



St. Helens
Council

“Staying Put Policy”

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Contents

1. Introduction	3
2. “Staying Put” Definitions	4
3. Department for Work and Pensions Definitions	5
4. HM Revenue and Customs Definitions	6
5. The St Helens “Staying Put” Scheme.....	6
6. Terminology	7
7. Changing Status – Foster Care Placement to “Staying Put” Arrangement.....	8
8. Procedure for Extending a Foster Care Placement into a “Staying Put” Arrangement	8
9. Agreement for “Staying Put”	11
10. Financial Requirements and Personal Benefits for Young People	11
11. Housing Benefit for Young People	12
12. Housing Benefit for Young People – Guidance	13
13. “Staying Put” Allowances	14
14. Section 23C Payments and Benefit Issues for “Staying Put” Carers.....	15
15. Council Tax and Council Tax Benefits.....	17
16. The Treatment of Benefits.....	17
17. Income Tax and National Insurance Issues for “Staying Put” Arrangements	18
18. “Staying Put” – Social Care and Regulatory Frameworks: Where a Fostered Child/Children are also living in the “Staying Put” Arrangement	20
19. Where no Fostered Child/Children are living in the “Staying Put” Arrangement: “Staying Put” Only	21
20. The Minimum Standards and Practical Requirements	21

Appendices

Appendix 1 “Staying Put” Move-On Arrangements – Planned and Un-Planned Endings and Evictions	23
Appendix 2 Living Together Agreement	25

“Staying Put”

1. Introduction

Overall the average age of young people leaving home is rising and the transition to adulthood is increasingly becoming more complex. The Children and Families Act 2014 (section 98) made amendments to the Children Act 1989 by inserting section 23CZA. Although local authorities can provide ‘staying put’ type arrangements to any care leaver, a legal requirement was placed on local authorities to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the ‘former relevant child’ reaches their 18th birthday. This is known nationally as a “Staying Put” arrangement.

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, that they can experience a transition akin to their peers, that they avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown by adding to the options available in 18-plus living arrangements for young people in transition to adulthood.

In an effort to minimise variability in practice and participation at a local level this guidance is based upon the legislation, statutory guidance and standards that govern services for looked after children, care leavers, and fostering services in England. The guidance has been informed by wider learning and from surveys conducted by The Fostering Network with young people, foster carers, local authorities and independent fostering providers in England. In addition, the guidance is informed by discussions at the “Staying Put” Working Group, a national group convened by The Fostering Network made up of representatives from across the sector.

The guidance aims to provide a framework of best practice that will assist all parties in the implementation of Fostering Plus who choose it as their preferred means of support as they transition to adulthood. It addresses the key implementation issues which fostering providers, foster carers and young people have experienced since the introduction of the new duty in 2014 and provides good practice case studies.

St Helens Council is committed to preventing social exclusion amongst care leavers and to ensure that they can continue to live with former foster carers after their 18th birthday and make the transition to independent living at a pace that suits their needs.

This policy, which will be 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 having considered the requirements of

- 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.

2. “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

3. 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.

4. HM Revenue and Customs Definitions

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

1. A young person was looked after immediately prior to their eighteenth birthday.
2. The young person has a Pathway Plan.
3. A proportion of the allowance paid to the “Staying Put” carer/s is paid by the Local Authority.
4. “Staying Put” arrangements can extend until:

- the young person reaches their twenty-first birthday

or

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

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.

5. The St Helens “Staying Put” Scheme

The primary aim of “Staying Put” is to promote a gradual transition from care to adulthood and independent living that recognises that many young people in care often experience delayed maturity, and that their 18th birthday may be an arbitrary and inappropriate point to leave a familial and foster care household. Therefore, the St Helens “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 St Helens “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 £59.84.

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.

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

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 £59.84.

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 21st 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 21st 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 25th 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 18th 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. In the unlikely event that approval is not granted, a suitable alternative will be identified.

Where young people in a “Staying Put” arrangement and attending university and returning to a “Staying Put” household during holiday periods, will be able to do so this will be recorded in the Living Together Agreement. This should not be considered a term time arrangement. During the young person’s absence the “Staying Put” carer should continue to be remunerated.

6. Terminology

From the age of 18, young people are no longer legally ‘in care’ or ‘looked after’ and therefore fostering arrangements and legislation relating to children placed with foster carers no longer applies. In circumstances where a young person remains with their former foster carer/s after their 18th birthday, the arrangement should therefore be deemed a “Staying Put” arrangement. The term ‘arrangement’ should be used rather than placement; the term ‘placement’ denotes a situation where the local authority arranged and placed the child with a foster carer.

Once the child reaches the age of 18 and legal adulthood, the local authority is no longer making a placement, but facilitating a “Staying Put” arrangement for the young person.

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

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

8. Procedure for Extending a Foster Care Placement into a “Staying Put” arrangement

The Leaving Care Assessment of Need undertaken before the young person’s 16th birthday and a Pathway Plan should identify the timescale required for young people to move to independence and should be used as the framework for beginning to explore the following questions and issues:

1. Is it likely that the young person would benefit from a “Staying Put” arrangement when they reach their 18th birthday?
2. Are the young person and their foster carer/s in agreement to a “Staying Put” arrangement?
3. Do the young person and their foster carer/s understand the procedures and requirements for extending a foster care placement into a “Staying Put” arrangement?
4. Does the young person understand their financial and benefit responsibilities associated with remaining in a “Staying Put” arrangement?

5. Does the foster carer/s understand the changes in their financial support arrangements associated with a “Staying Put” commitment?
6. Does the foster carer/s understand the changes in fees when they move from “Staying Put” year 1 to “Staying Put” years 2 & 3?
7. Does the foster carer/s understand the impact of a “Staying Put” arrangement on their welfare benefit income and on their Income Tax and National Insurance responsibilities and liabilities?
8. What is the parallel plan for the young person should the “Staying Put” arrangement not be viable?
9. What are the preparation for independence tasks, goals and targets to be achieved during the last two years of foster care and when the placement becomes a “Staying Put” arrangement?
10. Where relevant, what is the plan for converting the “Staying Put” arrangement into an Adult Placement (Shared Lives) where the young person has a disability and meets the criteria?

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

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

This meeting should include the foster carer/s, supervising social worker and the 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 18th birthday.

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

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

A “Staying Put” agreement meeting, (including foster carer, young person, social worker, supervising social worker and personal advisor) should be undertaken at the latest, 3 months prior to the young person’s 18th birthday and should ensure that any

final arrangements and requirements are in place. A Living Together Agreement 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 Head of Permanence prior to the young person's 18th birthday.

The "Staying Put" request standard template report should be completed by the young person's social worker three months prior to the young person's 18th birthday, 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 if appropriate.
- The anticipated length of the "Staying Put" arrangement and any anticipated move-on arrangements.
- 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.

Once agreed by the Head of Permanence, the “Staying Put” arrangement can last until the young person moves to their independent tenancy or reaches their 21st birthday (or until the education/training course being undertaken on their 21st birthday is completed). Monitoring of the arrangement is undertaken by the leaving care Personal Advisor and the “Staying Put” carers’ supervising social worker.

9. Agreement for “Staying Put”

Once the Head of Permanence has ratified and agreed 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 to inform their Team Manager and the Finance Officer with the Fostering Team when the arrangement has ceased.

10. Financial Requirements and Personal Benefits for Young People

Young people remaining in a “Staying Put” arrangement can, and are expected to be in employment or claim a means tested benefit for their personal needs from their 18th birthday (from age 16, in regard to E&SA). These earnings or benefits replace the A) Pocket Money, B) Clothing Allowance and C) Personal Element previously contained in the foster carers maintenance allowance.

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

Young people commencing Higher Education courses at any age are not eligible to claim means tested benefits, with the exception of certain lone parents and sick and disabled young people.

1. Disabled young people may be able to claim Employment and Support Allowance from their 16th birthday.

2. Disabled young people can claim Disability Living Allowance (if under 16) or Personal Independence Payment (if 16 or over and not already on DLA).

This is a non-means tested benefit and therefore has no impact on other benefits or the contribution that the young person or the local authority makes towards their rent. If the disability benefit is claimed, the “Staying Put” carer may be able to claim carer’s allowance.

3. Lone Parents may be able to claim Universal Credit (an exemption from actively seeking work applies until the child is 3 years old), Healthy Start Vouchers and a Sure Start Maternity Grant 11 weeks before the due birth date (the Sure Start Maternity Grant is only provided once for the oldest or first child). From the birth of their baby they will

also be eligible to claim Child Benefit. (Eligible and Relevant lone parents aged 16 & 17 can also claim the above benefits, but only from the birth of their baby).

