



Somerset County Council Private Fostering Statement

Operations Manager – Permanence and Wellbeing

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1. Policy Statement

1.1 This document outlines the Private Fostering Arrangements in Somerset. It meets the criteria of the National Minimum Standards for Private Fostering (Standard 1) with the intention to raise awareness of, and provide clear guidance to, professionals working with children and young people who are privately fostered. It is for the benefit of children who are or who will be privately fostered, with the aim being to secure positive outcomes for privately fostered children and safeguard their welfare. It is also for the benefit of private foster carers, prospective private foster carers and parents or persons with parental responsibilities who are or have made arrangements for their children to be privately fostered.

1.2 This document should be read in conjunction with the Business Process Model for Private Fostering which details how the information should be inputted onto LCS.

2. Purpose

2.1 It is the duty of the local authority to satisfy itself that the welfare of children who are or who will be privately fostered within their area is being or will be satisfactorily safeguarded or promoted. Private fostering arrangements can be a positive response from within the community to difficulties experienced by families however, privately fostered children remain a diverse and potentially vulnerable group.

2.2 The Children Act 1989, amended by Section 44 of the Children Act 2004, aims to strike a balance between the rights of parents to exercise their responsibilities towards their child and the duty of the state to intervene to ensure that the child's welfare is safeguarded and promoted. Private foster carers are not approved or registered by the local authority, but a spirit of partnership should be promoted between private foster carers, the birth parents and Children's Services. Whilst the private foster carer becomes responsible for the day-to-day care of the child, responsibility for safeguarding and promoting the welfare of the private foster child remains with the parent or other person with parental responsibility. However, it is the duty of the local authority to satisfy itself that the welfare of children who are or will be privately fostered within their area is being or will be satisfactorily safeguarded and promoted.

2.3 The needs of children being privately fostered are no different from those children who are looked after under arrangements made by Children's Services. In seeking to achieve standards that equate with those expected of local authority foster carers there is a need to keep in mind that the child's needs are paramount. Appropriate action should be taken when standards fall short of what is acceptable, and the child may be at risk of harm. It must be remembered that a child can only be removed for the care of a private foster carer without parental consent with an Emergency Protection Order, or under police powers.

2.4 Within private fostering arrangements there must be an awareness of the potential for harm of racist or other prejudicial attitudes and to take appropriate steps to protect children who may be exposed to such views. A child's language, religion, racial and cultural heritage have particular significance in private fostering placements, as many children so placed have come from minority ethnic groups. In order to give appropriate advice to foster carers according to the racial and cultural backgrounds of children placed with them, social workers themselves must seek to be properly informed and identify appropriate resources.

2.5 Unless private foster carers' attitudes are positive and they have some understanding of a child's race and culture, they should not be regarded as suitable carers for the child.

2.6 In view of the information above this guidance therefore aims to:

- To make sure that the relevant staff are aware of local authority duties and functions in relation to private fostering.
- To make sure Children's Services are notified about children privately fostered in Somerset.
- To safeguard and promote the welfare of children privately fostered.
- To clarify what advice and support private foster carers and parents of privately fostered children should/may receive.
- To clarify what advice and support children privately fostered should/may access to ensure their safety and protection and ensure that their welfare is promoted.

- To set out how Children's Services will monitor the way in which it meets its duties in relation to private fostering.
- To clarify roles and responsibilities within Children's Services.
- To provide links to evidence informed practice guidance related to meeting the needs of privately fostered children.

3. Awareness Raising – Public and Professional

3.1 Somerset County Council also has an obligation to promote awareness of private fostering.

3.2 Somerset County Council aims to:

- Ensure information is available to the public via the internet [www.fosteringinsomerset.org.uk]
- Ensure regular communication with colleagues in education, health and other agencies to ensure they have access to information
- Take part in National Private Fostering Awareness week.
- Liaise with local social work courses to ensure that newly qualified social workers are equipped with knowledge of private fostering
- Nominate a designated manager who has key function in promoting private fostering, within the Resources Management Structure.

4. Legal Context

4.1 This policy has been written within the context of the following legal requirements:

*Children Act 1989 □ Children Act 1989 Regulations and Guidance Volume 8 *The Children Act 2004 (section 44) *The Children (Private Arrangements for Fostering) Regulations 2005 *Disqualification from Caring for Children (England) Regulations 2002 *Family and Friends Care: Statutory Guidance for Local Authorities (Department for Education, 2011).

4.2 These requirements along with the National Minimum Standards for Private Fostering 2005 aim to focus all local authority's attention on private fostering.

5. Definition of a Privately Fostered Child

5.1 A private fostering arrangement is one that is made privately, without the involvement of a local authority, for someone other than a parent or person with parental responsibility (or a close relative) to care for a child under the age of 16 or under 18 if disabled, for 28 days or more. Close relatives as defined in the Children Act 1989, are “brother, sister, aunt, uncle grandparent or stepparent”. As such, they are not deemed to be private foster carers. (Section 66 and Schedule 8 of the Children Act 1989). Private foster carers may be from the extended family, such as a cousin or great aunt. They may also be a friend of the family, the parent of a friend of the child, or someone previously unknown to the child’s family who is willing to privately foster a child. A child is not privately fostered if the person caring for him/her had done so for a period of less than 28 days or does not intend to do so for any longer period.

5.2 Exemptions - Schedule 8 of the Children Act 1989 details the circumstances which would be exempt of this definition.

These include:

- When a child is being looked after by a local authority in either fostering or residential provision.
- In premises in which any of his/her parents live, or a person who is not a parent but has parental responsibility for him/her is for the time being living
- in premises where a relative of his/hers lives and who has assumed responsibility for his/her care. Such situations are not covered by this guidance.

5.3 Examples of private fostering arrangements:

Children who attend language schools/cultural exchanges who are boarded out with private families for periods of 28 days or more

Adolescents temporarily estranged from their parents and living with their friend’s parents

Children at boarding schools who do not return to their parents during vacations (who may be placed with non-relations) whose parents may be abroad

Children whose parents work unsocial hours □ Children of asylum seekers whose parents are not in this country, but were brought in by someone else and so were not accompanied at the time of arrival

6. Notification

6.1 Those carers who intend to foster a child privately, the child's parents and any other person with parental responsibility who knows about the proposed arrangements, as well as any other person who is, or is proposing to be involved in any way in making arrangements for a child to be privately fostered, must give notice of the arrangements to the local authority, giving specific information. Notice must be given not less than 6 weeks or more than 13 weeks before an arrangement is to begin, unless the placement is made in an emergency. In such cases, notice should be given to the local authority no more than 48 hours after the arrangement begins.

6.2 Other professionals, and workers in the voluntary sector, should tell the local authority of any private fostering arrangement that has come to their attention. They can play an important role in helping to identify private fostering arrangements and providing information to carers and parents who may be unaware of their responsibility to notify the local authority. Good communication is key to ensuring the safety and wellbeing of a privately fostered child.

6.3 Notification forms must be completed by those people involved in making private fostering arrangements in order to obtain details of the child and his or her family. These forms are available on Sharepoint: [CSCToolKit - Search results for "private fostering" - All Documents \(sharepoint.com\)](#) and the internet www.fosteringinsomerset.org.uk for download or could be sent to those involved in making a private fostering arrangement for completion. These forms will be sent out by Somerset Direct (where the child is not already an open case) and collected by the allocated worker on the initial visit. The forms are called: Notification by parents or a third party; Notification by carers; Notification residential.

6.4 On completion and return of the notification forms, standard letters G0204 and G0205 constitute formal acknowledgement of the proposed commencement of the private fostering placement. These letters are available on SharePoint- and are sent out by the local office once the case has been transferred from Somerset Direct.

6.5 Additional reference should be made to any unexplained delay in the sending of the notice with a reminder of the statutory requirements when people habitually do not give the required notice. Children's Services notes on private fostering for parents and carers should accompany this acknowledgement.

7. Initial Response

7.1 Separate files must be opened for the carers and for the child. Where it is a new referral the electronic file on the child and Private Foster carer should be opened by Somerset Direct.

7.2 Where advance notice is given that a child is to be privately fostered, a qualified social worker must visit the home within seven working days of notification (Regulation 4 of the Children (Private Arrangements for Fostering) Regulations 2005).

7.3 The allocated worker must begin enquiries into the suitability of the foster carer and their household and determine the suitability of the accommodation. They should:

- Visit the premises where it is proposed that a child will be cared for an accommodated.
- Speak to the proposed carers and members of their household.
- Speak to the child's parents or any other person with PR or any other person involved unless it is considered inappropriate. If practicable to do so a visit should be made.
- Visit and speak to the child alone.
- See the child's proposed sleeping arrangements.
- Establish other matters listed in Schedule 2 which are considered to be relevant.

- A written report must then be completed (PFAAR).

7.4 Where the local authority receives notification that a child is already being privately fostered (Regulation 5 or 6) a qualified social worker must visit within seven working days to:

- Speak to the private foster carer and all members of the household.
- Speak to the child alone unless considered inappropriate.
- Speak to and if it is practicable to do so, visit every parent of or person with parental responsibility for the child.
- Establish other matters as listed in Schedule 3 which are considered to be relevant.
- A written report must then be completed (PFAAR).

7.5 Issues to consider in assessing suitability include:

- Length of time the two families have known each other.
- The nature of the relationship between the child and the whole of the carer's family and the relationship with the birth family.
- The feelings of and level of support from the child's family.
- The risk assessment relating to the child to be placed.
- The ability of the carer to meet the child's needs in relation to his or her ethnicity, culture, language and religion.

7.6 The completed report should be considered and ratified by the social worker's Team Manager.

7.7 The following procedure should then be followed:

- If notice has not been given by the private foster carer, this form should be completed fully on the first visit or sent in the post for completion.
- DBS checks must be carried out on all adult members of the carers' household over the age of 16.

8. Rule of Three

8.1 The limit on numbers of foster children applies to private fostering arrangements as well as to local authority arrangements. If more than three children are to be cared for as private foster children and they are not all siblings in respect of each other, then exemption may be granted, or the foster carer must seek to register as a children's home.

8.2 Exemption to the rule of three will be very exceptional and will be in respect of specific children only. Exemption can only be granted at Ops Manager level after consultation with an assistant county solicitor.

8.3 Notice of exemption or non-exemption must be given to the private foster carer in writing, this will be carried out by the local office using standard letter G0211 (available on SharePoint as Exemption Letter to Private Foster Carer)

9. Reporting on Suitability

9.1 With the knowledge of the private foster carers, the local office sends reference requests (G0206 available on SharePoint as Carers' Assessment Reference Request) to the Head Teachers of any of the birth and privately fostered children of the foster carers and the appropriate health visitor, enclosing a stamped addressed envelope. New references should be obtained if a break of more than 6 months occurs between placements.

9.2 If the child or parents live in another local authority, enquiries should be made by the local office with that Authority to inform the Private Fostering Arrangement Assessment Record (PFAAR) using forms G0207 for the parents (available on SharePoint as OLA Check Regarding Parents) for G0208 for the child (available on SharePoint as OLA Check Regarding Child).

9.3 If any information indicates that the foster carer or a member of the household may be a disqualified person the allocated social worker must consult with his or her line manager, who in consultation with their area Ops Manager who MUST contact the County Solicitor's Department.

They may advise initiating action to disqualify such carer(s) from caring for a privately fostered child. (refer to section 68 of the Children Act 1989 and the Disqualification from Caring for Children (England) Regulations 2002, for details of those people automatically disqualified from fostering children unless they have obtained the Local Authority's prior consent). In very exceptional circumstances, it is possible for such disqualifications to be lifted, for which the authority of the Operations Director - Children's Social Care, must be sought. The complainant is entitled to appeal against a refusal to lift disqualification (See Schedule 8, paragraph 8(1) and (2) of the Children Act 1989).

9.4 Where the case has been referred from Somerset Direct a Kinship Team social worker is accountable for the case management and assessment of the suitability of the arrangement. Once the Private Fostering assessment has been completed and the placement agreed as suitable, the case will remain within the Kinship Team to continue statutory visits and case management.

9.5 A report should be compiled using the Private Fostering Arrangement Record (Visits under Regulation 8) on LCS following all visits to the household. In the course of these visits, the child must be seen alone, and the bedroom checked (unless this is considered by the social worker to be inappropriate). All members of the household must be seen at least once.

9.6 The worker must make it clear that the welfare of the child is paramount and that their role includes supporting the private foster carer to provide the best possible care. A careful note should be made of any particular needs the foster carers may have for information and training and ways considered of meeting these needs. Needs relating to race and culture are particularly relevant.

9.7 Standard letter G0209 (Available on SharePoint as Carers' Suitability Letter) should, be used to confirm suitability for each and every placement. As private foster carers are not approved or registered, it is not appropriate to put in writing for a private foster carer that they and their accommodation are considered generally suitable. Their suitability relates to the specific child or children to be, or being, fostered.

10. Prohibitions and Restrictions

10.1 The power to restrict a person from privately fostering a child is given by Section 69 (1), (2) and (3) of the Children Act 1989. A general prohibition can be specific to any child in particular accommodation or a prohibition can be specific to any child in particular accommodation, or to a named child in particular accommodation.

10.2 If it is considered that these powers should be used in order to safeguard and promote the welfare of a privately fostered child, the social worker must approach his or her line manager who may then contact the County Solicitor's Department. Prohibition should be seriously considered, for example if the private foster carer's attitude towards punishment is rigid, or they have a lack of understanding of a child's racial or cultural background, or there are any other circumstances which are likely to be prejudicial to the child's welfare and result in their needs not being adequately met.

10.3 Restrictions can be placed on private foster carers by imposing requirements such as:

- The number, age and sex of the children who may be privately fostered by him.
- The standard of the accommodation and equipment to be provided for them.
- The arrangements to be made with respect to their health and safety
- Particular arrangements which must be made with respect to the provision of care for them (refer to paragraph 6 of Schedule 8 of the Children Act 1989 for details).

10.4 Private foster carers can appeal to a Magistrates Court against a prohibition or restriction imposed by the Local Authority but must do so within 14 days of being served with notice of the decision. (See Schedule 8, paragraphs 8(1) and (2) of the Children Act 1989).

10.5 Prohibitions and restrictions can be made and cancelled at any time with the agreement of the relevant service manager and notification should be put in writing using standard letter G0210 (available on Sharepoint as Carers' Suitability Not Agreed Letter) following consultation with the County Solicitor's Department.

10.6 It is important to remember that Children's Services must continue to satisfy itself as to the suitability of a private foster carer, their household and accommodation.

11. Supervising the Child's Welfare

11.1 Paragraphs 1.7 and 1.8 of the Guidance to the Regulations 1989 Volume 8 deal with the welfare of privately fostered children and the role of the Local Authority.

11.2 A social worker must be allocated to work with the private foster carer and child. The focus will be on the welfare of the child and on advice and support to the carers as well as their continuing suitability.

11.3 Information about the child and his parents should be available on the notifications received from the private foster carer, the parents and any other person involved in making the arrangements. If these have not been completed before or within 48 hours of placement then completion by parents and any other person involved should be requested by post.

11.4 Contact should, in any case, be made with the child's parents in writing, identifying the social worker and giving information and advice concerning contact and agreements and summarising the respective responsibilities of the local authority, the private foster carer, themselves as parents and any other people involved in the placement.

11.5 In carrying out supervision, reference should be made to paragraphs 1.7.1 to 1.7.33 of the Guidance and Regulations, which cover those areas where private foster carers may need advice and guidance. Workers need to ensure that they are sufficiently well informed about the child's heritage and are able to meet the child's needs in this area.

11.6 Every effort should be made to encourage a partnership between the private foster carer, the child's parents and between Children's Social Care and other agencies involved with the child in order to safeguard and promote the welfare of the child.

11.7 The private foster carer and the child's parents should be advised to come to an agreement on matters such as contact, finance and the proposed duration of the placement. The private fostering agreement form (available on SharePoint) should be used for this purpose and together with the completed notification provides the Kinship team worker with information that enables a plan of supervision to be drawn up.

11.8 Minimum visiting requirements by social workers to private fostering placements are established in Regulation 4 and 8 of the Children (Private Arrangements for Fostering) Regulations 2005. This states that an officer of the Authority should visit the placement within seven working days of the beginning of the placement and then at intervals of not more than 6 weeks in the first year. In any second or subsequent year, visits should be at intervals of not more than 12 weeks. Visits should not fall below this minimum and it is important that the child is seen alone unless the worker feels that this is inappropriate. Where Children's Services is more actively involved in supporting the placement, either financially or practically, visits may occur more frequently.

11.9 Written reports must be kept of all visits (using Regulation 8 visit forms on LCS). The focus of these visits must be on the welfare of the child and the degree to which the child's needs are being met. Schedule 3 of the 2005 Regulations details the areas which need to be considered.

11.10 Any concerns about the private foster carers' suitability, should be discussed with the social worker's Team Manager.

11.11 The private foster carers must notify the local authority of any significant changes in their circumstances or that of the household.

12. Financial support

12.1 Where a child is privately fostered, arrangements may be supported with a one off discretionary payment for initial expenses or in exceptional circumstances further payments could be made for up to 8 weeks (where these do not exceed the benefit entitlement for the child 1*) with the agreement of the Area Ops Manager. This payment would be made from the Section 17 budget. These children are not part of the Looked After population and would not attract fostering payments.

* 1. An 8-week period allows for the transfer of relevant state benefits for the child from the parent to the Private Foster carer

13. Health

13.1 Private foster carers should be encouraged to arrange with the child's parents for a medical examination to be carried out upon placement, but the parents would need to meet any charges made.

13.2 The private foster carer should have the child's Personal Health Care Record and details of their medical history.

13.3 It is possible to impose requirements on a private foster carer to have a child medically examined at regular intervals. This may be appropriate if, for example a child arrives at his or her private foster carer with no medical history or if the child has a disability and there are concerns about the private foster carer's attention to health matters.

14. Education

14.1 Private foster carers should notify the Local Education Authority of the child's address and need for an appropriate education placement.

14.2 The private foster carer must ensure that the child attends an appropriate education establishment, in line with legal requirements and support the child in reaching their educational potential.

15. Immigration and Nationality

15.1 Where a child's parents are not British Nationals, then private foster carers should be advised to seek confirmation and reassurance before placement, about the child's nationality and status and any limits that may exist on the child's length of stay in the United Kingdom, without further leave being granted.

15.2 The Local Authority has an obligation to see that the immigration regulations are being followed. The worker must, therefore, be satisfied about the child's legal status and, if necessary, seek confirmation of information provided by the child's parents with the Home Office Immigration Department.

16. Records

16.1 Written reports of visits must indicate whether the child was seen and if not, the reasons, and also if the child was seen alone. They must include a statement of the child's wishes and feelings and comment on the child's welfare and progress, whether the placement is satisfactory and highlight any matter for concern.

16.2 Records must include disqualifications and prohibitions, or requirements imposed on the carer, decisions about offences, any advice given to parents and carers.

17. Training and Support

17.1 Private foster carers are entitled to attend training which is available to approved foster carers.

17.2 The Local Authority will provide advice and support to private foster carers and prospective private foster carers as appears to the authority to be needed.

17.3 The local authority will provide advice and support to the parents of children who are privately fostered within their area as appears to the authority to be needed.

17.4 Children who are privately fostered are able to access information (in formats appropriate to their age and level of understanding) and support when required so that their welfare is safeguarded and promoted. Privately fostered children are enabled to participate in decisions about their lives.

18. Notification of the end of an arrangement

18.1 Any person who has been fostering a child privately but has ceased to do so must notify the local authority in writing within 48 hours and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

18.2 Where a person has been fostering a child privately but has ceased to do so because of the death of the child he must in his notification to the local authority indicate that that is the reason.

18.3 If a private foster carer intends to resume the private fostering arrangement after an interval of not more than 27 days, they do not need to formally notify the local authority although it is expected that the involved worker would be aware. However, if the private foster carer subsequently abandons their intention; or the interval expires and the child does not return they must notify the local authority within 48 hours of abandoning his intention or, as the case may be, the expiry of the interval.

18.4 Any parent of a privately fostered child, and any other person who has parental responsibility for a child, who has given notification to the local authority under regulation 3(2) or (3) must notify the appropriate local authority in writing of the ending of the private fostering arrangement and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

18.5 The allocated worker must end the arrangement on LCS using the final section of the 'Visit under Regulation 8' form.

19. After the placement (or if the placement continues post 16, where the child has a disability)

19.1 A child who has been privately fostered after the age of 16 falls within the definition of a Qualifying Young Person for the purposes of the Leaving Care procedures. A young person aged 16 or 17 who was previously privately fostered may also be a Child in Need.

19.1 Unless a young person has a disability, private fostering ends at 16. Children's Social Care Services will review the young person's circumstances and future plans as they approach 16.

19.2 Where a young person remains with the private foster carers after the age of 16, but requires continuing support, he or she should be assisted as a Child In Need. Where the young person moves to independent living, support can be provided as a qualifying care leaver up to the age of 21.

19.3 Where a young person requests help from the Leaving Care Service, he or she will be supported as a qualifying care leaver. 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. Support 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.

20. Forms

20.1 All of the forms detailed below are available on SharePoint: [CSCToolKit - Search results for "private fostering" - All Documents \(sharepoint.com\)](#)

- 1. Notification by Parents or a third party (G0201)
- 2. Notification by Private Foster Carers (G0202)
- 3. Notification by a Residential School (G0213)
- 4. Notice Acknowledgement - Parents (G0204)
- 5. Notice Acknowledgement - Carers (G0205)
- 6. Carers' Assessment Reference Request (G0206)
- 7. OLA Check Regarding Parents (G0207)

- 8. OLA Check Regarding Child (G0208)
- 9. Carers' Suitability Letter (G0209)
- 10. Carers' Suitability Not Agreed Letter (G0210)
- 11. Exemption Letter to Private Foster Carer (G0211)
- 12. Acknowledgement Regarding End of Arrangement (G0212)
- 13. Private Fostering Agreement (G0102)

20.2 The following leaflets can be found on the internet
www.fosteringinsomerset.org.uk:

- Information leaflet for parents, carers and professionals
- Information leaflet for children and young people
- Information leaflet for independent schools

21. Useful links

The Children (Private Arrangements for Fostering) Regulations 2005:
<http://www.legislation.gov.uk/ukxi/2005/1533/contents/made>

National Minimum Standards for Private Fostering:
<http://media.education.gov.uk/assets/files/doc/n/national%20minimum%20standards%20for%20private%20fostering.pdf>

Somebody Else's Child: <http://www.privatefostering.org.uk/>

Family and Friends Care; Statutory Guidance for Local Authorities:

[F and F \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

22. Accountability Matrix

22.1.1 The responsibility for private fostering assessment and ongoing Regulation 8 visits and support will be held within the Kinship team.

22.2 The responsibility for awareness raising will be held within the Kinship team.

22.3 The named Lead roles are:

Private Fostering Lead social worker: *Stacey Davis*

Private Fostering team manager: *Donna Parsons*

Operations Manager: *Jason Pincott*