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Procedure in Respect of Private Fostering and Language Schools / Agents Using

Host Families

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**Scope of this procedure**

This procedure focuses on the issues of children who attend Language Schools within BCP Council and Dorset Council and as a result may also stay or lodge with ‘host’ carers. Such carers often fall within the Private Fostering Arrangements if the student is under 16 (or 18 if disabled) and the duration of the students stay is 28 days or more. This also includes language students staying in residences i.e. University accommodation or Hotels.

The guidance highlights in detail the issues surrounding children in this situation and the responsibilities of the Local Authority and Language schools, as well as other agencies.

# **Introduction**

Private fostering is when a child or young person aged under 16 (or under 18 if they are disabled), is cared for and provided with accommodation for 28 days or more continuously (continuity is not broken by the occasional short break) by an adult who is not a close relative. A close relative is a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent if married, but a close relative is not, for example, a cousin, great aunt/uncle or a family friend.

Private fostering is different from public fostering as the arrangement is organised between the parent/person with parental responsibility and carer and has been made without the influence of a Local Authority.

However, there needs to be a balance between the rights of the parents to make private arrangements for the care of their children, and the obligations of the Local Authority to assess and monitor the safety and welfare of the Privately Fostered child.

Privately Fostered children are a diverse and sometimes vulnerable group; many young people come to Britain from overseas to attend a language school. These young people may stay in residential accommodation provided by the language school or with a host family. The language school normally directly recruits the host family. The host family receives payment for providing accommodation, food and sometimes activities and entertainment for the young person. These arrangements are also often made by an agent acting on behalf of the parents, which can provide an increased vulnerability for these children.

A young person under 16 years (18 years if disabled) who stay with a host family or in residences e.g. university halls or hotels etc for 28 days or more is deemed to be Privately Fostered.

Language schools are legally required to notify the Local Authority of any children who are placed with a host family or in a residence for 28 days or more as they are directly involved in arranging the placement. As such the language school is acting as the “parent”. Nevertheless, the parent of the child should be involved with the arrangements and remain responsible for ensuring the well-being of their child. Children who are moved between various accommodations, but their total stay away from their parents is for 28 days or more, still meet the private fostering criteria.

Teachers, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the local authority has been or will be notified of the arrangement.

In cases of private fostering where the parent has directly placed their child with another family, there is a duty on the Local Authority to establish whether the child could be cared for by their parent rather than by a Private Foster Carer if support and advice were provided. This is not relevant in relation to children placed with host families through a language school.

# **Legislation and Guidance**

Part 9 of the Children Act 1989, as amended, deals with private arrangements for fostering children.

The Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005, and associated statutory guidance, introduced measures to strengthen and enhance the private fostering notification requirements within the 1989 Act whereby Local Authorities are required to take a proactive approach to identify private fostering arrangements in their area. The aim is to improve compliance with the legislative framework and therefore improve the arrangements for safeguarding children in private fostering arrangements.

Those involved in private fostering arrangements must give the Local Authority notice of the arrangement not less than 6 weeks beforehand (or within 48 hours if the child is placed in an emergency).

Under Section 67(1) of the Children Act 1989 (as amended), Local Authorities have duties to ensure **the welfare of Privately Fostered children within their area is being satisfactorily safeguarded and promoted** including children where it is proposed that they will be Privately Fostered in the future.

BCP Private Fostering Team therefore must meet the following statutory specific requirements:

* To promote public awareness of the notification requirements in relation to private foster carers, parents, professionals and the public to ensure that all those involved understand their responsibilities and duties in relation to any private fostering arrangement;
* To assess the suitability of private foster carers and their premises to meet the needs of the child and, where appropriate, prohibit the arrangement\*, or impose requirements on the arrangement before the child is placed - if sufficient notice is given;
* To ensure that the child is visited at the required intervals by a named social worker and that any concern raised by a Privately Fostered child is investigated;
* To support monitor and review the arrangements for the child while they remain with the Private Foster Carer;
* To carry out its duties under the Children Act 1989 regarding the circumstances where there may be reasonable cause to believe that the child is suffering or is likely to suffer significant harm.
* To ensure that the limits on the number of Privately Fostered children per household is adhered to; A Private Foster Carer can only care for 3 children. This does not apply if all the children are siblings;
* To provide advice and information to private foster carers.

\*The Local Authority can prevent the placement if the person is disqualified under the terms of the Children Act 1989 or falls within the prohibitions of the Act (Part 1X, ‘Private Fostering’ Sections 68 and 69.) A disqualified person can appeal against a decision to refuse consent for them to Privately Foster children.

# **Policy statement**

BCP Council is committed to children being brought up wherever possible by their parents and where this is not possible by their relatives and friends, to enable children to remain within their family of origin and/or within their community where they are able to maintain and build relationships with people they probably know well and where they can retain their religious and cultural identity. Supporting such placements may mean that children feel more secure and retain a sense of belonging. They may also maintain links with their parents better than if they were placed with local authority carers.

Private fostering provides an opportunity for children to maintain their links and attachments. It provides a bridge between care by the family and care by the local authority.

BCP Council has a [**Statement of Purpose**](http://bournemouthcs.proceduresonline.com/pdfs/sop_fostering.pdf) concerning private fostering which sets out its duties and responsibilities and how these will be met. The Statement of Purpose also outlines the duties and responsibilities of parents, carers, professionals, language schools and agents.

# **Principles**

In relation to Privately Fostered children, including children placed with host families by language schools, for 28 days or more, BCP Council:

* Is committed to ensuring that its functions in relation to children who are Privately Fostered are anti-discriminatory and provide equal opportunities to services users in relation to resources, support and information;
* Will ensure that children and young people who are Privately Fostered are provided with safe and effective care in line with the National Minimum Standards for Private Fostering and according to the legislation set out in the Children Act 1989, Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005;
* Will ensure that the welfare of the child is paramount and will ensure that the wishes and feelings of the child are heard;
* Will ensure that an assessment is undertaken to determine whether the private fostering arrangement meets the needs of the child;
* Will ensure that the child’s well-being is monitored and that the child (if required) has access to an advocacy service;
* Will ensure that the child in the care of a Private Foster Carer is enabled to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being;
* Will work in partnership with the parents and the child to ensure that the child can return home as soon as possible;
* Will ensure that awareness is raised with both the public and professionals about the standards and requirements for private fostering;
* Will ensure that the child’s cultural and religious identity is promoted and respected;
* Will ensure that procedures are in place to monitor the welfare and safety of all Privately Fostered children within their area;
* Will welcome feedback from host families, language schools and guardianship companies to inform the Council about the services that have been provided, including how these can be improved and developed to promote the well-being of Privately Fostered children and to support their parents and carers;
* Will take account of the views of children and young people, carers and other professionals to ensure that the welfare of Privately Fostered children within their area is being satisfactorily safeguarded and promoted.

# **The process to be followed**

5.1 The Responsibilities of the Private Fostering Team

The assessment of private foster carers and the arrangements for the child are the responsibility of the Private Fostering Team.

**The process to be followed (timescales in bold)**

A Senior Manager is responsible for ensuring that the procedures in relation to private fostering are carried out.

**Notification Requirements**

The language school must notify the Private Fostering of a private fostering arrangement with a host family or residence (e.g. university halls or hotel). This should be within the **6-week notification period and prior to the arrangement starting. If the child is placed in an emergency the language school should notify the Local Authority within 48 hours**. The Local Authority can accept notifications up to 12 weeks in advance of the private fostering arrangement commencing.

As well as notifying the local authority, the language school will be asked to send BCP Council Private Fostering leaflets and information documents to the child and their parents once a place at the language school for the proposed period has been agreed. These may need to be translated by the language school.

The language school will also be asked to send the appropriate leaflets and documents about private fostering to the host family.

**Notification requirements include the following:**

* The name sex, date of birth and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
* The name and current address of the host family and any previous address they have lived at within the last 5 years);
* The intended duration of the arrangement;
* The name and address of the parent or of any person with parental responsibility, and if different of the person from whom the child was received;
* The name and address of any brothers and sisters of the child;
* The name and address of any person who was involved in making the arrangement **that is the language school**;
* The date on which the arrangement is to begin or has begun and when the arrangement will end;
* Date of DBS and DBS no. for each member of the household (over the age of 16 years).

If known, the following information should also be provided:
	+ The details of any offence of which the proposed carer has been convicted;
	+ Any disqualification or prohibition imposed on the carer under s68 or s69 Children Act 1989 and any such conviction of any member of the household.

**Following notification to Private Fostering Team within Children’s Social Care:**

**If the child is not in the arrangement** a social worker will visit the private foster carers’ home **within 7 working days of the notification** and undertake a Regulation 4 visit to inform the Private Fostering assessment of their suitability to look after students (Part A Private fostering assessment). This will include the suitability of the accommodation, details of the other members of the household, the safety of the home, the overall standards of care and the requesting of information to determine whether or not they are disqualified from fostering.

The private foster carers will be advised about the nature and purpose of the assessment and how the local authority will continue to be involved.

If these have not already been provided by the language school, BCP Council Private Fostering information leaflets and documents will be given to the carer by the social worker to ensure that they have information and an understanding of the private fostering requirements and legislation.

If the BCP Council leaflets and information in relation to private fostering have not been sent to the parents and child by the language school, these will be sent by the social worker. [**BAAF Somebody Else’s Child website**](https://www.privatefostering.org.uk/); provides Private Fostering leaflets, available in a number of languages.

If the child’s parents have not been involved in the arrangements made by the language school, or where an agent has made the arrangements at the request of the parents, or where the child will only be placed with the host family for a short period (less than 42 days), it may not be appropriate to send information or an agreement to the parents.

Questionnaires will be included in the documentation given to the child and the host family, these questionnaires will help to assess the level of understanding at each stage of the arrangement and will contribute to service delivery.

**Assessment and references**

The assessment of the proposed Private Foster Carer and their home will be undertaken in accordance with the National Minimum Standards for private fostering.

BCP Council’s private fostering assessment in is split into 3 parts due to carers often having more than 1 student during the year.

The Part A – Private fostering carers’ assessment will be completed within **42 working days of the notification** and will be **valid for 1 year**. Should further notifications be received within the year a Regulation 4 visit will still take place within 7 working days and a review of the Part A assessment will be undertaken to ensure there are no changes to household and suitability. This will be recorded on the Children’s Services electronic system. An Annual review with the carers will take place and a new Part A assessment will be completed taking account of private fostering experiences during the previous year.

Part B – Private fostering child’s assessment will be completed within **42 working days of the notification. (see welfare of child)**. The Regulation 7 visit to the child must be **within 7 days** of the child‘s placement starting with the host family.

Where the child is to remain with the host family for **less than 6 weeks**, the Part B assessment will be adapted to assess the suitability of the host family to meet the child’s health, safety, religious and cultural needs for the duration of their stay. Other professionals involved with the child should be notified of the private fostering arrangement.

Part C – record of statutory checks

Statutory checks on the private foster carers and all adult members of their household will need to be undertaken. DBS checks will also need to be completed prior to the child being placed and no child should be place without all members of the household over 16 having a valid DBS check. Language schools are responsible for ensuring the appropriate DBS checks are in place. The Social Worker will ensure they see the DBS on the initial visit and record this on Raise.

A medical check will be obtained from the Private Foster Carer ’s GP, it is the language schools responsibility to arrange and pay for these checks for everyone in the household over 18.

The local authority will obtain employer and two personal referees. Where it is deemed appropriate checks may be made with education, LADO, Ofsted, Health Visitor CAFCASS, other local authorities and NSPCC.

**The welfare of the child**

The care given to the child should be in accordance with the National Minimum Standards for private fostering. The welfare of the child is paramount. The child will be spoken to and their wishes and feelings ascertained and considered in light of their age and understanding. **The child must be seen and spoken to alone on every visit unless this would not be appropriate**.

Evaluation documents will be given to each Privately Fostered child and host family. These will be translated into the child’s first language, if required. Leaflets will be given to the child to ensure that they have information and an understanding of the private fostering requirements and legislation.

It is important for the assessing social worker to work with the language school to encourage them to understand that they have a welfare and safeguarding role, as well as educational role, while the child is away from their parents.

If the assessment indicates that the child’s welfare is not being safeguarded or promoted, the language school will be informed initially be telephone and requested to make immediate alternative arrangements. The outcome of the assessment will be shared with the carers and Language school in writing within **7 working days**. The language school will be responsible for advising the parents but should parents wish to have further discussion with the social worker, this will be available and should always be offered.

5.2 Responsibilities of Language Schools and Private Foster Carers/Host Families

A DBS check on each member of the Host Family household (aged over 16 years) will be completed. This check should be facilitated by the Language School or an Agent and reviewed every three years. The DBS check will need to be seen by the Social Worker and this will be recorded on the Children’s Services information system.

It is the responsibility of the Language School or an Agent to ensure that DBS checks are completed for **ALL** household members of host families over the age of 16 years **BEFORE** the child arrives. Where no DBS checks have been completed, this will be deemed to be an unsuitable arrangement by the local authority and the child/young person will be asked to be moved to Carers with valid DBS checks.

Each Language school is responsible for ensuring that they complete their own DBS checks for each host family that they employ. If a Private Foster Carer works for multiple language schools or guardianship organisations, then a third-party DBS will only be accepted at the point of notification if the DBS certificate is through another Language School or Guardianship Organisation and that private foster carer has continuous service with that organisation. The third-party DBS will only be accepted for a period of three months from the point of notification, to enable sufficient time for the new organisation to obtain their own DBS check. Appropriate arrangements for the child’s medical, dental care and treatment should be made and agreed by the parents, the private foster carers and the child (according to their age and understanding).

The child must be included on a GP’s list if their stay will last longer than 12 weeks. This is generally the responsibility of the language school who should have obtained written permission from the parents for medical treatment.

The host family should be informed about the arrangements for the child’s medical care and have an emergency number to contact the school out of school hours.

Arrangements should be made for the child to receive appropriate education. During the period that the child is with the Private Foster Carer, this is likely to be through the language school or a Local School.

Arrangements should be made to ensure that the child’s religious, racial, cultural and linguistic needs are met. The language school should give information and guidance to the private foster carers about how they can support the child with any cultural or religious issues or practices. Further advice, support and guidance can be provided by the Social Worker during visits to the child.

Arrangements should be made to ensure that the child’s physical, intellectual, social and behavioural developments are met during their stay with the host family. (The assessment will indicate whether the host family can meet their needs). The language school will need to consider arranging activities and outings as well as providing the child with education during their stay.

Arrangements should be made between the language school and the Private Foster Carer for the child to have contact (direct or indirect) with their family at home.

The child should be given the contact details of a named Social Worker.

A written agreement should be made between the Local Authority and Private Foster Carer in respect of the above arrangements and this should be reviewed on every statutory visit by a Social Worker.

A host family who are deemed to be private foster carers will be provided with any necessary help and advice to assist them to safeguard and promote the welfare of the child. Where appropriate the Private Foster Carer should be given information about the child’s needs in relation to his cultural, racial, linguistic and religious needs. In some circumstances an interpreter may be required.

The parent or the Private Foster Carer or the language school must notify the local authority about changes of address, household composition or the knowledge of any offence within the host family.

5.3 Responsibilities of the Local Authority

**Agreeing the private foster carers’ suitability**

The Local Authority does not approve carers but must satisfy itself about the suitability of arrangements, carers and premises. In BCP this duty will be undertaken by the Private Fostering Team Manager, who will make a decision based on the notification by the Private Foster Carer and the assessment reports prepared by the social worker. All assessments will be signed off by the Team manager or Assistant Team Manager with clear management overview.

**Concerns about the suitability of a private foster carer**

A language school or an agent must inform the Local Authority if it has any concerns about a private fostering arrangement with a host family. In such instances, the Local Authority may have to use its statutory powers under the Children Act 1989 to assess and ensure that the child is being safely cared for.

There may be occasions where the child should not continue to be looked after by their private foster carers and if neither the parents nor the language school or an agent can make immediate alternative appropriate arrangements for the child the local authority may need to place the child in suitable accommodation.

The Private Fostering Arrangements require the Local Authority to satisfy itself of the suitability of any private fostering arrangements within its area, or to exercise its powers by prohibiting the arrangement, or imposing requirements on the arrangement before the child is placed - if sufficient notice is given.

The Local Authority can prevent the placement if the person is disqualified under the terms of the Children Act 1989 or falls within the prohibitions of the Act (Part 1X, ‘Private Fostering’ Sections 68 and 69.)

