**Private Fostering Statement of Purpose**

**Policy, Procedures and Guidance**

## West Sussex County Council

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1. **Introduction**

Local Authorities have a duty to publish a written Statement of Purpose in respect of its Private Fostering Service in accordance with the National Minimum Standards for Private Fostering (Standard 1).

The statement should clearly articulate its duties and functions in relation to private fostering and the ways in which they will be carried out. This Statement of Purposeaims to demonstrate that the requirements laid down in relevant legislation and regulations are complied with and that the Minimum Standards relevant to Private Fostering are met. Additionally the document provides information and guidance for a range of invested partners including – children and young people, members of the public, members of the Council, professionals within the council, and external agencies and partner organisations.

The Statement of Purpose for Private Fosteringis complimented by other documents and resources published by West Sussex designed to raise awareness and inform people of the support, advice and assistance available from the authority. These complimentary resources also aim to increase general understanding of private fostering and the legal framework that supports these arrangements. Specifically this document will address, legal requirements, the council’s policy statement, its duties and functions, including the assessment, supervision and monitoring of placements, the provision of training and support, as well as the organisation and management of the service.

## Definition of Private Fostering

The legal definition of a privately fostered child can be found in The Children Act 1989.[**https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/274414/Children\_Act\_1989\_private\_fostering.pdf**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274414/Children_Act_1989_private_fostering.pdf)

A private fostering arrangement is essentially one that is made privately (that is to say without the involvement of a local authority) for the care of a child under the age of 16 (or under 18 if the child is disabled) by someone other than a parent or close relative - with the intention that it should last for a period of more than 28 days.

Definition of close relative -close relative is defined by the Children Act 1989 as a grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage) or step parent by marriage. A placement with any of these relatives would not be a private fostering arrangement.

Relatives who might be classed as private foster carers include for instance a cousin, great grandparent or great aunt.

#### Examples of private fostering

* Younger children placed with friends of the family on a long-term basis following family breakdown or parent’s ill health.
* Children whose parents work unsociable hours making it difficult for them to use day care.
* Overseas students who are living with a carer or ‘host family’ for over 28 days.
* Children in boarding schools who live with another family during school holidays.
* A teenager (under 16 or 18 if a young person has a disability) living with friends or in the home of a boyfriend or girlfriend.

It is **not** private fostering when:

* The carer is a close relative.
* The carer has legal parental responsibility (eg. birth mother, adoptive parent)
* The carer is an approved foster carer and the placement was made by social services
* The placement lasts for less than 28 days

1. **West Sussex Values and Principles**

West Sussex Private Fostering Service is committed to safeguarding and promoting the welfare of children who are privately fostered under the terms of the Children Act 2004, the accompanying regulations and the National Minimum Standards for private fostering arrangements. The Service will endeavour at all times to work in partnership with children, their birth families and their carers to ensure that each child is enabled to thrive in a caring and safe home environment. Guidance and support will be provided to carers to assist them in their care of the children placed with them and wherever appropriate contact between children and their birth parents and family will be promoted.

Each carer will be assessed on their suitability to care for children and when a child’s welfare is not satisfactorily safeguarded the authority has the right to impose a prohibition or requirement on the carer and if necessary remove the child.

West Sussex values the voice of children in privately fostered arrangements and will ensure that children and young people in these arrangements are seen, listened to and that their views, wishes and feelings are fully considered. The Service is committed to ensuring that children and carers are treated with value and respect regardless of their, gender, sexuality, ethnicity, cultural background or class.

## Legislation

## West Sussex Private Fostering Service works within the parameters of the legislative framework to ensure that welfare of children who are, or will be privately fostered are satisfactorily safeguarded and cared for. Details of relevant legislation are listed below.

#### The Children Act 1989 S66 - Private Arrangements for Fostering Children

#### The Children Act 1989 S67 – S70

#### The Children Act 1989 Schedule 8

* .**The Replacement Children Act 1989 Guidance on Private Fostering (published in 2005)**
* **The Children (Private Arrangements for Fostering) Regulations 2005**

#### Human Rights Act 1998

* **Data Protection Act 1998**
* **Carers and Disabled Children Act 2000**
* **The Disqualification from Caring for Children Regulations 2002**
* **Working Together to Safeguard Children- Department of Health 2005**

1. **National Minimum Standards (NMS) for Local Authorities**

The NMS specify a minimum standard for local authority practice in relation to private fostering to comply with the relevant Children Act duties and functions. They are intended to focus Local Authorities practice in relation to private fostering and lead to improvement, in part by requiring a more proactive approach to identifying arrangements in the area.

