



Children's Social Work Service And Adult Social Care

Policy, Procedure and Guidance Disabled Children and Young People Aged 14 to 21/24 Placed in Foster Care and Making the Transition to an Adult Service (Including Financial Guidance)

2017 - 2018

VERSION THREE - MARCH 2017

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To be updated annually

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Introduction and Background

This document sets out a range of guidance relating to children looked after that have a disability; are placed in foster care and who are making the transition from Leeds Children's Social Work Service to an Adult Service.

The document also sets out the funding protocol for young people (deemed Qualifying) subject to a Special Guardianship Order, i.e. those who were looked after immediately prior to the making of a Special Guardian Order, who transfer from Leeds Children's Social Work Service to a Leeds Adult Service.

The document acknowledges that this group of children and young people will have a broad range of needs and entitlements and require support from both Children's Services and a range of Adult Services. It is important to understand the different service frameworks covering this group of children and young adults and ensure there is clarity about their entitlements and the responsibilities for both of these. This group of children and young people have a range of identities and service requirements:

1. Disabled children's services;
2. Children looked after services;
3. Care leaving services;
4. Disabled adult services.

This policy should be considered alongside:

- Children looked after policies and procedures
- Special Guardianship Order policies and procedures
- Children with disabilities policies and procedures
- Transition to adulthood (leaving care) policies and procedures
- Staying put policies and procedures
- Adult services policies and procedures, including 'capacity and ordinary residence'.

Underpinning Philosophy

- All decisions will be made in the child/young person's best interest and wherever possible, by or in consultation with the child/young person.
- Adult Social Care Services are responsible for meeting care needs that are deemed to meet the 'Care Act 2014' eligibility criteria and Children's Social Work Services are responsible for meeting all leaving care responsibilities. This policy outlines how this will be achieved.
- A Special Guardianship Order carer should not be disadvantaged and thereby dis-incentivised to take on a Special Guardianship Order (SGO).
- Foster carers (and carers with an SGO, where the child was looked after immediately prior to the making of the SGO) will not be financially disadvantaged in the transition to an Adult Social Care service.

It is widely acknowledged that disabled children and young people have a range of needs which may include remaining with their foster carer/Special Guardianship Order carer when they reach the age of 18, under a shared lives (adult placement) arrangement, where possible. The decision to remain with a former foster carer will be based on an assessment of the young person's needs, and whether they meet the 'Care Act 2014 eligibility criteria' and an assessment that it is appropriate for the foster carer/Special Guardianship Order carers to transfer to a shared lives (adult placement) scheme. The process should also take account of the views and wishes and feelings of both the young person and their foster carer and the 'Capacity' of the young person to make decisions and/or on a 'Best Interest' Assessment.

This group of children and young people have a range of entitlements stemming from their status as a child with a disability, being a child looked after; becoming a young person entitled to care leaving services at age 18 and also becoming a young adult with a disability at age 18.

Leeds Children's Social Work Service and Leeds Adult Services are committed to working together to promote choice and independence for disabled young people; to ensure that they are empowered to make decisions about their life, that the services they use and are provided with, operate within the ethos of the social model of disability. This policy and guidance aims to ensure that there is a clear transition pathway and process for young people placed in foster care, (or those whose foster care placements transferred to a Special Guardianship Order) which sets out the process to follow in order to transfer a foster care placement, or Special Guardianship arrangement into a shared lives (adult placement).

The 'Care Matters' legislation set out a specific goal to promote the extension of foster care placements beyond a young person's eighteenth birthday where he/she is assessed as requiring a placement continuation. Where such young

people are eligible for support from an Adult Social Care service, this policy ensures a seamless transition between Leeds Children's Social Work Service and Leeds Adult Services. This policy is designed to ensure disabled young people do not experience a sudden disruption to their placement arrangements and that continuity is promoted and positive activities sustained and/or achieved.

It gives a framework whereby previous foster placements can be transferred to an adult service and that they continue as a shared lives arrangement (adult placement) and are fully regulated and safeguarded under the National Minimum Standards for Adult Placements.

Service Frameworks

The framework governing services to disabled children and young people is the Children Act 1989. The Care Planning, Placement and Case Review Regulations and Guidance 2015 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015) stemming from the Children Act 1989 both set out the requirements for children looked after and care leavers, including those with a disability.

Section 98 of the Children and Families Act 2014 sets out the requirements regarding Staying Put duties.

Fostering services are regulated under the Fostering Regulations and Guidance 2011 (with revisions in 2013), which form Volume 4 of the Children Act 1989 Guidance, and the Fostering Service National Minimum Standards issued under the Care Standards Act 2000 (CSA). Both of these form the basis of the regulatory framework for the conduct of fostering services.

The framework governing the assessment, approval and operation of Adult Placement Schemes is the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

The Care Act 2014 sets out the criteria for eligibility for services for Adult Social Care.

Fostering regulations only apply whilst a child is looked after and therefore when a child reaches their 18th birthday and ceases to be looked after, fostering regulations no longer apply.

From the age of 18 children reach the age of legal adulthood. If it is assessed that a disabled young adult at the age of 18 meets the 'Care Act 2014' criteria and the young adult is deemed 'Ordinary Resident' in Leeds, case responsibility transfers to Leeds Adult Services. Responsibility for discharging the leaving care responsibilities and the provision of a leaving care personal adviser and pathway plan remains with Leeds Children's Social Work Services

Children and Young People Covered by this Policy

The definition of a disabled child is outlined in the Children Act 1989 (footnote 2).

The definition of a disabled child covered by this policy is as follows:

- Young people who have a learning disability: moderate or severe;
- Young people who have a severe physical disability;
- Young people who have a disabling sensory impairment;
- Young people who have a complex health needs;
- Young people who have a combination of the above special needs:

and

- is eligible for middle or higher rate DLA (aged 0 to 16) and/or is entitled to an enhanced Personal Independence Payment (PIP) (aged 16 and above):

and

- is deemed an Eligible, Relevant, Former Relevant or Qualifying Child as set out in the Care Planning, Placement and Case Review Regulations and Guidance 2015 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015), these set out the requirements for children looked after and care leavers.

The majority of children and young people covered by this policy, procedure and guidance will be children looked after (and formerly looked after children) supported by a specialist foster carer for disabled children. Additionally, the policy framework covers disabled children looked after by a range of non-specialist foster carers and Independent Agency foster carers. The transitions policy includes children who were formerly looked after and who are subject to a Special Guardian Order.

Welfare Benefits for Children Looked After under the age of 16

Disability Living Allowance (DLA)

All children and young people who are eligible for a specialist foster care placement for disabled children will, in principle, meet the eligibility criteria for middle or higher rate Disability Living Allowance. It is likely that a child with a disability (or their family) will be in receipt of DLA prior to becoming looked after. At the point of becoming looked after and being placed, both the statutory review and placement planning meeting should clarify matters relating to the child's DLA claim. If the DLA is being paid to a parent the claim should be transferred to the

foster carer who will become a 'Benefit Appointee' or to the Local Authority who will be the 'Corporate Appointee'.

See Appendix 5

At the initial placement planning meeting the complex needs Supervising Social Worker (Fostering) will assist the foster carer to make a claim for Disability Living Allowance, if not previously completed. The DLA is intended to meet the additional cost of caring for a disabled child/young person. It is paid in addition to the fostering maintenance allowance, and should be used to meet the child/young person's additional needs accruing from their disability. The foster carers should set up a bank account in their name for the specific purpose of managing the child's DLA and any other financial support for the child/young person and in order to provide an audit trail of income and expenditure. DLA which is not spent on the needs of the child should be saved in the bank account for the child or added to their Junior ISA.

See Appendices 4 and 5

Carer's Allowance

If the young person receives middle or high rate DLA the carer may be eligible to claim Carer's Allowance. There is only one claim paid, regardless of how many eligible people they care for and only one person can claim even if more than one person is providing care. Carer's allowance can only be claimed where the carer's income is less than £116.00 (2016-2017) per week.

See Appendix 5: Management of Disability Benefits Children Looked After

Welfare Benefits and Financial Planning for Disabled Children aged 16 & 17 Placed in Foster Care

Transferring from Disability Living Allowance to a Personal Independence Payment

When a child (in receipt of DLA) reaches the age of 16 they are required to transfer from DLA to PIP. Depending on the outcome of the 'Capacity Assessment' the PIP should be paid to the young person or continue to be managed by the 'Benefit Appointee' or Corporate Appointee'.