4. Young people may be able to claim Income Support under the 'Relevant Education' rules if they remain 'estranged' from their family and are undertaking a full time (over 12 hours) education or training course which is under the higher education level.

5. Jobseekers Allowance where young people are registered as unemployed and are actively seeking employment.

6. A disabled young person in education who gets both Employment and Support Allowance and Disability Living Allowance or a Personal Independence Payment may also be eligible to claim the 16-19 year old Bursary .

7. Universal Credit has replaced new claims for Income Support, Jobseeker's Allowance, Employment and Support Allowance and Housing Benefit. The capital limit for entitlement to Universal Credit is £16,000, with savings over £6,000 meaning a reduction in the amount that is paid.

8. 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.

11. Housing Benefit / Housing Costs for Young People

1. All young people are expected to claim their housing costs from their 18th birthday. Claims for Housing Benefit can no longer be made unless the young person is in receipt of: (a) the middle or highest rate care component of Disability Living Allowance or (b) the daily living component of Personal Independence Payments and is also entitled to the Severe Disability Premium. If a young person cannot claim Housing Benefit, they will need to claim their housing costs through Universal Credit. The housing costs element is normally paid direct to the young person, therefore an application will need to be made to request an 'Alternative Payment Arrangement' (APA) to ensure that those housing costs are paid directly to the Fostering finance budget and are 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 or housing costs via Universal Credit on reaching the age of 18. In situations where a young person is not eligible to claim housing benefit or housing costs via Universal Credit St Helens Children's Services will pay the rent/accommodation element of the "Staying Put" arrangement.

3. The rent level and housing benefit or housing costs claim rate (2019-2020) is £ 59.84 per week. This is based on the St Helens Broad Rental Market area and a different rate will apply if the young person resides in either the North Cheshire (£51.85) or Wigan (£57.57) Broad Rental Market areas.

Liability for Rent

All young people living in a “Staying Put” arrangement have a liability for rent of £59.84 per week which is set on a commercial basis. Young people are expected to pay the rent of £59.84 per week from their earnings, housing benefit or housing costs element, or a combination. The liability for rent is set out in the young person’s license agreement. If the person cannot meet the rent in full they can apply for a Discretionary Housing Payment (DHP) from the Local Authority. DHP’s are extra payments made from a cash limited fund and therefore cannot be guaranteed.

12. Housing Benefit / Housing Costs for Young People - Guidance

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

Where meals are provided within the “Staying Put” arrangement, the method used to calculate the level of Housing Benefit is the 2006 Housing Benefit maximum rent rules relating to ‘Boarder’ arrangements (Rent Officer assessment). In Universal Credit this will be the appropriate shared accommodation Local Housing Allowance rate for the Broad Rental Market area in which the young person resides. Young People are able to claim Housing Benefit / housing costs element in Universal Credit even when their “Staying Put” carer/s is in receipt of Housing Benefit or Universal Credit 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.

Where Housing Benefit is paid under the 2006 Housing Benefit rules 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. In Universal Credit as housing costs are paid direct to the young person, arrangements will need to be made to apply for an ‘Alternative Payment Arrangement’

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.

A letter should be issued and signed by the “Staying Put” carer as evidence of the young person’s liability to pay rent and is used as the license agreement in

circumstances where a young person is expected to claim Housing Benefit or the housing costs element in Universal Credit. 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 St Helens is £59.84 per week, excluding food, utilities and support. (The £59.84 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 / housing costs element in Universal Credit 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 (St Helens) 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).

13. “Staying Put” Allowances

1. From the young person’s 18th birthday “Staying Put” carers are no longer expected to provide pocket money, a clothing allowance or a personal allowance (£59.84), 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 18th birthday allowance is covered by the fostering policy). From the young person’s 18th birthday these payment areas are covered by the St Helens 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 Head of Permanence and should be set out in the young person’s pathway plan.

4. “Staying Put” carers should continue to provide the same level of support and services to the young person as they did when they were a 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 / housing costs element in Universal Credit. For the majority of young people, earnings over £63.00 (2019-2020) will result in a reduction of housing benefit / Universal Credit payment 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 / housing costs element on reaching the age of 18. In situations where a young person is not eligible to claim Housing Benefit / housing costs element St Helens Children’s Services will pay the rent/accommodation element of the “Staying Put” arrangement (subject to a claim having been rejected). The claim for Housing Benefit / Universal Credit 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; St Helens Children’s Services will assess the young person’s contribution based on the Housing Benefit / Universal Credit rules and would only pay the Housing Benefit / housing costs 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 / housing costs element. In this instance, St Helens Children’s Services will pay the rent/accommodation element.

9. All Housing Benefit / housing costs element in Universal Credit should be paid directly to the Fostering Finance Budget.

14. Section 23C Payments and Benefit Issues for “Staying Put” Carers

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

Payments made to the “Staying Put” carers from the Local Authority Children’s Services under section 23C of the Children Act 1989 via the young person, or directly to the carer/s on behalf of the young person are disregarded when calculating the carer’s entitlement to means tested welfare benefits.

The section 23C payment is disregarded in its entirety in circumstances where young people continue to live as a member of their former foster carer’s family on a non-commercial basis.

Where young people contribute to the arrangement and/or claim Housing Benefit / housing costs element in Universal Credit 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 carer’s welfare benefit entitlement.

The rent element of the “Staying Put” arrangement is set at £59.84 (2019-2020). If a young person is not entitled to Housing Benefit or the housing costs element due to excess income, then their contribution would be £59.84 per week. If a young person is entitled to Housing Benefit / housing costs element but it is assessed below £59.84, they would be expected to contribute the difference.

Where Housing Benefit or housing costs element 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 £129.00 is paid by the local authority under section 23C and £59.84 is paid by the young person from Housing Benefit / housing costs element, the amount taken into account by the DWP will be £59.84.

Of the £59.84, £20.00 and a further £19.62 (50% of the £39.84) is disregarded, therefore the carer will be deemed to have a £19.62 per week income from the ‘Boarder’ (“Staying Put”) arrangement and they will lose £19.62 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 / housing costs element (rent assessed above £59.84), 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 / housing costs element in Universal Credit, 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.

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.

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.

15. Council Tax and Council Tax Reduction

1. Where a young person is living in a "Staying Put" arrangement with two or more adults who are not in receipt of Council Tax Reduction and who pay full Council Tax a "Staying Put" young person will not have any impact on Council Tax liability.
2. The impact of the "Staying Put" arrangement on "Staying Put" carers Council Tax and Council Tax Reduction will depend on both the circumstances of the "Staying Put" carer and the young person. For example, full time students are 'invisible' for Council Tax purposes and will not have any impact on the "Staying Put" carers Council Tax or Council Tax Support.
3. In circumstances where a "Staying Put" carer is working and in receipt of the 25% single person Council Tax reduction, this discount will continue when a "Staying Put" young person is living in the arrangement.
4. Where "Staying Put" young people are claiming a means tested benefit, a Non-dependent Deduction should not be applied to the "Staying Put" carers own means tested benefit claim.
5. When planning for a "Staying Put" arrangement, consideration should be given to the impact of the arrangement on the "Staying Put" carers Council Tax, Council Tax Reduction and whether a Non-dependent Deduction will be applied. If this is the case there are set amounts of non-dependent deductions that are deducted from Housing Benefit according to age, status and income. In circumstances where an increase in Council Tax occurs an application should be made to the Team Manager for a payment equivalent to the carers financial loss.
6. "Staying Put" young people will not incur an 'Under Occupancy' or 'bedroom tax' charge on the "Staying Put" carers.

16. 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.

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

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

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

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

The Qualifying Care Relief system provides for foster carer/s and/or “Staying Put” carer/s to earn up to a given amount without paying Income Tax or Class 4 National Insurance Contributions on their caring income. The Income Tax free allowance consists of two elements. Firstly, a fixed amount per foster care or “Staying Put” household per year (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).
- 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.

18. “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 St Helens 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 18th 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” Plus” arrangements.

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.

19. 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 St Helens “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

20. The Minimum Standards and Practical Requirements

The St Helens Fostering Team 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.

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 St Helens 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 St Helens 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 18th birthday. The agreement should set out the expectation of all parties and clarify roles and responsibilities. The agreement should be incorporated into the young person's pathway plan. Welfare Benefits advisors should also be included to advise the young person and, if applicable, the foster carer of any welfare benefits issues.

Appendix 1

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

All young people reaching the age of 18 should have a pathway plan that sets out the arrangements for 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 tenancy in the same way that other care leavers do. Individual arrangements should be set out the young person’s pathway plan.

Planned Move-On 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. The young person’s leaving care personal adviser will arrange for the young person to access suitable accommodation.

Disruptions

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 disruption meeting is advisable. 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.

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 disruption / planning meeting will take place which needs to discuss and agree moving on arrangements.

The circumstances leading to the young person being required to leave the “Staying Put” arrangement may result in the young person being deemed intentionally homeless. Additionally, leaving the “Staying Put” arrangement in an emergency and in an unplanned manner may limit the young person’s accommodation choices, and in the short term they may need to live in a range of temporary accommodation.

Non-Payment of Rent 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 disruption meeting should be held. The disruption meeting will decide

on the action required by the young person to address the rent arrears. Young people will be given every opportunity to 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.

APPENDIX 2



STAYING PUT

'LIVING TOGETHER' AGREEMENT

This document constitutes a formal agreement between(Name of Young Person)(Name of Former Foster Carer) and the Leaving Care Service when they wish to stay living together after the former relevant child reaches their 18th birthday.

.....(Name of young person) will become an Excluded Licensee at the address below from(Date). (An excluded licensee is excluded from the 'Protection from Eviction Act 1977)

Address:-

.....

RESPONSIBILITIES OF THE YOUNG PERSON

I agree to:

1. To work with my Personal Adviser and have a written pathway plan, reviewed at least on a 6 monthly basis.
2. Engage in the support as agreed in my pathway plan in order to develop my preparation for independence.
3. Keep to the house rules set out in this agreement.
4. Behave in a reasonable way, showing respect for my former foster carer/s all of their property, neighbours and the community.
5. No drugs or other illegal property being brought into the household.
6. Pay my contribution in full on the day it is due.
7. To get agreement from the former foster carer/s to register mobile phone contracts, credit cards or loan agreements at this address.
8. Contact my Personal Adviser if I would like to change this agreement or make a complaint.
9. Let my Personal Adviser or Former Foster Carer know at least one month before if I wish to leave this placement.
10. Leave my room, furnishings and fittings in a good order.

11. Take all my property with me when I leave. If it is not collected within 7 calendar days (1 week), the Former Foster Carer reserves the right to dispose of it.
12. Pay for any goods stolen or any deliberate damage that I have caused.
13. To notify the former foster carer of any changes to your finances immediately.

RESPONSIBILITIES OF THE FORMER FOSTER CARER (*Staying Put Provider*)

I agree to:

1. Provide one single fully furnished room for the young person (unless sharing with a sibling)
2. Provide heating, hot water, lighting and food for a contribution/charge to the young person of £20.00 per week (subject to the young persons' income).
3. To provide a door key to the young person.
4. To ensure the accommodation is of an adequate standard and allow the annual health and safety checks to be carried out.
5. To attend meetings/pathway plan review meeting/s
6. To respect confidentiality at all times regarding the young person's personal details.
7. To attend ongoing training / support and supervision.
8. Inform the Personal Adviser of any significant incidents.
9. Inform the Personal Adviser and the Housing Benefit Department immediately if the young person ceases to reside at the accommodation in order to prevent an overpayment of Staying Put Allowances from the LA and benefits.
10. Inform mortgage providers or landlords of the Staying Put arrangement. Failure to do so may be a breach of Mortgage/Tenancy requirements.
11. Inform Buildings and Contents insurers of the Staying Put arrangement. Failure to do so may result in insurance cover being void.
12. Ensure that there is adequate, up to date insurance to cover any deliberate acts of damage or goods stolen. This is not covered by the Leaving Care Team.
13. Check with HMRC to confirm the impact of the Staying Put arrangement on tax implications.
14. Inform the DWP and Housing Benefit Office if claiming any means tested benefits as some payments received for a Staying Put arrangement may be classed as income.
15. To provide the following support in preparation for independence and transition/s as agreed with all parties.
16. Inform Finance **immediately** of any change which would affect Staying Put payments, e.g. young person going to university or joining the army, or changes to the young person's eligibility for Housing Benefit, and in the absence of the Finance Officer, I will inform the Scheme Coordinator.

	Tasks	Daily/Weekly hours of Support	How/Who will provide this Support	Comments
1.	Preparation for Independence/Basic living skills; <ul style="list-style-type: none"> • <i>Shopping/Cooking</i> • <i>Washing/Ironing</i> • <i>Cleaning</i> 			
2.	Budgeting/Money Management			
3.	Education/Employment and Training. <i>Including Reading letters, filling in forms and help with acting on information.</i>			
4.	Developing Social Skills/Behaviour Management			
5.	Supervision and monitoring of health and emotional wellbeing			
6.	Support with family contact			
7.	Help in accessing possible activities and other services/community organisations/activities			
8.	Moving on			

RESPONSIBILITIES OF THE PERSONAL ADVISER

1. To facilitate the Staying Put arrangement in the absence of the SSW and provide advice, support and assistance (as the Personal Adviser) to the young person and undertake visits in line with statutory duties.
2. To assess the young person's needs and have a written Pathway Plan which will include the support and move-on plans.
3. To provide advice and assistance to the young person ensuring they are aware of their leaving care rights and entitlements including advice on any welfare benefit claims to maximise their income.
4. To provide named contact details to the young person/former foster carer/s in case of difficulties or concerns 24 hours a day.
5. Review the placement as part of the young person's Pathway Plan Review, reviewed at least on a 6 monthly basis.

RESPONSIBILITIES OF THE SUPERVISING SOCIAL WORKER / SCHEME COORDINATOR

1. To facilitate the Staying Put arrangement providing advice and support to the former foster carer.
2. Suggest guidelines for house rules
3. Complete checks including an annual Health and Safety Check
4. To advise the former foster carer about ongoing training, particularly to help young people to develop independence living skills.
5. To signpost the former foster carer for any advice about financial/tax implications and support Housing Benefit claim to offset costs towards rent.
6. To monitor Housing Benefit claim once notified that a claim has been submitted and to notify Scheme Coordinator of any changes or delays in the claim.
7. Review the placement as part of the young person's Pathway Plan Review.
8. To hold regular placement meetings to ensure any issues involving the young person is identified and addressed.

CONTINGENCY PLAN:-

Should there be any difficulties within this arrangement, the Personal Adviser will convene a planning meeting in attempt to facilitate resolution and to consider any additional support/actions needed.

SIGNATURES:-

Signed:- Date:-
(*Young Person*)

Signed:- Date:-
(*Former Foster Carer/s*)

Signed:- Date:-
(*Personal Adviser*)

Signed:- Date:-
(*Supervising Social Worker / Scheme Coordinator*)

APPENDIX 1 House Rules and Expectations

HOUSE RULES	
1	Help with housework, keeping your own room and other common rooms clean (vacuumed, dusted and polished) and tidy (items in their correct places).
2	Ensure dirty clothes are kept in the washing bin provided and clean clothes are kept in the drawers and cupboards provided.
3	Provide your own toiletry requirements
4	Do your own washing and ironing
5	Help with cooking meals and washing up
6	Smoke outside of the household unless the former foster carer gives permission to smoke in an indoor area.
7	Do not drink alcohol in the house or allow visitors to drink alcohol in the house without with the former foster carer's permission.
8	Do not entertain visitors in the house without the former foster carer's permission.
9	Check all windows are locked, all external doors are locked, and the house alarm is set when leaving the house
10	Be in at agreed times daily for breakfast and evening meal or inform the former foster carer in advance about being out, so that food will not be cooked unnecessarily and wasted.
11	For security reasons be in at agreed times at night or, inform the former foster carer about being out, so that the house can be security locked.
12	Treat the former foster carer's property with respect and pay for the repair/replacement of any item's damaged or lost by you from any cause.

13	Be considerate of the former carer's needs and wishes and show courtesy, respect and co-operation at all times.
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APPENDIX 2 Health and safety for young people in Staying Put arrangement Checklist

In order to be as safe as possible in your Staying Put arrangement on your induction to the property, your former foster carer/s will explain the following safety instructions to you.

Emergency Safety Instruction	Measure	Comments
Fire Safety and Fire Drill	If there is a fire in the property we evacuate by ...	
Water Stop Tap	If there is a flood or a problem with the water leaking, the stop tap to turn the water off is ...	
Electricity Meter	You must only access the electricity meter in an emergency. The electricity meter is situated ...	

Your former Foster Carer/s has explained these safety instructions to me. I understand and agree to abide by them.

Signed:

Young Person Date:

Former Foster Carer/s Date: