Staying Put in Independent Foster Care: working together, getting it right

LUCY SWEETMAN
The experiences of care leavers themselves, backed up by research, consistently highlight how the quality of support young people receive during the transition to adulthood shapes their future life chances. More recently governments across the UK have recognised the key role that foster carers, like parents, should play in this process. It was in this spirit that NAFP welcomed government support for Staying Put in England as it impacted on young people in foster care. However, we became increasingly concerned about how this policy was able to be implemented on the ground. It seemed clear from the outset that local authorities might struggle to properly resource the good intentions. Initial messages from implementation did not seem to bring out how Staying Put was impacting on young people placed with foster carers from independent and voluntary sector providers (IFPs). It was with this background of complexity and uncertainty that we decided to have a close look at Staying Put ourselves. This report summarises what we found and we offer it as a positive contribution to improving the lives of young people for whom leaving care will best be tackled through planned, stable, supported arrangements.

Harvey Gallagher
Chief Executive

NAFP

The Nationwide Association of Fostering Providers (NAFP) is the not for profit organisation that campaigns for independent and voluntary sector fostering providers (IFPs), and the children they care for.

The NAFP mission statement states that NAFP “seeks to be the voice of the independent and voluntary fostering sector for children and young people and to promote high standards of professional and business practice within the membership.”

Purpose of report

This report was commissioned by NAFP to examine the impact of Staying Put in independent and voluntary sector fostering provision. A number of short papers have already been produced which outline the experience of the first year of Staying Put but none of these give their full attention to the implementation of Staying Put in the independent sector. Most of these reports acknowledge that the concerns of the independent sector and the local authorities that work with them are not appropriately explored in research gathered to date. This report will explore the issues on both sides and provide recommendations for independent fostering providers and local authorities to consider as they seek to make Staying Put work for their young people.

Outline of methodology

This report was researched and written by Lucy Sweetman on behalf of NAFP. Evidence was gathered from desk research and telephone interviews with foster carers, senior staff from independent fostering providers, and commissioning, practice and placement team managers from local authorities around England. A survey sent out through the NAFP’s networks and others garnered 58 responses from a mixture of carers, local authority and IFP staff. A focus group was held in May 2015 in south-west England and was attended by local authority representatives and IFP staff from around the south west.
The author

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Summary

Main areas of discussion in this report:

• Financial support for Staying Put
• Communication and relationships
• Clarity of policy and process
• Timeliness and appropriateness of preparation and planning

Highlighted recommendations

• Communication protocols must be established to ensure that information is relayed to the right people at the right time, strategically and operationally.
• Providers and local authorities should work more closely to ensure that carers and young people are involved in care and pathway planning, and all review meetings once the pathway plan is established.
• IFP carers should receive high quality training to help them support young people into independence. Expectations of carers in relation to preparation and planning should be clearly communicated and supported.
• Staying Put should be added to the National Fostering Contract as a variation and used by regional commissioning consortia for contracting with providers.
• Department for Work & Pensions (DWP) and Jobseeker’s Allowance (JSA) funding should go directly to local authorities to be paid as an allowance for care leavers until the age of 21, unless they choose otherwise.
• Local authorities should assess the impact of their organisational structures on the timeliness of their assessments and planning and make adjustments accordingly.
• Government should, as recommended by the National Audit Office (NAO), review the implementation and impact of Staying Put and give consideration to a national framework for Staying Put allowances to carers.
Introduction

Staying Put was introduced into law in May 2014, having been piloted as part of the Care Matters White Paper in 2008. When it was first introduced, Staying Put arrangements were intended to enable young people who were staying on in education or training to remain in their foster placements until the age of 21. The Children and Families Act of 2014 introduced the right of any young person in a fostering placement to ask to ‘stay put’ with their carers until the age of 21. This right has not yet been extended to young people in residential care. A campaign for this move has considerable support in the sector but is yet to find the same from government.

The principle of Staying Put is a natural progression from the Children (Leaving Care) Act of 2000 and is also dealt with in the government’s revised regulations and guidance to the Children Act 1989. The intention of this legislation was to lengthen the period of time that young people remain in a stable and secure placement and extend the support available to them to the age of 21 (and beyond for those in education, since 2008). A further intention is to provide the opportunity for young people to develop the skills and aptitudes required to manage independence while the young person is still looked after or supported. Staying Put recognises that for young people in their birth families, the age of first leaving home has been rising rapidly over the last decade and a half. Many young adults have benefited from that extended stay at home, enabling them to save for their first accommodation or afford to take on their first job without the burden of paying high rents.

There is widespread support for Staying Put in principle. There is little argument to be had with the premise that the arrangement offers young people a good opportunity for continuity, for longer-term care and the ability to progress into adulthood from a secure base.

However, as with most policy initiatives, particularly from a government that dislikes enacting through reams of guidance, implementation at a local level has been difficult and the problems that beset many local authority children’s services department - budget cuts, cuts to wider local services, the struggle to recruit experienced social workers, some difficulties recruiting local foster carers, inadequate affordable housing, high levels of youth unemployment - make Staying Put just as difficult to establish. NAFP’s own research with foster carers sets out some clear concerns about the implementation of Staying Put, some of which are reflected in the findings of the Loughborough evaluation of the government’s original pilots. As well as concerns about the financial implications, including allowances and the impact on existing benefits, carers felt ill-prepared to offer to prolong the arrangement into adulthood, feeling that this was out of the range of their skills. In both the NAFP study and Loughborough evaluation, carers requested more training and support and a clearer understanding of their role in preparing young people for independence as part of the move towards Staying Put. Carers also wanted to be better involved in planning processes for their young people.

Although there is some guidance on Staying Put, from the Department for Education (DfE) and the National Children’s Bureau (NCB), there is very little discussion or support to be had on the management of Staying Put in the independent fostering provider sector. Given the large number of young people placed in this sector, this has generated confusion, at best. The recent NCB assessment of the first year of Staying Put identified that further work was needed to understand the full impact of Staying Put in IFPs.

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5 Moving On, Staying Put, NAFP 2013, https://drive.google.com/file/d/0B1xRzggG5SfQ2RTmxdHIPU1U/view
It should be pointed out that some of the issues raised in this research are also in evidence in NCB’s own research into the first year of Staying Put and indeed in the evaluation of the original pilots. This only goes to underline their importance across all sectors of Staying Put delivery.

Discussions on the surface of this issue reveal two sides often in conflict: local authorities in one corner and the independent fostering sector in the other. Points of contention include commissioning arrangements, the cost of placements, payments to carers, timeliness of planning, lack of communication and accusations of intransigence from both sides. Local authorities argue that carers’ expectations of payments are unrealistic; agencies and carers think local authority decisions are too often driven by finance before the best interests of the young person. In some cases, positions have become entrenched and open and honest discussion has ceased: local authorities stop negotiating and instead issue ‘put up or shut up’ blanket policies; agencies and carers may stop agreeing Staying Put arrangements altogether. The only thing the two sides do agree on is that when they introduced Staying Put for all young people in foster care, the Coalition government of 2010-15 failed to supply the funding to support it. But this is the surface.

