

PRIVATE FOSTERING POLICY

2017

April 2017

PRIVATE FOSTERING POLICY

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1 Policy Statement

This policy is for the benefit of children who are or who will be privately fostered. It is also for the benefit of private foster carers, prospective private foster carers and parents or persons with parental responsibilities who are or have made arrangements for their children to be privately fostered. It forms part of Safeguarding and Rights's aim to raise the profile of this potentially very vulnerable group of children.

Safeguarding and Rights will use the National Minimum Standards and work being done within the Every Child Matters agenda, to help it and partnership organisations focus on securing positive outcomes for privately fostered children and reduce the risks to their welfare and safety.

2 Purpose

Private fostering arrangements can be a positive response from within the community to difficulties experienced by families, however privately fostered children remain a diverse and potentially vulnerable group. This policy therefore aims

- To make sure that the relevant staff are aware of Local Authority duties and functions in relation to private fostering (NMS 1)
- To make sure Children's Safeguarding and Rights is notified about children privately fostered in Barking and Dagenham (NMS 2)
- To safeguard and promote the welfare of children privately fostered (NMS 3, 4, 5)
- To clarify what advice and support private foster carers and parents of privately fostered children should/may receive. To clarify what advice and support children privately fostered should/may access so that their welfare is safeguarded and promoted (NMS 6,7 & 8)
- To set out how Children's Safeguarding and Rights will monitor the way in which it meets its duties in relation to private fostering (NMS 9)
- To clarify 'who does what' between the Fostering Resource and other parts of Children's Safeguarding and Rights.
- To provide links to evidence informed practice guidance related to meeting the needs of privately fostered children.

3 Scope

This policy applies to all staff that are involved in referrals, assessments, service planning and service delivery for privately fostered children, some of whom may be children in need. It will also be of interest to education and health professionals, voluntary groups and members of the community who seek to work in partnership with Children's Safeguarding and Rights to safeguard the welfare of vulnerable children. There are plans to develop protocols with others such as Health Visitors and HM Immigration Service.

4 Definitions

A Privately Fostered Child is defined in the Children Act 1989 as a child under the age of 16 (or under 18 if the child has disabilities) who is cared for and provided with accommodation for 28 days or more by someone who is not the child's parent, or close relative, or someone with parental responsibility. It is a private arrangement between parent and carer.

A private foster carer may be a friend of the family, the parent of a friend of the child, or someone previously unknown to the child's family who is willing to privately foster a child. The period for which the child is cared for and accommodated by the private foster carer should be continuous, but that continuity is not broken by the occasional short break.

The private foster carer becomes responsible for providing the day to day care of the child in a way which will promote and safeguard his welfare. Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with parental responsibility. This is a private arrangement between parent and carer.

Any children in circumstances as detailed below would not be privately fostered;

- in the care of the Local Authority i.e. children Looked After or Accommodated
- in premises in which any of his/her parents live, or a person who is not a parent but has parental responsibility for him/her is for the time being living
- in premises where a relative of his/hers lives and who has assumed responsibility for his/her care
- in any children's home
- in accommodation provided by or on behalf of any voluntary organisation
- in schools where they are receiving full time education on a residential basis
- in health service hospitals or care homes.
- who are liable to be detained, or subject to Guardianship under the Mental Health Act 1983

Schedule 8 of the Children Act 1989 should be referred to for a full list of exemptions to the definition of a privately fostered child.

A Close Relative is defined as the child's mother, father, grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or step-parent).

Children's Safeguarding and Rights will distinguish between private arrangements made between parents and carers, and arrangements in which they, with the consent of the parents, have been involved where the child concerned is legally defined as 'accommodated' under section 20 of the Children Act 1989, thus being a looked after child.

5 Legal Context

This policy has been written within the context of the following legal requirements:

- Children Act 1989
- Children Act 1989 Regulations and Guidance Volume 8
- The Children Act 2004
- The Children (Private Arrangements for Fostering) Regulations 2005
- Disqualification from Caring for Children (England) Regulations 2002

Local Authorities do not formally approve or register private foster carers. However, it is the duty of Local Authorities to satisfy themselves that the welfare of children who are, or will be, privately fostered within their area is being, or will be, satisfactorily safeguarded and promoted. It is the local authority in whose area the privately fostered child resides

which has legal duties in respect of that child.

The Children Act 2004 places duties on local authorities to raise awareness; to make enquiries about the suitability of private foster carers before children are cared for by them; to appoint a private fostering officer to monitor compliance with the notification system; to include private fostering amongst the areas to be addressed by safeguarding boards; and to introduce minimum standards for Local Authority private fostering.

The National Minimum Standards for Private Fostering are issued under Section 7 of the Local Authority Social Services Act and therefore should be complied with unless local circumstances indicate exceptional reasons, which justify a variation. Children's Safeguarding and Rights will be assessed against the Regulations and National Minimum Standards from April 2006.

This policy should be read in conjunction with other relevant Barking and Dagenham Policies including those on Kinship Care.

6 Mandatory Procedures

6.1 Awareness Raising

London Borough of Barking and Dagenham will respond proactively to its duty to promote public awareness about Private Fostering. This will include:

- A yearly publicity strategy, including a programme of communication activities and a range of publicity materials.
- Targeted information for those who may come into contact with privately fostered children, including teachers, health visitors, nurses, doctors, housing officers and community workers, about their role in encouraging compliance with the notification requirements.
- Publicity/awareness raising when issues or concerns come to our attention, targeting communication and consultation with the groups affected.

Children's Safeguarding and Rights will work with other key agencies in meeting the needs of privately fostered children, parents, and private foster carers.

London Borough of Barking and Dagenham have appointed a named person who in their role as Private Fostering Lead can provide information and advice to social workers and others who work with children who are or may be privately fostered. The Private Fostering Lead, Pranitha Rampersad can be contacted on 0208 227 5988.

6.2 Notifying the Local Authority

Any notification to the Local Authority required under the regulations must be given in writing (see 6.3) and may be sent by post. The following persons must notify Children's Services:

- any person who intends to privately foster a child must let the Local Authority know

in writing, at least six weeks before the arrangement is planned to start, if less than 6 weeks, immediately.

- a person who is already privately fostering a child and has not given notification to the appropriate local authority, must notify the appropriate authority immediately
- a person who has given notification of a private fostering arrangement to the local authority must within 48 hours of the start of the arrangement let the Local Authority know of that fact
- a parent, or any other person who has parental responsibility for a child who is going to be privately fostered, must let the local authority know.
- any other person who is involved, whether directly or indirectly, in arranging for a child to be privately fostered
- Other professionals, and workers in the voluntary sector, should tell the Local Authority of any private fostering arrangement that has come to their attention. They can play an important role in helping to identify private fostering arrangements and providing information to carers and parents who may be unaware of their responsibility to notify the Local Authority.

In turn, