

Private Fostering: Policy, Statement of Purpose and Practice Guidance

Private Fostering Lead	Date	Review
Susan Harris Strategic Lead – Placement Services 0161 253 6868 s.harris@bury.go.uk	December 2016	December 2018

Contents

Bury Private Fostering Policy, Statement of Purpose and Practice Guidance

1. Introduction

This document outlines Bury Council Policy, Statement of Purpose and Practice Guidance in relation to arrangements made under Private Fostering Regulations.

This document should be read in conjunction with the following:

- Tri-ix procedures
- Children (Private Arrangements for Fostering) Regulations 2005
- Replacement Children Act Guidance on Private Fostering which replaces Chapter One of Volume 8 (Private Fostering and Miscellaneous) of the Children Act 1989 guidance, which was first published in 1991, and incorporates guidance on the new measures in the Children Act 2004, and in the new Children (Private Arrangements for Fostering) Regulations 2005 which came into effect in July 2005.
- National Minimum Standards for Private Fostering (2005)
- 'The Care of Children: Principles and Practice in Regulations and Guidance' (DOH 1989)
- LCS Private Fostering 'User' Manual
- The Disqualification from Caring For Children (England) Regulations 2002

2. Statement of Purpose – Private Fostering

Bury Metropolitan Borough Council will

- Ensure that there is a high level of public awareness of the various requirements of the Private Fostering Regulations by implementing an on-going communication strategy and promotion of information for this purpose.
- Ensure that staff in relevant council departments, partner agencies and other professionals are aware of and compliant with the requirements of Private Fostering regulations.
- Respond effectively to any notifications regarding private fostering to satisfy itself that the welfare of children who are privately fostered within the Bury area are being safeguarded and their welfare promoted.
- Assess and review private fostering arrangements to ensure that this is appropriate to meet the needs of the child/children.
- In the event that the council is not satisfied that the private fostering arrangement will be suitable then make arrangements for the care and accommodation of the child to be undertaken by his/her parents, others with parental responsibility, or a relative/connected person and consider whether and to what extent it should take actions to safeguard the child and promote its welfare in accordance with The Children Act 1989
- Maintain systems for monitoring and reporting on the extent of its compliance with the regulations and appoint a designated person with responsibility for monitoring such compliance and take the lead on Private fostering matters. Bury lead for Private Fostering – Strategic Lead Placement Services.
- Work to support and encourage parents, carers and partner agencies to make arrangements that comply with the requirements of the regulations and refrain from prosecuting individuals who breach the regulations unless in exceptional cases, where there is a clear or persistent breach of the regulations.

- If children from Bury Council are to be placed out of area with private foster carers in circumstances where Bury Children's Services Department has been involved in brokering these arrangements, the department will ensure that the local authority area where the private foster carer(s) resides is formally notified and a referral is made so that the area/receiving authority can fulfil its duties under the private fostering regulations.
- An annual audit of the council's response and compliance to the requirements and regulations will be undertaken. Information will also be reported to the Bury Safeguarding Board.

2. Legal Framework

The legislation relevant to private fostering is set out in Part 9 of, and Schedule 8 of, The Children Act 1989, and regulations made under Part 9 of that Act: the Children (Private Arrangements for Fostering) Regulations 2005. This was further strengthened by measures in Section 44 of The Children Act 2004.

The Children Act 2004 inserted 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 that local authorities must satisfy themselves that the welfare of children who are privately fostered in their area are being satisfactorily safeguarded and their welfare promoted to include children who are proposed to be privately fostered.

The regulations require local authorities to satisfy themselves of the suitability of a current or proposed private fostering arrangement or otherwise exercise their powers to prohibit, or to impose requirements on, the arrangement before the child is privately fostered.

When advance notice is not given or a private foster placement is made in an emergency, the local authority has similar duties to satisfy itself of the suitability of these arrangements or to otherwise exercise their powers to prohibit or impose requirements on the arrangement.

3. Definition of a Privately Fostered Child

In the definition set out in The Children Act 1989 a privately fostered child means:

A child/young person who is under the age of 16 (or 18, if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone who is NOT:

- A parent
- A person who is not a parent but has parental responsibility (ie residence order, child arrangement order/CAO, special guardianship order/SGO)
- A close relative, this means a grandparent, brother, sister, uncle or aunt (whether full blood or by affinity), or a step-parent. 'affinity' means by marriage to someone of blood relationship with the child.
- A step-parent is someone who is or has been a party to a marriage in relation to the child is a child (Section 10 (5) a Children Act 1989).

The private fostering arrangement has occurred for or is intended to occur for 28 consecutive days or more, by someone other than: the child's parent(s), a person who has parental responsibility or a close relative of the child as outlined above.

This means that placements with more distant relatives fall within the scope of the Private Fostering Regulations, for example a cousin, Great Aunt, Great Uncle or Great Grandparent.

The arrangement must be intended to last for 28 days or more and the period for which the child is cared for should be continuous.

Some examples of Private Fostering arrangements

- A 13 year old boy is going to live with his friend's family for 3 months whilst his parent recovers from an operation.
- A 17 year old girl lives with her mother's Aunt due to a difficult relationship. The girl has disabilities.
- An 11 year old boy lives with his father's cousin. His father has moved to another country for employment.
- Children and young people who attend a language or faith School which requires them to stay with a host family during the term which amounts to 28 consecutive days or more.

Children will not be privately fostered children:

- when the arrangements last for less than 28 days and are not intended to extend beyond that period.
- Where the child is being looked after by a local authority.
- Where the child is in the care of any person whilst living in one of the following, a children's home, accommodation provided by, or on behalf of, any school in which he/she is receiving full-time education (either during term time or residing there for less than two weeks of any school holiday), a hospital, any home or institution provided, equipped and maintained by the state where the child is in care of any person in compliance with: an order under Section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000 or detention or guardianship orders under the Mental Health Act.

5. Duties of the Local Authority

The Local authority's duties and functions under The Children Act 1989: the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005. Bury Metropolitan Borough Council has a duty to be notified of any Private Fostering arrangement in its area and must satisfy itself that the welfare of privately fostered children is being safeguarded and promoted: and must give advice to those caring for them. The Children Act 1989 (Section 67 (1)) outlines the following duties

- 1.** Notifications – giving and receiving notifications/information regarding Private Fostering arrangements.
- 2.** Ascertaining the suitability of private foster carers in their households
- 3.** Monitoring placements through visits and recording visits

Additional measures were set out in The Children Act 2004 and Fostering Regulations 2005, that notifications must be given to the local authority when a child/young person is proposed to be privately fostered and when a child/young person is being privately fostered.

Bury council will

- Publicise and make available advice and information to prospective private foster carers, parents and others of the requirement to notify of a current or proposed private fostering arrangement
- Ensure relevant local authority staff are aware of the requirements of the private fostering regulations
- Respond promptly to notifications/referrals received, and ensure that sufficient checks, and visits, are carried out within required timescales

- Satisfy themselves that the welfare and needs of privately fostered children in their area is safeguarded and promoted by assessing the suitability of a private fostering arrangement in accordance with the regulations (Private Fostering Arrangement Assessment Report - PFAAR)
- Make arrangements for privately fostered children to be visited by a Social Worker as per statutory timescales. Ensure that privately fostered children are seen at each visit, and seen alone unless it is considered inappropriate. A written report is completed after each visit.
- Investigate any complaints made by privately fostered children
- Provide private foster carers, parents, and all concerned with advice and information they may need to promote the child's welfare
- Inform parents (or others with parental responsibility) of any concerns/complaints that they may have about the welfare of the privately fostered children
- Consider whether it needs to exercise powers under the private fostering regulations, e.g. regarding the prohibition of arrangements, or disqualification of persons.
- Where they are not satisfied that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted, take steps to secure that the child is looked after by a parent or relative or someone else with parental responsibility, and consider the extent to which (if at all) they should exercise any of their functions under The Children Act 1989 in respect of the child
- Inform the private foster carer and parents and others concerned in writing of any requirements, disqualifications or prohibitions that may be imposed during the course of fulfilling its duties and provide information about how they may appeal against any decisions made by the local authority in respect of the Private Fostering Arrangement.
- Develop systems for monitoring their compliance with the requirements of the Regulations
- Report information quarterly to the BSCB subgroup and annually to the Bury Safeguarding Children Board on how they safeguard and promote the welfare of privately fostered children.

6. Awareness Raising

The Lead for Private Fostering – Strategic Lead Placement Services will be responsible in raising public awareness of the need for private foster placements to formally notify Childrens Services. These public awareness efforts will be aimed at raising the awareness of parents, relatives, prospective and actual private foster carers and professionals in all relevant partner agencies. The department will seek to raise awareness by:

- Holding a Private Fostering week annually
- Arranging for posters and/or public information leaflets to be displayed in key locations, such as schools and GP practices, housing departments, libraries, YOS offices and council buildings
- Identifying any other relevant organisations and groups and offering to give them a presentation and share information on private fostering
- Making reference to notification requirements on the council website.
- Notifying local language and faith schools and other similar education organisations of their duties under Private Fostering Regulations
- Request Schools, nurseries and Childrens centres undertake an annual audit of pupils on roll to determine if any Private Fostering arrangements can be identified.

6.1 Monitoring the Effectiveness of Awareness Raising and Monitoring Compliance with the Regulations and Standards

Bury Council will monitor the level of public and professional awareness by collating and evaluating relevant information that is input onto the department's LCS system, and report this annually within the DCSF return.

The effectiveness of any awareness raising activity will also be evaluated in an annual report. The outcome of this annual evaluation will be reported to the Assistant Director, Children's Social Care and to the Bury Safeguarding Children Board.

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, and require them to appoint an officer for that purpose. In Bury Council the designated person and the lead for Private Fostering is the Strategic Lead Placement Services. The designated person and lead will be responsible for monitoring and evaluating private fostering and also the following areas of practice:

- Action taken to raise public awareness
- How the department responds to notifications received
- Whether appropriate checks, and visits, are carried out within required timescales
- How disqualifications and prohibitions are undertaken and how Bury monitors the adherence to these requirements
- What other action, if any, is taken to ensure that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted (e.g. child protection measures)
- How any appeals are handled
- How the department responds to late or failed notifications
- Arrangements for determining the suitability of all aspects of a private fostering arrangement – including the accommodation and the wider environment in which privately fostered children are placed
- The extent to which privately fostered children are visited and seen alone and the recording of such visits.
- Extent of cooperation with other agencies, advice to private foster carers and parents should include the importance of planned endings to arrangements and preparation of the child for the change.

7. Powers of the Local Authority

Bury Metropolitan Council may:

- Impose requirements on the person who is or plans to privately foster a child as to:
 - The number, age and sex of children who they may be privately foster.
 - The standard of the accommodation and equipment to be provided by them.
 - Arrangements with respect to the child's education, health and safety

Prohibit the private fostering arrangements, in the following circumstances:

- If the private foster carers are not suitable to care for a child under private arrangements
- If the premises/home environment are deemed to be unsuitable or unsafe.
- If it would be deemed prejudicial to the child's welfare for him/her to be or to continue to be privately fostered by the person in the home/premises concerned.

The local authority can disqualify a person from acting as a private foster carer in certain circumstances, e.g. If he/she is a parent of a child who has been made the subject of a Care/Supervision Order, etc, or if he/she has been convicted of offences felt to be incompatible with being an appropriate private foster carer.

Section 68, The Children Act 1989 deals with disqualification from being approved as a private foster carer. The Regulations made under Section 68 are the Disqualification from Caring for Children (England) Regulations 2004.

8. Roles and Responsibilities

Bury Childrens service will undertake an assessment of the private fostering or proposed private fostering arrangement. For those cases that are not already open to Childrens Services then a referral will be made to the Multi Agency Safeguarding Hub (MASH) then the case will be promptly allocated to the Advice and Assessment team for a Private Fostering Arrangement Assessment Record (PFAAR) to be completed.

For cases that are already open to Childrens Services and a Social Worker is allocated to the child/family then it will be that teams responsibility to determine if this arrangement is appropriate and they will be responsible to undertake the PFAAR.

9. Assessment

On receipt of notification of a current or a proposed private fostering arrangement, the responsibility for assessing the suitability of the private fostering arrangement will be the allocated social worker to the case.

The Social worker will compile the private fostering arrangement assessment report (PFAAR), which takes into account the following information, this is not an exhaustive list but key areas will need to be explored -

the child's age, sex, background history, nationality, immigration status, physical, intellectual, emotional, social, behavioural development and details of any disability or additional needs.

The intended duration of the private fostering arrangements, including details of the purpose of this arrangement and a timescale of when the placement is due to commence Whether any other support or a referral to another agency could prevent the need for the child to be privately fostered.

Confirmation that visits/plans have been made to introduce the child to the private foster carers and to ensure that the carers have full information about the child's needs, background and circumstances.

The ascertainable wishes and feelings of the child and the child's understanding of their circumstances

The financial arrangements for the care of the child between the parent and private foster carer.

Arrangements for consent for medical treatment for the child, written agreement provided by the parent or person with parental responsibility to the private foster carer.

The arrangements for the child's medical and dental care and treatment, that the child is registered with a GP, and that the private foster carer is aware of the child's medical history/immunisations etc.

How the child's parents, or any other person with parental responsibility for the child, has delegated responsibility to the private foster carers.

How will communication between the private foster carers, parents, and social worker be maintained.

The arrangements for the child's education and how will the private foster carers be able to promote the child's ability and attainment.

The suitability of the foster carer to look after the child including confirmation of the outcome of any relevant checks and declarations – details of the private foster carer's lifestyle, health, employment and leisure interests

The suitability of other members of the private foster carer household.

The ability to which the private foster carers understand and apply safe childcare practices, an explanation of how they will implement boundaries, discipline or manage any difficult behaviour.

The needs of any other children in the household and what impact, if any, the private fostering arrangement is likely to have. Including their wishes and feelings regarding this arrangement.

Contact arrangements between the child and his/her parents, or any other significant person. The capacity of the private foster carer to encourage and facilitate contact

The suitability of the premises and the wider environment in which the Private Fostering will take place.

DBS, agency checks and references should be completed to gather wider information as to the suitability of the proposed/actual private foster carer. Enhanced level DBS checks and Probation Service checks if relevant and education references should be undertaken with schools if a private foster carer has school age children. The Private fostered child's School should be contacted as part of the assessment.

Confirmation of whether formal notice of the private fostering arrangement was given to Bury council in accordance with the regulations, together with information about whether any offence may have occurred and an outline of any action that the department has taken or intends to take in response to any such offence.

Confirmation that the parents, private foster carers, and other concerned parties have been provided with departmental leaflets on private fostering and that they know how to respond in the event of any concerns or complaints.

The conclusion of the PFAAR should outline the suitability of any proposed or actual private fostering arrangement, this should include a summary as to the extent to how the child's needs will be met and their welfare promoted and an assessment of whether the child is "in need" of any additional support services under Section 17 of The Children Act 1989.

In the event of a negative assessment then the PFAAR should set out recommendations for any further action required including the disqualification or prohibition of the arrangement and the actions intended by the local authority.

10 Practice Guidance: Notification Requirements

There is a shared and individual responsibility for interested parties 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/she 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 or any person who is involved whether directly or indirectly, who proposes, knows that it is proposed or is aware that the child is currently or 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) (3)*).

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** prior to the arrangements begin, unless a private fostering arrangement is made in an emergency (*Regulation 3(3)*).

A person who he/she proposes or has in an emergency commenced 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 7 (1)*).

See Appendix 4 for notification template

10.1 Changes of Circumstances/Notification

Private foster carers (Regulation 13) are required to notify the local authority in writing of changes in circumstance, in advance if at all practicable, but no more than 48 hours after the change has occurred. Private Foster Carers are required to notify the local authority of:

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

10.2 Notifications to other authorities

If the private foster carer moves to another local authority area (including Scotland, Wales and Northern Ireland), then Bury Council must inform the new/receiving local authority of the Private Foster carers address.

In informing another local authority that a private foster carer has moved to their area it is good practice to provide information and to set out any matters relating to the welfare of the child e.g. a disability or education issues, special educational needs or the suitability of the private foster carer. It is also good practice for the local authority to notify partner agencies of a change in address, e.g. the Pennine Care Trust if the child has additional health needs.

It will be the responsibility of the local area where the privately fostered child is living to oversee, monitor and review the case. A handover/transfer of this responsibility will be agreed between Bury council and the receiving local authority.

10.3 Duties of 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, so that the local authority can discharge its duty to safeguard and promote the welfare of the privately fostered child and undertake an assessment of this arrangement. A referral should be made to the Multi Agency Safeguarding hub Childwellbeing@bury.gov.uk if the child is not an open case to Children's services. For the child who has an allocated social worker then information should be shared promptly with the allocated social worker or in their absence their manager to undertake an assessment as to the suitability of this arrangement.

11. Action Following Notification of a Proposal To Place A Child With Private Foster Carers

The Children (Private Arrangements for Fostering) Regulations 2005 require local authorities to satisfy themselves of the suitability of a proposed arrangement or otherwise exercise their powers to prohibit, or to impose requirements on, the arrangement before a child is privately fostered, where advance notice of the arrangement is given, and thereby providing additional safeguards for privately fostered children. A minimum of 6 weeks notice in advance of the private fostering placement should be given. Information is to be assessed and recommendations set out in a PFAAR as to whether the arrangement is suitable or not.

11.1 Action to be taken after receiving notification that a child has been placed with private foster carers

Prompt action will need to be taken after receiving information that a child has been placed with private foster carers who have not given formal notification of their intention to privately foster a child. Regulations require written notice to be given within 48 hours of the making of an emergency placement.

Visit the child and the private foster carer as soon as possible and within **one** week of receiving the notification/information.

- See the child alone where appropriate
- Ascertain the child's wishes and feelings regarding the placement
- Provide the child with relevant departmental leaflets on private fostering and the contact details of their allocated social worker
- Conduct a PFAAR assessment
- Evaluate the extent to which the placement is likely to meet their needs
- Meet the private foster carer to discuss, agree and otherwise action the various matters including obtaining copies of a notification and consent form
- Meet with parent(s) asap to discuss, arrangements and to clarify of consent and contact.
- Complete Police and agency checks on all members of the private foster carers household that are over age 16.
- Notify agencies and individuals of the child's placement with private foster carers: head teacher of child's school, GP and Health visitor
- Ensure the child's details and date of placement are recorded on LCS

12. Conduct and Frequency of Private Fostering Visits

The allocated social worker should undertake statutory Private Fostering Visits at a minimum of:

- Within the first week of the Private Fostering arrangement beginning/or within the first week of being notified of a Private Fostering arrangement
- Then in the first year of the private fostering arrangement, at intervals of not more than every six weeks.
- In any second or subsequent years, at intervals of not more than every three months.

This is the minimum frequency set out under Regulations. In the event of any concerns, or the need for additional support, the allocated social worker should visit at more frequent intervals. Some visits should take place when all family members are at home and, if appropriate, some visits should be unannounced. A written report should be made of each visit and recorded on the privately fostered child's electronic file (LCS), under Case Note, Private Fostering Visit.

The child should be seen alone at each visit to the private foster home. There may be some circumstances where it is felt not to be appropriate to see the child alone, for example if the child request's that the private foster carer or another person known to them is present or if it is felt they are too young and maybe anxious of the visit. However visits should serve to review the Private Fostering placement and also build a relationship and trust with the Social Worker and the child to ensure that accurate information regarding their well being is determined. It may be that the Social Worker will need to visit the child at School and collate wider information as to their welfare. A private fostering visit will not count as a formal statutory visit if the child has not been seen.

During visits, the social worker should continue to monitor and evaluate:

- The anticipated duration of the placement and whether any changes have been made or are likely to be made to plans that were originally agreed about the

duration of the placement and what implications, if any, such changes may have for the child

- Whether the provision or any support or referral to another agency would diminish the need for the child to be privately fostered
- The suitability of the accommodation (The child's bedroom should be seen on some visits, especially if there has been any change in the arrangements)
- The nature of the relationship between the Private foster carer and the child.
- The suitability of the private foster carers and other members of the household
- Whether there have been any significant changes to the household composition (if so, further DBS checks may be needed)
- The quality of the overall standard of care and the extent to which the child's needs are being met and their welfare promoted by the arrangement.
- That arrangements for the child's medical and dental care and treatment have been made and met.
- That arrangements for the child's education have been made and that this is being satisfactorily provided
- 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 met
- Whether the child's parent(s) (or any other person with parental responsibility) continue to exercise parental responsibility for the child
- Whether the private foster carer, the parent(s) (or any other person with parental responsibility for the child), or other person concerned with the child is being given any necessary advice; and
- Whether the private foster carers are in need of any further support, guidance and advice.
- That contact arrangements between the child and parent, those with PR or relevant person to the child is being maintained.

Refusal by a private foster carer to allow visits is an offence or to obstruct an authorised person/Social Worker who has reasonable cause to believe that a privately fostered child is being accommodated or is proposed to be accommodated within the local authority's area. A Social Worker encountering any difficulties should discuss the problem with a senior manager or lead for Private Fostering and legal advice will be sought if necessary. In such cases, an application for a search warrant under Section 102 of The Children Act 1989 may be necessary to support the power of entry.

13. Contact

The allocated social worker should make contact with the child's parents and others concerned from an early stage and maintain regular contact with them for the purpose of monitoring progress as listed above and to ensure that:

- They understand their continuing, primary, role in ensuring that their child's welfare is promoted and that they remain sufficiently involved to be able to fully exercise their parental responsibilities
- There is good communication about progress, developments and future plans.
- Parents and others concerned are provided with any ongoing advice and guidance that they may need to ensure that the child's welfare is promoted

Where the private fostering arrangement will not be, or is not, within easy reach of the child's family, the local authority should explore whether clear arrangements have been made to facilitate contact. Contact with members of the child's extended family who are living in the UK should also be encouraged. Where the proposed or actual private foster carer is from a different racial or cultural group to that of the child, the local authority should ensure that the carer will enable links to be maintained with the child's racial, cultural and religious heritage.

The private foster carer's, or prospective private foster carer's, attitude and expectations should be explored concerning the promotion of contact between the child's parent, or other person with parental responsibility, and any other significant person in the child's life, and his/her willingness to facilitate visits by parents and relatives to the private foster home for the duration of the placement. It is essential that the person privately fostering, or proposing to privately foster, a child is aware of the implications of caring for other people's children and of the need to work in partnership with the child's parents. Parents and private foster carers may need advice on the importance of continuing links for the child's emotional wellbeing. The social worker should ensure that adequate arrangements are made for relationships between siblings to develop.

Arrangements for contact with the parent need to be agreed between the private foster carer and the parent (or other person with parental responsibility) so that the child retains emotional links to his birth family. Equally, arrangements for contact with siblings, relatives and others should be agreed and organised and the arrangements set out in writing. If the parent and private foster carer are working together then the child is more likely to feel secure. Of course, all contact between the child and others must be satisfactory for the child.

At every private fostering visit the local authority should enquire about any changes to the original planned contact arrangement and, if appropriate, offer advice and help in resolving any difficulties, for example, suggesting a venue for families to meet. In most circumstances the costs of contact is a matter between the parent and private foster carer, but financial assistance may be considered under section 17 of The Children Act 1989 if this supports a child in "need" as defined by the act. The social worker will need to enquire about the contact arrangements and how well they are working

14. Financial Support

The primary responsibility for the financial support of the placement rests with the child's parents or those with parental responsibility. Financial arrangements are largely a private matter between the private foster carers and the child's parents.

Private foster carers can receive child benefit but any maintenance payments received will be taken into account in any assessment for means tested benefits.

In some exceptional circumstances, the department may exercise its discretion to provide a level of funding for a short, time limited period from Section 17 funds where this is assessed as necessary to promote the child's welfare.

15. Review of Private Fostering Placements and the Suitability Of Arrangements

Private Fostering children will be reviewed in accordance with departmental guidance on the reviewing of Children In Need cases, Private Fostering cases will be chaired by an Independent Reviewing Officer from the Bury safeguarding unit. Efforts will be made to ensure that parents and private foster carers are fully involved in this review process and that parents are kept informed as to the evaluation and review of the arrangements.

16. Safeguarding/Child Welfare Concerns

Parents have the primary responsibility for the welfare of their child/children in private fostering placements. The social worker for the child should ensure that parents are kept fully informed of any safeguarding concerns that may arise. If any safeguarding or child protection concern arises, they will be investigated under Bury Council child protection procedures. Consideration should be given to accommodating the child or taking legal action with a view to looking after the child in accordance with child protection procedures.

In some cases, the care being provided by the private foster carers may be deemed to be satisfactory but concerns may arise that relate to the wider context for example in

relation to the quality of parental contact or lack of contact etc. In these instances, the matter should be dealt with in accordance with wider departmental, child protection or family support procedures. For example, if contact stops or reduces to a very low level, formal consideration should be given to whether the child has been abandoned and to what action may be needed to address this issue. Similar concerns could arise in relation to longer term care planning. Discussions should be held at the formal review meeting under relevant departmental procedures.

17. Procedure for Imposing Requirements, Prohibitions and Disqualifications

The regulations permit the local authority to impose certain requirements – for example the limit on the number of children in a private fostering placement or in relation to the standards of the accommodation or particular arrangements in relation to their care that must be carried out.

Any decision to impose certain requirements will usually be taken by the Lead for Private Fostering – Strategic Lead Placement Services and clearly set out in writing to the Private Foster carer and parent/those with parental responsibility.

17.1 Prohibitions

The regulations also allow the local authority to prohibit individuals from acting as private foster carers, for example, if they are deemed to be unsuitable, the accommodation is unsuitable or the arrangement is contrary to the child's welfare/wellbeing.

Any decision to impose a prohibition of this kind will be taken by the Lead for Private Fostering – Strategic Lead Placement Services and clearly set out in writing to the Private Foster carer and parent/those with parental responsibility.

In the event of a serious child protection concern, the department may exercise its discretion to prohibit a private fostering arrangement with immediate effect

Any decision to prohibit a private fostering will be taken by the Lead for Private Fostering – Strategic Lead Placement Services in conjunction with the Assistant Director for Children's Services and following consultation with the department's legal advisors.

17.2 Disqualification

There are a number of circumstances where an individual may be disqualified from acting as a private foster carer, for example where an individual has been convicted of specific offences or where an individual is the parent of a child who has been made subject of a care or supervision order, The Children Act 1989.

Any decision to disqualify an individual will be taken by the Lead for Private Fostering/Strategic Lead Placement Services following consultation the Assistant Director for Children's Services with the department's legal advisors.

*Local authorities can, in certain circumstances, give consent to a person acting as a private foster carer who would otherwise be disqualified, but only if they are fully satisfied that the child's welfare would not be prejudiced by the proposed, or actual, private foster carer or by a member of their household.

In such circumstances, the private foster carer will be provided with written consent to privately foster the specific child in question and only if the local authority is fully satisfied that the child's welfare will be safeguarded.

Section 68 of the Children Act 1989 deals with disqualification from being a private foster carer. The Regulations made under Section 68 are the Disqualification from Caring for Children (England) Regulations 2004.

18. Appeals

Private Foster Carers may appeal about any decision to impose prohibitions or disqualify them from being a Private Foster carer by making representations in writing to the Assistant Director of Childrens Services within 28 days of receiving written notification of a decision.

In most instances, the Assistant Director of Childrens Services will refer the matter to a Strategic Lead for further information and consideration prior to making a final decision. The department's legal advisors should also be consulted prior to making a formal decision to disqualify an individual from privately fostering a child.

Where the local authority makes a decision to refuse consent to allow a disqualified person to Privately Foster a child an appeal may also be made to the family proceedings court within 14 days of a notification of that decision.

See Schedule 8, paragraph 8, of the regulations which cover appeals against a local authority decision to exempt or refuse consent to allow a person who is disqualified to privately foster a child.

- Requirements relating to the number, age, or sex of the privately fostered children
- The standard of accommodation or equipment.
- Health & Safety arrangements.
- Particular arrangements in respect of the provision of care for the privately fostered children.
- A refusal by a Local Authority to consent to a disqualified person being approved as a private foster carer under Section 68 of the Children Act 1989.
- Prohibitions upon a private foster carer under Section 69 of the Children Act 1989.
- Refusal to cancel a prohibition.
- A refusal to make an exemption to the limit of the number of privately fostered children a person can care for.
- A condition attached to an exemption.
- A variation or cancellation of an exemption.

When a Local Authority determines an exemption or disqualification against a private foster carer they must notify the private foster carer by notice in writing. The notice must inform them of the reason for the determination, their right of appeal and the time limit in which the appeal must be lodged.

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

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 private foster carer should seek independent legal advice. The appeal is made under paragraph 8 of Schedule 8 of The Children Act 1989, to the Family Proceedings Court for the area of the Local Authority imposing the requirements. The Court has a range of options open to it. It can grant or refuse applications. It can vary, make exemptions, and impose conditions.

19.Relevant Offences and Action Required

Section 70 of The Children Act 1989 covers offences in relation to private fostering: It is an offence to care for a child whilst:

- Disqualified from private fostering without the consent of the local authority,
- Whilst living in the same household as someone who is disqualified from private fostering or at which any such person is employed or whilst prohibited. (A person found guilty on summary conviction of such offences would be liable to a term of imprisonment of not more than 51 weeks (or not more than 6 months in the case of an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003) or to a fine or both (For all other offences the penalty would be a fine).)
- It is an offence to fail to give the notice required under Regulations 4-6 of the Children (Private Arrangements for Fostering) Regulations 2005. (See Part 1.3:

Notifications) without reasonable excuse, within the time specified; or to provide any information required, without reasonable excuse, within a reasonable time.

- It is an offence to make, or cause or procure another person to make, a statement in the notice or information, which is known to be false or misleading in a material particular.
- It is an offence to fail, without reasonable excuse, to comply with any requirement imposed by a local authority.
- It is an offence to refuse to allow a privately fostered child to be visited by an authorised officer of a local authority; and to obstruct such an officer in inspecting premises in which a child is privately fostered or in which it is proposed to privately foster a child, and from seeing the child there.
- It is an offence to publish an advertisement offering to undertake or arrange for a child to be privately fostered unless it states the person's name and address.

19.1 Action to Be Taken By Staff Where an Offence Appears To Have Been Committed.

The regulations may be breached in a number of different ways, two key areas where a breach may occur are:

- Failure to notify the local authority of an intention to place a child with a private foster carer within prescribed timescales
- Failure to notify the local authority that a child has been placed with private foster carers within prescribed timescales.