Claiming Employment and Support Allowance

From the age of 16 ('sick and disabled') children and young people should be supported to claim Employment and Support Allowance.

The young person's social worker should undertake a 'Capacity Assessment' regarding the young person's ability to manage their finances and benefit claim.

Young people who lack 'Capacity' will require a 'Benefit Appointee' or 'Corporate Appointee' to manage their benefit claim and finances. This is likely to be the young person's carer or service undertaking this role prior to the young person's 16th birthday.

Once the young person's Employment & Support Allowance is in payment, an amount equivalent to the prevailing Income Support rate for 16 and 17 year olds will cease to be paid to the foster carer from the fostering maintenance allowance. See Appendix 7 for prevailing rates

16 – 19 Vulnerable Young Person's Bursary

Young People aged between 16 to 19 who are in care, care leavers or claiming income support or getting both E&SA and DLA/PIP will be guaranteed an education/training bursary of £1,200.00 spread over the academic year, for those attending college or sixth form (payments of £40.00 per week over a 30 week teaching year).

Depending on the outcome of the 'Capacity Assessment' the Bursary should be paid to the young person or continue to be managed by the 'Benefit Appointee' or Corporate Appointee'.

Fostering Maintenance Allowance

The fostering maintenance allowance continues to be paid for all 16 & 17 year olds, minus the prevailing Income Support rate for 16 to 24 year olds (the Income Support rate is equivalent to the pocket money, clothing allowance and the personal element of the fostering maintenance allowance).

See Appendix 7 for prevailing rates.

Bank Accounts for Young People

Depending on the capability of the child and their 'Capacity' from age 16, all children and young people should have a bank account into which all benefits and allowances are paid; where this is not possible they will require a 'Benefit Appointee' or 'Corporate Appointee'.

The young person's social worker, with support from the supervising social worker (fostering) and foster carers should assist the child/young person to open a bank account in the name of the young person wherever this is possible. All benefits for the young person DLA/PIP and E&SA should be paid into the child's bank account from the age of 16 if they have 'Capacity'. Under the age of 16 DLA should be paid to a parent/guardian/foster carer who should be approved by the Department for Work and Pensions as the child's 'Benefit Appointee' or the child should have a 'Corporate Appointee'.

From the age of 16 all benefits should be paid to the young person unless they lack 'Capacity', in which case all benefits are paid to a 'Benefit Appointee' or 'Corporate Appointee'. It is important that the young person is supported and given as much responsibility and control as possible to manage and take responsibility for their own funds, even where they lack 'Capacity'.

Where a child or young person is unable to, or lacks 'Capacity' to manage an account a 'Benefit Appointee' or 'Corporate Appointee' should open an account to manage the child/young person's finances.

In order to become a 'Benefit Appointee' for a child, the Department for Work and Pensions will undertake a home visit to assess suitability. The account into which the DLA/PIP, E&SA is paid should be in the name of the foster carer. The 'Benefit Appointee' is deemed responsible for the claim and allowances. The amount of money in the account is not treated as part of the savings/benefits threshold, should the foster carers be in receipt of means tested benefits themselves.

Financial Planning and using the Child/Young Person's Benefits and Allowances

Through-out the child/young person's care career, the child/young person's social worker will ensure a detailed placement plan and over-arching care plan is in place which sets out all of the arrangements for claiming and managing any financial allowances and welfare benefits.

The detailed placement plan should also set out the types and levels of delegated authority that have been given to the foster carer (to manage the claims, benefits and financial support).

Whenever there is a change in the child/young person's circumstances or a change in their benefit or finance allowances/rates takes place, a review of the placement plan should occur. The up-dated placement plan should set out all of the day to day arrangements for claiming, managing savings and spending the child/young person's allowances and benefits. The young person should be encouraged and assisted to save some of their allowances and benefits.

The detailed placement plan should cover issues such as the types and levels of delegated authority that have been granted to the foster carer. The level of delegated authority should take account of the child/young person's ability and 'Capacity'. A record of the types and levels of delegated authority must be clearly and accurately set out.

All children and young people who have been looked after for more than 52 weeks should have a Junior ISA savings account. The placement plan should set out the arrangements for adding savings to the Junior ISA from the fostering maintenance allowance, DLA/PIP and E&SA. As a general rule at least £20.00 per month should be added to the Junior ISA from the fostering maintenance allowance, and a further £20.00 per month from the DLA/PIP and E&SA.

The placement plan and financial arrangements should be reviewed at each (six monthly) statutory review.

The placement plan should set out how the child/young person's allowances and benefits will be used to enhance their life chances and assist them to participate in their communities. It is important to note that savings of over £6000.00 will result in a reduction to the level of means tested benefits.

Prior to the looked after review immediately prior to the child's 16th birthday a financial planning meeting should take place that includes:

- The child.
- The foster carer.
- The child's social worker.
- The supervising social worker (fostering) for the foster placement
- The transition's worker (if there is an allocated transitions worker).
- The child's advocate (if the child has an advocate) or a representative from the children's right service (if the child requests this or it is thought to be in their best interest).

The child's Independent Reviewing Officer (IRO) should be kept informed with regard to any significant changes to the care plan or placement plan that result from this meeting.

Prior to the child looked after review, and the financial planning meeting taking place, the child's social worker should undertake a 'Capacity Assessment' to gauge how able the child/future young person is and will be regarding managing their own benefits and finances.

The named social worker for the child/young person is responsible for ensuring that the 'Capacity' Assessment is undertaken. At the child looked after review held immediately prior the young person's 16th birthday the IRO will check that arrangements for the 'Capacity Assessments' completion are in place. The 'Capacity Assessment' should be undertaken before the child's 16th birthday and finalised immediately after. This process will inform the financial planning meeting as to whether the child/young person has 'Capacity' to manage their own finances.

The financial planning meeting will consider whether the child/young person has the 'Capacity' to manage their own finances fully, or the degree to which they can participate in managing their own finances subject to the provisions of the Mental Capacity Act 2005. The presumption in the Mental Capacity Act 2005 is that a person has the 'Capacity' to manage their own affairs unless it is demonstrated that they cannot.

The meeting will need to consider the transfer from DLA to PIP, the claiming of E&SA and the reduction in the pocket money, clothing and a personal element allowance which E&SA will replace.

The young person cannot be charged from their means tested benefits for services, but their 'benefits' can be used to substitute an item that the authority would have provided. For example, as a young person can claim E&SA from their 16th birthday, which is provided to cover personal needs, they will no longer be given a pocket money, clothing allowance or personal element allowance (from the fostering maintenance allowance). See Appendix 7 for prevailing rates.

The meeting should be regarded as an opportunity to help the young person to learn about financial management at a level appropriate to their learning disability, thereby enhancing their financial independence. The young person will be involved in all decision making at an agreed level, appropriate to their 'Capacity', ability and level of understanding.

Depending on the 'Capacity' of the young person, the meeting will also be used to complete the Fostering Service Financial Agreement Form (Appendix 1) that will be used to help structure how the young person could be supported to manage their money, and what levels of support will be required. This agreement form is available in an electronic format and can be adjusted to meet the individual needs of the young person.

The young person will have their own personal spending money, and will be responsible for buying their own clothes, items relating to their personal needs from their benefits (or given assistance to undertake these activities). How any allowance or financial support is provided will be based on the young person's ability and 'Capacity', and will be set out in their placement plan.

The young person should be supported to use their money to enhance their life chances and promote their well-being based on the five outcomes set out in the Children Act 2004. As set out above, foster carers should help young people to save for larger purchases which may assist them to gain independence and enhance their life chances.

Junior Individual Savings Accounts

Looked after children who have who have been in care for 12 consecutive months are eligible for a government initiated scheme whereby they are given a Junior ISA account with an initial payment of £200.00. The scheme is administered by the Share Foundation. Each local authority has a nominated link person. The annual limit for adding amounts to the Junior ISA is £4080.00 (2016/2017).

For more information see www.sharefound.org

Foster carers should ensure all savings or unused DLA, PIP, E&SA is added to the child's Junior ISA account.

Foster carers, 'Benefit Appointees' and 'Corporate Appointees' should assist children/young people to save some of their allowance and benefits. They should ensure that savings do not exceed the threshold of £6000.00, which is the point where means tested benefits are reduced.

Foster carers should use the Disability Living Allowance/Personal Independence Payment – Expenditure and Audit Sheet (and keep receipts for larger expenditure) to evidence a child/young person's income and expenditure, this is particularly important where the foster carer is the 'Benefit Appointee' for the child young person.

Transition Planning for Disabled Children/Young People in Foster Care

The Children's Health and Disability Team (CHAD Team) provides the social work service and case holds children and young people deemed to have complex disability needs.

The Transition Team provides transitional support for young people with a learning difficulty or disability. The criteria for a learning difficulty or disability is a young person with an IQ of 70 or less and/or a social adaptive functioning that indicates they have a learning disability.

The CHAD Team will maintain social work case holding responsibility for the young person up to their 18th birthday. Case holding responsibility will not be closed to CHAD until the leaving care responsibility has been transferred to a personal adviser in the Children Looked After 13 Plus Team and a Transition Team social worker. The personal adviser will continue to work with the young person until they are 21/24 and all eligible leaving care services have been discharged.

From the young person's 16th birthday a Transition Team social worker will be allocated to support the CHAD worker with the transition to adult service process. The Transition Team forms part of Leeds Adult Services and is a partnership service with Leeds Children's Social Work Service.

From the age of 18 the Transition Team social worker (who will hold case responsibility until the case is transferred into the appropriate adult team) takes over social work case responsibility. The Transition Team social worker will hold case responsibility until the case is transferred into the appropriate adult services team; this usually takes place between the young person's 18th and 19th birthday.

The adult service pathway will be agreed at the Transitions Panel which is held monthly.

For care leavers who have a disability and who do not meet the Care Act 2014 eligibility criteria, the primary service (from their 18th birthday) is provided via the allocation of a leaving care personal adviser, their placement can be extending after their 18th birthday under a "Staying Put" arrangement. The leaving care personal adviser will be a member of the Children Looked After, 13 Plus Service.

The Education Service Special Educational Needs Teams (SENSAP) provides the Transition Team with a list of year 9 transition reviews for children who meet the Transition's Team entry criteria. A Transitions Team member will attend the Year 9, Special Educational Needs (SEN), Education Review which, wherever possible, will be combined with the Child Looked After Case Review. The child's social worker has responsibility to ensure that these reviews are combined as a best practice principle. Following the year 9 review, the child's social worker will make a referral to the Transitions Team.

Following the year 9 review, the Transition Team social worker will undertake an initial Care Act 2014 eligibility criteria assessment for planning purposes which will be sent to Adult Social Care. The Transition Team social worker supports the child's social worker to begin the planning process towards adulthood. The Self Supported Assessment (SSA) is the tool used to assess the needs of the young person.

The Adult Services SSA process will commence at the first child looked after review after the young person's 16th birthday and take account of the leaving care assessment of need and the care/pathway plan completed by the CHAD social worker.

A member of the Transition Team should attend all statutory reviews between the young person's 16th and 18th birthday and update the SSA assessment as required. The child's CHAD social worker (or Children Looked After Team [13 Plus] social worker if case held outside of CHAD) will continue to hold primary case responsibility.

Immediately following the first Child Looked After review held after the young person's 16 birthday, a transition professionals meeting should take place. The meeting should include the young person, the foster carer/s, the foster carer/s supervising social worker, the child's social worker, the transition worker and should establish the 'transition arrangements' and identify all key tasks and roles and responsibilities related to transferring the foster care placement to a shared lives placement. Where a transfer to a shared lives arrangement cannot be achieved by the young person's 18th birthday the foster carer arrangement should be extended as a "Staying Put" arrangement as an interim arrangement. The leaving care and transition pathway should be reviewed at each Child Looked After review between the young person's 16th and 18th birthday and be endorsed by the young person's IRO.

If the young person lacks 'Capacity' a 'Best Interest' Assessment must be undertaken prior to their 18th birthday. This will be completed by the social worker and transitions worker and will form part of the SSA.

As part of the transition planning process the CHAD social worker, or the 13 Plus Looked After Children's Team social worker will attend the annual education reviews and contribute to the Education, Health and Care Plan to inform future education options (for those young people with a learning disability or those with additional needs (footnote 4)). The EHC Plan replaces the Statement of Educational Needs from September 2014; existing Statements of SEN will be transferred to an EHC Plan throughout a three year transitional phase.

Transition Planning for Disabled Young People aged 16 & 17 Placed in Foster Care Transferring to a Shared Lives Placement

This section of the policy should be read in conjunction with the 'Transitions Policy for Young Disabled People in Leeds'.

As set out above a SSA will take place between the young person's 16th and 17th birthday to ascertain that the young person meets the Care Act 2014 eligibility criteria . This process should be completed by the young person's 17th birthday.

On completion, the SSA will be submitted to the monthly transitions panel (with the leaving care assessment of need and pathway plan). The SSA informed by the leaving care assessment of need and pathway plan will begin to identify a pathway into an adult care service through one of the relevant adult teams.

Placement options may include a young person continuing to live with their foster carer under the auspices of the St Anne's Shared Lives Service (Adult Placement Scheme), if all parties are agreeable and it continues to meet the young person's needs, alternative residential provision, or a move to independent living. Direct Payments and an Individualised Budget may also be considered. (Footnote 3).

Foster carers who wish to continue to support a foster child as a young adult (when the young person reaches the age of 18) and where this is deemed to be in the best interest of the young person should be referred to the St Anne's Shared Lives Scheme. The referral should take place when the young person reaches the age of 16¾ and following confirmation that they meet the Care Act 2014 eligibility criteria .

The assessment to become a shared lives carer is similar to the fostering assessment. The shared lives assessment will take account of the previous fostering assessment, the training and skills of the carers and the support provided to the young person.

The assessment will take approximately six months and should be completed by the time the young person reaches the age of 18. The assessment should commence when the child reaches the age of 17 and by no later than the age of 17¼. This will ensure that the placement will be formally subject to the shared lives national minimum standards when the young person reaches adulthood at age 18.

In exceptional situations where the shared lives assessment is not completed by the young person's 18th birthday, the foster care placement will be extended as a "Staying Put" arrangement until the assessment is completed and the carers transfer to the Shared Lives Scheme. See Leeds "Staying Put" Policy

In these exceptional situations the "Staying Put" carer should make every effort to attend an adult safeguarding training course in relation to vulnerable adults and should be supported by their supervising social worker to do so.

The framework governing the assessment, approval and operation of Adult Placement Schemes is the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

Assessment process:

1. The young person is assessed and confirmed to meet the LeedsCare Act 2014 eligibility criteria using the SSA framework;
2. The Leeds Adult Services Transition social worker will assess the needs of the young person and establish an indicative budget;
3. The Leeds Adult Services Transition social worker will assess that the young person's needs would best be met within a Shared Lives Scheme arrangement
4. That the current foster placement when converted to a Shared Lives Scheme arrangement would be the most appropriate placement.
5. If the young person does not have 'Capacity' a 'Best Interest' Assessment must be undertaken prior to their 18th birthday, in addition, consideration must be given regarding the need for a 'Deprivation of Liberty, Safeguarding' Assessment in-line with the Cheshire West Judgement.

In order for foster carers (or "Staying Put" carers) to be approved as shared lives carers, the young adult living with them must meet the Leeds Care Act 2014 eligibility criteria and the Leeds Adult Services Transition social worker must assess that the placement meets the young adult's needs.

The Leeds Adult Services Transition Team social worker (following approval at the Transition Panel) refers the case to the Nominations Panel - Learning Disability.

The Nominations Panel approves the plan to remain with the foster carer via the Leeds St Anne's Shared Lives Scheme, if this is in the young person's best interests and reflects the wishes of the young person. If the plan is for the young person to move to an alternative placement the Nominations Panel identifies a suitable resource which meets the needs of the young person in accord with their wishes and feelings.

Where it is assessed that an alternative type of adult placement needs to be identified for the young person, the Transition Team social worker should ensure that the appropriate assessments are completed. The young person should be referred to the Nominations Panel of the Adult Joint Commissioning Service if they have a learning disability or to the relevant adult panel if they have other additional needs to identify a suitable placement option by their 18th birthday.

If a shared lives arrangement is recommended by the overall assessment process, the Transitions Team social worker will refer the case to the St Anne's Shared Lives Scheme when the young person reaches the age of 17.

When the referral is received by the St Anne's Shared Lives Scheme, a Shared Lives Scheme social worker will be allocated who will undertake an assessment of the foster carers and will present the assessment to the Shared Lives Carer Approval Panel. The Panel will decide whether the foster carer applicant/s meets the criteria of the Shared Lives Scheme and recommend approval. The chief executive of St Anne's makes the final decision as to whether the carers are approved (Agency Decision Maker).

If the foster carer feels that they are unable to continue to meet the young person's needs beyond their 18th birthday, or continue with the placement, or the young person feels that they need a different placement to their foster care placement, the St Anne's Shared Lives Scheme will attempt to match the young adult's needs to the skills of an already approved Shared Lives carer who has a vacancy (where this has been agreed at Nominations Panel). In addition, the Shared Lives Scheme can attempt to recruit a specific carer to meet the young person's needs.

Where a young person meets Care Act 2014 eligibility criteria, foster carers are required to transfer to the Shared Lives Scheme. Carers cannot choose to remain within a "Staying Put" framework. If the young adult meets Care Act 2014 eligibility criteria it is a requirement that the placement and young person's social worker are regulated and managed within an adult service framework.

<p>1 Family and Friends (Connected Person) Foster Care – Shared Lives – Staying Put</p>

a) Arrangements where the child young person is not related to the foster carer.

In situations where the young person is not related to the foster carers the process of transfer to the St Anne's Shared Lives Scheme will be as set out above.

b) Arrangements where the child is related to the foster carers (see footnote 5 for definition of related carers).

In situations where a foster carer is related to the young person it is not possible to transfer the arrangement to a Shared Lives arrangement. In these situations the foster care placement will be extended as a "Staying Put" arrangement when the young person reaches the age of 18. This is to ensure that the placement continues to have as much support and supervision as possible.

The foster carer will receive the same level of fostering maintenance allowance and fee that they did when the young person was age 17. The fostering maintenance allowance will be reduced in line with the "Staying Put" policy by the prevailing income support rate when the young person reaches the age of 18 and when they claim E&SA (if this was not done when the young person reached the age of 16). Where possible the young person will claim housing benefit, which is paid directly to the Leeds fostering budget. In certain situations where a young person is related to their "Staying Put" carer, they may not be eligible to claim housing benefit. Where this occurs, a payment from adult services will be made to Children's Social Work Services in order to cover the additional costs of the placement. See Leeds "Staying Put" Policy.

During this period the placement is funded by contributions from the young person in the form of rent (from housing benefit) and from Leeds Adults Service.

The young person will have a named leaving care personal adviser and pathway plan provided by Leeds Children's Social Work Service and a Transition Team social worker provided by Leeds Adults Service.

The placement and the "Staying Put" carers will be overseen and supported by a supervising social worker in the fostering team.

This arrangement can continue until the young person reaches the age of 21 and ceases to be a Former Relevant Young Person)

From the age of 21 "Staying Put" arrangements cease. From the age of 20 the Adult Services Social Worker will assess the needs of the young person and develop a plan for the needs of the young person when they reach the age of 21. This may include the provision of direct payments in order that the young person could remain in the placement by making payments to their carer/s.

2 Special Guardianship Order Arrangements

a) In situations where a disabled child/young person has lived in an SGO arrangement, they meet Care Act 2014 eligibility criteria and they are not related to the SGO carer, the carers can be assessed by the St Anne's Shared Lives Scheme and where appropriate the arrangement will become a shared lives arrangement.

If the young person was looked after immediately prior to the making of the SGO, at the age of 16 the young person will be deemed a Qualifying Young Person in accordance with the Care Planning, Placement and Case Review Regulations and Guidance 2015 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015). As such they can request a leaving care assessment of need up to their 21st birthday.

b) In situations where a disabled young person has lived in an SGO arrangement, they meet Care Act 2014 eligibility criteria and they are related to the SGO carer, the carers cannot be assessed by the St Anne's Shared Lives Scheme and they cannot become shared lives carers.

In these situations Adult Services will undertake an assessment using the frameworks as previously set out (SSA), and will decide on the level of direct payments that the young person can be allocated, which can then be used to purchase a service, all, or elements of which, may continue to be provided by the carers when the SGO ceases on the young person reaching the age of 18. To ensure that carers are not disadvantaged, a recommendation will be made that the level of the direct payments will at least match the level of the SGO allowance. The SSA will take account of the young person's income, their needs and abilities and the SGO carer's needs and abilities. In principle, direct payments cannot be made to close relatives of an adult services client.

In exceptional circumstances and with the agreement and dispensation of the Head of Service - Adult Social Care this limitation on direct payments can be waved. Both Children's and Adults' Services are committed to ensuring the continuity of services for children and young people, and in principle would want to try to maintain a placement with the SGO carers when the SGO ceases.

Roles and Responsibilities - Young People Transferring from Foster Care to “Staying Put” and to a Shared Lives Arrangement

From the age of 18 young people are no longer “looked after” and therefore fostering arrangements no longer apply.

Where a “Staying Put” arrangement is required on a transitional basis whilst the foster carers are approved as shared lives carers, a report should be presented to the Care Leaver Finance Panel to seek approval of the interim arrangement. The young person’s social worker is responsible for this and should present the report when the young person reaches the age of 17¾. See Leeds “Staying Put” Policy.

The young person’ social worker is responsible for the leaving care assessment of need and pathway plan.

The young person’s social worker is responsible for completing a ‘Capacity’ assessment when the child reaches the age of 16. Where the child lacks ‘Capacity’, a ‘Best Interest’ Assessment should also be completed; this is also the responsibility of the young person’s social worker. In situations where a ‘Best Interest’ Assessment is required, an advocate may be sought.

Between the young person’s 16th birthday and 18th birthday the care/pathway plan and transition plan is reviewed within the statutory review framework which is chaired by the IRO.

From the young person’s 18th birthday the pathway plan will be reviewed by the leaving care personal adviser and authorised by their manager.

The Independent Reviewing Officer will continue to review the pathway plan for young people aged 18 & 19, living in a “Staying Put” arrangement where there is no Adult Social Care involvement.

Where case responsibility is held by an adult services the pathway plan will be reviewed as part of the wider care plan by the leaving care personal adviser and will be authorised by their line manager.

Where a disabled young person (at age 18) in foster care meets the Care Act 2014 eligibility criteria , their former foster placement will transfer (on their 18th birthday) to the St Anne’s Shared Lives Service.

The framework governing the assessment, approval and operation of Adult Placement Schemes is the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

When the young person (Care Act 2014 eligible) reaches the age of 18 the Transition Team social worker will hold case responsibility until all transition

planning is completed at which point the young person case will then be transferred to an Adult Social Worker.

Financial responsibility for young people aged 18 and above is the responsibility of adult services.

Leeds Children's Social Work Service will continue to provide each young person with a named leaving care personal adviser until the age of 21, or until they complete the education / training programme being undertaken on their 21st birthday. The leaving care personal adviser is responsible for maintaining the leaving care pathway plan and the provision of a leaving care service.

All placements where the young person meets Care Act 2014 eligibility criteria will formally transfer to St Anne's Shared Lives Service and will be case managed by an adult social care service. In exceptional circumstances, the former foster placement may continue as a "Staying Put" arrangement whilst the transfer to a Shared Lives arrangement is completed. In such circumstances adult services will provide the funding for the placement by budget transfer.

It is permissible for carers to have dual registration and be registered as a foster carer at the same time as being registered as an adult placement/shared lives carer. The underlying principle for each regulated activity (fostering and shared lives) is that no household should be registered for more than 3 placements without a robust exemption in place. As such, where a person has dual registration they should not have more than 3 placements of either foster child or shared lives adult. In exceptional situations where an exemption is required, this must be based on a risk assessment and with agreement from both the fostering manager and shared lives manager.

Any exemption should be discussed with ASC and the needs of all members of the household considered. No household can have more than 3 adults in placement. For the purposes of fostering regulations, the young person over 18 will not count as a foster placement, but as an adult member of the household.

Financial Arrangements and Allowances from the age of 18 and/or on Transferring from Fostering/"Staying Put" to a Shared Lives Arrangement

When a fostering placement or "Staying Put" arrangement transfers to a St Anne's Shared Lives arrangement the overall payment to the carers, in terms of carer allowances/fees and client contribution will be equivalent to that being paid whilst the placement was foster care or "Staying Put" arrangement. The overall payment will include an assessment of the young person's financial situation and will include a financial contribution from one or more of the following - E&SA, DLA/PIP, housing benefit, earnings. The level of contribution will be in-line with the Leeds Adult Services contributions framework.