This report begins to begin to unpick some of those concerns and positions and to look for steps that the independent fostering sector and local authorities can take in order to make Staying Put an effective, practical option for the young people in independent placements who need it.

"Staying Put is not a foster placement and the agreement is between the carers and the young person funded by the government via the local authority. The funding received into local authorities is insufficient to match foster care fees perhaps rightly so as in most cases it is a different type of relationship as the young person becomes an adult. The expectation of carers needs to be that this will happen and the placement support and funding will change, then they can then consider their position carefully and advise their agency so that there are no surprises when the young person’s pathway planning begins. Staying Put could put carers in a really difficult position financially as well as potentially reduce the pool of available carers for the future and therefore the NAFP and all other fostering associations as well as local government should lobby government to fund this arrangement appropriately and consistently.”

Local authority manager

"Central government cuts have created enormous pressures on local authorities. This leads to financial rather than person-centred thinking and planning. More ‘what can we get away with’ than ‘what does this person need?’ How can IFPs and local authorities work together to make the argument to government to bolster children’s services funding? Legislation is lovely but without funding, it’s useless.”

IFP Manager

The research carried out for this report and for the NCB report into the first year of Staying Put, clearly shows that local authorities, foster carers and providers agree that funding provided by the government for Staying Put is inadequate. The cost of offering a Staying Put arrangement to every young person in foster care that wants it or would benefit from it (and this still excludes young people in residential care) far outstrips the funding supplied by the government to support its own legislation. The government expects local authorities to cover the difference from their own funds.
“The £7.4m allocation for 2014/15 is part of a £40m funding package announced last year that councils will use to deliver the government’s Staying Put policy, which gives fostered 18-year-olds the option of remaining with a carer up to 21. The Department for Education said the £7.4m covers 900 placements, which equates to £8,222 per young person. The funding allocation for 2015/16 will be around £14m and a remaining £21m will be paid in 2016/17.”

Children and Young People Now, August 2014

In early June 2015, George Osborne announced that DfE’s ‘non-schools’ budget would be subject to a £450m cut in its funding. The Department of Communities and Local Government will also experience a £450m cut in its funding, and the Local Government Association announced in late June 2015 that “there is nothing left to cut”. There will be no silver bullet. The resourcing of Staying Put has been firmly placed in local government’s hands and with the creation of the Social Work Task Force, the National Audit Office report on care leavers in July 2015 and Lord Laming’s review into care-experienced young people in the criminal justice system, there will be no shortage of scrutiny in the coming months. All this alongside a significant increase in the number of children and young people coming into care and those being subject to a Child Protection Plan.

Under these circumstances it is tempting to suggest that finance is the root cause of the problems with Staying Put in independent foster care and that if we solved the money issue, the rest would fall magically into place. There is no doubt that the passing of adequate funding from central to local government to support Staying Put for every young person that wants it (in residential care too) would make a considerable difference to the progress of the policy. The research for this report tells us as much: decisions are too often made on the basis of funding, not need; providers are side-lined as some local authorities seek to contract with carers directly, at a rate equivalent to supported lodgings placements; carers may refuse to participate in a Staying Put arrangement without a continuation of their fostering payment. However, as this report shows, there are some long-standing, intransigent issues at play and not all of them will be cured with a funding boost.

Starting from first principles, there is evidence that there is a significant difference of opinion about the purpose and intent of Staying Put. This variation in thinking sits at the heart of some of the disputes around payment for providing a Staying Put placement. Many carers and providers described Staying Put as an opportunity to extend the care for the young person, arguing that the basic elements of care and support provided to the young person should not change and that the purpose of the policy was to mirror the experience of young adults not in care, who may stay with their parents (including some considerable home comforts) well into their twenties.

The statutory guidance is slightly clearer that Staying Put is designed to keep a young person in their foster home for a longer period of time for the reasons set out above. But it also states that this is an ‘arrangement’ between the carer and the young person, now a legal adult, and not a placement of a child. The financial information included in the guidance demonstrates this change and that the arrangement constitutes a form of tenancy to which the young person must contribute financially.

Perhaps the gap in understanding comes from the government’s own statements?

“Having grown up in a family home with many foster brothers and sisters, I know how important it is for young people to be given the time to prepare for life after leaving care. Foster carers have said to us that they want to be able to support the young people they care for after they have reached 18. We have listened.”

Letter from Edward Timpson MP, written when he was Parliamentary Under Secretary of State for Children and Families, February 2013

…”The intention being to ensure young people can remain with their former foster carers until they are prepared for adulthood, can experience a transition akin to their peers…”

DfE Staying Put Guidance, May 2013

“If corporate parenting is to emulate family life, it must not be compartmentalised, nor truncated at age 18”

Children, Schools and Families Select Committee Third Report on Looked After Children, 2009
“Care leavers should expect the same level of care and support that others would expect from a reasonable parent”

The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers

“Staying Put arrangements should replicate as far as possible normal family life. Foster carers are required to care for any child placed with them as if they were a member of their family, and this expectation should carry through into staying put arrangements. Families all have different rules, expectations and ways of doing things, and staying put arrangements should take account of this and be sufficiently flexible to be tailored to individual circumstances and needs.”

The Children’s Partnership, Staying Put Good Practice Guidance

The rhetoric implies a continuation of foster family life, a place that still feels protective and caring. The financial guidance suggests a more practical arrangement, likened to Supported Lodgings as described in this guidance from 2008:

“Supported lodgings services provide a young person with a room of their own in a private home where they are a member of the household, but are not expected to become a member of the family. The householder, or host, provides a safe and supportive environment, working alongside professional services to help and support the young person in gaining skills for independent adult life.”

There are strong arguments from carers about the particular needs of our most vulnerable young people in care who do not have the emotional or practical wherewithal to move into independence or semi-independence at 18. The research threw up this point on many occasions, most often as an argument in favour of the Staying Put arrangement remaining, in its character, as similar to a foster placement as possible. This assertion raises two questions: firstly, are we providing appropriate support over time to prepare young people for leaving care and are we planning early enough to make a decision about Staying Put that is the right one for the young person; secondly, are we adequately addressing the young person’s emotional and psychological needs early enough in their care experience?

These themes are the drivers of the particular issues that come up when Staying Put in IFPs is discussed. They sit at the heart of the discussion and they will be referred to throughout this report. There is a point of connection or interplay between these questions that underpins the problem of Staying Put for local authorities and providers of independent foster care.

- Is there a shared understanding of the purpose and character of a Staying Put arrangement?
- Is preparation for leaving care being adequately provided by carers, by providers, by local authorities? What models are being used to support preparation for care leavers?
- Is planning for Staying Put happening in time and on the basis of an adequate assessment?
- Are local authorities adequately delivering their leaving care statutory duties when young people are in independent provision?

The mechanics of Staying Put

Most of our respondents to the survey represented the independent fostering sector, whether providers or carers. And, although we also heard and have reported here the views of local authority staff, the overwhelming feeling coming from the data we collected was a howl of frustration. It is best illustrated by the following bullet points that were the response of one provider to our survey:

• “Lack of ability to negotiate to get a sensible arrangement.

• The one size fits all approach from local authorities.

• Financial considerations for foster carers and dependence on benefits being promoted for young people.

• The effect on accepting teenage placements.”

These points reflect the broad response from the independent sector to our questions - practical problems and the stresses they cause.

There is no single care system and no single leaving care system. Every local authority develops its own policies in response to legislation and guidance and that is the care system experienced by its looked after children and young people and their carers. As a consequence, there is a diversity of practice from authority to authority and the quality and type of service a child in care or care leaver receives will be dependent on the policies and practice of their own corporate parent. In September 2015, the president of the Association of Directors of Children’s Services, Alison O’Sullivan, called for a national approach to the development and sharing of good practice, in order to avoid this rather fragmented status quo.

Legislation since the Children (Leaving Care) Act has sought to encourage certain aspects of practice, for example the development of ‘pledges’ to children in care and care leavers, or the now statutory role of the virtual school headteacher. In many authorities these policies have been implemented to good effect and have had a measurable impact on young people’s experiences of their care. Under the new Ofsted regime in which leaving care services are inspected in their own right, the main causes of a grade that is less than ‘good’, tend to be procedural: poor pathway plans, caseloads that are too high, and lack of oversight from Independent Reviewing Officers for those between 16 and 18. The NAO report into leaving care stated:

“By end-June 2015, only 34% of local authority [leaving care] services were judged ‘good’, with just one judged to be ‘outstanding’. Common shortcomings included poor pathway planning and lack of support from personal advisers for care leavers.”

The NAO report of July 2015 also stated that local authorities who were members of the National Leaving Care Benchmarking Forum (administered by Catch22) were more likely to receive a judgement of ‘good’, so there is some evidence that sharing evidence-based practice and working collaboratively to improve services can lead to better outcomes and greater similarities in practice across local authority boundaries.

But since 2010, the governments led by David Cameron have been keen not to intervene too much in the implementation of policy at a local level. At the beginning of the 2010-15 Coalition government, the Transitions to Adulthood guidance was delayed so that its statutory requirements could be reduced, in line with the government’s view that there was enough legislation and Whitehall was not going to dictate how local authorities implemented it. Since then there has been a strong emphasis on adoption and the development of the Innovation Programme but little else in the way of national direction.

This has been true of Staying Put. The government has provided funding to support the programme for the first three years (it is not clear whether local authorities will be required to pick up the entire cost after 2017). There is good practice guidance and clear documentation on
financial policies and the impact on carers, but it is still up to local authorities to implement the legislation as they see fit in their areas.

The consequence is a multiplicity of micro-systems where Staying Put is concerned, each slightly different from the other.

For providers contracting with a number of different local authorities, this is a difficult and complex position requiring negotiations on many fronts with authorities that have different approaches to the same statutory duties. Local authorities, meanwhile, are contending with rising demand for their services from children and young people with increasingly complex needs. This requires authorities to contract with a diverse range of providers and they too must deal with all those providers and each of their policies. The lack of shared, national practice driven by clear expectations from central government, leads to providers and authorities acting under pressure - lessening their ability to deal with each other more productively.

Add to this the cuts to local authority funding, growing numbers of children requiring support and providers needing to maintain the financial stability of their businesses and we have a toxic mix where both sides feel the need to assert their position and young people are stuck somewhere in the middle. The responses to the survey and the discussion in the focus group spoke to some of that frustration.

The NAO report states:

“There are some issues with implementing the [Staying Put] policy, including financial barriers to local authorities, strains on the market for foster carers and adverse financial consequences for foster carers engaged in Staying Put. So far, the Department has not assessed whether the new policy is meeting its objectives or its financial impact on local authorities.”

The National Audit Office report (NAO, July 2015) also makes clear that despite a cross-departmental Care Leavers Strategy in central government departments, there is not enough effort to measure its impact in Whitehall, including measuring outcomes for care leavers effectively and supporting the implementation of good practice at national and local level. Financial analysis from the report is striking: the average amount spent on a care leaver is £6K but the range starts at £300 and rises to £20,000. What the NAO finds worrying is the lack of data available to analyse the spending in each local authority and to establish the relationship between the cost per care leaver and their outcomes. In fact, they found no relationship between the higher costs reported and better outcomes.

“Our own analysis shows there is no clear correlation between local authorities’ spending on care leavers and the quality and quantity of their services.”

Throughout the research, the clearest message from all sides was that central government funding for Staying Put was inadequate and that overall cuts to local government budgets were causing the loss of valuable wider services to young people leaving care. In 2013, the NAO’s report on financial stability of local authorities stated concerns that continued cuts to local government could threaten councils’ ability to fulfil their statutory duties. This is a position that should concern anyone interested in supporting the progress of young people leaving care.

The squeeze on funding and the unwillingness of central government to specify how and to what priorities local authorities should deliver Staying Put, leads to implementation pressure points in two areas:

1) Policy: without specific direction from central government, the arrangements for contracting Staying Put, as it affects young people in independent fostering provision, rests with local authority commissioners and the independent sector as the provider of foster care placements. Every organisation has a policy and every placement must be negotiated. This is time-consuming, expensive and can lead to last minute decision-making that is not in the best interests of the young person. Recent inspection reports reflect the use of individual negotiation between local authorities and providers. One report states that an authority was “only recently working to a [Staying Put] policy”.

2) Finance: blanket policies on either side can make agreeing the costs of placements extremely difficult.

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18 Ofsted, inspection reports, http://reports.ofsted.gov.uk
The issue of cost arose consistently through the research with independent foster carers particularly concerned about the affordability of taking on a Staying Put placement, and providers arguing that they were being asked to provide training and support to carers without payment. The issue is not necessarily the exact amount that should be paid to a carer for a Staying Put arrangement but the extent to which that arrangement, post-18, demands an equivalent level of support and therefore should attract the same payment as a fostering placement.

In straitened times, the focus becomes the cost rather than the best interests (and expressed wishes) of the young person.

**Policy**

Where regional commissioning arrangements are in place and local authorities have collaborated to create framework agreements, this can work. But often, local authorities collaborate to ‘shape the market’, using their combined power to determine the costs and the offer to meet the needs of budgetary and service demands. This might mean agreeing that all the authorities in a region will pay the same amount for a placement, thereby reducing the provider’s ability to negotiate, for example. One model that seems to work well is the NE7 consortium of local authorities. The authorities have worked alongside their providers to establish a fair framework agreement for fostering that includes Staying Put. This arrangement now involves a steering group made up of representatives from the local authorities, the fostering agencies and some foster carers. This increasingly collaborative approach makes commissioning in the region much more straightforward and reduces disagreements between authorities and providers. By introducing a representative steering group, problems can be ironed out before they cause crisis points around an individual young person.

However, during the research period we became aware of examples of local authorities writing to independent providers to explain their terms, without prior consultation. But sometimes, even when a policy exists, it can be applied inconsistently: “Sometimes the implementation of a policy can change from person to person with no consistent line held within organisations.”

This can lead to different actions being taken for different young people.”

**Focus group participant, fostering provider**

Our focus group participants and respondents to our survey from both the local authorities and the independent providers described policies that were a ‘list of demands’ or ‘not up for negotiation’. This suggests that in a high-pressure environment where money is tight, policies are being presented as tablets of stone, protecting the interests of each party, rather than guides for a wider negotiation or a flexible approach, focused on the young person’s needs. The danger is that, in particular in the case of local authorities, there is little willingness to explain elements of policy, leaving co-working out in the cold.

If care planning and pathway planning are about meeting the individual assessed needs of a young person, how can any blanket policy apply? How do we get back to the ‘best interests’ of the young person driving decision-making and negotiation between all parties?

Our survey also threw up some providers who were sceptical of the Staying Put policy as a whole, raising the possibility that there is no consensus that a prolonged stay with foster carers is always a good plan, or at least not under the current circumstances where consensus is so difficult to establish.

A small number of carers felt that their agency did not want them to offer Staying Put and so held information back from them about how this might work. But a provider was concerned that local authorities were going to carers directly to pressure them into taking on a Staying Put arrangement on the authority’s terms: “Local authorities are insufficiently funded for the volume of Staying Put arrangements, and hence they seek to cut out independent fostering providers and go to foster carers directly, insisting they commit to the local authority Staying Put scheme. Our foster carers feel ‘emotionally pressurised’ to commit to local authorities’ Staying Put schemes and as an agency, we are concerned about the local authorities’ direct approach to our carers, without due consultation and planning with the fostering agency.”

Beyond the concerns about blanket policies, lack of willingness to negotiate (on both sides) and
disagreements about what constituted a Staying Put arrangement, our responses became slightly broader, reflecting some of those issues mentioned at the beginning of this chapter but coming from the day-to-day experience of carers: “I have three young people who are placed with me as long-term placements and they all turn 18 in the same academic year. My concern is that they stop being part of the family and become lodgers. This also affects my status as a foster carer and as all my bedrooms are full I will not be able to foster other children if I allow these three to stay on to finish their education.”

Another independent provider also argued that Staying Put could lead to local authorities encouraging reliance on benefits to underpin the cost of the placement: “Apart from the uncertainty, worry and upset for young people in care, they will be encouraged to claim/live on benefits, which could undo much of the good work and stability put in by foster carers, sometimes over many years. It also goes against recommendations/good practice of promoting independence, not only in day-to-day planning & living, but financial self-sufficiency. It will deter young people from achieving their full potential, especially in education and will prove a barrier for many, who will be unable to even apply for a college course after leaving school, or even forcing them to leave school early.”

Both of these sets of concerns appear to illustrate how poor practice and lack of communication between a foster carer, their agency and local authority can lead to a cynicism that undermines any efforts to secure an agreement for a Staying Put arrangement.

As one independent provider commented, “Central government cuts have created enormous pressures on local authorities... How can independent fostering providers and local authorities work together to make the argument to government to bolster children’s services funding? Legislation is lovely but without funding, it’s useless.”

A local authority manager had these straightforward answers to the survey questions:

What’s the primary factor influencing decision to undertake staying put? “Availability of funding to support the arrangement.”

What’s the main barrier to providing Staying Put? “Disagreement over fees with the fostering agency.”

What would improve take-up and quality? “If it was funded at fostering allowance rates to age 21 for each cared for child, 25 if in education.”

The lack of central government funding to support its commitment, delivered through local authorities, to Staying Put for all young people in foster care is the inescapable core of the problems associated with the provision of Staying Put in independent fostering. It’s not only that Staying Put is not funded at fostering rates, it is not funded per eligible young person even at supported lodgings rates. This lack of financial support leads to local authorities looking for high value-low cost arrangements and fostering providers seeking to protect their costs and the incomes of their carers.

A provider had this view of the financial situation: “All carers are being held to moral ransom by local authorities, with a clear expectation that they continue to do a professional job but without any professional fee or support from their agency that is funded. Meanwhile IFAs need to maintain their professional status as approved carers, incurring costs for annual reviews, unannounced visits and training without receiving any payment from the local authority to assist with this. Effectively the local authority wishes IFAs to recruit, train and support carers and then give them this resource for free. Should any agency query this we are usually accused of being only interested in money, without any apparent understanding that in order to continue to provide high-quality foster carers we need to generate an income as a business.”

Finance

When Staying Put was announced and introduced in May 2014, it came with £40m to support its implementation. This money has been allocated to local authorities over three years and both local authorities and independent providers agree that it cannot cover the cost of providing a Staying Put arrangement for every young person who is entitled to one. As a consequence, local authorities must resource the government’s statutory commitment to young people from dwindling budgets in services that are struggling with increasing demand.
The view from this carer is very clear and was repeated throughout our survey: “I can’t afford to keep my 17 year old past 18 as fostering is my income and I will be expected to take a £300 a week cut if my placement ‘stays put’…”

Another carer placed the blame squarely with the local authority: “It’s absolute rubbish, there has been no thought from the local authority about how they will fund Staying Put.”

One carer explained how the financial implications of Staying Put had led to the young person leaving her home: “Due [to] government cuts and lack of funding that local authorities were offering, I was unable [to] keep my child as it would have been at a financial detriment to myself and family. If I was offered a reasonable amount then I would have loved to have kept the child on... As a result of him not being able to stay he made a quick decline shortly after leaving my care.”

An independent provider had this to say:

“I feel there are multiple concerns. Finance is one, the amount in the budget varies from authority to authority so it sometimes appears that if there is not much in the pot then they would only prioritise the most vulnerable, fortunately for us the young person, carers and us as an agency that worked in our favour but that may not always be the case. We have carers who are financially worse off and are struggling to make it work…but are committed to keeping the young person in their care, so finance issues for carers is still a concern.”

The fee a carer, and their agency, should receive for a Staying Put arrangement is only one part of a complex financial puzzle for foster carers. Moving from a fostering placement to a Staying Put arrangement leads to the carer taking on the role of landlord. This has far-reaching effects on any benefits or payments they already receive from DWP and impacts on their tax burden with HMRC. There is guidance available to assist carers in understanding how this impacts on them but it can be difficult to manage and puts many carers off, as we saw in our survey. It is clear that this is not a satisfactory arrangement and the government would do well to look at this when, as the NAO suggests, they finally review the implementation and impact of Staying Put.

While there are carers who simply cannot manage to provide a Staying Put arrangement, there are others who do so despite the financial cost to them. This means that we have a system in place that relies on goodwill while the duty is centrally underfunded but must be delivered by local authorities, placing all parties in a difficult situation.

The response to these circumstances from some local authorities (as reported by providers and carers in our survey), is retrenchment into making demands through blanket financial terms.

“Local authorities do not have sufficient funds to pay to independent providers which would enable the them to properly support the Staying Put arrangement. Due to this the authorities approach the carers directly offering meagre amounts and appealing to the carers’ caring nature. [One borough] has actually written independent providers out of their policy, openly stating that they expect independent foster carers to join their scheme.”

“Local authority [is] expecting to pay minimal costs to the foster carer and no agency fee - the carers are approved by the agency therefore the agency is being expected to provide their support service for free. Local authorities are presenting [as] very challenging and reluctant to negotiate fees - one size fits all approach being run out by local authorities.”

Finally the financial argument is also made in relation to the young person’s needs, bringing us back to an argument about the job that is being done in a Staying Put arrangement and whether it’s the same or carries the same financial value as a fostering placement. A foster carer says:

“If you only had the young person’s room, the fostering fee should remain the same as this would encourage staying put, as with Staying Put you carry on doing the same for the young people as before they were 18, it’s not a magical number where they stop being vulnerable.”
Transitions to adulthood

“…Staying Put arrangements are designed to:

- Ensure that young people can experience a transition to adulthood similar to that of their peers, within a supportive family environment
- Ensure that young people are not obliged to leave their former foster family before they feel ready to move into greater independence
- Help care leavers to maximise opportunities for education, employment or training
- Reduce the likelihood of periods of homelessness
- Ensure that care leavers develop the necessary emotional and practical skills before they are required to live independently
- Reduce the likelihood of social exclusion…”

The Children’s Partnership, Staying Put Good Practice Guidance

The desire to avoid the cliff-edge exit from care for young people was at the heart of research in the 1990s and written into law with the Children (Leaving Care) Act of 2000. Its purpose was to extend the journey out of care while at the same time planning and preparing for a smooth exit, for which the young person was ready. Professor Mike Stein’s work (University of York) on leaving care was critical to this thinking. It led to the introduction of the pathway plan, the provision of a personal adviser and support to the age of 21 (later 25).

The structure written into law of a pathway plan assessment and pathway plan, with a young person central to decision-making about their post-16 progress and contributing to a discussion of their skills as well as their needs, was designed to create the opportunity for all interested parties to support a process, not an event. The intention was to ensure that local authorities planned for each young person’s journey out of care with the contributions of the young person, their carer, their social worker, their Independent Reviewing Officer (IRO) and any other interested party. This level of planning, oversight and review was designed to ensure that there was a clear plan for the young person, that the appropriate support was being provided for the young person to reach the main goals of their plan and that the local authority was accountable for the outcomes of that plan.

Central to this idea of ‘process, not an event’, was an understanding that as the young person moved through their adolescence in care, they would be provided with the opportunity to grow and learn about themselves, to be supported in making decisions about where they would go next and, crucially, to be provided with the opportunity to develop the skills, dispositions and abilities they needed to move into independence (or interdependence, as Professor Mike Stein would have it19).

Regardless of where a looked after young person is placed, at the age of 15 and nine months work should begin on their pathway plan assessment. The young person’s social worker should undertake this assessment. Depending on the local authority’s structure, a personal adviser, or someone undertaking that function, should coordinate and write the pathway plan with the young person. The personal adviser is responsible for coordinating the provision in the pathway plan and ensuring that it is delivered. For many young people up to the age of 18, this will continue to be their social worker. However, some young people will meet and begin working with their personal adviser at 16. Others will not meet their personal adviser until they are 18.

Regardless of who undertakes the function of the personal adviser, it is the local authority’s responsibility to ensure that there is an assessment undertaken and a pathway plan written with the young person. The pathway plan should be kept updated and should be reviewed every six months. The government’s guidance is clear that the plan is a living document, adapting to the young person’s changing needs and also setting out their long-term plan - including where they will live after they are 18. These duties do not change because a

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young person is in an independent placement and they are critical to the decision-making that will lead to a Staying Put placement. They are the process by which a decision should be made about Staying Put: in good time and entirely in relation to the young person’s identified needs and wishes.

Research undertaken in 2013 by Andrea Warman and Lucy Sweetman for NAFP found that many of the young people they spoke to in independent provision were unaware that they should have a personal adviser and a pathway plan. Could it be, in the context of stretched and overburdened social workers who are focusing on crisis management, that young people in independent foster care experience ‘out of sight, out of mind’ care with the result that planning for the future takes a back seat?

Preparation

Preparation has been a vexed issue since the before the 2000 Act. In our focus group, preparation emerged as a critical issue with two positions coming out strongly. The local authority view was that they expect carers to be, over time, preparing young people for the transition to independence so that at the point at which decisions are being made about Staying Put, the young person is ready for a higher degree of independence. The view from providers was that young people in placement with them may require a higher degree of help, support and care which can lead carers to concentrate more on doing things for the young person rather than encouraging them to do more for themselves, leading to concern that those young people are absolutely not ready for higher levels of independence.

In part these issues underpin the other area of concern: that young people who stay put do not suddenly become less in need of support once they turn 18 and consequently the role of the carer does not change significantly at that point. Independent providers and carers argue that the young people they care for are often with them because they are hard to place elsewhere - that their cohort is generally more likely to be made up of the most challenging or vulnerable young people. This assertion supports their argument that payments for carers providing a Staying Put arrangement should not reduce significantly and that the purpose of Staying Put is to prolong the feeling of family that is created by the fostering placement. It was also the argument made when the discussion focused around a perceived lack of preparation work happening in fostering placements.

For many of our local authority focus group participants and those that completed our survey, the view is that preparation for independence is not happening appropriately and that their expectation is that they are paying for the foster carers to complete this work.

It is not clear whether local authorities are asking independent providers and their carers to deliver a programme of preparation similar to that used in local authority placements or whether they simply require that the independent carers respond to the needs assessed and discussed in care plan reviews.

Foster carers in NAFP’s Looking After Yourself project told us they felt under-skilled to deliver preparation activity with their young people but also marginalised from the planning process supporting that work. Just as the young people in independent foster care were unaware that they had personal advisers and pathway plans, their carers felt isolated from the planning process going on in the local authority.

The main problem here is that across England’s local authorities there is little or no consistency of approach to preparation for leaving care. The Care Inquiry of 2013, identified the ‘postcode lottery’ of provision for young people in care. Some authorities do preparation well, some do not. Some focus on relationships, flexibility and the up-skilling of carers and workers, others use off-the-shelf independence programmes with awards for young people that complete them.

Our focus group and survey also threw up some familiar arguments about whether ‘preparation for independence’ was undermining the need to provide care. Many foster carers raised concerns that any discussion of preparation or planning led to young people experiencing considerable anxiety often because

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20 Moving On, Staying Put, NAFP 2013, https://drive.google.com/file/d/0B1xRvzgslG5fQ2RTcmxfdlFtU1U/view
21 Moving On, Staying Put, NAFP 2013, https://drive.google.com/file/d/0B1xRvzgslG5fQ2RTcmxfdlFtU1U/view
it felt too soon for the young person or led to them feeling that they were being moved on. Similarly, they worried that the young people they fostered needed to be nurtured and that asking them to learn to cook or help with the washing wasn’t necessary when what they needed to experience was love and care, and that the way to show this was to do things for them.

This, clearly, is the antithesis of the desire to provide young people with the skills to manage independently further down the track.

One foster carer said, “I know very few 18 year olds who are self-motivated and mature. They still need lots of support and encouragement.”

As well as messages from young people about the importance of relationships with trusted adults, young people who spoke to the Care Inquiry said that they wanted the leaving care process to be more gradual but also flexible, with support based on needs rather than other more arbitrary categories.

“The process of leaving care should become more gradual and more flexible, with support based on the needs of the young person rather than on their age, their previous legal status or their current education, employment or training situation.”

The Care Inquiry

The gradual exit from care was always the intention of the Children (Leaving Care) Act and amendments made to it in 2008 enshrined the right of young people to return to their local authority to ask for help after they had been completely discharged. There is a lesson here about readiness. A balance must be struck between the need to encourage a young person to become more self-reliant, more skilled and capable while still responding to their vulnerabilities. Good preparation relies on a skilled carer to build capacity in the young person without necessarily labelling it as something scary, something we’re doing because you’re going to ‘leave care’. That’s what preparation should involve, good parenting that supports the development of skills, capability, capacity and resilience. The focus group brought up an important issue about responsibility for preparing young people. A manager from a local authority was clear that the preparation role was something that the local authority was paying for in the placement. Looking at our responses to the survey, it’s not so clear that this position is shared by some of the carers who responded.

Expectations around preparation must be clearly communicated to carers, they must be supported to help their young people develop those skills and if local authorities have a strong view on how this is done, they must share it explicitly with providers and carers.

Planning

Clear planning for young people is critical to getting Staying Put right for the young person and the carer. Throughout the research, the issue of inadequate and poor planning arose. During the pathway planning period, the young person, their carer, social worker and their personal adviser (if it is not their social worker) should contribute to the discussion that assesses the young person’s needs and begins to plan for their future. Staying Put must be discussed at this natural trigger point.

A number of clear issues arise about planning:

• It is not happening in a way that is clear to all parties.

• Too many young people are absent from early discussions about what will happen next.

• Carers are resistant to discussing the young person’s post-18 plan because they don’t want to worry them or think that the young person is not ‘ready’ to discuss or think about moving on and that they need to be cared for and protected from any process that might make them worry.

• Lack of planning is leading to last-minute decisions about the young person Staying Put. Often this is because these young people are the most settled. They are not in crisis, therefore they’re not triggering concern about how they are. This tells us that social work caseloads are overloaded to the degree that visits are kept to a minimum.

• Young people in independent fostering are more likely to be unaware of their right to a pathway plan and support to think about their future.

• Difficulties for young people who have no allocated social worker or personal adviser.
One fostering provider who answered the survey said, “There still appears to be a sense of making arrangements and confirming plans at the last minute which can be unsettling for the young person and carers concerned. Obviously things can change regarding the circumstances of the young person and carer but it would be better for plans to be agreed someway in advance, e.g. at their 17th birthday or earlier for example. Some local authorities will not consider Staying Put for young people and say that the young person has to move on. It is not even considered as an option even if the young person wants to move out.”

Another provider wrote, “Poor planning and implementation. We have one carer who is still not receiving her agreed staying put allowances some months after the local authority discharged the 18 year old from their care. The 18 year old is pregnant too so the foster carer will be expected to support the young lady with this, all while receiving nothing from the local authority. In most cases the young person has little to no relationship with their social worker so this makes their engagement in planning their future very difficult, especially for those that want to go and live independently. We also have young people being told that they will make themselves homeless at 18 if they do not engage, despite very little effort from the social workers in building up a relationship. Pathway plans are often created very late i.e. 17/18 and they are of extremely poor quality and carry no weight.”

Another provider was also concerned about planning: “Very poor planning leading up to when a young person reaches 18 years of age. One local authority I approached four months prior to the young person reaching 18 but the agreement was not put in place until five months after they turned 18. The young person concerned was extremely anxious about the future and if she would be allowed to remain.”

So while many carers and providers were concerned about inadequate planning for Staying Put, recognising that it was the right decision for their young person, some carers and providers felt that the Staying Put arrangement was being imposed without adequate concern for the needs of the carer.

One provider responded to our survey: “There is a clear push to place children on a Staying Put basis without due considerations to the financial elements to the carers and the agency. Lack of adequate information is available to carers leading them to make decisions they do not fully understand. It is often the case that local authorities will approach carers first and not the agency! I am concerned that agencies are not part of the financial package in supporting Staying Put. Just because a young person turns 18 does not mean that carers will not need significant support. The knock on effect of Staying Put is carers losing their status as foster carers, tax implications, financial losses, little support from the local authority and the young person feeling overwhelmed by the change of status.

“I recognise the positives of Staying Put for young people and when the planning is done in a timely way there is clear benefit to all concerned.

“I get the sense that we are going backwards in regard to planning young people’s independence. I am hearing cases where young people are being uprooted from fostering or undue pressure placed on carers at a time when their are exams or when they turn 18.”

Planning in good time with a young person, their carer and others, ensures that, even if a plan changes, there is a sense of the young person progressing through the placement and on into independence or semi-independence. A lack of planning, disorganised, or last-minute planning can be extremely damaging to the young person and their carer.

When asked what would make Staying Put easier, a foster carer said: “Good planning and clarity over money and responsibility. I am aware that other carers in our agency have had real problems getting agreements in time, leaving their young people very anxious.”

This lack of timeliness is a cause of anxiety for young people and their carers. Last minute decisions based on poor quality assessments, a lack of financial planning and poor communication, are symptoms of a service that is under pressure or simply not on top of its statutory responsibilities. Good decisions are not made in these circumstances.

One foster carer asked for “clear expectations” while an independent provider worried about the “unintended consequences of foster carers not wanting to take teenage placements” and “being made to look like the bad guys” because of a lack of clarity and planning.
The government’s transitions guidance is clear that planning is critical to securing a positive experience for the young person that meets their assessed needs and is carried out with the participation of the young person, their carer and others who have knowledge of them. Our research showed clear examples of a breakdown in this process. Too many young people were not receiving an adequate service from their local authority and their carers were being marginalised in the process, leading to (regardless of whether the carer was prepared to offer Staying Put or not) indecision, confusion and anxiety for young people.

Staying Put relies on a positive relationship between a young person and their carer to be successful. It is this relationship that should be the foundation of any discussion leading up to a Staying Put arrangement. Marginalising carers in the decision making process is a risky strategy if the whole Staying Put scheme is to be successful in the long term. Our research for this report illustrates that where all parties participate in the statutory process and communication channels are open, Staying Put works well for young people. Where this is not happening, young people are getting a very bad deal.

A note on young people’s participation in decision-making

One fostering provider in our research remarked that a key problem with Staying Put was “the anxiety caused to children who are being involved in decision making that should be made by adults.” This comment is the only direct remark on the subject of young people’s active participation in decision-making that we found in our survey submissions. Typically, respondents from local authorities, fostering providers and carers themselves described circumstances in which they were the key actors. It is certainly interesting that this particular provider takes the view that involvement in decision-making is anxiety-inducing for young people and should be left to the adults involved. Obviously, this position is in opposition to the Staying Put guidance, the Transitions guidance and the Children (Leaving Care) Act, all of which are clear about the young person’s right to be involved in decision-making about their placement. Overall, there is very little focus on the expressed needs of the young people involved, rather their needs are described, and sometimes assumed, by our contributors.

Three issues stand out:

- All young people have a right, in law, to contribute their expressed wishes in decision-making about their placement when they are still under 18 and in care. There should be no question at all that a young person has the right to decide where they live as an adult, once they turn 18. Adjustments will, of course, need to be made for young people with cognitive disabilities but efforts to involve them in decision-making must be made.

- Helping young people to feel able and confident enough to contribute to decision-making is a practice and care issue. All young people, regardless of whether they are in care or not, should have the opportunity to experience self-efficacy, self-sufficiency and independence. These experiences, however small, build grit and resilience, enabling young people to make a more successful transition to adulthood. Providing these opportunities for young people is part of the care process; it is the responsibility of the local authority, the fostering provider and the carer and should be part of a child or young person’s care plan as soon as they come into care. Research into outcomes for children leaving care is very clear that those who have the experience of self-efficacy while in care are better able to make good decisions about their care and plans and have better long-term outcomes.

- The primary concern for young people in transition is their best interests. Understanding the best interests of a young person in transition to adulthood relies on bringing the young person together with those adults who have a role in their life to have a discussion about their onward journey. Participation in decision-making is the bedrock of a best interests approach.

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Finding common ground

As part of the research, we asked foster carers, local authority staff and independent providers to tell us what would make Staying Put easier to manage, implement and do well. Although there was still some disagreement in approach, there were areas of consensus. These can be a starting point for more productive relationships between independent fostering providers, carers and local authorities.

More funding

It was universally agreed that Staying Put has not been adequately funded by central government and that this creates a serious knock-on effect for local authorities who are already struggling to provide statutory services in straitened times. However, the consequences of creating a duty without funding it are felt by independent fostering providers, carers and local authorities alike. Just as there is variation in the payments provided to foster carers (in-house and independent) across local authorities, Staying Put is financed in different ways from authority to authority. Similarly, independent providers and their carers have different expectations of payment across different areas and regions.

This local authority-based contributor sets it out:

“Staying Put is great and in the best interest of young people who have been with their carers for some time - years in some cases. The issues appear to be finance and the lack of it being provided to local authorities to finance these arrangements by central government and also the necessity for local authorities to have to agree post-18 packages with every fostering provider they use, and the agreement of individual packages for each child, which vary amongst providers. Some fostering providers do not want to sign up to this either and we have to negotiate separately with carers. There needs to be some standardisation of fees and services for post-18 placements [sic] albeit still recognising our children as individuals."

There is no centrally agreed standard of fees for the provision of Staying Put within which some flexibility could meet the specific needs of young people. This is most likely because there is not a clear agreement about the purpose or character of Staying Put. Is it, as the government rhetoric suggests, a continuation of a family relationship? Or a shift to a more independent relationship in which the carer is required to provide less care to their now adult tenant, as the financial and other guidance suggests?

An independent provider argues for better planning and funding to ensure that “if additional support is required,... agencies are properly funded to provide this.” They go on to say:

“This could be built into commissioning arrangements and frameworks to ensure all parties know what would be the expectations and financial arrangements in advance so that carers and agencies could plan for this.”

Two other independent providers made these contributions:

“I feel that the financial support for staying put arrangements needs to be looked into in order to support foster carers and young people. I am of the view that it shouldn’t be of a financial detriment to the foster carer and that they should not be left in a difficult position of being able to carry on caring for the young person with limited finances and support.”

“Financial support has to be in place and guaranteed until completing their education (depending on the needs of the young person).”

So perhaps there is some room here for local authorities and independent fostering agencies to recognise the lack of central government finance provided to support Staying Put and lobby for it jointly; to establish discussions across areas or regions (as in the NE7) that seek to agree the purpose of Staying Put and the contributions that are expected from the local authority, the provider and the carer; and finally, to agree that beyond a standardised approach to securing arrangements for Staying Put, there will be flexibility built into finance arrangements to support the assessed need of the young person beyond their 18th birthday.
Better communication

Even if they disagreed, independent providers, carers and local authorities all wanted to talk more - and be listened to. One independent provider asked for “honest dialogue and consideration of the needs to be met and how this can be done.” Another wanted “IFAs…to be considered as active partners in these arrangements and their needs to be an acknowledgement that in order for IFAs to support their carers, these arrangements need to be funded fairly.”

Local authority representatives asked for “communication and agreement on expectations of the carer” and a provider called for “willingness to engage with IFPs to look at ways of working which can be financially beneficial to all and reduce some pressures in funding for children’s social care.”

Where poor experiences were reported they were, more often that not, concerned with poor communication of decisions, a lack of decision-making, a refusal to negotiate or an unwillingness to listen to problems.

A willingness to open lines of communication and collaborate as partners in a process of securing the best possible outcome for a young person with the right support should be the starting point for any implementation of Staying Put. It is not sustainable for local arrangements to be so fragmented or frantic. Lack of communication about the right course of action for a young person ultimately damages the chances of the young person above anyone else’s concerns. Communication with a shared ambition for the young person has to be the best place to start and, even with all the difficulties described in this report, our survey respondents agreed.

Clear policies and agreements

There were a number of calls for clear, national direction. One provider wrote:

“This should be a government-led policy and not an individual local authority’s one. There should be a clear message to carers, local authorities and agencies about funding.”

A local authority manager called for “a clear pan-London/UK policy about protocols for all agencies as currently I think it is often the goodwill of the carers that means a Staying Put placement goes ahead.” Another local authority asked for “a clear joint policy” and “guidance regarding fees”. Another asked for “national agreement regarding fees for Staying Put in respect of the allowance for carers and the allowance to the agency for support to the carer.” This was a clear message about removing the pressure of locally agreed, or enforced, arrangements for Staying Put and replacing them with a national agreement to give a guide on protocols and costs to enable young people to stay with their carers.

In the absence of national protocols, there were some simple requests from independent providers. Mostly these were concerned with working effectively in partnership, keeping providers and carers informed and following through on agreements. From our survey and focus group, lack of clarity in procedure, purpose or agreement led to much of the frustration experienced on all sides - carers, providers and local authorities.

At a local level, some independent providers asked that “commissioners…work in partnership with IFAs... If the local authority wishes to buy our service, they must pay our service price - not force carers to become local authority Staying Put carers.” Another provider asked for “A joint framework agreement of cost for Staying Put, joint local authority policy and procedure...[and] recognise the work the independent agency does in supporting the carers and placement, this does not change on the last day of the young person’s 17th birthday.” This was echoed in this request for “…some kind of meaningful consultation on a service-level basis rather than case by case. We are frequently told that authorities have no Staying Put policy, it’s “in draft” or we are just flat out refused access to it.”

A more simple request was that local authorities “inform us of what is going on...putting things into writing and following through on their promises; ensuring that carers’ payments are not compromised by the Staying Put arrangements and not over-complicating things...”. Having a clear idea of what is happening and why is critical to being able to solve problems collaboratively. Unanswered phone calls and letters, missing paperwork, disappearing social workers all caused difficulties for the people who answered our survey and attended our focus group.
Timely preparation and planning in the best interests of the young person

Preparation and planning for young people emerged as a clear area of concern for providers, carers and local authorities. This quote from a provider sums up the areas of common ground:

“[We need] earlier discussions, decent leaving care services, creation of pathway plans prior to 16th birthdays, clarity on the funding of those with additional needs, better interaction between adult and children’s services to ensure seamless transition.”

