**Private Fostering Statement of Purpose & Procedures**

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# Introduction

The Children Act 1989 requires the Local Authority to satisfy itself that the welfare of children Privately Fostered in their area is being safeguarded and promoted and to ensure that appropriate advice is being provided to parents, carers, children and young people whenever necessary.

Private fostering is an arrangement made between the parent or other person with parental responsibility and the private foster carer. A balance needs to be maintained between parental rights to make private arrangements for the care of their children and the Local Authority’s obligations to satisfy themselves about the safety and welfare of the privately fostered child.

Newcastle Children’s Social Care does not approve or register private foster carers. Its duty is to assess the suitability of all private fostering arrangements in Newcastle

and to monitor all children who are privately fostered in the Newcastle area to ensure that their welfare is being satisfactorily safeguarded and promoted.

# Legislation, Regulations and Standards

* Children Act 1989 (Part 1X) [as amended by the Children Act 2004] and Guidance and Regulations Volume 8
* Schedules 7 and 8 to the Children Act 1989 [as amended by s.44 Children Act 2004]
* Section 24 of the Children Act 1989 [as amended by the Children Leaving Care Act 2000]
* Section 44 of the Children Act 2004
* The Human Rights Act 1998
* Working Together to Safeguard Children, Department of Health 1999
* Leaving Care Act 2000
* Disqualification from Caring for Children (England) Regulations 2004
* The Children (Private Arrangements for Fostering) Regulations 2005
* National Minimum Standards for Private Fostering
* Replacement Children Act 1989 Guidance on Private Fostering: Every Child Matters.

# Definitions

A privately fostered child means a child under the age of 16 years (or 18 years if a young person with disabilities) who is cared for and provided with accommodation for 28 days or more by someone other than:

* a parent of his/hers
* a person who is not a parent of his/hers but who has Parental Responsibility for him/her
* a relative of his/hers. A ‘relative’ is defined in s. 105 of the Children Act 1989 as a grandparent, sibling, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership)or a step parent
* a Local Authority

If a period of care lasts less than 28 days but further periods are planned which total 28 days or more then the Private Fostering procedures apply.

A child is **not** a privately fostered child if the person caring for and accommodating him/her:

* has done so for a period of less than 28 days and
* does not intend to do so for any longer period

Therefore if a child is under 16 years of age and is looked after/cared for more than 27 days in the home of someone who is not a relative or guardian or who does not have a residence order, the child is privately fostered.

Private fostering describes the arrangement made between the parent and the private foster carer who becomes responsible for caring for the child. The responsibility of the private foster carer is to safeguard and promote the child’s welfare.

Private foster carers **do not** have parental responsibility which remains with the child’s parents. The child’s parents are able to resume his/her care at any time and should be encouraged to maintain contact with their children and to participate in any decisions regarding their health, education or future welfare needs.

Private foster carers cannot privately foster more than 3 children at any one time unless provided with an exemption by Children’s Social Care. This does not apply if all the children are siblings.

# Responsibilities Parents

Parental responsibility is defined by the Children Act to include all the powers and duties of parents in relation to a child and his property. A parent may arrange under Section 2(9) of the Act for a private foster carer to meet some of his/her parental responsibilities, but a private fostering arrangement does not absolve a parent of his/her parental responsibilities.

Responsibility for safeguarding and promoting the welfare of the private foster child rests with the parent.

Parental participation is one of the key principles of the Children Act. The Local Authority must give careful consideration to arrangements made for the child's parent to exercise their rights, powers, duties and responsibilities.

In a private fostering arrangement the practical responsibilities of the parent include the following:

* Notification in writing to the Local Authority of their intention to place a child with private foster carers not less than six weeks or more than 13 weeks before the child in placed. This is except for an emergency situation when the Local Authority must be notified within 48 hours of the placement.
* Notification of their intention to remove a child from private foster carers.
* Providing adequate information to the carers about the child, including medical information to ensure the child can be properly cared for. This should include information about family culture, race, language and background, and the child's routine and care.
* Making adequate financial arrangements for the child that are acceptable to the private foster carers and continue to maintain the child financially for the duration of the arrangement.
* Informing carers and the Local Authority of any changes of address.
* Working with the carers to promote the welfare of the child with a clear plan for the child's future.
* Exercising parental responsibility appropriately which means being available when necessary to make decisions about a child.

# Private Foster Carers

Private foster carers have a responsibility to safeguard and promote the welfare of the child, and are empowered (under Section 3 (5) of the Children Act 1989) to do what is reasonable to safeguard and promote the child's health, education and emotional needs.

In a private fostering arrangement the practical responsibilities of the private foster carer include the following:

* Notifying the Local Authority in writing of their intention to receive a child under a private fostering arrangement not less than six weeks or more than 13 weeks before the child is placed. This is except for an emergency situation when the Local Authority must be notified within 48 hours of the placement.
* Notifying the Local Authority of their intention to cease to care for a child.
* Participating in a full assessment of themselves and their household's suitability to foster children privately.
* Informing the Local Authority of any changes of circumstances within the household including change of address, convictions of household members, employment status.
* Allowing the child to be visited by the Local Authority and to be seen alone;
* Maintaining contact with parents and encouraging visits to take place.

**Local Authority**

The Local Authority has a general duty to safeguard and promote the welfare of children in need, and to promote the upbringing of such children by their families so far as this is consistent with the welfare duty to the child (Section 17(10) of the Children Act 1989).

It may be that the duty to safeguard and promote the child's welfare is more appropriately met by providing services under Section 17 (3) of the Children Act 1989 to a parent who proposes to foster a child privately. This may be best achieved by referring the parent to their home Local Authority if they are not from Newcastle.

Negotiation may be required between the Local Authorities.

In respect of privately fostered children the Local Authority has a duty to ensure that the welfare of children who are privately fostered is being adequately safeguarded and promoted, and to provide necessary advice to those caring for them. This includes the duty to ensure that parents and carers fulfil their responsibilities to the child and that the private foster carers and premises are suitable.

The practical responsibilities of the Local Authority in a private foster arrangement include the following:

* receiving notifications from parents or carers of private fostering arrangements
* assessing the suitability of the arrangements within 7 days of notification.
* visiting the child in line with statutory requirements
* ensuring that the child’s health, education and emotional needs are met by the arrangements
* ensuring that carers are aware of the child's racial, cultural, linguistic and religious needs and are helped to meet them
* offering advice and support to parents, carers, and children involved in private fostering arrangements
* assessing applications for exemptions to the usual fostering limit of 3 children when the children concerned are not a sibling group
* considering the need for specific Requirements and Prohibitions to be placed on the placement and/or the private foster carer
* speaking to all members of the household and to the child's parents or persons with PR
* preparing an Initial Assessment report within 7 days of notification
* ensuring that the placement is visited 6 weekly minimum for the first 12 months and thereafter at a minimum of 12 weeks. A report - the Private Fostering Arrangement Record (visit under Regulation 8) will be completed by the social worker following each statutory visit

The Local Authority can only remove the child from a private fostering arrangement with the express agreement of the parent or through an Emergency Protection Order or Care Order.

# Offences

Staff must be aware of what constitutes an offence in relation to private fostering.

Section 70 of the Children Act 1989 covers offences and penalties and specifies that it is an offence to:

* Care for a child whilst disqualified from private fostering without the consent of the Local Authority, whilst living in the same household as someone who is themselves disqualified from private fostering or at which any such person is employed or whilst prohibited.
* Fail to give the notice required to give the relevant period of notice (i.e. not less than 6 weeks or more than 13 weeks before the placement is due to take place or within 48 hours if an emergency) without reasonable excuse, within the time specified; or to provide any information required without reasonable excuse within a reasonable time.
* Make or cause or procure another person to make a statement in the notice or information which is known to be false or misleading in a material particular.
* Fail without reasonable excuse to comply with any requirement imposed by a Local Authority.
* Refuse to allow a privately fostered child to be visited by an authorised officer of a Local Authority or to obstruct such an officer in inspecting premises in which a child is privately fostered or in which it is proposed to privately foster a child and from seeing the child there.
* To publish an advertisement offering to undertake or arrange for a child to be privately fostered unless it states the person’s name and address.

Should it come to a member of staff’s attention that an offence as outlined above may have been committed they should refer the matter to their Team Manager / who will consult with the relevant Service Manager and Legal Services about the appropriate action to be taken.

# Notifications

The following must notify the Local Authority of a private fostering arrangement:

* Private foster carers proposing to receive a child to be privately fostered must notify the Local Authority in writing at least 6 weeks before the private fostering is to begin or immediately if the arrangement is to begin within 6 weeks.
* Private foster carers already caring for a child in an emergency must notify the

Local Authority not more than 48 hours after the child was received.

* Parents or persons with Parental Responsibility for a child must notify the Local Authority in whose area they propose to place the child not less than 6 weeks or more than 13 weeks before the placement is due to take place.
* Any person who is or proposes to be involved (whether or not directly) in arranging for a child to be privately fostered must notify the Local Authority not less than 6 or more than 13 weeks before the fostering arrangement, except in an emergency, in which case they make the notification within 48 hours of placement.
* The carer is required to provide very specific information about the placement to the Local Authority to ensure that both they and the parent are given the necessary information to make informed decisions about the placement - see Schedule 3 to the Regulations.
* Other professionals e.g. carers, teachers, early years providers, health visitors, doctors etc should notify the Local Authority if they think the child may be being privately fostered and are not sure whether the Local Authority is aware of the arrangement.

# Procedure

On receipt of a notification of a placement or an intention to place with private foster carers, Newcastle Children’s Social Care has a duty to investigate the placement and to be satisfied of the immediate welfare of the child.

Unless the child is already allocated to a social worker, notifications of private fostering arrangements should be received by the Initial Response Service who will then allocate a social worker to undertake an assessment regarding the suitability of the arrangements.

Within 1 working day of receipt of a notification, Initial Response Service admin support will send an acknowledgement letter to the referrer/notifier.

The allocated social worker will visit the private fostering household and complete a screening assessment within 7 working days.

Note: If at any time during the assessment process or throughout the duration of the arrangement, adverse information regarding the suitability of the arrangement is received then the social worker must advise their team manager. A decision will then be made at the earliest opportunity in consultation with the Service Manager and Legal Services if appropriate about whether alternative arrangements to safeguard the child are required. This may involve enquiries under s.47 of the Children Act or legal proceedings.

Assessment is to include the following:

* Determine whether the duration of the private fostering arrangement has been understood and agreed between the parent of the child (or other person with parental responsibility for him) and the private foster carers and whether this agreement is in writing.
* Determine whether an interpreter is required. Where the first language of the child is not English, an interpreter must be used when speaking with them to ensure that their welfare is promoted and their views are heard.
* Visit the premises where it is proposed that the child is to live and be cared for to assess their suitability including sleeping arrangements. See where the child is to sleep. Start Health and Safety Checklist.
* Visit and speak to the proposed foster carer and all members of his/her household to assess their ability and capacity to care for the child satisfactorily.
* Speak to the child who is to be privately fostered alone to ascertain their wishes and feelings. Where it is thought to be inappropriate to see the child alone due to age, cultural or other reasons this needs to be noted.

Consideration may need to be given to seeing the child in another setting, for example at school.

* See child’s passport and check immigration status.
* Speak to and, if practical, visit every parent or person with parental responsibility for the child to determine how they intend to exercise this responsibility.
* Check notification forms (including attached declaration) have been completed.
* Ensure that Declaration and Disclosure and Barring Service (DBS) forms are completed by all adults and young people over 16 years in the private foster carers household and forwarded to the Fostering Service within 1 working day of them being signed to enable DBS checks to be undertaken.
* Provide appropriate advice and information as necessary.
* Provide the child, parent(s) and private foster carer(s) with written information about the Directorate’s Complaints Procedure.
* Identify two referees (excluding relatives of carers and child) and commence the process of obtaining references from them regarding the private foster carers.
* Make checks about the background of the child, persons with parental responsibility and the private foster carers with other local authorities if they have been resident in the area less than 5 years.
* Determine whether arrangements for the child’s medical and dental care and treatment have been made and that the child is included on the list of a General Practitioner.
* Determine whether arrangements for the child’s education have been made and that the local education authority has been informed of the private fostering arrangement.
* Determine what financial arrangements have been agreed between parents and private foster carers.
* Determine what arrangements have been made for contact between the child and parents and any other significant family members.
* Inform Health and Education of the presence of a privately fostered child in the Newcastle area.

The Initial Assessment covering all the above must be considered by the allocated Team Manager, within 7 days of the notification being received.

If, on the information available it is considered at this stage that the arrangements are unsatisfactory, the Team Manager must consult with the relevant Service Manager and Legal Services to determine what action is required including notification of prohibition and imposition of requirements on the placement and whether alternative action is required to safeguard the child.

If the Initial Assessment is positive and the Initial Response Team Manager agrees the arrangement is suitable the case will be transferred to a long term social work team.

The long term social worker will complete an assessment of the arrangement using the Private Fostering Arrangement Assessment Record. Assessment is to be completed within 35 days of notification of arrangement. Initial Private Fostering Arrangement Record (Visit under Regulation 8) will also be completed at 4 weekly intervals. Assessment will address the following:

* the intended duration of the private fostering arrangement and whether this has been understood and agreed by the parent and the private foster carer and whether there is a written agreement to this effect
* the wishes and feelings of the child about the arrangement
* the suitability of the proposed accommodation
* the suitability of the private foster carer to look after the child
* the suitability of the other members of the private foster carer’s household
* whether the privately fostered child poses a risk to other children living in the household and whether they pose a risk to him/her
* the standard of care including parenting capacity, standard of living and lifestyle, and the understanding of positive approaches to discipline
* arrangements for contact between the child and his parent and other significant persons such as close relatives, siblings etc
* financial arrangements for the care and maintenance of the child
* arrangements for the child’s medical and dental care and treatment and that the child is included on the list of a G.P.
* arrangements for the child’s education
* how the parent or persons with Parental Responsibility intend to exercise that responsibility
* whether the child’s physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory and if not what advice and services are to be deployed to support the child
* how the child’s needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met
* recommendations as to requirements to be imposed on the placement
* recommendations regarding the usual fostering limit
* recommendations as to whether a notification of prohibition should be served

The long term social worker will contact the Community

Arrangements Panel administrator to make arrangements for the case to be listed for a Panel hearing to be held at the conclusion of the 35 day period.

The social worker will contact CSSU admin support to arrange a date for initial 3 month review. The initial review must be held within 3 months of completion of the screening assessment. All reviews of private fostering arrangements will be chaired by the Private Fostering Independent Reviewing Officer. It is important that the initial review is booked in as soon as the screening assessment is approved.

Analysis of information gathered during the Assessment will inform a clear plan to be agreed by all the parties which covers:

* Duration of placement
* Financial arrangements
* Contact arrangements
* How the child’s health needs are to be met
* How the child’s educational needs are to be met
* How the child’s emotional social and behavioural needs are to be met
* How the child’s religious, racial, cultural and linguistic needs are to be met
* Role of parents in exercising their parental responsibility
* How the placement will be monitored by Children’s Social Care
* Imposition of Requirements/prohibitions/disqualifications.

# Community Arrangements Panel

The purpose of the Community Arrangements Panel in respect of private fostering is to formally accept or reject a private fostering arrangement including:

* Making decisions regarding notifications of prohibition
* Making decisions regarding the imposition of requirements
* Making recommendations regarding exemptions to the usual fostering limit which will be referred to the Assistant Director for decision
* Making recommendations regarding waivers to restrictions on disqualified applicants becoming private foster carers which will be referred to the Assistant Director for decision.

The Panel will be chaired by a Service Manager. The Panel must have three of its members in attendance to be quorate. A representative from Legal Services and the Private Fostering Independent Reviewing Officer will act as advisers to the Panel.

The social worker must forward copies of the Private Fostering Assessment, DBS , two references regarding the private foster carer, completed Health and Safety Checklist and any written agreement between the private foster carer and the parent to the Panel administrator within 5 working days of the Panel date. The social worker will make specific recommendations as to any requirements or prohibition to be made.

The social worker will attend the Panel hearing to provide the Panel with information regarding their assessment and to answer questions.

The Community Arrangements Panel will consider the Private Fostering Arrangements Assessment and make a decision regarding the Local Authority’s future action in relation to the arrangements.

# Prohibition

If the Panel decides that the arrangements are unsuitable they will instruct that:

* A Notification of Prohibition should be served within 3 working days stating the grounds:
  + That the person or accommodation is unsuitable and/or
  + That the arrangement is determined to be prejudicial to the child’s welfare
* Alternative arrangements to safeguard the welfare and safety of the child must be undertaken.

The Notification will be sent either recorded delivery or delivered by hand. The Notification will advise the private foster carers of their right of appeal.

# Requirements

The Panel may decide that requirements should be placed on the placement to ensure that the child’s welfare is safeguarded and that their needs are fully met.

The Community Arrangements Panel will notify the prospective carers of any requirements in writing, with reasons for the requirement, right of appeal, and time limit within which the carer may appeal (Children Act 1989, Sch.8 para 6, subsection 4).

Parents will also be notified in writing of the Panel’s decision to request additional requirements in respect of the placement.

# Confirmation

Where the Panel confirms Private Fostering arrangements, notification of the Panel’s decision and any requirements imposed must be sent to the Private Foster Carer and the child’s parents within 7 days.

The notification must show:

* Number, age, sex of children
* Accommodation and equipment issues
* Health and Safety issues
* Care provisions
* Other requirements
* Right to appeal.

A copy of the Directorate’s complaints procedure should be enclosed with the notification.

# Exemptions

Exemptions to the usual fostering limit of 3 children will only be granted by Children’s Social Care in exceptional circumstances. The Community Arrangements Panel will make recommendations on granting exemptions to the usual fostering limit, taking into account the following factors:

* the wishes of the child as can be ascertained;
* the best interests of the child
* the wishes of the parent;
* the long term plans for the child;
* consideration of the management of any risk issues.

Exemptions must be:

* in the best interests of the child
* exceptional
* in respect of a particular child(ren) only
* time limited, with a clear plan for returning to the fostering limit.

Since exemptions must be in relation to a specific child they should be addressed by the social worker's Private Fostering Assessment and be considered at the Community Arrangements Panel.

Should the Community Arrangements Panel recommend an exemption, they will do so for a specific period of time, and indicate a date when the exemption is to be brought back to Panel to review the arrangements.

Exemptions cannot be granted for a period longer than six months.

The recommendations of the Panel regarding exemptions must be referred to the Assistant Director for a decision within 7 days of the Panel being held and before notification is sent to the private foster carer. Notification of the Assistant Director’s decision must be sent to the private foster carer within 3 days of the decision being made.

Where an exemption is ratified by the Assistant Director , written notice must be given to the private foster carer by the Panel Administrator within 3 days of the decision and include the names of specific children, plans to return to the fostering limit and date for return to the Community Arrangements Panel for review.

The parents of all the children in placement must also be sent written notification of the decision to grant an exemption. The letter should also contain a copy of the Directorate’s complaints procedure.

If the carer wishes to appeal against the refusal to grant an exemption, she/he must apply to a Court within 14 days of the receipt of the notification refusing exemption under Schedule 8(8) of the Children Act 1989. Should the Social Worker be aware of a carer’s intention to appeal, they should contact the Directorate’s legal adviser. Carers should also be informed of the Directorate’s Complaints and Representations procedure.

Carers refused an exemption may wish to apply for registration as a private children's home under the Children's Home Regulations 2015. In this situation they should be advised to inform Ofsted should they wish to proceed in registering as a private children’s home.

# Disqualifications

The Community Arrangements Panel will make recommendations about whether to waive the restrictions to the applicant becoming a private foster carer which will be referred to the Head of Service for decision.

The Panel’s recommendations regarding waiver will be made following receipt of a report from the social worker which outlines the date of the offence or order, the type of offence or order, the degree of culpability of the person and the person’s activity and involvement with children since the offence or order.

If the Assistant Director refuses to lift the restriction on disqualification this decision will be conveyed to the applicant in writing giving reasons for the refusal, and giving details of the appeal procedure.

# Emergencies and Late Notifications

Where notification has been received at short notice, or after a child is already staying with the carer, the social worker must contact the private foster carers and the parents immediately, also informing the parents’ Local Authority (if not from Newcastle) to ascertain the reason for the short notice and to make arrangements for the assessment process to begin as quickly as possible.

As an offence may have been committed, all late notifications or emergency arrangements should be notified by the Team Manager to the Service Manager for the child, who should consult with Legal Services as to any legal action to be taken and also satisfy themselves that the child is not at immediate risk pending the completion of the assessment.

Should it not be possible or desirable for the child to remain in placement whilst the assessment is carried out, ideally a child should be returned to the care of the parents. If this is not possible, and satisfactory DBS checks have not been completed on the carers, consideration must be given to providing accommodation for the child while a full assessment is completed and plans for the child clarified. In any case, a Care Planning meeting in respect of the child should be held within 7 days to make a clear plan to safeguard the child’s welfare.

In these circumstances, the parents and carers must be made fully aware that the welfare of the child is the paramount consideration. All decision-making must comply with the welfare principles of the Children Act, and must be undertaken in partnership with the parents.

# Requirements for Specific Actions by the Private Foster Carer

The Local Authority has the power to impose requirements on those who foster children privately. The social worker should address whether there is a need to impose a requirement on the private foster carer as part of the Private Fostering Assessment. It is the decision of the Community Arrangements Panel whether to impose a requirement having considered the Private Fostering Arrangement Assessment and the social worker’s recommendation.

Requirements may refer to an individual child, or may be more general such as stipulating the number, age, and gender of children who may be fostered or may refer to the standard of accommodation and equipment provided, practical matters in the home, such as health and safety factors. Other requirements might refer to the provision of toys that reflect the child’s ethnic origins, a different approach to discipline or medical assessment. The Local Authority will have no financial liability in respect of any requirements imposed. Any costs incurred by the carer to ensure these measures are complied with may be recoverable from the parent of the child.

A requirement may be made under Schedule 8 paragraph 6(1) (c) of the Children Act 1989, that a privately fostered child is medically examined at the start of a placement and at specified intervals. The medical officer may charge the parent for these examinations.

The Community Arrangements Panel will notify the prospective carers of any requirements in writing, with reasons for the requirement, right of appeal, and time limit within which the carer may appeal. (Children Act 1989, Sch.8 paragraph 6 (4)) Parents will also be notified in writing of the Panel’s decision to request additional requirements in respect of the placement.

Once a decision has been made to impose requirements a carer has 14 days in which to comply or to appeal to the court if the carer does not agree with the recommendation. While the appeal is pending the requirement does not take effect.

If the requirement concerns the child's safety, it is important that parents are kept fully informed as they may be advised to remove the child prior to an appeal being heard.

If the time allowed has expired and the requirement is not complied with the Local Authority may impose a Prohibition, served in writing to the person, giving reasons and outlining the appeal process. This should be undertaken in consultation with Legal Services.

# Prohibitions on Prospective Private Foster Carers

A Local Authority has the power to prohibit a person from privately fostering children if, following their assessment, they are of the opinion that:

* The person is not suitable
* The premises are not suitable
* It would be prejudicial to the welfare of the child for him to be, or continue to be, accommodated by that person in those premises.

It may be necessary to apply prohibitions very quickly on occasion and this may be necessary before the completion of the assessment. Legal advice should always be sought and the Group or Service Manager for the child consulted. The Service Manager for the child has the authority to make an immediate decision to prohibit a person from private fostering if necessary.

Prohibitions may be imposed on a person who applies to privately foster, as well as a person already privately fostering. A prohibition may apply generally to a person, or specifically to a named child or named premises.

The Private Fostering Arrangement Assessment must consider whether the private foster carer should be prohibited from private fostering and make recommendation to the Community Arrangements Panel.

If the Panel decides that the arrangements are unsuitable they will instruct that:

* A Notification of Prohibition should be served stating the grounds:
  + That the person or accommodation is unsuitable and/or
  + That the arrangement is determined to be prejudicial to the child’s welfare.
* Alternative arrangements to safeguard the welfare and safety of the child must be undertaken.

A prohibition must be in writing, specifying reasons for the prohibition and information about the appeal procedure, and sent by Recorded Delivery or delivered by hand.

Any prohibition being considered should be discussed fully with the Legal Department prior to a decision being made. Where a prohibition is imposed, the parents should be kept fully informed, and advised to remove the child. The Authority may need to take other action to safeguard the child's welfare.

The carer has 14 days in which to appeal to the Court against a prohibition. The Local Authority has the power to cancel a prohibition, and thus may be able to respond appropriately to action taken by the carers, or new information.

# Disqualification

A person may be disqualified where:

* S/he has been convicted at any time of certain offences. Consult with the Department's legal advisors for the details of Regulation 2(6) and the Schedule to the Disqualification for Caring for Children Regulations 2002.
* A Care Order has been made at any time in respect of a child in his/her care.
* His/her rights and powers over a child have been removed from him/her at any time.
* She/he has been refused registration as a child minder or similar.
* She/he has been prohibited from fostering privately.
* She/he lives in the same household as someone who is disqualified.

The applicant must disclose these facts to the Local Authority, when giving notice of an intention to privately foster, or if those facts arise during the period of the private fostering arrangement. The Local Authority has the authority to waive the restriction to the applicant becoming a private foster carer under certain circumstances having regard to the date of the offence or order, the type of offence or order, the degree of culpability of the person and the person’s activity and involvement with children since the offence or order (Vol 8, The Children Act 1989 guidance and regulations, para 2.7). If the Local Authority refuses to lift the restriction on disqualification they shall inform the applicant in writing giving reasons for the refusal, and giving details of the appeal procedure.

The Community Arrangements Panel will made recommendations regarding whether to waive restrictions regarding the applicant becoming a private foster carer which will be referred to the Assistant Director for decision.

# Supervising the Placement

The child must be visited as frequently as necessary to safeguard and promote his/her welfare but every 6 weeks minimum within the first 12 months and thereafter every 12 weeks minimum.

In addition visits must be made when reasonably requested by the child or private foster parents. Newcastle policy requires at least one unannounced visit to take place per year.

Visits should be recorded and at all times comply with the Directorate’s procedure on case recording. Private Fostering Arrangements Record (Visit under Regulation 8) to be completed following each statutory visit.

The purpose of the visit is to:

* safeguard and promote the child's welfare and to monitor the suitability of the placement to meet the child's needs. When visiting the privately fostered child, the social worker will inspect the premises and decide whether the standard of accommodation is suitable, having regard to the child’s age and development needs and health and safety issues. Inspection of the premises will include seeing where the child sleeps. The social worker will monitor the parenting capacity, standard of living and life style, and approaches to discipline of the private foster carer and their household. Visits should sometimes occur unannounced, and when all members of the household can be seen.
* ensure that the arrangements continue to meet the child's holistic needs, including his/her cultural, racial, linguistic and religious needs, and that time scales set by care planning are adhered to
* ensure that requirements are being met, and checking whether they need to be changed or cancelled
* ensure that any necessary advice is made available to the private foster carer and parents
* ensure that the parents are exercising parental responsibility for the child, and that contact is satisfactory and suitably frequent; and ensure that the wishes and views of the child about the fostering arrangement are heard
* ensure that contact arrangements are agreed and being respected
* the child must be seen during every visit, and alone. If it is considered inappropriate to see the child alone due to age, cultural or other reasons this needs to be recorded. Discussion with the child should include: whether his/her health and cultural needs are being met, that contact arrangements with friends or family are satisfactory, what disciplinary measures have been used if any as well as seeking information on what has made them happy or sad since the last visit. If there is no contact with the child's family the social worker should discuss the possibility of an Independent Person for the child**.** The visiting social worker must make sure that the child has their contact details.
* Regular liaison should take place with the school, relevant health professionals and other professionals involved with the child to ensure that the child’s needs are being met by the placement.

# Access

If access cannot be gained to the placement or if the child is not seen at the arranged time, a repeat visit must be made within 5 working days of the scheduled date to ensure that the visit is satisfactorily concluded. Checks should also be made with the school, health professionals and other professionals involved to determine their recent contact with the child.

If access is not gained by the repeat visit, consideration should be given by the Service Manager in consultation with Legal Services as to future action.

# Reviews

Although there is no legal requirement for statutory reviews to be held, Newcastle policy is for private fostering arrangements to be formally reviewed to ensure that the child’s needs continue to be met by the private fostering arrangement and to determine a clear plan for the child.

The frequency of the Review will be within 3 months of completion of the screening assessment and at least every six months subsequently. The private foster carers, child, parents and relevant professionals should be invited to the review meeting. The review must be chaired by the Private Fostering Independent Reviewing Officer and decisions minuted.

It is the allocated social workers responsibility to contact CSSU admin and arrange the initial review. The initial review must be booked at the point the initial screening assessment has been approved. This must also be considered by the social worker’s manager in supervision.

The Review will consider the arrangements and plans for the child with specific reference to:

* Duration of placement
* Financial arrangements made between parents and private foster carers
* Contact arrangements
* How the child’s health needs are to be met
* How the child’s educational needs are to be met
* How the child’s emotional social and behavioural needs are to be met
* How the child’s religious, racial, cultural and linguistic needs are to be met
* Role of parents in exercising their parental responsibility
* How the placement will be monitored by Children’s Social Care
* Imposition of Requirements
* Need to refer back to Community Arrangements Panel.

# Welfare of the Child

The key principle of the Children Act in relation to private fostering is to safeguard and promote the child's welfare. Privately fostered children can be as vulnerable as looked after children to discontinuities in their health care and education. Parents and carers should be encouraged to ensure that health checks, or immunisation programmes are taken up or continued.

The allocated social worker should provide information to private foster carers about the support available from other agencies, including health services, Education, housing services, Connexions, early years, voluntary organisations, and community groups to promote the wellbeing of the child.

Where a privately fostered child has a disability and is nearing the age of 16 years, details of the eligibility criteria and assessment information for adult community services must be provided to the child, private foster carers and parents.

Where a child is from a different ethnic background to that of the carer, appropriate medical advice should be made available, as well as day to day advice on food, skin and hair care.

It should not be assumed that private foster carers and parents will share the same cultural background, language or religion. The social worker and the Community Arrangements Panel should satisfy themselves that children who are placed transracially will have their religious/cultural needs met.

The Department of Health suggests that both carers and parents are advised that such children need consistency of care, positive role models in terms of culture and racial identity, and help to keep their first language and culture alive. This Directorate intends that such placements will be strictly time limited, and that family visits will be frequent to promote the child’s racial and cultural identity.

Private foster carers should be advised about the provision of local resources and facilities to help meet the child's racial, cultural, religious and linguistic identity.

Advice to parents and carers should stress the importance of planning for the child, so that changes of placement, school, carers do not occur unexpectedly for the child, and to ensure as much continuity as possible can be maintained for him/her.

The importance of regular and frequent contact with parents and siblings, to include staying contact, cannot be stressed too highly to parents and carers. This may be the only opportunity for the child to maintain his/her language and culture.

Planning for consent to medicals/school trips/ etc. should be part of agreement between parents and private foster carers considered by the Private Fostering Arrangement Assessment. The Local Authority cannot give such consent.

# Complaints and Representations

The social worker should provide the private foster carer, parent and child with written information regarding the Directorate’s Complaints Procedure. The social worker must record on the case file the date that this information was provided.

The social worker should advise the child of the Directorate’s advocacy service and contact details for the Children’s Complaints Officer. The date(s) this information was provided should be recorded on the case file.

# End of Arrangement

When the arrangement ends the parent must notify the Local Authority of the change of circumstances within 48 hours. When a child leaves their care the private foster carers must notify the Local Authority within 48 hours stating the name and address of the person into whose care the child has been moved.

The social worker must visit the child, private foster care, parent and any new third party involved to assess the situation, advise accordingly, arrange provision of services and close /transfer case if the arrangement is terminated and support is no longer required. The social worker must record their findings and make a clear recommendation as to whether support is required. This must be signed off by the Team Manager and Service Manager.

The social worker must ensure that the Primary Health Care Trust, Education Department and parents’ Local Authority (if it is not Newcastle) are informed in writing of the ending of the private fostering arrangement.

If the Private Foster Carer moves to another Authority, they must be advised by their social worker of the requirement that they notify the new Authority of the private fostering arrangement.

The social worker will also write to the receiving Authority advising them of:

* The name and address of the private foster carer
* The name of the child who is being fostered privately
* The name and address of the child’s parents or any other person who has parental responsibility.

If the arrangement has ended abruptly or in such a way as to distress the child, parents or carers, the notification should draw attention to the Social Worker's concerns.

The notification must request a confirmation receipt from the receiving Authority which should be placed on the case file when received.

**Leaving Care Act 2000**

Under the Leaving Care Act 2000 children leaving private fostering *may be* considered ‘qualifying children’ and they are entitled to advice and assistance. This must be factored into the children’s plans and considered through the review process to ensure children receive the advice and support they are entitled to.

# Monitoring

The Private Fostering Independent Reviewing Officer will undertake periodic Audit

Reviews of private fostering arrangements and present an annual report to the Director of Children’s Services and to the Local Safeguarding Children’s Board demonstrating compliance with procedures, outcomes of the work in relation to safeguarding and promoting the welfare of privately fostered children in the area and how private fostering has been promoted including co-operation with other agencies.

The report will include:

* Current Statement on Private Fostering
* Statistical Information
* Number of privately fostered children resident in the Authority
* Number of private foster carers resident in the Authority
* Number of new notifications
* Number and nature of new enquiries received
* Response given and action taken
* Communications Strategy Action Plan and Review
* Action taken to improve practice based on procedures, monitoring and any complaints or commendations.

End