

## Private Fostering 2018

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### 1. Privately Fostered Children

- 1.1. A privately fostered child is a child under 16 years of age (or 18 if disabled) who is cared for by an adult who is not a parent, grandparent, aunt, uncle, step parent by marriage, sister or brother where the child is to be cared for in that person's home for 28 days or more and has been arranged without the involvement of the local authority. The legislation relevant to private fostering is set out in part nine of, and schedule eight to, The Children Act 1989, and regulations made under part nine of that act
- 1.2. Section 66 of the act provides definitions of private fostering while schedule eight sets out exemptions to the definitions.
- 1.3. Statutory instrument The Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards for Private Fostering provide the framework for delivering services in relation to private fostering.
- 1.4. They provide a proactive approach and commitment to safeguarding and promoting the welfare and needs of privately fostered children by everyone who works with children. There is a specific duty on all agencies working with children to co-operate with the local authority by notifying the Children's Social Work Service (CSWS) about any private foster care arrangements they become aware of.
- 1.5. Replacement Children Act 1989 Guidance on private fostering advises that section 67(1) of the 2004 act extends the duty of the local authority to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted. They further advise that the local authority should take particular note of paragraph 1(1) of schedule two and its requirement to take reasonable steps to identify the extent to which there are children in need in their area.
- 1.6. The child is not privately fostered when placed by an adoption agency for the purposes of adoption. The 28 days plus period for which the child is cared for and accommodated by the private foster carer should be continuous; however, that continuity is NOT broken by the occasional short break.

### 2. Definition of a Close Relative

- 2.1. A close relative is defined by the Children Act 1989 as a grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage) or step parent by marriage. A placement with any of these relatives would not be a private fostering arrangement.
- 2.2. Relatives who might be classed as private foster carers might include for instance a cousin, great grandparent or great aunt but otherwise carers might be:
  - A friend of the family;
  - A parent of a friend of the child;
  - Someone previously unknown to the child's family who is willing to privately foster;
  - Someone who is not a relative but who uses the cultural definition auntie, uncle etc.

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- 2.3. In some instances, a young person may choose to stay with the parents of their boyfriend or girlfriend. This will be a private fostering arrangement if it is intended to last or does last longer than 28 days. The parents may disagree with this arrangement.

### 3. Responsibilities for the Child

- 3.1. The private foster carer becomes responsible for providing the day to day care of the child in a way which will promote and safeguard their welfare. The overarching responsibility for the child's welfare remains with the parent or person with parental responsibility. This includes financial responsibility for the child.
- 3.2. However, it is the local authority's responsibility to satisfy themselves that the welfare of privately fostered children will be satisfactorily safeguarded and promoted by the arrangements made.
- 3.3. Where private fostering arrangements are made by parents residing outside of the UK, every effort must be made to contact them to confirm parental consent to the placement.
- 3.4. In cases where the parent is unable to give informed consent, e.g. they are not in the country, legal advice will be required to confirm if the arrangement can continue as a private fostering arrangement or whether the local authority needs to intervene. In this situation a discussion must be held with a senior manager and advice must be sought from Legal Services with consideration given to initiating care proceedings and transferring parental responsibility to the local authority.
- 3.5. A child who is Looked After or placed in any residential home, hospital or school (where they are receiving full-time education) is excluded from the definition. In a private fostering arrangement, the parent retains Parental Responsibility.
- 3.6. However, Children under 16 who spend more than 2 weeks in residence during holiday time in a school, become privately fostered children for the purposes of the legislation during that holiday period. Lancashire Childrens Services should be notified and an initial visit to the child held during this period and the child spoken to alone.

(Note: the local authority may exempt any person from giving written notice either for a specified period or indefinitely. This exemption may be revoked in writing at any time).

- 3.7. Child Trafficking, Child Sexual Exploitation and other safeguarding issues including Female Genital Mutilation must be considered in respect of all privately fostered children.

### 4. Notifications to the Local Authority (including where a Child becomes Privately Fostered when open to Children's Social Work Service)

- 4.1. Where a child is to be placed with private foster carers, the local authority must be notified in writing at least six weeks before an arrangement begins. Where no prior notification of a placement is given, private foster carers must notify the local authority of the placement immediately. This should include the details of the private foster carers, their address, the date that the arrangement started and the details of the child and who holds parental responsibility for them.

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- 4.2. Prospective or actual private foster carers: A person who proposes to become a private foster carer must notify the appropriate local authority of their intentions at least six weeks before the arrangement is to begin, or immediately where the arrangement is to begin within six weeks. Where the child is privately fostered in an emergency the local authority must be notified within 48 hours.
- 4.3. Any parent or person with parental responsibility for the child must inform the local authority of the private fostering arrangement.
- 4.4. Parents also have a duty to notify the local authority in writing of the ending of the placement including the name and address of the person into whose care the child has moved. Any other person involved (whether or not directly) in proposing or arranging for a child to be fostered privately must notify the appropriate local authority as soon as possible after they become aware of the arrangement. This definition includes any agency of any third party.
- 4.5. Members of the public should also notify the local authority of any known arrangements of private fostering.
- 4.6. Written notification must also be made to the local authority by the private foster carer within 48 hours of any change in circumstances, e.g. a change of address, a change in the household, a criminal conviction/disqualification or prohibition in relation to any person in the household or any intention to foster another child privately.
- 4.7 Any agency that becomes aware of a private fostering arrangement must immediately notify the local authority in writing of the arrangement and must inform the parent and private foster carer of their intention to do so.
- 4.8. All notifications of a Private fostering Arrangement must be made to MASH service where the child is not currently an open case. It is the responsibility of either the birth parent or the private foster carer to inform the school of the private fostering arrangement. The school will also advise the MASH service.
- 4.9. The Mash service will consult with the Private Fostering Coordinator who with their line manager will decide whether or not the case is a Private Fostering Arrangement.
- 4.10. Where the child is already an open case with Children's Social Work Service, the parent must notify the allocated social worker. It may be the case that it is the social worker who becomes aware of or suspects a prospective or actual private fostering arrangement and that no notification is received.
- 4.11. The allocated Social Worker will have a discussion with their Team Manager. The Team Manager will consult with the private fostering coordinator and their manager who will decide if this is a Private Fostering Arrangement.

### **5. Action to be taken on Receipt of Notification, Awareness of Suspicion of a Private Fostering Arrangement**

- 5.1 Most tasks relating to Private Fostering start within a set number of working days of the Date of Notification. In addition, if a notification has been not been received but the social worker either suspects or becomes aware of a prospective or actual private fostering arrangement, tasks will start within a set number of days of the Date of Notification.

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- 5.2. The Date of Notification is the date that the Private Fostering Coordinator and their manager decides that this is a Private Fostering Arrangement. If the child is not already open to Children's Social Care, they immediately allocate the case to the Private Fostering Coordinator social work practitioner to initiate the Private Fostering Pathway on the LCS system.
- 5.3. The private foster carer will be allocated to the Private Fostering Coordinator who will be their social worker.
- 5.4. The Private Fostering Social Worker will create electronic LCS Mosaic records in respect of the child and carer. This will involve:
- Linking their personal relationships and a Privately Fostered Child and Private Foster Carer;
  - Recording the Date of Notification in Legal Status (this should not be recorded under LAC Case Episode, Legal Status);
  - Recording the actual start date of the Private Fostering Arrangement within the case recording. The reasons are that we have established when the arrangement started and when 28 days have elapsed (and thus has met the timescales to become a private fostering arrangement).
- 5.5 A private fostering arrangement does not automatically mean that a child is a 'child in need. However, where the social worker considers that the child's developmental needs are not being met, an assessment should be undertaken to determine whether the child is a 'child in need. This could be assessed as part of the Private Fostering Assessment.
- 5.6 Where a notification of a Private Fostering Arrangement is received, an Initial Private Fostering Visit must be carried out within 7 working days of the Date of Notification.
- 5.7 Should the privately fostered child already be assessed as a **Child in Need**, or subject to a Child Protection Plan and information has been received to alert the social worker that a private fostering arrangement may be being planned or already in place, it may be decided by the Team Manager with pre-existing case responsibility for the child, that the child's Social Worker will arrange for a Child and Family Assessment to be conducted in respect of the child also.

## 6. Private Fostering Visits

- 6.1. An Initial Private Fostering visit to the child must be carried out within 7 working days of the date of notification. The child's Social Worker practitioner and the Private Fostering Coordinator may conduct the Initial Private Fostering Visit together. However if this is not practicable, one of the officers may visit without the other in order to avoid delay in seeing the child. The usual lone working advice would be applicable. The purpose of the visit is to determine whether the case is a private fostering arrangement and that this is a safe place for the child to live in.
- 6.2. This is called the Regulation 4 visit if the notification has been received in advance of the Private Fostering Arrangement commencing and before the child is living there. This visit will be to meet the carer and view the premises including the child's bedroom.

The initial visit is called the Regulation 7 visit if the child is already being privately fostered in this placement.

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Whether or not a Regulation 4 visit has taken place, a Regulation 7 visit to the child in the placement must be carried out within 7 working days of the child moving in.