Any staff dealing with a case involving late or failed notification will need to ascertain the wider circumstances leading to the breach of the regulations e.g. was the failure to notify the local authority due to a lack of understanding of the requirements of the regulations or an intentional breach of the notification requirements. In most circumstances, the department will focus its activity on promoting the child's welfare, supporting the parent and private foster carers and to ensure there is no further breach of the regulations in the future rather than initiating legal action against the parties involved. The question of how to proceed in these circumstances should be referred to the Lead for Private Fostering – Strategic Lead Placement Services. A formal decision regarding whether any actions will be taken regarding the breach to notify of a Private Fostering arrangement will be made. Legal advice regarding whether any action will be taken can and will be sought from Bury Childrens Services Legal department for any cases whether it has been determined that intentional breaches not to notify the local authority have been made of a private fostering arrangement.

20. Personal Child Health Record

The Personal Child Health Record (PCHR) should normally be held by the private foster carer. For some disabled children parents will also need to share any information about specific techniques for feeding and personal care. Children with disabilities may have been receiving medical services from a specialist unit and arrangements may be necessary to ensure continuity of care and treatment. Local authorities should, therefore, ensure that primary care services are aware of the private fostering arrangement.

20.1 Child's Medical History

The parents of the child to be privately fostered should make known the child's medical history to the prospective private foster carer and the local authority. The parent(s) should be asked to give the private foster carer the Personal Child Health Record for the duration of the arrangement. In addition to basic details of the child – height, weight, etc, details in a child's medical history should include:

- Immunisations given and dates including, where practicable, the results of any neo-natal screening tests
- History relating to infectious diseases, with dates

- Any episodes of in-patient or out-patient hospital treatment, for any condition with dates, giving details where possible
- Whether the child has, or is known to have, any congenital condition which has, or may have, medical implications and/or which necessitates ongoing health care
- Whether the child is known to have any allergies, including allergies to any medication
- Current short term or long term medication and any other treatments, including the names of the consultants involved in the treatments
- Information on any special dietary requirements or dietary restrictions.

20.2 Consent to Medical Examination or Treatment

Consent to medical examination or treatment for which the child himself is not capable of giving may be given by a parent or other person with parental responsibility. Although a person may not transfer or abdicate parental responsibility, they may arrange for some or all of it to be met by one or more persons acting on their behalf (section 2(9) of the Children Act 1989). 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. It may be appropriate for the local authority and the primary care trust or the child's general medical practitioner to have copies of this document.

Children aged sixteen and over give their own consent to medical treatment (see Seeking Consent: working with children, Department of Health, 2001). Children under sixteen may also be able to give or refuse consent depending on their capacity to understand the nature of the treatment; it is for the doctor or other person providing treatment to decide this.

21. Parental Responsibility

Parental responsibility is one of the key concepts of The Children Act 1989. Because parents have the legal responsibility for their children they should be encouraged to participate in all decisions made in relation to a private fostering arrangement. It is most important for the well being of the child that the parent provides the prospective private foster carer with as much information about the child as possible, including his health record, diet preferences, school records, hobbies, religion, and ethnicity and so on.

The Children Act 1989 defines 'parental responsibility' to include 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 (section 3(1)). A person, such as a private foster carer, who has day to day care of a child for whom he/she does not have parental responsibility, is empowered to do what is reasonable in all the circumstances of the case to safeguard and promote the welfare of the child [section 3(5)]. A person with parental responsibility may arrange [under section 2(9)] for a private foster carer to meet that responsibility by acting on his behalf, for example, by delegating responsibility for consent to medical examination or treatment. Such an arrangement may prove useful in situations where the parent of the child is unable to exercise his responsibilities. However, [under section 2(11)] such an arrangement does not affect any liability of the person with parental responsibility which may follow from a failure to meet that responsibility.

Whilst the day to day care of the child can be delegated to the private foster carer, parental responsibility is retained by the parent. How they exercise this is a matter for agreement with the private foster carer at the start of the arrangement. However, parents should be encouraged to remain as closely involved as possible in their child's life. The parents should keep the child up to date with happenings in the family either directly and or through the private foster carers. The private foster carer should encourage this as well as contact with any siblings who may also be privately fostered, the natural family and significant people.

If the parents are failing to exercise their responsibilities, e.g. failing to pay maintenance or to keep in touch, the social worker should try to locate the parents and find out if there is a problem, give advice and take appropriate action as necessary.

22. Planned Endings

The private foster carer will need a clear written agreement with the child's parents on the expected duration of an arrangement. The duration of the arrangement should be reviewed with the private foster carer on every visit and review meeting so that any change can be anticipated to enable the parent/s, child and private foster carers to be involved and consulted, thus helping to avoid any unplanned moves or drift. If plans change, the reasons given for the change and the nature of the revised arrangements should be clearly understood by all parties, including the child, along with appropriate timescales for implementing the changes. All significant changes should be notified to the local authority.