The young person is required to pay for the costs of their accommodation (rent), utilities and food which should be paid directly to the shared lives carer.

The shared lives carer will also receive care costs for supporting the young person which will be paid partly by St Anne's and partly by the young person. These amounts are solely for the use of the carer to support and meet the care needs of the young person.

Carers will no longer be entitled to claim Child Benefit (previous SGO carers), or Carer Allowance if they are shared lives carers for the young person. Under the adult payment arrangements carers will receive the equivalent of the fee and allowance for a fostered child at their payment for skills level.

Following the young person's 18th birthday, all allowances such as birthday, Christmas/festival allowance and holiday allowances are provided in line with the Leaving Care Finance Policy. Leeds Children's Social Work Service will be responsible for paying any eligible allowances. The personal adviser will ensure these are paid into the young person's bank account.

To ensure a positive transition, Leeds Children's Social Worker Service and Leeds Adult Services will ensure that whilst the young person remains a former relevant care leaver, the shared lives carer will receive the same level of financial support from Adult Services as they did from Leeds Children's Social Work Service. The primary change being that part of the overall level of funding is met from a contribution from the young person.

When the young person reaches the age of 18 they will continue to be eligible to claim DLA/PIP and Employment & Support Allowance, along with additional premiums. The benefits should continue to be paid to a Benefit Appointee, Corporate Appointee or to the young person, depending on their 'Capacity'.

The amount paid towards care costs will be assessed by Adult Social Care under their Fairer Charging policy.

Where the young person has Care Act 2014 eligible needs, payments to former foster carers to meet care needs will be financed by Adult Social Care through the Joint Commissioning Service, or other relevant service, to reflect the fact that the level of the young person's disability makes them eligible for supported placements through Adult Social Care.

The effect on the carer's financial situation should be considered prior to the decision to extend the placement.

In situations where a foster carer is in receipt of a means tested welfare benefit it is likely that they will lose some entitlement by becoming a shared lives carer. Shared lives carers are self-employed, as such are deemed to be 'working', as such carers should check their eligibility for 'Working Tax Credits'.

Exemptions applicable to foster carers regarding claiming means tested benefits do not apply to shared lives carers.

The Leeds welfare benefits service can be invited to meet with individual carers to assess the possible impact to their benefits on becoming a shared lives carer.

Where a foster carer is in receipt of a means tested benefit the responsible social worker should contact the Specialist Welfare Rights Worker based with Leeds Children's Social Work Service to assess the impact of the young person's claim on the carer's claim. Adult Social Care is not able to pay accommodation costs which should be met through housing benefit or a contribution from the young person.

Young people remain eligible for a leaving care service until their 21st birthday or until the education or training they are undertaking on their 21st birthday is completed.

Care leavers are entitled to return to their responsible local authority between their 21st birthday and 25th birthday to seek support to resume or commence a programme of education or training.

Consideration will also be given in the financial assessment regarding any Criminal Injuries Compensation Award that the young person may have been granted. Consideration should be given to placing any CIC Award into a Discretionary Trust Fund which will ensure these are available at a later date to meet the young person's needs. Children's Services cannot take CIC Awards into account when assessing the level of leaving care financial support. CIC Awards are disregarded by the DWP for 52 weeks after the young person first receives the Award.

For guidance on benefits issues for children looked after, their foster carers, staying put carers and SGO holders - contact should be made with the Specialist Welfare Rights Worker, Welfare Rights Unit, Leeds Children's Social Work Service.

FOOTNOTES TO POLICY

Footnote 1

The Care Planning, Placement and Case Review Regulations and Guidance 2015 and the Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2010 (revised 2015), outlines the groups of young people who are eligible for leaving care services.

Footnote 2

“Disabled young person” is taken to mean someone with a physical and/or sensory impairment and/or learning disability (see section 17(11) of the Children Act 1989 for a full definition).

Footnote 3

“The Carers and Disabled Children Act 2000 enables local authorities to make direct payments in lieu of services to disabled 16 and 17 year olds so that they have more choice and control over how their needs are met. Direct payments can play a useful part in preparing a disabled 16 - 17 year old for the responsibilities of adulthood. Where local authorities have set up a Personal Assistance Support Scheme in order to implement the Community Care (Direct Payments) Act, the disabled care leaver’s personal adviser will need to work with this scheme in order to support the young person to use direct payments. Following a young person’s 18 birthday direct payments can continue under the Community Care (Direct Payments) Act 1996.

Footnote 4

In assessing the young person’s future needs, the social worker should continue to liaise with the education department, which is responsible for providing adequate facilities for further education and for considering the needs of those over statutory school age that have learning difficulties and disabilities. Learning and Skills Act 2000 and Further and Higher Education Act 1992.

Footnote 5

For young people living with relatives in Family and Friends (Connected Person) Foster Care arrangement it is not possible to transfer to St Anne’s Shared Lives. This is due to the fact that close or blood relatives cannot become Shared Lives Carers. This includes: parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, aunt, uncle, grandparent or the spouse or unmarried partner of any of these people.

Appendix 1

Fostering Services Financial Agreement Form

Agreement Regarding Financial Planning and Support for Children and Young People aged 16 and above in receipt of DLA/PIP and E&SA living in Foster Carer

Wherever possible, children and young people should be enabled to take as much control of their own finances as possible. The degree of control and the level of support and assistance they require will vary depending on their individual ability. All children and young people reaching the age of 16 require a 'Capacity' Assessment, the outcome of the assessment will inform the degree of control they have and the amount of support they are given regarding managing their own finances and learning financial management skills. Where the foster carer (Benefit Appointee) or the Local Authority (Corporate Appointee) are managing the young person's finances, decisions about the use of the allowance should always be informed by the views and wishes and feelings of the young person and a 'Best Interest' Assessment.

This agreement is between

Name of Young Person

and Leeds Children Young People's Social Care

Date of Meeting to Agree Financial Plan

Present:

Young Person.....

Foster Carer.....

Social Worker.....

Supervising Social Worker (Fostering)

Leaving Care Personal Adviser (as appropriate)

Transitions Team Worker (as appropriate)

Advocate (as appropriate)

1. The Foster Carer.....agrees to offer support and guidance to (young person) in managing their personal allowance of £..... which will be paid into an account in the name of the

foster carer (lacks 'Capacity') or the young person's name (has 'Capacity') bank account.

2. Bank Account The young person's DLA/PIP/E&SA (Housing Benefit) benefits and 16 – 19 Vulnerable Young Person's Bursary will be paid into their bank account/Benefits Appointee/Corporate Appointee . Please tick the Statement which applies using the criteria that the young person will have as much independence as possible in managing their finances.

- a) The young person will have full control over their bank account
- b) The carer is acting as the young person's Benefits Appointee
- c) The local authority is acting as a Corporate Appointee

3. The money in the (young person's) account can be used for care (DLA/PIP), personal (E&SA) costs.

4. It is agreed that (young person) will have £.....per week in cash to spend as they choose.

5. It is agreed that the young person) will save £..... each week.

6. (Young person) agrees to use a proportion of their personal allowance to buy clothes and toiletries (set amount £..... each week.

7. The remainder of the personal allowance will be saved or spent on things for the benefit of the (child/young person).

Please tick the Statement which applies using the criteria that the young person will have as much independence as possible in managing their finances.

- a) The young person will decide how the money is spent.
- b) Carer will support the young person in deciding how the money is spent
- c) The carer/local authority will manage the finances as appointee for the young

8. (young person) agrees that they will use their 16 – 19 Vulnerable Young Person's Bursary to pay for items required for their education/training needs. This includes travel, books and equipment, money for outings, lunch money, etc.

9. All receipts for large items should be retained.

Agreement

I agree with this financial plan and will abide by this agreement (subject to 'Capacity').

Signed.....Young Person Date.....

SignedFoster Carer Date.....

SignedSocial Worker Date.....

Reviewed (DATE).....

License to Occupy – License Agreement**“Staying Put” Carers Address**

Leeds Benefits Service
2 Great George Street
Leeds LS2 8BA

Young Person (TENANT):

D.O.B:

N.I. NUMBER:

CURRENT ADDRESS:

TYPE OF ACCOMMODATION AND TENANCY:

Previous Foster Care Placement (“Staying Put” Arrangement) – Excluded Licence
The Staying Put carer is deemed the landlord

Name of Landlord Foster Carer/Staying Put Carer:

Agent for the Landlord: Leeds Children’s Social Work Service

Dear Sir/Madam,

This letter is provided to confirm that (Add Full Name) was previously a foster care child placed in my household. (Add Full Name) has now reached the age of eighteen and will be remaining as an ‘independent adult’ in my house to complete (his/her) education or due to his or her vulnerability under a “Staying Put” arrangement.

