

Derbyshire County Council

Private Fostering

Statement of Purpose



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1 Introduction

This document is a description of private fostering arrangements within Derbyshire County Council. This statement of purpose is designed to meet the requirements of the National Minimum Standards 2005 for Private Fostering including Standard 1, and to provide a guide of the service for professionals, the public, council members and external organisations.

2 Regulation

Private fostering services provided by local authorities are regulated by OFSTED. Their contact details are:

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone: [0300 123 1231](tel:03001231231)

Email: enquiries@ofsted.gov.uk

Website: www.ofsted.gov.uk

Derbyshire County Council is committed to safeguarding and promoting the welfare of all children, including those in private fostering arrangements.

Maintaining high standards in relation to private fostering service provision is a priority for Derbyshire County Council Children's Services and remains committed to reviewing this on a continual basis.

Derbyshire County Council Children's Services Directorate holds statutory powers and responsibilities as a local authority in relation to private fostering arrangements. These responsibilities are reviewed in partnership with Derby and Derbyshire Safeguarding Children Partnership.

Children's Services works to ensure that equal opportunities are incorporated into all aspects of the service delivery and all prospective private foster carers are assessed and supported on the basis of the needs of the individual private foster child/young person regardless of race, religion, class, marital status, sexual orientation or disability.

3 Legal Definition of a privately fostered child

In the definition provided by the Children Act 1989 a privately fostered child means:

- A child under the age of 16 (under 18 if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than:
 - A parent of his/hers
 - A person who is not a parent of his/hers but who has Parental Responsibility for him/her

And

- He/she has been cared for and accommodated by that person:
 - For 28 days or more

Or

- The period of actual fostering is less than 28 days, but the private foster carer intends to foster him/her for a period of 28 days or more.

In the case of a child with a disability, the upper age limit for child to be privately fostered is 18 years.

A child is not privately fostered if the person caring for him/her:

- Had done so for a period of less than 28 days
- Does not intend to do so for any longer period.

For the purposes of the Act, parent includes unmarried or putative father. Relative means as above, whether of full blood, half blood or by marriage or civil partnership.

An arrangement is deemed as private fostering if it meets the criteria above whether for reward (monetary or otherwise) or not.

Some examples of private fostering arrangements include children/young people with families overseas, black and minority ethnic community, children/young people with parents working or studying in the UK; trafficked children/young people and asylum seekers and refugees, children/young people living with host families for a variety of reasons, i.e., attending language schools, undergoing medical treatment, etc., children and young people residing with friends.

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4 The Local Authority's Duties and Functions under the Children Act 1989 and Children (Private Arrangements for Fostering) Regulations 2005

The duties of the Local Authorities in relation to private fostering are set out in the Children Act 1989, the Children (Private Arrangement for Fostering) Regulations 2005 and, amendments are contained within the Children Act 2004. The National Minimum Standards for Private Fostering 2005 set out a number of standards to be met by all Local Authorities in discharging their duties which cover the following areas:

- Statement of Purpose
- Notification
- Safeguarding and promoting welfare
- Advice and support
- Monitoring and compliance

Local Authorities have a duty to satisfy themselves that the welfare of children who are privately fostered in their area is being satisfactorily safeguarded and promoted and to secure that such advice is given to those caring for them as appears to the Authority to be needed (The Children Act 1989 Section 67(1) and Section 44 the Children Act 2004). The Local Authority needs to ensure the following duties and functions are carried out:

Where the Local Authority has received notification under Regulation 3: The Children (Private Arrangements for Fostering) Regulations 2005, they must arrange for an officer of the Authority 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 carer and to all members of the household.
- Visit and speak to the privately fostered child alone unless the officer considers it inappropriate.
- Speak to and if it is practicable to do so, visit every parent or person with parental responsibility for the child.
- Establish such matters listed in Schedule 2 (2005 Regulations as above) as appear to the officer to be relevant

Where notification is received about a child who is already being privately fostered the duties of the officer remain the same as in section 67(1) of The 1989 Act.

The assessment should include:

- The wishes and feelings of the child or young person about the arrangement.
- The suitability of the private foster carer's household and their capacity to care for the child or young person.
- Arrangements being in place to meet the child's health and educational needs.
- Adequate and clear arrangements being in place between the private foster carer and the birth parents covering such areas as contact, financial support, decision making, health care etc.

All privately fostered children will have an assessment completed following notification of the private fostering arrangement in order to assess their needs and to ascertain whether they require the provision of any additional services. The children social work team will carry out the initial assessment in partnership with the private fostering worker within seven days of receiving the notification

The Private Fostering social worker will assess the suitability of the private foster carer and their household within 42 days of notification. They will also be responsible, with the child's social worker for seeing and meeting with the child, monitoring the arrangement and for providing the necessary support.

There is a central email address and contact details for all private fostering privatefostering@derbyshire.gov.uk and telephone on 0800 083 7744.

If a person is deemed unsuitable then it may be necessary to take legal advice and possibly remove the child. The 2004 Act amended the 1989 Act to ensure that responsibilities of the Local Authority extend not only to those children who are privately fostered but also for those who are proposed to be privately fostered.

Local Authorities have the power to impose requirements on private fostering arrangements or to prohibit them altogether.

Social workers will visit the placement in line with Regulation 8 of the 2005 Regulations. The private fostering social worker will also continue to make routine visits at intervals of not more than every 6 weeks in the first year of their placement and at least 12 weekly thereafter, (subject to agreement by the monitoring meeting.)

The child's social worker and/or Private Fostering social worker will make additional visits to a privately fostered child when reasonably requested by the child, the private foster carer, the child's parents or any other person with parental responsibility for the child.

The social workers will ensure that privately fostered children are seen alone at each visit; the exception being if 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.

Information, advice and services may be provided by the Local Authority or other agencies as necessary. Any services provided will be reviewed in line with appropriate procedures. Privately fostered children's health and development will be monitored through regular visits undertaken to the child. Where there are any concerns that they may not be achieving a satisfactory level of health or development, this assessment will be reviewed. Where it is necessary a further assessment will be undertaken.

The sign-off of decisions about the overall suitability of the arrangement is done by the Team Manager of the Fostering Social Worker. This is then reviewed and monitored by the Private fostering Panel and regular monitoring meetings.

The Head of Children in Care Services/ Fostering is the named person within the local authority with expertise in private fostering whom social workers and managers can contact for advice.

This includes decisions regarding requirements, disqualification and prohibition. A Team Manager has been delegated responsibility for leading and developing this service across the county.

The Local Authority has a duty to monitor compliance with the duties regarding services and support to private fostering arrangements. The monitoring meeting will take the lead on this.

All private foster carers will be subject to an enhanced Disclosure and Barring Services check (DBS).

Those children/young people who have been deemed as 'children/young people in need' or 'disabled' under the Children Act 1989 and are privately fostered will at the age of 16/18 years have access to an after-care service.

Ensuring the welfare of privately fostered children is safeguarded and promoted

It shall be the duty of every local authority to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted and to secure that such advice is given to those caring for them as appears to the authority to be needed. Section 67 (1) Children Act 1989

In considering the welfare of the children privately fostered within Croydon, regard has been given to Section 1 (3) a-f Children Act 1989 and the following values and principles have been devised to inform good practice:

- The welfare of the child is considered as paramount.
- Parents and guardians' primary responsibility for their child is recognised and respected.
- Children have a right to be treated with dignity and respect.
- Children should be valued as individuals with regard to race, culture, language, religion, gender and disability.
- Children have a right for their physical and emotional needs to be met.
- Children have a right to a safe, child-centered environment.
- Children need opportunities for independence and exploration within safe boundaries.
- Children have a right to continuous and consistent care.
- Due consideration should be given to the wishes and feelings of children and parents/guardians.
- Partnerships between parents/guardians, care givers and Local Authority are valued.

The private foster carer is responsible for providing the day-to-day care of the child in a way which will promote and safeguard their welfare. Responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with parental responsibility.

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 satisfactorily safeguarded and promoted.

5 Duties under the Children Act 2004, the Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards for Private Fostering 2005

The measures in the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards for Private Fostering 2005 are intended to strengthen and enhance the existing private fostering notification scheme.

Local authorities are required to raise public awareness in their area of the requirements regarding notification of private fostering arrangements. Notifications must be given to local authorities when a child/young person is proposed to be privately fostered or is being privately fostered. This will enable local authorities to ensure that the welfare of privately fostered children/young people is being satisfactorily safeguarded and promoted by ongoing assessments and monitoring of arrangements within statutory timescales.

