

Contents

1. Introduction
2. “Staying Put” Definitions
 - 2.1 Department for Education Definitions
 - 2.2 Department for Work and Pensions Definitions
 - 2.3 HM Revenue and Customs Definitions
 - 2.4 Terminology
3. Bedford Borough - “Staying Put” Scheme
 - 3.1 Changing Status - Foster Care Placement to “Staying Put” Arrangement
 - 3.2 Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement
 - 3.3 Leaving Care Assessment of Need Prior to Young Person’s 16th Birthday
 - 3.4 “Staying Put” Agreement Meeting Prior to Young Person’s 18th Birthday
 - 3.5 Information to be Presented to Access to Resources Panel (ARP)
4. Interface with Adult Services
5. Young People at University
6. Financial Requirements and Personal Benefits for Young People
 - 6.1 Housing Benefit for Young People
 - 6.2 Liability for Rent

- 7. Payment Rates to Bedford Borough “Staying Put” Carers**
 - 7.1 “Staying Put” Arrangement Allowances**
 - 7.2 General Allowances**
 - 7.3 Young People Attending University**
 - 7.4 Section 23C Payments and Benefit Issues for “Staying Put” Carers**
 - 7.5 Council Tax, Council Tax Support and Non-Dependent Deductions**
 - 8. The Treatment of Benefits**
 - 9. Income Tax and National Insurance Issues for “Staying Put” Arrangements**
 - 10. Move-On Arrangements - Planned Move-On, Disruptions, Emergency and Unplanned Move-On and Evictions, Non-payment of Rent, Tenancy Status - Excluded License**
 - 10.1 Staying Put – Move-On Arrangements – Unplanned Endings and Evictions**
 - 10.2 Planned Move-On**
 - 10.3 Disruptions**
 - 10.4 Emergency and Unplanned Move-On and Evictions**
 - 10.5 Non-Payment of Rent**
 - 10.6 Tenancy Status – Excluded License**
- Appendix 1: Standard “Staying Put” Arrangement - Housing Benefit Claim Letter**
-

1. 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 placed an emphasis 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.

Bedford Borough Council is committed to preventing social exclusion amongst care leavers and has developed the following “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 includes young people living away from their former foster carer’s home for temporary periods such as attending higher education courses or training.

The policy sets out:

1. The process for extending 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 “Staying Put” carers.

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

- Children and Families Act 2014;
- DfE, DWP and HMRC “Staying Put” Guidance 2013;
- Care Planning, Placement and Case Review (England) Regulations and Guidance 2010, (and amendments);
- 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.

2. “Staying Put” Definitions

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.

2.1 Department for Education Definitions

The term “Staying Put” is used to define the following arrangements 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 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 first 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.

2.2 Department for Work and Pensions 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.

When a commercial arrangement is made, i.e. any element of the cost of the arrangement comes from a source other than section 23C; the non-section 23C element will be taken into account in the calculation of the “Staying Put” carers own means tested benefit claim.

Additionally, the disregard is lost on the whole payment (section 23C and non-section 23C elements) when the young person first leaves the “Staying Put” arrangement and will not be reapplied should the young person return to their former foster/“Staying Put” carer or, move to another carer after their eighteenth birthday.

2.3 HM Revenue and Customs 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.

2.4 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.

3. Bedford Borough - "Staying Put" Scheme

The primary aim of "Staying Put" is to promote a gradual transition from care to adulthood and independent living. Therefore, the Bedford Borough "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.

"Staying Put" Arrangement is used to define a set of arrangements where-by foster care placements are extended as part of a young person's pathway planning arrangements. The length of the "Staying Put" Arrangement will vary according to the young person's needs. The "Staying Put" arrangement extends until:

- i. The young person first leaves the "Staying Put" arrangement; or
- ii. The young person reaches their twenty-first birthday, if continuously, and still living in the arrangement; or
- iii. 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.

"Staying Put" Arrangement carers are paid the same level of skills fee and fostering maintenance allowance that they received when the young person was age 17. The primary change is that the weekly fostering maintenance allowance equivalent to the amount the young person receives in benefit (£57.90 in 2018/2019) ceases because the carer is no longer required to provide savings, pocket money or clothing for the young person.

These are replaced by the young person's earnings or benefit claim.

The young person is required to pay a rent element (either from employment and/or housing benefit). This is paid directly to Bedford Borough Council.

3.1 Changing Status - Foster Care Placement to “Staying Put” Arrangement

Following a young person’s 18th birthday, the legal basis on which they occupy the property (former foster care home) changes and they become an ‘excluded licensee’ who is effectively 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.

3.2 Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement

The Leaving Care Assessment of Need undertaken before the young person’s 16th birthday and a Pathway Plan 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. Are the young person and their foster carer/s in agreement to a “Staying Put” arrangement?
3. Do the young person and their foster carer/s understand the procedures and requirements for extending 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 financial support arrangements associated with a “Staying Put” commitment?
6. Does the foster carer/s understand the changes in fees when they move from “Staying Put” year 1 to “Staying Put” years 2 & 3?
7. 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?
8. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable?
9. 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?
10. Where relevant, 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 criteria?

3.3 Leaving Care Assessment of Need prior to Young Person’s 16th birthday

To ensure sufficient time is available to make the necessary planning arrangements for extending a placement beyond a young person’s 18th birthday, a professionals meeting should take place as part of the Leaving Care Assessment of Need and prior to the young person’s 16th birthday.

This meeting should include the foster carer/s, supervising social worker and leaving care social worker and should establish the viability and suitability of a “Staying Put” arrangement occurring. The meeting should identify all the tasks that are required to extending 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 placement/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.

3.4 ‘Staying Put’ Agreement meeting prior to Young Person’s 18th birthday

A “Staying Put” agreement meeting, (including foster carer, young person, social worker, supervising social worker and personal advisor) should be undertaken at the latest, 3 months prior to the young person’s 18th birthday and should ensure that any final arrangements and requirements are in place. A Living Together Agreement (appendix to Pathway Plan) should be completed and agreed, detailing roles and responsibilities and a support plan for the young person.

The outcome of the meeting should be discussed at the young person’s statutory review and the decision ratified by the Independent Reviewing Officer.

All meetings should make reference to the reason for the “Staying Put” arrangement, practical requirements, any National Insurance, Income Tax and Welfare Benefits issues for the foster carer/s/”Staying Put” carer/s and Welfare Benefit issues for the young person. The meeting should also confirm the financial support arrangements for the Staying Put carer via the Supervising Social Worker.

The agreed outcome of the meeting and a completed Living Together Agreement should then form the basis of a report presented to the Access to Resources Panel prior to the young person’s 18th birthday.

Once agreed by Panel, the “Staying Put” arrangement can last 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 completed). Monitoring of the arrangement is undertaken by the leaving care Personal Advisor and the “Staying Put” carers’ supervising social worker or support worker.

3.5 Information to be presented to Access to Resource Panel

The following information should be presented to ARP when the child reaches the age of 17½ 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 appendix to the Pathway Plan;
- Information on tasks, roles and responsibilities should include:
 - Arrangements for supporting the young person to claim any benefits they are entitled too and who will assist them with this task;
 - Arrangements for supporting and promoting education and training;
 - Transition arrangements to an Adult Service and an Adult Placement/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 extending foster care under 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 Bedford Borough area will they return to Bedford Borough 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.

4. Interface with Adult Services

The following guidance applies to Bedford Borough “Staying Put” disability arrangements where a young person is remaining with their carer after their 18th birthday due to a disability and the young person has been assessed by Adult Services to meet the Fair Access to Care (Putting People First) criteria.

- “Staying Put” arrangements on the grounds of ‘Disability’ can be extended until the young person is transferred to an Adult Service and Adult Placement/Shared Lives;
- Where it is assessed that the young person will remain with their foster / ”Staying Put” carer, the “Staying Put” arrangement will continue until the carer/s are converted to Adult Placement Carers/Shared Lives Carers and are transferred to an Adult Placement Scheme/Shared Lives Scheme;
- Where a young person is deemed ‘Ordinary Resident’ in an area outside of Bedford Borough, Adult Service’s case responsibility can be transferred at the age of 18. Leaving care responsibility remains with Bedford Borough Children’s Services;
- Disabled young people are able to claim Employment and Support Allowance (E&SA) from their 16th birthday, therefore the pocket money, clothing allowance and savings elements, £57.90 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;
- Disabled young people should be assisted to 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. This is over and above any financial arrangement regarding the young person.
- A disabled young person in education who gets both E&SA and DLA/PIP may also be eligible to claim the 16-19 year old Bursary - see

5. Young People at University

Living away from the former foster carer's home for temporary periods such as attending higher education courses should not preclude a "Staying Put" arrangement. This might include university, a residential further education institution, undertaking induction training for the armed services or other training or employment programmes that require a young person to live away from home.

If a young person attends university locally and wishes to remain living with the carers, then the same arrangements would apply as a young person remaining to complete a course of further education.

If they attend university away from home and wish to remain with former foster carers during vacation periods, Bedford Borough can agree a reduced "Staying Put" allowance which will be equivalent to 50% of the fostering fee for the duration of the university course.

6. 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 E&SA). Earnings or benefits replace the A) pocket money, B) clothing allowance and C) savings previously contained in the foster carers weekly fostering maintenance allowance. None of the following means tested benefits have any impact on the "Staying Put" carer's own welfare benefits

1. Disabled young people are able to claim Employment and Support Allowance from their 16th birthday; this is paid in two phases and at different rates;
2. Lone Parents can claim Income Support (until their child reaches their 5th birthday, after which they can claim JSA), 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);

3. Young people can claim Universal Credit (previously Income Support or Job Seekers Allowance) 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 or are seeking employment. Young people can claim Universal Credit 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. Universal Credit rate - £57.90 2018-2019);
4. Where young people are engaged in education or training, it may be possible for them to claim the 16-19 year old Bursary. This payment, if awarded, is disregarded when benefits are calculated so it would be additional income for the young person. See www.gov.uk/1619-bursary-fund;
5. The Housing Benefit entitlement of recipients of Universal Credit will be calculated by DWP within the young person's overall claims settlement.

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.

6.1 Housing Benefit for Young People

All young people are expected to claim Housing Benefit from their 18th birthday which is paid directly to the Bedford Borough Council budget and is used to cover the rent/accommodation element of the "Staying Put" arrangement;

In exceptional situations where a young person is not eligible to claim Housing Benefit, Bedford Borough Children's Services will pay the rent/accommodation element of the "Staying Put" arrangement, i.e. where a child is living with a former foster carer who is a close family member (sibling).

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 8.5, Section 23C Payments and Benefit Issues for “Staying Put” Carers.**

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 1: Standard “Staying Put” Arrangement - Housing Benefit Claim Letter**) 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 Bedford Borough is up to £103.00 per week, excluding food, utilities and support.

Where requested on the housing Benefit Application Form, payments can be made direct to the Staying Put Carer.

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 the local authority (Bedford Borough) paying an amount equivalent to the level of the benefit reduction as section 23C compensatory payment.

See **Section 7.4, Section 23C Payments and Benefit Issues for “Staying Put”**

Carers.

6.2 Liability for Rent

All young people living in a “Staying Put” arrangement have a liability for rent of up to £103.00 per week which is set on a commercial basis. Young people are expected to pay the rent of up to £103.00 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 **Appendix 2: Standard “Staying Put” Arrangement - Housing Benefit Claim Letter.**

7. Payment Rates to Bedford Borough “Staying Put” Carers

Bedford Borough Children’s Services is committed to ensuring foster carers do not experience a reduction in their income by supporting a former foster child under a “Staying Put” Supported arrangement. Whilst the “Staying Put” carer will receive the same level of income as they did when the child was a foster child, some of the income 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 the Bedford Borough Housing Benefit Department. In addition, “Staying Put” carers will have their Fostering Maintenance Allowance reduced by £57.90, 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 which will replace the money previously provided by their carer in respect of pocket money, savings and clothing allowance. 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.

7.1 “Staying Put” Arrangement Allowances

1. The “Staying Put” former fostering arrangement – Bedford Borough Carers rate (applied from the young person’s 18th birthday) is (2018-2019 rates):
 - a. Tier 1 - £248.90 per week - fostering maintenance allowance plus tier 1 fee of £100 per week minus £57.90

Total paid per young person aged 18 and above - £291.00

- b. Tier 2 - £248.90 per week - fostering maintenance allowance plus tier 2

fee of £175 per week minus £57.90

Total paid per young person aged 18 and above - £366.00.

2. A “Staying Put” arrangement would be agreed as part of a permanent plan for a young person in a long term foster placement. It is not envisioned that this would be applicable for a Tier 3 placement as this is a transitional placement where specific work is undertaken as opposed to a long term foster placement. There may be exceptions, such as when a young person has an exceptionally high level of need and in such circumstances the “Staying Put” arrangement will be agreed in advance by Manager for Looked After Children.
3. Former IFA foster carers who go on to provide a staying put arrangement to a Bedford Borough young person reaching the age of 18 will become a Bedford Borough “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 Bedford Borough “staying put” carer they will receive the allowance as detailed above and shall be supported by Bedford Borough by a Bedford Borough Council Fostering Social Worker. 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 placement planning meeting. 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.

7.2 General Allowances

1. From the young person’s 18th birthday “Staying Put” carer’s are no longer expected to provide pocket money a clothing allowance and the savings element from the Fostering Maintenance Allowance, young people are expected to replace this via a means tested benefits or employment (all other elements of the fostering maintenance should continue);
2. “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 and

- living together agreement;
3. Disabled young people are able to claim Employment and Support Allowance from their 16th birthday therefore the pocket money, clothing allowance and savings will cease to be paid to the foster carer via the Fostering Maintenance Allowance when the young person's benefit claim is in payment;
 4. 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 (the 18th birthday allowance is covered by the Core Offer for Care Leavers);
 5. Any additional funding or requirements relating to family contact, specific activities and health needs for individual young people and "Staying Put" arrangements are not covered under these arrangements.
 6. In situations where young people are working part time/full time, and do not claim a means tested personal benefit they will be expected to use their earnings to replace the pocket money, clothing allowance and savings element and claim housing benefit). Earnings over a certain level 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 family and friends/connected person's 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 Bedford Borough Children's Services will pay the rent/accommodation element of the "Staying Put" arrangement;
 8. All Housing Benefit should be paid directly to Bedford Borough Council.

7.3 Young People Attending University

Attendance at University Local to "Staying Put" Arrangement

Where young people continue to reside full time with their "Staying Put" carers whilst attending university, "Staying Put" financial arrangements as set out in section 7.1 will apply in full.

Attendance at University away from "Staying Put" Arrangement

Where a young person requires the placement to remain open for periods where they are residing elsewhere a reduced allowance will be paid to the foster carer. This is based on the understanding that, at any time, if the young person required the placement it would be available to them. The retainer equates to 50% of the fostering fee only and will be paid for the duration of the university course.

7.4 Section 23C Payments and Benefit 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 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 28. That profit may well be nil.

7.5 Council Tax, Council Tax Support and Non-Dependant 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 BAP 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.

8. 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.

9. Income Tax and National Insurance Issues for “Staying Put” Arrangements

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

HMRC Helpsheet (hs) 236 sets out information about the ‘Shared Lives Carers’ - ‘Qualifying Care Relief Guidance’ - Fostering and “Staying Put” Income Tax and National Insurance framework.

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.

10. Move-On Arrangements - Planned Move-On, Disruptions, Emergency and Unplanned Move-On and Evictions, Non-payment of Rent, Tenancy Status- Excluded License

10.1 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 them moving 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 a move-on from “Staying Put”. The majority of young people will leave “Staying Put” in a planned manner and move to a Bedford Borough housing authority tenancy in the same way that other care leavers do. Individual arrangements should be set out the young person’s pathway plan.

10.2 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 aim to 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 their 'local connection' housing authority, partner housing association or a registered social landlord.

10.3 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/pathway plan review policy.

10.4 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/pathway plan review 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 may result in the young person being deemed intentionally homeless. Additionally, leaving the "Staying Put" arrangement in an emergency and in an un-planned 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

10.5 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. 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.

10.6 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 1

Standard “Staying Put” Arrangement – Intention to Claim Housing Benefit Letter (A full Housing Benefit Application Form will need to be completed and submitted along with this letter).

License to Occupy – License Agreement

“Staying Put” Carers Address

HOUSING BENEFIT

DEPARTMENT

ADDRESS

Young Person (**TENANT**):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement (“Staying Put” Arrangement) – Excluded Licence

The Staying Put carer is deemed the landlord

Name of Landlord

Foster Carer/Staying Put Carer

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. (**Add Full Name**) is liable for rent costs of up to £103.00 per week excluding meals and utility charges. Bedford Borough Council will continue to provide an allowance to the carer to meet the additional and support costs of (**Add Full Name**).

As (**Add Full Name**) was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to the landlord (Staying Put Carer).

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

Yours faithfully

SIGNED BY LANDLORD/"STAYING PUT" CARER