

North Somerset Council Children's Services

Staying Put Policy

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Regulatory Framework

The Children and Young Persons Act 2008 and the Planning Transition to Adulthood for Care Leavers 2010 (Regulations and Guidance) require each local authority to have a Staying Put Policy to ensure that there an emphasis was placed on a more graduated approach to planning transition to adulthood. This policy sets out arrangements whereby the authority will promote the extension of foster care placements beyond a young person's eighteenth birthday.

It is the duty of the local authority:

- To monitor the Staying Put arrangement; and
- To provide advice, assistance and support to the Former Relevant child and the former foster carer with a view to maintaining the Staying Put arrangement (this must include financial support), until the young person reaches the age of 21 (unless the local authority consider that the Staying Put arrangement is not consistent with the young person's welfare).

North Somerset Council are committed to preventing social exclusion amongst care leavers. This policy sets out the conditions required to extend a former fostering arrangement beyond a young person's eighteenth birthday. The transition to adulthood is complex and arrangements to stay put are designed to assist children in care to experience a transition similar to that of their peers, avoid social exclusion and be more likely to maintain a subsequent housing tenancy.

This policy is designed to ensure that young people do not experience sudden disruption to their living arrangements on their 18th birthday, that educational achievement and continuity are promoted, and that vulnerable young people make gradual transition from care to independence, when the time is right for them.

From the age of 18 years, young people are no longer legally 'in care' and therefore fostering arrangements no longer apply. Following a young person's 18th birthday, the legal basis on which they occupy their former foster carer's home changes, and they become a 'tenant' who is effectively lodging in the Staying Put carer's home. Whilst the term 'tenant' is a legal one, it should not denote that the young person will be treated differently.

The term Staying Put is used in accordance with Department for Education definitions to describe the arrangements made where a young person who has been cared for, immediately prior to their eighteenth birthday (as an eligible child), continues to live with their former foster carers without a break in those arrangements.

Once a young person has reached the age of eighteen the legal basis on which they reside in their former foster home changes from foster child to adult member of the household. The associated change for the carer is from foster carer to 'landlord'. When carrying out an assessment of an eligible child's needs, the local authority must determine whether it would be appropriate to provide advice, assistance and support to facilitate a Staying Put

arrangement. Where they determine that it would be appropriate, and where the child and the local authority foster parent wish to make a Staying Put arrangement, then the local authority must provide support to facilitate this.

This change must be carefully planned in order to ensure that both the young person and the carer understand the nature of the new arrangement. The Staying Put arrangement must be set out in the child/young person's Pathway Plan.

Criteria

The primary aim of Staying Put is to promote a gradual transition from care to adulthood and independent living. It recognises that many young people in care can experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave foster care.

In North Somerset we promote a Staying Put arrangement if this is in the young person's best interest, therefore any young person who has been residing in a foster home prior to their 18th birthday could have the opportunity to remain there if this is agreed by the carer and professionals involved.

Young people who are actively bidding for a local authority or registered social landlord housing tenancy can also remain in their foster home (if this is agreed with the carers) under a Staying Put arrangement beyond their eighteenth birthday, until their tenancy is allocated.

Pathway Planning for Staying Put

The planning to consider extending a placement under Staying Put criteria must be considered as part of the Pathway Planning process as early as possible by the Social Worker, Leaving Care Personal Advisor, Team Manager, foster carer and child/young person. This information should be provided as part of the plans discussed at the Child in Care Review, led by the Independent Safeguarding and Reviewing Officer.

An outcome determined by the time the child has reached 17 years of age will be required. Early consideration and planning are necessary in order that both the child and their carer are clear about the plan post-eighteen and to ensure that children are not left feeling uncertain about their future.

The Pathway Plan provided for the statutory review 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 issues:

- Does the young person and the foster carer understand the procedures for extending a placement under the Staying Put arrangements, and are they in agreement?
- Does the young person understand their financial responsibilities associated with

remaining in a Staying Put arrangement?

- Completing ASDAN is an expectation for every young person in a Staying Put arrangement, are the young person and the carer in agreement?
- Does the foster carer understand the changes to their funding arrangements associated with a Staying Put arrangement and any consequent impact on their own benefit and taxation situation and impact on their status as a foster carer?
- What is the parallel plan for the young person should the Staying Put arrangement not be a viable option?
- What is the preparation for independence tasks, goals and targets to be achieved during the last year of foster care and when the placement becomes a Staying Put arrangement?
- 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?

