

PRIVATE FOSTERING PROCEDURE

Wirral Council

June 2019

1. SCOPE OF THIS DOCUMENT

This procedure applies to children who are cared for by people other than their parent or close relative for 28 days or more and who are NOT subject to any order or arrangement that would place them in the care of the local authority.

2. INTRODUCTION

- 2.1 Private Fostering Arrangements can be a positive response from within the community to difficulties experienced by families. Nonetheless, privately fostered children remain a diverse and potentially vulnerable group.
- 2.2 Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with Parental Responsibility.
- 2.3 Local Authorities do not formally approve or register Private Foster Carers. However, it is the duty of Local Authorities to satisfy themselves that the welfare of children who are, or will be, privately fostered within their area is being, or will be, satisfactorily safeguarded and promoted.
- 2.4 Wirral Council has developed a procedure to ensure that it complies with statutory requirements and guidance about private fostering. This procedure is intended to ensure that all stakeholders have clear and practice guidance about how to consider, support and meet the needs of children in private fostering arrangements.

3. DEFINITION OF PRIVATE FOSTERING

- 3.1 A privately fostered child is a child under the age of 16 (under 18, if disabled) who;

is cared for by an adult who is not a parent, grandparent, aunt, uncle, stepparent (including civil partnerships), sister, brother, where the child is to be cared for by that person in their own home for 28 days or more.
- 3.2 A private fostering arrangement is made privately without the involvement of a Local Authority.
- 3.3 A child who is Looked After or placed in any residential home, hospital or school (where they are receiving full-time education) is excluded from the definition. In a private fostering arrangement, the parent retains Parental Responsibility.
- 3.4 Note: Children under 16 who spend more than 2 weeks in residence during holiday time in a school where they are a pupil, they become privately fostered children for the purposes of the legislation during that holiday period - unless they have exemption from the local authority from giving written notice (either for a specified period or indefinitely);

3.5 Note: If the arrangement is for less than 28 days but is one of a series that all add up to 28 days or more then this may count as a Private Fostering Arrangement. The continuity of an arrangement is not broken by the occasional short break. For example, if a child returned home one weekend in four, it would constitute a Private Fostering Arrangement.

4. NOTIFICATION – PROPOSED FOSTERING ARRANGEMENT

4.1 The local authority must be informed of any proposal for a child to be privately fostered;

- a) At least six weeks before the private fostering arrangement is to begin;
- or
- b) immediately if the private fostering arrangement is to begin within 6 weeks.

4.2 Notification must also be given to the local authority within 48 hours from the start of the arrangement. [This includes either the person who is involved in arranging the child to be privately fostered or the person with parental responsibility who knows that the arrangement is taking place.]

5. NOTIFICATION – EXISTING PRIVATE FOSTERING ARRANGEMENT

5.1 Where it is known that a private fostering arrangement has already started, the private fosterer must provide notification to the local authority immediately.

6. ACTION TO BE TAKEN ON RECEIPT OF NOTIFICATION

6.1 When notification is given of a proposed or current Private Fostering Arrangement for a child and the child is or will be resident within Wirral, a referral must be made to Integrated Front Door (IFD) **0151 606 2008**.

6.2 The IFD will enter details onto Liquidlogic and obtain further details from the person making the notification. In accordance with Schedule 1 Private Fostering Regulations 2005, the person should be asked to provide:

1. The name, gender, date and place of birth and address of the child
2. The racial origin, cultural and linguistic background and religion of the child
3. The names and address of the person giving the notice and any previous address within the last five years
4. The name and address of the proposed or current private foster carer and any previous addresses within the last 5 years
5. The names and addresses of the child's parents and any previous addresses within the last 5 years
6. The name and addresses of any of the child's sibling and arrangements for their care
7. The name and address of any other person who is involved in making the arrangement
8. The date on which it is intended that the private fostering arrangement will start, or on which it did start
9. The intended duration of the private fostering arrangement