**The standards are grouped under a series of key topics:**

1. **Statement on private fostering**
2. **Notification**
3. **Safeguarding and promoting welfare**
4. **Advice and support**
5. **Monitoring compliance**

**Each standard/group of standards is preceded by the intended outcome of the standard.**

**STANDARD 1**

*The local authority has a written statement or plan, which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out*

Outcome:-

Relevant staff are aware of local authority duties and functions in relation to private fostering.

* The local authority has set out in this document the legal definition of a privately fostered child and a list of examples; the local authority’s duties and functions under the Children Act 1989 and the Children (Private Arrangements for Fostering) Regulations 2005, and how they will operate in relation to privately fostered children.
* In order to equip staff effectively to carry out these duties training will be incorporated into the Annual Training Plan/Calendar. Further specialist training and support will be available to those staff who carry specific responsibilities in this area of work.

**STANDARD 2**

*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;*

*responds effectively to notifications; and deals with situations where an arrangement comes to their attention, which has not been notified.*

Outcome: - The local authority is notified about privately fostered children living in its area.

* West Sussex County Council will promote awareness of the notification requirements through the Local Safeguarding Board and in other activities involving partnership working with other agencies and organisations.
* West Sussex will regularly update publicity materials for the general public, giving details of who should be contacted in the local authority to notify of a private fostering arrangement.

**STANDARD 3**

*The local authority determines effectively the suitability of all aspects of the private fostering arrangement in accordance with the regulations.*

Outcome: –

The welfare of privately fostered children is safeguarded and promoted.

* The child / household must be visited as frequently as necessary to safeguard and promote his/her welfare and at minimum at the frequency required by Guidance and Regulations.
* The purposes of the visits are to safeguard and promote the child's welfare and to monitor the suitability of the placement to meet the child's needs. Visits should sometimes occur unannounced, and when all members of the household can be seen;
* All matters relating to the welfare of the child should be fully discussed

with the carers and those with parental responsibility prior to the

placement commencing. The social work report should address these

issues.

* Discussion with the child should include: whether his/her health and cultural needs are being met, that contact arrangements with friends or family are satisfactory, what boundaries/behaviour management strategies have been used if any as well as seeking information on what has made them happy or sad since the last visit. If there is no contact with the child's family the social worker should discuss the possibility of an Independent Person being appointed for the child.

**STANDARD 4**

*The local authority provides such advice and support to private foster carers and prospective private foster carers as appears to the authority to be needed.*

Outcome: -

Private foster carers and parents of privately fostered children receive advice and support to assist them to meet the needs of privately fostered children; privately fostered children are able to access information and support when required so that their welfare is safeguarded and promoted.

* The Private Fostering Social Worker should ensure that private foster carers and prospective private foster carers are enabled to obtain information about entitlement to child and other financial benefits, and any necessary advice and support which will assist them to safeguard and promote the welfare of the privately fostered child. This will be achieved through information available from Citizen’s Advice Bureau, Benefits Offices and via other community support services.
* Private foster carers and prospective private foster carers will be provided with information, in different languages and formats as appropriate, including any leaflets on the advice and support that is available from other agencies, including health services, education, housing services; youth support services, voluntary organisations and community groups.

**STANDARD 5**

*The local authority provides advice and support to the parents of children who are privately fostered within their area as appears to the authority to be needed.*

* The local authority, whether through the social worker carrying out the initial assessment or the Private Fostering Social Worker, should consider whether in the light of the particular circumstances, the direct provision of services or referral to another agency would remove the necessity for the parent to have the child privately fostered.
* The importance of regular and frequent contact with parents and siblings, to include staying in contact, cannot be stressed too highly to parents and carers. This may be the only opportunity for the child to maintain his/her language and culture.
* Parents will be provided with the contact details of a named social worker who they can contact if they have any concerns about welfare of the privately fostered child or if they wish to request a visit. In most cases this will be the name of the Private Fostering Social Worker.

**STANDARD 6**

## *Children who are privately fostered are able to access information and support when required so that their welfare is safeguarded and promoted. Privately fostered children are enabled to participate in decisions about their lives.*

* Privately fostered children should be provided with information, in formats appropriate to their age and level of understanding, about their private foster carer and his/her responsibilities, the meaning of their privately fostered status and their right to be safeguarded. The DCSF leaflet will be provided to each child, of sufficient age and understanding, by the Private Fostering Social Worker.
* Privately fostered children should be provided with the contact details of the social worker who will be visiting them while they are privately fostered, and whom they can contact at any time if they have any concerns about their care or if they wish to request a visit.
* Privately fostered children should be given information about advocacy services, if they are assessed as being a child in need.
* The local authority will automatically provide, in an appropriate format, to every disabled privately fostered child nearing age 18 details of its procedure for assessing eligibility for adult community care services, so that these assessments can take place in a timely manner.