The Pathway Plan must set out why the young person will benefit from a Staying Put arrangement and what has been done so far to assist the young person in preparing for independence. This should include the development of practical skills, relationship building, emotional and resilience skills and how these will be enhanced by the young person remaining in a Staying Put situation. The plan should also include explicit information regarding what further support will be provided by the carer and the local authority to enable the young person to develop their independent living skills and to establish or maintain an education, training or employment activity. There should always be an eventual moving on plan written in a young person's Pathway Plan when they are in a Staying Put arrangement.

Fostering and Staying Put

Where fostered children are also living in the household where there is a Staying Put arrangement the checks and requirements associated with fostering legislation will remain as a prerequisite and will therefore provide a framework for safeguarding and checking arrangements for the whole household.

In these situations, the carer must remain an approved foster carer and the Fostering Services (England) Regulations and Guidance 2011 will apply with the consequential requirements of supervision, review and safeguarding. Whilst the fostering legislation will primarily apply to the placements of the fostered children, it does ensure a system of approval, checking and supervision is applied to the whole household. Additionally, the local authority will need to ensure that the Staying Put arrangement has been discussed as part of the foster carer's annual review.

It should also be noted that young people remaining in a fostering household at the age of eighteen, will become adult members of the household and will require a valid DBS check. To

ensure the check (and possible subsequent risk assessment) is completed by the young person's 18th birthday the process will need to commence at least 6 months prior to this. This should be discussed at the Child in Care review and the process started by the Supervising Social Worker or the fostering service.

Regular meetings and discussions need to take place between the Supervising Social Worker and the Leaving Care Personal Advisor for the duration of the Staying Put arrangement. The Supervising Social Worker will need to include the young person in their supervisions with the carer, as they would for any other household member.

In circumstances where the Staying Put carer will not be fostering any further children, it may be deemed appropriate to terminate their approval as a foster carer. This would require discussion with the fostering Team Manager. In situations where it is possible that they may foster again in the future, it would be inappropriate to terminate their approval given the length of time that re-approval would take. The fostering service will take the lead on ensuring that the carers resignation is presented to fostering panel if it is decided that the foster carers must resign, and that they are no longer approved. Legislation relating to fostering will no longer apply but we will need to ensure the Staying Put arrangement continues to meet appropriate standards.

- The Leaving Care Personal Advisor will be required to review and approve the continuing Staying Put arrangement including the agreement on an annual basis and ensure that this is detailed within the Pathway Plan. They must ensure that this arrangement complies with local authority expectations.
- Relevant checks and safety planning (if applicable) on household members and in certain circumstances regular visitors will be completed prior to the child's 18th birthday by their Social Worker or the foster carer's Supervising Social Worker. Any further checks required following this will be completed by the Leaving Care Personal Advisor and written in the Pathway Plan as part of the annual review.
- The health and safety requirements of a home will be checked and maintained by the Leaving Care Personal Advisor on an annual basis as part of the review. The fostering service will have completed a health and safety report on the home at the last fostering annual review prior to the Staying Put arrangement.
- The Leaving Care Personal Advisor will meet with the young person every 8 weeks and will check in with the carer at least every 16 weeks to ensure they are supported.
- If any carers in Staying Put arrangements want to attend training, they should be referred to the fostering service for further discussion.
- Payments to carers in Staying Put arrangements will be triggered by the Supervising Social Worker once the young person reaches their 18th birthday.
- A Staying Put agreement must be signed by the carer and the young person, this agreement can be incorporated into the young person's Pathway Plan.
- If a young person is not in work or education/training they should be supported by their Leaving Care Personal Advisor to make the appropriate welfare and benefit (including housing benefit) claims, they will also be responsible for informing the

- finance team of the outcome of the claim.
- As part of the Pathway Planning, we will need to ensure that the carer is supporting and promoting independent living skills for the young person.
 - All young people and carers who are in a Staying Put arrangement must agree to undertake ASDAN as part of this arrangement.

Young People at University

If a young person leaves the Staying Put arrangement to attend university this will end the arrangement although it does not mean that the young person cannot return to the home for the summer holidays. For the first year of university (or where a young person is staying in halls of residence) the local authority will fund accommodation costs for 40 weeks of the year. For the remaining 12 weeks of the year the young person could return to their former carer, and we will fund this at the same cost of a Staying Put arrangement. Please note that we will not pay for a young person's accommodation costs twice, so if they are being funded for the full 52 weeks of the year at their place of university there will be no additional accommodation costs paid.

If a young person attends university but remains in a Staying Put arrangement they will continue to make the relevant contribution in line with the Staying Put arrangement agreement.

We recognise that some carers stay in close contact with young people whilst they are at university, this is often crucial for their wellbeing, independent living and educational support. In these situations, we will pay mileage costs of 45p per mile for carers to transport a young person to and from university at the start and the end of each term. In addition to this we will pay carers a one-off payment of £300 per year at the start of each academic year. This payment is to acknowledge the support that carers offer when young people move away to attend university, this will be reviewed in line with a young person's pathway plan.

Kinship Carers

Kinship carers are foster carers in fostering arrangements whereby they are generally related to, or friends of the family and are approved as foster carers for specific children. These carers can become Staying Put carers in exactly the same way as other foster carers if the carers are approved via fostering legislation and the young person was cared for by the Local Authority. North Somerset is proud to offer the same benefits to our kinship carers as we do to our in-house carers, however as with some foster carers approvals these may cease when the young person reaches 18 years if they no longer wish to foster.

However, some situations mean that Housing Benefit cannot be paid to a young person who is living with a close relative. In these circumstances North Somerset will consider the financial implication for the carers and in exceptional circumstances it may be deemed necessary for the local authority to make different financial arrangements for a specified period to enable

kinship carers to offer Staying Put arrangements.

Financial Arrangements

Young people who remain in a Staying Put arrangement can claim means-tested benefits for their personal needs from their 18th birthday if they are not working, in full time further education or are receiving a low income. These replace any pocket money and clothing allowance previously contained in the foster carer's maintenance allowance. These benefits can be claimed regardless of the circumstances of the young person's former carers.

Carers are advised to seek independent tax advice about their income tax. However, it should be noted that when young people remain living with their former foster carers under a Staying Put arrangement, then the Income Tax and National Insurance framework and liabilities for foster carers have been extended to apply to former foster carers who are now Staying Put carers.

Young people are expected to apply for Housing Benefit once they are 18, If the claim is successful then this amount is deducted from the carer's allowance and young people will be expected to use their Housing Benefit to make up the difference.

North Somerset currently pay up to £230.72 per week to our Staying Put carers, this is paid on a fortnightly basis by our finance team. The young person is required to pay a minimum of £16 per week to their carer as part of the Staying Put arrangement. Foster carers caring for children aged 16 plus should ensure they are supporting budgeting skills prior to their 18th birthday by encouraging children to manage their pocket money, clothing and personal allowances. This will help to prepare them for living independently when they are ready and should be ongoing for the duration of the time they are residing there. The Supervising Social Worker should be having regular discussions during supervision sessions regarding how the foster carer is promoting budgeting and other independent living skills. An agreement must be signed by the young person and the carer which will outline the proposed financial arrangements and responsibilities of both when entering into a Staying Put arrangement.

Staying Put Agreements

At least 3 months prior to the child's 18th birthday, a meeting should take place to develop an agreement between the carers and the child. The meeting should be attended by the child, their Social Worker, the carers, the Leaving Care Personal Adviser and the Supervising Social Worker. This meeting should ensure that any final arrangements and requirements are in place.

The agreement should set out the expectations of all parties and clarify roles and responsibilities. The agreement should be incorporated into the young person's Pathway Plan and should cover the following:

- Preparation for independence tasks.

- Finance, including (but not exclusively) the contribution made by the young person to the Staying Put carer, credit cards, loan agreements and mobile phone contracts registered at that address.
- Income and benefit claims.
- Friends and partners visiting and staying at the address.
- Staying away for nights or weekends and informing carers of whereabouts.
- Education, training and employment activities.
- Health arrangements.
- Move on arrangements.
- Issues related to younger foster children in placement, safeguarding, role modelling and time keeping.

An agreement should be completed and agreed, detailing roles and responsibilities and a support plan for the young person.

The meeting should also confirm the financial support arrangements for the Staying Put carer via the Supervising Social Worker.

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 is completed). Monitoring of the arrangement is undertaken by the Leaving Care Personal Advisor and the carers' Supervising Social Worker, if there is still a fostering approval.

Staying Put Agreement

This agreement provides a framework that sets out the house rules and expectations of young people and their carers where young people remain living with their former foster carer after their 18th birthday and under a Staying Put arrangement.

This agreement is a formal document setting out everyone's expectations, most house rules and expectations will be the same as those in place prior to the young person's 18th birthday; so, most of the requirements will remain broadly the same. However, reaching the age of 18 and adulthood is a good opportunity to revisit all of this to see what needs to change. The agreement is a flexible document and should be used to set out tasks, expectations and house rules which help the Staying Put arrangement run smoothly. This should be reviewed every 6 months at the time of reviewing the Pathway Plan. To ensure that everyone knows what is expected of them this should be completed at the meeting at least 3 months prior to a young person's 18th birthday and be signed and linked to the young person's Pathway Plan. Ideally it should be discussed and completed at the last statutory review meeting.

The Staying Put agreement contains three main areas:

- Responsibilities of everyone who signs the agreement
- House rules and support
- Financial arrangements

Please sign the Staying Put agreement after discussing and agreeing everyone's expectations. Signed copies of this document should be given to each person to keep and a copy should be placed on the young person's and the carer's LCS file.