- 6.3 In relation to notifications given by the private foster carer or proposed private foster carer, the following additional information should also be obtained:
10. Any offence of which he/she or any other member of the household has been convicted
 11. Any disqualification or prohibition placed on him/her or any other member of the household
 12. Any order of any kind made in relation to the child to be in care
 13. Any other rights or power with respect to the child

6.4 This information should be logged in Liquidlogic before the referral can be progressed.

7. INITIAL VISIT - THIS APPLIES TO BOTH EXISTING AND NEW PRIVATE FOSTERING ARRANGEMENTS

7.1 On receipt of notification the IFD will trigger the Private Fostering pathway on Liquidlogic and transfer to the appropriate Assessment and Intervention Team. The Safeguarding Unit and the Lead Head of Service for Private Fostering should also be notified.

7.2 The Social Worker will undertake an initial visit within 7 days to the premises where the child will live and carry out the following task:

- speak to the private foster carer and other members of the household;
- speak to the child, along unless the officer considers it inappropriate; and,
- 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
- understand the wishes and feelings of 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
- consider the suitability of the proposed accommodation
- consider the capacity of the proposed private foster carer to look after the child
- consider the suitability of other members of the proposed private foster carer's household
- check that the financial matters are in order and the contact arrangements are working (where the child is already placed)
- Ensure that relevant health and education arrangements are in place for the child
- Understand how decisions about the care of the child will be taken
- Ensure that the private foster carer, the parents of the child and any other person concerned with the child are being given such advice as deemed necessary
- Ensure the child's physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory;
- Ensure the child's religious, racial, cultural and linguistic needs are being met;
- Ensure the financial arrangements for the care and maintenance are working;
- Ensure the child is receiving appropriate health care;
- Ensure the standards of care that the child is given.

- 7.3 The Social Worker will write a report on the visit and add this to Liquidlogic in the designated form. Please select 'initial private fostering visit report' from drop down. This must be completed within 5 working days of the visit.
- 7.4 The Social Worker will also need to record the visit within the first 7 days as a Reg 8 visit in the private fostering pathway. Following which, the visiting rule frequency must be adhered to (see section **14. VISITS**).
- 7.5 The Social Worker will review the report with the Team Manager to consider the private fostering arrangement.

8. ASSESSMENTS

- 8.1 The Social Worker must complete a **private fostering assessment** and **single assessment** within **42 days of notification**.
- 8.2 The purpose of the **private fostering assessment** is to assess the capacity of the proposed or actual private foster carer to look after the child and suitability of accommodation.
- 8.3 The purpose of the **single assessment** is to assess whether the child is a 'child in need'.

9. SINGLE ASSESSMENT – DETERMINING WHETHER A CHILD IS A CHILD IN NEED

- 9.1 Following the initial visit, the social worker will undertake an assessment to determine whether the child is a child in need of service under section 17 of the Children Act 1989.
- 9.2 The assessment will determine whether the child's development needs are not being or will not be met.
- 9.3 The assessment will provide an opportunity to consider where support and services can be provided to increase capacity of the private foster carer to meet the child's needs.
- 9.4 In carrying out the assessment, the social worker will visit the premises where it is proposed that the child will be cared for and accommodated, speak directly (i.e. face to face) to the proposed Private Foster Carer and to all members of his household and speak directly (i.e. face to face) to the child whom it is proposed will be privately fostered, alone unless the officer considers it inappropriate.
- 9.5 (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);
- 9.6 As part of the Single Assessment, consideration must be given to the overall development needs of a disabled child who is privately fostered and the additional support that may be required. This will be done in conjunction with the children with disabilities team and with appropriate services.

9.7 Where a privately fostered child has been assessed as a child in need, a 'Child in Need' Plan will need to be put in place.