These measures, along with the National Minimum Standards for Private Fostering 2005, focus all local authorities' attention on private fostering and require them to take a more proactive approach with partner agencies and other professionals in identifying arrangements in their area. They are expected to improve notification rates and compliance with the existing legislative framework for private fostering and, therefore, to address the key problems identified with the former scheme. It is intended that these additional measures will improve the arrangements for safeguarding children/young people in private fostering arrangements.

6 Training for relevant staff

Professionals Derbyshire has a commitment to ensure all professionals have a clear and defined understanding of the private fostering regulations and their role and responsibility in relation to private fostering. Derbyshire Children's Services will facilitate this by:

1. Publication of the Private Fostering Statement of Purpose
2. Training in relation to private fostering is available to all children services staff via the Derbyshire Online Learning platform. This included regular training for those who sit on the Private Fostering Panel.
3. Providing information on Derbyshire County Council internet. This includes training material. <https://www.derbyshire.gov.uk/social-health/children-and-families/foster/thinking-of-fostering/types-of-fostering/private-fostering/private-fostering.aspx>
4. Regular update of information through the e-mail network, and internal and external council publications
5. Monitoring feedback for further training requirements. Information is available to professionals and organisations

Groups include:

- Derbyshire County Council Children's Services
- Schools – Heads, teachers, designated teachers
- Health care – School Nurses, GPs, Health Visitors
- Education Welfare Service
- Child Protection School Liaison Officers
- Any other professionals in Children's Services who come into contact with children.
- Language Schools
- Independent Schools
- District and County Councils
- Police
- Department for Works and Pensions
- Citizens Advice Bureaus
- Faith and community groups
- Ethnic Minority Achievement Support Service
- Libraries
- CAFCASS
- Leisure Centres
- Courts and Youth Offending Services.

New and existing employees will have access to basic briefings on Private Fostering at team meetings and induction events. There is a rolling programme of refresher training sessions accessible to all children service staff.

All teams have the opportunity to receive Private Fostering training at team meetings at their manager's request.

7 Change of behaviour in relation to private fostering

It is nationally accepted that the regulations have not been successful enough in identifying and reaching the vulnerable groups of children who may be in privately fostered arrangements.

Derbyshire acknowledges that further promotion is always needed in order to increase the number of notifications with the ultimate aim of detecting the true number of privately fostered children in Derbyshire.

Derbyshire continues to review the publicity material, i.e. posters that are sent to all schools and colleges with a covering letter regarding private fostering and the need to refer any children or young people living in such arrangements. It is recognised that we need continued engagement from other agencies and the community in order to reach out to the majority of privately fostered children alongside the robust safeguarding processes which are in place.

Leaflets were also devised for children explaining what private fostering is and providing a brief overview of the process.

The Derbyshire County Council website can also be used to find out more detailed information. <https://www.derbyshire.gov.uk/social-health/children-and-families/foster/thinking-of-fostering/types-of-fostering/private-fostering/private-fostering.aspx#:~:text=We're%20happy%20to%20talk,on%3A%200800%20083%2077%2044>

Derbyshire is committed to continually evaluate its effectiveness of activities that contribute to a positive change of behaviour in relation to private fostering, and to review its communication and training plan accordingly.

8 Advice/support and information available to private foster carers, parents/those with parental responsibility and privately fostered children

The Private Fostering social worker is the principle source of advice and support on private fostering matters in Derbyshire for parents, private foster carers, professionals and children.

Parents

Parents who are considering private fostering can contact the service to discuss whether private fostering is in the best interests of their child, or to obtain advice on other services or help available as an alternative to private fostering.

When Derbyshire County Council are made aware of a Private Fostering arrangement parents and carers are given the appropriate “Guide to Private Fostering” leaflet which explains their respective responsibilities and Derbyshire County Council’s role in assessing and monitoring Private Fostering arrangements.

Parents and carers are, where possible, invited to attend meetings together and are given guidance on issues to be clarified for the best interests of the child (such as finances, dietary requirements, discipline).

Parents can also get advice on what issues need to be addressed in the private fostering agreement, for example contact and financial support, and information on how private fostering may impact on their child.

The purpose of the advice is to help parents make an informed decision on private fostering, and to help them make sure that any private fostering agreement they enter in to is right for their child.

Parents whose children are already privately fostered may also contact the service for advice on private fostering matters generally, or to discuss how the service is carrying out their role in safeguarding the child and what they can do to improve the care arrangements.

Private foster carers

Private foster carers can access support and training through the Private Fostering social worker, who will visit them regularly and will discuss any extra support or training needs that will enhance the carer's capacity to care for the child.

A range of training programmes are available to Derbyshire foster carers, which the private fosters carer can attend, for example: advice on parenting techniques, benefit entitlement, managing behaviour and how to access other resources available within the County.

Private Foster Carers maybe invited to attend the 2 day "skills to Foster" course which is a course designed for, and attended by, people who are training to become foster carers.

Private foster carers will also have access to fostering support groups

Private foster carers will also have access to therapeutic support services.

Private foster carers will also have access to family resources worker to support with a range of issues.

Tailored support for children with more complex needs – for instance, if they've got a disability – is also available.

Funding initial legal advice (if suitable) is also available.

Educational and Health Advice and Support will also be available.

Financial assistance in terms of goods or services, or in exceptional circumstances cash, can be provided to a child, parent or carer under Section 17(6) Children Act 1989 to address identified needs to safeguard and promote a child's welfare where there is no other legitimate source of financial assistance.

The Private Fostering social worker can also help private foster carers access information, advice and support in relation to the child's ethnicity, culture, religion, any disability and language if this is required in order to meet the child's needs

Parents and carers are informed and referred where appropriate to external organisations for additional advice and support. Children and Carers are encouraged to maintain regular contact with parents.

9 How relevant staff will have an understanding of the Directorate's duties and functions in relation to private fostering

Children's Services staff will have access to this Statement of Purpose, information materials and training on private fostering including the associated procedures. Other directorates within Derbyshire County Council and outside agencies will also have these documents, printed information and relevant training as part of corporate multi-agency training.

The Team Manager who is the lead officer for leading and developing the service, will in conjunction with the Head of Service- children in care/ fostering, continue to inform other Directorates within Derbyshire County Council and partnership agencies of any new guidance, safeguards and standards.

10 How the Directorate will ensure that its duties and functions regarding private fostering are included in an induction and other training programmes, and these are reviewed and evaluated annually in line with changes in legislation and guidance

Children's Services will ensure that its duties and functions in relation to private fostering are included in the annual training plan and will be reviewed in light of any changes in legislation, guidance and best practice developments.

Evaluation via feedback from workers and private foster carers will be collated to see if the training meets the needs of participants of the local authority's duties and functions regarding private fostering. In addition to this, individual workers' training needs in relation to private fostering will be assessed as part of their continued professional development.

The content of training will be reviewed and evaluated following any comments made by privately fostered children, their parents or private foster carers.

11 Monitoring the discharge of functions and compliance with part 9 of the Children Act 1989

Under Regulation 12, the lead officer for private fostering, currently the Head of Service children in care will monitor the way the Directorate complies with and discharges its statutory duties and functions in relation to private fostering. This officer will monitor compliance with the following duties and functions:

- The promotion of awareness regarding notification requirements
- How the Directorate responds to notifications received, and if these are within timescales
- How the Directorate manages disqualifications, prohibitions, requirements and appeals against these, and refusals to consent to disqualified persons being private foster carers
- How the Directorate exercises its functions under Section 67(5), Children Act 1989
- How the Directorate processes decisions regarding offences committed, bearing in mind the best interests of the child/young person
- How the Directorate assesses the parenting capacity of prospective or actual private foster carers, members of their households and the suitability of their accommodation
- That statutory visits are within timescales and decisions about the suitability of arrangements are also within timescales and approved at managerial level
- That additional visits are made when requested by the child/young person, private foster carer, parents or those with parental responsibility
- That written reports are made in accordance with the Regulations, i.e., conclusions drawn on the arrangement, the child/young person seen alone, wishes and feelings of child/young person, any concerns raised etc.
- That advice and support is provided to private foster carers, parents, those with parental responsibility or any person concerned with the child/young person and recorded.
- That information and support is provided to privately fostered children/young people
- That independent interpreters are used as appropriate
- That a sample of individual child/young person and private foster carer records are regularly reviewed to check that compliance is being fulfilled
- That any concerns raised by privately fostered children/young people are investigated
- That a system for recording the number and nature of enquiries received in relation to private fostering, the responses given, and action taken, is effective.

The monitoring reports of private fostering activity notifications, arrangement assessments and visits under Regulation 8 are completed monthly; the reports are presented to the performance information group and are sent to the Director of Children's Services.

Derbyshire will aim to create open channels for communication and participation to allow privately foster children, their parents, carers, the front-line professionals and partners to give feed-back on the service and raise any concerns. All recommendations and opinions will be given due consideration and changes of the service will be implemented to ensure continuous improvement. The Head of Service children in care/ fostering- provides the Director of Children's Services with an annual report detailing overall performance and related plans for improvement and monitoring.

12 Regulating and Monitoring Meeting

The Regulating and monitoring meeting meets on a monthly basis and is chaired by the Head of Service for children in care/ fostering and deputised by one of fostering team managers in the fostering service.

Functions of the monthly monitoring meeting include:

- Tracking the progress and outcome for every privately fostered child the Local Authority has been notified of.
- Checking what other action, if any, is taken to ensure that the welfare of a privately fostered child is being satisfactorily safeguarded or promoted (e.g. child protection measures)
- Evaluating action taken to raise staff, partner agencies and public awareness and the effectiveness of those campaigns and activities.
- Reviewing how the service responds to notifications received.

Actions and recommendations resulting from the reviews and scrutiny by the monitoring meeting are incorporated into the plan of work on Private Fostering and other services as appropriate. This is to ensure that the service continues to develop, that there is robust monitoring of the impact of awareness raising activity, early identification of gaps within the service and so that examples of improved performance are captured and built upon.

13 Private Fostering Panel

- The Private Fostering Panel will ensure compliance with the National Minimum Standards for Private Fostering.
- Private Fostering Panel's role is to provide thorough and critical consideration of all cases presented to it in order to quality assure the private fostering arrangement assessment records and the decisions in regards to suitability being made by the Agency Decision Maker. The Panel's remit is to assure that sound and appropriate recommendations are being made on the suitability of private fostering arrangements based on in depth and robust assessment.
- The Private Fostering Panel will clarify the needs of the child, each agency stating what they understand the needs of the child/ young person to be, also taking into consideration the views of the parent's, carers, child, young person, and professionals directly involved.
- The Private Fostering Panel will consider additional community input which would make the arrangement more effective and also offer consultation and guidance on cases where appropriate.
- The Private Fostering Panel will review recommendations set by a previous panel meeting and will undertake to scrutinize the yearly reviews undertaken on all long- term private fostering arrangements.
- The Private Fostering Panel will evaluate the standards and quality of assessments and provide feedback to the appropriate managers via the chairperson or panel administrator.
- The Private Fostering Panel will contribute to the setting and monitoring of standards, policies, practice and procedures

Private Fostering Panel Membership

1. Chairperson – Head of Service children in care/ Fostering (Private Fostering lead)
2. Education Representative;
3. Health Representative;
4. Legal Representative;
5. A Children's Social Care member: i.e. Team Manager / Deputy Team Manager
6. An independent member;
7. Panel Administrator (present to take the minutes).

14 Private fostering Annual Report

The chairperson will produce an annual report each year.

The report should include:

Number of children approved for adoption/permanent fostering, age, gender, ethnicity;

Work of the panel and the service;

- Quality of work presented to panel;
- Specific issues arising for panel over the past year;
- Recommendations re the private fostering panel and provision of the private fostering service in Derbyshire;
- The annual report will be presented to all panel members via the senior management leadership meetings.
- The annual report should be presented to the senior management group and LSCB.

15 Reviewing the policy statement

This policy statement will be reviewed annually in line with any changes in legislation or guidance and will be regularly evaluated by the senior management of Children's Services to ensure that the Council's duties and functions in relation to private fostering are effectively discharged.

16 Advice on private fostering Advice on private fostering can be obtained from the lead officer

Head of Service – Children in Care Service

Email privatefostering@Derbyshire.gov.uk

Telephone [0800 083 7744](tel:0800 083 7744)

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