighting, food, a house key, support and WiFi connection.
- Inform the young person's leaving care personal adviser, fostering supervising social worker and the housing benefit department if the young

person ceases to reside at the accommodation in order to prevent an overpayment of benefit (or if there is a change of circumstances).

- Inform the young person's leaving care personal adviser and the fostering supervising social worker if you wish to end the "Staying Put" arrangement (giving at least 28 days notice). [The 28 days' notice can be waived in exceptional situations where it would be deemed inappropriate or unsafe for the young person to remain for the full 28 day notice period].
- Respect confidentiality (within agreed parameters) at all times regarding personal details of the young person.
- Ensure the accommodation is of a good standard and allow annual household health and safety checks to be carried out and ensure adequate insurance is in place.
- Inform the young person's leaving care personal adviser as soon as possible of any significant incidents and if the arrangement is likely to be disrupted/end prematurely.
- Ensure relevant staff /agencies are made aware if the young person is absent or missing.
- Ensure (in conjunction with local authority staff) an appropriate 'Safer Caring' /'Safeguarding Plan' is in place to manage any impact on other / younger children in the household.
- Provide support (as detailed below in the 'House Rules and Support' Section) to prepare the young person for independent living and adulthood.
- Detail any specific agreements (for example, how are any other younger children to be safeguarded/regular adult visitors managed?).

3. Responsibilities of the Fostering Service / PHASE

- Inform the "Staying Put" carer(s) of any likely risks and advise on risk management, safeguarding and safer care.
- Carry out a DBS check on the young person and other household members prior to them reaching the age of 18 (if household continues to be registered as 'fostering').
- Advise and assist the young person with paying rent and claiming housing benefit.
- Advise and assist the young person with any other benefit claims and financial matters in order to maximize income; set out who will assist with any benefit claims.

- Advise and assist the young person with any applications for move-on accommodation.
- Advise and suggest house rules (in addition or variance to below).
- Visit at regular intervals until the end of this “Staying Put” arrangement in order to provide support.
- Advise on the management of visitors.
- Review this Living Together Agreement and the ‘House Rules and Support’ Section (below) at least every six months and as part of the Pathway Plan review.
- Please detail any specific arrangements, for example, will the young person require a DBS check, if so, who will complete this?
- Clarify any changes in the “Staying Put” carers Council Tax liability?

4. Responsibilities of the Case Management Team

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

5. House Rules and Support:

The points and headings set out below are not intended to be a definitive list; they provide a broad set of topics which should be discussed, clarified and expectations set out, it will be important to add other topics relevant to the individual “Staying Put” household.

Each household will have different rules and expectations, some of these will depend on who else lives in the household, for example, where younger foster children are living in the house, it may not be appropriate to have a boyfriend or girlfriend stay over. STAYING PUT PLACEMENT – STANDARD REQUIREMENTS

Support

Young people and Providers will need to have a strong commitment to the placement including working co-operatively with others in order for young people to gain and improve their level of independence skills. There is an expectation that providers and young people will actively be involved in developing the support plan and work together to achieve the aims. Providers and young people have a responsibility to keep appointments made with the Fostering Social Worker in addition to necessary appointments with other supporting workers/agencies. Either party must notify the Staying Put Scheme of any change in circumstances affecting the placement, e.g. young person starting paid employment, other adults (18 years and over) moving into the household etc.

Furniture, fixtures and fittings

All furniture in the young person's room must comply with fire safety regulations. All electrical equipment within the household must be in safe working order. Young People may not alter the room in any way, without prior consent of the provider.

Personal possessions

Young People must remove all personal possessions on the date of termination of this agreement. Any personal belongings left at the lodgings will be removed and disposed of and North Lincolnshire Council will not compensate the young person for any loss of belongings.

Cleaning

Young People are responsible for cleaning up their own mess in communal areas and are expected to help out with general household chores, in respect of the communal areas, on a regular basis. Young people are required to tidy and clean their own bedroom at least weekly and keep it reasonably tidy at all times. Acceptable levels of tidiness include making the bed, vacuuming and dusting, putting away clothes and belongings, and returning dirty pots to the kitchen after use. There is an expectation that young people will maintain a suitable level of personal hygiene and cleanliness and are required to launder bedding and clothing on a regular basis in consultation with the provider. Where appropriate, the provider will provide support and guidance in these areas.

Absence from Placement

Absence from the placement should not exceed 2 nights in any 7-day period (unless under special circumstances), and where possible, the young person must give notice to the provider at least one day before they are going to be absent. The Young Person

must provide the following information about their whereabouts when absent from the placement overnight: name, address and contact telephone number.

Illegal activities

Young People who partake in illegal activities are likely to have their placement terminated. The staying put provider is within their rights to report any illegal activities to the police. The use, possession or sale of illegal drugs, on or around the property by Young People or their guests, will be reported to the police and may also result in the termination of the placement.

Behaviour

Aggressive and harassing behaviour will always be addressed and may lead to termination of the placement. Frequent and excessive consumption of alcohol, inappropriate use of solvents and aerosols or behaviour that causes offence or nuisance will not be tolerated and may lead to the placement being terminated.

Damage

Providers are responsible for, and advised to, ensure that any accidental damage caused by a Young Person is covered by their household insurance. Young People are responsible for covering the cost of any deliberate damage caused and if serious could result in the placement being terminated and offences being reported to the police.

Disturbance/Noise

Young People and their visitors may not cause any disturbance to local residents and noise should be kept at a reasonable level at all times.

