

Statement on Private Fostering (National Minimum Standards for Private Fostering, Standard 1)

Worcestershire County Council's arrangements regarding Private Fostering are set out within this statement. Our emphasis is on children who are or will be privately fostered to ensure their safety and welfare. The statement will also provide guidance and information for everyone involved in private fostering arrangements, including Private Foster Carers, prospective Private Foster Carers, parents, people with Parental Responsibility and professionals.

Worcestershire County Council will adhere to the National Minimum Standards for Private Fostering, 2005. It will incorporate the Every Child Matters initiatives/values/agenda in order to ensure positive outcomes for privately fostered children.

This Statement on Private Fostering will incorporate private fostering arrangements, the assessment process and the support offered.

Private fostering is located within the Children's Services Directorate of Worcestershire County Council.

Legal definition of a Privately Fostered Child

The Children Act 1989 defines a privately fostered child as:

A child under the age of 16, or 18 if the child is disabled, who is cared for (or will be cared for) and provided with accommodation by someone who is not a parent, a close relative or someone who has no parental responsibility for the child for a continuous period of 28 days or more.

A close relative is defined as an aunt, uncle, grandparent, brother or sister and this includes step relatives and half relatives. A parent includes an unmarried or putative father.

A cousin or great aunt or great uncle is not a close relative under the Act.

If the period of fostering is less than 28 days but there is an intention that it will exceed 28 days it is considered to be private fostering.

Some examples of Private Fostering are:

- A teenager moves in with a friend's family because of a breakdown in relationships at home, or parents move out of the area.
- A child is left with the unmarried partner of his/her parent because of the imprisonment of the parent.
- Host families looking after children at language schools or boarding schools during the summer holidays, where this is longer than 28 days.

The Local Authority's Duties and Functions

The Local Authority's duties and functions regarding private fostering are detailed within the following documents:

- Children Act 1989
- Children Act 2004
- Children (Private Arrangements for Fostering) Regulations 2005
- National Minimum Standards For Private Fostering 2005

There is a duty placed on anyone involved in a private fostering arrangement to notify the Local Authority. At present Local Authorities do not formally approve or register Private Foster Carers. However, Local Authorities need to be satisfied that the welfare of privately fostered children, or children who are likely to be privately fostered, is being safeguarded and promoted. Local Authorities are responsible for all privately fostered children who reside in their area.

The duties of Local Authorities are as follows:

- Compliance with the notification system.
- Assessment of the suitability of Private Foster Carers and their households.
- Monitoring of placements.
- Raising public awareness.
- Compliance with the National Minimum Standards.
- Overseeing of Private Fostering via local Safeguarding Boards.

Training for Relevant Staff

Training for staff on private fostering and the issues involved is provided in a number of ways.

- Worcestershire Safeguarding Children Board provides training, and welcomes Managers from the Fostering and Kinship Service to its meetings to discuss issues on a regular basis.
- The Senior Social Worker has provided information to local social work degree students in their final year and will be involved with new workers' induction.
- The Senior Social Worker regularly attends team meetings for Children and Families Social Workers within Worcestershire County Council.

Names of relevant officers

- Person with expertise in private fostering:

Rose Parker, Senior Social Worker County Fostering and Kinship Team.
Bridgewater House
Blackpole Road
Worcester

Tel No: 01905 765975

- Managers who sign-off decisions about suitability:

Alison King, Operational Manager Fostering
Worcestershire County Council
Children's Services Social Care
County Hall
Worcester
WR5 2NP

Tel No: 01905 728847

Siobhan Williams, Service Development Manager (Area Services – North West)
Worcestershire County Council
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Tel No: 01905 728851

Enid Noctor, Service Development Manager (Area Services – North East)
Worcestershire County Council
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Stuart Watkins, Service Development Manager (Area Services – South)
Worcestershire County Council
Children's Services Social Care
County Hall
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Tel No: 01905 7966508

Promotion of the Notification Requirements

Worcestershire County Council promotes awareness of the notification requirement regarding private fostering in the following ways.

- Targeted information is given to other professionals who may come into contact with privately fostered children. These include teachers, Education Welfare Officers, Health Visitors, and school nurses.
- All Worcestershire County Council employees have been sent leaflets regarding private fostering and posters are displayed in all county offices.
- The Senior Social Worker, County Fostering and Kinship Team, undertakes regular information sessions with key professionals.
- Publicity leaflets will be available in a number of public places such as libraries and health centres. The leaflet includes the legal definition of private fostering, procedures for notification and contact details. The leaflets are available in other languages and Braille.
- Information regarding Private Fostering is available on the Worcestershire County Council web site www.worcestershire.gov.uk and the Worcestershire Safeguarding Children Board web site www.worcestershiresafeguarding.org.uk

Notifying the Local Authority

The Local Authority must be notified in writing of all private fostering arrangements. The following people must notify Children's Social Care at Worcestershire County Council

- Any person who intends to privately foster a child. The Local Authority must be notified in writing at least six weeks prior to the intended start of the placement. If the placement is due to start within six weeks the person should notify the Local Authority immediately.
- A person who is privately fostering a child. If the person has not notified the relevant local authority they must do so immediately.
- A person who has already given notification to the Local Authority. The person must notify the Local authority of the start of the arrangement within 48 hours of the start date.
- A parent or any person who has parental responsibility for a child who is going to be privately fostered.
- Any person who is involved directly or indirectly in arranging for a child to be privately fostered.
- Other professionals and voluntary workers should notify the Local Authority of any private fostering arrangements that they are aware of.

Responding to notifications

- a) New notifications on cases not already open or those cases that are already open. Social Workers in the County Fostering and Kinship Team work with Children and Families Social Workers in response to notifications. (See Appendix A).
- b) Notification of change of circumstances. (See Appendix B). A private foster carer must notify Children's Social Care at Worcestershire County Council in advance or not less than 48 hours after the change of
 - Change of address
 - Any person who ceases to be part of, or employed in, the household.
 - Any offences or disqualification of which he or any person resident or employed in the household has been convicted. This also relates to anyone who begins to be part of the household or employed at the household.
 - If the change of address is in the area of another Local Authority, Worcestershire County Council must pass on to the new authority details of the child privately fostered, name and new address of the carers and of the child's parents or people with parental responsibility.
 - Ending of the arrangement.
 - Death of the private foster child.

The parents of a privately fostered child or people with parental responsibility must notify the Local authority of any change in his/her address.

Responding to un-notified arrangements

If the Local Authority becomes aware of a Private Fostering arrangement where a notification has not been received it must deal effectively with the situation. A decision must be made concerning what action the Local Authority will take if it considers an offence has been committed, taking into account the best interests of the child.

Legal advice should be sought in order to decide if the offence should be prosecuted. The Service Development Manager for the child should make the final decision regarding prosecution following consultation with the Operational Manager, Fostering. Discussions concerning prosecution should be accurately recorded in the carer's file.

Children who are Privately Fostered Out of County

Children from Worcestershire who are privately fostered outside of the county should be supervised by the Local authority in which they reside. Should a child move with a Private Foster carer to another area, the Children and Families Social Worker will notify the relevant Local Authority in writing. Assessment and support of the Private Foster Carers becomes the responsibility of the Local Authority in which they reside. Similarly, if Worcestershire is notified that Private Foster Carers and privately fostered children move into the Local Authority this should be dealt with as a new referral. This would require an assessment of the carers to be done and support offered. The child would also be allocated to a Children and Families Social Worker.

Assessment of the suitability of Private Foster Carers and their household.

See Flowchart for Private Fostering setting out roles and responsibilities. (Appendix A).

Children and Families social workers' responsibilities in assessment (main points):

- a) The social work team must notify the Team Manager County Fostering & Kinship Team of any private fostering arrangement as soon as it comes to their attention.
- b) The social worker must visit the birth parents and the child in placement within 7 working days from notification.
- c) The child must be seen and spoken to alone unless it would be inappropriate to do so.
- d) The child's wishes and feelings about the private fostering arrangement must be sought in order to form part of the assessment of the suitability of the placement.
- e) The social worker should assist the birth parents and Private Foster Carers to complete a written agreement (Form PFC 4).

Social Workers, County Fostering and Kinship Team, responsibilities in assessment (main points):

- a) A Social Worker from the County Fostering and Kinship Team will visit the private foster carer within 7 days of notification of the arrangement.
- b) Enhanced Criminal Records Bureau checks will be initiated on all members of the household over 16 years of age. Checks should also be made on any regular visitors to the household. If these checks result in concerns these should be forwarded to the Operational Manager Fostering for consideration.
- c) The Private Foster Carers will be asked to complete a self certification medical questionnaire which will be sent to their GP for comments. If this is returned indicating any health concerns this will be followed up by the Social Worker with the relevant GP or agency medical adviser. The carer may be requested to undergo a full medical examination if appropriate. Any health concerns which indicate the carer may not be able to meet the needs of the privately fostered child may result in the prohibition of the arrangement.

The Social Worker will complete the assessment on the Private Foster Carers within 6 weeks of notification of the arrangement or as soon as the CRB check is returned, should this take longer than 6 weeks. The assessment will focus on the suitability of the Private Foster Carers, their household and accommodation, and that they provide an environment in which the child's welfare will be safeguarded and promoted.

- a) The completed assessment from the Child's Social Worker and Social Worker, County Fostering and Kinship Team, will be sent to the Operational Manager, Fostering, for agreement to the arrangement, before being sent to the relevant Service Development Manager for endorsing.
- b) The Senior Social Worker, County Fostering and Kinship Team will be responsible for recording data on the statistical return (PF1) and submitted to the Department for Children, Schools and Families as required.

Exemptions

The Children Act, 1989, Schedule 7, sets the usual fostering limit of no more than 3 children which also applies to private fostering arrangements. Exemptions have to be agreed by the Operational Manager, Fostering.

Requirements

The Local Authority can impose requirements under Paragraph 6 of Schedule 8 of the Children Act 1989. The Local Authority has the power to set out requirements for Private Foster Carers regarding the following:

- a) The number, age and sex of the children who may be privately fostered.
- b) The standard of accommodation and equipment to be provided for them.
- c) The arrangements to be made with regard to their health and safety
- c) Particular arrangements which must be made with respect to the provision of care.

The Private Foster Carers have a duty to comply with any requirement within specified timescales set down by the Local Authority. The Social Worker, County Fostering and Kinship Team, will consult with the relevant Service Development Manager regarding the decision to impose a requirement. The Legal Department must be consulted regarding the decision to impose a requirement as non-compliance may result in court actions. The Children and Families Social Worker should be aware of any requirement specified, as non-compliance may result in a child needing an alternative placement.

The carers should be notified in writing of any requirement imposed. The letter should state the reasons for the requirement, the right to appeal and the specified time limit. A requirement should be imposed after discussions and negotiation with the carers in an attempt to resolve any issues.

The Local Authority may vary a requirement at any time, impose additional requirements or remove any requirement. A requirement does not have to wait until an assessment report is completed regarding the arrangement.

A carer/proposed carer who have been notified regarding a requirement and not in agreement with it have a right of appeal to the court.

A requirement does not have effect while an appeal is pending.

A court has the power to dismiss the appeal, cancel or vary the requirement.

The Local Authority has the power to remove, vary or add requirements.

If a private foster carer does not comply with requirements, the Local Authority should consider whether it would be appropriate to impose a prohibition on him/her.

Safeguarding Board:

The Senior Social Worker, County Fostering and Kinship Team, will provide an annual report to the Worcestershire Safeguarding Children Board regarding Private Fostering activity. Quarterly meetings will be held between the manager of the Worcestershire Safeguarding Children Board, the Senior Social Worker and the Operational Manager for Fostering. Information pertaining to Private Fostering will be available on the Safeguarding website.

Prohibitions

Private Fostering arrangements can be prohibited by the Local Authority under Section 69 of the Children Act 1989. Prohibitions can be made on people who are Private Foster Carers or those who propose to privately foster.

A person may be prohibited from private fostering for the following reasons:

- The person is not suitable
- The premises in which the child is living or will be living are not suitable.
- It would be detrimental to the child's welfare for him to be, or continue to be, accommodated by that person in their premises.

The prohibition can prohibit the person from privately fostering

- Any child in any premises within the Local Authority.
- Any child in premises specified in the prohibition.
- A child named in the prohibition, in premises specified in the prohibition.

Prohibitions imposed by the Local Authority may be cancelled by the Local Authority itself or by an application made by the prohibited person.

Where a Local Authority has imposed a requirement on a person (see Requirements above), it may also impose a prohibition. A prohibition cannot take effect until

- Time limits specified for compliance with the requirement have expired and
- The requirement has not been met.

Local Authorities are encouraged to prohibit where it is necessary to enforce requirements.

Imposing a Prohibition:

The Social Worker, County Fostering and Kinship Team, will be responsible for arranging meetings to discuss imposing a prohibition. The decision to impose a prohibition will not be made until agreement has been given by the Service Development Manager and the Legal Department. The child's social worker will also be involved in the decision-making and kept informed of the process as an alternative placement for the child may be needed. In some cases a Strategy Meeting may be required in order to discuss the issues with other parties or agencies. Any discussions and meetings regarding imposing a prohibition should be fully recorded on the carer's file.

A prohibition must be sent to the person on whom the prohibition is imposed and should clearly state

1. The specific reason for imposing the prohibition.
2. Their right to appeal against the prohibition.
3. The time limit within which they can appeal. This should be agreed with the Legal Department.

Letters to individuals regarding prohibitions should be sent by recorded delivery.

Cancelling a Prohibition:

The Social Worker, County Fostering and Kinship Team, will discuss each case with the relevant social workers, Legal Department and other agencies before presenting the case to the relevant Service Development Manager. The decision will be recorded on the carer's file.

Disqualifications

The disqualification provisions contained in the Children Act, 1989, section 68 and the Disqualification from Caring for Children (England) regulations 2002 apply. This means that some people are automatically disqualified from fostering children unless an agreement has been given by the Local Authority. In some cases the Local Authority may agree to a disqualified person becoming a private foster carer if it was clear that this would promote the child's welfare. The Local Authority would also consider arrangements in a similar manner where information concerning a member of the private foster carer's household would automatically result in disqualification. In such cases a Senior Manager must give written approval for the arrangement to go ahead.

In situations where a carer or member of the carer's household is disqualified from caring for children, the Social Worker must co-ordinate a strategy meeting. The meeting should include the child's social worker and their manager, the Social Worker and their manager and the Legal Department.

The Social Worker, County Fostering and Kinship Team, will present a report to the strategy meeting outlining the details of the disqualification, how it impacts on the private fostering arrangement and expressing a view as to whether the arrangement is in the child's best interests. At the same time the child's social worker will undertake a risk assessment and express a view as to whether or not the placement will promote the child's welfare.

Decisions regarding disqualification will be sent to the private foster carer in writing. The letter will inform them of their right to appeal and the relevant timescales. This letter will be sent by the Service Development Manager.

Appeals

A person may appeal to the court in respect of the following:

- A requirement imposed under paragraph 6 of the 1989 Children Act.
- A refusal to consent under section 68.
- A prohibition imposed under section 69.
- A refusal to cancel such a prohibition.
- A refusal to make an exemption under paragraph 4 of schedule 7.
- A condition imposed in such an exemption: or
- A variation or cancellation of such an exemption.

The appeal must be made to the Magistrates' Court within 14 days from the date on which the person appealing is notified of the requirement, refusal, prohibition, condition, variation, or cancellation.

Offences

The Children Act, 1989, Section 70 specifies the offences that must be considered in connection with private fostering. Before any decision is taken pertaining to prosecution, the child's best interests must be considered. Alongside this are factors such as the knowledge or intention of the person in respect to the breach. Discussions regarding prosecution should take place within supervision and with the advice of the Legal Department. The final decision rests with the relevant Service Development Manager and any decision must be clearly recorded on the carer's file.

Visits to the Child and recordings

Regulation 8:1 specifies that the child must be seen at least every 6 weeks in the first year of notification by the child's social worker. Following this, visits must be made at least every 12 weeks or when requested by the child, parent or carer. At each visit the child should be seen alone by his/her social worker. The social worker must also be satisfied that the child's needs are being met within the placement. Records of each visit must be placed on the child's file. The private foster carer will be committing an offence if the child's social worker or representative from the Local Authority is denied access to the child.

Advice and Support to Private Foster Carers

- Leaflets are available in a number of languages providing information on Private Fostering.
- Interpreters are available where English is not the first language.
- Links to Private Fostering are available on various County Council web sites.
- Links to Private Fostering are available on the local Safeguarding Board website.
- The child's social worker should visit the child whenever this is reasonably requested by the Private Foster Carer.
- Each Private Foster carer has an initial visit from a Social Worker, County Fostering and Kinship Team, in order to complete an assessment and gather information for all relevant checks. The Social Worker will provide contact details to all new carers and will provide ongoing support as and when required by the carer.

- The Social Worker, County Fostering and Kinship Team, will provide all necessary help and guidance regarding a number of issues such as benefits available to the carer and parenting strategies.
- The Social Worker, County Fostering and Kinship Team, will complete an annual review on each carer.
- Carers will be made aware of the complaints procedure.
- ISL support will be available to Private Foster Carers, including training and workshops about parenting strategies, and support for child and carer on education issues.

Advice and Support to Parents

- Leaflets are available in a number of languages providing information on Private Fostering.
- Interpreters are available where English is not the first language.
- Links to Private Fostering are available on various County Council web sites and information is also available on the local safeguarding web site.
- Worcestershire County Council will give parents help and advice on numerous issues including alternative arrangements if a carer is prohibited from acting as a private foster carer.
- Worcestershire County Council will consider support and possible referral to other agencies as an alternative to a private fostering arrangement. Worcestershire County Council may be able to assist in providing a package of Family Support.
- The child's social worker should visit a child in a private foster placement when reasonably requested by a parent.
- Parents will be made aware of the complaints procedure by the child's social worker.

Advice for Privately Fostered Children

- Each child who is Privately Fostered will have a named social worker and be provided with their contact details.
- A booklet is available for all privately fostered children in a variety of languages.
- Interpreters are available where English is not the first language.
- Privately fostered children will be made aware of the complaints procedure by the child's social worker.
- ISL support will be available to Privately Fostered Children.

The role of other agencies

The Senior Social Worker, County Fostering and Kinship Team, will provide information to other agencies such as schools, colleges, faith groups and health professionals regarding their responsibilities. Visits to organisations will take place to give information and stress the importance of notifications. Particular emphasis should be placed on notifying the Local Authority of an arrangement where it is thought that otherwise a notification will not be received.

The Senior Social Worker, County Fostering and Kinship Team, will meet regularly with the Worcestershire Safeguarding Children Board in order for two-way feedback regarding issues.

Partnership agencies will be required to nominate a designated lead officer on Private Fostering.

How relevant staff will gain an understanding of the Local authority's duties and functions relating to Private Fostering.

- All Children's Social Care staff will have access to the Plan and accompanying materials.
- Private Fostering will be included in Worcestershire Safeguarding Children Board training.
- The Senior Social Worker, County Fostering and Kinship Team, will continue to visit relevant agencies and teams in order to disseminate information.
- Leaflets are available pertaining to Private Fostering.
- Private Fostering is covered in new social workers' induction.
- The Senior Social Worker, County Fostering and Kinship Team, delivers training for social work students at a local college.

Monitoring and Review

Monitoring and review of duties and functions will be done via the following:

- Collation of notification statistics.
- Collation of statistics regarding responses to notifications and if these are within the timescales.
- Monitoring disqualifications, prohibitions, requirements and appeals, along with refusals to consent to disqualified people being Private Foster Carers.
- Monitoring of statutory visits taking place within timescales and the recording of these.

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November, 2007

Amended August 2009

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