A disqualified person can appeal against a decision to refuse consent for them to Privately Foster children

**The Responsibilities of the Private Fostering Team**

Once the assessment is completed, the responsibility for monitoring and supporting the child and the Private Foster Carer will lie with the Private Fostering Team within the Children Social Care.

A child placed through a language school and his/her carers have the same rights as any other family in the community to be assessed for help, including financial help, under [**Section 17**](http://trixresources.proceduresonline.com/nat_key/keywords/section_17.html) (Children Act 1989). This includes help from other agencies.

A social worker from the Private Fostering Team will visit the Privately Fostered child and undertake a regulation 8 visit at intervals no more than **6 weekly** in the first year and **12 weekly** intervals thereafter or more often if this is required. Although it is unlikely that a child will remain with a host family for longer than a year some students do stay for several years.

The child should be seen alone at each visit. Their bedroom should also be inspected and a Regulation 8 report should be produced after every visit.

The arrangements for the child should be reviewed by the social worker at every visit to ensure that they remain appropriate to the child’s circumstances. The parents or their agent should be kept informed about the child’s well-being and progress.

**Monitoring**

In order to monitor the effectiveness of the way the Children’s and Families discharges its duties and functions in relation to private fostering, the local authority will ensure that:

* Accurate, comprehensive, well organised and confidential records are kept:
* The numbers of Privately Fostered children and private foster carers living in the local authority’s area are monitored;
* The circumstances of each Privately Fostered child are reviewed;
* New notifications are recorded on the ICS system;
* The Local Authority will regularly review a sample of individual child and Private Foster Carer records in order to ensure the effectiveness of the private fostering procedures. This will include checking on such matters as:
	+ Compliance with required timescales for action to be taken on receipt of a notification;
	+ Decisions about the overall suitability of arrangements;
	+ Frequency of visits to Privately Fostered children;
	+ That children are seen alone;
	+ That written reports are made in accordance with the regulations;
	+ That decisions about the suitability of arrangements are confirmed at managerial level;
	+ That concerns raised by Privately Fostered children are addressed.

The Local Authority will provide an annual report to the Chair of the Local Safeguarding Children Board on all the above areas.

**Exemptions**

The following are some of the exemptions:

* A child is not Privately Fostered whilst being looked after by the Local Authority;
* A child is not Privately Fostered whilst being cared for in:
	+ A children’s home;
	+ Accommodation provided for or on behalf of any voluntary organisation;
	+ Any school in which he or she is receiving full time education;
	+ A health service hospital;
	+ Any residential care home, nursing home or mental nursing home;
	+ Any other home or institution provided and maintained by the Secretary of State.
* A child is not Privately Fostered if cared for in premises in which any parent, person with parental responsibility or relative who has assumed responsibility for the child’s care is living.

Schedule 7 to the Children Act 1989 prescribes the usual limit of no more than 3 children to be placed in one private fostering situation.

Should a Private Foster Carer be caring for more than 3 children subject to Private fostering arrangements via Language schools or Agents, no exemption from the Local Authority will be granted as this is not deemed to be an exceptional circumstance.

In instances where Private foster carers are found to be caring for more than 3 children where any child in the home is subject to Private fostering arrangements, the language school/s involved will be contacted and alternative carers will need to be sought.

# **How this policy will be put into practice**

A briefing for professionals has been produced which outlines the Private Fostering legislation and regulations.

The awareness campaign will be progressed to promote private fostering and will include reference to Language Schools/ Agents and Host Families.

* All of the known language schools/agents will receive information about the notification requirements;
* Leaflets and posters will be distributed in public venues such as libraries, school’s health centres, and youth and community centres to promote information about private fostering;
* Internet cafés will be included in the awareness campaign as placed where young people from overseas may frequent;
* Specific documents and leaflets relating to information about private fostering will be available for carers including host families, parents and children;
* Notifications by language schools of Privately Fostered children will be recorded, monitored and compared to previous notifications received by the Private Fostering Team to establish the effectiveness of the awareness-raising campaign;
* Awareness raising sessions will be provided for universal services working with children and families;
* Specific awareness sessions will be provided for language schools as part of the multi-agency training commitment to ensure they are aware of the notification requirements, the assessment process and ongoing monitoring and support requirements.