### 6.3. Regulation 4 visit (prior to the arrangement starting)

Where notification of a proposal to privately foster a child has been received in advance, there are specific requirements that need to be completed in accordance with Regulation 4(1) of the Children (Private Arrangements for Fostering) Regulations 2005.

This Regulation 4 visit should be carried out within seven working days of the Date of Notification being sent to the Private Fostering Coordinator by the Mash service. This visit should include:

- Visit the premises where it is proposed that the child will be cared for and accommodated
- Visit and speak to the proposed private foster carer and to all members of the household
- Visit and speak to the child whom it is proposed will be privately fostered, alone (if alone is practical and suitable for each child) to ascertain their wishes and feelings about the private fostering arrangement. Where required, an interpreter should always be used where the child's preferred language is not English. Where there are siblings in the proposed arrangements, it is advised to speak to them separately and alone; speak to, and if it is practicable to do so, visit the parents of or other person with parental responsibility for, the child.

When a child is coming from abroad (for example as an exchange student coming to stay with a host family), the private foster carer or agency should notify the Local Authority of the upcoming arrangement, and the Local Authority should visit the private foster carer within seven working day of the Date of Notification. The Local Authority is required to carry out an additional visit within seven working days of the child arriving in the country and moving into the private fostering arrangement.

All visits must be recorded on the Private Fostering visit episode.

Where the advanced notification relates to exchange students, the regulation 4 visit to the carer will take place when the child has arrived in placement. The agencies arranging the placement will have provided the Private Fostering Coordinator with sufficient information about the placement including evidence of an up to date DBS check.

- 6.4. **Regulation 7 visit (when the private fostering arrangement has commenced)** Where Lancashire Children's Social Care receives a notification about a child who is already being privately fostered, there are specific requirements that need to be completed in accordance with Regulation 7(1) of the Children (Privately Arrangements for Fostering) Regulations 2005. This Regulation 7 visit must be completed within 7 working days of the Date of Notification. This visit should include:

- Visit and speak to the private foster carer and to all members of the household;
- Visit and speak to the child whom it is proposed will be privately fostered, alone to ascertain their wishes and feelings about the private fostering arrangement. Where required, an interpreter should always be used where the child's preferred language is not English. Where there are siblings in the proposed arrangements, it is advised to speak to them separately and alone; speak to, and if it is practicable to do so, visit the parents of or other

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person with parental responsibility for, the child. Speak to, and if it is practicable to do so, visit the parents of, or other person with parental responsibility for, the child.

- 6.5. The person making the notification should be asked to provide the following information which should be declared within the Private Fostering Initial Assessment visit form.
- The name, gender, date and place of birth and address of the child;
  - The racial origin, cultural and linguistic background and religion of the child;
  - The names and addresses of the person making the notification;
  - The name, address and contact details of the child's parents.
- 6.6. In relation to notifications given by the private foster carer or proposed private foster carer, the following information should also be obtained and declared on form .This includes:
- Any offence of which he/she or any other member of the household has been convicted;
  - Any disqualification or prohibition place on him/her or any other member of the household;
  - Any actions taken or orders made in relation to the private foster carer or any child who is or was a member of the same household.
- 6.7. During the Regulation 4 or the Regulation 7 visit the worker will:
- 6.7.1 Give the following documents to the private foster carer and record the completion of this action:
- Private Fostering - Information for Carers;
  - Private Fostering – Information for Children
  - Private Fostering Arrangement Assessment
- 6.7.2 Explain the assessment procedure to the private foster carer and the tasks required of them
- 6.7.3 Obtain the written consent of the private foster carer and all members of the household over 16 to checks being made with the Disclosure and Barring Service (DBS) and an initial PC4 check being made with the police.
- 6.7.4 Advise the private foster carer of the need for notification to Children’s Social Care in the event of a change in circumstances and preparation of the child before any further move, and for continuity of information being passed to the next carer.
- 6.7.5 Where the child has already been placed, ensure that the child's development in all aspects is satisfactory, that the standard of care being given to the child is appropriate and that the

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child's needs arising from his or her religious persuasion, racial origin and cultural and linguistic background are being met

6.7.6 Where the child has already been placed, check that the financial matters are in order and establish the plans for contact between the child and his or her parents and whether they are working.

Where the child has arrived from a different country, identification documents should be identified and analysed to establish that they are not false document

6.7.7. Check the suitability of the accommodation;

6.7.8 In the event of a refusal of any person to cooperate with the making of the necessary checks, the Private Fostering Coordinator should advise the child's Social Worker and the foster carers that the foster carers cannot be recommended as suitable. The child's Social Worker will then advise the parents of the reason why alternative arrangements will have to be made for the child;

6.7.9. Any action required by the local authority to secure the child's safety should be considered and legal advice sought as necessary;

6.7.10 If the initial visit takes place after the child's placement, the child's Social Worker should also:

- Ensure that the parents have fully informed the private foster carer of the child's medical history and any current need for on-going professional monitoring and medication, and has handed the child's personal child health records to the foster carer
- Ensure that the child is registered with a GP, dentist and, if necessary, optician local to the foster home;
- Ensure that a school place has been arranged for the child if of school age;
- Ensure the parent provides the foster carer with a written general consent to cover any necessary medical treatment and that a copy of this consent is given to the GP, dentist, and optician and a copy retained on the child's file.

6.7.11 If the initial visit takes place after the child's placement, the Private Fostering Coordinator should also, using the Written Agreement in respect of a Private Fostering Arrangement pro forma, encourage the private foster carer to draw up a written agreement with the parents as to their respective expectations and responsibilities in relation to the private fostering arrangement including financial arrangements and the child's contact with his or her parents and other significant family members.

6.7.12 After the visit, the Social Worker and/or Private Fostering Coordinator must complete a written record, detailing the tasks completed during the visit.

6.7.13 The Private Fostering Coordinator will also complete the following tasks following notification:

- Speak to and if possible visit the parents. Ensure that the parents are involved in planning for the child and explore whether the child's needs may be more appropriately met by providing services to the child and parent at home;

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- Ensure that the purpose and likely duration of the private fostering arrangement is understood by and agreed between the parents and the private foster carers;
- Notify the relevant health and education agencies of the child's placement or proposed placement including the health visiting service where appropriate;
- Ensure that any necessary links are or will be established with other agencies for example because of the child's disabilities and/or special educational needs.
- Consideration needs to be given to any long term arrangements for children 0-14. The LA need to consider permanence planning for the child in conjunction with the parent to secure the child's future.
- Care Planning will need to be held by each district team to consider permanence for the child/ren if the child is below the prescribed age. This will be via Senior Manager.

6.7.14 The **Private Fostering Coordinator** will send a copy of the Private Fostering Handbook to the parent and record the completion of this task within seven working days of the date of notification.

### 6.8. Regulation 8 Visits (regular visits to the child)

The privately fostered child must be seen every 30 working days (6 weekly) under Regulation 8 of the Children (Private Arrangements for Fostering) Regulations 2005.

The first Regulation 8 visit must be completed 30 working days after the Regulation 7 Visit. During the first year (12 months) of the private fostering arrangement, the child must be seen every 30 working days. From year 2 onwards, the child must be seen every 60 working days (every 12 weeks).

6.8.1 Timescales of visits are calculated from the date of the last visit.

6.8.2 If the child is subject to a Child in Need Plan or a Child Protection Plan, the child should be visited in line with the relevant plan whilst meeting the relevant statutory requirements, including those of the private fostering arrangement.

6.8.3 These visits could be made on the same day/time as the Regulation 8 visits but they have a different purpose and therefore should be recorded separately on the LCS system. It is generally assumed that the Private Fostering Coordinator will conduct the regulation 8 visits however depending on the frequency of visits, or the specific needs of the children concerned this may rest with this child's social worker where there was one allocated prior to the Private Fostering Arrangement being made.

6.8.2 The need to visit more frequently will be decided by the child's Social Worker, the Private Fostering Coordinator and their team manager depending on the circumstances and the need to visit unannounced and/or to choose times when all members of the household are likely to be present should also be considered; additional visits should be arranged at the request of the child or private foster carer.

6.8.3 The child must be seen alone by the child's Social Worker during each visit unless this is not appropriate having regard to the young age of the child or if the child does not wish to see the Social Worker alone. The child's bedroom should be viewed during some Private Fostering visits.

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6.8.4 Private Fostering Regulation 8 visits should usually take place at the placement address

6.8.5 The overall purpose of all visits is to encourage the maintenance and improvement of child care standards and check that the child's needs are met within the foster placement and in particular:

- To ensure that the welfare of the child is satisfactory and that the child's physical, intellectual, emotional, social and behavioural development is appropriate, and their religious and cultural needs are being met or whether the child is Child in Need as defined in the Children Act and in need of other services;
- The continuing capacity of the private foster carer to look after the child should be monitored during these visits.

Local authorities need to be clear about the level at which care becomes unsatisfactory. The social worker's knowledge of the individual child and the quality of their relationship over time will enable him or her to identify when an arrangement is failing to meet the child's needs. Where the child is of sufficient age and understanding, the child's wishes and feelings should be ascertained and taken into account in deciding whether care is unsatisfactory and whether alternative arrangements for his/her care need to be made.

In any event, the local authority should take action to inform the parent when the level of care becomes unsatisfactory. Advice and support might be necessary to enable parents to make alternative arrangements for the care of their child where in all the circumstances of the case the local authority considers that it is not appropriate for the child to be privately fostered, or where a private fostering arrangement is prohibited and no other is contemplated.

It is an offence for a private foster carer to refuse to allow a child to be visited or obstruct an authorised officer, who has reasonable cause to believe that a privately fostered child is being accommodated within the authority's area, from the exercise of any duty towards the child. Where this occurs the child's Social Worker must discuss the matter with senior manager in the first instance before possible referral to legal services.

A record of every Private Fostering Visit must be made by the child's Social Worker. The content of the visit should comment on:

- Outcomes information in relation to the child should be clearly recorded so that the case recording provides clear evidence of whether the child's needs are being met (using the five outcomes);
- The record of the Private Fostering Visit must be reviewed by the area team manager.

## 7. Supervisory visits to the Private Foster Carer

7.1 The child's Social Worker and the Private Fostering Coordinator can offer advice and information on what parents and carers might need to consider when making a Private Fostering Arrangements.

**8. Private Fostering Assessment (Assessment of the Carer's Capacity to Privately Foster)**

8.1. The assessment of the suitability of the private foster carers will be carried out by the Private Fostering Officer and will be completed within 30 working days of the Date of Notification.

8.2 The assessment will aim to assess the carer and the household, adhering to private fostering standards and regulations, in relation to the needs of the specific child. The overall objective is to establish if the private fostering arrangement is likely to promote and safeguard the welfare of the child. The assessment will establish whether the privately fostered child is likely to be safe and stable within the proposed arrangement. It is also important to establish and highlight any risk the privately fostered child might represent to other children/vulnerable members of the fostering family.

The following tasks are required:

- PC4 / PNC initial police checks for all members of the household aged 16+
- Checks re. the foster carer and all members of the household and frequent visitors over 18 years of age will be made with the Disclosure and Barring Service (DBS) and Children's Services records (including for the areas of any previous addresses);
- If any information comes to light during the course of the private fostering assessment, (for example as a result of the DBS checks), which may preclude the person from fostering a child, the child's Social Worker must immediately seek advice from their team manager/senior manager, including the possibility of removing the child. Immediate consideration should also be given to the arrangements for the child and if necessary child protection procedures should be followed;
- Establishing the private foster carer's child care experience, access to support and views and intentions regarding behaviour management of the child;
- Consideration of the capacity of the private foster carer to look after the child and the suitability of other members of the private foster carer's household;
- Consideration of the foster carer's understanding of the child's culture. Give advice in relation to resources and facilities which could assist in meeting the child's racial, cultural, religious and linguistic needs;
- The Private Fostering Officer should assess the parenting capacity of the proposed carers, including their ability to promote the child's physical, intellectual, emotional, social and behavioural development;
- Attention must be paid to the carer's understanding of the religious and ethnic needs of the child and the assessment will also include whether the child's needs arising from religious persuasion, racial origin and cultural and linguistic background (as required by National Minimum Standards (NMS) are being met, including the use of an interpreter if necessary. Give advice in relation to resources and facilities which could assist in meeting the child's racial, cultural, religious and linguistic needs;
- The assessment is supported by consultation with appropriate agencies (with prospective carers permission) e.g. schools of their own children, health visitors etc.

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- The private foster carer's attitude and expectations must be explored concerning their abilities and willingness to promote contact between the child and birth family. There needs to be a commitment and understanding of working in partnership with the birth family;
- Issues regarding parental consent to the private fostering arrangement need consideration and discussion between the Private Fostering Officer and the child's birth parents are likely to be appropriate;
- Discipline; the Private Fostering Coordinator will need to assess the proposed private foster carers' attitudes towards discipline and in particular a willingness to accept that corporal punishment is inappropriate for children who are privately fostered. They must be advised that they do not have parental rights to 'reasonable chastisement' so that any physical punishment is an assault;
- The whole household must be seen on at least one occasion and this must involve some discussion on the perceived impact of the fostering arrangements;
- If, at any stage of the assessment of the private foster carers (and beyond), information is obtained which suggests that a child already placed with the private foster carer may be a Child in Need, the area Social Work Team Manager may authorise services under a Child in Need Plan and/or a further assessment to be carried out alongside the assessment of the foster carer.

### 8.3 Assessment of the Suitability of the Accommodation: Section 67(3)

- 8.3.1 The local authority is required to inspect the premises where a child is being, or is proposed to be privately fostered. The type of accommodation used to privately foster a child will vary considerably and the worker will need to decide whether the standard of the particular accommodation satisfies the criteria for suitability, having regard to the particular child's age and welfare.
- 8.3.2 The assessment should also include living and sleeping facilities and the effect of possible overcrowding. Particularly where a child has to share a bedroom, the child should have his/her own bed and should not (after the age of two) share a bed with either an adult or teenager under normal circumstances.

## 9. Approval and Post Approval

- 9.1. Local authorities are expected to make a response with a decision about the suitability of all aspects of an arrangement within 42 working days from notification;
- 9.2 The completed private fostering assessment will be reviewed by the Manager for the Private Fostering Coordinator and a recommendation made about the suitability of the arrangement. The Team Manager sends the private fostering assessment to their senior manager who will make a decision as to the suitability of the arrangement within 42 days from the Date of Notification;
- 9.3. A formal decision letter signed by the Senior Manager must be sent to the carers advising them of the decision made. Once the decision has been made to agree the private fostering

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arrangement the Private Fostering Officer will, in conjunction with the child's Social Worker, provide supervision and support to the private foster care placement;

- 9.4. In situations where the Senior Manager is unable to agree the suitability of the private fostering arrangement, the parents would be expected to make alternative arrangements for the care of the child.
- 9.5. In the event that the parents decline to make alternative arrangements or where the parents cannot be found, the Social Worker should consider whether any action may be required by the local authority to secure the child's safety under Local Safeguarding Children Board Inter Agency Procedures and legal advice should be sought as necessary, regarding the need to initiate care proceedings or for accommodation of the child.

### 10. Financial Support for Private Foster Carers

- 10.1 Financial responsibility for the care of the child or young person remains with the parent or person(s) with Parental Responsibility.
- 10.2 The parent or person with parental responsibility is expected to negotiate with the private foster carer a regular payment to the carer which will provide for the cost of the child's care.
- 10.3 Details of the financial arrangement negotiated between the parent and the private foster carer should be recorded on the Written Agreement in respect of a Private Fostering Arrangement.
- 10.4 The private foster carer should seek to claim child benefit for the child and any tax credits available. Advice and information can be found on the GOV.UK website.
- 10.5 Where finance becomes a major issue affecting the stability of the placement consideration may need to be given to making alternative arrangements for the child. It is not usually appropriate to make payments to private foster carers under section 17. However, a Child in Need assessment may be completed and as part of a Child in Need plan, short term payments may be agreed. These would usually be cases where there is a need for emergency payment for essential items before other benefits are processed.

### 11. Prohibition and Disqualification

- 11.1 A decision can be made to prohibit the proposed private foster carer from fostering on the basis that they are not suitable and/or the premises are unsuitable. (A person may be considered unsuitable if they have ever been convicted of any offence involving a child, had any child removed from their care by the order of a court or by a local authority, had child minding registration refused or cancelled, had a prohibition from private fostering imposed or been disqualified from being a foster carer). Prohibitions may be imposed by the local authority where:
  - The person is not suitable to privately foster a child;
  - The premises are not suitable for private fostering;

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- It would be prejudicial to the welfare of the child to be fostered or continue to be fostered by the person in the premises concerned.
- 11.2 The suitability of a person or premises can be established before or after placement. Clearly prohibition is a serious step. Where it is felt that a prohibition is required initial discussions should take place with the Senior Manager and the Private Fostering Service Registered Manager, Legal services will then be instructed and will send out the notification of the prohibition to the person concerned.
  - 11.3 Where the local authority makes a decision about a prohibition, the prohibited person/household may appeal the decision (within 14 days).
  - 11.4 The power of the local authority to impose a prohibition applies to persons who propose to privately foster as well as to a person who is actually fostering a child privately
  - 11.5 Under this power the local authority may impose a general prohibition on a person, which applies to any child in any accommodation within the area of the local authority. In addition the local authority may impose a prohibition specific to any child in any accommodation or a specific child in particular accommodation.
  - 11.6 A prohibition must be in writing, sent to the person on whom it is being imposed and specify reasons. It must also contain information about the right of that person to appeal and the time in which he may do so. This will be done by Legal Services, who will send a copy of the notification to the area office for record purposes.
  - 11.7 Section 69(4) gives the local authority the power to cancel prohibitions. This allows the authority to respond to matters raised during the process of enquiry into the person or premises and to any changes notified by that person. Where, during the course of assessment/enquiry, the Private Fostering Coordinator feels it may be appropriate to consider cancellation of a prohibition; discussion should take place with their Team manager who will then contact legal services for advice.
  - 11.8 Persons on whom a prohibition has been imposed under section 69 are disqualified from private fostering and from carrying on or being employed in a children's home, voluntary home, day care or child minding.
  - 11.9 Where the Private Fostering Coordinator considers that it would be appropriate to approve a private foster carer despite the fact that he or she or a person in the household is disqualified, a written report must be presented to the Senior Manager with responsibility for Private Fostering arrangements.
  - 11.10 Discussion should also take place with the parent as to the making of alternative arrangements for the child.
  - 11.11 Where the placement is deemed unsuitable, after the first visit where it was determined that the arrangement was not suitable, we would not expect there to be further visits.

### 12. Offences

- 12.1 Section 70 of the Children Act 1989 covers offences and penalties in relation to private fostering.
- 12.2 It is an offence to care for a child whilst disqualified from private fostering without the consent of the local authority. A person found guilty of such an offence would be liable to a term of imprisonment of up to 51 weeks, or a fine, or both.
- 12.3 It is an offence to fail to give the notice required of private fostering arrangements "without reasonable excuse", or to fail to provide any information required, without reasonable excuse, within a reasonable time. A person found guilty would be liable to a fine.
- 12.4 It is an offence to make, or cause or procure another person to make any statement in the notice or information, which is known to be false (liable to a fine).
- 12.5 It is an offence to fail, without reasonable excuse, to comply with any requirement imposed by a local authority (liable to a fine).
- 12.6 It is also an offence for a private foster carer to refuse to allow a privately fostered child to be visited or to obstruct an authorised officer (Liable to a fine). In such an instance an application for a warrant under section 102 of the Children Act 1989 may be necessary to support the power of entry.
- 12.7 It is an offence 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 (liable to a fine).

### 13. Requirements

- 13.1 The Children Act 2004 provides that local authorities in carrying out their duties under section 67 of the Act can impose requirements on the person who intends to privately foster as to
- The number, age and sex of children who may be privately fostered by them;
  - The standard of accommodation and equipment to be provided for them;
  - The particular arrangements which must be made with respect to the provision of care for them, and it is the duty of the foster carer to comply with such requirements before the end of such a period as the authority may specify unless, in the case of the proposal, the proposal is not carried out.
- 13.2 Any requirements imposed must be specified in writing with reasons and the notification must be sent to the foster carer and to the parent by the Social Worker responsible for the assessment. The notification must also advise that the recipients have 14 days from when the notice is served to appeal to the court.
- 13.3 A requirement does not have effect while an appeal is pending. (A court may dismiss the appeal, or, if not, can cancel, vary or allow more time for compliance).
- 13.4 Where time will allow a person to comply with requirements either before or after a child is fostered, serious consideration should be given where it is likely to be in the interests of the

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welfare of the child. This decision would best be made jointly by the area social work team and the Kinship Care Team.

- 13.5 In cases where financial hardship may be a factor, consideration should be given to the short term use of section 17 to enable the private foster carers to comply with the requirement.

### 14. Matters to be negotiated in a Private Fostering Agreement

- 14.1 The contract of agreement is between the parents and the private foster carers and should be supported by the Written Agreement in respect of a Private Fostering Arrangement.
- 14.2 Although the arrangements made for the care of the child are agreed between the parent and the private foster carer, the local authority have a role in ensuring that the welfare of the child is satisfactorily safeguarded and promoted.
- 14.3 To safeguard and promote the welfare of the child the child's Social Worker and the Private Fostering Coordinator can offer advice and information on what parents and carers might need to consider when making their arrangements. The following matters should be covered:
1. The purpose and duration of the arrangement;
  2. Financial arrangements.
  3. Health care arrangements, including delegation of decision making. The child's medical history should be made known to both the foster carer and the local authority;
  4. Arrangements for contact between the child and his/her family;
  5. Any arrangements necessary to meet the child's religious, cultural, racial and language needs;
  6. Expectations about the physical care of the child;
  7. Any record the parents would wish the foster carer to keep with regard to the child's development.

### 15. Administrative Matters

- 15.1 The child, parents and the private foster carers' details must be included on the electronic case record (role of the Child's Social Worker where there was pre-existing involvement or the Private Fostering Coordinator otherwise).
- 15.2 The local authority needs to ensure that accurate, comprehensive, well organised and confidential records are kept for each privately fostered child and private foster carer.
- 15.3 The child's Social Worker will maintain the recording on the child's file. This will contain information to be inputted / uploaded onto the electronic case record within usual timescales for recording:
- On-going information about the child and the placement;

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- Clear written arrangements and plans for the child;
- Decisions made and reasons for them must be clearly recorded. Decision makers must be clearly identified;
- All documents should be dated;
- Private Fostering Visits to the child by their allocated Social Worker should be recorded, which include the child's views, wishes and feelings. It should also be recorded whether the child has been seen alone;

### 15.4 Essential elements to record for the child or young person include:

- Personal details;
- Relationships;
- Work status of the private foster carer;
- Ethnicity;
- Nationality;
- Country of birth;
- School roll and attendance;
- Registered with a GP and Dentist;
- Involvement in leisure activities.

