

Private Fostering – Practice Guidance

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 cared for in that person's home for 28 days or more.

Private Fostering situations may arise on an open case, in which case more may be known about the situation than when it is presented as a new referral.

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.

Note: Where the local authority has been involved in determining that a child's home environment is unsuitable due to safeguarding concerns, private fostering would not normally be an appropriate solution. It may be necessary to seek agreement to the child becoming looked after, either through accommodation or care proceedings. The identified carers might still be able to look after the child, but they would be assessed as Connected Persons rather than private foster carers.

In some circumstances, a young person may be living with someone they know but without their parent's consent. It is important to note that parental consent is not actually required for such an arrangement to 'count' as private fostering. However, in this situation, the local authority must consider the whole situation and whether it is safeguarding the child to a satisfactory extent, or if they should consider accommodating them or taking any other action.

Language Schools/ Residence Schools

This procedure also applies to students attending Education in West Sussex who are under the age of sixteen (18 if disabled) and are staying with host families for 28 days or more. These arrangements are referred to as 'Language Students' to differentiate them from 'mainstream' arrangements.

Some Language Schools provide short courses for children from abroad to come to the UK to learn English whilst gaining a wider cultural experience. Whilst some courses utilise residential premises, some use what they call 'homestays' with pupils living with host families. Such schools should be accredited by Accreditation UK on behalf of the British Council which sets standards for all aspects of such arrangements.

Also, children under 16 who spend more than 2 weeks in residence during holiday time in a school, become privately fostered children and young people for the purposes of the legislation during that holiday period.

Host Families/ Home Stay Arrangements

Any student under the age of 16 (18 if they have a disability) who will be staying with a host family for longer than 28 days will be regarded as being privately fostered and the above processes in the main will apply. This is not limited to Schools or foreign students, but these are used here as the most common example.

The School has a responsibility for ensuring that all 'homestay' arrangements are suitable, so will have undertaken DBS checks and references. These, along with any other relevant information about the carers and the school's Safeguarding Policy, should be provided to Children's Services on request.

Notification must be provided by the School to the local authority of students and their expected arrival date and the host family they are expected to be staying with. These notifications should be received 6 weeks in advance and must be registered with the MASH. Unless there are specific concerns about the welfare of individual children, these arrangements would not be referred to the local Social Care team.

School students do not become Children in Need and therefore are not routinely subject to social care procedures, unless there is a welfare or safeguarding reason for them to be specifically referred. This is because of the short length of the arrangement (usually between 4 and 6 weeks).

Some host families are repeat carers of students and as such they will have already been the subject of an assessment of their suitability to be a private foster carer. In such cases the assessment must be updated to include their ability to meet the needs of the new student that is going to be staying with them and to take account of any changes in their circumstances or household composition. Disclosure and Barring checks will need to be renewed at two-year intervals for all household members including any additional members over the age of 16.

2. Notification

Where a child is to be placed with private foster carers, there is a requirement for the local authority to be notified in writing at least 6 weeks before an arrangement begins. Where no prior notification of an arrangement is given, private foster carers, parents (or anyone else aware of the arrangement) must notify the local authority immediately.

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

- The name, gender, date and place of birth and address of the child;
- The racial origin, cultural and linguistic background and religion of the child;
- The names and address of the person giving the notice and any previous address within the last five years;
- The name and addresses of the child's parents and any previous addresses within the last 5 years;
- If different, the name and address of the person from whom the child was or is to be received;
- The name and address of the private foster carers and any previous addresses within the last 5 years;
- The name and address of any other person who is involved in making the arrangement;
- The name and address of any siblings of the child who are under 18, and the current arrangements for their care;
- The purpose and likely duration of the arrangement;
- The intended date when the child is to be placed with the private foster carers or the date when the arrangement began.

In relation to notifications given by the private foster carer or proposed private foster carer, the following information should also be obtained:

- Any offence of which they or any member of their household has been convicted;
- Any disqualification or prohibition (**see Prohibition and Disqualification**) placed on them or any member of their household;

- Any actions taken or orders made in relation to the private foster carer or any child who is or was a member of the same household.

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 **Prohibition and Disqualification**) in relation to any person in the household or any intention to foster another child privately.

Where notified that the private foster carers have moved to live in the area of another local 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 and the name and address of the child's parents.

Where notified that the arrangement has ended, the social worker should ascertain the name and address of the person now caring for the child and their relationship with the child. Parents and carers should be advised that they are required to notify the local authority if the arrangement ends.

Any agency that becomes aware of a private fostering arrangement must immediately notify the local authority in writing of the arrangement and should inform the parent and/or private foster carer of their intention to do so.

3. On receipt of a Notification

Notifications will be received through the MASH who will pass the information through to the local assessment team who will undertake basic safeguarding checks through interrogation of the databases. If there are no identified safeguarding issues, then the child will initially be referred through to the appropriate Social Care team and a social worker allocated to undertake a Single Assessment.

The Social Care team will be responsible for the wellbeing of the child and will be responsible for assessing the suitability of the proposed private foster carer and their home environment. Whilst the child's needs will be assessed, it is important to note that they are not automatically considered to be a Child in Need.

Within seven working days of notification there must be a visit to the private foster carer's home and all members of the household spoken to. If the privately fostered child is already living there, they will need to be spoken to on their own unless the social worker considers it is inappropriate to do so. If this is the case, this must be recorded and the social worker's Manager informed.

Within the initial five days of notification the child's social worker should also make contact with the parents to establish the reasons for the arrangement and their expectations regarding the future.

The initial visit to the private foster carer would be undertaken by the social worker; contact with the parents would be undertaken by the child's social worker and should, between them, cover the following:

- Meeting the private foster carers and all members of the household;
- Speaking to the child alone to ascertain their wishes and feelings about the arrangement, unless the social worker considers it inappropriate to do so, in which case the reason should be agreed with the Manager and recorded;
- Speak to and 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;
- 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;

- 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;
- Encourage the parents to draw up a written agreement with the private foster carers as to their respective expectations and responsibilities in relation to the all aspects of the child's care including financial arrangements and the child's contact with their parents and other significant family members;
- 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;
- Where the child has already been placed, check that the financial matters are in order and the contact arrangements are working;
- Notify the relevant health and education agencies of the child's arrangement or proposed arrangement including the health visiting service where appropriate;
- 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.

During the initial 'Regulation 7 visit' (Private Fostering Regulations, 2015), the social worker should:

- Explain the assessment process to the private foster carers and provide written information to them;
- 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 personal referees;
- Establish the private foster carer's child care experience, access to support and views and intentions regarding behaviour management of the child;
- Establish the plans for contact between the child and his or her parents;
- 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;
- 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;
- Advise the private foster carer in relation to recording the child's development, particularly incorporating the following matters:
 - Maintaining the child's medical history;
 - Keeping a file of school reports;
 - Noting dates of contact with the parents and significant others;
 - Maintaining a financial record;
 - Noting dates of contact with Children's Services;
 - Keeping a photograph album.

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 the local authority 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, the worker should also:

- 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 the child's personal child health records to the private foster carer;

- 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;
- Ensure that the child is registered with a GP, dentist and, if necessary, optician local to the private foster home;
- Ensure that a school place has been arranged for the child if of school age;
- Ensure the parent provides the private foster carer with a written general consent to cover any necessary medical treatment and that a copy of this consent is given to the GP, dentist, optician and retained on the child's file;
- Advise the private foster carer to arrange a medical examination of the child with the GP as soon as practicable after the start of the arrangement.

4. Assessment of Private Foster Carer

The assessing worker 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 should also seek written references and make contact with the personal referees.

The assessment will utilise the Private Fostering report exemplar on Mosaic and must consider the suitability of the private foster carer and all members of the household and also the suitability of the accommodation.

A report on the assessment should be authorised by the Manager. Where the social worker is suggesting that the arrangement is not satisfactory, or that conditions should be attached, this would be discussed. Written notice of the decision must then be sent to the private foster carer and the parents, including any requirements, exemptions or prohibitions imposed.

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 the local authority 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 for the Manager. It might be appropriate to ask parents to make alternative arrangements for the child.

Should they decline, or cannot be found/contacted, the children's social worker should consider whether any action may be required by the local authority to secure the child's safety and legal advice should be sought as necessary.

Following completion of the private fostering assessment and the Single Assessment, if the child has not been assessed to be a Child in Need, the social care team who had been overseeing the child could arrange for the ongoing supervision to be undertaken by an unqualified member of their team, under the direction of a qualified social worker.

5. Financial Arrangements

Parents are financially responsible for their children and it is expected that they make an arrangement with the private foster carer. In exceptional circumstances, and usually for only a limited period,

financial support might be provided by the local authority to sustain an otherwise satisfactory arrangement.

Any payments would be part of, and monitored through, a Child in Need Plan. The private foster carer should apply for any benefits to which they might be entitled.

6. Imposing requirements

Where appropriate, can include recommendations for requirements to be imposed on the private foster carers, for example to restrict the approval to an individual child or to limit the number, age or gender of children who may be cared for privately. Requirements may also relate to the standard of accommodation, health and safety matters and/or practical matters such as equipment. A requirement may include a timescale within which the foster carer must take the necessary action. Such requirements/issues should be discussed with the child's social worker and evidenced with a case note on Mosaic.

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

The Manager will discuss any proposed requirements with the Service Lead. Any requirements imposed must be specified in writing, together with reasons. Written notice of any requirements imposed, together with the reasons, will be sent to the foster carer and to the parent by the assessing social worker. The foster carer should be advised of the right to appeal against the requirement to the Magistrates' Court.

Where requirements which have been imposed are not complied with, the social worker must consider whether support should be provided to ensure compliance and report further to their Manager recommending that the private foster carer be prohibited from caring for the child, in which case the procedure for prohibitions, as set out below, must be followed.

7. Limit on the number of children

The maximum number of children privately fostered in any one household must not exceed 3 unless there are exceptional circumstances.

Any application for exemption from this limit must be made to the Manager, and must contain the following information:

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

Exemptions will only be granted in relation to named children and will cease when the named children leave the arrangement

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

8. Prohibitions and Disqualifications

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 a Disqualified Person (Foster Carer) is a good reason upon which to seek a prohibition. A legal planning meeting must be considered as part of this process.

Where the social worker considers that a private fostering arrangement is suitable despite the fact that a person in the household is disqualified, a written report must be presented to Service Lead for consideration who will take legal advice before making the final decision. Any disagreement in relation to the child's safety between teams must be escalated to an AD or Deputy Director level for final decision and in the best interest of the child or young person.

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 by hand or recorded delivery post to the private foster carer and to the parent by the social worker responsible for the assessment. The private foster carer must also be advised of the right to appeal against the decision to the Magistrates' Court.

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

9. Ongoing Visits

Frequency

Visits by the allocated worker must be made to the child and the private foster carer at the foster home within seven working days of the arrangement, or the date when notification was received if later, and then visits will be made every six weeks in the first year by a social worker. The child does not always need to be seen at home.

In subsequent years, visits must be at least every 12 weeks, unless more frequent visits are required because of the level/type of social work involvement. The reduction in the frequency of visits must be specifically agreed by the social worker with their Manager and recorded on Mosaic.

The need to visit more frequently will be decided by the worker and their 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 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 worker alone. The child's bedroom should be seen on some visits.

Purpose

The overall purpose of all visits is to encourage the maintenance and improvement of childcare standards and check that the child's needs are met within the foster arrangement and in particular:

- To observe the overall standard of care including visiting the child's bedroom;
- 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;
- To speak to and ascertain the wishes of the child;
- To review the purpose and likely duration of the arrangement and ensure that arrangements with the parents are working. The parent and the private foster carer should be encouraged to plan the ending of the arrangement and prepare the child for the change;
- To check that any requirements imposed are being met and check whether they need to be changed or cancelled;
- To ensure that the arrangements for the child's education are satisfactory;

- 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;
- To check that the financial arrangements for the care of the child are working;
- 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;
- To ensure that the child has access to services as required as a result of any disabilities;
- To enquire as to the contact arrangements for the child with the parents and siblings;
- 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.

Recording Visits

- All recording for private fostering is completed on Mosaic,
- All six weekly/three monthly visits to see the child should be recorded as 'Regulation 8' visits on Mosaic on the child's records. Where a child is also subject to a Child in Need Plan or Child Protection Plan, the weekly visits should be done in line with the visiting guidance and incorporate the requirement of Regulation 8 visits and Mosaic should clearly evidence this.
- All Regulation 8 visits must record whether the child was seen alone and if not, why not. There needs to be comment on the child's welfare and how the arrangement is progressing from the child's perspective and the carers. Records must also contain a recommendation about the continued suitability of the fostering arrangement and whether any action should be taken and/or requirements on the private foster carer.

Unsatisfactory Care

Where there are concerns about the child's care, the parents should be advised and any appropriate safeguarding action taken.

10. Review of Private Foster Carers

The suitability of the private foster carer should be reviewed initially after six months and then annually. This will consider both the child's needs and the carer's continuing ability to meet those needs and should be undertaken with the child's lead worker and reported to their Manager to continue to oversee the suitability of the arrangement and promote the capacity of the private foster carer to meet the identified needs of the child.

11. Local Authority 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, their supervising social worker will normally carry out the assessment. The foster carers should be advised of the differences between their two roles.

Consideration will need to be given to the implications for any Child Looked After already placed with the foster carer and contact should be made by the supervising social worker involved with their social workers.

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

12. Ending the arrangement

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 'status' ends at 16. The social worker should 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, they could be assisted as a Child in Need if eligible. Where the young person moves to independent living, support can be provided to them if they fall within the definition of 'Qualifying Young People'. Support may include advice, befriending and discretionary financial assistance. It will be provided at the request of the young person on the basis of assessment of need and can continue up to the age of 21 or beyond if the young person is in higher education, up to the end of the course.

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