

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**CHILDREN, YOUNG PEOPLE AND EDUCATION
CABINET BOARD**

7TH APRIL 2016

**REPORT OF THE HEAD OF CHILDREN AND
YOUNG PEOPLE SERVICES
- A. JARRETT**

MATTER FOR INFORMATION

WARDS AFFECTED: ALL

WHEN I AM READY POLICY AND PRACTICE GUIDANCE

1. Purpose of Report

The purpose of the report is to provide Members with information on the implementation of the implementation of the When I Am Ready Scheme.

2. Executive Summary

When I Am Ready has been introduced by Welsh Government and comes into being on 4th April with the introduction of the Social Services and Well-being (Wales) Act 2014. The When I Am Ready Guidance relates to Part 6 of the Act and sets out the Local Authorities legal responsibilities in respect of post 18 living arrangements for young people in foster care.

Local Authorities are required to set up a scheme in line with the requirements of the code.

When I Am Ready sets out new duties towards young people in foster care who wish to remain living with their carers after they are 18.

The key features are:

- Only young people living in foster care immediately prior to their 18th Birthday are eligible.
- The young person is not 'looked after' when they reach 18, but they become an 'excluded tenant' and the former foster carer becomes a landlord.
- It is different from a supported lodgings arrangement. When I Am Ready is based on the family relationships that young people already have with their carers.
- The young person should be in or working towards an education or training scheme
- A When I Am Ready can last until someone is 21 or be extended if they are in education.

3. **Background**

Neath Port Talbot currently has an extension to placement policy which sets out the arrangements for supporting young people to remain living with their foster carers when they become 18 year old. Under the current policy foster carers payments reduce to a supported lodging rate following the September after the young persons 18th birthday. Under When I Am Ready, there is a requirement for payments to be made in line with the National Minimum payments for foster carers, and therefore there is financial implication to introducing the When I Am Ready Scheme (see below an appendix 2)

4. **Financial Impact**

Unlike the 'Staying Put' arrangements in England which set out the arrangements for Care Leavers post 18, no additional funding has been provided to Local Authorities in Wales to implement the When I Am Ready Scheme.

Each Local Authority is required to establish its own rates for When I Am Ready payments. There is an expectation that if the young person is not working, that they claim any benefits that they are entitled to, and that these benefits contribute towards the financial arrangements for the When I Am Ready Placement.

The Local Authority is required to make reasonable payments for the practical and emotional support that the When I Am Ready carer provides, and these payments should be no less than the National Minimum allowances for foster carers.

The cost of implementing When I Am Ready for the existing young people who are living with former foster carers post 18 in Neath Port Talbot will be a maximum additional £50,420 for the first year, and an additional £28,028 for the following year (see appendix 2 – financial implications). These costs will be met from existing budgets.

5. **Equality Impact Assessment**

After consideration this is not applicable.

6. **Workforce Impacts**

After consideration this is not applicable.

7. **Legal Impacts**

After consideration this is not applicable.

8. **Risk Management**

After consideration this is not applicable.

9. **Consultation**

Consultation has taken place with foster carers and young people. Further workshops are planned for the w/b 28th March.

10. **Recommendation**

After consideration this is not applicable.

11. **Reason for Proposed Decision**

After consideration this is not applicable.

12. **Implementation of Decision**

After consideration this is not applicable.

13. **Appendices**

Appendix 1	When I Am Ready Policy and Guidance/Financial arrangements
Appendix 2	Financial Implications

14. **List of Background Papers**

Not applicable

15. **Officer Contract**

Delyth Berni - Principal Officer, Children & Young People Services
Tel: 01639 763319
Email : d.berni@npt.gov.uk



**When I Am Ready
Policy and Guidance**

**Planning The Transition To Adulthood
For Care Leavers**

Purpose and Background

Under part 6 of the Social Services and Well-being (Wales) Act Local Authorities have new duties towards young people in foster care who wish to continue to live with their foster carers after they are 18 years old.

This policy relates to the arrangements for young people after their 18th Birthday that have been looked after by Neath Port Talbot County Borough Council who wish to remain living with their former foster carers under When I Am Ready arrangements. On average young people in the UK remain living with their families until up to the age of 24. This is in contrast to the experience of many young care leavers, who, unlike their peers who have not been looked after, often find themselves living independently at or before their 18th Birthday. Young people who leave care prior to their 18th Birthday often experience lower educational and employment opportunities, poorer housing choices and homelessness. Although some may have learned the practical skills to live alone, often they will not have developed the emotional resilience they need to be fully independent. There is a need to narrow the gap between the outcomes for young people leaving care and those who remain living with their families. It is planned that the changes in arrangements which give young people the opportunity to remain in secure, caring families until the age of 21 will redress this balance and improve life opportunities and outcomes for young care leavers.

What is When I Am Ready?

When I Am Ready arrangements relate to circumstances when a young person who is looked after by the Local Authority becomes 18 years old and remains living with their former foster carers.

When I Am Ready is different from a foster placement. The young person is no longer looked after, and the legislation and regulations that apply to a child in foster care are no longer applicable.

When I Am Ready is different to supported lodgings arrangements. Supported lodgings is primarily a housing support for vulnerable young people, When I Am Ready is based on the premise that there is a pre existing positive relationship between the carer and the young person, and that the young person will continue to reside as part of a family unit.

Prior to the implementation of When I Am Ready, young people could remain living with their foster carers under an 'extension to placement' agreement. The When I Am Ready arrangements introduce statutory responsibilities and places a duty on the Local Authority to support Category 1 (formerly known as eligible) young people to remain with their foster carer beyond the age of 18 when the young person has requested this and the foster carer is in agreement.

What Are The Aims And Outcomes Of When I Am Ready?

The overall outcome of When I Am Ready is that a young person has the support and the time that they need to develop the skills to be able to have a successful transition to adulthood.

When I am Ready aims to provide stability and continuity for young people leaving care by affording them the opportunity to continue to live in a family setting where they can feel secure and continue to receive practical and emotional support.

When I Am Ready aims to increase the opportunities for young care leavers to access post 18 education, training and employment and decrease the number of young people who experience homelessness or unstable changes in their accommodation.

Who Is Eligible For When I Am Ready

All young people who are looked after in a placement arranged by the Local Authority immediately prior to their 18th Birthday are eligible to be considered for When I Am Ready.

The young person will need to be considered a 'category 1' young person (SSWB Act 2014, previously defined as an 'eligible' young person under The Children Act 1989). The Foster carers must have been approved foster carers and have been caring for the young person immediately prior to their 18th Birthday.

There is an expectation that the young person is participating in full or part-time training, education or employment. Young people not engaged in education training or employment would not be excluded from When I Am Ready but there should be working towards this goal.

Both the young person and the foster carer must want the When I Am Ready arrangement, and the Local Authority must be satisfied that the arrangement is consistent with the young person's well-being.

There is no provision for young people to remain in a residential setting under When I Am Ready.

The aim of When I Am Ready arrangements is that they are intended to support young people making the transition to adulthood with the expectation that the young person will move onto independent living. Young people with care and support needs who are looked after can enter a When I Am Ready arrangement providing that this meets their needs. Some young people have complex needs which require on-going care and support which mean that moving onto independent living is not an appropriate long term plan. For these young people Children and Adult Services will need to plan the most appropriate long term arrangement. For some young people this may mean that it is appropriate for the carers to become Adult Placement carers. When I Am Ready should not be used as an interim arrangement pending other arrangements being established and appropriate and timely planning is essential prior to the young persons 18th Birthday.

The Legal Status Of When I Am Ready Arrangements

Young people remaining with foster carers are no longer 'looked after' and the legal basis on which they live in the home changes. The young person becomes an 'excluded licensee' which means that they are technically 'lodging' in the home and the When I Am Ready carer is their landlord. As an excluded licensee the young person can be asked to leave the property by the When I Am Ready Carer.

The change in legal status and financial arrangements should not mean that there is a change in the way that the young person is considered to be part of the household and part of the family. It is important that the young person and the carer understands the nature of the new arrangement and that relationships and expectations are supported.

Setting Up A When I Am Ready Arrangement

It is essential that there are discussions with the young person and their carers at an early stage. Planning should start prior to the young person's 16th Birthday when the Local Authority and the Young Person develops their Pathway Plan.

When a young person and their foster carers indicate that they wish to enter into a When I Am Ready arrangement this must be included in their Pathway Plan.

If a young person is in a residential placement they must receive information about When I am Ready and arrangements must be considered as part of their pathway planning. Although they will be unable to remain in the residential provision beyond their 18th Birthday, if they wish to move to a foster placement and it is felt achievable and in their best interest to do so the Local Authority can seek to identify a foster placement which can offer sufficient stability to become a When I Am Ready arrangement after they are 18.

Some young people may wish to enter into a When I Am ready arrangement when they are 18 but their current placement is unstable, they may not wish to remain with their current carers or the carers do not wish to enter the arrangement. In these circumstances the Local Authority should consider moving the young person to a foster placement which can offer sufficient stability to become a When I Am Ready arrangement after they are 18.

Foster carers and Young people must be provided with information and advice , which includes information about financial arrangements in order to consider whether they wish to enter into a When I Am Ready arrangement.

When I Am Ready Living Agreements

A When I Am Ready Living Agreement meeting must take place prior to the young person in the six months prior to their 18th Birthday.

The meeting should involve the young person, their social worker and young persons advisor, the foster carers and their supervising social worker and any other relevant professional. The When I Am Ready living agreement should cover the range of issues which are included in the young persons Pathway Plan.

The Living Together Agreement should include:

- The outcomes that the young person hopes to achieve
- The details of the support that will be provided by the When I Am Ready Carer and others to help the young person to achieve their outcomes
- Arrangements to promote the young persons health an dwell-being including the role of the When I Am Ready carer in meeting any emotional health needs
- The young persons plans for Education training or employment
- Arrangements for when the young person wishes to stay away from the home or have friends or partners to visit or stay.

- Any issues relating to other members of the household including other children in the home and safeguarding arrangement
- Moving on plans.

(annex 1)

When a young person plans to go away to attend University College or to the Army the When I Am Ready arrangement should not cease and they should be able to return to the carers home during their vacations. The carer will be eligible to receive the When I Am Ready payments for the periods of time that the young person is residing in the home.

Monitoring The When I Am Ready Arrangement

The young person's advisor will be responsible for coordinating services, keeping in touch with the young person and carers and monitoring the arrangements. The When I Am Ready arrangement should be reviewed along with the young person's Pathway Plan. The Independent reviewing officer will be responsible for reviewing the Pathway Plan and review of the Living Agreement should be coordinated to inform the review Pathway plan review.

Ending A When I Am Ready Arrangement

A When I am Ready arrangement ends when the young person becomes 21. However when a young person is completing an agreed training or education programme and ending the When I Am Ready arrangement would have a significant impact on their success (for example if a young person is completing their final exams) then arrangements can be made to extend the When I Am Ready arrangement until completion and the young person can be supported to move on to suitable alternative accommodation.

The When I Am Ready arrangement can be ended by either the young person or the carer or by the Local Authority, who can determine that it will no longer support the arrangement if it is no longer appropriate to the young person's well-being.

Arrangements for ending the arrangement should be included in the Living Together Agreement, including a reasonable notice period for ending the arrangement.

If a young person leaves a When I Am Ready arrangement to move into independent living but then wishes to return to the carer this will no longer be a When I am Ready arrangement. The Local Authority still has a duty to the young person and may seek to support this under an alternative arrangement.

When I Am Ready Social Worker

The Local Authority will identify a When I Am Ready social worker. The When I Am Ready worker will be able to offer advice and information to potential When I Am Ready Carers. They will offer support and guidance on the practical elements of When I Am Ready arrangements including information about allowances, and maximising the income of the young person and the carer. The When I'm Ready worker will be involved in setting up When I'm Ready arrangements.

Safeguarding

The Pathway Plan and When I am Ready Living Agreement should ensure that all safeguarding issues are addressed and managed.

The young person will be considered to be an adult member of the household and as such will require a Disclosure and Barring Service (IDBS) check to be completed, and a risk assessment to be completed if the DBS check highlights any potential risk.

Foster Carers Status

If the foster carers who enter into a When I am Ready arrangement have other younger children placed with them then the regulations that apply to Fostering are still applicable to the household.

Entering into a When I Am Ready arrangement will constitute a change in circumstance and there should be a review of the foster carers presented to the Fostering Panel for consideration. The Fostering Panel will need to consider the impact of the When I Am Ready arrangement on the Foster carers approval status including the number of children that they are approved for.

When a foster carer has no other children placed and it is not intended that there should be further placements, then the Fostering Panel should consider de-registering the carer. Where the foster carer wishes to retain their foster carer approval status and there are no current children placed then the fostering service should take a view on the appropriateness and the length of time that the carer should remain registered.

The fostering service should continue to offer access to training to the When I'm Ready Carer regardless of whether they continue to retain their foster carer status.

Financial Arrangements

When I Am Ready Carers are no longer eligible for Fostering Fees or Allowances for young people when they reach 18. Instead they will receive a When I Am Ready Allowance which should amount to the same as the National Minimum Allowances paid to foster carers.

The level of payment made will depend on the carer's own circumstances, and on whether they are in receipt of benefits themselves.

The allowances paid to the carer will be for the practical and emotional package of support that the carer provides to the young person. Unlike fostering allowances it does not include payment for personal items, clothing, travel or holiday money.

There is an expectation that a young person contributes to their board and lodge.

Where a person is not in employment they will be supported to claim all of the benefits that they are entitled to. This means that they will be able to contribute to their board and lodging, as well as meeting their own personal expenses.

Where a foster carer is in receipt of benefits and these will be impacted on by the young person living in the home under When I Am Ready and claiming benefits in their own right then the Local Authority will consider the impact when making its financial arrangements.

Please see 'Financial Arrangements for When I Am Ready' for further information (appendix 2)

When I Am Ready Arrangement and Independent Foster Carers

When a When I Am Ready arrangement is proposed with an Independent foster carer the discussions will need to include the fostering agency. The When I Am Ready arrangement is not a fostering arrangement and therefore arrangements can be made separately to fostering agreements and contracts. Consideration will need to be given to any guidance within the commissioning framework.

The rates of When I Am Ready allowances will be set by the Local Authority. It is essential that fostering agencies and the supervising social worker for the Independent foster placement consider the principles behind When I Am Ready and participate in planning for individual children in order to ensure that arrangements meet the needs of the young person and the carer.

Please see 'Financial Arrangements for When I Am Ready' for further information (appendix 1)

Practical Issues

When I Am Ready carers should inform their landlord or their mortgage provider, and their insurance provider that they will continue to support a former foster child as a young adult under When I Am Ready arrangements. A failure to inform them may constitute a breach of the mortgage or tenancy requirements or the insurance cover being void.

When I Am Ready carers who transport young people should have the same level of insurance cover, MOT, Vehicle licensing as required for foster carers.

When I am Ready carers must be provided with information about liability insurance for situation should a young person make an allegation against them or a foster child in placement, or for when an allegation is made against a young person.

When I Am Ready Carers are seen as self employed for tax purposes.

Please see 'Information for Foster carers' for further information (appendix 3)

When I Am Ready Financial arrangements

When I Am Ready Payments

When I am Ready Carers are no longer eligible for fostering allowances and fees in respect of young people over the age of 18 who remain living with them. Instead they will receive a When I Am Ready allowance.

From the age of 18, a young person may be eligible to claim means tested benefits, including housing benefit, or they may be in receipt of an education bursary, full or part-time employment, or a maintenance allowance.

The allowances that are paid to the When I Am Ready carer should reflect a contribution paid to the carer from these sources of income.

The When I Am Ready allowance is intended to cover all reasonable costs of supporting the young person. The allowances paid to the carer are exclusively for the practical and emotional package of support that is being provided to the young person by the carer. Unlike a the fostering allowances that were previously paid to the carer, the payments will not include an element to be given to or spent on the young person such as for personal items, clothing, travel or holiday allowances. These items will be replaced by the young person's earnings or benefit entitlement after the age of 18.

How Much Will A Young Person Receive?

A young person in a When I Am Ready arrangement maybe in full or part time employment. Where they are not there will be an expectation that they claim any benefits that they are entitled to.

Where a young person is unable to claim benefits, the Local Authority will provide a Weekly Maintenance Payment of £60.50 a week.

What Will Young People Be Expected To Pay For?

Young people will be expected to pay for their own personal items, toiletries, mobile phone costs, clothing, and travel or holiday money.

Young people will be expected to make a minimum £15 per week contribution towards the cost of their board and lodging. This will be payable either from monies received from their employment, benefits or weekly maintenance allowance.

How Much Will The When I Am Ready Carer Receive?

The Welsh Government Guidance recommends that the payments for When I Am Ready should 'amount to the same as the National Minimum Allowances paid to foster carers.'*(When I Am Ready. Guidance for Welsh Local Authorities 2016/16)*

Young people will be expected to make a minimum £15 per week contribution towards the cost of the arrangement. This will be payable either from monies received from their employment, benefits or weekly maintenance allowance.

The total payable to the When I Am Ready carer will be £204 per week.

Housing Benefit

Under a When I Am Ready Arrangement a young person is no longer 'looked after' or 'in care' and a carer is no longer a 'foster carer'. A young person becomes an 'excluded tenant' which means that they are lodging in the home, and the carer becomes a 'landlord'.

Where a young person is residing in a When I Am Ready arrangement, it is the expectation that the young person will apply for Housing Benefit, if eligible, and that the Local Authority will be responsible for paying only the top up in circumstances where the young person is not eligible for Housing Benefit.

When a young person is entitled to Housing Benefit, this will be paid directly to the Local Authority Children's Services Department, who will act as an 'Agent' on behalf of the 'landlord'. This arrangement will mean that carers receive one payment rather than elements of the payment from different departments in the Local Authority.

When will Payment Cease?

Payments cease when the When I Am Ready Arrangement ends or when the young person reaches 21. When a young person is participating in an education or training programme at the age of 21, and ending the When I Am Ready arrangement would have a negative impact on the outcome, consideration can be given to extending the arrangement until the completion and the young person can move onto appropriate alternative accommodation.

What Happens When A Young Person Temporarily Leaves The When I Am Ready Arrangement?

A young person in a When I Am Ready Arrangement may have periods of time when they live somewhere other than in the carers home. This would apply to young people who attend University or College or who enter the Armed Forces. The When I Am Ready Agreement should identify the arrangements that will be made in these circumstances. The When I Am Ready Allowances will be payable for the periods when the young person returns to the home.

Breakdown Of Weekly Payments

Housing Benefit element	£80
Young person's contribution for board & Lodge	£15
Payment for practical and emotional support	£109
TOTAL WEEKLY PAYMENT	£204

When I Am Ready
Financial Implications

Purpose and Aim

To identify the financial and resource implications and additional costs associated with new statutory 'When I Am Ready' legislation.

Objectives

To set out the structure of payments being made under a When I Am Ready scheme.
To recognise the costs already being incurred for the provision of 18 plus placements.
To identify the benefits that young people are entitled to post 18 and how these can impact on the cost of the When I am Ready scheme.

Current Costs & Extension To Placement Policy

Currently the Payments under the extension to placement policy mean that foster carers receive the equivalent of the fostering allowances for the young person. This is currently £183 a week.

Under the current extension to placement policy the £183 is payable up to the September after the young person is 18 years old. The £183 includes £43.26 pocket money and clothing allowances which the carer is required to give to the young person, or is deducted at source from the allowance and paid directly to the young person.

Following the September after the young person's 18th Birthday the carers allowance reduces to the equivalent of Supported Lodgings payments of **£140** per week. Young people are expected to claim any benefits that they are entitled to including housing benefit. Currently housing benefit is paid directly to the carer, and is deducted from the £140. The allowances do not include an element for personal allowances, as young people would be expected to pay for this from any income they receive.

NPT currently supports 9 young people who continue to live with their former foster carers under the extension to placement policy.

The current cost per young person (if housing benefit is being claimed) is **£60** per week.

Predicted Take Up Of The When I Am Ready Arrangements

Due to the significant rise in the number of young people becoming looked after in 2012/2013 there was a corresponding rise in the number of 'category 1' young people in 2014. Category 1 young people were formerly known as 'eligible' young people. These were young people who were in care and being looked after at the age of 18.

Based on the number of young people admitted to care in this period, the figure for Category 1 care leavers peaked in 2015/16 and is predicted to remain high for the next 3 years.

There has been a significant rise in the numbers of eligible young people in 2014 is a reflection of the rise in the number of children looked after during 2012/2013. It is likely, based on the ages of children admitted to care during this period, which this figure will peak in 2016 and remain high over the next 3 years.

Young People Turning 18 During Financial Year	LAC
2015-2016	41
2016-2017	28
2017-2018	31
2018-2019	34

Of the 28 young people turning 18 in 206/17, it is currently anticipated that a Maximum of 11 of these may stay with their carers under When I'm Ready.

When I'm Ready Payments

When I am Ready Carers are no longer eligible for fostering allowances and fees in respect of young people over the age of 18 who remain living with them. Instead they will receive a When I Am Ready allowance.

The Welsh Government Guidance recommends that the payments for When I Am Ready should 'amount to the same as the National Minimum Allowances paid to foster carers' (*When I Am Ready. Guidance for Welsh Local Authorities 2015/16*)

This would mean that the When I Am Ready payments for 2016/17 will be based on **£189** per young person.

What Benefits Can Young People Claim And How Do These Impact On The When I Am Ready Payments?

The majority of young people who remain living with foster carers under the When I'm Ready scheme will be claiming housing benefit of approx. **£80** per week.

Childrens Services will act as an 'agent' for the When I Am Ready carer. Children's Services will pay the carer £189 per week, the £80 housing benefit will be paid directly to Children's services which will mean a more consistent and timely payment for cares. Young people will also be expected to either be working or to claim means tested benefits. They will be required to pay a contribution of **£15** to the When I Am Ready carer in addition to the £189.

Current Cost To Children's Services

Under the current extension to placement policy, payments to former foster carers reduce to £140 a week from the September after the young person turned 18. Therefore, the cost to Children's services, when the housing benefit is taken into account is currently £60 per week. Under When I'm ready the cost with housing benefit deducted is £109 per week,

Future Cost To Children's Services

The implementation of When I Am Ready to the Local Authority will bring an additional cost to the LA of **£49 per week per young person per week**.

The maximum projected additional cost to implement When I Am Ready for the young people turning 18 in 2016/17 is **£28,028**

During the first year of implementation there will be a need to offer the opportunity for the young people over the age of 18 and their carers to convert to the When I Am Ready Arrangements. If All 9 young people and carers convert this will be an additional first year cost of **£22, 932**. The maximum additional amount for the first year of implementation will be **£50, 420**.

How Will The Costs Will Be Met?

Unlike the English 'Staying Put' Scheme, there have been no additional financial resources provided to Local Authorities in Wales to implement the When I Am Ready Arrangements.

The increased costs of implementation will need to be met from within the existing budget.