



Swindon Borough Council's Private Fostering Procedures

This should be read in conjunction with the Private Fostering Statement of Purpose

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1. INTRODUCTION

Swindon Borough Council is responsible and committed to safeguarding and promoting the welfare of children being privately fostered in their area. The aim is to secure and promote positive outcomes for these children and reduce any risks to their welfare and safety. This includes a robust campaign of raising awareness of the duty to notify of any private fostering arrangements being proposed or taking place within the Local Authority's boundaries.

Swindon Borough Council will ensure that arrangements for children in private fostering placements meet those children's needs and that their welfare is safeguarded and promoted. In order to achieve this, the Local Authority will work together with the child's parent/s and carer/s, to plan and/or arrange services where these are assessed as necessary.

Swindon Borough Council does not approve or register private foster carers but does have a duty to satisfy itself of the well-being and safety of privately fostered children.

The procedure defines private fostering and outlines the Local Authority's duties toward privately fostered children within the Swindon area.

The key objectives of these procedures are:

- For privately fostered children in Swindon to be protected and kept safe;
- To guide practitioners in their work towards promoting positive outcomes for privately fostered children in relation to being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic wellbeing;
- To reinforce and encourage staff in Swindon Borough Council and partner agencies to be aware of their roles and responsibilities in relation to private fostering.

2. STATEMENT OF PURPOSE

The Statement of Purpose for Private Fostering Services is required by Regulations. It defines the objectives of the service, and covers those issues set out in Regulations and National Minimum Standards. Refer to 'Statement of Purpose' for further details.

3. LEGAL FRAMEWORK



The legislation relevant to private fostering is set out in Part 9 of, and Schedule 8 to, the Children Act 1989, and Regulations made under Part 9 of that Act: the Children (Private Arrangements for Fostering) Regulations 1991;

Section 67 of and Schedule 8 to, the Children Act 1989 are amended by Section 44 of the Children Act 2004, which came fully into force on 1 July 2005;

The Children Act 2004 inserts a new paragraph (7a) into Schedule 8 of the Children Act 1989 which places a duty on local authorities to promote public awareness in its area of the notification requirements;

The amended section 67(1) extends the duty of local authorities to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted to include children who are proposed to be privately fostered;

The Children (Private Arrangements for Fostering) Regulations 1991 are replaced by the Children (Privately Arrangements for Fostering) Regulations 2005 effective 1 July 2005;

Standards of care and management for private fostering arrangements are set out in the National Minimum Standards for Private Fostering (2005). Further guidance can be found in the Replacement Children Act 1989 Guidance on Private Fostering (2005);

Section 68 and 70 of the Children Act 1989 deals with disqualifications from being a private foster carer. The Regulations made under Section 68 are the Disqualifications From Caring for Children (England) Regulations 2004;

Privately fostered children are not Looked After children in the terms of Section 22 of the Children Act 1989. However, Local Authorities have a responsibility to ensure that the welfare of privately fostered children is promoted, as identified in Part IX of the Children Act 1989, amended by Section 44 of the Children Act 2004.

4. DEFINITIONS

“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 16 (under 18 if disabled) by someone other than a parent or a close relative, with the intention that it should last twenty eight days or more. Private foster carers may be from the extended family, such as a cousin or great aunt, however a person who is a relative under the Children Act 1989 or a step-parent will not be a private foster carer.”

(Replacement Children Act Guidance on Private Fostering - DfES 2005, paragraph 1.6.)

A child who is Looked After by a Local Authority or placed in a residential home, hospital or school (where they are receiving full-time education) is excluded from the definition. Local Authorities will need to distinguish between private arrangements made between parents and carers, and arrangements in which the Local Authority with the consent of the parents, have been involved with regards to placement. In this instance the child is legally defined as Accommodated under Section 20 of the Children Act 1989, thus being a Looked After Child.

In a private fostering arrangement, the parent retains Parental Responsibility.

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.

(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).

The Local Authority in which the private foster carer resides is the Local Authority responsible for deciding whether the arrangement is suitable and for monitoring whether the arrangement continues to be suitable.

5. THE CONTEXT FOR PRIVATE FOSTERING ARRANGEMENTS

There is a wide variety of reasons why parents seek private foster care for their children. These may include:

- Children living apart from their families due to parental or family problems;
- Teenagers living with a friend, or friend's parent/carer, where relationships at home have broken down; or
- To complete a stage of education because of a family move;
- Children whose parents are working abroad or in another part of the country or serving in the armed forces;
- Children whose parents come into the country to study or work and find it difficult to care for their own children;
- Children sent to the UK for a "better life" or for educational purposes, including those attending language schools, foreign exchanges or sport academies who stay with host families;
- Children attending residential schools who stay with a teacher, or a friend's parents during the long school holidays;
- Children brought in from abroad with a view to adoption;

- Unaccompanied minors who are living with friends, relatives or strangers.

Private fostering arrangements can be a positive response from within the community to difficulties experienced by families. Nonetheless, privately fostered children remain a diverse and potentially vulnerable group.

Whilst many private fostered children will receive a good standard of care, it has to be recognised that children in private fostering arrangements can be extremely vulnerable. Children are often placed at a considerable distance from parents who may only be able to visit on an infrequent basis and have minimal oversight or estranged from their parents with limited or no contact. Some children may be being placed in open-ended private fostering arrangements affording children little security or sense of identity. Some children may have been trafficked or being exploited. Some children may have been placed with people who are not suitable to look after children. Children may be in need of protection or require specific services as Children in Need.

6. THE ROLE OF THE LOCAL AUTHORITY

The Local Authority has a duty to satisfy themselves that the welfare of children who are, or are to be, privately fostered is being satisfactory promoted and safeguarded, and to provide necessary advice and support to the child and to those caring for them. This includes ensuring that parents and carers fulfil their responsibilities.

A private fostering arrangement differs from a foster placement, which has been arranged by the Local Authority, in that the child does not have the status of being Looked After by the Local Authority. It is a private arrangement between the parent and the private foster carer. The Local Authority does not 'approve' such placements, but simply investigates the circumstances to determine whether or not there is a need to invoke any of their existing powers in order to ensure the safety of the child.

The practical responsibilities of the Local Authority in a private foster arrangement include the following:

- Raising awareness amongst its staff, partner agencies and the general public about private fostering and the duty to notify of such placement;
- Receiving notifications from parents, carers or any other person involved directly or indirectly in arranging for a child to be privately fostered and respond in accordance with legal requirements to those notifications;
- Appointing an officer to report on the suitability of any proposed or actual private fostering arrangement that has been notified;
- Carrying out a full assessment on all aspects of the arrangement including the suitability of the private foster carer and his or her household and premises;

- Carrying out all necessary checks on the private foster carer and their household;
- Appointing an officer to visit a child who is privately fostered, within minimum timescales set out in Regulations, and when reasonably requested to do so by the child, the carer, a parent or parents or other person/s with Parental Responsibility;
- Ensuring the child is seen and where appropriate seeing the child alone, and that an interpreter is provided if required;
- Providing advice and support to the private foster carer, parents and the child, and any other significant persons or organisation to ensure the child's needs are met and that they are safeguarded and protected;
- That a written report is completed for each visit;
- Assess applications for exemptions to usual fostering limit;
- To make appropriate enquiries to determine whether or not the proposed or actual private foster carer or any member of their family is disqualified;
- Consider the need for specific Requirements and Prohibitions and exercise its powers if required;
- To ensure that Parents and Carers are aware of the appeals process and to respond to appeals made;
- Ensure that where children are considered to be "in need", or at risk, or require action to safeguard and protect that the appropriate procedures are followed such as children in need procedures and or child protection procedures.

The Local Authority is expected to monitor compliance with all duties and functions in relation to private fostering. This will include:

- Keeping data on all private fostering arrangements;
- Track the progress of all private fostering arrangements;
- An analysis of the impact of awareness raising initiatives;
- Regular audit of a sample of case records;
- Identifying themes, gaps, exemplars of good practice to feed into practice and policy development;
- Consulting with children, young people, parents and private foster carers;
- Investigating any patterns of concern raised by privately fostered children;
- Reporting annually to the Director of Children's Services;
- Reporting annually to the Chair of the Local Safeguarding Children Board.