Responsibilities

Young Person:

- Engage in the support detailed in the Pathway Plan to develop my independence skills, including completing ASDAN.
- Behave in a reasonable way, showing respect for my carer, their property, neighbours, other children/young people in the home and the local community.
- Pay expected financial contribution each week, either from earnings or by claiming housing benefit or by a combination of earnings and housing benefit
- Let my Leaving Care Personal Adviser, and Staying Put carer know in advance if I wish to end the Staying Put arrangement.
- Contact my Leaving Care Personal Adviser if I would like to change this agreement or raise concerns/make a complaint.

Carer:

- Continue to provide a home with all utilities to the young person.
- Inform the Leaving Care Personal Advisor if the young person ceases to reside at the home. If necessary, the Housing Benefit department will also need to be informed by the carer.
- Ensure accommodation is of good standard and allow annual health and safety checks to be carried out.
- Inform the young person's Leaving Care Personal Adviser (or Supervising Social Worker if carer is still approved as a foster carer) as soon as possible of any significant incidents and if the arrangement is likely to end prematurely.
- Provide at least 8 weeks' notice in writing if the Staying Put arrangement is to end and give reasons for this.
- Ensure there is adequate insurance in place to cover acts of accidental damage, deliberate damage or theft.

- Ensure relevant staff/teams are made aware if the young person is absent or missing.
- Encourage and promote the young person to complete ASDAN and provide support for them to prepare for independent living.
- If still fostering, please ensure the young person is aware of safe care plans for children in the household.

Supervising Social Worker (if applicable):

- Ensure DBS check is completed at least 6 months prior to eighteenth birthday if carer is continuing to foster.
- Advise and support the carer with safe care plans.
- Advise and suggest any house rules or request meeting for this agreement to be updated.
- Ensure the young person is discussed during supervision sessions including what the carer is doing to promote independent living skills.
- Meet with the Leaving Care Personal Advisor on a regular basis, invite them to any relevant meetings about the carer and work together in the best interests of the young person.
- Ensure that the young person is seen and conversed with about their carer at least once a year.

Leaving Care Personal Advisor:

- Advise and support the young person with any benefits claim.
- Ensure that they are on the housing waiting list by supporting them with any applications.
- Ensure the Pathway Plan reflects this agreement.
- Advise and support the young person with independent living skills.
- Support the young person with ASDAN.
- Review this agreement every 6 months.
- Meet with the young person and the carer regularly.
- If the carer remains a foster carer, ensure regular meetings with the Supervising Social Worker and annual health and safety checks.

Staying Put Form

Name of Young Person and Contact Number:

LCS Number:

Name of Staying Put Carer and Contact Number:

LCS Number:

Address:

Young Person's date of birth:

Next of Kin/Emergency (*name and contact details*):

Place of Work/Education:

Primary Language:

Leaving Care Personal Advisor and Contact Number:

Leaving Care Team Manager and Contact Number:

Supervising Social Worker and Contact Number:

General Practitioner Name and Contact Number:

Last Carers Annual Health and Safety Check (*these must be completed annually*):

House Rules and Support (*see examples but make this bespoke to the young person*):

- Any overnight visitors will need to be agreed by carer
- Smoking or drinking alcohol is not permitted in the home
- [Young person] will be responsible for paying for their own mobile contract
- Carer will support [young person] with cooking skills on a Wednesday and Sunday
- [Young person] will be supported with budgeting by the carer and will shop for food on a weekly basis
- Washing their own clothes will be done by [young person] as part of supporting their independent living skills
- Carer will support [young person] with making health appointments, so they are able to do this independently
- Carer will continue to attend any open evenings as part of educational attainment
- Carer will support [young person] to maintain family and friends family time including making appropriate friendships
- [Young person] will be supported by the carer to attend any hobbies, if funded the carer and [young person] must decide how this is financed

Has the young person completed ASDAN? If not when will this be completed?

When was/is the young person's application to housing [being]completed:

What are the Arrangements for Ending Staying Put/Contingency Plan:

When will the Young Person be Supported to Make a Benefits Claim (*if applicable*):

Payments:

The Staying Put carer will receive (£230.72 less any financial contribution from the young person):

The Young Person will contribute (£16 is the minimum, however if the young person qualifies for housing benefit they will contribute more):

If the £300 payments are applicable as the young person is moving away to university, these will be paid to the Staying Put carer during the first term. Mileage can also be claimed each term once only for travel to and from the university:

Signatures:

Young Person:

Date:

Carer:

Date:

Leaving Care Personal Advisor:

Date:

Leaving Care Team Manager:

Date:

Supervising Social Worker:

Date: