



Children and Families Service

# Staying Put Policy

## 2019 - 2020



Arrangements for Care Leavers aged eighteen and above to  
stay on with their former foster carers

Photo posed by models

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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.

Leeds City Council is committed to preventing social exclusion amongst care leavers and first introduced in 2014 this "Staying Put" policy in order to ensure that they can continue to live with former foster carers after their 18<sup>th</sup> birthday and make the transition to independent living at a pace that suits their needs.

This policy, reviewed and updated annually, 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 support provided for former foster carers making a "Staying Put" commitment
4. The welfare benefit issues for former foster carers and "Staying Put"
5. The income tax and national insurance implications and issues for former foster carers and "Staying Put"
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, 2013 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. Standard 12.4, Page 26 of the National Minimum Standards sets out the service standard relating to the local authorities’ “Staying Put” policy.

## **“Staying Put” Definitions**

### **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 (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 first leaves the “Staying Put” arrangementor
  - the young person reaches their twenty-first birthday, if continuously, and still living in the arrangementor
  - 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

### **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.

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.

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 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 birthdayor
  - 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.

## The Leeds “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 18<sup>th</sup> birthday may be an arbitrary and inappropriate point to leave a familial and foster care household. Therefore, the Leeds “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 (where meeting relevant criteria). The Leeds “Staying Put” scheme ensures that young people and carers are supported and “Staying Put” Carers are remunerated appropriately as follows:

1. **“Staying Put” – Year 1 (young person 18-19 years)**
  - A foster care placement is extended from the young person’s 18 birthday as a “Staying Put” arrangement. In year one, the “Staying Put” carers receive the weekly 16yrs+ weekly Fostering Maintenance Allowance (minus £57.90) and the first placement weekly fee.
  - The “Staying Put” carer is no longer expected to provide pocket money, clothing and personal element from the weekly allowance as they are expected to claim a means tested benefit, or have earnings from employment which replaces the £57.90.

- In addition, the young person is expected to claim housing benefit, or pay rent, which is either paid directly to the young person or to the fostering finance budget.

(For details of placement fees and allowances, see Appendix 4).

## 2. “Staying Put” – Years 2 & 3 (young person 19-21 years)

- For “Staying Put” arrangements years 2 & 3, “Staying Put” carers continue to receive the weekly 16+ weekly Fostering Maintenance Allowance minus £57.90 and 50% of the first placement weekly fee. Where a “Staying Put” carer has a single “Staying Put” arrangement and they are unable to take a further placement, the 1<sup>st</sup> placement fee will not be reduced during for the second year (19<sup>th</sup> to 20<sup>th</sup> birthday), but will be reduced during the third year (20<sup>th</sup> to 21<sup>st</sup> birthday).

(For details of placement fees and allowances, see Appendix 4).

- The “Staying Put” arrangement can continue until the young person first leaves the placement (if before 21), or reaches the age of 21. It may also continue until the young person completes a programme of education (college, university) or training being undertaken on their 21<sup>st</sup> birthday. Financial support for the Staying Put carer under these circumstances is as follows: a) the fee element will continue until the 31 August of the year following the young person’s 21<sup>st</sup> birthday, or the course/training end date (whichever is sooner). b) the allowance element will be paid along with the fee but can continue beyond the fee payments ceasing and until the young person’s 25<sup>th</sup> birthday with the agreement of the relevant Head of Service.
- Where young people have a disability that meets the relevant criteria for Adult Services, the foster care placement should be converted to a Shared Lives/Adult Placement arrangement by the young person’s 18<sup>th</sup> birthday. “Staying Put” arrangements for disabled young people are therefore a temporary arrangement and will continue until the Foster/”Staying Put” carers are approved as Shared Lives/Adult Placement carers.
- (For detail and information on disabled children / young people transitions to Shared Lives scheme, please refer to separate Policy ‘Disabled Young People, Transitions to an Adult Service’).

- 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 in advance and as part of the Pathway Plan and identified in the Living Together Agreement.
- The arrangements for returning during the vacation will need to consider the following: 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 weekly allowance of £188.54 per week.

## 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 18<sup>th</sup> birthday, the arrangement should therefore be deemed an ‘age eighteen and older arrangement’ or “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 18<sup>th</sup> birthday, the legal basis on which they occupy the property (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 technically 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, should be carefully and sensitively planned in order to ensure that both young people and the carer understand 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.

Under certain circumstances, 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 or immediate notice.

(For more detail on possible circumstances prompting notice and practice for managing disruption to the Staying Put arrangement, see Appendix 1).

## **Procedure for Extending a Foster Care Placement into a “Staying Put” arrangement**

An assessment undertaken before the young person’s 16<sup>th</sup> 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 18<sup>th</sup> 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?

### **Assessment prior to Young Person’s 16<sup>th</sup> birthday**

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

This meeting should include the foster carer/s, supervising social worker and young person’s 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 18<sup>th</sup> birthday and involve reference to the Benefits and Finance Team for advice.

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.

### **‘Staying Put’ Agreement meeting prior to Young Person’s 18<sup>th</sup> 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 18<sup>th</sup> birthday and should ensure that any final arrangements and requirements are in place. A Living Together Agreement (see p25) 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 Care Leaver Finance Panel for approval prior to the young person's 18<sup>th</sup> birthday.

Once approved by Panel, the "Staying Put" arrangement can last until the young person moves to their independent tenancy or reaches their 21<sup>st</sup> birthday (or until the education/training course being undertaken on their 21<sup>st</sup> birthday is completed). Monitoring of the arrangement is undertaken by the personal advisor and the "Staying Put" carers' supervising social worker or support worker.

### **Information to be presented to the Care Leaver Finance Panel**

The following information should be presented to the Panel 3 months prior to the young person's 18<sup>th</sup> birthday:

- The Staying Put request standard template report should be completed by the young person's social worker including comments in support of the request and details of the financial support required (this also needs to include details of the financial support agreed if the arrangement is with an Independent Fostering Agency / IFA).
- In addition to the Panel template report, the young person's social worker must provide the completed Living Together Agreement. Information in the Living Together Agreement 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 if appropriate.
  - The anticipated length of the "Staying Put" arrangement
  - What preparation for independence tasks are to be undertaken and what improved life skills are anticipated by extending foster care as 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

(See also section 'Staying Put Practical Arrangements –Living Together Agreements' p25)

## **Agreement for Staying Put by Care Leaver Finance Panel**

The Panel will ratify and agree the arrangement, including the financial support for the Staying Put carer, to cover the potential 3 year period unless otherwise requested. If the arrangement ends prematurely or not to the timescale originally intended, then it is the responsibility of the Personal Advisor / Supervising Social Worker / Support Worker to inform their service line manager and carer payments team when the arrangement has ceased.

## **Financial Requirements and Personal Benefits for Young People**

Universal Credit has been rolled out in Leeds for new claimants. It replaces Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Income Support, Working Tax Credit, Child Tax Credit and Housing Benefit (depending on the type of accommodation).

Two of the main changes to Universal Credit are that payments are made monthly and any housing costs (rent payments) are paid directly to the person and not to the rent account. There is an option for vulnerable people to request fortnightly payments- this is called an Alternative Payment Arrangement and needs to be requested.

Young people who are receiving a 'legacy' benefit will not need to immediately apply for Universal Credit but will move onto it at a later date depending on their circumstances.

From the age of 18 young people may be able to claim Universal Credit. This is for those who are studying, unable to work due to health problems/disabilities, lone parents, jobseekers (list is not exhaustive). The basic amount for Universal Credit for a single person is £251.77 (2019-2020) and their work conditionality will be dependent on their circumstances and at the discretion of the work coach.

If a young person is claiming Universal Credit as a full time student (in excess of 12 hours contact time) they will need to provide Universal Credit with a learner agreement from the college and there should be no work conditionality.

If a young person is sick or disabled and unable to work they will need to provide a fit note and any work conditionality will be determined by the work coach. This is paid at different levels starting at £251.77 pcm (2019-2020).

At any point, disabled young people can claim Personal Independent Payment for care and mobility needs. It is not affected by other income or savings, care status or accommodation (unless the claimant is in hospital or residential accommodation).

Young people remaining in a “Staying Put” arrangement can, and are expected to be in employment or claim Universal Credit for their personal needs from their 18<sup>th</sup> birthday (from age 16, in regard to Universal Credit on sickness grounds). These earnings or benefits replace the A) Pocket Money, B) Clothing Allowance and C) Personal Element previously contained in the foster carers maintenance allowance.

Universal Credit does not have any impact on the “Staying Put” carer’s welfare benefits (unless it includes housing costs), 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.

Universal Credit is means-tested. The capital limit 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. In Leeds all young people are expected to claim Housing Benefit/make their rental contribution from their 18<sup>th</sup> birthday which is either paid directly to the Fostering finance budget or to the young person to pay the department and is used to cover the rent/accommodation element of the “Staying Put” arrangement.
2. Young people living in Kinship “Staying Put” placements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim housing benefit on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit Leeds Children’s Social Work Service will pay the rent/accommodation element of the “Staying Put” arrangement.

3. The rent level and Housing Benefit/Universal Credit housing costs claim rate is £62.00 per week, either if living within the Leeds Local Authority boundary or elsewhere. Each Local Authority determines how it assesses “Staying Put” rental liability; some Local Authorities will assess it as Supported Accommodation (see below) other will assess as Local Housing Allowance which will therefore be met by Universal Credit.

#### 4. **Liability for Rent**

All young people living in a “Staying Put” arrangement in Leeds have a liability for rent of £62.00 per week which is set on a commercial basis. Young people are expected to pay the rent of £62.00 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. (For detail, see Appendix Two: ‘Standard “Staying Put” Arrangement - Housing Benefit Claim Letter - License to Occupy – License Agreement. For young people who are living outside the Leeds Local Authority boundary the rent element will need to be amended to reflect the shared Local Housing Allowance rate for that area).

### **Housing Benefit for Young People - Guidance**

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

As support is provided within the “Staying Put” arrangement, the method used to calculate the level of Housing Benefit is the pre- January 1996 Housing Benefit maximum rent rules relating to ‘exempt accommodation’. Young People are able to claim Housing Benefit even when their “Staying Put” carer/s is 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’ p17).

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

If a young person is in receipt of a means-tested benefit (for example, Income Support) the Housing Benefit is paid directly to the Fostering Service.

If the young person is in employment, which brings them out of entitlement to a mean-tested benefit, Housing Benefit will be paid directly to the young person and they will be expected to set up a standing order to cover the £62.00 per week.

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 Leeds is £62.00 per week, excluding food, utilities and support. (The £62.00 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 the local authority (Leeds) 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 p17).

## “Staying Put” Allowances

1. From the young person’s 18<sup>th</sup> birthday “Staying Put” carers are no longer expected to provide pocket money, a clothing allowance or a personal allowance (£57.90), young people are expected to replace this via means tested benefits or employment.
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 (the 18<sup>th</sup> birthday allowance is covered by the fostering policy). From the young person’s 18<sup>th</sup> birthday these payment areas are covered by the Leeds 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 Care Leaver’s Finance 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 fostered. 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. For the majority of young people, earnings over £62.90 pw 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 Kinship “Staying Put” placements with sisters, brothers and certain extended family members who are formally approved as foster carers may not be eligible to claim Housing Benefit on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit Leeds Children’s Services will pay the rent/accommodation element (or the housing benefit portion) of the “Staying Put” arrangement (subject to a claim having been rejected). The claim for Housing Benefit should be made, based on the fact that the carer is a former foster carer/”Staying Put” carer rather than a relative. Young people who are working remain liable for rent; Leeds Children’s Services will assess the young person’s contribution based on the Housing Benefit rules and would only pay the Housing Benefit contribution/element.

8. Young people who remain living with their “Staying Put” carer whilst attending university remain liable for rent; however they are unlikely to be entitled to claim Housing Benefit. In this instance, Leeds Children’s Services will pay the rent/accommodation element.
9. All Housing Benefit/rental contribution should be paid directly to the Fostering Finance Budget.

## **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 legacy benefit/s (prior to the roll out of Universal Credit). 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.

The rent element of the Staying Put arrangement is set at £62.00. If a young person is not entitled to Housing Benefit due to excess income, then their contribution would be £62.00 per week. If a young person is entitled to Housing Benefit but it is assessed below £62.00, they would be expected to contribute the difference.

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 £62.00 is paid by the young person from Housing Benefit, the amount taken into account by the DWP will be £62.00. Of the £62.00, £20.00 and a further £21.00 (50% of the £42.00) is disregarded, therefore the carer will be deemed to have a £21.00 per week income from the ‘Boarder’ (“Staying Put”) arrangement and they will lose £21.00 of their Income Support, income based Jobseekers Allowance or income-related Employment and Support Allowance.

In circumstances where a young person receives maximum Housing Benefit (rent assessed above £62), the full amount will need to be declared to the DWP and the DWP should then apply the ‘income from a boarder’ disregard.

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

In 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.

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 20. That profit may well be nil. Early planning for, 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.

In situations where a foster carer is receiving Carers Allowance (Young Person receiving daily living component of PIP) and becomes a Staying Put Carer the Carers Allowance may cease if the DWP considers Staying Put payments to the carer as earnings. This could also impact other means-tested benefits such as Income Support/Housing Benefit/Universal Credit.

If the “Staying Put” carer is in receipt on Universal Credit then the ‘income from a boarder’ will be disregarded. If the “Staying Put” carer receives housing costs as part of the Universal Credit claim there is no bedroom allowance for the “Staying Put” young person so there may be an under- occupancy charge. If the carer has a benefit reduction, an amount equivalent to the carers DWP benefit reduction will be paid to them from section 23C.

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.
3. 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.
4. 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.
5. 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.
6. 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, and the young person is in receipt of means tested benefits, an application should be made to the Team Manager for a payment from section 23C equivalent to the carers financial loss. If the young person has an income which brings them out of entitlement to means tested benefits, they should make the payment to their carer to compensate for the loss.

## 7. 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 21<sup>st</sup> 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 (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]) 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](http://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 **0844 453 0165** 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.

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/Children 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.

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 Baring Service (DBS) check, previously called a CRB check (and a risk assessment if the DBS check highlights a 'trace' i.e. potential risk);
- In Leeds 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

- ensure DBS checks have been completed by the young person's 18<sup>th</sup> birthday

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).

The fostering household changed circumstances (now including a "Staying Put" arrangement) will be recorded as new terms of approval to include a Post 18 carer Staying Put approval for that arrangement and will then be considered as part of the household in the foster carer annual review process..

Any issues arising from a DBS check undertaken on the young person and associated 'risk assessment' and how any foster children, or children of the foster carer/s living in the household will be safeguarded needs to be achieved prior to the arrangement commencing.

## **Where no Fostered Child/Children are living in the "Staying Put" Arrangement:**

### **'Staying Put Only'**

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 the Leeds "Staying Put" arrangements in circumstances where no fostered child/children are living in the household ('Staying Put Only'):

- 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'
- An annual review of the "Staying Put" carer and of the overall arrangement
- Safeguarding checks on household members and regular visitors
- Annual household health and safety checks
- Regular visits, contact and support from a fostering service support worker / social work assistant

- The opportunity to attend appropriate training and a support group

## Support for “Staying Put” Carers

All “Staying Put” Carers who also continue to foster will maintain their named supervising social worker or for ‘Staying Put Only’, 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 supervising social worker will normally continue to support the overall arrangement (Fostering and “Staying Put”).
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, a support worker from the fostering service ‘teenager plus’ team will support the “Staying Put” arrangement as outlined above (‘Staying Put Only’).
3. Kinship Care ‘Staying Put Only’ arrangements can receive continued support for an agreed period via the Kinship Care team. This support period and the reasons for this require agreement at the pre-18yrs ‘Staying Put Agreement’ meeting or prior to young person’s 18<sup>th</sup> birthday

## Minimum Standards and Practical Requirements

The Leeds fostering service will maintain fostering registration for up to two years for those carers who move to ‘Staying Put Only’ commitments where there is agreement for this and will provide the support and contact as outlined above. On ceasing a Staying Put Only commitment, those carers who wish to return to fostering can do so following a short re-assessment. Kinship Care ‘Staying Put Only’ arrangements are not expected to maintain their fostering registration and are de-registered.

Where 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 Leeds City 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" 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 Leeds 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 and their social worker, "Staying Put" carer/s, leaving care personal advisors and supervising social workers should meet to convert the placement plan into a 'Living Together Agreement' prior to a young person's 18<sup>th</sup> 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 Benefits and Finance Team should also be included to advise the young person and, if applicable, the foster carer of any welfare benefits issues.

The Living Together Agreement should cover:

1. Preparation for independence tasks, expectations, goals and targets and a Support Plan where appropriate
2. Financial matters, including young people having any credit cards, loan agreements, mobile phone contracts etc. registered at the address
3. Income details & rent, welfare benefits, housing benefit
4. Arrangements for the young person having house keys

5. House Rules including friends, partners of young person visiting and staying in the household
6. Young person staying away for nights/weekends and informing carers of whereabouts
7. Young Person's education, training and employment activities
8. Any health issues for the young person and how these will be supported
9. Any Moving-on arrangements for the young person
10. Impact issues related to any younger foster care children in the placement, e.g. safeguarding, role modelling and time keeping
11. Any other specific issues to do with the needs of the young person

(For more detail, see the separate Living Together Agreement document)

## **Conclusion and Universal Credit**

The information in this guidance is correct as of April 2019. 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 in 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.

## **APPENDIX 1**

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

All young people reaching the age of 18 must 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 Leeds housing authority or housing association tenancy in the same way that most other care leavers do.

#### **Planned Move-On and Notice Period**

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 in writing to the personal advisor. The young person’s leaving care personal advisor will arrange for the young person to access suitable accommodation via Leeds City Council housing department or partner housing providers. This may involve planning and bidding for suitable accommodation to be available which may not be achieved within the 28 days’ notice period. If notice is given as required but a move cannot be achieved within this timescale then payments to the Staying Put carer can be extended until the young person moves. Where young people leave the arrangement without providing the required 28 days’ notice, the Staying Put carers will continue to receive payments for this period. Carers should inform the personal advisor as soon as they are made aware of a young person’s intention to leave the arrangement.

#### **Arrangement Support Meetings**

Where a young person displays unacceptable behaviour, participates in activities that are deemed inappropriate or persistently fails to meet their responsibilities as agreed in the Living Together Agreement, a support meeting is advisable including personal advisor, young person, Staying Put carer and a Team Manager from the Leaving Care Service. Any new or changed requirements, responsibilities or house rules resulting from this meeting should be set out and signed in an up-dated Living

Together Agreement. Any financial issues arising from this meeting should be referred to the Benefits and Finance Team.

### **Emergency and Unplanned Move-On and Eviction**

Where a young person displays unacceptable behaviour or persistently fails to meet their responsibilities as agreed in the Living Together Agreement, they may be required to leave the “Staying Put” arrangement at short notice. Wherever possible, a planning meeting will take place which needs to discuss and agree moving on arrangements. 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.

### **Non-Payment of Rent and Eviction**

In situations where young people do not pay their rental contribution, either by not making the required payment or by refusing to claim Housing Benefit they may be subject to an eviction process. In situations where a young person has failed to make 4 weeks of contributions (either failure to claim Housing Benefit or make weekly contributions) a support meeting should be held (as outlined above) and include a member of the Benefits and Finance Team. The meeting will decide on the action required by the young person to address the rent arrears. Young people will be given every opportunity to agree arrangements to repay any arrears and eviction will only take place as a last resort.

### **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 also be construed as having to leave immediately, particularly where a young 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 (see also ‘Emergency Unplanned Move –On and Eviction’ above).

### **Young person absent from the “Staying Put” arrangement**

If a young person is absent from the “Staying Put” household for 4 consecutive nights per week over a 4 week period then this should prompt consideration of a disruption meeting. If a young person spends increasing amounts of time away from

the household, this could jeopardise the continuation of the “Staying Put” arrangement. At the earliest suggestion of such a pattern of absence being established, the “Staying Put” carer should inform the personal advisor who will discuss the next steps with their Team Manager.

### **Holiday periods**

If the young person goes on holiday independently of their “Staying Put” carer, payments to the carer will continue. If the carer goes on holiday and the young person is not permitted to remain in the property, the carer will not receive any payments for this period. If the carer goes on holiday without the young person and the young person is permitted to remain in the property, payments to the carer will continue. The carer should ensure that £35 per week of the allowance is made available for the young person to cover their food costs.

## APPENDIX 2

### License to Occupy – License Agreement

#### “Staying Put” Carers Address

Leeds Benefits Service  
2 Great George Street  
Leeds LS2 8BA

Young Person (TENANT):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

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

The Staying Put carer is deemed the landlord

Name of Landlord Foster Carer/Staying Put Carer:

Agent for the Landlord: Leeds 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:

(TO INCLUDE WHICHEVER TABLE IS RELEVANT TO THE CARERS PAYMENTS)

#### ‘Staying Put’- Level 1

Services	Weekly Payments
Net rent	£62.00
Support	£61.54
Utilities	£30.00
Food	£35.00
<b>TOTAL</b>	<b>£188.54</b>

**‘Staying Put’ - Level 2 (year 1)**

<b>Services</b>	<b>Weekly Payments</b>
Net rent	£62.00
Support	£183.95
Utilities	£30.00
Food	£35.00
<b>TOTAL</b>	<b>£310.95</b>

**‘Staying Put’ - Level 2 (years 2 &3)**

<b>Services</b>	<b>Weekly Payments</b>
Net rent	£62.00
Support	£122.75
Utilities	£30.00
Food	£35.00
<b>TOTAL</b>	<b>£249.75</b>

**‘Staying Put- Level 3 (year 1)**

<b>Services</b>	<b>Weekly Payments</b>
Net rent	£62.00
Support	£234.96
Utilities	£30.00
Food	£35.00
<b>TOTAL</b>	<b>£361.96</b>

**‘Staying Put’ –Level 3 (years 2 & 3)**

<b>Services</b>	<b>Weekly Payments</b>
Net rent	£62.00
Support	£148.25
Utilities	£30.00
Food	£35.00
<b>TOTAL</b>	<b>£275.25</b>

**‘Staying Put’ –Level 4 (year 1)**

<b>Net rent</b>	<b>£62.00</b>
<b>Support</b>	<b>£285.96</b>
<b>Utilities</b>	<b>£30.00</b>
<b>Food</b>	<b>£35.00</b>
<b>TOTAL</b>	<b>£412.96</b>

**‘Staying Put’ –Level 4 (years 2 & 3)**

<b>Net rent</b>	<b>£62.00</b>
<b>Support</b>	<b>£173.75</b>
<b>Utilities</b>	<b>£30.00</b>
<b>Food</b>	<b>£35.00</b>
<b>TOTAL</b>	<b>£300.75</b>

**As (Add Full Name) was previously ‘Looked After’ and remains vulnerable I would request that the Housing Benefit is paid directly to Leeds Children’s Social Work Service as an agent of the carer/s. Leeds Children’s Social Work Service will continue to pay the carer/s the combined accommodation and support cost to avoid any disruption to the carer/s payments.**

**The payment should be made to Leeds Children’s Social Work Service, Reference Staying Put Housing Benefit – Account Number 00000000, Sort Code 57 12 72. If you require any further information regarding payments please contact:**

**(Benefit and Finance Team) Children’s Services  
Ground Floor  
Kernel House  
Killingbeck Drive  
Leeds LS14 6UF**

**I have read and agree with the above information:**

**Tenant:**

**Staying Put Carer:**

**APPENDIX 3**

**Children's Social Work Service**

Contact:  
Tel: (0113)  
Fax: (0113)  
Email:  
Minicom: (0113)

Your Ref:  
Our Ref:

**Tenant's name:**

**DOB:**

**Ni No:**

**Address:**

**Type of accommodation and tenancy: Previous foster care placement ('Staying Put' arrangement- Excluded Licence)**

**Name of landlord (staying put carer):**

**Agent for Landlord: Leeds 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 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 carer's under a

'staying put' arrangement. This is due to **(his/her)** vulnerability/education needs. The young person is now deemed 'independent in **(his/her)** own right'.

I can confirm that **(full name)** was previously as '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 Leeds Children's Social Work Service 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 Leeds 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 Leeds 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 an allowance under these powers.

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

As **(Add Full Name)** was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to Leeds Children's Social Work Service as an agent of the landlord. Leeds 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 Leeds Children's Social Work Service, Reference- Staying Put- Housing Benefit- Account Number 00000000, and Sort Code 57 12 72.

Leeds Benefit Service Creditor number is 224976.

If you require any further information regarding payments please contact:

(Benefit and Finance Team), Children's Services, Ground Floor, Kernel House,  
Killingbeck Drive, Leeds, LS14 6UF

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

Yours faithfully,

13+ Looked After Children Social Work Team

## APPENDIX 4 - FINANCIAL SUPPORT FOR STAYING PUT CARERS

### 1. “Staying Put” Year 1 Weekly Allowances & Fees (from April 2018)

“Staying Put” financial support allowances and fees to carers from the young person’s 18<sup>th</sup> birthday are:

- 
- a. Level 1 (Kinship Care) - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54

Total Paid - £188.54pw

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- b. Level 2 – £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54.

Plus the Level 2 “Staying Put” 1<sup>st</sup> placement Fee of £122.41pw

Total Paid - £310.95pw

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- c. Level 3 - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54.

Plus the Level 3 “Staying Put” 1<sup>st</sup> placement Fee of £173.42pw

Total Paid - £361.96pw

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- d. Level 4 - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54

Plus the Level 4 “Staying Put” 1<sup>st</sup> placement Fee of £224.42pw

Total Paid - £412.96pw

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## 2. “Staying Put” Years 2 & 3 Allowance & Fees (from April 2018)

“Staying Put” financial support allowances and fees to carers from the young person’s 19th – 21st birthday are:

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- a. Level 1 (Kinship Care) £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54

Total Paid - £188.54pw

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- b. Level 2 - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54.

Plus 50% of the Level 2 “Staying Put” 1<sup>st</sup> placement Fee = £61.21

Total Paid - £249.75pw

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- c. Level 3 - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54.

Plus 50% of the Level 3 “Staying Put” 1<sup>st</sup> placement Fee = £86.71

Total Paid - £275.25pw

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- d. Level 4 - £246.44 per week - fostering maintenance allowance - minus £57.90 = £188.54

Plus 50% of the Level 4 “Staying Put” 1<sup>st</sup> placement Fee = £112.21

Total Paid - £300.75pw

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Note:

(The 50% “Staying Put” 1<sup>st</sup> placement Fee reduction is waived for one year where a “Staying Put” carer has a single “Staying Put” arrangement and is unable to take a further placement due to limited accommodation).