Access and security

Young People must ensure that all windows and doors are secured when leaving the property. Young People will be issued with a key to the property within six weeks of the commencement of placement. Young People must not lend or give away their house key and must return them to the provider when the placement ends. Any keys not returned may be reported as stolen, and/or any replacement cost incurred for the keys and/or locks will be charged to the Young Person.

Notice to quit (Not applicable for emergency or short-term placements)

Four weeks notice to quit must be given by either party. However, should either party be in serious breach of the Occupancy Agreement, either has the right to request that the emergency ending procedures are instigated.

THE FOLLOWING HAS BEEN AGREED:

Employment / Unemployment

Young people in a staying put placement are expected to have, or be actively seeking, a regular daytime activity, e.g. education, training, employment, voluntary work etc.

Safeguarding

The Young Person is expected to return to the placement in the evenings by a time agreed between the young person and the provider in advance. If the Young Person expects to return at a later time than agreed they should inform the provider **as soon as possible, either before they leave or by telephoning them.**

Alcohol/Smoking

Moderate consumption of alcohol **is/not** permitted in the property. Smoking **is not** permitted in the property/room and the Young Person must go **outside if they wish to smoke.**

Friends/Visitors

Providers are advised not to permit friend's/visitors of the Young Person to visit within the first four weeks of placement. Provider's permission must be gained before the Young Person invites any friends/visitors to the placement and the Young Person is responsible for the behaviour of their friend(s) whilst they are visiting at the placement. Visitors are not permitted to stay at the placement overnight. **Friends/visitors are allowed to visit only when the provider is within the property and they should leave at a time agreed between the provider and the young person.**

Emergency Endings

Any of the following, can result in an emergency ending of the placement, instigated by the provider, young person or FSW:

- **Involvement in the consumption and/or possession of illegal drugs within the placement.**
- **Dishonesty, theft or stealing from any person within the household.**
- **Anti-social behaviour, including inappropriate behaviour/language, which is continual and causes offence to other members of the household and/or their guests.**
- **Failure to adhere to the conditions as stated within this Occupancy Agreement.**

Suggested Topics for discussion:

Issues regarding privacy, for example, when it is acceptable to enter the young person's bedroom, which parts of the house are private, shared etc.

What are the arrangements for the young person having their own key?

What time is the young person expected to return in the evening, what are the arrangements if the young person is going to be late, or wants to stay out overnight etc?

What are the arrangements for ascertaining the young person's whereabouts if they do not return on time?

What are the arrangements for reporting the young person missing if they can not be located, how long would you continue to try to contact them before reporting them missing? (Link to vulnerabilities and risk)

What are the arrangements for the young person having visitors and/or for friends staying overnight and/or boyfriends/girlfriends staying overnight, what is deemed acceptable?

What are the arrangements if the young person smokes, what are the rules on consuming alcohol?

What are the rules and arrangements regarding the young person having a mobile phone contract, credit arrangements, catalogue/store cards etc?

Arrangements for helping with the development of life skills:

- Cooking and food preparation

- Laundry, ironing household chores

- Budgeting and money management

Arrangements for dealing with administrative tasks and officialdom:

- Renewing housing benefit claims

- Returning official forms

Arrangements for helping with any health needs:

- Setting up and attending appointments

- Any specific health needs

Arrangements for education, training or employment activities:

- Support with home work/assignments

- Attending school, college or university open days etc

Arrangements for support with maintaining contact with family and friends:

- Support with maintaining contact with family and extended family members
- Support in maintaining appropriate friendships

Arrangements for hobbies, leisure interests and sports activities:

- Support with maintaining activities
- Support with identifying and trying new activities
- What are the appropriate behaviour codes and the safer caring arrangements:

Is the young person registered on a local authority housing needs register (HNR)?

- What is the proposed move-on plan from “Staying Put”?
- What are the arrangements for ending “Staying Put”?

Arrangements for holidays and when the “Staying Put” carer will be away:

Other issues to be added:

PAYMENTS

- The Staying Put Scheme agrees to pay the “staying put” carer the sum of **£108.94 for every week that () is in residence**, to cover the cost of Counselling and Support services provided.
 - Planned Endings: Where there is a planned move on, payments will cease on the day the young person leaves the placement..
 - Unplanned Endings: Where the young person intends not to return to the placement, one week’s notice will be paid. Where a young person is absent from placement and fails to return or give notice within 7 days, one week’s notice will automatically apply.
 - Emergency Endings: Where the placement is ended through the Emergency Endings Procedures no notice will be paid.
 - A £50 retainer will be paid to secure a placement and will be agreed in advance.

These payments will be made at the end of each weekly period.

The Young Person (name) agrees to pay the sum of : **£15.00 per week** for food
and utilities.
£53.50 per week room rent.

NB. Where appropriate, the rent will be covered by Housing Benefit and paid directly to the "staying put carer" on a monthly basis.

Young People who fail to pay their rent or get into rent arrears may be subject to unplanned placement ending procedures.

Young People will be expected to pay any rent arrears (where appropriate) to the "staying put carer" who **may take legal action to recover rent arrears.**

Failure to keep to the above terms will result in the termination of this agreement

Living Together Agreement Signatures:

Signed:(Young Person)

Date:

Signed:(Staying Put Carer)

Date:

Signed:(Social Worker/Personal Adviser)

Date:

Signed:(Fostering Social/PHASE Worker)

Date:

The information will be stored securely and processed in accordance with the Data Protection Act 1998.

