

Private Fostering



Victoria Adjo Climbie – 02.11.1991 – 25.02.2000

Aged 8 years old.

128 separate injuries

The Law

'The Children (Private arrangement for fostering) Regulations 2005 states that a person who proposes to foster a child privately must inform the appropriate local authority either:

At least six weeks before the fostering arrangement is to begin;

or

Immediately, where the private fostering arrangement is to begin within six weeks

Under the Children Act 1989 **it is an offence to fail to give this required information** within the time specified above.

Notification ***should*** be given in writing.

What is Private Fostering?

A private arrangement between a parent / someone with PR for the child, and a carer.

A child who is under 16 or under 18 if the child has disabilities.

When the child has been living outside of their family home for more than 28 consecutive days.

To live away from home and be cared for by someone who isn't a parent, a person with PR or a **'close relative.'**

Legally defined as;
Step Parent, Grandparent,
Sister, Brother, Aunt or
Uncle, (full or half blood).



What is the Difference between Private Fostering and Local Authority Foster Care?

PRIVATE FOSTERING IS

A private arrangement made between a parent and the person who is proposing to look after their child.

The placement of the child remains the sole responsibility of the parent, or person with parental responsibility (PR).

An assessment is undertaken to ensure that the person caring for the child is able, and appropriate to do so. This is in relation solely to the children they are caring for at that time, and does not make them 'approved Foster Carers'.

Responsibility for financially supporting the arrangement remains with the parent.

Any financial assistance from the local authority is purely discretionary under section 17 of the Children Act 1989.

LOCAL AUTHORITY FOSTER CARE IS

A formal arrangement whereby a child is placed in Local Authority (LA) foster care, becoming 'looked after' under either section 20 (s20) or section 31 (s31) of the Children Act 1989.

The child is **placed** with an approved foster carer by the LA (with either LA or agency carers).

Approved foster carers are approved to care for lots of different children.

Where the child is accommodated under s20, parental responsibility (PR) remains solely with the parent (or person with PR).

Where the child is accommodated under s31, PR is shared between the parent (or person with PR) and the LA.

LA Foster Carers are assessed by the LA as being able to care for children coming into LA.

LA foster carers receive an allowance to cover the cost of caring for the child and, in many cases, an additional fee that is considered as income.

What is the difference between kinship care and private fostering?

The term '**kinship care**' can refer to:

a) Care by a relative (as defined by the Children Act 1989);

Where the child is looked after by the Local Authority under section 20 or section 31 of the Children Act 1989, by a family member, friend or other significant person who is approved as a Local Authority foster carer.

The term '**Private Fostering**' refers to:

b) Care by a family member or friend (not including relative as defined by the Children Act 1989), where a private arrangement has been made between the parent and the person caring for the child.

Where this arrangement extends beyond 27 days, and the child is under the age of 16 (or 18 if disabled), this becomes a private fostering arrangement.

Who is Responsible for Notifying the Local Authority of a Private Fostering Arrangement?

- The **person proposing to privately foster** the child; they should notify the local authority at least **6 weeks** before the arrangement is to begin.
- The **parent or person making the arrangement**; they should notify the local authority as soon as possible after the arrangement has been made.
- A **parent, or person who has Parental Responsibility** for the child, who has not been involved in making the arrangement but know about it; they should notify the local authority as soon as they become aware of the arrangement.
- **Any other person** aware of a private fostering arrangement should, as part of their responsibility to safeguard the welfare of children, notify the local authority.

This includes; you, teachers and other school staff, nurseries, play groups, health visitors, GPs, school nurses, health services, the police, probation, housing, CAMH's, YOT, voluntary agencies, a range of other people whose work brings them into contact with children, and the whole community.



Some Reasons for Not Alerting Services to Looking After Someone Else's Child.

- Parents, carers, those in the community simply **not knowing, being unaware of the law** that they should inform the Local Authority of the arrangement.
- People coming from other countries, communities or cultures and again, not being aware of what is expected of them.
- Language difficulties.
- Difficulties with literacy.
- Concern around the involvement of Children's Social Care, possibly worried about stigma / having someone 'poke around their life' / that children may be removed and placed in care.
- Lack of trust in the system.
- Worried that someone may get into trouble.
- Because a child / young person has been trafficked, and the carer not wanting to alert anyone.
- Asylum Seeking families.
- Because a child / young person is subject to Child Sexual Exploitation / trafficking / slavery / other forms of abuse – resulting in secrecy surrounding anyone knowing where they are, and what they are doing.



Why Children May Become Privately Fostered.....

- Parental illness
- Parental substance / alcohol misuse
- Parental mental health issues
- Parent is in hospital / rehabilitation
- Parent is in prison
- Family is in crisis
- Young person has had row with parents
- Decision of child with, or without, parent's consent – including young offenders
- Parents gone overseas or working elsewhere in UK
- Child / young person has been trafficked into the UK
- Sent to UK for a 'better life' / asylum seekers
- From overseas with a view to Overseas Adoption
- Parent from overseas studying in UK
- To complete education
- Attending a language school in the UK
- During Boarding School Holidays
- Young person is staying re: football academy e.g. Liverpool / Everton Academies
- Bereavement



Roles and Responsibilities

The Parent

- Notify the Local Authority (LA) of their intention to place a child, or remove a child, from private fostering.
- Give adequate information to the carer about the child, especially any medical information.
- Inform carers, and the LA of any change of address or contact details.
- Planning for the child's future.
- Provide financial assistance to the carer to be able to meet the child's needs.
- Retains, and should be exercising parental responsibility (PR) appropriately.
- Must notify the LA when an arrangement comes to an end.

Private Foster Carer

- Notify the LA of intention to receive a child / or that they have received a child – by contacting the Sefton MASH.
- Provide day to day care, that promotes and safeguards the child's welfare.
- Participate in a full assessment of themselves, suitability of the home, and police (DBS) checks of any adults living in the home.
- Inform the LA of any change of circumstances within the household.
- Allow the child to be visited and seen alone by the LA.
- Maintain contact with the parents, and encourage visits to take place.
- **Does not have PR.**
- Must notify the LA when an arrangement comes to an end.

Children's Social Care

- Follow up all notifications of Private Fostering Arrangements within 7 days.
- Appoint a social worker to make contact with the child's parent/s, the child and the carer.
- **Within 7 days** - assess the child's needs, carer, other members of their household, the accommodation and arrangements for the child, or young person.
- Ensure that the child / young person is safe, and carers are suitable – this will include making sure that all appropriate checks are done, including (DBS) checks of anyone within the house are done.
- Ensure that the wishes, feelings, expressed views of the child or young person are listened to, and taken into account.
- Offer support and advice to the child, carer and parents, including support needed so that the child is able to return home.
- Visit the child regularly within set timescales to monitor that the arrangement remains safe and suitable for the child.
- 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.

Is Parental Consent Required for a Child to be Privately Fostered?

YES - Private fostering is a private arrangement made between a parent (or other person with PR) and a private foster carer to look after a child. In most situations, therefore, parental consent is implicit.

However, there are other situations, for example **a young person making their own arrangement** with the parents of a friend, **an unaccompanied asylum seeker** or **a trafficked child** in a private fostering arrangement where parents have not been involved.

In the case of an unaccompanied asylum seeking child or a trafficked child where it is not possible to contact parents, the duty of the local authority is to ensure that any arrangement for the care of the child safeguards and promotes their welfare. **In some cases this will mean accommodating the child as a 'looked after' child or seeking an interim/full care order that will give the local authority parental responsibility.**

In other cases, parental consent should be sought.

Where this is not given, the social worker will need to **consider the age and understanding of the child** and their capacity to give their consent to the arrangement.

Where it is in the interests of the child, safe and appropriate, the social worker should consider ways of reuniting them with their parent(s).

As part of deciding whether a private fostering arrangement is suitable, the social worker will need to consider whether this or an alternative arrangement is the best way to safeguard and promote the welfare of the child.

Some young people who are **'sofa surfing'** will be vulnerable, due to a history of abuse and neglect. They are likely to be **'children in need'**, and some may require accommodating as **'looked after'** children.

A person with parental responsibility may, arrange, under section 2(9) of the Children Act 1989 for a private foster carer to meet that responsibility by acting on his behalf.

Whilst the day to day care of the child can be delegated to the private foster carer, parental responsibility remains with the parent.

How they exercise this is a matter for agreement with the private foster carer at the start of the arrangement.

There is no requirement for such arrangements to be evidenced in writing.

However, it is recommended that, at the commencement of the arrangement, the parent or other person with parental responsibility records in writing their agreement for the private foster carer, to give consent on behalf of the child to everyday treatment which may become necessary; for example routine medical or dental treatment, or consent to school trips, activities etc.

Again, this would all be dependent on the person with parental responsibility agreeing for this responsibility to be passed to the Private Foster Carer, as part of their arrangements.

What Would Make a Private Fostering Arrangement Unsuitable?

Information deemed from police checks.

Previous social history.

Concerns about the quality of care of the child.

Capacity of the carer

Suitability of the accommodation

Suitability of the members of the household

May already be disqualified

The overall decision about suitability should be made by a **senior manager** with responsibility for private fostering.

The arrangement could be deemed suitable if the private foster carer complies with certain requirements to improve the situation

Prohibition / disqualification

Right to appeal

Alternative arrangements

Consider accommodating the child