The total cost of this “Staying Put” arrangement is:

(TO INCLUDE WHICHEVER TABLE IS RELEVANT TO THE CARERS PAYMENTS)

‘Staying Put’ - Level 1

Services	Weekly Payments
Net rent	£62.00
Support	£61.54
Utilities	£30.00
Food	£35.00
TOTAL	£188.54

‘Staying Put’ - Level 2

Services	Weekly Payments
Net rent	£62.00
Support	£181.54
Utilities	£30.00
Food	£35.00
TOTAL	£308.54

‘Staying Put’ - Level 2

Services	Weekly Payments
Net rent	£62.00
Support	£121.54
Utilities	£30.00
Food	£35.00
TOTAL	£248.54

‘Staying Put- Level 3

Services	Weekly Payments
Net rent	£62.00
Support	£231.54
Utilities	£30.00
Food	£35.00
TOTAL	£358.54

‘Staying Put’ –Level 3

Services	Weekly Payments
Net rent	£62.00
Support	£146.54
Utilities	£30.00
Food	£35.00
TOTAL	£273.54

‘Staying Put’ –Level 4

Net rent	£62.00
Support	£281.54
Utilities	£30.00
Food	£35.00
TOTAL	£408.54

‘Staying Put’ –Level 4

Net rent	£62.00
Support	£171.54
Utilities	£30.00
Food	£35.00
TOTAL	£298.54

As (Add Full Name) was previously ‘Looked After’ and remains vulnerable I would request that the Housing Benefit is paid directly to Leeds Children’s Social Work Service as an agent of the carer/s. Leeds Children’s Social Work Service will continue to pay the carer/s the combined accommodation and support cost to avoid any disruption to the carer/s payments.

The payment should be made to Leeds Children’s Social Work Service, Reference Staying Put Housing Benefit – Account Number 00000000, Sort Code 57 12 72. If you require any further information regarding payments please contact:

Resources Finance- Supporting Children’s Services
 3rd Floor
 St George House
 40 Great George Street
 Leeds
 LS1 3DL

I have read and agree with the above information:

Tenant:

‘Staying Put’ carer:



Leeds Benefit Service

Children's Social Work Service

Contact:

Tel: (0113)

Fax: (0113)

Email:

Minicom: (0113)

Your Ref:

Our Ref:

22 May 2017~~18 May 2017~~~~12 April 2017~~

Tenant's name:

DOB:

Ni No:

Address:

Type of accommodation and tenancy: Previous foster care placement ('Staying Put' arrangement- Excluded Licence

Name of landlord (staying put carer):

Agent for Landlord: Leeds Children's Social Work Service

Dear Sir/Madam,

This letter is provided to verify the identity of the above named young person and to confirm and clarify (his/her) circumstances.

The above named person was previously placed in foster care at the above address. As the young person has now reached the age of eighteen (he/she) is no longer in foster care and (he/she) is remaining with (his/her) previous foster carer's under a 'staying put' arrangement. This is due to (his/her) vulnerability/education needs. The young person is now deemed 'independent in (his/her) own right'.

I can confirm that (full name) was previously as 'eligible' child, or an 'eligible' and 'relevant' child and became a 'former relevant' child on (add date) as defined by the Care Planning, Placement and Case Review Regulations and Guidance 2010 and Care Leavers (England) Regulations 2010.

A. I can also confirm that (Add Full Name) was previously 'Looked After' by Leeds Children's Social Work Service and was 'Accommodated' under Section 20 of the Children Act 1989.

B. I can also confirm that (Add Full Name) was previously 'Looked After' by Leeds Children's Social Work Service and was subject to a Section 31 Care Order under the terms of the Children Act 1989.

(Add Full Name) ceased to be 'Looked After' on (Add Date) and will continue to receive practical support and, in specific circumstances, financial help from Leeds Children's Social Work Service under Section 24 of the Children Act 1989 or Section 23C of the Care Leavers (England) Regulations 2010. Section 23C and Section 24 payments must be declared when claiming benefits but are not be counted as income for welfare benefit purposes. Whilst (Add Full Name) is establishing (his/her) welfare benefit claim (he/she) will be provided with an allowance under these powers.

As (Full Name) was 'Looked After' on/or after his/her sixteenth birthday he/she is exempt from the single room rent restriction.

As (Add Full Name) was previously 'Looked After' and remains vulnerable I would request that the Housing Benefit is paid directly to Leeds Children's Social Work Service as an agent of the landlord. Leeds Children's Social Work Service will continue to pay the landlord the combined accommodation and support cost to avoid any disruption to the landlord's payments. The payment should be made to Leeds Children's Social Work Service, Reference- Staying Put- Housing Benefit- Account Number 00000000, Sort Code 57 12 72. If you require any further information regarding payments please contact:

Resources Finance- Supporting Children's Services, 3rd Floor, St George House
40 Great George Street, Leeds, LS1 3DL

If you require any further information please do not hesitate to contact me.
Yours faithfully,

13+ Looked After Children Social Work Team

contact: Placement Service Payments Team, PO Box 837, Leeds. LS1 9PZ.
Telephone 0113 2478640

Leeds Benefits Service Creditor Number is 224976

If you require any further information please do not hesitate to contact me.

Yours faithfully

SIGNED BY FOSTER CARER/STAYING PUT CARER

Appendix 3

Standard General Practitioner (GP) or Specialist Consultant Letter / Information in Support of a Child's Employment and Support Allowance Claim



(Recipients address)

(Type service name)
(Address Line 1)
(Address Line 2)
(Address Line 3)
Leeds (POSTCODE)

Contact:	(Name)
Tel:	0113 (000) (0000)
Minicom:	0113 (000) (0000)
Fax:	0113 (000) (0000)
Name:	@leeds.gov.uk
Your reference:	(Reference)
Our reference:	(Reference)
Date:	

Dear Dr (Name)

**Request for Medical Certificate ('Fit Note' for [child's full name]
[address]
[date of birth])**

I am writing on behalf of [child's full name], who is a looked after child placed in foster care. He/she has a disability and wishes to make a claim for Employment & Support Allowance from his/her 16th birthday. In order to do so he/she will need a medical certificate/fit note.

To assist with this application please could you:

1. issue a medical certificate to certify that *[customer's name]* has limited capability for work;
2. issue a backdated medical certificate to show that *(customer's name)* has had limited capability for work for the backdated period starting *(insert date 196 days / 28 weeks before 16th birthday)*.

Yours sincerely

[After text and signature space type name]
[Job Title]

Appendix 4

Standard Employment & Support Allowance Claim Letter



Employment and Support Allowance	Contact:	(Type Service Name)
Leeds Benefit Delivery Centre	Tel:	0113 (000) (0000)
Leodis Way	Minicom:	0113 (000) (0000)
LEEDS	Fax:	0113 (000) (0000)
LS8 8AB	Name:	@leeds.gov.uk
	Your reference:	(Reference)
	Our reference:	(Reference)
	Date:	

Dear Sir / Madam

Employment & Support Allowance Claim

[Childs Name & address]
[National Insurance Number]

This letter is provided to verify the identity of the above named child/young person and to confirm and clarify his/her circumstances.

[Child's name] is currently a looked after child (Section 20 or Section 31) placed in foster care. As he/she has a disability and is estranged from his/her family, therefore I understand that they are eligible to make a claim for Employment & Support Allowance from his/her 16th birthday.

I would please consider this claim within the Employment & Support Allowance framework.

Add and set out issues regarding DLA Claim and/or medical condition and/or 'Fit Note' from a GP or specialist consultant.

Add information about the child's 'Capacity' and the 'Capacity' Assessment and details of the bank account where the E&SA should be paid into.

If you require any further information in support of this claim please do not hesitate to contact me.

Yours faithfully

[After text and signature space type name]
[Job Title]

Tax and National Insurance Arrangements

HMRC Help Sheet 236 – Qualifying Care Relief - sets out the Income Tax and National Insurance requirements for a range of Shared Lives Arrangements, including Foster Carer, Staying Put Carer and Shared Lives/Adult Placement Care.

