

Newcastle Children's Social Care

Private Fostering Procedure and Guidance

What is private fostering?

Private fostering is the term used when someone who is not a parent or a 'close relative' (eg. great aunt, cousin, mum's friend or a neighbour) is looking after a child or young person under the age of 16 (under 18 if they are disabled) for 28 days or more in their own home.

A relative is defined in the Children Act 1989 as 'a grandparent, uncle or aunt (whether by full-blood, half-blood or by marriage or civil partnership), sibling or stepparent'.

The private foster carer becomes responsible for providing the day-to-day care of the child in a way which will promote and safeguard his welfare. Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with parental responsibility. Local authorities do not formally approve or register private foster carers. However, it is the duty of local authorities to satisfy themselves that the welfare of the privately fostered child within their area is being, or will be, satisfactorily safeguarded and promoted.

Private Fostering legislation:

The legislation relevant to private fostering is set out in **Part 9 (IX)** of, and Schedule 8 to, the Children Act 1989, and regulations made under Part 9 of that Act.

Section 67 of, and Schedule 8 to, the Children Act 1989 have been amended by **section 44 of the Children Act 2004** which came into force on 1 July 2005. **The Children (Private Arrangements for Fostering) Regulations 2005** which came into force on the same date replaced the Children (Private Arrangements for Fostering) Regulations 1991. The measures in section 44 of the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005 are intended to strengthen and enhance the Children Act 1989 private fostering notification scheme.

Guidance:

[6091-DfES-ChildrensActFostering \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/60911/6091-DfES-ChildrensActFostering.pdf)

[Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1989/26)

Local Authority role/responsibilities

1. Local Authority is notified of a proposed private fostering arrangement [Regulation 3 (1)]
2. Within 7 working days, the LA must visit the premises where it is proposed that the child will be cared for and accommodated to complete an initial assessment (Please see below flowchart)
3. If the arrangement is agreed to be suitable following the Initial Assessment a full Private Fostering Assessment will be undertaken (Please see below flowchart)
4. If at any time during assessment process, or throughout the duration of a private fostering arrangement, concerns arise about the safety and wellbeing of the child(ren) these must be acted upon in accordance with Child Protection procedures.

Visits to Privately Fostered children:

Regulation 8(1) highlights that each local authority must arrange for every privately fostered child in their area to be visited in the first year after the arrangement has become known to the local authority, at intervals of not more than six weeks; and in any second or subsequent year, at intervals of not more than 12 weeks.

Regulation 8(5) highlights that the Allocated Social Worker must make a written report to the local authority after each visit carried out under Regulation 8(1) and 8(2). This should include the conclusions drawn, whether the child was seen alone and, where appropriate, the reasons why the officer considered it inappropriate to see the child alone.

On Care First, statutory visit to be opened and completed highlighting 'Please see private fostering arrangement record, Reg 8 visit'. Private fostering arrangement record, Reg 8 visit to be opened and populated with details from visit.

Private fostering assessment

Local authorities need to have in place and effectively implement procedures for determining the suitability of all aspects of a private fostering arrangement and for ascertaining that private foster carer, and their household and premises, provide an environment in which the child's welfare will be safeguarded and promoted.

Local authorities are required to complete assessments to inform decisions about the suitability any potential private fostering arrangement. In Newcastle a Child & Family Assessment is started to ensure the potential placement is viable and explore any wider needs. This should be completed within 10 days. If there are no wider needs and the arrangement is viable the child is allocated for a full Private Fostering Assessment which must be completed within 42 working days. The assessment must be undertaken in line with statutory guidance. Assessments and Plan are then subject to Independent Review.

The decision to approve a private fostering arrangement is made at the Community Arrangements Panel and is subject to other checks such as a satisfactory DBS clearance.

Please see below flowchart in relation to practice:

