

PART 25

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Safeguarding Board Responsibilities

1. Universal services have a key role in identifying privately fostered children who are a potentially vulnerable group.
2. Local authorities are required to satisfy themselves that the welfare of children who are, or who will be, privately fostered will be satisfactorily safeguarded and promoted but they do not approve or register carers.
3. Local authorities and other relevant agencies are responsible for decisions about their own arrangements for managing the legal and administrative issues assigned to them under the Children Act 1989. Local authorities should work with other agencies in meeting the needs of privately fostered children, parents and private foster carers.
4. There is a duty on local authorities to promote public awareness of the notification requirements. This should involve working with partner agencies to enable professionals to encourage carers and parents to notify the local authority.
5. Local authorities can receive notifications of private fostering arrangements from parents, carers and third parties.
6. Every local authority must promote public awareness in their area of requirements as to notification.
7. Local authorities are to ensure that the private foster carers are suitable and that the children's needs are met. Assessments should cover the suitability of carers and other household adults, whether the carer is able to meet the needs of the child, that the child is safe and whether a core assessment is required.
8. Children who are living in private fostering arrangements are defined as Children in Need according to the policy of Staffordshire County Council. Unless the criteria for a Core assessment are met an assessment will always be undertaken and a Service Plan drawn up.
9. Local Authorities do not formally approve or register private foster carers. However the Local Authority must satisfy itself that the welfare of children who are privately fostered in their area is being satisfactorily safeguarded and promoted and that advice is given to those caring for them.
10. Education, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied have been or will be, notified of the arrangement, so that the local authority can then discharge its duty to satisfy itself that the welfare of the child is satisfactorily safeguarded and promoted.

11. Other agencies need to be aware that failure by a carer or parent to notify the local authority of an arrangement is an offence.
12. In assessing the capacity of the carer to look after the child, local authorities should consult with agencies already involved with the child, the carer and adult members of the household. The assessment uses the dimensions and domains in the *Framework for the Assessment of Children in Need and their Families* (2000).

Responsibilities: Private Foster Carers and Parents

13. It is the responsibility of the prospective carer, and anyone else involved in the arrangement, to notify the council that they plan to care for a child.
14. The private foster carer becomes responsible for the day to day care of the child in a way which will promote and safeguard the child's welfare.
15. Overall responsibility for safeguarding and promoting the welfare of the child remains with the parent or person with parental responsibility.
16. Financial arrangements are agreed between the private foster carer and parent and ideally should be set down in writing.

Legislation

17. Safeguarding arrangements for privately fostered children came to the forefront as a result of the 1996 Utting Report - 'Children living away from home' and the Laming enquiry into the death of Victoria Climbié in 2003.
18. The current legislation and regulations relevant to private fostering are set out in Part 9 of, and schedule 8 to, the Children Act 1989, amended by section 44 of the Children Act 2004.
19. Section 44 of the Children Act 2004 places a duty on the local authority to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted to include children who are proposed to be, but not yet, privately fostered and gives such advice to those caring for privately fostered children as appears to them to be needed.
20. The Children (Private Arrangements for Fostering) regulations 2005 replaced the Children (Private Arrangements for Fostering) Regulations 1991.
21. The Replacement Children Act 1989 Guidance on Private Fostering replaces chapter One of Volume 8 (Private Fostering and Miscellaneous) of the Children Act 1989 Guidance and works alongside the National Minimum Standards.

Definition

22. A privately fostered child, being under the age of 16 (18 if disabled), is cared for and provided with accommodation by someone other than; a parent, person with parental responsibility or a close relative- defined in the Children Act 1989 as a grandparent, brother, sister, aunt or uncle (whether of full blood or half blood by marriage) or by step parent.
23. A private fostering arrangement is one that is made privately for the care of a child. A private foster carer may be extended family, family friend or parent of a friend or someone unknown to the child's family.
24. This can include young people who stay elsewhere due to family breakdown, arrangements made during parental illness, children staying in families whilst attending a school away from their home area and children from overseas whose parents are not resident in this country.
25. The intention should be that the placement lasts for 28 days or more.
26. The period for which that child is cared for and accommodated by the private fostering carer should be continuous, but if a child receives an occasional short break this is not considered to break that continuity. Exemptions to this definition are set out in schedule 8 to the Children Act 1989.

Guidance

27. The National Minimum Standards for Private Fostering states that (standard 1) the local authority has a written statement, which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out. The statement includes the role of other agencies in assisting the local authority to carry out its duty under section 67(1) of the Children act 1989, in particular through notifying the authority of an arrangement where they are not satisfied that the local authority have been, or will be, notified of that arrangement.
28. Standard 2 states the local authority promotes awareness of the notification requirements and ensures that those professionals who may come into contact with privately fostered children understand their role in notification by providing targeted and current information to those who may come into contact with privately fostered children.
29. Standard 3 states that the local authority determines effectively the suitability of all aspects of the private fostering arrangement in accordance with the regulations, that being the intended duration of any arrangement agreed between the parent and carer, the views wishes and feelings of the child, that the placement is able to meet all of the child's day to day care needs as set out in the *National*

Framework for the Assessment of Children in Need and their Families (2000).

30. Standards 4-6 states the local authority provide such advice and support to private foster carers and prospective carers, parents and the privately fostered children as appears to the authority to be needed ie- any entitlement to benefits and any necessary advice or support which will assist them to safeguard and promote the welfare of the child.

General

31. Local authorities should establish that the person who is proposing to privately foster a child is aware of the significance of religion and/or culture in relation to the child's racial origin, and has an understanding of the particular culture and knowledge of the child's preferred language. The social worker should offer advice and support in respect of accessing local resources and facilities which could assist in meeting the racial, cultural, religious and linguistic needs of the child.

Confidentiality

32. In deciding whether there is a need to share information, there is a need to consider legal obligations including: whether the information is confidential and if it is confidential, whether there is a public interest to justify sharing.

Case Responsibility

33. The case responsibility for all private fostering cases is with the Family Assessment and Support Service (FASS) based at Codsall Area Office – 01902 434000

Notification Requirements

34. A proposal to foster a child privately must be notified in writing, to the Area Social Work Office by the intending private foster carers. Notice should be given at least six weeks before the date of placement or immediately if it is to begin within 6 weeks.
35. Any person, including a parent or other person with parental responsibility, who is involved (directly or not) in making the arrangements for the child to be privately fostered must notify the Area Social Work Office of the arrangement as soon as it is made.
36. A parent or other person with parental responsibility, who is involved (directly or not) in the arrangements but who knows about the arrangement must notify the Area Social Work Office as soon after they become aware of it.

37. The notification in all circumstances must include the information set out in **Schedule 1**.

Notification of a Proposal to Privately Foster

38. On receipt of notice an allocated Social Worker must arrange within seven working days to:

- visit the premises where it is proposed that the child will be cared for and accommodated.
- visit and speak to the proposed private foster carers and to all members of the household.
- visit and speak to the child, unless it is considered inappropriate (an independent interpreter should be used where the child's preferred language is not English).
- where practicable, the child's parents or other person with parental responsibility must be visited and spoken to.
- the proposed private foster carers will complete the Notification Form. The social worker must assess the placement and cover the issues detailed in **Schedule 2**, as appears relevant. This will include an assessment of risk of harm to children already living there and vice versa using the Assessment Framework.

39. By checking out the private fostering arrangements in advance the department can satisfy themselves that the placement will be suitable or otherwise take steps to prevent the placement or to impose requirements.

Notification about a Child being Privately Fostered

40. If the child is already in placement at the point of notification an allocated social worker will within one week:

- visit the premises where the child is being cared for and accommodated.
- visit and speak to the private foster carers and to all members of the household.
- visit and speak to the child, unless it is considered inappropriate (an independent interpreter should be used where the child's preferred language is not English).
- where practicable, the child's parents or other person with parental responsibility must be visited and spoken to.

- the private foster carers will complete the Notification Form.
41. The social worker must assess the placement and cover the issues detailed in **Schedule 3**, as appears relevant. This will include an assessment of risk of harm to children already living there and vice versa using the Assessment Framework.

Relevant checks, including Health and Criminal Records Bureau

42. Carers must be asked to sign agreements to seek CRB (enhanced) and medical clearances (AH forms) financed by the local authority. CRB checks are carried out on anyone over 16 living in the household. The family should also be informed that checks will be made with other agencies e.g. Education, CAFCASS, Health Authority. By completing and signing the Notification form they are consenting to checks being made.
43. The Social Worker must also check Local Authority records, current and previous, to see if the family is known to the Department.
44. The Social Worker must ask the carers to provide the names of two personal referees whom the social worker should arrange to visit to discuss the carers suitability to privately foster. Referees should be asked to provide their views in writing.
45. CRB and CISS checks and requests for written personal references and Medical Clearance from the carer(s) GP(s) should be made within one week of notification of the placement.
46. In promoting the welfare of privately fostered children, the local authority has a duty to consider all relevant information. This includes any 'spent' offences. Where a prospective or actual private foster carer (or member of their household) has a criminal record which does not constitute grounds for disqualification but nonetheless may have adverse implications for their suitability as a carer, this should be discussed as a matter of urgency with the Area Manager.

Assessment of the Placement

47. Assessment of the placement should be made within 12 weeks of the notification. On completion of the assessment a report must be written by the social worker detailing all the aspects outlined in **Schedule 2** or **Schedule 3**. The report should contain a recommendation about the suitability of the placement.
48. The report must be signed by the Social Worker and Team Manager and a copy sent to the Area Manager for approval of the placement. A copy of the report must be kept on both the child's and carer's files. Following the agreement of the Area Manager to the placement the carers, parents, and child must be notified in writing of the decision.

Responding to Un-notified Arrangements

49. In circumstances where a private fostering situation has not been notified in accordance with the regulations the department will consider action to be taken, bearing in mind the 'best interest' of the child.

Supervision of the Placement

50. The placement must be visited within one week of its commencement, and thereafter at a minimum of every six weeks during the first year and every three months in any second or subsequent years.

51. Additional visits should be made wherever reasonably requested by the child, private foster carer, a parent of the child or any other person with parental responsibility or when considered necessary for other reasons. Some visits should be unannounced.

52. On occasions other visits should take place when all members of the household are likely to be home.

53. On each visit the child must be spoken to alone unless it is considered inappropriate .

The purpose of supervisory visits include:-

54. Ensuring that the welfare of the child and overall standard of care offered is satisfactory. The child's bedroom should be seen at minimum intervals of 6 months. The child, parent and private foster parent should feel free to contact the Social Worker at any time.

55. Providing encouragement to maintain or improve childcare standards.

56. Check that any requirements imposed on the placement are being met and whether they need to be changed or cancelled.

57. Ensuring that the foster carer receives necessary advice and support to promote the child's welfare, such as:

- Entitlement and access to financial benefits.
- Information on the services offered by other agencies e.g. health, education, housing, youth support, voluntary agencies and community such as toy library, play group.
- Information about support groups and independent advice/advocacy such as Parentline Plus, Family Rights Group & Fostering Network.

- Encouragement to maintain regular contact between the child and parents; siblings; other significant persons where this will promote the child's welfare and where necessary to support and facilitate this.
- Specific issues arising from religious, racial, cultural and linguistic background.
- Access to relevant training or support to enhance ability to care e.g. medical or disability issues. This may include access to, if appropriate, Foster Carer Training or Support Group.

58. Where there are concerns that a child may not be achieving a satisfactory level of health or development without the provision of services an assessment is undertaken under Section 17 of the 1989 Act, in accordance with the Assessment Framework.

59. The private foster carer must be given allocated social worker's contact details and that of the out of hours service.

60. The privately fostered child must be provided with information explaining:

- The meaning of their private fostering status and their right to be safeguarded.
- Contact details of social worker and who to contact at any time if they have concerns.
- Details of the advocacy service.

61. Each visit must be recorded on the child's file with an indication as to whether the child was seen and, if not, the reasons and also whether the child was seen alone. The record should also comment on the child's welfare and if the placement is satisfactory, including any comments made by the child or the carer. Any matter for concern or difficulty should be highlighted and discussed with the social worker's Team Manager.

62. The report should also consider whether any further action is necessary including:-

- The imposition of requirements on the private foster carer (Schedule 8, para. 6 of the Children Act 1989).
- The imposition of a prohibition (with or without conditions upon non-compliance) (Section 69 of the Children Act 1989).
- Whether any action is necessary in respect of the child (Section 67 (5) of the Children Act 1989).

- It is an offence for a private foster carer to refuse or obstruct a supervisory visit. If such difficulties arise, the Team Manager and the Legal Department must be consulted immediately.

63. The parents must be provided with advice and support as follows:

- Information about services on offer from the department and other agencies.
- Encouragement to maintain contact.
- To make alternative arrangements for care of their child where a private fostering arrangement has been prohibited and no other is contemplated.
- Contact details of the allocated social worker.

Reviews

64. Although the Regulations do not stipulate a statutory review the Department requires the Social Worker and Team Manager to review all private fostering arrangements six monthly. This review is conducted as part of a review of the service plan/child's plan under the Assessment Framework procedures.

65. All persons involved in the arrangements should, where appropriate, be consulted and given the opportunity to participate in a face to face meeting chaired by the Team Manager. The review of the service plan should also consider whether any agreement between the parent and carer needs updating.

66. The review should consider the child's welfare and progress, the continuing suitability of the private fostering arrangements and whether the foster carer would benefit from any training due to the particular needs of the child placed. If the young person is over the age of 15, the review should consider their aftercare arrangements.

Unsatisfactory Care

67. Where the Social Worker believes the care of the child to be unsatisfactory, the details must be discussed with the Team Manager. Child Protection procedures should be implemented where there is perceived to be risk of significant harm to the child. Except in urgent situations, a Strategy discussion will be convened prior to action to share knowledge regarding the child's care and development and make recommendations as to further enquiries.

68. Problems of a less serious nature should be addressed by the Social Worker with the child, the carer, and where possible the parent(s). The child's parent should be informed of any unsatisfactory care and involved in any significant action where the child's welfare cannot be

satisfactorily safeguarded or promoted in the foster placement, and arrangements should be made for the child to live elsewhere. Where it is in the child's best interests this should be either with a parent, a person with parental responsibility or a relative following an assessment. Alternatively, accommodation by the local authority may be considered. These matters should be considered at a review in all, but the most urgent cases.

69. When considering issues of unsatisfactory care, the threshold criteria as set out in the Children Act 1989 should be used. This refers to 'harm or the likelihood of harm attributable to care given not being what it would be reasonable to expect a parent to give'. A carer should ordinarily be expected to be able to meet standards that are above those that may be acceptable from parents engaged in child protection matters. Relevant matters to consider may include such issues as environmental factors with each case to be considered according to individual circumstances.

Requirements

70. The Local Authority may restrict certain aspects of private fostering by imposing requirements on a foster parent as follows:-

- The number, age and sex of the children who may be privately fostered by him/her in the light of the size and layout of accommodation and existing household members.
- The standard of the accommodation and equipment to be provided in the light of the age, ability and particular needs of the child placed.
- The arrangements to be made with respect of their health and safety.
- Particular arrangements which must be made with respect to the provision of care for them.

71. A requirement may be limited to a particular child.

72. A requirement may be limited by the Authority so as to apply only when the number of children fostered by the person exceeds a specified number.

73. Any requirements must be notified in writing and must be fully discussed with the private foster carer (or potential foster carer).

74. Any requirements should follow those needs of the child identified in completing the assessment by the Social Worker in consultation with foster parent, child and child's parent etc. The Department will normally require a private foster carer to care for no more than three foster children, other than sibling groups.

75. Prior to the variation or removal of a requirement, whether this is instigated by carer(s) or the department, a further assessment will be completed relating to the specific issues which affect or are affected by the requirement.

76. Where a carer disagrees with the decision to add or vary a requirement s/he should appeal in writing to the Area Manager within 28 days of receiving the written notification. The Area Manager will consult with key parties involved including the carers, and parents where practicable, and respond in writing within 28 days of receiving the appeal.

Prohibitions

77. If a prohibition of a placement is being sought the Social Worker or Team Manager must consult with the Legal Department for advice and guidance.

78. The Local Authority may prohibit private fostering by a person where:

- S/he is not a suitable person because there is reason to believe s/he lacks the general ability to provide acceptable standards of physical care and accommodation and there are issues arising from previous or current child protection concerns.
- The premises are not suitable for the provision of care and the continued promotion of the child's welfare.
- Neither the person nor the accommodation is suitable.

79. Prohibition may be specific to a particular child or particular accommodation.

80. A prohibition must be in writing specifying reasons.

81. When a prohibition is being considered or is imposed the child's parents must be informed and it may be appropriate to advise them to remove the child.

82. The Local Authority has the power to cancel prohibitions itself or the private foster carer may appeal to the Family Proceedings Court within 14 days.

Persons Disqualified from being Private Foster Carers

83. Certain individuals are automatically disqualified from being private foster carers due to past activities or offences.

84. The circumstances that disqualify a person from private fostering include:

- Those that have been convicted at any time of certain offences.
- Parents whose children have been subject to a Care Order or Supervision Order.
- Where a carer's rights and powers over a child have been removed at any time.
- Where a carer has been refused registration as a childminder.
- Where a carer lives in a household with someone else who has been disqualified.

85. This list is NOT exhaustive. The list of relevant offences is long and includes a whole range of sexual offences and offences against the person including injury and threat of injury however long ago. If a potential Carer or member of their household has been convicted of a sexual offence or an offence against the person of any kind or any offence involving children the Social worker **must** consult legal services as to whether this would disqualify them.

86. The Local Authority has a discretionary power to lift a disqualification, but only in "the most exceptional circumstances". Legal advice should be sought and the Area Manager authorisation sought before any decision to lift a disqualification is made.

87. The private foster carer should be informed in writing, whether the Local Authority has chosen to lift a disqualification or not. Reasons for the decision and details of the appeals procedure should also be given.

88. Where a private foster carer disagrees with a decision to refuse to lift a disqualification s/he should appeal to the Family Proceedings Court within 14 days of the notice of refusal.

89. Full details regarding disqualification can be found in Children Act 1989 'Guidance and Regulations' – Private Fostering.

Notification of the End of a Private Fostering Placement

90. If the child moves, the private foster carer must notify the Department in writing within 48 hours stating the name and address of the person into whose care the child has moved and that person's relationship with the child. Parents or other persons with parental responsibility must also notify of the termination of the private fostering arrangement, giving the same information.

91. Where the arrangement ends due to the death of the child the department must ensure that the parent is informed, assist in any arrangements and consider the implications of what has happened.

Post 16 Support

92. The Department has a power to provide services should a young person *aged 16 to 21* years ask for help if s/he had stopped being privately fostered on or beyond their 16th birthday.
93. The social worker shall consider whether they are satisfied that the person with whom the young person was looked after does not have the necessary facilities for supporting them.
94. If the conditions are satisfied, staff may advise and befriend the young person.
95. The department may also provide assistance. This assistance may be in kind or, in exceptional circumstances, in cash.

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