

Staying Put – The Fostering Network

A new duty on Local Authorities in England regarding Staying Put came into force on 13 May 2014, in part 5 Welfare of Children (98) of the Children and Families Act 2014.

This requires local authorities in England to facilitate, monitor and support staying put arrangements for fostered young people until they reach the age of 21, where this is what they and their foster carers want, unless the local authority consider that the staying put arrangement is not consistent with the welfare of the young person.

The Department for Education has [updated statutory guidance](#) in line with the new duty. A [Good Practice Guide](#) for the sector has also been developed in conjunction with the Children's Partnership.

[The DfE has announced how much has been allocated to individual local authorities to support Staying Put in 2014-15.](#)

A Staying Put arrangement is not the same as a foster placement. The young person staying put, who must be a former relevant child, is no longer a looked after child. They are a young adult and a care leaver. They are entitled to support as a care leaver and will be allocated a Personal Advisor. The foster carer is no longer acting in the capacity of foster carer for that young adult. They are their 'former foster carer'. The foster placement becomes a 'staying put arrangement' and is not governed by Fostering Services Regulations. The 'former foster carer' offering a staying put arrangement may at the same time be offering foster placements to children who are looked after. Such placements will continue to be subject to provisions of the Fostering Services Regulations. The former relevant child will, in this circumstance, require a DBS check as they become a member of the fostering household, although this is one of the things that is being looked at (see FAQs at the end).

The DfE has updated its [Planning Transition to Adulthood for Care Leavers guidance](#) to include reference to Staying Put in Chapter 7. This will help local authorities and foster carers plan how to establish a Staying Put arrangement. It also covers important areas such as the support foster carers might require, and advice and guidance that local authorities should provide to young people. The Fostering Network has been closely involved in assisting with drafting its content.

The Fostering Network collated all enquiries raised by member fostering services and foster carers which were passed to the DfE. The Fostering Network, TACT and the National Children's Bureau worked in partnership to develop good practice guidance to

assist fostering service providers and practitioners. This is built on the good practice that has already been developed in some local authorities.

Independent Fostering Provider issues

There will need to be consideration given as to how Local Authorities and IFPs work together with IFP foster carers who want to offer staying put arrangements to a young person they are fostering. The staying put arrangement is not a foster placement, so can be negotiated separately to the fostering agreements and contracts, although some frameworks are including reference to staying put within their tendering processes. However, the IFP will need to be fully involved in the negotiations as decisions made will have an impact on that carer's availability and the assessment of their ongoing suitability to foster, as well as having financial implications for all involved.

Where an IFP has a continuing role in supporting foster carers who are providing a staying put placement it would not be unreasonable for a fee for this support to be agreed. Commissioning frameworks will need to take this issue on board.

Ofsted

The new inspection frameworks have strengthened the requirement on Ofsted to consider the services for young people who have left care. This will mean that Staying Put arrangements should be a focus for inspections.

Staying Put across the UK

Similar provisions for Staying Put have now been announced in Scotland (although these are not to be brought in until 2015 and will also apply to residential care) and Wales (though no additional funding has yet been agreed). In Northern Ireland, young people in education, employment and training already have the right to 'Stay Put'. The issue has not been resolved for young people in residential care in England. The Fostering Network joined a roundtable event organised by The Children's Partnership and The Who Cares? Trust to discuss the implications for children's residential care of the Staying Put foster care reforms and [has issued a statement](#).

Useful links

- [Details of the Children and Families Act 2014](#)
- The [full text of the Children and Families Act](#)
- The new duty on LAs regarding staying put is found in [Part 5 Welfare of Children \(98\)](#)

FAQs

Will DFE guidance set out requirements for the range and level of support?

DFE guidance will not set levels of support but will describe the range of supports that need to be in place.

What will be the implications for the payment of the leaving care grant?

Payment of leaving care grant – can be delayed until YP leaves placement

What if the young person is going to university?

Placements can be kept open if the young person is going to university.

What will the foster carers get paid?

Levels of financial support to former foster carers will be agreed and specified within Local Authority's Staying Put policies.

If young people leave their staying put arrangements, will they be able to return?

Young people who leave will not have a right to return but this will be covered in guidance, is permissible and would be good practice.

Will the young person need to have been in the placement for a certain period of time in order to be eligible to stay put?

There is no requirement on the length of time a young person is placed with their foster carer before they are eighteen for entitlement to 'staying put' is established – in theory it could be one night.

What will be the legal status of Staying Put arrangement?

Placements will not be foster care placements.

How will the foster carer know what support, including financial support, will be offered so that they can make a decision about whether they can offer a staying put arrangement?

LA will be required to publicise levels of support to young adults and former foster carers in staying put arrangements so that foster carers can make decisions about whether they can offer this.

What steps will LAs need to take to ensure young people and foster carers know their entitlements to stay put?

There will be amendments to Care Planning, IRO and sufficiency guidance, not just leaving care guidance to ensure awareness and information about post 18 arrangements are known.

If the young person and foster carer want a staying put arrangement, will the LA have to agree to it?

Guidance will clarify that it should only be in exceptional situations that LA decide a placement is not in the young person's best interest.

If the LA can decide not to agree to it, what rights will young people and foster carers have to challenge this?

Guidance will cover how the foster carer and/or young person can challenge decisions

Will young people staying put be required and/or eligible to have DBS checks?

1. If a foster carer wants to remain registered as a foster carer, the young person staying put will be subject to an enhanced check for DBS Children's Barred List.
2. If a foster carer is agreeing to a staying put placement for an adult who is not classed as vulnerable and they also do not want to remain a registered foster carer, then they do not need any type of DBS check to be carried out.
3. If a foster carer is agreeing to a staying put placement for an adult who is classed as vulnerable where they are providing personal care, then they will be classed as a carer and will be subject to an enhanced check for DBS Adults Barred List.
4. If a foster carer is agreeing to a staying put placement for an adult who is classed as vulnerable where they are providing personal care as a carer, and they are also remaining as a registered foster carer, then they will need a DBS check to cover both the DBS Adults Barred List and DBS Children's Barred List.

Is the funding for Staying Put adequate?

When the Government introduces a new 'burden' on local authorities, the convention is that they give local authorities funding to meet this burden. The Government will usually agree with Local Government Association how much this will cost local government. We understand this happened in this case and that there was agreement regarding the sum of £40m to cover the first three years.

It is very difficult to assess the cost to local authorities as it depends on:

- the numbers of young people staying put
- the length of time they stay put,
- the level of financial support offered
- other unknowns

As part of our campaigning, we looked at the above variables, took into account the take up rates in the Staying Put pilot sites in England and the levels of allowance and fee paid to foster carers, and the take up rates and the length of time young people stay put in Northern Ireland. Given the above, the Fostering Networks' view is that the overall financial settlement between the Government and LGA is not unreasonable. If take-up of the option to stay put is greater than that experienced in the pilots and in Northern Ireland, there remains the possibility that the funding could prove to be inadequate.

In terms of opportunity and outcomes for care leavers, there is good reason and research evidence to support the belief that when significant numbers of young people are staying put, this will lead to increased stability, higher engagement in further and higher education and lower teenage pregnancy rates for young people in care. All of this promotes cost savings for local authorities in the long term. We are, however, a long way from achieving this.

These days, funding is only exceptionally ring fenced and usually goes into the general allocation of funding. Local authorities then have the freedom to decide for themselves how they will allocate spending. We know that local authorities are under enormous financial pressure and that, just because funding is allocated centrally, it does not mean all of this will find its way to fund staying put schemes