



Centre for Professional Practice

## Private Fostering Policy

### 1. Definition

A privately fostered child is a child under 16 (or 18 if Disabled) who is cared for by an adult who is not a parent, grandparent, aunt, uncle, step parent (including civil partnerships), sister or brother where the child is to be, or has been, cared for in that person's home for a continuous period of 28 days or more.

A child who is Looked After by the Local Authority or placed in any residential home, hospital or school (where they are receiving full-time education) is excluded from the definition.

A private fostering arrangement does not affect or alter existing parental responsibility.

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.

**(Note:** the local authority may exempt any person from giving written notice either for a specified period or indefinitely. This exemption may be revoked in writing at any time).

Further information relevant to Private Fostering is available within the Family and Friend Carers Policy. Information about training is available from the Centre for Professional Practice Dudley website.

### 2. Notifications to the Local Authority

Responsibility for assessment and supervision of a private fostering arrangement lies with the local authority in whose area the private foster home is situated, and **not** the authority in whose area the parents live.

A person who intends to foster a child privately, and the parent of the child to be fostered, both have a duty to notify the local authority of the planned arrangement. Where a child is to be placed with private foster carers, the local authority must be notified in writing at least 6 weeks before an arrangement begins. Where no prior notification of the arrangement has been given (for example when a short term arrangement is extended to more than 28 days), the private foster carer must notify the local authority of the arrangement immediately.

Notification to Dudley Children's Services should take the form of completion of the online Multi-Agency Referral Form (MARF). This should then be sent onto the MASH.



The person making the notification should be asked to provide the following information:

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 name and address of the person giving the notice and any previous address within the last five years;
4. The names and addresses of the child's parents and any previous addresses within the last 5 years;
5. If different, the name and address of the person from whom the child was or is to be received;
6. The name and address of the private foster carers and any previous addresses within the last 5 years;
7. The name and address of any other person who is involved in making the arrangement;
8. The name and address of any siblings of the child who are under 18, and the current arrangements for their care;
9. The purpose and likely duration of the arrangement;
10. The intended date when the child is to be placed with the private foster carers or the date when the arrangement began.

The (proposed) private foster carer should also be asked to provide the following information:

Any offence of which he/she or any other member of the household has been convicted;

Any disqualification or prohibition in relation to caring for children (see [Section 9, Prohibition and Disqualification](#)) placed on him/her or any other member of the household;

Any action taken or court order made to remove a child from their care, or from the care of any member of their household.

A private foster carer must also notify the local authority 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 9, Prohibition and Disqualification](#)) in relation to any person in the household or any intention to foster another child privately.

When private foster carers move to live in the area of another local authority, the private fostering 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.

Both private foster carers and parents have a duty to notify the local authority in writing of the ending of the arrangement including the name and address of the person into whose care the child has moved. On receiving this notification the private fostering social worker should confirm the identity of the person now caring for the child and his or her relationship with the child.

Any agency that becomes 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.

### **3. Action to be taken on Receipt of Notification**

When notification or information is received from any source that a child is privately fostered, this information must be passed to the MASH, who will carry out checks before passing it to the private fostering social worker.

The private fostering social worker will carry out the following initial tasks within 5 working days of the notification:

1. Visit the private foster carers in the home where the child is to live and speak to them and all members of the household (see procedure below in Section 4);

2. 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;
3. Speak to and, if possible, visit the parents;
4. 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,
5. Ascertain the wishes and feelings of the child about the private fostering arrangement;
6. 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;
7. 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;
8. Encourage the child's or young person's parents to draw up a written agreement with the private foster carers about their respective expectations and responsibilities in relation to the fostering arrangement including financial arrangements and the child's contact with his or her parents and other significant family members;
9. 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 his or her religious persuasion, racial origin and cultural and linguistic background are being met;
10. Where the child is already living in a private fostering arrangement, check that the financial matters are in order and the contact arrangements are working;
11. Notify the relevant health and education agencies of the child's arrangement or proposed arrangement including the health visiting service where appropriate;
12. 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;
13. Enter the child and the carer's details onto CCM.

#### **4. Initial Visit to Private Foster Carers**

During the initial visit, the private fostering social worker should:

1. Explain the assessment process to the private foster carers and provide written information to them;
2. Obtain the written consent of the private foster carer and all members of the household over 16 to checks being made with the Disclosure and Barring Service and ask the private foster carer for the names of 2 referees;
3. Establish the private foster carer's child care experience, access to support and views and intentions regarding behaviour management of the child;
4. Establish the plans for contact between the child and his or her parents;
5. Establish the private foster carer's understanding of the child's culture, and give advice in relation to resources and facilities which could assist in meeting the child's racial, cultural, religious and linguistic needs, including the use of an interpreter if necessary;
6. Advise the private foster carer of the need for notification to Children's Services in the event of a change in circumstances and preparation of the child before any further move, and for continuity of information being passed to the next carer.

The private fostering social worker will advise the private foster carer in relation to recording the child's development, and significant events in the child's life.

In the event of a refusal of any person to cooperate with the making of the necessary checks, the social worker should advise the private foster carers 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 action required by Dudley Children's Services to secure the child's safety should be considered and legal advice sought as necessary.

If the initial visit takes place after the child's arrangement starts, then the private fostering social worker should also:

1. Ensure that the parents have fully informed the private foster carer of the child's medical history and any current need for ongoing professional monitoring and medication, and has handed all relevant records and information to the private foster carer;
2. Encourage the private foster carers to draw up a written agreement with the child's parents as to their respective expectations and responsibilities in relation to the private fostering arrangement including the contact arrangements, finances and expected duration;
3. Ensure that the child is registered with a GP, dentist and, if necessary, optician local to the private foster home;
4. Ensure that a school place has been arranged for the child if of school age;
5. Ensure the parent provides the private foster carer with a written delegation of consent to cover any necessary medical treatment and that a copy of this delegation is given to the GP, dentist, optician and retained on the child's file;

After the visit, the social worker should complete a written report of the meeting. The visit record would then be discussed with the [Designated Manager \(Private Fostering\)](#) to ensure management oversight.

## Private Fostering Arrangements – Specific Circumstances

### Private Fostering - Specific Circumstances

#### 2.1 Schools/Sports Academies

Where a child under 16 years is a pupil at a school or sports academy and lives at the school during school holidays for a period of more than 2 weeks, (s)he should be regarded as a privately fostered child.

The person who proposes to care for one or more children at the school will be treated as a private foster carer. They must give written notice to Children's Social Care for the relevant area giving the estimated number of children concerned and not less than 2 weeks before the arrangement commences.

Children's Social Care for the relevant area may exempt any person from giving notice - for a specific period or indefinitely. Exemption may be revoked at any time by notice in writing. Where a child ceases to be privately fostered the school shall give written notice to Children's Social Care for the relevant area.

Where a privately fostered child dies the school must notify the parent, person with Parental Responsibility and Children's Social Care for the relevant area immediately.

On other occasions a parent may make arrangements for children from abroad who are being educated in this country, to be cared for by friends or family or 'host' families during weekends and school holidays. These arrangements may constitute private fostering if they are to be for more than 28 days during a year and are not with relatives as defined by the Children Act 1989.

Guardianship organisations who arrange placements with host families have a duty to notify Children's Social Care in the area in which the host family lives if the placement is intended to last for more than 28 days. Children's Social Care's key relationship is with the private foster carer in these circumstances and not the organisation.

## **2.2 Summer Schools**

When an organisation arranges a summer school where children are to stay either at the school or with host families for 28 days or more this constitutes a private fostering arrangement and Children's Social Care for the relevant area should be notified.

## **2.3 Language Schools**

Children attending language schools that are cared for by 'host families' for a period of 28 days or more, should be regarded as a privately fostered and Children's Social Care for the relevant area should be notified.

## **2.4 Cultural Exchange Visits**

Children often come to this country on cultural exchanges arranged by their schools. In these circumstances children often stay with 'host' families and these arrangements may come under the remit of private fostering.

The schools arranging these visits should formally notify Children's Social Care in whose area the host family resides prior to the arrangement starting.

## **2.5 Children Accessing Medical Treatment**

Children sometimes come to this country to access medical treatment and are sometimes unaccompanied. Parents or other organisations may have made arrangements for the child's care which constitutes private fostering. The parent and organisation have a duty to inform Children's Social Care for the relevant area, but it is expected that health professionals will make the necessary notification in these circumstances.

## **5. Assessment of Private Foster Carers**

The social worker undertaking the assessment must arrange for checks on the private foster carer, all members of the household and frequent visitors over 16 to be made with the Disclosure and Barring Service and Children's Services records (including for the areas of any previous addresses).

The social worker may seek written references and may arrange to visit the personal referees.

The assessment will consider the following:

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

The suitability of the accommodation, and the potential private fostering arrangement

The assessment will consider any potential training or learning needs. Training opportunities will be discussed with the private foster carer by the social worker. Information about training for private foster carers is available on the [Dudley MBC website](#).

The private fostering social worker will complete the Private Fostering Assessment Report. This report should be presented to the [Designated Manager \(Private Fostering\)](#) for a decision to be made within 42 working days of receipt of the notification. Written notice of the outcome of the assessment will be sent to the private foster carer and the parents, including any requirements, exemptions or prohibitions imposed - see [Section 7, Imposing Requirements on Private Foster Carers](#), [Section 8, Limit on Number of Children](#) and [Section 9, Prohibition and Disqualification](#).

