**West Sussex Private Fostering Statement of Purpose (2022)**



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# Introduction

West Sussex County Council (WSCC) has a duty to publish a written Statement of Purpose in respect of its Private Fostering Service in accordance with the National Minimum Standards for Private Fostering (Standard 1).

This Statement of Purpose outlines WSCC private fostering duties and functions and the ways in which they are planned and completed. This Statement of Purpose is both a commitment and adherence to requirements listed in private fostering relevant legislation and regulations and the Private Fostering National Minimum Standards. Additionally, the document provides information and guidance for a range of invested stakeholders including children and young people, members of the public, members of the council, professionals within the council, and external agencies and partner organisations.

This Statement of Purpose is complimented by guidance documents and resources published by WSCC to raise awareness to support, advice and assistance available from the authority and WSCC’s private fostering practice. Specifically, this document details private fostering: legal requirements; the council’s policy statement; duties and functions, including the assessment, supervision and monitoring of placements; provision of staff induction, training and support, as well as the organisation and management of the private fostering service.

Professionals in the education, health and social care fields, families and residents may come across children who are privately fostered in West Sussex. Professionals, families and residents have a shared responsibility to work together to ensure that all privately fostered children are well cared for and safeguarded from harm.

Good partnership working can help to ensure that outcomes for privately fostered children are improved. As WSCC, the primary commitment is to work together with stakeholders to support and safeguard children cared for by Private Foster Carers in West Sussex and ensure wellbeing, permanency and positive outcomes.

# Private Fostering Definition

The legal definition of a privately fostered child can be found in The Children Act 1989.

[**https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/274414/Children\_Act\_1989\_private\_**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274414/Children_Act_1989_private_fostering.pdf)[**fostering.pdf**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274414/Children_Act_1989_private_fostering.pdf)

A private fostering arrangement is essentially one that is made privately (that is to say without the involvement of a local authority) for the care of a child under the age of 16 (or under 18 if the child is disabled) by someone other than a parent or close relative

- with the intention that it should last for a period of and beyond 28 days. It is still private fostering if the 28 days are broken up, for example, when children return to their parents/ guardians for brief or planned visits, with the intention they will return to the private fostering arrangement.

The criteria for a close relative according to the Children Act 1989, is a grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage) or stepparent by marriage or cohabitation. A placement with any of these close relatives is not identified as a private fostering arrangement.

Private foster carers are connected persons and or wider family members such as a cousin, a great aunt, great uncle or a family friend and other West Sussex residents linked with children and young people.

# Examples of private fostering

It **is** an example of private fostering when:

* + Children and young people are placed by their parents/ guardians with persons in their network for 28 days and beyond, e.g. following family breakdown or parent’s ill health.
	+ Children are placed out of their family due to their parents working unsociable hours making it difficult for them to use day care.
	+ Overseas students move in with private carers or ‘host family’ to attend/ access education.
	+ Children enrolled at boarding schools stay with another family during school holidays.
	+ A teenager (under 16 or 18 if a young person has a disability) staying with friends or in the home of a boyfriend or girlfriend.

It is **not** private fostering when:

* + The carer of a child or young person is a close relative.
	+ The carer has legal parental responsibility, e.g. birth parent, adoptive parent, special guardian, etc.
	+ The carer is an approved foster or connected carer for a placement arranged by social services.
	+ The placement lasts for less than 28 days, with no plan for the child or young person to return.
	+ The child or young person is aged 16 and above, or 18 and above if they have a disability.

# West Sussex Values and Principles

West Sussex County Council holds statutory powers and responsibilities as a local authority in relation to private fostering arrangements.

West Sussex’s Assessment and Family Safeguarding West Service is responsible for and assessment and monitoring of all Private Fostering Arrangements in the borough. This service is based at Durban House, Durban Road, Bognor Regis, PO22 9RE and is committed to maintaining high standards in relation to private fostering service provision and to reviewing this on a continual basis.

West Sussex Private Fostering Service is committed to safeguarding and promoting the welfare of children who are privately fostered under the terms of the Children Act 2004, the accompanying regulations and the National Minimum Standards for private fostering arrangements. The service will always endeavour to work in partnership with children, their birth families and their carers to ensure that each child is enabled to thrive in a caring and safe home environment. Guidance and support will be provided to carers to assist them in their care of children placed with them and wherever appropriate contact between children and their birth parents and family will be promoted. It is an overarching principle that the permanency of children and their contact and welfare arrangements are considered and addressed by the service.

The service works to ensure that equal opportunities are incorporated into all aspects of service delivery and all prospective private foster carers are assessed and supported on the basis of the needs of the individual privately fostered child/young person and their suitability to care for children, regardless of race, religion, class, marital status, sexual orientation or disability. When a child’s welfare is not satisfactorily safeguarded by the private foster carer the authority has the statutory provision to apply a prohibition or requirement on the private foster carer and if necessary, to seek legal orders to remove the child.

West Sussex values the voice of children in privately fostered arrangements and will ensure that children and young people in these arrangements are seen, listened to and that their views, wishes and feelings are fully considered in private fostering supervision and reviews, assessments and planning. The service is committed to ensuring that children, parents/ guardians and private foster carers are treated with value and respect regardless of their gender, sexuality, ethnicity, cultural background or demographics.

# Legislation

West Sussex Private Fostering Service works within the parameters of legislative framework to ensure the welfare of children who are or will be privately fostered are satisfactorily safeguarded and cared for. Details of relevant legislation are listed below.

* + The Children Act 1989 S66 - Private Arrangements for Fostering Children
	+ The Children Act 1989 S67 – S70
	+ The Children Act 1989 Schedule 8
	+ The Replacement Children Act 1989 Guidance on Private Fostering (published in 2005)
	+ The Children (Private Arrangements for Fostering) Regulations 2005
	+ Human Rights Act 1998
	+ Data Protection Act 1998
	+ Carers and Disabled Children Act 2000
	+ The Disqualification from Caring for Children Regulations 2002
	+ Working Together to Safeguard Children- Department of Health 2005

# National Minimum Standards (NMS) for Local Authorities

West Sussex Private Fostering Service complies with duties and functions specified by the NMS for local authority practice in relation to private fostering. These NMS are intended to focus Local Authorities practice in relation to private fostering and lead to improvement, in part by requiring a more proactive approach to identifying arrangements in the area.

The standards are grouped under a series of key areas:

1. Statement on private fostering
2. Notification
3. Safeguarding and promoting welfare
4. Advice and support
5. Monitoring compliance

Each standard is followed by the planned outcomes.

# STANDARD 1

## The local authority has a written statement or plan, which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out.

Outcome:

Relevant staff are aware of local authority duties and functions in relation to private fostering.

* + The local authority has set out in this document the legal definition of a privately fostered child and a list of examples; the local authority’s duties and functions under the Children Act 1989 and the Children (Private Arrangements for Fostering) Regulations 2005, and how they will operate in relation to privately fostered children.
	+ In order to equip staff effectively to carry out these duties Policy, guidance and training are in place.

# STANDARD 2

## The Local Authority promotes awareness of the notification requirements and ensures that those professionals who may come into contact with privately fostered children understand their role in notification; responds effectively to notifications; and deals with situations where an arrangement comes to their attention, which has not been notified.

Outcome:

The local authority is notified about privately fostered children living in its area.

* + West Sussex County Council will promote awareness of the notification requirements through the Local Safeguarding Partnership and in other activities involving partnership working with other agencies and organisations.
	+ West Sussex will regularly update publicity materials for the general public, giving details of who should be contacted in the local authority to notify of a private fostering arrangement.

# STANDARD 3

## The local authority determines effectively the suitability of all aspects of the private fostering arrangement in accordance with the regulations.

Outcome:

The welfare of privately fostered children is safeguarded and promoted.

* The child / household will be visited as frequently as necessary to safeguard and promote his/her welfare and at minimum at the frequency required by Guidance and Regulations.
* The purposes of the visits are to safeguard and promote the child's welfare and to monitor the suitability of the placement to meet the child's needs. Visits will sometimes occur unannounced, and when all members of the household can be seen;
* All matters relating to the welfare of the child should be fully discussed with the carers and those with parental responsibility prior to the placement commencing. The social work assessment report should address these issues.
* Discussion with the child will include: whether his/her health and cultural needs are being met, that contact arrangements with friends or family are satisfactory, what boundaries/ behaviour management strategies 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 being appointed for the child.

# STANDARD 4

## The local authority provides such advice and support to private foster carers and prospective private foster carers as appears to the authority to be needed.

Outcome:

Private foster carers and parents of privately fostered children will receive advice and support to assist them to meet the needs of privately fostered children; privately fostered children are able to access information and support when required so that their welfare is safeguarded and promoted.

* + The Private Fostering Social Worker will ensure that private foster carers and prospective private foster carers are enabled to obtain information about entitlement to child and other financial benefits, and any necessary advice and support which will assist them to safeguard and promote the welfare of the privately fostered child. This will be achieved through information available from Citizen’s Advice Bureau, Benefits Offices and via other community support services.
	+ Private foster carers and prospective private foster carers will be provided with information, in different languages and formats as appropriate, including any leaflets on the advice and support that is available from other agencies, including health services, education, housing services; youth support services, voluntary organisations and community groups.

# STANDARD 5

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

Outcome:

* + The local authority, through the Private Fostering Social Worker, will consider in their assessment, whether in the light of the particular circumstances, the direct provision of services or a referral to another agency would remove the necessity for the parent to have the child privately fostered.
	+ The importance of regular and frequent contact with parents and siblings, to include staying in contact, will be strongly stressed to both parents and carers as this may be the only opportunity for the child to maintain his/her language and culture.
	+ Parents will be provided with the contact details of a named social worker who they can contact if they have any concerns about welfare of the privately fostered child or if they wish to request a visit. In most cases this will be the name of the Private Fostering Social Worker.

# STANDARD 6

## Children who are privately fostered are able to access information and support when required so that their welfare is safeguarded and promoted. Privately fostered children are enabled to participate in decisions about their lives.

Outcome:

* + - Privately fostered children will be provided with information, in formats appropriate to their age and level of understanding, about their private foster carer and his/her responsibilities, the meaning of their privately fostered status and their right to be safeguarded.
		- Privately fostered children will be provided with the contact details of the social worker who will be visiting them while they are privately fostered, and whom they can contact at any time if they have any concerns about their care or if they wish to request a visit.
		- Privately fostered children will be given information about advocacy services, if they are assessed as being a child in need.
		- The local authority will automatically provide, in an appropriate format, to every disabled privately fostered child nearing age 18 details of its procedure for assessing eligibility for adult community care services, so that these assessments can take place in a timely manner.

# STANDARD 7

## The local authority has in place and implements effectively a system for monitoring the way in which it discharges its duties and functions in relation to private fostering. It improves practice where this is indicated as necessary by the monitoring system.

Outcome:

* + - It is a core value of the Department that working with families means establishing partnerships; seeking the views of all those involved and working in a non-discriminatory, restorative and empowering way, to ensure that decisions are made jointly and with genuine consultation. The views of parents, carers and young people will be sought and clearly recorded throughout all social work processes. Fact will be distinguished from opinion, and opinions should be evidenced. The contents of assessments and reports should be appropriately shared.
		- The local authority will investigate any pattern of concern raised by privately fostered children; and will take action to improve practice in the interests of safeguarding and promoting the welfare of privately fostered children where this is indicated as necessary by monitoring information.
		- There will be an annual report to the Chair of the Local Safeguarding Children Partnership on how the local authority satisfies itself that the welfare of privately fostered children in its area is satisfactorily safeguarded and promoted, including how it co-operates with other agencies in this connection.

# Duties and Functions

The duties of the local authority in relation to private fostering, are set out in the Children Act 1989, the Children (Private Arrangement for fostering) Regulations 2005 and amendments contained within the Children Act 2004. These duties are wide ranging and include the following:

* + Raising public awareness of the need to notify the local authority of a private fostering arrangement;
	+ Receiving and responding effectively to notifications and situations that arise involving un-notified arrangements;
	+ assess the suitability of private fostering arrangements.
	+ Undertaking visits to the child within 7 working days of receipt of the notification.
	+ Undertaking visits to private foster carers and privately fostered children no less than every 6 weeks in the first year reducing to no less than every 12 weeks.
	+ Completing annual reviews of all arrangements to ensure they remain in the best interests of all concerned – notably the child.
	+ Ensuring that the child is registered with a GP and has access to appropriate health and dental care according to the child’s needs.
	+ Ensuring the child is in receipt of appropriate education and has access to extracurricular / leisure pursuits as required.
	+ Ensuring the child’s racial, religious and cultural needs are recognised and accounted in the care provided.
	+ Meeting / communicating with the parent or person(s) with parental responsibility and determine the plan and duration of the arrangement.
	+ Facilitating agreement on how parental responsibility will be exercised and how day to day decisions will be carried out between the carer and the parent.
	+ Keeping secure case file records that document the continuing suitability of the placement.
	+ Supporting private foster carers, parents and children by offering advice and giving information that ensures the child’s welfare is safeguarded and promoted.
	+ Ensuring young people, nearing 18 years, who are privately fostered and disabled are offered an assessment for adult community care services.
	+ Taking steps where the authority is not satisfied with private fostering arrangements, to either return the child to the care of his/her parents or to consider exercise of functions under the Children Act 1989.
	+ Disqualifying private fostering arrangements and carers where this safeguards and protects children.

# Notifications

**A proposal to foster a child privately must be notified to the local authority in whose area the private fostering will take place**.

Notification must be given by the parents/ guardians and prospective private foster carer, and any other person who is involved in or becomes aware of the arrangement. This is a statutory expectation even if they are not involved directly in making the arrangements. This notification should be made not less than 6 weeks, and not more than 13 weeks, before the placement starts, unless the child is received in an emergency.

In an emergency the person who is privately fostering the child must notify the local authority not more than 48 hours after the fostering arrangement began.

Any person who is or proposes to be involved (whether or not directly) in arranging for a child to be fostered privately, shall notify the local authority not less than 6 or more than 13 weeks before the fostering arrangement begins, except in an emergency, in which case they must notify within 48 hours of placement starting.

Where a language school recruits a group of people to offer family care to a succession of foreign students who are under 16 years and staying for more than 28 days, the notification procedure as described, will apply.

The notice of intention to privately foster a child will be dealt with by the Multi Safeguarding Hub (MASH), in both case where the notification is internal or external to West Sussex Children Social Care. For example, where a child has a named social worker in West Sussex, the social worker must notify MASH within 48 hours of an arrangement commencing or at least 6 weeks before if they are aware of planned arrangements.

This notification, given under Regulations 3 (1) – 3 (3), must contain as much of the following information (as specified in Schedule 1 to the regulations) as the person giving the notification is able to provide:

* + the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
	+ the name and current address of the person giving the notice and their addresses within the previous 5 years;
	+ the name and current address of the proposed or current private foster carer and their addresses within the previous five years;
	+ the name and current address of the parents of the child and of any other person who has parental responsibility for the child, and (if different) of any person from whom the child is to be, or was, received;
	+ the name and current address of the minor siblings of the child, and details of the arrangements for their care;
	+ the name and current address of any person, other than the parents of the child, any other person who has parental responsibility for the child or (if different) any person from whom the child is to be, or was, received, who is or was involved (whether or not directly) in arranging for the child to be privately fostered;
	+ the date on which it is intended that the private fostering arrangement will start, or on which it did start; and
	+ the intended duration of the private fostering arrangement.

Additional information to be provided by a person who proposes to privately foster a child (and who gives notification under Regulation 3(1)) must include:

* + - any offence of which they have been convicted;
		- any disqualification or prohibition imposed on them under section 68 or 69 of the Children Act 1989 (or under any previous enactment of either of those sections under similar provisions in legislation which they replaced);
		- any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, his household;
		- any order of a kind specified in regulations under section 68 of the Children Act 1989 made at any time with respect to them;
		- any order of a kind specified in regulations under section 68 of the Children Act 1989 made at any time with respect to a child who has been in their care; and
		- any rights or power with respect to a child that have been at any time vested in an authority specified in regulations under section 68 of the Children Act 1989 or under an enactment specified in those regulations.

When the MASH receives a notification of a private fostering arrangement the carer should be appropriately checked as soon as is practicable to establish whether they may be a prohibited person.

If the carer is prohibited from private fostering, this matter will be dealt with by the MASH before a referral is made to the Private Fostering Social Worker.

The Private Fostering Social Worker will undertake a visit within 7 working days in response to a notification in order to:

* + - see the premises where it is proposed that the child will be cared for and accommodated;
		- speak to the proposed private foster carer and to all members of their household;
		- speak to the child whom it is proposed will be privately fostered, alone unless the worker considers it inappropriate to do so. (An interpreter who is independent of the child’s parents and the private foster carer should always be used where the child’s preferred language is not English).
		- obtain consents from all members of the family for enhanced DBS and local authority checks to be undertaken. Each person over 16 should give consent by signing Annex A consent (authorisation to check WSCC client data base).
		- undertake an Initial Assessment / Child and Family Assessment and record on Mosaic. The purpose of this is to identify any “child in need” issues that would warrant the provision of services under S17 CA1989.

The DBS checks should be commenced by the Private Fostering social worker/team.

West Sussex practice expectation is that all children privately fostered will have assessments completed and the suitability of private fostering arrangements ascertained and where needed referral to other services.

# Promotion of Notification Arrangements

The local authority has a duty to promote awareness of the requirement to notify private fostering arrangements with other agencies and within the wider local community.

A range of initiatives are used to highlight the notification arrangements to staff within West Sussex as well as partners in health and education and with residents. These include:

* + Information on the Council Internet [https://www.westsussex.gov.uk/education- children-and-families/adoption-and-fostering/private-fostering/](https://www.westsussex.gov.uk/education-children-and-families/adoption-and-fostering/private-fostering/)
	+ Information on West Sussex LSCP Website and social media.
	+ Posters and flyers to be sent to public venues e.g. libraries, GP surgeries, Housing Offices etc.
	+ Information for elected members (about private fostering and local authority responsibilities).
	+ Information in School Bulletins
	+ Awareness raising with Language Schools & Colleges / Virtual School
	+ Attendance at team meetings, circulating news briefs to local authority staff.
	+ Writing to relevant GPs and educational settings to remind them of their duty to refer any private fostering arrangements they become aware of;
	+ Specific communications with language schools, churches and faith groups including promotional material to raise awareness and clarify responsibilities in respect of Private Fostering;
	+ Work with Probation Services and Youth Services to promote awareness of Private Fostering;
	+ Work with School Admissions to identify Private Fostering arrangements;
	+ Identification of Private Fostering Champions from partner agencies to lead on awareness raising
	+ Provide on-line access to the Statement of Purpose and Private Fostering Procedures, which are up to date and clearly outline the roles and responsibilities for all staff.
	+ Work with Homes for Ukraine / Foundry to ensure ‘Host Families’ are aware of the regulations in respect of private fostering and the responsibility to notify the local authority of any private fostering arrangements that may arise as a result of parents hosted by them needing to return to Ukraine, leaving their children in the UK.

# The Role of other Agencies in Safeguarding and Promoting the Welfare of Privately Fostered Children

It is important that professionals who are likely to become aware of a privately fostered child are aware of the need for such arrangements to be notified to the local authority. Professionals who are working in services such as health, education and housing are often the first to encounter such arrangements and share the local authority’s responsibility for safeguarding and promoting the welfare of privately fostered children.

West Sussex Private Fostering Service has produced information leaflets for professionals explaining how to recognise and respond to a potential private fostering arrangement. Other activities, including attendance of key meetings, and communications in staff newsletters, will be put in place to promote awareness of private fostering and the requirement for partner agencies to notify the service of potential private fostering arrangements.

# Staff Training

Understanding and knowledge is gained through inductions, training seminars, team meetings and one to one consultation available to West Sussex social workers. Published materials, information leaflets and other relevant reading are also provided to relevant staff.

All work undertaken in relation to private fostering is allocated to qualified social work staff to undertake private fostering assessments and supervision of arrangements.

The Private Fostering social worker has access to West Sussex practice standards, being key guidance approved by senior management.

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| **Review / Contacts / References** |  |
| Document title: | Private Fostering Statement of Purpose |
| Date approved: | August 2022 |
| Approving body: | Policy & Practice Steering Group |
| Last review date: | August 2022 |
| Revision history: |  |
| Next review date: | August 2024 |
| Related internal policies, procedures, guidance: |  |
| Document owner: | Jenny Boyd, Assistant Director Children’s Services |
| Lead contact / author: | Rebecca WalshMoira Keen |