



# **Safeguarding Children Partnership**

STOKE - ON - TRENT

## **Private Fostering Guidance**

### **1. Introduction**

#### **1.1 What is this guidance?**

The purpose of this document is to provide guidelines for practitioners when they are aware of a private fostering arrangement, or what they believe may be a private fostering arrangement.

#### **1.2 Why do we need this guidance?**

Children who are privately fostered can potentially be more vulnerable to abuse or neglect. The Children Act 1989 requires that the local authority are made aware of all private fostering arrangements in order that they are able to undertake necessary checks to ensure the safety and welfare of children who are privately fostered.

It is estimated that there are more than 10,000 children in Great Britain who are being privately fostered . Despite the fact that there is a legal requirement for the local authority to be notified, many private fostering arrangements go unreported, and of those that are reported this is usually after the arrangement has commenced. In fact, many parents who have arranged for someone else to care for their child often don't realise that they have entered into a private fostering arrangement when they have made informal arrangements with friends or extended family.

All practitioners should be aware of what constitutes a private fostering arrangement and their responsibilities in ensuring the local authority is aware.

#### **1.3 Who is this guidance aimed at?**

This guidance is applicable to all practitioners who work with families where there are children under the age of 18 years who are, or may be being looked after in a private arrangement with friends or extended family, which may constitute a private fostering arrangement.

The key contact for comments about this policy is: [SSCP.Information@stoke.gov.uk](mailto:SSCP.Information@stoke.gov.uk)

## 2. Definitions

A privately fostered child, is defined by the children Act 1989, as a child under the age of 16 years (18 if disabled), who is cared for and provided with accommodation by someone other than; a parent, person with parental responsibility or a close relative. The Children Act 1989 also defines a close relative as a grandparent, brother, sister, aunt or uncle (whether of full blood or half blood or by marriage) or by step parent.

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. A private fostering arrangement is one which is intended to last for 28 days or more.

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 , for example a child who is looked after or placed in any residential home, hospital or school (where they are receiving full-time education). However, Children under 16 who spend more than 2 weeks in residence during holiday time in a school, become privately fostered children for the purposes of the legislation during that holiday period.

## 3. Why might a child be privately fostered?

Children are privately fostered for a range of different reasons including, but not limited to:

- Parental ill health
- Children or young people from overseas who visit this country for education or health care reasons
- Children or young people who are living with a friend / boyfriend / girlfriend's family as a result of parental separation, divorce or arguments at home
- Children or young people whose parents work or study long or anti-social hours
- Children or teenagers on school holiday exchanges that last more than 28 days
- Children or teenagers who are on sports or music sponsorships living away from their families.

## 4. Roles and responsibilities

Different individuals / agencies have differing roles in relation to children who are privately fostered.

### 4.1 Parents / carers

Parents / carers must inform the local authority of any private fostering arrangements at least six weeks before the arrangement starts, or immediately if the arrangements are due to begin in less than six weeks' time.

In circumstances where children are already living with private foster carers and a notification has not been made beforehand then a notification is required to the local authority immediately.

It is an offence for a parent / carer not to inform the local authority about a private fostering arrangement.

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, however overall responsibility for safeguarding and promoting the welfare of the child remains with the parent or person with parental responsibility.

Financial arrangements are agreed between the private foster carer and parent and ideally should be set down in writing.

Parents also have a duty to notify the local authority in writing of the ending of the placement including the name and address of the person into whose care the child has moved.

## **4.2 Practitioners / Agencies**

All agencies have a key role in identifying privately fostered children.

In situations where a practitioner / agency becomes aware of a private fostering arrangement and they are not satisfied that the local authority have been or will be notified of the arrangement, they should notify the Child Advice and Duty (CHAD) team via 01782 235100, in order for the local authority to be able to discharge its duty to satisfy itself that the welfare of the child is satisfactorily safeguarded and promoted.

Where private foster carers move across local authority boundaries the social worker from the originating authority must notify the new authority.

## **4.3 Local Authority**

The Children Act 2004 places a duty of a local authority to satisfy themselves that the welfare of children who are, or who will be, privately fostered will be satisfactorily safeguarded and promoted. The local authority should 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.

The local authority cannot formally approve or register carers.

