**PRIVATE FOSTERING – THE CONTEXT**

**Definition**

Private Fostering is when a child under 16 - or under 18 if the child is disabled – lives, or is expected to live, for 28 days or more with someone who is not a close relative. Close relatives are a grandparent, brother, sister, uncle, aunt, step-parent or someone with parental responsibility. Examples of privately fostered children include those who are living with:

* a friend's family
* a ‘host family’ for a school term, school year or during a holiday
* extended family
* extended family/friends whilst seeking asylum
* the unmarried partner or ex-partner of a parent

The child may be living with someone they already know or someone not previously known to them or their family. Children are not privately fostered if they are in the care of a Local Authority or are only cared for during the day**.**

Notification should be sent as soon as you become aware of the arrangement or intended arrangement.

**Legal Context**

The legislation relevant to Private Fostering is set out in the National Minimum Standards for Private Fostering:

* Part 9 of, and Schedule 8, to the Children Act 1989.
* Section 67 of, and schedule 8 to, the Children Act 1989 amended by section 44 of the Children Act 2004.
* The Children (Private Arrangements for Fostering) Regulations 2005.
* Replacement Children Act 1989 Guidance on Private Fostering 2005.

In addition, The National Minimum Standards sets out the requirements of Local Authorities.

**Roles and responsibilities**

When privately fostered, active responsibility for safeguarding and promoting the welfare of the child is retained by the parent, or person with parental responsibility. The private foster carer does not hold parental responsibility but is responsible for the day-to-day care of the child. The role of the Local Authority is to ensure that the welfare of the child is satisfactorily safeguarded and promoted, taking account of all the child's needs, including education, health, language, religion, race and culture, and encouraging the private foster carer to promote and facilitate regular contact between siblings, parents, extended family and other significant people.

**Role of the Child’s Social Worker**

* Complete an initial visit within 7 days of being notified of the private fostering arrangement. Make an initial assessment of the arrangement to ensure the child’s safety and welfare, including initial police checks.
* Complete the private fostering agreement.
* Liaise with the child’s parents to ascertain their views about the arrangement and promote good communication and reunification, if appropriate.
* Contribute to the Private Fostering Arrangement Assessment Record (PFAAR)- jointly with the Kinship Social Worker.
* At conclusion of the Private Fostering Arrangement Assessment Record (PFAAR)
* If the child is considered to be a Child In Need, visit the child every 6 weeks (every 12 weeks after the arrangement has been in place for 1 year) until the child turns 16.
* Support and advocate for the child.
* Complete the Private Fostering Annual Review- jointly with the Kinship Social Worker.
* Complete an annual unannounced home visit to the Private Fostering Arrangement- jointly with the Kinship Social Worker.
* At conclusion of the Private Fostering Arrangement Assessment Record (PFAAR), if the child is not considered to be a Child In Need, the Child’s social workers role will end.

**Role of the Kinship Team Social Worker:**

* Contribute to the Private Fostering Arrangement Assessment Record (PFAAR) – completing required checks: DBS, GP reference, 2 personal references, Health and Safety Checklist re. the carers home, Dog Risk Assessment.
* At conclusion of the Private Fostering Arrangement Assessment (PFAAR), if the arrangement is deemed suitable
* Visit the Private Foster Carer every 12 weeks.
* Monitor and supervise the Private Foster Carer.
* Support and advocate for the carer/s, when appropriate.
* Complete the Private Fostering Annual Review- jointly with the Child’s Social Worker.
* Complete an annual unannounced home visit to the Private Fostering Arrangement- jointly with the Child’s Social Worker

**Policy**

* Parental consent is not required for a private fostering arrangement. If a child voluntarily moves to live with non-relatives in a situation that qualifies as a private fostering arrangement, the Local Authority has a duty to proceed with an assessment and Reg. 8 visits until the arrangement ceases, irrespective of parental consent. However, the social worker should support the parents rehabilitate the child, if this is in his or her best interests, whilst continuing to apply the private fostering regulations (Working Together 2010, para. 11.14).
* For the purposes of transition to adulthood, the privately fostered child who is disabled should be considered for services as a child-in-need to age eighteen and receive relevant support to age twenty-one for aftercare provision (Children Act 1989 S.24 para 2.16). They are entitled to ask for advice and assistance if they were privately fostered after sixteen.
* The Local Authority must commence an assessment of the private fostering arrangement within 7 working days of notification, including seeing the child (Reg. 4 & 7).
* The Local Authority must safeguard the welfare of the privately fostered child by assessing the suitability of the carers and their premises within 42 days of the initial notification (Reg. 4 & 7).
* The Local Authority must arrange for a Social Worker or Family Support Worker to visit and see the privately fostered child alone, at no greater than 6 weekly intervals for the first year, then no greater than 12 weekly intervals thereafter, until the child reaches age 16, or 18 if disabled (Reg. 8).
* Where it is not satisfied that the welfare of the privately fostered child is being adequately met, the Local Authority must take steps to ensure the child is cared for by a parent or a relative or other competent person (Children Act 1989, s.67(1) as amended by Children Act 2004, s.44).
* The Local Authority should consider imposing requirements on the private fostering arrangement or prohibiting the arrangement, where it is not satisfied that the welfare of the privately fostered child is being adequately met.
* The Local Authority should consider disqualifying a person as a Private Foster Carer if there is grounds to do so.
* The Local Authority should consider providing appropriate services where it is in the best interests of the child and such provision would facilitate the return of the child to live with his/her birth parents (Children Act 1989 S.17).
* The Local Authority must inform the birth parents or persons with parental responsibility

of any concerns about the child (Children Act 2004, s.44).