



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Children, Young People and Education
<b>LEAD OFFICERS:</b>	Strategic Director of Children & Education (DCS)
<b>DATE:</b>	Thursday, 10 August 2023

<b>PORTFOLIO/S AFFECTED:</b>	Children, Young People and Education
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	Y

**SUBJECT:** EB Staying Put Allowance

## 1. EXECUTIVE SUMMARY

The Children and Families Act 2014 amended the Children Act 1989 to introduce a duty on local authorities to support young people to continue to live with their former foster carers once they turn 18 (the 'Staying Put' duty). Both the foster carer and young person need to agree the arrangement. This includes a young person continuing to live with a kinship foster carer. This duty came into force on 13 May 2014.

Once the young person reaches the age of eighteen and legal adulthood, the local authority is no longer making a placement, but facilitating a Staying Put arrangement for the young person. Staying Put arrangements are currently in place for young people aged 18 to 21, however in the 'Stable Homes, Built on Love' strategy published in February 2023, the Department for Education outlined a desire to strengthen the Staying Put offer (likely to include expanding the offer for those up to the age of 23).

There are a high number of Staying Put arrangements in Blackburn with Darwen in comparison to other local authorities. The current payments made to Staying Put carers are determined based on individual need and circumstance, which results in disparities. The average payment currently made is £336.43 per week which is funded in its entirety through the Blackburn with Darwen Leaving Care budget.

A new Staying Put policy is therefore required to ensure that a fair and consistent approach to such payments is implemented. The purpose of this report is to provide an update on the current position with regards to the Staying Put budget and to consider different options for new consistent payments to Blackburn with Darwen Staying Put carers.

## 2. RECOMMENDATIONS

That the Executive Board:

- Notes the position with regard to the varying rates of payments made to BwD Staying Put carers;
- Approves the implementation of Option 3 as the proposed payment structure for all new Staying Put placements, and

- Delegate authority to the Strategic Director of Children & Education (DCS) in consultation with the Executive Member for Children, Young People and Education to review and put in place a Staying Put policy for BwD, incorporating the Option 3 proposal (subject to approval) .

### 3. BACKGROUND

From the age of eighteen 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 eighteenth birthday, the arrangement should therefore be deemed an 'age eighteen and older arrangement' or "Staying Put" arrangement. Once the child reaches the age of eighteen and legal adulthood, the local authority is no longer making a placement, but facilitating a "Staying Put" arrangement for the young person. Staying Put arrangements are currently in place for young people age 18-21.

As it currently stands the Government grant is £99,143 for 2023/24 and 2024/25. This does not provide sufficient financial resource to support current staying put payments and is due to end in March 2025.

The purpose of this report is to provide an update on the current position with regards to the Staying Put offer and to detail the different options that were considered for new payment rates to Blackburn with Darwen Staying Put carers. At present there is disparity between payments made for Staying Put arrangements and a new policy is required to ensure that a fair and consistent approach is implemented. In all of the options detailed below, payment protection will be offered to carers of young people currently in Staying Put placements to ensure that no existing carers suffer financial detriment.

It is suggested that this report is considered in conjunction with the Executive Board report (10 August 2023 – titled *EB Foster Carer Allowances uplift including short breaks 2023/24*) that proposes new payment rates for our in-house foster carers, as the payment rates recommended for Staying Put carers are based on those figures proposed in the Fostering Allowance report. This is proposed in order to maintain consistency around our offer to carers going forward and to bring our offer in line with the National Minimum Recommended rates for foster carer payments.

#### Option 1

- Option one is based on the payment structure that was originally devised by the Leaving Care Team in Blackburn with Darwen. This consists of the proposed new fostering rate of £233 per week plus an existing top up payment of £34.72, minus a pocket money, clothing allowance and personal element of £57.13. The deduction of the £57.13 is because the Staying Put carer is no longer expected to provide these to the young person. In addition, the young person is expected to pay rent of £64.25 which is paid directly to the Staying Put carer. This rental payment could be paid either from the young person's earnings or housing benefit. In addition to the rental payment Blackburn with Darwen expected the young person to make a minimal contribution of £20 per week to the carer.
- If Option one was adopted in 2023/24 for new placements only then the weekly cost to BwD for new placements would be £126.34 compared to the current average of £336.43 whilst carers would receive £210.59 compared to the current average of £336.43. If adopted, this proposal would result in savings to BwD in the region of £55,400 in 2023/24.

#### Option 2

- Lancashire County Council adopt a policy where Staying Put carers are paid the National Minimum Fostering Allowance which will increase to £233 in 2023/24, minus £67.23\* for pocket money, clothing allowance and a personal element. In addition to this, the young person is expected to pay rent whether from earnings or housing benefit. The Staying Put carers allowance will only be reduced by the rent amount once the rent/housing benefit/housing element is in payment to the carer. As such a balancing payment/adjustment is required at the end of the Staying Put arrangement. Carers will also receive a Staying Put Fee of £115.00 per week in year one of the arrangement which reduces by 50% for years two and three.
- If Option two was adopted in 2023/24 for new placements only then the weekly cost to BwD for new placements would be £216.52 in year 1 and £159.02 in years 2 and 3 compared to the current average of £336.43, whilst carers would receive £280.77 in year 1 and £223.27 in years 2 and 3 compared to the current average of £336.43. If adopted, this proposal would result in savings to BwD in the region of £32,900 in 2023/24.

In addition, it can be noted that nationally, Staying Put has a budget for Years 1, 2 and 3 and within these budgets, each year the local authority is to lessen the finances as these young people should be becoming more independent. However, in 2018 when Staying Put was initially rolled out, via the BwD Staying Put Training module, this suggestion was put to the foster carers and it was not perceived as viable hence a decision was taken to promote Staying Put with year 1 to year 3 funding remaining the same.

### Option 3

- The final option consists of the Fostering Maintenance Allowance of £233, minus pocket money, clothing allowance and personal element of £67.23\*, as the Staying Put carer is no longer expected to provide these to the young person. In addition, the young person is expected to pay rent, which is paid directly to the “Staying put carer”. This rental payment could be paid either from earnings or housing benefit which is currently £64.25. In addition to the rental payment Blackburn with Darwen will expect that the young person makes a minimal contribution of £15 per week to the carer.
- If Option three was adopted in 2023/24 for new placements only then the weekly cost to BwD for new placements would be £86.52 compared to the current average of £336.43 whilst carers would receive £165.77 compared to the current average of £336.43. If adopted, this proposal would result in savings to BwD in the region of £64,000 in 2023/24.

In all three of the options above, assuming numbers of Staying Put placements remain constant, savings to the council will increase year on year as the existing protected payments come to an end, to be replaced by payments on the revised rates.

\*Note: The reduction of £67.23 is set at the equivalent of Jobseeker's Allowance/Income Support rate.

## 4. KEY ISSUES & RISKS

**Options one to three** all result in a reduction to the Staying Put payments and ultimately this could result in a reduction to the number of young people that we have in Staying Put arrangements. In the situation where the Staying Put arrangement is not agreed the young person would have to be placed in alternative accommodation, either in independent living or supported accommodation, which could

lead to a lack of sufficiency of supported accommodation. The table below provides a comparison of alternative accommodation that would be available to young people if Staying Put is not an option.

Accommodation	Weekly Rate
Hall of Residence - University	£120.00
Independent Housing rent - University	£197.50
Supported Accommodation (minimum)	£250.00
Supported Accommodation (maximum)	£890.00

There is now a Team Manager within Leaving Care who is a designated lead for accommodation, which will facilitate the transition for those young people moving from foster care to alternative accommodation.

The Leaving Care team report a high number of Staying Put arrangements in Blackburn with Darwen in comparison to other Local Authorities. For those young people staying put with carers Blackburn with Darwen also report a higher number of young people attending University. The intention of Staying Put is to ensure young people are prepared for adulthood, can experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown. However, it should also be noted that all conversions of foster care placements to Staying Put arrangements reduce the number of available in-house foster care placements available for new children coming into care. These children may therefore need to be placed in independent fostering placements.

## 5. POLICY IMPLICATIONS

Staying Put Policy will need to be put in place and updated to clarify any changes and aligned to Fostering allowance.

## 6. FINANCIAL IMPLICATIONS

A summary of the options under consideration for Staying Put arrangements for 2023/24 based on the National Minimum Fostering Allowance of £233 is shown in the table below. Option 3 will result in the largest financial savings.

Options	YEAR ONE Payment received by Carer	YEAR TWO & THREE Payment received by carer	Weekly Cost to BwD for new placements in 2023/24	Potential Saving in 2023/24
<b>Option One - Original BwD payments (includes deductions for allowances and housing element)</b>				
Current payments plus 10 new placements paid at BwD original pay structure	210.59	210.59	126.34	(55,392)
<b>Option Two - Lancashire County Council's Staying Put Policy</b>				
Current payments with 10 new placements paid at LCC rates	280.77	223.27	216.52	(32,938)

Option Three - Minimum Payments based on Government guidance					
Current payments with 10 new placements paid at minimum rates	165.77	165.77	86.52	(63,959)	

## 7. LEGAL IMPLICATIONS

Adoption of option 3 above will ensure compliance with the Local Authority's statutory duties as set out in the Children and Families Act 2014. The Council will need to put in place and update its Staying Put policy which should refer to DfE, DWP and HMRC Guidance on Staying Put (May 2013)

## 8. RESOURCE IMPLICATIONS

There are no resource implications identified.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

The Foster Carers Association has been made aware of the review and that options will be considered by the Executive Board

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>1</b>
<b>CONTACT OFFICER:</b>	<b>Imran Akuji, Amy Brooks, Leanne Reid</b>
<b>DATE:</b>	<b>27/07/2023</b>
<b>BACKGROUND PAPER:</b>	