The National Minimum Standards for Private Fostering places a duty on local authorities to promote public awareness of the notification requirements. This should involve working with partner agencies to enable practitioners to encourage carers and parents to notify the local authority.

## **5. Notifying the local authority of a private fostering arrangement**

If a practitioner becomes aware of a private fostering arrangement and they are not satisfied that the local authority have been or will be notified of the arrangement, they should, in consultation with their line manager / safeguarding lead notify the CHAD Service via 01782 235100.

## 6. Assessment of private fostering arrangements

On receipt of a notification an allocated social worker must carry out some initial tasks within one week of the notification:

- Visit the private foster carers in the home where the child is to live and speak to them and all members of the household
- Visit and speak to the child alone, unless the social worker considers it inappropriate to do so in which case the reason should be recorded and brought to the attention of the team manager
- Speak to and if possible visit the parents
- Ensure that the purpose and likely duration of the private fostering arrangement is understood by and agreed between the parents and the private foster carers
- Ascertain the wishes and feelings of the child about the private fostering arrangement
- Check the suitability of the accommodation, the capacity of the private foster carer to look after the child, the suitability of other members of the private foster carer's household
- Ensure that the parents are involved in planning for the child and explore whether the child's needs may be more appropriately met by providing services to the child and parent at home
- Encourage the parents to draw up a written agreement with the private foster carers as to their respective expectations and responsibilities in relation to the fostering arrangement including financial arrangements and the child's contact with their parents and other significant family members
- Where the child has already been placed, ensure that the child's development in all aspects is satisfactory, that the standard of care being given to the child is appropriate and that the child's needs arising from their religious persuasion, racial origin and cultural and linguistic background are being met
- Where the child has already been placed, check that the financial matters are in order and the contact arrangements are working
- Notify the relevant health and education agencies of the child's placement or proposed placement including the health visiting service where appropriate
- Ensure that any necessary links are or will be established with other agencies for example because of the child's disabilities and / or special educational needs
- Enter the child and the carer's details onto the electronic database.

### Assessments should consider:

- The suitability of the private foster carer and all members of the household;
- The suitability of the accommodation.

Practitioners should support any assessments of a private fostering arrangement if requested to do so.

## **7. Reviews**

Although the Regulations do not stipulate a statutory review Stoke-on-Trent local authority requires the social worker and their manager to review all private fostering arrangements six monthly.

All persons involved in the arrangements, where appropriate, should 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.

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.

Practitioners should support any reviews of a private fostering arrangement if requested to do so.

## **8. Unsatisfactory Care**

Where there is perceived to be a risk of significant harm to the child the social worker should implement child protection procedures.

Problems of a less serious nature should be addressed by the social worker with the child, the carer, and where possible the parent(s) using an early help approach including consideration of an early help assessment.

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.

When considering issues of unsatisfactory care, the threshold criteria as set out in the Children Act 1989 should be used.

## **9. Prohibitions**

The local authority may prohibit private fostering by a person where:

- They are not a suitable person because there is reason to believe they lack 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.
- If a prohibition of a placement is being sought the social worker or team manager will consult with their solicitors for advice on taking further action
- Prohibition may be specific to a particular child or particular accommodation.
- A prohibition must be in writing specifying reasons.

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.

Full details regarding disqualification can be found in Children Act 1989 'Guidance and Regulations' – Private Fostering Persons Disqualified from being Private Foster Carers

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

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.

## **10. Notification of the End of a Private Fostering Placement**

Parents have a duty to notify the local authority of the ending of the placement. This should be done 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.

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.

## **11. Post 16 Support**

Unless a young person has a disability, private fostering ends at 16. Children's Services will review the young person's circumstances and future plans as they approach 16. Where a young person remains with the private foster carers after the age of 16, but requires continuing support, they should be assisted as a Child In Need. Where the young person moves to independent living, support can be provided to them up as they will fall within the definition of Qualifying Young People.

Support may include advice, befriending and discretionary financial assistance where the young person has no other means. It will be provided at the request of the young person on the basis of assessment of need and can continue up to the age of 25 or beyond if the young person is in higher education, up to the end of the course.

Any request by the young person should be made to the local authority in which they are resident or where the education and training is being provided.