If, at any stage of the assessment of the private foster carers, information is obtained which suggests that a child already living in a private fostering arrangement may be a Child in Need, the manager may authorise services under a Child in Need Plan and/or an Assessment to be carried out alongside the assessment of the private foster carer.

In the event of a refusal of any person to cooperate with the making of the necessary checks, the social worker should advise the private foster carers 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 action required by Dudley Children's Services to secure the child's safety should be considered and legal advice sought as necessary.

If any information comes to light during the course of the private foster carer assessment, for example as a result of the Disclosure and Barring Service checks, which may preclude the person from fostering a child, the social worker should prepare a report to the Designated Manager (Private Fostering). Immediate consideration should also be given to the arrangements for the child and if necessary child protection procedures should be followed.

See [Section 9, Prohibition and Disqualification](#).

In the event that the parents decline to make alternative arrangements or where the parents cannot be found, the social worker should consider whether any action may be required to secure the child's safety under [West Midlands Safeguarding Children Procedures](#) and legal advice should be sought as necessary.

## **6. Financial Support for Private Foster Carers**

The local authority is not responsible for financial support of a private fostering arrangement but, if a private foster child is a child in need, Children's Services may offer financial assistance under s17 of the Children Act 1989 to help address their needs. Where this seems appropriate the private fostering social worker should seek the approval of their manager.

A decision will be made by the Designated Manager about any provision of finance, and whether ongoing payments should be part of a Child in Need Plan. See [Child in Need Plans and Reviews Procedure](#).

## 7. Imposing Requirements on Private Foster Carers

Where appropriate, reports to the [Designated Manager \(Private Fostering\)](#) can include recommendations for requirements to be imposed on the private fostering arrangement. Requirements may relate to the standard of accommodation, health and safety matters and/or practical matters such as equipment. A requirement may include a time-scale within which the private foster carer must take the necessary action.

A requirement may be varied, removed or added at any time.

Any requirements imposed must be specified in writing, together with reasons and will be shared with the child's parents and private foster carers. The private foster carer will also be advised of the right to appeal against the requirement.

## 8. Limit on Number of Children

A person may not privately foster more than three children at the same time unless all the children are a single sibling group. Any request for exemption from this limit must be made to the [Designated Manager \(Private Fostering\)](#). The application must contain the following information:

1. The number, names and ages of the children;
2. The proposed arrangements for the care and accommodation of the children;
3. The intended and likely relationship between the children and the private foster carers;
4. The proposed length of the private fostering arrangement;
5. Whether the welfare of the children in the placement will be safeguarded and promoted.

Where an exemption is granted this will be confirmed in writing to the private foster carers.

## 9. Prohibition and Disqualification

A decision can be made to prohibit the proposed private foster carer from fostering on the basis that they are not suitable and/or the premises are unsuitable.

The fact that a private foster carer is disqualified, or barred from child care, or has been subject to Vetting and Barring procedures through the Disclosure and Barring Service is justifiable reason upon which to seek a prohibition.

Where the private fostering social worker considers that it would be appropriate to approve a private foster carer despite the fact that he or she or a person in the household is disqualified, a written report must be presented to the [Designated Manager \(Private Fostering\)](#) for consideration.

Where a decision is made to prohibit a private foster carer from caring for a child, reasons for the decision must be recorded. Written notice of the decision, together with the reasons, must be sent to the private foster carer and to the parent by the social worker responsible for the assessment. The private foster carer will also be advised of the right to appeal against the decision.

Discussion should also take place with the parent as to the making of alternative arrangements for the child.

## 10. Non-compliance with Requirements

Where requirements which have been imposed are not complied with, the private fostering social worker must consider whether support should be provided to ensure compliance and/or consider whether to report further to the Designated Manager (Private Fostering) that the private fostering arrangement should be reviewed.

## 11. Visits to the Private Fostering Arrangement - Frequency, Purpose and Records

### 1. Frequency

Visits by a social worker must be made to the child and the private foster carer at the arrangement address within one week of the notification, and then visits will be made every six weeks in the first year by a social worker.

In subsequent years, visits must be at least three monthly.

The need to visit more frequently will be decided by the private fostering social worker and his or her manager depending on the circumstances and the need to visit unannounced and/or to choose times when all members of the household are likely to be present should also be considered.

Additional visits should be arranged at the request of the child or the private foster carer. The child must be seen alone by the social worker on each visit unless this is not appropriate having regard to the young age of the child or if the child does not wish to see the social worker alone. The child's bedroom should be seen on some visits.

### 2. Purpose

The purpose of and matters to be discussed at the first visit after the child's placement are set out in [Section 4, Initial Visit to Private Foster Carers](#).

The overall purpose of all visits is to check the continued suitability of the private fostering arrangement and that the child's needs continued to be met:

1. To observe the overall standard of care which may include visiting the child's bedroom;
2. To ensure that the child is developing satisfactorily and that his or her needs arising from religious persuasion, racial origin and cultural and linguistic background are being met;
3. To speak to and ascertain the wishes and feelings of the child;
4. To review the purpose and likely duration of the placement and ensure that arrangements with the parents are working.
5. To check that any requirements imposed are being met and check whether they need to be changed or cancelled;
6. To ensure that the arrangements for the child's education are satisfactory;
7. To advise or arrange advice for the private foster carer as necessary, for example in relation to the maintaining of the child's links with his or her cultural heritage or in relation to appropriate travel arrangements for the child visiting family abroad;
8. To check that the financial arrangements for the care of the child are working;
9. To ensure that the child remains registered with a GP and dentist and that any necessary health care has been provided to take account of any special health needs;
10. To ensure that the child has access to services as required as a result of any disabilities;
11. To enquire as to the contact arrangements for the child with the parents and siblings;

12. To encourage the private foster carer to keep a record of the child's development, including accidents, illnesses, immunisations, school reports, achievements and any contact with parents or significant others.

The private fostering social worker will ensure that the foster carers have access to relevant information on access to benefit entitlement, parenting strategies and techniques and on the foster child's individual needs in relation to any medical condition or learning disability s/he may have. Where appropriate private foster carers will be able to access Directorate training.

### **3. Records of Visits**

A report on every visit must be made by the social worker. The report must state whether the child was seen and if so, whether the child was seen alone. If the child was not seen, the reasons must be recorded. The record must comment on the child's welfare and on the private fostering arrangement, including any views expressed by the private foster carer and the child. It must also contain a recommendation about the continued suitability of the fostering arrangement and whether any support should be offered and/or requirements imposed on the private foster carer.

### **4. Concerns about Private Fostering Arrangements**

Where there are concerns about the child's care, the parents should be advised and consideration should be given to invoking the Dudley Safeguarding Children Board Inter Agency Procedures.

### **5. The Voice of the Privately Fostered Child**

The private fostering social worker will seek the views of the child on the private fostering arrangement routinely during scheduled visits, and when reviewing the suitability of the arrangement annually.

## **12. Review of Private Fostering Arrangements**

The suitability of the private fostering arrangement should be reviewed annually by the social worker and reported to the [Designated Manager \(Private Fostering\)](#).

## **13. Local Authority Approved Foster Carers who privately Foster**

Where local authority foster carers notify their intention to privately foster a child, the above procedure should be followed.

In these circumstances, a supervising social worker will normally carry out the assessment. The foster carers should be advised of the differences between the approved role, and that of a private fostering arrangement.

Consideration will need to be given to the implications for any Looked After Child already placed with the approved foster carer and the supervising social worker will make contact with the social workers for the children.

Consideration should also be given to the future placement of any Looked After children particularly having regard to the usual fostering limit of three children.

## **14. After the Private Fostering Arrangement Ends**

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.

Unless a young person has a disability, private fostering ends on his/her 16th birthday. 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, consideration of further support and assessment should be given.

### **15. Responding to Un-Notified Private Fostering Arrangements**

The local authority is required to deal effectively with situations where a private fostering arrangement has come to their attention but has not been notified in accordance with the regulations and to ensure that an appropriate decision is taken. Where it appears that an arrangement is inappropriate, is against parental wishes, has led to significant concerns around care or neglect, or where an offence may have been committed, then discussion should take place through supervision and guidance sought from Legal Services. Any further decisions must be taken in conjunction with the Designated Senior Manager.

Circumstances and actions as described below may fall within the definitions of an offence under English Law, and may lead to safeguarding interventions to protect a child/children:

- Foster a child when disqualified from doing so without the written consent of the local authority;
- Foster a child in a household where a disqualified person, who does not have the local authority's consent, lives or works, unless they can prove that they did not know and had no reasonable grounds for believing that such a person lived or worked there;
- Accommodate a privately fostered child in any premises in contravention of a prohibition imposed by a local authority;
- Fail without reasonable excuse to give any notice or information required by the Children Act 1989 or regulations within the specified time for doing so;
- Make or cause or procure another to make any statement in the notice or information which they know to be false or misleading in a material particular;
- Fail without reasonable cause to comply with a requirement imposed by a local authority;
- Refuse to allow a privately fostered child to be visited by an officer of the local authority;
- Intentionally obstruct an authorised person seeking to inspect a child or premises under the CA 1989;