



Private Fostering

A guide for individuals and professionals who are involved with other people's children

This guide contains information about private fostering and what you can do to help ensure the safety and well being of children who are living with private foster carers.



Private Fostering - A guide for individuals & professionals

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Introduction

There have been a number of high profile cases in recent years of children who have been cared for outside of their family homes through private arrangements, who have been neglected or harmed in some way.

These have resulted in the introduction of legislation and regulations that place a legal duty on local authorities to ensure that all children who are, or who will be, privately fostered are well cared for and living in a safe environment.

Organisations that are involved in providing services to children are now required to work together closely to ensure that this potentially highly vulnerable group of children are protected from harm and enabled to achieve their potential.

West Berkshire Council is committed to working with partner agencies, private foster carers and those who hold parental responsibility for children who are, or who it is proposed will be privately fostered, to ensure that the welfare of these children is safeguarded, and that they receive the services that they need to make a successful transition into adult life.

What is a private fostering arrangement?

Private fostering occurs when a parent (or someone with parental responsibility) makes an arrangement for their child or children to be cared for by someone else and:

- the care of the child(ren) has already been for 28 consecutive days or longer
- the care of the child(ren) is planned to be for 28 consecutive days or longer
- the child or young person is younger than 16 (or 18 in the case of a child with disabilities)
- the person who will care for the child(ren) is not the child(ren)'s parent, grandparent, brother, sister, aunt, uncle, step-parent or an approved carer.

The person looking after the child(ren) is known as the private foster carer.

Why might a child be privately fostered?

Children and young people may have to live with other families for a number of different reasons. These might include:

- a child living with a friend of his/her family because of separation, divorce or arguments at home
- a teenager living with the family of a boyfriend or girlfriend, or with a school friend's family because of family breakdown
- a child needing to be cared for because of his/her parent having a long-term illness and being unable to look after the child
- a child being sent to this country by his/her parent(s) who are living overseas, for education or healthcare reasons
- a child needing to be cared for because his/her parent(s) work away from home or work particularly long or unsociable hours.

The law relating to private fostering

While these arrangements are private the child's parent(s) or guardian(s), his/her private foster carer(s) and the local authority all have specific legal duties and responsibilities laid down by the Children Act 1989, the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005.

The duties and responsibilities of the child's parent(s) and/or guardian(s)

Current legislation requires the child's parent(s) or legal guardian(s) to:

- notify the social services department covering the area in which the private foster carer lives, that he/she are planning to place his/her child in the care of a private foster carer. This notification should be given at least six weeks before the arrangement is due to begin
- inform the appropriate local authority of the arrangement immediately the plans are made if the arrangement is made at short notice (i.e. less than six weeks in advance of the child being placed) or in an emergency
- inform the appropriate local authority within 48 hours, if the child is placed in an emergency.

Where the local authority has been notified in advance of the placement being effected, the parent(s)/guardian(s) must also within 48 hours of the child being placed, notify the appropriate local authority that the placement has begun.

If a child's parent has not been involved in making the arrangement for the child to be privately fostered but becomes aware of the arrangement, he/she is required to notify the appropriate local authority (the authority in whose area the child is living or is to be placed) as soon as he/she becomes aware of the arrangement.

The child's parent(s) or guardian(s) continue to hold parental responsibility for the child throughout the time that he/she lives in a private fostering arrangement. The parent(s)/guardian(s) should therefore remain in regular contact with the child and with his/her private foster carer in order to monitor the child's well-being and to ensure that the fostering arrangement is, and continues to be, suitable to the child's needs. He/she/they should continue to be involved in all decisions about the child's care and future. The child's parent(s)/guardian(s) should give the person who is looking after the child as much information about the child as possible and there should be a formal agreement about the duration of the placement, the financial arrangements and the care arrangements - it is expected that this agreement is set down in writing.

The Private Foster Carer's duties and responsibilities

The legislation requires the child's proposed or actual private foster carer to:

- notify the social services department covering the area in which he/she lives and will be caring for the child, that he/she is planning to take on the full time care of a specific named child. The notification should be given at least six weeks before the arrangement is due to begin
- inform the appropriate local authority immediately if an arrangement is agreed at short notice (i.e. less than six weeks in advance of the child being placed) or if the child is already living in his/her household
- inform the appropriate local authority within 48 hours if the child is placed in an emergency.

Where the private foster carer has notified the appropriate local authority in advance of the placement being effected he/she must also within 48 hours of the child being placed, notify the appropriate local authority that the placement has begun.

While a child is living in private foster care his/her carer must allow a social worker to visit the child regularly and to inspect the premises where he/she is being cared for.

The role of the private foster carer is to provide a home and day-to-day care for the child, however private foster carers do not hold parental responsibility for the children placed in their care and all major decisions in a child's life, including those relating to the child's health care, education and cultural and/or religious needs legally remain the responsibility of the child's parent(s)/guardian(s).

The Local Authority's duties and responsibilities

Under current legislation local authorities have a duty to check that all children who are living in private foster care arrangements are safe and well cared for. In West Berkshire the responsibility for children living in private foster care arrangements within the Borough is shared between the Referral and Assessment Team, the Children and Families Area teams and the Family Placement Team.

Our duties include:

- checking the suitability of private foster carers and investigating the circumstances surrounding each private fostering arrangement
- making regular visits to each privately fostered child in his/her foster home, to check on his/her welfare and monitor the overall standard of care provided. This includes listening to the child's wishes and feelings
- ensuring that private foster carers get the advice and support that they need to keep the children who are placed with them safe and well
- providing preventative and support services where appropriate.

Private foster carers do not have to be "approved" by the local authority but the authority does have legal powers to take action if a private fostering arrangement is deemed to be inappropriate to the needs of the child concerned.

The local authority can:

- require a private foster carer to take action to remedy any identified problems (for example, by installing fireguards or smoke alarms, or by accepting preventative and support services if the accommodation or care is unsatisfactory)
- terminate the placement and return the child to the care of his/her parent(s) or guardian(s) or take the child into local authority care, if the issues identified cannot be resolved in a way that will enable the child to be safe and the care provided to be appropriate.

Although the parents, guardians and carers of privately fostered children are legally required to notify Children's Services of private fostering arrangements many do not (often because they do not know that they are required to). This is where other individuals and professionals who are involved with the children play a vital role.

If you are involved with a privately fostered child, either as an individual or in a professional capacity

If, either as an individual or in a professional capacity, you become aware of a private fostering arrangement you can play an important part in ensuring that the child concerned is brought to the notice of the professional staff whose responsibility it is to ensure that he/she is being appropriately cared for.

If you become aware of a child who is living with a private foster carer in the Wokingham area you should ask the child's parent(s)/guardian(s) or private foster carer if they have notified the Referral and Assessment Team of the child's care arrangement.

If they have not you should inform the child's parent(s)/guardian(s) and/or private foster carer of their legal responsibility to inform the local authority of the arrangement and encourage them to contact the Referral and Assessment Team.

If you are not entirely confident that either the child's parents(s)/ guardian(s) or the private foster carer have notified, or will notify, the authority, you should do so yourself by contacting the Team Manager, Referral and Assessment Team.

If you have any concerns about the welfare of a privately fostered child you should report them to the Referral and Assessment Team, even if you understand a social worker to already be involved with the child.

Privately fostered children are potentially a very vulnerable group of young people who need the support of all who know them, in different areas of their lives, to ensure their well-being.

Contact addresses

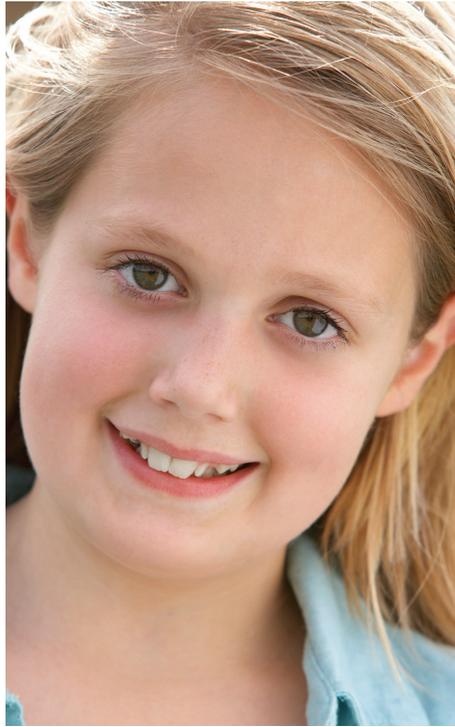
The contact details for the West Berkshire Children's Services Referral and Assessment Team are:

Address: Referral and Assessment Team
West Street House, West Street
Newbury, Berkshire RG14 1BZ

Telephone: 01635 503090

Email: child@westberks.gov.uk

If you and the child are, or will be, living outside of the West Berkshire area you should notify the social services office local to where you and the child are, or will be, living.



For Further Advice and Information

If you require more general advice or information about private fostering please contact the Family Placement Team and we will endeavour to help you.

Family Placement Team

West Street House
West Street
Newbury
Berkshire
RG14 1BZ

Telephone: **01635 503155**

Email: **familyplacementduty@westberks.gov.uk**

Alternatively visit our website at:
www.westberks.gov.uk

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