The Local Authority must also nominate a specialist social worker who can be contacted for advice. In this procedure this specialist worker is referred to as the Private Fostering Social Worker.



It is the Council's policy that all private fostering notifications are referred to Swindon Borough Council's Multi Agency Safeguarding Hub (MASH) where they will be recorded and screened. The assessment (with the exclusion of host families / children from other local authorities) will then be passed to the Assessment and Child Protection Team (ACP), who will be responsible for completing the statutory assessment in respect of the child / young person and monitoring their welfare.

The Private Fostering Social Worker is responsible for carrying out the full assessment on private foster carers and their household and for providing on-going support and advice to the arrangement.

The Private Fostering Social Worker is lined managed by the Fostering Service. The Service Manager has the ultimate decision making responsibility with respect to findings of suitability, imposition of requirements, prohibitions, disqualifications and exemptions for proposed or actual private fostering arrangements.

7. THE ROLE AND EXPECTATIONS OF PARENTS AND THOSE WITH PARENTAL RESPONSIBILITY

Parental Responsibility is defined by the Children Act 1989 to include all the powers and duties of parents in relation to a child and his property. A parent may arrange under Section 2(9) of the Act for a private foster carer to meet some of his/her parental responsibilities, but a private fostering arrangement does not absolve a parent of his/her parental responsibilities. Responsibility for safeguarding and promoting the welfare of the private foster child rests with the parent. Parental participation is one of the key principles of the Children Act. The Local Authority must give careful consideration to arrangements made for the child's parent to exercise his/her rights, powers, duties and responsibilities.

In a private fostering arrangement the practical responsibilities of the parent include the following:

- Notification of the Local Authority of their intention to place a child with, or that a child has been placed, or removed from, private foster carers;
- Giving adequate information to the carers about the child, including medical information. This should include information about family culture, race, language and background, and the child's routine and care;
- Informing carers and the Local Authority of any changes of contact details such as address;
- Planning for the child's future;
- Maintaining the child;

- Exercising Parental Responsibility appropriately.

If the parent or those with Parental Responsibility are failing to exercise their responsibilities e.g. failing to pay maintenance or keep in touch with the child, the Social Worker should try to locate them and find out if there is a problem, give advice and take action as necessary. Where they cannot be contacted over a sustained period of time in discussion with Fostering Team Manager /Head of Service, legal advice should be sought to consider what, if any action should be taken by the Local Authority.

8. THE ROLE AND EXPECTATIONS OF PRIVATE FOSTER CARERS

Private foster carers have a responsibility to safeguard and promote the welfare of the child, and are empowered (under Section 3 (5) of the Children Act 1989) to do what is reasonable to safeguard and promote the child's health, education and emotional needs.

In a private fostering arrangement the practical responsibilities of the private foster carer includes the following:

- Notify the Local Authority of their intention to receive a child or the a child has already been placed in their care;
- Notify the Local Authority of intention to cease to care for a child;
- Participate in a full assessment of themselves and their household's suitability to foster children privately;
- Inform the Local Authority of any changes of circumstances within the household;
- Allow the child to be visited by the Local Authority and to be seen alone;
- Maintain contact with parents and encourage visits to take place.
- It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct the Local Authority in carrying out its duties towards a privately fostered child.

If a circumstance arises in which a private foster carer, or a potential private foster carer, is not fulfilling their responsibilities, then this would trigger concerns regarding the safeguarding of a child and a discussion will be required with the relevant Team Manager, Head of Service and the Legal Advisor from Legal Services as to an appropriate way forward.

9. NOTIFICATIONS TO THE LOCAL AUTHORITY



This section seeks to provide staff with practice guidance in relation to the notification requirements as set out in the Children (Private Arrangements for Fostering) Regulations 2005 and the associated replacement Children Act Guidance on Private Fostering (2005).

9.1 Notifications of the Private Fostering Arrangement

There is a shared and individual responsibility for interested individuals to notify the local authority in relation to private fostering, as below:

- A person who proposes to privately foster a child and is not yet caring and providing accommodation for that child is required to notify the local authority in writing not less than 6 weeks and not more than 13 weeks before he receives the child, unless he is to receive him in an emergency (Regulation 3(1)).
- A parent of a child, or any other person with parental responsibility for the child, who proposes, or knows that it is proposed that the child is to be privately fostered must notify the local authority in writing not less than 6 weeks and not more than 13 weeks before the arrangement is to begin, unless the private fostering arrangement is made in an emergency (Regulation 3(2)).
- A person who is involved (whether or not directly) in arranging for a child to be privately fostered shall notify the appropriate local authority in writing not less than 6 weeks and not more than 13 weeks before the arrangements is to begin, unless the arrangement is made in an emergency (Regulation 3(3)).
- Notifications should be sent to Swindon Borough Councils Multi Agency Safeguarding Hub (MASH).

9.2 Content of the Notice

Regulations 3(4) and 7(2) requires that the content of the notice must specify:

- 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 notice and any previous address of his within the last 5 years;
- The intended duration of the private fostering arrangement;
- The name and address of the parent of the child or of any other person with parental responsibility, and (if different) of the person from whom the child is to be received;
- The name and address of any brothers and sisters (where known);

- The name and address of any other person who is involved in making the arrangement;
- The intended date on which the arrangement will begin;
- The particulars of any offence of which the proposed private foster carer has been convicted;
- Any disqualification or prohibition imposed on the proposed private foster carer under Section 68 or 69 of the Children Act 1989, and any such conviction, disqualification or prohibition imposed on any other person living, or employed at, his household.
- A person who gives notice that he/she proposes to privately foster a child must within 48 hours of receiving that child notify the local authority that he/she has received the child (Regulation 9).

9.3 Notifications by a Person already Privately Fostering a Child

Any person receiving a child in an emergency or already caring for and providing accommodation for a child, when he/she became a 'privately fostered child', must notify the local authority for the area in which the child is privately fostered, and should do so in writing not more than 48 hours after the private fostering arrangement begins (Regulation 7(1)).

Regulation 7(2) requires that the content of the notice must specify:

- 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 notice and any previous address of his within the last 5 years;
- The intended duration of the arrangement;
- The name and address of the parent of the child or of any other person with parental responsibility, and (if different) of the person from whom the child was received;
- The name and address of any brothers and sisters (where known);
- The name and address of any other person who was involved in making the arrangement;
- The date on which the arrangement began;
- The particulars of any offence of which the proposed private foster carer has been convicted;
- Any disqualification or prohibition imposed on the proposed private foster carer under Section 68 or 69 of the Children Act 1989, and any such

conviction, disqualification or prohibition imposed on any other person living, or employed at, his household.

9.4 Changes in Circumstances

In accordance with Regulation 13, private foster carers are required to notify the local authority in writing of certain changes in circumstance, in advance if practicable, but not more than 48 hours after the change. They are required to notify the local authority of:

- Any person who begins or ceases to be part of their household; and
- Any new conviction, disqualification or prohibition of theirs or any person living, or employed, in their household;
- Any change in their address (if change to another local authority area see below for duty to notify other authorities);
- If the child leaves their household - or the private foster placement is otherwise ended.
- The child's death.

Where notification is received that a proposed placement has not gone ahead, the Private Fostering Social Worker will check the reasons for the change in the arrangements and consider whether any further action is required in relation to the child in his or her current situation, for example whether the child should be referred to as a Child in Need for an Assessment, or whether the case can be closed.

Where notification is that the placement has ended, the Private Fostering Social Worker should ascertain the name and address of the person now caring for the child and his or her relationship with the child. 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.

9.5 Notifications to or from Other Local Authorities

Where notification is received that the private foster carers have moved to a different Local Authority, the Private Fostering Social Worker must contact the Local Authority where the carer has moved to. The Social Worker must provide the new Local Authority with the name and address of the private foster carer, the name of the child being privately fostered and the name and address of the child's parents.

If a notification is received from another Local Authority about a private foster placement in the Swindon area, care should be taken to ensure that full written information is received from the previous authority including, where available, details



of any previous assessments of suitability, reports on the subsequent progress of the placement and any concerns that may have arisen.

9.6 Duties of other Professionals to Notify the Local Authority

Teachers, health and other professionals should notify the Local Authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the Local Authority have been or will be notified of the arrangement. This is so that the Local Authority can discharge its duty to safeguard and promote the welfare of the privately fostered child.

Any agency that becomes aware of a private fostering arrangement must notify Swindon Borough Council's MASH team of the arrangement immediately and must inform the parent and private foster carer of their intention to do so. MASH can advise further if there are any concerns or questions in relation to informing parents or carers.

If a verbal notification is received, staff should explain the legal requirement for the notification to be made in writing. Staff should ensure that the matter is formally recorded on the local authority's data management system, and provide written confirmation that the notification has been received.

9.7 Children Privately Fostered Out of the Borough

Swindon Borough Council is responsible for assessments of private fostering arrangements made in their area. If a child from Swindon is privately fostered outside of Swindon Borough Council area, the Social Worker will pass the information on to the appropriate Local Authority. If a child from another Local Authority moves to Swindon to a private fostering arrangement, then Swindon Borough Council is responsible for assessing the arrangement and the referral will be processed the same as a new notification on a case not already open to the locality authority. Case responsibility for the child however will remain from with the Local Authority where the child's permanent home address is located.

10. ACTIONS TO BE TAKEN ON RECEIPT OF NOTIFICATION

When notification or information is received from any source that a child is privately fostered within Swindon Borough Council, this information must be passed to the MASH Team.

10.1 Initial Contact and Assessment

During initial contacts with parent and private foster carers and other professionals, the MASH Team should:

Check whether the arrangement falls within the scope of the Private Fostering Regulations - The definition of private fostering can be found in these procedures under Section 4, Definitions;

Alternative advice, information and or services might be required by the referrer or by the family concerned should this placement not come under this definition;

Check whether the written notification addresses all of the relevant issues outlined Section 9 of these procedures. (If necessary, provide a standard notification form for the private foster carer or parent to use) and record on the local authority's data management system;

The details will then be passed to the Assessment and Child Protection Team and Private Fostering Social Worker to undertake the assessments.

10.3 Initial Visit and Assessment

Following the notification to MASH, it is determined that this is a private fostering arrangement; an 'Assessment' needs to take place.

A Social Worker from the Assessment and Child Protection Team (ACP) must be allocated to carry out the following tasks within 7 working days of receipt of the Notification to complete the 'Assessment', which must also be recorded:

Visit the private foster carers in the home where the child is to live (or already living) and speak to them and all members of the household;

Visit and speak to the child, alone unless the social worker considers it inappropriate to do so, and, if age appropriate and using the child's preferred method of communication;

Speak to and, where practicable, visit the parents;

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;

Ascertain the wishes and feelings of the child about the private fostering arrangement;

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;



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

Where the child has already been placed, check that the financial matters are in order and the contact arrangements are working;

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;

An interpreter who is independent of the child's parents and of the private foster carer should always be used in relation to the child and any person visited where their preferred language is not English.

If, at any stage of the assessment, information is obtained which suggests that a child already placed with the private foster carer may be a 'Child in Need', the manager may authorise services (including financial support) under a Child in Need Plan. Where the child is considered at risk of Significant Harm, Safeguarding Children Procedures should be followed. Any action required by the Local Authority to secure the child's safety should be considered and legal advice sought as necessary.

Where the private fostering arrangement is for children who are not UK citizens the social worker should on their first visit to a privately fostered child check the child's passport in order to confirm the child's immigration status and confirm the child is lawfully present in the UK. This is also important in confirming the child's identity. Where there are issues the Home Office UK Visas and Immigration can be consulted.

In the event of a refusal of any person to cooperate with the making of the necessary checks, the social worker should advise the private foster carers that they cannot be recommended as suitable and advise the parents of the reason why alternative arrangements will have to be made for the child.

Any action required by the Local Authority to secure the child's safety should be considered and legal advice sought as necessary.

11. TRANSFER TO SOCIAL WORK LOCALITY TEAM

All private fostering cases should be held within the relevant locality team (with the exclusion of host families and children from another local authority) under S17



following the transfer from ACP so that support can continue to be provided to the child, their parents and their carer.

Should a private fostering arrangement be identified on a case already open to the locality team, the child's social worker will make a private fostering notification via MASH so the private fostering assessment can begin. The child's social worker will then update the statutory assessment to reflect the change in circumstance and follow the steps outlined within the initial visit outlined above.

The Private Fostering Social Worker will be linked to the allocated Social Worker in the Service where the case will be held. This is to ensure that the allocated Social Worker is aware of the requirements under National Minimum Standards and Regulations with respects to assessment, visits and support to a private fostering arrangement. In these cases, the allocated social worker will be responsible for carrying out all the duties that would have been carried out by the Private Fostering Social Worker with the exception of the private fostering assessment.

12. INITIAL VISIT BY THE PRIVATE FOSTERING SOCIAL WORKER

An initial visit will be made by the Private Fostering Social Worker, which should where possible be completed jointly with the child's allocated Social Worker.

During the initial visit, the social workers should:

- Explain the assessment process to the private foster carer and provide written information to them;
- Advise carers of support, information, advice and training available to them and provide written information;
- Explain the requirements for Regulation 8 visits;
- Confirm or if required ascertain consent to agency checks and enhanced DBS check;
- Arrange for the private foster carer and all members of the household over 16 to complete application forms for Enhanced Disclosure and Barring Service checks;
- Establish the private foster carer's child care experience, access to support and views and intentions regarding care and behaviour management of the child;
- Check the suitability of the accommodation, the capacity of the private foster carer to look after the child, the suitability of other members of the private foster carer's household
- 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;

- Encourage the parents to draw up a written agreement with the private foster carers as to their respective expectations and responsibilities in relation to the fostering arrangement including financial arrangements and the child's contact with his or her parents and other significant family members
- 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 child's needs arising from his or her religious persuasion, racial origin and cultural and linguistic background are being met;
- Where the child has already been placed, check that the financial matters are in order and the contact arrangements are working;
- 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;
- Ensure that the suitability to privately foster declaration form completed and signed for all relevant members of the household.
- An interpreter who is independent of the child's parents and of the private foster carer should always be used in relation to the child and any person visited where their preferred language is not English.
- Advise the private foster carer of the need for notification to the Local Authority and preparation of the child before any further move, and for continuity of information being passed to the next carer;
- Advise the private foster carer in relation to recording the child's development, particularly incorporating the following matters:
 - Maintaining the child's medical history;
 - Keeping a file of school reports;
 - Noting dates of contact with the parents and significant others;
 - Maintaining a financial record;
 - Noting dates of contact with professionals;
 - Keeping a photograph album.

In the event of a refusal of any person to cooperate with the making of the necessary checks, the social worker should advise the private foster carers that they cannot be recommended as suitable and advise the parents of the reason why alternative arrangements will have to be made for the child.

Any action required by the Local Authority to secure the child's safety should be considered and legal advice sought as necessary.

If the initial visit takes place after the child's placement, the social workers should also:

- Ensure that the parents have fully informed the private foster carer of the child's medical history and any current need for ongoing professional monitoring and medication, and has handed the child's personal child health records to the private foster carer;
- Encourage the private foster carers to draw up a written agreement with the child's parents as to their respective expectations and responsibilities in relation to the fostering arrangement including the contact arrangements, finances and expected duration; (a template for written agreements can be provided to parents and Carers)
- 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 private 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 retained on the child's file.

If, at any stage of the assessment, information is obtained which suggests that a child already placed with the private foster carer may be a 'Child in Need', the manager may authorise services (including financial support) under a 'Child in Need Plan'. Where the child is considered at risk of Significant Harm, the Swindon Borough Council Child Protection Procedures should be followed.

Whilst in legislation there is no reference to the minimum or maximum age that a private foster carer can be, age can be an issue. A person under the age of 18 is NOT an adult and is unable to secure independent accommodation, as they are not able to legally sign a tenancy agreement. This is of considerable importance and therefore Swindon Borough Council consider it good practice to not allow a person under the age of 18 to be considered as a potential private foster carer.

12.1 Checks

Checks should be made as follows:

On the Local Authorities data management system and with each relevant Local Authority (where private foster carer resides, or have previously resided and where the child currently resides or has previously resided);

Police checks where a child has been placed in an emergency or where it is anticipated that a child may be placed prior to the completion of DBS checks;

Enhanced level DBS checks.

Checks with the schools for all young people of school age living in the home.



Standard health check with private foster carers GP.

Health Visitor checks where applicable

Checks with Blackberry Hill Hospital, Probation and Child Information Service (CIS)

13. SUPPORT AND INFORMATION FOR BIRTH PARENTS OR THOSE WITH PARENTAL RESPONSIBILITY

Birth parents or person/persons with parental responsibility should be given or sent a copy of the following:

- Private Fostering: A Guide for Parents and Private Foster Carers;
- Complaints Leaflet.

All parents should be made aware of the support and information that is available to them. Wherever possible this should be done in person and confirmed in writing. If this is not possible as the parent is abroad for example, written information should still be sent and contact made by phone. Other means of communication could be used at a later date such as by post or e-mail.

Parents need to be informed, that they are required by law to notify the Local Authority if they change address. Parents should also keep the local authority up to date with their latest contact details such as land line number, mobile phone, email or work contact, so that the local authority can maintain contact with them. They should also be advised to keep the private foster carer informed of any changes in their contact details. Children can become worried if their parents are not contactable particularly if they do not live locally or live abroad.

Parents may need advice on a wide range of issues, which the Private Fostering Social Worker can provide such as:

- Advice around whether or not private fostering is the right choice of care for their child, or whether a specific private foster carer is able to meet their child's needs;
- Advice and support around making alternative arrangements for the care of their child where the Local Authority considers that it is not appropriate for the child to be privately fostered, and where a private fostering arrangement is prohibited and no other is contemplated;
- Parents may also require help in looking for an alternative to private foster care in the event that they are unhappy with proposed or current arrangements;

- If applicable, Parents may need to be advised on the desirability to keep siblings together if possible - unless a child has particular needs which preclude being with siblings;
- They may also need advice on what to do if they are concerned about their child's care (both for information and if a situation arises);

The Private Fostering Social Worker should advise parents around the importance of promoting positive attachment. This should be done by emphasising to parents the need for them to remain in close contact with their child throughout the duration of the arrangement and advising of the implications of a child living away from home with someone else to whom they may become attached if parental involvement is not maintained.

Information and advice should always include looking at what can be done to help the child return to their family, and end the need for the private fostering arrangement. In each case the Local Authority needs to consider whether support or referral to another agency would remove the necessity for the child to be privately fostered and, where feasible and in the child's best interests and with the parents' consent, provide that support or make that referral.

It is important that parents be advised of the need to ensure that all aspects of the arrangement are agreed in advance and recorded in a written agreement with the private foster carer, including clear statements around financial support and the proposed duration of the care arrangement. This is to ensure that the arrangement remains stable and avoids breakdowns that would have a negative effect on the child.

Social Workers can provide assistance in brokering agreements between parents and carers on the nature of the arrangements. The arrangement between parents and carers should ensure that the child's holistic needs are being met. The agreement should cover:

- The direction and purpose of the placement;
- Any financial arrangements;
- Visiting patterns;
- Meeting the child's educational needs;
- Meeting the child's health needs;
- Any other issues e.g. staying with friends etc.

A template for written agreements can be provided to parents if required

Parents or those with Parental Responsibility should be given the contact details of the Private Fostering Social Worker to whom they can go to for advice and support. Parents should also be given details of how to access the out of hour's social work service.

14. SUPPORT AND INFORMATION FOR PRIVATE FOSTER CARERS

Private foster carers or those intending to privately foster should be given a copy of the following:

- Private Fostering: A Guide for Private Foster Carers;
- Complaints Leaflet.

It is important that private foster carers are advised of the need to ensure that all aspects of the arrangement are agreed in advance and recorded in a written agreement, with the child's parents including clear statements around financial support and the proposed duration of the care arrangement. This is to ensure that the placement remains stable and avoids breakdowns that would have a negative effect on the child.

Social workers can provide assistance in brokering agreements between carers and parents on the nature of the arrangements. See Section 13, Support and Information for Birth Parents or those with Parental Responsibility.

Private foster carers need to be informed when they need to notify the Local Authority of changes of circumstances.

Private foster carers and prospective foster carers should receive advice that enables them to care for the child and meet their individual needs. This includes ensuring that the child has access to universal services such as health and education. This can also include the following advice on:

- Caring for the child including practical support, parenting strategies, emotional support of the child, dealing with separation and loss or ways to ensure the child remains in contact with their family; their culture and religion or other aspects that will enhance their ability to provide effective care;
- Any issues that may arise for other members of the household as a result of the private fostering arrangement;
- Where to get financial support e.g. welfare benefits (Private foster carers can claim child benefit and child tax credit, if not being paid to the parent, but financial responsibility to maintain the child remains with the holders of Parental Responsibility);
- Promoting family contact;

Keeping relevant records to share with the parents on their child's progress and development, for example on health, education and significant events in the child's life. This information will be important when the child returns to live with the family.

Such advice should cover:

- Maintaining and updating the child's medical history (with appropriate input from a health personnel), to include notes and dates of visits to the GP, health clinic, hospital etc.;
- Keeping a file of school reports, examination results and special pieces of work;
- Noting the dates and means of contact with the parents and other people in the child's life (visits, letters, phone calls);
- Recording the child's out of school activities such as sport, art, music, drama, clubs;
- Maintaining a financial record of money received in relation to the child's upkeep;
- Noting the dates and nature of contact with the Local Authority;
- Keeping an album of significant events/people in the child's life during their stay in private fostering:
- Signposting and assistance in accessing local resources such as appropriate child care, health care, nursery or school;
- Links to support groups in the area;
- Information on the advice and support that is available from other agencies, including health services, education, housing services, youth support services, independent advice and advocacy services, voluntary organisations and community groups;
- Information on training and how to access this;

In some circumstances, Social Workers might need to refer private foster carers on to other agencies where there is an identified need for support, which is more specialist. The Local Authority will need to consider whether this support should be provided under Section 17 of the Children Act 1989.

Advice to private foster carers can be given in a number of ways:

- Individually by the Private Fostering Social Worker (at, or between visits), health visitor or other professional;
- In a "self help" group, learning from other private foster carers. This can be particularly useful if it includes some experienced private foster carers with good standards of care who can act as role models to others;
- Via "drop in" sessions;
- Through bespoke training for private foster carers or generally for all foster carers, child minders or others.

Private foster carers should be given the contact details of the Private Fostering Social Worker to whom they can go to for any advice and support or if they have any significant worries about the care of the child or would like to request a visit to the

child. Private Foster Carers should also be given details of how to access the out of hour's social work service.

15. SUPPORT AND INFORMATION FOR PRIVATELY FOSTERED CHILDREN

Privately fostered children should be able to access information, help and support when required so their welfare is safeguarding and protected.

The privately fostered children should be provided with information, using methods or formats appropriate to their age and level of understanding, including:

- About private foster care and the carer's responsibilities;
- The meaning of their privately fostered status, and their right to be safeguarded;
- Their right to speak openly about their experience and to inform the social worker where they are unhappy about any aspect of the care they receive and how that information will be treated;
- What support is available to them and how to access that support when they need it;
- Help in dealing with separation and problems with identity when they move to the placement, particularly when they are from a different culture to their carer;
- Advocacy services, Children Rights Services;
- Complaints procedure;
- Leaving care arrangements if they are "a person qualifying for advice and assistance" under Section 24 of the Children Act 1989 (i.e. privately fostered at any time while aged 16 or 17. The social worker will advise the young person prior to their 16th birthday that 'Post 16' support and advice is available.

In addition, they should be given the contact details of the Private Fostering Social Worker who will be visiting them whilst they are privately fostered. The child should be made aware, if of sufficient age and understanding, how they can contact their Social Worker if they have any worries about their care; if they would like the social worker to visit them to check on anything that is concerning them about their care or there are other matters about which they want to talk about.

16. ASSESSMENT OF THE CHILD

Some but not all children who are private fostered may be deemed children in need.

A privately fostered child will be a 'child in need' when he or she:

- Is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under the Children Act 1989;
- His or her health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- He or she is disabled.
- If it is considered that the developmental needs of the child are not being, or will not be met in a private fostering arrangement without the assistance of the Local Authority then the child should be considered a Child in Need under Section 17 of the Children Act 1989.

An assessment as to whether the child is in need of services under Section 17 should be undertaken in accordance with the Framework for the Assessment of Children in Need and their Families (DH, 2000). This also provides the opportunity to consider any support or services that could be provided to increase the capacity of the private foster carer to meet the needs of the child. Where a Child in Need Plan is in place, this should be reviewed every 12 weeks.

Where the Child in Need Plan does not result in an improvement of the care received by the child, consideration should be given as to whether the private fostering arrangement continues to be suitable; whether the child can be reunited with their parent(s) or an alternative arrangement needs to be made or whether the child should be accommodated into Local Authority care.

17. ASSESSMENT OF THE PRIVATE FOSTER CARER AND HOUSEHOLD

Once the Initial visit has been completed by the Private Fostering Social Worker, they will continue with the assessment of the private foster carers. The Assessment should be completed on the Local Authority's data management system.

The private foster carer assessment, once completed, will consider and make recommendations as to the following:

- The suitability of the private foster carer and all members of the household (including all those employed at the household);
- The suitability of the accommodation.

The assessment must establish:

- That the intended duration of the private fostering arrangement is understood and agreed between the parents of the child and the private foster carer;
- That the child's physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory;

- That the child's needs arising from his religious persuasion, racial origin, and cultural and linguistic background are being, or will be, met;
- The standard of care which the child will be given, or is being given where the child is already in placement;
- That arrangements for contact have been agreed and understood and are satisfactory to the child;
- That financial arrangements for the care and maintenance of the child have been agreed and are working where the child is already in placement;
- That arrangements have been made for the child's health in particular that the child is, or will be, included on the list on a General Practitioner;
- That arrangements have been made for the child's education;
- How decisions about the day to day care of the child will be, or are being, taken.

The assessment will include checks on the private foster carer, all members of the household and frequent visitors over 16 with the Disclosure and Barring Service and checks will also be made on Local Authority's data management system and the relevant Local Authority Social Care Services records for the areas of any previous addresses. Other checks may have been made as appropriate in relation to the carers, their household or placement i.e. with the GP, Probation etc.

The Private Fostering Social Worker should also consult with appropriate agencies who may already be involved with the child, the proposed or actual private or members of his/her household. The health visitor may, for example, be able to provide information about the person's experience of caring for children of different age groups, children of particular ethnic minority groups, children with special needs or caring for children in general. The person who is, or is proposing to, foster the child privately should be made aware that such views will be sought.

In the event of a refusal of any person to cooperate with the making of the necessary checks, the Private Fostering Social Worker should advise the private foster carers that they cannot be recommended as suitable and advise the parents of the reason why alternative arrangements will have to be made for the child. Any action required by the Local Authority to secure the child's safety should be considered and legal advice sought as necessary.

The private foster carer assessment should be completed within 6 weeks of the completion of the Initial Assessment or as soon as the outcome is known of the Disclosure and Barring Service checks, whichever is the sooner.

If any information comes to light during the course of the private foster carer assessment, for example as a result of the Disclosure and Barring Service checks, which indicate the private foster carer may be a Disqualified Person and/or would preclude the person from fostering a child, the Private Fostering Social Worker



should discuss with their manager. Immediate consideration should also be given by the Private Fostering Social Worker to the arrangements for the child and if necessary child protection procedures should be followed.

In the event that the parents decline to make alternative arrangements or where the parents cannot be found, the Private Fostering Social Worker should consider whether any action may be required by the Local Authority to secure the child's safety, under child protection procedures and legal advice should be sought as necessary.

18. SIGNING OFF THE ASSESSMENTS OF PRIVATE FOSTERING ARRANGEMENTS AND RECOMMENDATIONS

On completion of the private fostering assessment, the assessment will be quality assured and signed off by the Fostering Assistant Team Manager. The Fostering Service Manager will then review the assessment and make one of the following recommendations:

1. Agreement that the arrangement is suitable (subject to DBS checks);
2. Defer;
3. Impose Requirements, conditions;
4. Prohibit the arrangement;
5. Disqualification.

The arrangements for determining the suitability of private fostering arrangements are detailed fully in **Swindon Borough Councils Private Fostering Procedures**.

Written notice of the decision must then be sent to the private foster carer and the parents within 7 working days of the decision, including any requirements, exemptions or prohibitions imposed.

The outcome of the private foster carer assessment and the Service Managers decision must be recorded on Local Authority's Data Management System and a copy of the Decision placed on the Carer's file.

19. IMPOSING REQUIREMENTS ON PRIVATE FOSTER CARERS



Where appropriate, assessment reports can include recommendations for requirements to be imposed on the private foster carers, for example to restrict the approval to an individual child or to limit the number, age or gender of children who may be cared for privately.

Requirements may also relate to the standard of accommodation, health and safety matters and/or practical matters such as equipment. A requirement may include a time-scale within which the private foster carer must take the necessary action.

It is advisable to inform the proposed or actual private foster carer that a requirement is to be made in order to give time for any informal negotiations to take place if it is consistent with the welfare of the child, thus preventing unnecessary appeals to court.

The Service Manager will make the final decision as to imposing requirements. Any requirements imposed must be specified in writing, together with reasons. Written notice of any requirements imposed, together with the reasons, will be sent to the private foster carer and to the parent within 7 working days of the decision.

Should the requirement no longer be required, or needs to be varied or added to, the Private Fostering Social Worker will need to make an update presentation and recommendation to the Service Manager who will make the final decision. The Private foster carer and the Parent will be informed in writing of the decision within 7 working days of the decision.

20. NON-COMPLIANCE WITH REQUIREMENTS

Where requirements which have been imposed are not complied with, the Social Worker must consider whether support should be provided to ensure compliance and/or consider whether to report further to the Service Manager recommending that the private foster carer be prohibited from caring for the child, in which case the procedure for prohibitions as set out below in Section 23, Prohibition.

21. LIMITS ON THE NUMBERS OF CHILDREN

The maximum number of children privately fostered in any one household must not exceed 3 unless there are exceptional circumstances. The usual fostering limit of not more than three children in any household applies to private fostering although exemptions might be requested through the Service Manager.

Social workers should note that private foster carers who are looking after more than 3 privately fostered children must have an exemption, or will be treated as running a



children's home. This would require them to register the home under the Care Standards Act 2000 and failure to register is an offence.

When an application for exemption is being applied for, the Service Manager must be supplied with 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 private foster carers;
- The proposed length of the placement;
- Whether the welfare of the children in the placement will be safeguarded and promoted.

Exemptions will only be granted in relation to named children and will cease when the named children leave the placement.

Where an exemption is granted this will be confirmed in writing to the private foster carers and to the parents within 7 working days of the decision.

22. DISQUALIFICATION

Section 68 of the Children Act 1989 disqualifies certain people from being private foster carer, unless the disqualification has been disclosed and the Local Authority has given their written consent to them becoming a private foster carer. However, a person should not foster a child privately if he is disqualified from doing so by Regulations made by the Secretary of State.

Private foster carers may be disqualified from looking after other people's children under Section 68 of the Children Act 1989 and the Disqualification from Caring for Children (England) Regulations 2002.

The grounds for disqualification under the Regulations are so numerous that it is not possible to set them all out in this document. The Regulations will need to be consulted in each particular case. Staff are advised to contact the Legal Services for advice on individual cases.

Some Reasons for Disqualification are:

- Being the parent of a child who has been the subject of a Care Order under Section 31 of the Children Act 1989 or the parent of a child who had been subject to a Care Order under the legislation that was applicable before the Children Act came into force in 1991;
- People who are refused registration in respect of children's homes or whose registration has been cancelled, or who were in the management or had

financial interest in the running of children's homes and whose registration was cancelled;

- A person who has been refused registration for the provision of day care or child minding or have had their registration cancelled;
- Persons who have been convicted of offences against children or vulnerable adults.

The list of offences, which can be used to identify those who present a risk or potential risk to children together with the relevant Home Office Guidance is available at the Home Office website (circular, no. 16/2005).

If the private foster carer is considered to be a 'risk to children' they can be automatically disqualified from looking after someone else's child/children.

The final decision rests with the Service Manager and it must be recorded on the case records.

It is possible for Local Authority to give consent to a person acting as a private foster carer who would have otherwise been disqualified, but only if the Local Authority is satisfied that the welfare of the child concerned would not be prejudiced in any way by the arrangement. Legal advisors should be included in the decision making and where consent is given the carer and parent are to be provided with consent in writing only for that specific private fostering arrangement.

23. PROHIBITION

The Local Authority has the power to impose a prohibition on a person applying to be a private foster carer as well as to those who are actually fostering a child privately. A prohibition may be imposed if, having followed relevant procedures and attempted to negotiate with the private foster carer, the local authority is of the view that:

- They are not suitable to privately foster a child;
- The premises are not suitable for private fostering; or
- It would be prejudicial to the welfare of the child for them to be; or
- To continue to be, accommodated by that person in those premises.

The Local Authority can prohibit a person from fostering privately:

- Any child in any premises; or
- A child in specified premises; or
- A particular child in specified premises.



The fact that a private foster carer is disqualified is a good reason upon which to seek a prohibition. See section above on the definition of 'disqualified.'

Where the Social Worker considers that it would be appropriate to consider a private foster carer as suitable despite the fact that he or she or a person in the household is disqualified, the assessment report must set out the reasons and be presented to the Service Manager for consideration. A decision can be made in these circumstances not to prohibit the private foster carer from caring for a child. Any such decision must be recorded, with reasons and the private foster carer and the parent notified within 7 working days of the decision.

Where a decision is made to prohibit a private foster carer from caring for a child, reasons for the decision must be recorded. Written notice of the decision, together with the reasons, must be given to the private foster carer and the parent within 7 working days by hand or recorded delivery post. The private foster carer will also be advised of the right to appeal (see Section 24, Appeals).

Immediate discussion should also take place with the parent as to the making of alternative arrangements for the child.

Unless it would not be in the best interests of the child concerned, all reasonable steps must be taken to secure the child's return to his or her parents, any other person with Parental Responsibility or a relative, with support where appropriate. In order to determine the best outcome for the child, an Assessment under the Assessment Framework should be undertaken, in accordance with the Local Authority's Procedures (Assessments Procedure).

A prohibition may be cancelled by a Local Authority if it thinks fit, either of its own motion or on application if the local authority is satisfied the prohibition is no longer justified. (Section 69 Children Act 1989).

The Service Manager should decide whether a person is to be prohibited and this should be discussed with the Legal Services, who will serve any notice and prepare for a possible appeal. (Schedule 8 Paragraph 8 Children Act 1989).

24. APPEALS

The authority is required to have a comprehensive appeals process where private foster carers have the opportunity to appeal against requirements, conditions, prohibitions or disqualifications placed upon them.

Where the Service Manager is considering requirements, conditions, prohibitions or disqualification, advice should be sought from Legal Services. In cases where this is



an issue, a representative from Legal Service should be invited to attend a meeting to provide advice and also informed if action is likely.

Where the Service Manager makes a decision to impose a requirement or prohibition, refuse to cancel a prohibition, refuse to exempt a person from the fostering limit of 3 under Schedule 7 (or impose a condition on an exemption or a variation or cancellation of such an exemption) or refuse to consent to allow a person who is disqualified to privately foster a child, the Local Authority must provide the private foster carer with a written notice. The Legal Services should then be requested to prepare and send this notice. The notice must inform the Private Foster Carer of the reason for the determination, their right to appeal and the time limit in which the appeal must be lodged.

An appeal may be made by making an application to the Local Family Proceedings Court within 14 days of notification of that decision.

Where the appeal is against the requirement, exemption to exceed the fostering limits, variation or cancellation of an exemption it shall not have effect while the appeal is pending.

The appeal is made under paragraph 8 of Schedule 8 of the Children Act, to the Family Proceedings Court for the area of the Local Authority imposing the requirements. The application is issued by use of a Form C1 and a C6 listed in Schedule 1 to the Family Proceedings Court's (Children Act 1989) rules 1991, using the procedure set out in Rule 4 of the rules.

Application Forms

C1 is an application for an Order. There needs to be a copy for the Court and a copy for the Local Authority;

C6 is a Notice of Proceedings (Hearings) Directions Appointments (Notice to the Parties) one copy for the Court and a copy for the Local Authority;

C7 is an acknowledgement, one for the Court and one for the Local Authority.

On receipt by the Family Proceedings Court, the Justices Clerk shall fix the date, time and place for the hearing or Directions appointment, allowing sufficient time for the applicant to serve the application upon the Local Authority.

The Justices Clerk shall endorse the date, time and place in the Form C6 and return it to the applicant - the private foster carer, for service.

The C1, C6 and C7 must then be served by the private foster carer upon the Local Authority. The Respondent for service is the Local Authority (Children's Services) which imposed the requirement upon the private Foster Carer.



The burden of proof is the civil standard decided on the balance of probability.

The Court has a range of options open to it. It can grant or refuse applications. It can vary, make exemptions, and impose conditions. The Court's decision is then deemed for the purposes of the Children Act to have been made by the Local Authority.

For further details Schedule 8 to the Children Act 1989 deals with appeals.

25. MONITORING OF PRIVATE FOSTERING ARRANGEMENTS

25a Frequency of Visits

Visits by the Private Fostering Social Worker must be made to the child at the private foster carer's home within one week of the placement and then, visits will be made every six weeks in the first year. In subsequent years, visits must be at least three monthly. Should the child in the private fostering arrangement have an allocated Social Worker, it will be their responsibility to undertake the regulation 8 visits with oversight from the Private Fostering Social Worker to minimise the number of professionals visiting the child / young person.

The need to visit more frequently will be decided by the Private Fostering Social Worker and his or her manager depending on the circumstances of the case. The need for unannounced visits 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 the private foster carer.

The child must be seen alone by the social worker on 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 private foster carer may also contact the Private Fostering Social Worker for advice and support which might necessitate a visit. A record of the visit should be written up on the Local Authorities data management system.

25b Purpose of Visits

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 private foster placement and in particular:

To observe and check the overall standard of care including suitability of the home;

To speak to and ascertain the wishes of the child, observe the child in placement;



To review the purpose and likely duration of the placement and ensure that arrangements with the parents are working.

The parent and the private foster carer should be encouraged to plan the ending of the placement and prepare the child for the change;

To check that any requirements imposed are being met and check whether they need to be changed or cancelled;

To ensure that the arrangements for the child's education are satisfactory;

To advise or arrange advice for the private foster carer as necessary, for example in relation to the maintaining of the child's links with his or her cultural heritage or in relation to appropriate travel arrangements for the child visiting family abroad;

Where the child is from overseas, to check the child's immigration status and whether it is consistent with the intended duration of the arrangements;

To ensure that the child remains registered with a GP and dentist and that any necessary health care has been provided to take account of any special health needs;

To ensure that the child has access to services as required as a result of any disabilities;

To enquire as to the contact arrangements for the child with the parents and siblings;

To encourage the private foster carer to keep a record of the child's development, including accidents, illnesses, immunisations, school reports, achievements and any contact with parents or significant others.

25c Records of Visits

A written report on every visit must be made by the Social Worker. The report must state whether the child was seen and if so, whether the child was seen alone. If the child was not seen, the reasons must be recorded. Observations of the child within the home should be recorded. The record must comment on the child's welfare and how the placement is progressing including any views expressed by the private foster carer and the child.

It must also contain a recommendation about the continued suitability of the fostering arrangement and whether any action should be taken and/or requirements on the private foster carer or with regards to the arrangement.

The report must be placed on the child's and private foster carers record.

26. REVIEW OF PRIVATE FOSTERING ARRANGEMENT

The suitability of the private foster carer should be reviewed annually and reported back to the Service Manager. In preparation for the review, the Private Fostering Social Worker will need to consider the views of the child and records pertaining to the child and placement; visits, communication, assessments, plans etc.

As well as reviewing the care and arrangements the review should consider if any additional support is required and if there have been any changes to the placement. DBS checks to be repeated every 3 years. The record of that review should be presented to the Service Manager for Independent scrutiny and final sign off.

27. UNSATISFACTORY CARE

If the Local Authority is not satisfied that the arrangements made for the care and accommodation of a child will be suitable or about the welfare of a child who is already privately fostered, they should impose requirements on the private foster carer or, if appropriate, prohibit the arrangement - and inform the parents or those with Parental Responsibility for the child.

Unless it would not be in the best interests of the child concerned, they must take reasonable steps to secure that the child is looked after by a parent, any other person with Parental Responsibility, or a relative.

They must also consider whether they should exercise any of their functions under the Children Act 1989, including invoking child protection procedures, whether or not to consider accommodating the child under Section 20 of the Act or offering support under Section 17 of the Act if the child is considered to be a 'Child in Need' of services. Decisions under Section 67(5) of the Children Act 1989 should not be taken by the social worker alone. Concerns should be discussed with senior managers. Legal advice may also be required from Legal Services. The relevant Local Authority procedures such as the child protection procedures should also be consulted as applicable to the situation.

28. NOTIFICATION OF SIGNIFICANT CHANGES

Regulation 9(1) provides that a private foster carer must notify the Local Authority of:

- Any change of address;
- Any further offences of which he/she or a person who is part of, or employed at, his/her household has been convicted;
- Any further disqualification imposed on him or a person who is part of, or employed at, his household under Section 68 of the Children Act 1989;

- Any person who begins to be part of, or employed at, his household, and any offence of which that person has been convicted, and any disqualification or prohibition imposed on him under Section 68 or 69 of the Children Act 1989 (or under any previous enactment of either of those sections); and
- Any person who ceases to be part of, or employed at, his household.

Notification of changes should be reported wherever possible in advance and, in any other case, not more than 48 hours after the change of circumstances.

If the private foster carer moves to another Local Authority area, including Scotland, Wales and Northern Ireland, the authority receiving the notice must inform the Local Authority where the new address is located of the following:

- The name and new address of the private foster carer;
- The name of the child who is being privately fostered; and
- The name and address of the child's parent or any other person who has parental responsibility for him.

The responsibility for monitoring the placement will then transfer to the new responsible Local Authority.

In informing another Local Authority that a private foster carer has moved to their area it is good practice to draw the authority's attention to any important matters relating to the welfare of the child (e.g. a disability or health condition), special educational needs or the suitability of the private foster carer. It is also good practice for the Local Authority to notify other agencies of a change in address, e.g. the Primary Care Trust if the child has special health needs and relevant Education Department.

Parents are also required by law to notify the Local Authority if they change their home address and therefore need to be informed of that fact.

29. TERMINATION OF A PRIVATE FOSTERING ARRANGEMENT

When the arrangement to privately foster comes to an end the private foster carer should inform the Private Fostering Social Worker within 48 hours. The Social Worker must find out the name and address of the new carer and their relationship with the child. Parents have a duty to notify the Local Authority of the ending of the placement including the name and address of the person into whose care the child has moved.

A private fostering arrangement ends when;

- A child returns to her/his parent(s);
- A child becomes subject to Special Guardianship or Residency Order or adopted;
- A child reaches age 16 (unless they are disabled which would then be at age 18);
- A child dies.

The end of the placement must be recorded on the Local Authority's data management system.

30. REUNIFICATION WITH A CHILD AND THEIR PARENTS

Private fostering is an arrangement made by the parents. However, parents may need advice support or additional services to enable reunification with their child. The support and advice available should be made clear to parents.

In cases where the child is from abroad, a parent of a child who is being privately fostered, or other person with parental responsibility for him, can arrange for the child's return to his/her own country from the United Kingdom, even in those instances where this is in opposition to the wishes of the child himself or in opposition to the wishes of the private foster carer. It would be advisable for the Social Worker to ensure at the outset of an arrangement, in so far as it is practicable to do so, that there are any plans for the child to be reunited with a parent who is not present in the UK. This will avoid frustration that may arise from mistaken, confused or disappointed expectations about any proposed or actual plans for the child to return to the country of origin.

Where arrangements for leaving the UK need to be made for children whose families live abroad, this is primarily a matter for the private foster carer and the parent. However, if the arrangement has broken down and the child is accommodated by the Local Authority, the authority may wish to assist the parents by making travel arrangements.

31. LOCATING BIRTH PARENTS

There may be cases where the details of the parents are unknown or where the parents are said to be dead. Attempts should be made to establish the whereabouts of parents. If parents are said to be deceased, this needs to be confirmed. It may however be difficult in the case of child who has come from abroad. Further advice could be sought in those cases from the Home Office or International Social Service.

32. LOCAL AUTHORITY FOSTER CARERS WHO PRIVATELY FOSTER

Where a Local Authority foster carer notifies of their intention to private foster a child, the same procedures applies as would to any other person intending to privately foster.

The foster carer should be advised of the difference between the two roles and expectations. Consideration will need to be given to the implications for any looked after child already placed with the foster carer. Consideration should also be given to the future placement of any looked after children, particularly having regard to the usual fostering limit of three children.

33. IMMIGRATION AND NATIONALITY

The Social Worker should check a privately fostered child's passport in order to satisfy themselves 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 following notification that a private fostering arrangement is in place. This simple practical step is also important means of confirming the child's identity.

For children who are UK citizens, it is recognised that they may not hold a passport. A Local Authority or private foster carer who is any doubt about a child's immigration status is strongly advised to consult the Home Office UK Visas and Immigration at the earliest opportunity. The Local Authority can also seek assistance from the authorities in the country of origin or the International Social Services (ISS) with a view to tracing the child's parents and arranging for the child to be returned to them. In most cases, as well as to ascertain whether there would be any reasonable grounds not to return the child to his/her parents and whether parental responsibility has been terminated or circumscribed by any overseas authority, or to make arrangements for the reunification of the child with his parents overseas.

34. CHILD TRAFFICKING AND EXPLOITATION

As the current system relies on parents and private foster carers to notify the Local Authority of a private fostering arrangement, only a very small proportion of placements are notified by parents and carers directly. Private fostering remains an activity, ideal for those who traffic children to exploit.

Identifying a child who is privately fostered is not the same as identifying a child who has been trafficked. Nevertheless, some children in private fostering arrangements are vulnerable to being exploited in domestic servitude or other forms of forced

labour, or even to sexual exploitation. It can be difficult for practitioners to identify these children and therefore to track their movements and hence monitor their welfare.

Private fostering can potentially mask child trafficking, when traffickers use the arrangement to formalise having a trafficked child in their home as a 'fostered' child. It is therefore imperative that the possibility of child trafficking be considered when making an assessment of a private fostering arrangement.

Guidance for children who may have been trafficked is Safeguarding children who may have been trafficked which is supplementary to and should be used in conjunction with Working Together to Safeguard Children and other agency specific guidance on safeguarding/trafficking.

35. DISABLED CHILDREN

Paragraph 2(2) of Schedule 2 to the Children Act 1989 requires Local Authorities to open and maintain a register of disabled children in their area. Paragraph 6 of Schedule 2 to the Act places a separate duty on Local Authorities to provide services for children with disabilities designed to minimise the effect of their disabilities and give such children the opportunity to lead lives as normal as possible. The register and services should help in the identification, diagnosis, assessment and treatment of privately fostered children who are disabled. This may include provision of equipment such as communication aids and interpreters.

In co-operation with relevant agencies, social workers need to consider the overall developmental needs of a disabled child who is privately fostered. The private foster carer should be advised of services and support available to disabled children.

36. DEATH OF A PRIVATELY FOSTERED CHILD

Where a privately fostered child dies, the Private Fostering Social Worker must visit the private foster carers to offer support and assistance in notifying the parents.

Consideration should also be given to whether there are any child protection issues and whether to invoke Child Protection Procedures.

37. PRIVATE FOSTERING AND ADOPTION

Non-relatives who have been caring for a child under private fostering arrangements for at least three years may make an adoption application if they have given the required notice to the Local Authority. In these circumstances, application may be

considered provided the Children (Private Arrangements for Fostering) Regulations 2005 have been complied with. If there has been a failure to comply with the private fostering Regulations it will be necessary to refer the matter to the Service Manager for them to consider what action should be taken. Failure to notify (with or without subsequently being convicted of an offence under Section 70 of the 1989 Act) is something that should be taken into account when considering the suitability of those persons to adopt. In addition, full medical reports and interviews with at least two referees will be required.

38. AFTER CARE

Once a child reaches the age of 16 (18 if disabled) they are no longer considered a privately fostered child. Under The Children (Leaving Care) Act 2000, those qualifying for advice and assistance include any young person under the age of 21 (under 24 if in education or training) who ceases to be privately fostered after the age of 16. This refers only to disabled young people who continue to be considered as privately fostered children until they are 18 years of age.

“The local authority can advise, assist and befriend such a young person if he asks for help and his previous private foster carers do not have the necessary facilities to advise or befriend him. Assistance may be in kind or, in exceptional circumstances, in cash which may also be conditional on repayment, except where a person is in receipt of certain benefits.”

(Children Act 1989 Guidance on Private Fostering, 3.7)

This does not preclude the Local Authority considering that the child ceasing to be privately fostered continues to be a ‘Child in need’. In this case, the Local Authority has the power to support the young person under Section 17 Children Act 1989. Many young people continue to be vulnerable and need continuing support and assistance to enable them to make the transition to adulthood and independence.

39. FILE RECORDS

As part of the Local Authority monitoring the way in which it discharges its functions in relation to private fostering, a Private Fostering Management Spreadsheet has been established. The aim is to monitor compliance and performance data. This spread sheet records the following information:

- The numbers of privately fostered children and profile of those children;
- The number and details of foster carers living in Swindon;
- The number of new notifications;
- Dates of notification and date of placement;

- Dates of initial assessment and Private Fostering Assessment;
- Progress on DBS checks;
- Dates placements terminate and reason;
- Decisions on suitability, requirements, prohibitions etc.;
- Progress of privately fostered children.

There should be an individual file for each privately fostered child even if fostered as part of a sibling group. There should not be a family file however cross referencing would need to be made to other relevant family file records.

Records pertaining to the child including records of visits, communication, assessments, plans and reports should be stored here. The file records should clearly demonstrate the process of decision making in the case; the evidence or rationale, the sequence of agreements reached, decisions taken and the reasons for them, and arrangements made as a result. The views of children (as appropriate) and their parents and carers should be evident throughout the process. Evidence of managerial oversight of the case should also be apparent on the file records.

There should also be an individual file for each private foster carer. The file records should include any assessments made, details of checks carried out and outcomes, details of any convictions, disqualifications or prohibitions of the private foster carer or any person living or employed, in their household, any requirements imposed on the private foster carer and any advice or support given.

40. MANAGERIAL MONITORING, COMPLIANCE AND INDEPENDENT SCRUTINY

The Children (Private Arrangements for Fostering) Regulations 2005 require Local Authorities to monitor the way in which they discharge their functions under Part 9 of the Children Act.

The Local Authority monitors compliance and evaluates of effectiveness in improving practice in relation to private fostering via a number of means including:

- Performance data from the Local Authorities data management system;
- Data collated on the Private Fostering Management Spread sheet;
- Tracking the progress and outcome for all privately fostered children;
- Data collated from the Private Fostering Social Worker's activity log;
- Audit findings;
- Consultation / surveys with children, young people and their carers.
- Private Fostering Activity Log

Line Management and Auditing

As well as managerial oversight through supervision and signing off reports, the Fostering Assistant Team Manager will be expected to monitor compliance through carrying out audits of a selection sample of cases once every three months. These will then be moderated by the Fostering Team Manager.

The purpose of these audits is to ensure that all required areas of work have been completed to a high standard, within the required timescales and that this has been achieved through:

- Multi agency working;
- Partnership with children and families;
- Child focused practice.

A summary of audit practice and findings should be reported back to the Fostering Service Manager and will be incorporated into the annual report on Private Fostering. The Local Authority may also commission independent audits to be carried out as part of its quality assurance functions.

In order to provide additional independent scrutiny, the Service Manager will produce regular reports on private fostering in Swindon to:

The Director of Childrens Services;

Members through reports to the Corporate Parenting Board;

An annual report will be presented to The Corporate Parenting Board and the Chair of the Local Safeguarding Children's Board.

Matters to be covered in the Annual Report on Private Fostering

This annual report will provide an overview of private fostering activity in the local area, the actions taken by the Local Authority and set out the extent to which local agencies are cooperating in respect of private fostering matters by having particular regard to the following:

Extent to which the Local Authority and other agencies have taken action to:

- Promote staff awareness of the requirements of the Private Fostering Regulations;
- Promote public awareness of the requirements of the Private Fostering Regulations;
- Identify whether service users may be acting as private foster carers;

- Identify whether children using their services are placed with private foster carers;
- Provide private foster carers or prospective private foster carers with advice, guidance and support;
- Promote access to relevant training for private foster carers;
- Notify the local authority of the placement or proposed placement of any children with private foster carers;
- Notify other local authorities of the placement or proposed placement of any Swindon children with private foster carers in another area;
- Extent to which the requirements of the Regulations are being met in the Swindon;
- What additional action is required by the Local Authority and agencies?
- Consultation / feedback from Children, Parents, Carers and Professionals

The Service will carry out periodic surveys to capture the views and experiences of children, parents, carers and professionals as part of the programme of service improvement and development.

The private fostering auditing process is designed to check that the views of children, parents and carers are being sought, listened to and evident within the assessment and decision making process.

The Fostering Assistant Team Manager will also check that the views of children, parents and their carers are evident within the assessment process. Complaints and feedback about any aspect of the private fostering service and process will be reported on by the Service Manager.

41. RAISING AWARENESS WITHIN THE CHILDREN AND FAMILIES SERVICE, ACROSS AGENCIES AND WITH MEMBER OF THE PUBLIC

There is a requirement on Local Authorities to raise awareness of the notification requirements within local communities (Section 7a of the Children Act 2004) and to ensure that staff or volunteers in all agencies encourage notification.

Promotion of understanding about private fostering ensures that staff having contact with children and families (e.g. in schools, clinics, GP surgeries, early years and youth service settings) will notify the Local Authority if those making the arrangements fail to make a notification. It is often these services who will first become aware of a private fostering arrangement.

The Private Fostering Social Worker will promote awareness of the notification requirements amongst staff within all areas of the Children and Families Service, community professionals (e.g. GP's, education providers, health visitors, mental health services, hospital staff, housing services, Probation Providers, early years

providers etc), community faith group leaders and residents within the borough. This awareness raising campaign will be ongoing and serve to teach and reinforce the roles and responsibilities of everyone in relation to the notification of private fostering arrangements.

42. PROSECUTION

The Local Authority may prosecute private foster carers for the following offences:

- Persistent and flagrant failure to notify the Local Authority of private fostering arrangements;
- Refusal to allow a privately fostered child to be visited by an authorised officer who has produced appropriate identification;
- Knowingly continuing to privately foster whilst prohibited or disqualified from doing so;
- Failure to comply with requirements imposed by the Local Authority.

The social worker must consult with their line manager / Head of Service before seeking legal advice. Legal action against private foster carers in these circumstances will be discussed in a strategy meeting prior to any action being taken.

Appendix 1: Glossary of Terms

Close Relative: The Children Act 1989 defines a close relative as a:

- Sibling;
- Grandparent;
- Aunt/Uncle;
- Step-Parent.

These relationships can be of full blood, half blood or by marriage or civil partnership.

Parental Responsibility: Parental responsibility means all the rights, duties, powers, responsibilities and authority, which by law a parent of a child has in relation to the child and his property.

A person who has parental responsibility for a child may not surrender or transfer any part of that responsibility to another, but may arrange for some or all of it to be met by one or more persons acting on his behalf. The making of any such arrangement shall not affect any liability of the person making it, which may arise



from any failure to meet any part of his parental responsibility for the child concerned.

Privately Fostered Child: A person aged 16 years or younger with an upper age limit of 18 if the child is disabled.

Private Fostering Arrangement: 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 (under 18, if disabled) by someone other than a parent, someone with parental responsibility or a close relative with the intention that it should last for 28 days or more.

Responsible Authority: The responsible Local Authority is that where the child is living, or is proposed to be placed, not a Local Authority where the child has previously been living.

Step-Parent: A step-parent is someone who is party to a marriage in relation to whom the child is a child of the family. If the step-parent is legally divorced from the child's parent, they no longer qualify as a close relative as the legal relationship is severed by the divorce.