Local authorities wanted a clearer picture of the support being provided by carers and their understanding of Staying Put. One said, “it would help if they were better prepared by agencies for staying put.” Another local authority representative, when asked what would make things better, linked commissioning with effective planning for individual young people:

“Local commissioning and regional arrangements re: finance. Best interests of young people made via effective pathway planning. Carers and young people being prepared from early age not 18.”

Another authority requested early talks on Staying Put, “Open and frank discussions at an advanced planning stage on what the foster carers are able to do and what financial commitment is needed. Also there needs to be clarification on what happens with that foster carers available placements for other young people.”

For their part, independent providers wanted similar levels of early planning and discussion:

“Local authorities are producing their Staying Put policies but even if a young person is under 11 or even 14 then the young person, an agency and carers know where they stand from the start, even if the position is likely to change. But at least they are informed and can then plan effectively and have that dialogue when the time comes.”

Another said: “I also feel that not leaving arrangements to the last minute whereby agencies, carers and local authorities are scrambling around attempting to work out the costs at the last minute. It is messy and highlights poor planning but even where as agency we try to be proactive the decision making processes of some local authorities can make it prohibitive.”

Another independent provider called for “Effective planning. Consistent rules applied with all local authorities. Perhaps the Independent Reviewing Officer (IRO) could retain responsibility for this being implemented before they cease their involvement.”

There is no doubt that all parties agree that earlier planning involving clear communication about the young person’s needs will lead to better Staying Put arrangements. There are barriers, lengthy local authority decision-making being one of them. But if carers, providers and local authorities agree that planning for Staying Put is as much a part of pathway planning as learning to run a bank account, then together they will make progress.

The issue of preparation for leaving care is considered earlier in this report and it is illustrated in the quote from the local authority above. It is vital that there are clear expectations of roles and responsibilities around preparing young people for moving into adulthood. Our research found that local authorities assumed that independent carers were undertaking a range of preparation activities with young people whereas the carers asked for support to deliver it in a personal and meaningful way in the home. This finding is reflected in NAFP’s earlier work on transition, referenced earlier in this report.

Commentary and recommendations

It is always instructive to peel back the edges of an issue to see what’s really going on underneath. Staying Put has been with us in pilot and then statutory form since 2008 and much of what was difficult about it in its original incarnation is still unresolved now. Some of the issues that are troubling to those who provide foster care within local authorities will be doubly so to the independent providers and carers who often find themselves in demand but kept at arm’s length. This research has highlighted the difficulties faced by independent providers and carers as the young people they care for reach 18 and have, in their sights, the opportunity to stay in the family home beyond that age.

It is clear that a shared understanding of the purpose and intent of Staying Put is critical. The beginning of this report explores the difference between the rhetoric associated with Staying Put and the mechanics of its implementation as set out in law and guidance. The gap
between the two seems to be at the heart of some of the failures of Staying Put to be implemented comfortably in both local authority and independent fostering.

The rhetoric implies an unchanged relationship with the young person, the maintenance of a family environment in which to continue to work towards independence from a place of safety and stability. The law says something quite different: the young person is a tenant and the role of the carer is significantly reduced. It is here that fostering agencies and their carers find themselves in opposition to their local authorities, failing to agree the scope of a Staying Put carer. For foster carers the role is unchanged, for local authorities it is immediately less demanding and should, therefore, be less expensive.

From this position it is easy to see how the complications of commissioning and funding Staying Put arrangements in the independent sector arise. Local authorities struggling with cuts to their funding apply the letter of the guidance, offering Supported Lodgings-level funding to Staying Put arrangements. These terms are hard to change, carers have to make decisions based on their own finances about converting to Staying Put, and fostering providers find themselves arguing for the costs of the training and support they offer to their carers. From this spark comes the firestorm of issues detailed here about local authority and provider policies and the ins and outs of financial arrangements and their impact on carers, providers and young people.

But it is not, and has never been, simply about the money. Just as we found in our report in 2013, there are practice issues that are just as critical to the ability of the independent sector to offer Staying Put effectively. Many of the carers we spoke to then and now felt distant from the planning process for Staying Put and did not fully understand the task that was being asked of them. They felt concerned that they did not have the training to support their young people with more complex transitional issues after years of caring for children, albeit adolescent ones.

Alongside this was a lack of clarity about who should be responsible for developing young people’s independence skills. Local authorities thought they were paying for it in the fostering agreements, carers thought that the young people they were caring for weren’t ready to be independent or didn’t need to think about it until much later. We know from our original report that carers found it hard to strike a balance between protecting their young people and providing independence.

So, there must be better communication between all parties, clearer roles for carers and providers in local authority care planning and pathway planning processes, easy to understand information about the financial impact of becoming a Staying Put carer rather than being a foster carer - and agreements about what this means for existing foster children or vacancies in the home. All of these issues must be dealt with in partnership so that everyone has the opportunity to contribute ideas and solutions, whether that’s independent providers offering social work support to local authorities to ease their casework burden or local authorities inviting carers to work alongside social workers and personal advisers early in the planning process. In our 2013 report we suggested that foster carers might take on the personal adviser function in order to have a clear role in the planning process for the young person. These are the ideas coming from the independent sector that might begin to unpick some of these more difficult issues.

**Specific recommendations**

These recommendations are supported by the findings of our research and the discussion at our focus group.

- **Clear communication is critical.** Communication protocols are needed to ensure that information is relayed to the right people at the right time. In too many cases social workers and leaving care staff are not communicating with commissioning or placement teams about the needs of young people, or are negotiating directly with carers, not with providers.

- **Plan earlier:** use reviews and assessments more effectively to ensure that support is appropriate at all points during a placement so that large drop-offs in financial support to carers are avoided when Staying Put arrangements come into effect.

- **Providers and local authorities should work more closely** to ensure that carers and young people are involved in care and pathway planning and all review meetings once the pathway plan is established. All young people and carers should be aware of who in the local authority provides the personal adviser function and their responsibilities in that role.
• Specialist preparation and planning training and support should be made available to independent agency carers. Expectations of carers in relation to preparation and planning should be clearly communicated and supported.

• Staying Put should be added to the National Fostering Contract as a variation and used by regional consortia for contracting with providers. This will encourage a move away from multiple policies, multiple contracts and a diversity of practice.

• DWP and JSA funding should go directly to social care for care leavers until the age of 21 and be paid in an allowance, unless they choose otherwise.

• Local authority structures have an impact on the clarity of the planning process. Local authorities with through-teams of 0-18 are losing expertise around leaving care legislation and trigger points in those statutory duties are not being used effectively to assess and plan ahead for Staying Put. Local authorities should assess the impact of their structure on the timeliness of their assessments and make adjustments accordingly.

• Government should, as recommended by the National Audit Office, review the implementation and impact of Staying Put and give consideration to a national framework for financing Staying Put arrangements.

Further reading

Putting Corporate Parenting in Practice, National Children’s Bureau, 2013

Financial Stability of Local Authorities, National Audit Office, 2013


Care Leavers’ Transitions to Adulthood, National Audit Office, 2015

The Fostering Network, Response to DfE analysis of Staying Put, 2015