

## CHAPTER 4 INFORMATION FOR PRIVATE FOSTER CARERS

### ARRANGING THE PLACEMENT OF CHILDREN

#### Parental responsibility

CYPA 2001 s.3  
CYPA 2001 s.2(1)  
  
CYPA 2001 s.3(4)  
  
  
CYPA 2001 s.2(6)  
  
  
CYPA 2001 s.3(4)

1. It is important to appreciate the legal meaning of "parental responsibility".
2. Parental responsibility is one of the key provisions of the Children and Young Person's Act 2001. The Act defines it as including all the rights, powers and duties of parents in relation to a child and his property.
3. A person who has parental responsibility for a child may not surrender or transfer any part of it to another person. He or she may however arrange for some or all of their parental responsibility to be met by another person acting on his or her behalf.
4. A person, such as a private foster carer, who has care (i.e. *'actual custody'*) of a child for whom he or she does not have parental responsibility is empowered to do what is reasonable in all circumstances to safeguard and promote the welfare of the child.
5. A person who has the parental responsibility may arrange for the private foster carer to meet that responsibility, by delegating responsibility, for example, for consent to medical treatment. This does not however, affect any liability of the person with parental responsibility which may follow from a failure to meet that responsibility.
6. The basic principle is that parents retain their responsibilities and remain as closely involved with their child as is consistent with his or her welfare, particularly if the child has special health and development needs.
7. Parents should be encouraged to participate in (and mainly initiate) all the decision making processes in the placement. They should provide the prospective foster carer with as much information about the child as possible, including religion, ethnicity, health record, diet preferences, school records, hobbies, so as to promote the well being of the child.
8. People other than parents, such as a private foster carer, may acquire parental responsibility by being appointed guardian or by an order of the court such as a residence order.  
s.6 and 7 of the CYPA cover the appointment of a guardian.
9. How parents continue to exercise their parental responsibility for a child who is privately fostered should be agreed between themselves

and the private foster carer.

10. Foster care should never be regarded as a 'back door' to adoption. It may suit both the natural and foster carers that the former fades from the child's life, but frank discussion about the role of the natural parent is in everyone's best interests, including the child if possible.
11. 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.
12. If the natural parents fall short of their responsibilities, for example by failing to pay maintenance, or to keep in touch, the Department of Health and Social Security should try to locate them, find out if there is a problem, and give advice and take appropriate action as necessary.

### **THE LAW ABOUT NOTIFICATION OF PRIVATE FOSTERING**

13. Private foster carers should ensure that they are familiar with Chapter 2 of this Volume.

### **PURPOSE AND DURATION OF THE ARRANGEMENT**

14. The purpose and intended duration of a fostering arrangement needs to be clearly established by the parents, the foster carers and the Department before the placement begins. The details should be written down in a form of agreement between the parents and the private foster carers.
15. These details should be included in the notification to the Department and reviewed by the social worker on every visit to the foster home.
16. If there are difficulties about the purpose or duration of the arrangement, and it looks as though these are likely to be resolved by moving the child with little or no notice, the private foster carer is required to inform the Department as quickly as possible.

### **SUITABILITY OF ACCOMMODATION**

17. The law allows the Department to establish requirements about the standard of the accommodation to be used for fostering a child privately and to prohibit a person from fostering privately if it believes that the premises are not suitable.
18. The Department will decide whether the standard of a particular accommodation satisfies the criteria for suitability, taking account of the child's age and welfare.

19. Prospective foster carers will be made aware of the factors the social worker will consider when assessing the accommodation.  
The points to be considered can be found on p.14 of this volume.

## FINANCIAL ARRANGEMENTS

20. Prospective foster carers should have realistic expectations about the costs of looking after a child appropriately. They should decide how far they are prepared to contribute to the child's maintenance (if at all), if there are any gaps in maintenance payments. In any event they should have sufficient resources to tide them over if necessary, to allow for plans to be made for the child without him or her being moved at very short notice.
21. Exceptionally, the Department could consider helping the foster family through a short period of financial hardship caused by a fall in maintenance payments.
22. Private foster carers can receive child benefit but any maintenance payments received will need to be declared in any application for Social Security benefits.

## ADVICE FOR PRIVATE FOSTER CARERS

### Scope of advice

23. The Act places a duty on the Department to ensure that private foster are given any necessary advice.
24. The term "necessary" includes all relevant matters covered by the CYPA.
25. Advice will certainly cover the welfare and development of children fostered privately.
26. The advice should include the wider implications of fostering, such as racial harassment. Foster carers need to be prepared for this and able to deal effectively with it.
27. Advice may include the financial aspects of fostering such as the desirability of taking out public liability insurance cover, and informing the company with which they insure their household goods (if any) that the household includes foster children.
28. Advice can be given by the Department to foster carers in any of the following ways:
- individually by a social worker, health visitor or other professional,
  - in a "self-help" group, learning from other foster carers. This can be particularly useful if it includes some experienced foster carers with good standards of care who can act as role

	<p>models,</p> <ul style="list-style-type: none"><li>• via “Drop in” centres, possibly with child minders,</li><li>• by being linked to the provision of resources, such as a toy library or equipment loan scheme, or alongside a play group,</li><li>• through training set up specifically for private foster carers or generally for all foster carers, child minders or others, such as First Aid.</li></ul> <p><b>Welfare of the child</b></p> <ol style="list-style-type: none"><li>1. Private foster carers should ensure that they are familiar with Chapter 3 of this Volume.</li></ol> <p><b>The Department’s role</b></p> <ol style="list-style-type: none"><li>2. Private foster carers should ensure that they are familiar with Chapter 2 of this Volume.</li></ol>
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