**STANDARD 7**

*The local authority has in place and implements effectively a system for monitoring the way in which it discharges its duties and functions in relation to private fostering. It improves practice where this is indicated as necessary by the monitoring system.*

* It is a core value of the Department that working with families means establishing partnerships; seeking the views of all those involved and working in a non- discriminatory and empowering way, to ensure that decisions are made jointly and with genuine consultation. The views of parents, carers and young people should be sought and clearly recorded throughout all social work processes. Fact should be distinguished from opinion, and opinions should be evidenced. The contents of assessments and reports should be appropriately shared.
* The local authority will investigate any pattern of concern raised by privately fostered children; and will take action to improve practice in the interests of safeguarding and promoting the welfare of privately fostered children where this is indicated as necessary by monitoring information.
* There will be an annual report to the Chair of the Local Safeguarding Children Board on how the local authority satisfies itself that the welfare of privately fostered children in its area is satisfactorily safeguarded and promoted, including how it co-operates with other agencies in this connection.

1. **Duties and Functions**

The duties of the local authority in relation to private fostering, are set out in the Children Act 1989, the Children (Private Arrangement for fostering) Regulations 2005 and amendments contained within the Children Act 2004. These duties are wide ranging and include the following -

* to raise public awareness of the need to notify the local authority of a private fostering arrangement;
* receive and respond effectively to notifications and situations that arise involving un-notified arrangements;
* assess the suitability of private fostering arrangements.
* Undertake visits to the child within 7 working days of receipt of the notification.
* Undertake visits to private foster carers no less than every 6 weeks in the first year reducing to no less than every 12 weeks.
* To undertake annual reviews of all arrangements to ensure they remain in the best interests of all concerned – notably the child.
* To ensure that the child is registered with a GP and has access to appropriate health and dental care according to the child’s needs.
* To ensure the child is in receipt of appropriate education and has access to extracurricular / leisure pursuits as required.
* To ensure that the child’s racial, religious and cultural needs are recognised and accounted in the care provided.
* To meet with the carer and parent, or person(s) with parental responsibility, and determine the duration of the arrangement.
* Facilitate agreement on how parental responsibility will be exercised and how day to day decisions will be carried out between the carer and the parent.
* keep secure case file records that document the continuing suitability of the placement;
* support private foster carers, parents and children by offering advice and giving information that ensures the child’s welfare is safeguarded and promoted;
* Ensure young people, nearing 18 years, who are privately fostered and disabled are offered an assessment for eligibility for adult community care services.
* Where the authority is not satisfied with the arrangements it will take such steps that are reasonably practicable to either return the child to the care of his/her parents or to consider to what extent they should exercise their functions under the Children Act. Additionally the authority has powers to prohibit or impose requirements on the private arrangement if this safeguards and protects the child.

1. **Notifications**

A proposal to foster a child privately must be notified to the local authority in whose area the fostering will take place. Notification has to be given by the prospective private foster carer and any other person who is involved in the arrangement.

A parent of the child who is to be privately fostered must also notify the local authority, if he knows of the arrangement, even if he is not involved directly in making the arrangements. This notification should be made not less than 6 weeks, and not more than 13 weeks, before the placement starts, unless the child is received in an emergency.

In an emergency the person who is privately fostering the child must notify the local authority not more than 48 hours after the fostering arrangement began.

Any person who is or proposes to be involved (whether or not directly) in arranging for a child to be fostered privately, shall notify the local authority not less than 6 or more than 13 weeks before the fostering arrangement begins, except in an emergency, in which case they must notify within 48 hours of placement.

Where a language school recruits a group of people to offer family care to a succession of foreign students who are under 16 years and staying for more than 28 days, the procedure as described within this document will apply.

The notice of intention to privately foster a child will be dealt with by the Multi Safeguarding Hub (MASH). The exception would be where a child has a named social worker in West Sussex.

This notification, given under Regulations 3(1)–3(3), must contain such of the following information (as specified in Schedule 1 to the regulations) as the person giving the notification is able to provide:

* the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
* the name and current address of the person giving the notice and his addresses within the previous 5 years;
* the name and current address of the proposed or current private foster carer and his addresses within the previous five years;
* the name and current address of the parents of the child and of any other person who has parental responsibility for the child, and (if different) of any person from whom the child is to be, or was, received;
* the name and current address of the minor siblings of the child, and details of the arrangements for their care;
* the name and current address of any person, other than the parents of the child, any other person who has parental responsibility for the child or (if different) any person from whom the child is to be, or was, received, who is or was involved (whether or not directly) in arranging for the child to be privately fostered;
* the date on which it is intended that the private fostering arrangement will start, or on which it did start; and
* the intended duration of the private fostering arrangement.

Additional information to be provided by a person who proposes to privately foster a child (and who gives notification under Regulation 3(1)) must include:

* any offence of which he has been convicted;
* any disqualification or prohibition imposed on him under section 68 or 69 of the Children Act 1989 (or under any previous enactment of either of those sections under similar provisions in legislation which they replaced);
* any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, his household;
* any order of a kind specified in regulations under section 68 of the Children Act 1989 made at any time with respect to him;
* any order of a kind specified in regulations under section 68 of the Children Act 1989 made at any time with respect to a child who has been in his care; and
* any rights or power with respect to a child that have been at any time vested in an authority specified in regulations under section 68 of the Children Act 1989 or under an enactment specified in those regulations.

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When the MASH receives a notification of a private fostering arrangement the carer should be appropriately checked as soon as is practicable to establish whether they may be a prohibited person.

If the carer is prohibited from private fostering, this matter will be dealt with by the MASH before a referral is made to the Private Fostering Social Worker.

The Private Fostering Social Worker will undertake a visit within 7 working days in response to this notification in order to:

* see the premises where it is proposed that the child will be cared for and accommodated;
* speak to the proposed private foster carer and to all members of his/her household;
* speak to the child whom it is proposed will be privately fostered, alone unless the worker considers it inappropriate to do so. (An interpreter who is independent of the child’s parents and of the private foster carer should always be used where the child’s preferred language is not English).
* obtain consents from all members of the family for enhanced DBS and local authority checks to be undertaken. Each person over 16 should give consent by signing Annex A consent (authorisation to check WSCC client data base).
* undertake an Initial Assessment / Child and Family Assessment and record on Mosaic. The purpose of this is to identify any “child in need” issues that would warrant the provision of services under S17 CA1989.

The DBS checks should be commenced by the Private Fostering social worker/team.

Where the need for other services is not identified the completed initial assessment and other documents will be completed by the Private Fostering Social Worker.

1. **Promotion of Notification Arrangements**

The local authority has a duty to promote awareness of the requirement to notify private fostering arrangements with other agencies and within the wider local community.

A range of initiatives are used to highlight the notification arrangements to staff within West Sussex as well as partners in health and education and the general public.

These include:

* Information on the Council Internet <https://www.westsussex.gov.uk/education-children-and-families/adoption-and-fostering/private-fostering/>
* Information on West Sussex LSCB Website and social media.
* Posters and flyers to be sent to public venues e.g. libraries, GP surgeries, Housing Offices etc.
* Targeted promotional campaigns including the Private Fostering Awareness Week.
* Information for elected members (about private fostering and local authority responsibilities).
* Information in School Bulletins
* Awareness raising with Language Schools & Colleges / Virtual School
* Attendance at team meetings, circulating news briefs to local authority staff.
* Writing to relevant GPs and educational settings to remind them of their duty to refer any private fostering arrangements they become aware of;
* Specific communications with language schools, churches and faith groups including promotional material to raise awareness and clarify responsibilities in respect of Private Fostering;
* Work with Probation Services and Youth Services to promote awareness of Private Fostering;
* continue to work with School Admissions to identify Private Fostering arrangements;
* Identification of Private Fostering Champions from partner agencies to lead on awareness raising
* Provide on-line access to the Statement of Purpose and Private Fostering Procedures, which are up to date and clearly outline the roles and responsibilities for all staff.

1. **The Role of other Agencies in Safeguarding and Promoting the Welfare of Privately Fostered Children**

It is important that professionals who are likely to become aware of a privately fostered child are aware of the need for such arrangements to be notified to the local authority. Professionals who are working in services such as health, education and housing are often the first to encounter such arrangements, and share the local authority’s responsibility for safeguarding and promoting the welfare of privately fostered children.

West Sussex Fostering Service has produced information leaflets for professionals explaining how to recognise and respond to a potential private fostering arrangement. Other activities, including attendance of key meetings, and communications in staff newsletters, will be put in place to promote awareness of private fostering and the requirement for partner agencies to notify us of potential private fostering arrangements.

1. **Staff Training**

Understanding and knowledge is gained through seminars, team meetings and one to one supervision. Published materials, information leaflets and other relevant reading are also provided to relevant staff.

All work undertaken in relation to private fostering is allocated to professional, qualified staff who are trained in undertaking private fostering assessments.

The Private Fostering team social workers are members of the Coram Baaf Private Fostering Special Interest Group which provides updates on legislation, support and good practice.