<http://www.hmrc.gov.uk/helpsheets/hs236.pdf>

Welfare Benefit Issues for Shared Lives Arrangements

Appendix 5

The Management of Disability Benefits - Children Looked After

Background

The following information sets out guidance for social workers, residential social workers foster carers regarding the management of benefits for children looked after who have a disability and claim - Disability Living Allowance (DLA), Personal Independence Payment (PIP), Employment and Support Allowance(E&SA).

Disability Living Allowance (DLA)

See [Disability Living Allowance for Children](#)

DLA has two components; 'Care' and 'Mobility'. The 'Care' component is paid at three levels/rates (low, medium or high) and the 'Mobility' component is paid at two levels/rates (lower or higher).

To claim DLA a child must have a care or mobility problem that has existed for the previous three months and the disability or special need will continue for at least a further six months. This requirement is waived for children who are terminally ill.

Therefore the lower age for DLA Care component is 3 months, unless a child is terminally ill.

However, the higher rate of DLA Mobility component cannot be claimed for a child under the age of 3 and the lower rate of DLA Mobility component cannot be claimed for children under the age of 5.

A claim can be made for a child with a physical disability (including sight, hearing or communication difficulties), or for a child with a learning or mental health problem – even if the cause of the problem has not yet been formally diagnosed. Children with developmental delay, ADHD, Autism or Asperger's Syndrome can make a claim for DLA; what is important is the effect that the child's condition has on their care and supervision needs. The child does not need to attend a special school or have a Statement of Special Educational Needs (Statement of SEN) or an Education, Health and Care Plan (EHC Plan).

Payments are made to a parent or guardian for a child under 16.

DLA is paid on top of any other income and is not means tested. If a child is awarded DLA it may entitle the parent or guardian (including Special Guardians) to a higher level of child tax credit, housing benefit or council tax support, or the parent or guardian may begin to qualify for one of these benefits. Foster carers are not able to claim Child Benefit or Child Tax Credit.

Disability Living Allowance - 2017 – 2018 - Rates

Care Component

Higher Rate	£83.10
Middle Rate	£55.65
Lower Rate	£22.00

Mobility Component

Higher Rate	£58.00
Lower Rate	£22.00

A claimant (child or adult) who is in receipt of the 'Higher Rate' Mobility component can use this through the 'Motability' Scheme to pay for a car by leasing or buying a car. To qualify for the 'Motability' Scheme the claimant must have at least 12 months or more of their award remaining.

DLA is only payable to a child up to the age of 16. From age 16, clients in receipt of DLA will be reassessed regarding eligibility for a Personal Independence Payment (PIP). All people over the age of 16 will be transferred from DLA to PIP in a phased transfer that will be completed by 2018.

Children Becoming Looked After in Receipt of DLA

In circumstances where a child with a disability is becoming looked after, the development of the initial care plan and placement plan (which, in most cases should be developed prior to the child becoming looked after) should clarify the arrangements for the transfer (from the parent) and management of the DLA being paid for the needs of the child.

Where a child becomes looked after and is placed in a residential care setting, the 'Care' component may cease after 28 days in the placement, the 'Mobility' component will continue.

Where a child is placed in foster carer both the 'Care' component and the 'Mobility' component will continue.

The Department for Work and Pensions (DWP) takes the view that the 'Benefit Appointeeship' should transfer from the parent to another person (or 'Corporate Appointee') as soon as practical if the period in 'Care' is intended to be more than 12 weeks.

Where a child is placed in a school with accommodation, discussion should take place with the Department for Work and Pensions DLA unit regarding the status of the school and whether it is primarily designated as a residential care setting, or a school with accommodation. This will often depend on whether the school is a 36, 42 or 52 week setting (residential or boarding). As long as DLA is payable, it will be paid to the original claimant (parent) for up to 12 weeks in cases of temporary separation.

If the child 'looked after' episode is likely to be short term (up to 12 weeks), consideration should be given to the DLA payments remaining with the parent.

The care plan should set out the mechanism for parents to continue to use the DLA to meet any of the specific needs of the child. Discussion should take place with the DLA unit regarding the child's DLA claim and if the payment should continue to be made to the parent or a local authority nominated representative. The discussion with the DLA unit should be undertaken by both the parent and the social worker.

If the child 'looked after' episode is likely to be long term (over 12 weeks), consideration should be given to transferring the DLA payment from the parent to a foster carer or local authority representative.

Where the child is becoming looked after on a longer term basis the expectation is that the DLA is transferred from the parent to a local authority representative, who is likely to be the foster carer.

The initial care plan and placement plan should set out who will take responsibility for transferring the DLA payment from the parent to the local authority representative and who will manage the DLA on behalf of the child. Discussion should take place between the social worker and foster carer (and where applicable local authority legal section, the finance section) regarding the process of appointing a person to manage/oversee the child's benefits and finances.

Children in residential care cannot claim DLA Care Component but can claim DLA Mobility Component.

Children Aged Under 16

Where a child is under the age of 16, consideration will need to be given to who will act as the 'Benefit Appointee' for the child. If the child is in foster care this could be the carer who will manage both the child's claim and the expenditure of the DLA. The foster carers will need to open a bank account in their name to manage the DLA.

If the child is in residential care they will be eligible for DLA Mobility Component, and if they are in a school setting that is not designated as residential care, they may be eligible for both DLA Care and Mobility Components. As an individual member of staff cannot act as a child's 'Benefit Appointee' or hold a bank account in their name for the child's DLA payment, the local authority will need to consider the appointment of a 'Corporate Appointee'.

Children Aged 16 and 17

From age 16 all benefits for children aged 16 and 17 should be paid directly to the child and into an account in their name. Where a 16 or 17 year old has 'limited' ability, a 'Capacity' assessment (Mental Capacity Act 2005) must be undertaken to ascertain if the child's benefit is to be paid to them, or someone

acting on their behalf. The 'Capacity' assessment should focus on the child's ability to manage a benefit claim and the associated income. If a child lacks 'Capacity' they will require a 'Benefit Appointee' and/or 'Corporate Appointee'. Depending on the child's circumstances before their 16th birthday a 'Benefit Appointee' and/or a 'Corporate' Appointee may already have been appointed.

Carers Allowance

Foster carers can claim Carers Allowance if they are looking after an ill or disabled person (child looked after) for at least 35 hours per week. The disabled person (looked after child) must be getting the middle or highest rate of DLA, or either rate of the daily living component of PIP. In addition the foster carer must not be earning over £110.00 per week. Carer's allowance can only be claimed once by a foster carer regardless of the number of ill or disabled people they care for.

Foster Carers Acting as 'Benefit Appointees'

Where a foster carer is prepared to manage the child's DLA claim and payment, they should contact the DLA claim unit and arrange to be designated the 'Benefit Appointee' for the child. As a 'Benefit Appointee' the foster carer is responsible for all aspects of the child's DLA claim and management of the payment. For example, the foster carer will need to inform the DLA unit of any change of circumstance of the child. The DLA claim unit will undertake a home visit to the foster carer to assess that it is appropriate for the carer to act as a 'Benefit Appointee' and that it is in the child's best interest.

To ensure that there is a separation of the child's DLA allowance from the foster carers benefits or finances, it is recommended that the foster carers set up a bank account in their name, into which, the DLA (and any other finances being paid for the child) is paid. Having a separate account will ensure that the foster carers can demonstrate an audit trail and highlight how the DLA is being used. The audit trail is important if the Department for Work and Pensions want to check on the use of the child's DLA or the foster carer's benefits (if they are in receipt of a benefit in their own right).

Any money or savings in an account in the name of the foster carers that is entirely belonging to the child, and from the child's DLA (or other benefits), is not counted by the DWP as part of the foster carers benefit/savings threshold.

Foster carers are advised to keep a record of all DLA income and all expenditure on the child from the DLA. This is a relatively straight forward process if the carers have a bank account solely for the DLA income and expenditure. All DLA income and direct expenditure/payments from the account will be evidenced on the bank statement. Foster carers may find it helpful to record any cash expenditure from the account on an expenditure table. See Appendix 6

All DLA income should be used to meet any disability or special needs requirement of the child. For example, extra laundry, clothing and equipment, clothing and equipment wear and tear, some travel or supervisory costs.

In circumstances where a claim for DLA is made when a child is already looked after the care plan and placement plan should set out who will manage the money on the child's behalf. See above.

Junior Individual Savings Accounts

Looked after children who have who have been in care for 12 consecutive months are eligible for a government initiated scheme whereby they are given a Junior ISA account with an initial payment of £200.00. The scheme is administered by the Share Foundation.

For more information see www.sharefound.org

Foster carers should ensure all savings or unused DLA, PIP, E&SA are added to the child's Junior ISA account. The annual investment limit for a Junior ISA is £4080.00 for 2017-2018.

Children Looked After in Receipt of DLA Reaching Age Sixteen

When a child in receipt of DLA reaches the age of 16 they will be reassessed regarding their eligibility for a Personal Independence Payment (PIP). Since June 2013 all new claims for those aged 16 and above, will be for a PIP. Between October 2015 and 2018 all people aged between 16 and 65 claiming DLA will be reassessed and transferred to a PIP.

PIP has two components; 'A Daily Living' and 'Mobility'. The 'Daily Living' component is paid at two levels/rates (standard and enhanced) and the 'Mobility' component is paid at two levels/rates (standard and enhanced).

Personal Independence Payment - 20164 – 2017 - Rates

Daily Living Component

Enhanced Rate	£83.10
Standard Rate	£55.65

Mobility Component

Enhanced Rate	£58.00
Standard Rate	£22.00

PIP should be paid to the claimant unless they lack 'Capacity'. In circumstances where it has been demonstrated that a 16 year old lacks 'Capacity' the allowance can be managed on behalf of the child by a representative of the local authority. Where a foster carer has been acting as the 'Benefit Appointee' for the child prior to the child's 16th birthday, this can continue after they reach 16, where it has been demonstrated that the child lacks 'Capacity'.

Employment and Support Allowance (E&SA) for Children Looked After Aged 16

From the age of 16 children looked after (section 31 or section 20) who are deemed 'Sick or Disabled' are eligible to apply for Employment and Support Allowance. If the child has 'Capacity' the E&SA should be paid into a bank account in the name of the child. If the child lacks 'Capacity' the E&SA should be

paid into the same account as the DLA/PIP and should be managed in the same manner. E&SA is provided to meet the basic and day to day needs of the child, unlike DLA which is provided to meet the additional costs of the disability.

If the savings in the bank account are above £6000.00 a percentage of the child's E&SA will be stopped (£1.00 per £250.00 of capital above £6000.00, called tariff income) if the child's savings are above £16,000.00 they will not be able to claim E&SA.

Employment and Support Allowance - 2017-2018 Rates

Personal Allowance

Single Person under age 25 £57.90

Components

Work-related Activity £29.05

Support £36.55

Enhanced Disability – single £15.90

Severe Disability – single £62.45

To claim E&SA the child or their representative will need to phone the E&SA claim line (0800 0556688). The claimant will need to demonstrate why they are unfit for work (even if still in education); this is usually done by the DWP sending the claimant a questionnaire to complete. The claimant will generally need to obtain a 'Fit Note' from the GP or specialist consultant. Being in receipt of Higher Rate DLA or Enhanced Rate PIP makes the process more straight-forward. A child/young person undertaking education will usually only receive E&SA if they are also getting DLA or PIP.

In addition to completing the questionnaire, the claimant will need to provide evidence of their National Insurance Number, savings, proof of address and two forms of identity.

When E&SA is in payment, children looked after will cease to receive the pocket money, clothing allowance and personal element (£57.90 – 2017-2018) provided by the foster carers or the residential placement that they are living in on the basis that E&SA is provided to meet basic and day to day needs.

Foster carers should continue to provide evidence of the child's DLA/PIP and E&SA income and record expenditure for audit purposes.

Where it is assessed, by Adult Service that at the age of 18 the young adult will meet the 'Fair Access to Care Services' (Putting People First) criteria; case, placement and financial responsibility for the young adult should transfer to an Adult Service.

Children Looked After with a Disability Reaching Age 18 and Ceasing to Be Looked After

Where it is assessed, by an Adult Service that at the age of 18 the young adult will meet the Care Act 2014 eligibility criteria; case, placement and financial responsibility for the young adult should transfer to an Adult Service.

The Fair Access to Care Services assessment should be completed by the time the child reaches the age of 17½ in order to provide sufficient time to make the arrangements for case and placement transfer to Adult Services. The assessment of a foster carer as an adult placement carer (sometimes called a shared lives carer) is similar to a fostering assessment and will take about six months and therefore should commence when the child reaches the age of 17½.

From the age of 18 young people will also need to claim housing benefit as a contribution to their Staying Put/adult placement/shared lives arrangement. In addition, Adult Services will assess a young person's income (including benefits) against the cost of the placement and will set the level of the contribution that the young person should make.

For guidance on benefits issues for children looked after, their foster carers, "Staying Put" carers and SGO holders - contact the Specialist Welfare Rights Worker, Welfare Rights Unit, Leeds Children's Social Work Service

DISABILITY LIVING ALLOWANCE (FOR CHILDREN):

There are three ways to claim Disability Living Allowance:

1. **Call the DLA Enquiry line** – call to request a claim pack and arrange for someone to help fill in the form if required. The date you request a claim form will be the date the claim can be paid from, if returned within 6 weeks. You can call Monday to Friday between 8:00am and 6:00pm.
 - a. **Telephone:** 0845 712 3456
 - b. **Textphone:** 0845 722 4433
2. **Online** – go to <http://www.gov.uk>, search for ‘Disability Living Allowance (DLA) for children’. Once on the information page, follow the link for ‘How to claim’. This will provide a link to the online claim system.
3. **Download a claim form** - go to <http://www.gov.uk>, search for ‘Disability Living Allowance (DLA) for children’. Once on the information page, follow the link for ‘How to claim’. This will provide a link to download the claim form.
 - The DLA form requires a **statement*** from someone who is involved in the child, young person’s care – there is space on the claim form to write this. This can be from a foster/adult carer, doctor, social worker or therapist.

PERSONAL INDEPENDENCE PAYMENT

To claim a Personal Independence Payment:

1. **Call the DWP-PIP – claimline** – to register a claim. Basic information will be required, such as identity documentation, details of the claimant’s doctor, bank account details. A person can make a claim on the claimant’s behalf; the claimant will need to be present during the call unless the person has been officially appointed to deal with the claimant’s claim (‘Benefits Appointee’). After registering the claim, a form will be sent to the claimant requesting details of the claimant’s medical condition, i.e. the claimant’s daily living and mobility needs. You can call Monday to Friday between 8:00am and 6:00pm.
 - a. **Telephone:** 0800 917 2222
 - b. **Textphone:** 0800 917 7777

Alternatively a claim form can be obtained by writing to PIP, PO Box 1303, Blackpool. FY1 9HF

EMPLOYMENT AND SUPPORT ALLOWANCE:

There are three ways to claim Employment and Support Allowance:

1. **Online** – go to <http://www.gov.uk>, search for ‘Employment and Support allowance’. Once on the information page, follow the links for ‘How to claim and how much you can get.’ This will provide a link to the online claim system.
2. **Telephone** – you can claim via telephone/textphone. An advisor will go through the application form with you and fill it in whilst you are speaking to them. Lines are open Monday to Friday 8:00am to 6:00pm.
 - a. **Telephone:** 0800 055 6688
 - b. **Textphone:** 0800 023 4888

You will need to provide your national insurance number, bank details, rent details, employer details and savings details over the phone. Have this information ready before you phone.

3. **Download a claim form** – alternatively you can download a claim form. Go to <http://www.gov.uk>, search for 'Employment and Support Allowance'. Once on the information page, follow the link for 'How to claim and how much you can get'. This will provide a link to download the claim form which will need to be returned to your nearest Job Centre.
 - A medical certificate (**called a 'Fit-Note'**)* from a doctor is also needed.

To assist with a benefit claim a number of the following documents will be required.

TWO forms of Identity (Three for Universal Credit):

- Birth certificate
- Passport
- Driving License
- UK residence permit
- Utility Bill in own name

ONE form of National Insurance:

- National Insurance Card
- Letter from DWP with National Insurance Number

ONE proof of Address:

- Utility bill in own name
- Bank Statements
- Letter from the local authority

Evidence of Disability or Illness

- Fit Note (Medical Certificated/Sick Note)
- Information from social worker/medical consultant
- Evidence of how the disability/illness effects daily living

Appendix 7

Fostering Maintenance Allowance Rates 2017 - 2018

£246.44	Fostering Maintenance Allowance – Per Week
£57.90	Amount Fostering Maintenance Allowance reduced by per week when Employment and Support Allowance is in payment – from age 16
£57.90	Income Support rate 2017-2018 – Per Week