

# **APPENDIX 17**

## **PRIVATE ARRANGEMENTS for FOSTERING**

### **17.1 Introduction**

The Children and Young People's Service has a legal responsibility to ensure that the welfare of children who are, or are proposed to be privately fostered within the Borough is being, or will be satisfactorily safeguarded and promoted, as detailed in the Children Act (1989), the Children Act (2004), and the Children (Private Arrangements for Fostering) Regulations 2005.

### **17.2 Definition of Private Fostering**

A private fostering arrangement is a private agreement, lasting 28 days or more, for a child under the age of 16 (under 18, if disabled) to be cared for by someone who is not a parent or close relative. Private foster carers may be from the extended family, such as a cousin or great aunt, but not close family relatives such as a grandparent, brother, sister, uncle or aunt or step-parent. A private foster carer may 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. The period for which the child is cared for should be continuous, excepting occasional short breaks of less than 27 days.

### **17.3 Local Authority Duties**

Local authorities do not formally approve or register private foster carers, but they have a duty to make sure that children who are, or will be, privately fostered are kept safe and well. Within each local authority there must be someone who has expertise in private fostering and in Rotherham this is a Locality Manager whose name is available from the

The local authority must promote public awareness of the requirement for the family or relatives of the child, the prospective private foster carer and any member of the public or professional to notify the local authority of these arrangements.

### **17.4 Parental Responsibilities**

Although the day to day care of the child can be delegated to the private foster carer, parental responsibility remains with the parent. The practicalities of this must form part of the agreement with the private foster carer at the start of the arrangement. Parents should always be encouraged to remain as closely involved as possible in their child's life and to keep the child up to date with what is happening in their family of origin.

### **17.5 Notification of a Proposal to Privately Foster a Child**

Anyone who proposes to privately foster a child must notify the appropriate local authority at least 6 weeks before the date on which the private fostering arrangement is to begin. If it is to begin sooner than that, they must inform the local authority immediately. Failure by a private foster carer or parent to notify a local authority of a private fostering arrangement is an offence see Section 17.14 Offences.

## **17.6 Notification by Parents of a Child going to Live with Private Foster Carer**

The parents or private foster carer must tell the local authority that the placement has started within 48 hours of the arrangements taking place. If the local authority has not heard by the date the arrangement is due to start, they must check what is happening. Any notification required under the regulations must be given in writing and may be sent by post.

## **17.7 Actions to be Taken by the Local Authority**

The Team Manager responsible must ensure that within 7 days of receiving the notification or proposal to privately foster a child, or receipt of notification that a child is being privately fostered, a social worker will: see the child, the private foster carer and the parents if possible and will start necessary checks and assessment (as detailed in CYPS Private Fostering Policy & Procedure

The social worker must assess the ability and capacity of the private foster carer to look after the child, the suitability of the premises, check the suitability of other household members, and assess any risk of harm to children already living in the private foster carer's household, and whether, in turn, those children pose a risk of harm to the foster child). Enhanced Criminal Records Bureau checks must be carried out on the private foster carer and all members of the household aged over 16 years. The assessment report should be based on the *Framework for the Assessment of Children in Need and their Families* (2000)/RMBC format.

The local authority must make a decision on the Private Fostering Arrangement within 42 working days from notification, or as soon as the outcome of the CRB check(s) is known, whichever is the sooner.

**If at any stage, there is reasonable cause to suspect a child subject to a private fostering arrangement is suffering, or is likely to suffer significant harm, then the procedures set out in Section X should be followed.**

### **17.7.1 With Parents**

The social worker must speak to and where possible, visit the parents or anyone else with parental responsibility to confirm they have agreed to the arrangements and to check that suitable arrangements have been made:

- for contact for the child, including with parents, siblings, relatives, friends
- for contact between parents and the private foster carer
- for the financial care and maintenance of the child
- for the child's health and educational needs
- about who will make the day to day decisions

If parents, or those with parental responsibility, fail to carry out their responsibilities and keep to the agreement, they must be contacted to find out if there is a problem, or to give advice and take appropriate action as necessary.

If parents cannot be contacted within 7 days the social worker must consider your responsibilities to the child under the Children Act 1989.

### **17.7.2 With Private Foster Carers**

The social worker should advise the private foster carer how to claim child benefit and any other benefits, offer wider advice or support and signpost to relevant services.

Private foster carers should keep a record of the child's development and progress and the social worker should discuss with them what information and records need to be kept and with whom they will be shared.

### **17.7.3 Responsibilities to the Child**

The social worker must visit and where possible, speak with the child on their own, or through an independent interpreter or communicator in order to:

- make sure their wishes and feelings are known and their questions answered.
- provide the child with clear information which helps them to understand the role of the social worker and the responsibilities of the private foster carer.
- give them useful contact details including those of the social worker, inform them about statutory visits and their right to request visits
- provide information about advocacy services if required.

### **17.7.4 Religious persuasion, racial origin, and cultural and linguistic background**

Where a child is placed in a private foster home of a different race, religion or culture to their own, the social worker should check that the private foster carer is aware of the child's racial origin, religious and/or cultural practices, and the child's preferred language. It is especially important that foster children are able retain fluency in the language and customs of their own family and community.

The social worker should explore the extent to which the private foster carer understands and can provide for the child's needs and should give advice and support as appropriate.

### **17.7.5 Education, health and medical care**

It is important that the child's educational progress is disrupted as little as possible and they are helped to settle into a new school and a new community. Discuss and clarify the arrangements for involvement with school, such as parents' evenings and reports.

The child should be registered with a local General Practitioner and dental surgery and arrangements for any other health care needs of the child put in place. The Personal Child Health Record (PCHR) will normally be held by the private foster carer.

### **17.7.6 The Child's Medical History**

The child's parents are responsible for giving the private foster carer full details of the child's medical history and making sure that they and the social worker are aware of any specific health needs or conditions.

### **17.7.7 Consent to Medical Treatment**

The parent, or any other person with parental responsibility, should give consent for the private foster carer to take responsibility for any day to day medical treatment which may be needed, unless the child is competent to give consent in their own right. (Section 2(9) of the Children Act 1989).

### **17.7.8 Visiting Privately Fostered Children**

In the first year of placement every privately fostered child must be visited at least every six weeks and, in subsequent years, at least every 12 weeks.

The social worker must see and speak to the child alone, or with an independent interpreter, unless this is not possible or appropriate in which case record the reasons why.

Some visits should be unannounced and some should take place when other members of the household are present.

### **17.7.9 Refusal to allow visits**

It is an offence for a private foster carer to refuse access to the child or to obstruct you from carrying out your responsibilities. If this is the case discuss the problem with a senior manager and take legal advice.

### **17.7.10 Case Records and Contents**

There should be an individual record for each child who is privately fostered. A separate file should be kept for the private foster care(s) which includes written reports, advice given, decisions about offences and any disqualifications, prohibitions or requirements placed on the private foster carer, or anyone else in the household.

Social work records should clearly reflect the views of the child and their parents, the plan for the child, agreements reached, arrangements made, decisions taken and the reasons for them. Records should also include any advice given to the parents.

The initial assessment and visits must be recorded with observations and conclusions. All agreements and formal notifications under the regulations should also be recorded and the details of the Private Fostering Arrangement will be part of the electronic social care record.

### **17.7.11 Reviews**

The child's name should be placed in the review system for Looked After children by the Child's social worker and will be subject to the same frequency of reviews as Looked After children and young people.

When a long term arrangement is being reviewed and social work support appears superfluous, the case for applying for a Section 8 Residence Order may be suggested to the foster carers. If the parents do not agree, grounds may exist to dispense with their consent after three years. Other options which should be discussed where appropriate include Special Guardianships Orders and Adoption.

### **17.8 Notification of Change of Circumstances**

The private foster carer must inform the local authority of any change in their address or circumstances in relation to themselves or anyone else in the household.

The parent of a privately fostered child, and any one else who has parental responsibility for him or her, must tell you of any change of his or her own address.

If a private foster carer moves to another area the new local authority, and any other relevant services and agencies must be informed of the private fostering arrangements.

### **17.9 Notification of the end of a Private Fostering Arrangement**

When the arrangement to privately foster comes to an end you should be informed by the carer within 48 hours. This does not apply if it is for a period of less than 27 days. You must find out the name and address of the new carer and their relationship with the child.

### **17.10 Death of a Privately Fostered Child**

If a privately fostered child dies the Team Manager must notify the parents immediately and follow the Local Safeguarding Children Board procedures for a child death.

### **17.11 Local Authority Powers**

Local authorities have the power under Paragraph 6 of Schedule 8 to the Children Act 1989 to impose certain restrictions, requirements or prohibitions on private foster carers as to:

- the number, age and sex of the children who may be privately fostered;
- the standard of accommodation and equipment to be provided for them;
- the arrangements to be made with respect to their health and safety; and
- particular arrangements which must be made with respect to the provision of care for them.
- assessment and ongoing involvement will inform the decision to impose any requirements.

### **17.12 Children from Overseas**

Parents from abroad can place their children in private foster care during their stay in the United Kingdom provided that they notify the local authority, the placement is suitable and they take the child with them when they leave the country. You must be satisfied about the child's immigration status, in particular that the child is lawfully present in the UK. This should be done on the first occasion that the child is seen.

If the local authority is not satisfied that there are clear plans for the child to return with the parents e.g. purchased return tickets and a clear traceable return address in the country of origin, discuss this with the adults concerned and, if concerns remain, seek advice from the Home Office Immigration and Nationality Directorate.

### **17.13 Management Information**

There must be an effective system for recording information and monitoring compliance which:

- records information on the numbers of privately fostered children and private foster carers living in their area, including on the number of new notifications;
- records the number and nature of enquiries received in relation to private fostering, the responses given and any action taken;
- ensures that accurate, comprehensive, well-organised and confidential records are kept for each privately fostered child and private foster carer.

#### **17.14 Rotherham Safeguarding Children Board**

CYPS Locality Management should provide the RSCB with the Private Fostering Annual Report detailing how the authority has complied with its duties and functions in relation to private fostering during the preceding year.

#### **17.15 Offences**

Failure to notify the Local Authority of private fostering arrangements, breaches of requirements, prohibitions and disqualifications, obstruction of powers of entry may be criminal offences (Section 70 Children Act, 1989).

A search warrant is available to support the power of entry (Section 102(5) Children Act, 1989).

#### **17.16 Further Information**

Publications with further information on good practice in relation to Private Foster Care arrangements include:

Children (Private Arrangements for Fostering) Regulations 2005

Private Fostering Minimum Standards (DfES, 2005)