10. PRIVATE FOSTERING ARRANGEMENT ASSESSMENT (PFAA)

10.1 The PFA assessment will consider the following:

- A. the suitability of the private foster carers and all members of the household to respond to child's needs
- B. the suitability of the accommodation

10.2 The private fostering arrangements assessment will be carried out by a social worker from the Assessment and Intervention Service. However, the social worker may be supported with advice or a joint visit from a Supervising Social Worker from the Fostering Service, if this is considered necessary.

10.3 **A. In carrying out the assessment of the private foster carer suitability to respond to the child's needs, the social worker should consider:**

- the capacity of the private foster carer to look after the child and suitability of the household
- the capacity of the private foster carers to respond to the child's developmental needs

10.4 In order to do this, the social worker should consider:

- the child's wishes and feelings about the arrangements
- the child's developmental needs
- specific health care needs of the child or any health conditions
- understand private foster carer attitude to education and proposed education arrangements

10.5 The following specific areas should also be assessed in order to inform the overall decision about the suitability of the private fostering arrangement:

- ascertain the private foster carer's views on discipline and ensure there is an understanding of the positive approaches to discipline
- assess the standard of living and lifestyle of the private foster carer
- consider the extent to which other members of the household may participate in the daily care of a privately fostered child or make demands on the private foster carer
- arrange for DBS checks to be carried out for someone who is privately fostering a child and all members of the household who are aged over 16

10.6 **B. In assessing the suitability of accommodation, the social worker should:**

- inspect premises where a privately fostered child is being, or is proposed to be accommodated
- assess whether the home and immediate environment are free from avoidable hazards and have safety barriers and equipment appropriate to the child's age
- Consider conditions within the premises which may have impact on child's health e.g. dampness
- Assess the nature of living and sleeping facilities and the effect of possible overcrowding
- Ensure that the privately fostered child will have their own bed
- Check whether the accommodation arrangements reflect the child's need for privacy and space and any need resulting from disability

- 10.7 If there is refusal to co-operate from any person in making of the necessary checks, the Social Worker should advise the private foster carer that they cannot be recommended as suitable and advise the parents of the reason why alternative arrangements will have to be made for the child. Any further action should be undertaken to ensure the child's safety and legal advice sought if necessary.
- 10.8 In carrying out the assessment, the social worker should also consider the financial arrangements that have been or will be put in place between parents and the private foster carer.
- 10.9 Once the full assessment has been completed, the Team Manager of the Assessment and Intervention Service should quality assure the assessment and agree/amend proposed recommendations made. The assessment, with clear recommendations, will be presented to the Lead Officer for Private Fostering (Head of Assessment and Intervention) for authorisation. Where there are concerns regarding the information presented, the Team Manager will present the case to Legal Gateway (which is held weekly).
- 10.10 Written notice of the decision must be sent to the private foster carer and the parents, including any requirements, exemptions or prohibitions imposed within 5 working days.

11. CHECKS

- 11.1 The Social Worker undertaking the assessment must arrange for DBS checks to be completed on;
- the private foster carer
 - all members of the household; and,
 - frequent visitors over 16
- 11.2 The private foster carer and each member of the household should be asked to provide written consent for such a check to be carried out.
- 11.3 The social worker should also check Liquidlogic to see whether the private foster carer or any member of the household is known to social services and/or speak to other authorities if the carer has only been present in the area for a short period of time.
- 11.4 DBS checks will be undertaken every 3 years.

12. IMMIGRATION STATUS

- 12.1 The Social Worker should check a privately fostered child's passport to clarify the child's immigration status and that the child is lawfully present in the UK.
- 12.2 Where there is in any doubt about a child's immigration or nationality status the UK Visas and Immigration must be consulted.

13. AGREEMENT BETWEEN PARENTS AND CARERS

- 13.1 The Social Worker should encourage the parents or person(s) with Parental Responsibility to complete a written agreement with the carer(s). Please see appendix A for a copy of the template of the Private Fostering Agreement.
- 13.2 As part of the written agreement, parents or person(s) with Parental Responsibility should also be encouraged to address (in writing) issues of medical consent, clear expectation of the Private Foster Carer's role, the parent's role, the role of the Local Authority, contact arrangements and any payments by the parents for maintenance of the child. This can be set out in a delegated authority form attached at appendix B.
- 13.3 Both the agreement and the delegated authority must be recorded on LiquidLogic by the Social Worker.

14. VISITS

- 14.1 The social worker will undertake a Regulation 8 visit to the child every 6 weeks in the first year and then every 12 weeks after that. The requirement to undertaken Regulation 8 visits commences from the point of notification.
- 14.2 This visit will be recorded in the Private Fostering workspace on liquid logic and should be recorded as either a 6 week visit or 12-week visit (after the first year). Each visit completed under Regulation 8 will be recorded using the template attached at appendix C.
- 14.3 The social worker must visit the child when requested to do so by the child, private foster carer or parent.
- 14.4 The social worker should speak to the child alone during the visit and undertake the tasks (where relevant) as identified in **section 7.2** of this procedure.
- 14.5 A note of the visit must be recorded in the child's case file on Liquidlogic.
- 14.6 Where a child is also subject to a child in need process, then those children must also be seen a minimum of every 20 working days and their views sought and recorded. These visits are additional to Regulation 8 visits and must be clearly recorded as a CIN visit on liquid logic.

15. REVIEWS

- 15.1 The reviews of the child will be chaired by a Lead IRO and the Social Worker will invite attendees.
- 15.2 The first will take place 3 months after the agreed suitability of the arrangement and every 6 months thereafter.
- 15.3 Where the child is about to reach 16 years a final review will take place to address any concerns regarding end of the arrangement and future plans.

- 15.4 A copy of the review will be provided to the carer and parent.
- 15.5 The review must be recorded on Liquid Logic by the IRO.
- 15.6 Barnardos are available to support the child during the review meeting and provide feedback on the review of the Private Foster Carer review.
- 15.7 Children subject to the Child in Need process must also have a CIN plan and CIN meetings every 8 weeks as set out Child in Need procedure. This is additional to the reviews chaired by a Lead IRO.

16. FINANCIAL SUPPORT FOR PRIVATE FOSTER CARERS

- 16.1 It is the responsibility of the parent or person with Parental Responsibility to provide financially for Private Fostering Arrangements.
- 16.2 In very exceptional circumstances time limited or one-off payments can be made available for identified need where there are no funds being provided by the parents, or while benefit entitlements are clarified (Child Benefits and child tax credit).
- 16.3 These need to be clearly recorded within Liquidlogic as required under a Private Fostering Arrangement

17. LIMIT ON THE NUMBER OF FOSTER CHILDREN

- 17.1 In cases where a person is privately fostering, or proposes to foster privately, more than three children who are not siblings at any one time, then that person needs an exemption from the local authority.
- 17.2 If a private foster carer exceeds the usual fostering limit or, where exempted, privately fosters a child not named in the exemption and in so doing exceeds the usual fostering limit he shall be treated as carrying on a children's home. Any person who carries on a children's home without being registered in respect of the home under the Care Standards Act 2000 is guilty of an offence (see section 11 of that Act).

18. REQUIREMENTS PLACED ON PRIVATE FOSTER CARERS

- 18.1 Requirements can be imposed on Private Foster Carers as to:
- The number, age and sex of the children who may be privately fostered;
 - The standard of accommodation and equipment to be provided for them;
 - The arrangements to be made with respect to their health and safety; and
- 18.2 Particular arrangements which must be made with respect to the provision of care for them as required by Private Fostering National Minimum Standards.

- 18.3 Requirements can relate to an individual child or a category of children, e.g. those over a certain age.
- 18.4 The imposition of a requirement must be notified in writing with the reasons for the requirement and the notification must inform the person of his right to appeal and the time limit for doing so. A letter template with notification for imposing requirements is attached at appendix D.
- 18.5 Any imposition of requirements must be recorded in Liquidlogic by the Social Worker.
- 19. PROHIBITIONS**
- 19.1 A prohibition can be imposed on persons who propose to foster privately, as well as to persons who are actually fostering a child privately.
- 19.2 A decision to impose a prohibition will be made by the Lead Office for Private Fostering.
- 19.3 The Lead Officer will notify the DfE of any prohibitions.
- 19.4 The prohibition can be applied if it is the opinion of the Local Authority that:
- The person is not suitable to privately foster a child;
 - The premises are not suitable for private fostering; or
 - It would be prejudicial to the welfare of the child for them to be, or continue to be, accommodated by that person in those premises.
- 19.5 A prohibition can be applied to:
- A person fostering privately any child in any premises; or
 - A child in specified premises; or
 - A particular child in specified premises.
- 19.6 A prohibition must be sent in writing to the person on whom it is being imposed, specify reasons, and contain information about the right of the person to appeal and the time in which s/he may do so. A letter template providing notification for prohibition is attached at appendix E.
- 19.7 In circumstances where a prohibition is imposed on a Private Foster Carer who already has a child living with them under a Private Fostering Arrangement, the department will exercise its duty under section 67(5) of the Children Act 1989 to consider securing care and accommodation of the child with one of the following (unless it is not in the child's best interest):
- A parent;
 - Any person who is not a parent of his but who has Parental Responsibility for him; or
 - A relative.
- 19.8 Where a prohibition is being considered and the Private Foster Carer has their own or other children living with them, consideration may need to be given to assessing their needs and whether they are risk of Significant Harm.

19.9 Persons on whom a prohibition has been imposed under Section 69 are disqualified from private fostering and from carrying on or being employed in a children's home, voluntary home, day care or childminding.

20. APPEAL PROCESS FOR PRIVATE FOSTER CARERS

20.1 Private Foster Carers may appeal to the Family Proceedings Court within 14 days of notification of a decision to impose a requirement or prohibition, refuse to cancel a prohibition, refuse to exempt a person from the fostering limit of 3 under Schedule 7 (or impose a condition on an exemption or a variation or cancellation of such an exemption) or refuse to consent to allow a person who is disqualified to privately foster a child. Legal Services must be involved in all appeals.

21. OTHER REQUIREMENTS TO NOTIFY

21.1 Written notification must also be made to the local authority by the private foster carer within 48 hours of any change in circumstances e.g. a change of address, a change in the household, a criminal conviction/disqualification or prohibition (see section 18 Prohibition) in relation to any person in the household or any intention to foster another child privately.

21.2 Where notification is that the private foster carers have moved to live in an area in another authority, the Social Worker must immediately pass to the new authority: the name and address of the private foster carer, the name of the child being privately fostered, the name and address of the child's parents.

21.3 Notification that a private fostering arrangement has ended must be made by the private foster carer and/or the parent within 48 hours and the Social Worker should ascertain the name and address of the person now caring for the child and his or her relationship with the child.

21.4 Any agency, such as school, health service, police become aware of a private fostering arrangement must immediately notify the local authority in writing of the arrangement and must inform the parent and private foster carer of their intention to do so.

21.5 All notifications must be made in writing.

22. NOTIFICATION OF CHILD DEATH

22.1 Notification that a private fostering arrangement has ended due to death of a child must include the reason for the child's death. The social worker or Team Manager must notify the parents immediately.

22.2 If a child dies in private foster care and there are concerns about abuse/ neglect/ suspicious death, investigations will take place within existing Safeguarding Procedures with the procedure for Serious Case Reviews followed, if appropriate.

23. NOTIFICATION OF END OF PLACEMENT

- 23.1 Parents have a duty to notify the local authority of the ending of the arrangement including the name and address of the person into whose care the child has moved.
- 23.2 Unless a young person has a disability, private fostering ends at 16. Children's Social Care 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, he or she should be assisted as a Child In Need.
- 23.3 Where a young person requests help from the Care Leavers Team, they are entitled to leaving care support in line with leaving care offer.

24. RECORD MANAGEMENT

- 24.1 The Case must be recorded as Private Fostering on Liquid Logic and all communications with the child, parents, carer etc must be recorded clearly and in accordance with the policies and practices of the Department (see Recording Policy and Guidelines Procedure).
- 24.2 The social worker must record all visits in the Private Fostering module and the completed assessment must be accessible in the pathway.
- 24.3 The IRO must ensure that review minutes are recorded in the Private Fostering module within 20 working days.
- 24.4 Case file records for children that have been privately fostered will be retained for 25 years from date of birth, unless they have been subject to a child protection investigation or been Looked After, when the retention period for these categories will be applied.
- 24.5 The records in relation to the assessment of Private Foster Carers will be retained for 20 years after they have ceased to foster or 3 years if their suitability was not approved or withdrawn, or 75 years if there have been any allegations made against the Private Foster Carer.

25. LEAD OFFICER FOR PRIVATE FOSTERING

- 25.1 The local authority has appointed the Head of Service for Assessment and Intervention as the lead officer for private fostering.
- 25.2 The lead officer is responsible for monitoring the way in which the local authority meets its responsibilities in relation to private fostering. The Lead Officer will:
- Ensure the Council is promoting and raising awareness of the requirements to notify the local authority of a private fostering arrangement, including with other agencies and with local authority staff;
 - Monitor how the Council responds appropriately to notifications received and within required timescales;
 - Ensure effective handling of disqualifications

- Maintain oversight of policy and process for prohibiting private fostering arrangements and imposing requirements where appropriate;
- Ensure that a child can be looked after by parent or relative where there is concern that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted
- Deal with appeals against relevant decisions, including to refuse to consent to a disqualified person privately fostering a child, and to impose requirements and prohibitions;
- Monitor how the local authority deals with situations where a private fostering arrangement has come to their attention but has not been notified in accordance with the regulations
- Determine the suitability of all aspects of a private fostering arrangement in accordance with the regulations;
- Assess the capacity of a proposed or actual private foster carer to look after a child and the suitability of household members
- Determine whether the child who is, or is proposed to be, privately fostered poses any risk of harm to children already living in the private foster carer's household, and whether those children pose a risk of harm
- Ensure that single assessments are carried out
- Ensure that decisions about the overall suitability of arrangements are taken within required timescales and are signed-off at managerial level;
- Ensure the local authority complies with the required timescales for subsequent visits and additional visits, as requested
- Ensure that privately fostered children are seen alone at each visit, unless it is considered inappropriate, and an interpreter who is independent of the child's parents and of the private foster carer is used where the child's preferred language is not English;
- Check that written reports are made on case files
- Provide advice and support to private foster carer, proposed private foster carers and/or parents/carers of the child
- Ensure that information and support is provided to children who are privately fostered

26. MONITORING AND REPORTING

26.1 In order to ensure that Wirral is meeting requirements of regulations, the local authority will:

1. Carry out dip sample audits of case files and records in order to check:
 - compliance with statutory timescales for action taken on receipt of notification
 - decision making about suitability
 - whether additional visits are made when requested
 - whether children are seen alone
 - that written reports are made
 - that decisions are signed off

20 PLEDGES FOR 2020

"We are setting out a plan to bring about real change - not just about what can be achieved, but in the manner in which we will deliver it."


Cllr Phil Davies, Leader of Wirral Council

- that concerns raised by children are addressed
 - operation and procedures are effective and actions appropriate
2. Maintain oversight and monitoring to investigate patterns of concerns raised by privately fostered children.
 3. The Safeguarding Unit Lead IRO will produce an annual report to the Director for Children's Services which evaluates the outcome of the work carried out with privately fostered children.
 4. Report annually to the Wirral Safeguarding Children Board about how the welfare of privately fostered children is safeguarded and promoted.