

Private Fostering - summary information 2013

What is private fostering?

Private fostering is where children and young people under the age of 16 (or 18 if disabled) are looked after by someone who is not a parent or close relative for more than 28 days. The law requires that parents and carers tell the local authority about private fostering arrangements. This includes long holiday arrangements and 'education guardians'.

What are 'close relatives'?

Close relatives are defined as grandparents, brothers and sisters, uncles and aunts or step-parents (if married to the parent or in a civil partnership). A parent's unmarried partner is not a step-parent in this context, a common misunderstanding. There are circumstances in which an unmarried partner becomes the carer for a child and is unaware of the legal requirements to notify the local authority.

Why do people make private fostering arrangements?

Private fostering is not well-understood even though many of us have known of situations in our own lives that would properly be defined as private fostering. There are many reasons why families and young people make these

arrangements: Victoria Climbié came to the UK because her family believed she would have better opportunities in this country. Her great aunt saw Victoria as the means to access benefits for herself. Tragically, Victoria's welfare was not safeguarded by the range of professionals and agencies who came into contact with her during her short life in the UK.

Recently published research sets out the main reasons for private fostering arrangements:

Child-centred - to give child better opportunities: this can be long term, may be from overseas, likely to be planned. There may be cultural adaptation and language barriers. This could be for educational reasons or to provide better life chances (eg children from Chernobyl). Short term arrangements may have an educational or cultural objective; they are likely to be time-limited and planned. There is likely to be an agency or guardian involved. Government is thinking about reducing requirements for these type of arrangements.

Parent-centred - to benefit the parent: this might be to allow a parent to work or study. They are usually planned. The child or parent often knows the carer prior to the arrangement. The child may be from abroad, or the parents are abroad or in the armed forces.

Carer-centred - for the benefit of the carer: there are some arrangements which are primarily for the benefit of the private foster carer. This will usually involve some planning and may be long term. These arrangements may be entirely legitimate but they might include trafficked children, children brought from abroad for adoption, or children brought for other sinister purposes. There can be significant safeguarding issues in these cases.

In response to a crisis to a family crisis: these are the most common arrangements we come across, often involving teenagers following a family row. They can be of indefinite length, with little or no prior planning involved. The child often knew the carer prior to the arrangement.

There can be issues of abuse and neglect: some of these children and young people can be highly vulnerable, with parents making urgent and unplanned arrangements (unexpectedly getting sent to prison, the result of illness, serious accident or death). Some children make their own arrangements. Some children live away from their parents because of family problems, sofa-surfers, children on the edge of care, etc.

These are really safeguarding issues.

When do the 28 days start?

If the arrangement is intended to last for more than 28 days it is private fostering from when it commences, not from 28 days.

If it is intended that an arrangement will be for less than 28 days but it overruns, it becomes private fostering at the point it is clear it will continue for more than 28 days.

What do parents and private foster carers have to do?

The law says parents and private foster carers must notify Children's Social Care six weeks before an arrangement is due to commence. If this is an emergency arrangement, or the child is already living in a private fostering arrangement, Social Care should be told immediately.

In any event, the private fostering arrangement is deemed to have begun when the local authority became aware of it.

What does NYCC Social Care have to do?

Social Care must arrange to visit within seven working days of receiving the notification (and should then visit not less than every six weeks during the first year of such an arrangement, and no less than every 12 weeks during the second and subsequent years). The social worker should visit the premises, speak with the child (alone, unless this would be inappropriate), with the carers, and endeavour to speak with the parents.

What are NYCC Social Care's other responsibilities?

To promote awareness - the local authority has a duty to promote awareness about the notification requirements and has an active programme to raise awareness amongst

professionals and the general public. This includes publicity materials, newspaper articles and targeted and up to date information to key professionals, including teachers and health professionals.

Notifications about private fostering - the local authority needs to take appropriate and effective action to respond to notifications in a timely fashion. It must also deal with situations where an arrangement comes to their attention which has not been notified. This includes visiting in accordance with the regulatory requirements, within seven working days of receiving the notification and should then visit not less than every six weeks during the first year of such an arrangement, and no less than every 12 weeks during the second and subsequent years.

Assess suitability of carers and needs of children - Social Care must assess the suitability of all aspects of private fostering arrangements. Social Care must establish:

- that the intended duration is understood and agreed between the parent and private foster carer;
- the wishes and feelings of the child;
- that the children's physical, intellectual, emotional and social and behavioural development is appropriate and satisfactory;
- that the financial arrangements are agreed and are working;
- the private foster carers capacity to look after the child and the suitability of other members of the household and premises (DBS / CRB checks on everyone over 16 in the household);
- that arrangements have been made for the child's health including GP registration;
- the arrangements for education;

- that standards of care are understood, agreed and satisfactory;
- how day to day decisions about the child will be made; and
- contact arrangements.

This assessment is based on a nationally agreed format and should be completed within 42 working days (or the return of the DBS checks, whichever is sooner). The assessment will be completed by a Social Worker supported by a Social Worker from the Fostering Service. Where there are concerns that the child may be a child in need (where there are concerns about the health and development of the child without the provision of services) a section 17 assessment should be carried out, using the Assessment Framework materials and, if appropriate, a child in need plan drawn up and reviewed on a regular basis.

DBS checks (used to be CRB checks)

– these are now done on-line by the carers themselves. This has caused some problems around the country, sometimes because carers refuse or are unwilling to complete these. These have to be completed at <http://www.northyorks.gov.uk/crb> and are then returned to a senior manager whenever a positive return is made.

There are no known issues with delays and these can take less than five days for the DBS to be returned. Most libraries are trained to support people completing the DBS process online and Children's Centre staff are being trained.

BAAF recently provided some updated advice: *"I have discussed this with colleagues and should firstly reiterate that local authority officers should always seek legal advice from their own lawyers in order to make decisions on how to proceed in any case."*

The guidance reflects that "local authorities should arrange for Enhanced Criminal Records Bureau checks to be carried out for someone who is privately fostering or proposing to privately foster a child, and all members of his household aged over 16 years". It doesn't state that the authority must check. However, an authority would need to be able to be sure that without such checks, the welfare of each child will be satisfactorily safeguarded and promoted. That is a statutory requirement and the question for each authority must be whether, without those checks, can they can be satisfied that they are fulfilling their statutory functions".

Social Care will always endeavour to complete DBS checks on all family members aged 16 and over but recognise that this does present new challenges.

Ensure a written agreement is in place

- Social Care will always try to ensure there is a written agreement in place between the parent and carers to cover the areas set out above. As this is a private arrangement, however, sometimes arranged by young people themselves following a family crisis, it is not always possible to obtain a written agreement with the appropriate adults. It is important that written information is copied and shared between the different adults and the child / young person, if of a suitable age.

Safeguard and promote the welfare of children

- a social worker will visit and get to know the child and their carers. A Fostering Services social worker will visit and get to know the carers, help link them to local support services and to more specific services for people who care for other people's children. Social Care will check the suitability of all aspects of the private fostering arrangements, in accordance with the regulations. Children

who are privately fostered can access information and support when they need it so that their welfare is safeguarded and promoted. A set of leaflets are available, for children and young people, for carers and parents, and a general leaflet for all.

- Privately fostered children should be enabled to participate in decisions about their lives.
- Privately fostered children will be provided with information that is appropriate to their age and level of understanding. They are provided with the contact details of the social worker who will be visiting them so that they can contact them at any time. They are also given information about advocacy services, if they are assessed as being a child in need
- Social Care will provide every disabled young person who is privately fostered over the age of 17 with information about Adult Care services, in an appropriate format, so that arrangements can be made in a timely manner.
- Accurate and confidential records will be kept for each privately fostered child and each private foster carer. The records will contain the written reports required by the regulations, including whether the child was seen alone, and about the child's welfare and how the arrangement is working.

Services for carers, children and their families

- in addition to what has already been set out, private foster carers and parents of privately fostered children should receive advice and support to assist them to meet the needs of privately fostered children. This will include linking with Early Years services, Children's Centres, Youth Services and other targeted or universal services. They can receive advice on claiming benefits and possible financial support

for some essential items, and parenting advice and support. This support can also help bring families back together.

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

NYAS is available to provide advice and support to children and young people who are privately fostered: their contact details should be provided by the social worker.

What else does NYCC have to do?

- safeguard and promote the welfare of privately fostered children by visiting at least every six weeks and support with education and health matters; and
- provide advice and support to the private foster carers, including training and links to other local services, and provide advice and support to the parents and others with parental responsibility or an interest in the child. This always includes looking at what can be done to help the child return to their family, and end the need for the private fostering arrangement.

What should other professionals do?

Professionals should encourage the child's parent or carer to notify Social Care about planned or existing arrangements.

Professionals who come into contact with children - like teachers, health staff or Children's Centre workers - must tell Children's Social Care about all private fostering arrangements.

What do the assessment checks mean?

Essentially, the assessment checks whether the arrangement is suitable for the child. Social Care must visit the child and the carers, inspect

the accommodation, involve the parents and carry out DBS checks on everyone over 16 in the household.

The social worker should complete the assessment in 42 days (or as soon as DBS checks completed).

The decision to approve the suitability of the arrangement is at NYCC Social Care Group Manager level.

What are the requirements, limits, prohibitions, disqualifications and appeals?

NYCC has a range of powers and duties in relation to private fostering, including placing requirements on the private foster carer, setting limits to the arrangements, preventing someone unsuitable from caring for someone else's child, or taking action about unsatisfactory care:

- the local authority can make a requirement on a private foster carer (such as only to care for children over a certain age). If the private foster carer does not comply with this there are further powers available to the local authority including the power to prohibit someone from caring for children. The local authority may cancel a requirement if the circumstances have changed;
- there is a limit of not more than three children. If a private foster carer exceeds this limit they may be guilty of an offence. In exceptional circumstances an exemption can be allowed;
- the local authority has the power to prohibit people from privately fostering where it believes they are not suitable to privately foster a child; or where their premises are not suitable for private fostering; or where it would be harmful to the child to

be accommodated by this person in their premises. Where a private foster carer does not follow a requirement they can they be prohibited from private fostering altogether. The local authority may cancel a prohibition if the circumstances have changed;

- some people are disqualified from privately fostering children. There is a range of reasons why someone may be disqualified from privately fostering someone else's child including someone whose own children have been made the subject of care orders, or convicted of certain offences. Exceptionally, the local authority may consent to allow a person who is disqualified to privately foster a child; and
- the private foster carer has 14 days to appeal to the Family Proceedings Court. The circumstances where someone may want to appeal will be where the Council has made a decision to impose a requirement or prohibition, or refuses to cancel a prohibition, or refuses to exempt a person from the fostering limit of three, or refuses to consent to allow a person who is disqualified to privately foster a child. The reasons are always based upon safeguarding children.

What does NYCC do to promote awareness of private fostering, improve services for carers, children and their families, and provide training for staff?

An annual report is provided to the Safeguarding Board: it must satisfy itself that the welfare of privately fostered children in this area is safeguarded and promoted and that agencies are cooperating. A communication programme is carried out over the year to help raise awareness with the public and with professionals and encourage notifications.

Further information

<http://www.privatefostering.org.uk/public>
www.northyorks.gov.uk/privatefostering

Private fostering is covered by a set of legislation, regulations and guidance:

- Section 44 Children Act 2004
- The Children (Private Arrangements for Fostering) Regulations 2005
- Replacement Children Act 1989 Guidance on Private Fostering 2005
- National Minimum Standards for Private Fostering 2005
- Working Together 2010
- North Yorkshire Private Fostering Procedures (reviewed 2009)
- Performance management information
- Family and Friends Care: Statutory Guidance for Local Authorities, 2011

No Simple Answers: Report of the DCSF Advisory Group on Private Fostering 2008 – 2010 was published in March 2010.

Government published it's response to the Advisory Group report in the ***Government Response to the report of the DCSF Advisory Group on Private Fostering***, 25 March 2010, essentially accepting their recommendations.

DCSF published detailed research into private fostering in England, ***Research into Private Fostering***, DCSF, March 2010 which helped inform the Advisory Group's findings.

All three documents are available at:
<http://www.dcsf.gov.uk/everychildmatters/resources%2Dand%2Dpractice/IG00707/>

Background information about private fostering in North Yorkshire

The sources of 18 recent notifications were:

- 6 private foster carers (some in response to leaflet)
- 4 schools or colleges
- 2 police
- 3 health, including CPN, Hospital and CAMHS
- 1 other local authority
- 1 youth worker

This shows good reach of awareness-raising, but reporting numbers are still low.

Interviews are organised with young people who are privately fostered. This is a summary of issues raised by them in 2010 and 2011:

- ensure social workers address practical as well as emotional issues for carers and young people;
- review the level of social worker involvement with the young person after six months;
- give better explanations to carers and young people about private fostering and what they can expect from the social worker;
- the overall feedback from those young people interviewed was that they liked their social workers and felt positive about their involvement;
- continue to widely publicise private fostering to the full range of agencies, including schools and colleges, health professionals and health centres, police services, probation services, youth services, children's centres, local media, libraries and leisure centres;

- all private foster carers, birth parents and the young people should be given the private fostering leaflet;
- all parties should receive a hard copy of the private fostering agreement and any other associated agreements;
- changes of Social Workers should be kept to a minimum. If changes have to be made, ensure that everyone is told about the change and contact details are given of the replacement;
- any new worker to have a full handover of the case, thus not requiring the young person to repeat their story each time; and
- teams to have annual briefings of private fostering procedures, so to keep them informed and updated.

Contact us

North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AD

Our Customer Service Centre is open Monday to Friday 8.00am - 5.30pm (closed weekends and bank holidays). Tel: **0845 8727374** email: **customer.services@northyorks.gov.uk**

Or visit our website at: **www.northyorks.gov.uk**

If you would like this information in another language or format such as Braille, large print or audio, please ask us.

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