When a child moves from a private fostering arrangement, the electronic case record should be updated. An end date should be entered on the relationship between the privately fostered child and the private foster carer and also on the child's legal status.

### 15.5 The Private Fostering Coordinator will maintain the private foster carer's electronic case record. This file should contain:

- Copies of any prohibitions, requirements or disqualifications;
- PC4 information
- DBS checks;
- References;
- Although the private fostering assessment is placed on the child's electronic case file a copy should also be placed on the carer's file;
- Senior Manager Letter re. suitability to be a Private Foster Carer;

## 16. Unsatisfactory Care

- 16.1 If the local authority is not satisfied with a Private Fostering Arrangement, it should immediately take all reasonable steps to inform the parents of the child, or those who have parental responsibility for the child, of their concerns.
- 16.2 If the child is a child in need, as defined by Part III section 17 of the Children Act 1989, the authority may consider whether temporary help including financial help, should be made available in the short-term to give time for the child to be prepared for any move or for the placement to be brought up to standard, should a move be contrary to the best interests of the child. This also gives time for the birth parent to be informed of the situation by the local authority and be able to come to a considered decision.
- 16.3 Unless it would not be in the child's interests, there is a duty to take reasonable steps to secure that the child is looked after by a parent or someone with parental responsibility.
- 16.4 Consideration should be given to consulting with legal services regarding the imposition of requirements or prohibitions section 67(5).
- 16.5 The duty to investigate under Part V of the Act may be necessary, including the consideration of an Emergency Protection Order (EPO). In these circumstances the procedures for application for an EPO must be followed. The local authority has no power of removal of a child in private fostering except under an EPO.
- 16.6 Where the child's Social Worker and/or the Private Fostering Coordinator are concerned about the standard of care, s/he must immediately discuss the matter with their team manager. A course of action must be decided on and recorded on file.
- 16.7 Where there are concerns about the child's care consideration should be given to invoking the Lancashire Safeguarding Children Board Procedures. .

## 17. Local Authority Foster Carers Who Privately Foster

- 17.1 Where local authority foster carers notify their intention to privately foster a child, overall procedure should be followed.
- 17.2 In these circumstances, the Private Fostering Coordinator for the local authority foster carer will normally carry out the assessment.
- 17.3 The foster carers should be advised of the differences between their two roles.
- 17.4 Consideration will need to be given to the implications for any Child Looked After already placed with the foster carer and contact should be made by the Social Worker for the Foster Carer with the Social Workers for such children.
- 17.5 Consideration should also be given to the future placement of any Children Looked After particularly having regard to the usual fostering limit of three children.

### 18. After the Private Fostering Arrangement Ends

- 18.1 Parents and private foster carers have a duty to notify the local authority of the ending of the private fostering arrangement including the name and address of the person into whose care the child has moved.
- 18.2 Unless a young person has a disability, private fostering arrangements end when a child reaches their sixteenth birthday. The child's Social Worker will review the young person's circumstances and future plans as they approach 15 and offer appropriate advice in consultation with the Private Fostering Coordinator.
- 18.3 When a Private Fostering Arrangement ends the child's Social Worker will record the date the arrangement ceases as the end date on the LCS pathway and Private Foster Carer-Privately Fostered Child relationship status. After completion of these two records, the Child will no longer present as a privately fostered child on LCS.
- 18.4 Where notification is that the placement has ended, the child's Social Worker should ascertain the name and address of the person now caring for the child and his or her relationship with the child. This information should be recorded on the child's case record and the Private Fostering Coordinator informed.
- 18.5 Where notification is received that the private foster carers have moved to live in the area of another local authority, the child's Social Worker must immediately pass to the new authority the name and address of the foster carer, the name of the child being privately fostered, the name and address of the child's parents. The child's Social Worker will also advise the Private Fostering Coordinator that the child has moved to live in another local authority.

### 19. Limit on the Number of Children

- 19.1 The maximum number of children privately fostered in any one household must not exceed three unless there are exceptional circumstances.
- 19.2 Any application for exemption from this limit must be made to the Senior Manager. The application must contain the following information:
- The number, names and ages of the children;
  - The proposed arrangements for the care and accommodation of the children;
  - The intended and likely relationship between the children and the foster carers;
  - The proposed length of the placement;
  - Whether the welfare of the children in the placement will be safeguarded and promoted.
- 19.3 Exemptions will only be granted in relation to named children and will cease when the named children leave the placement.
- 19.4 Where an exemption is granted this will be confirmed in writing to the foster carers.



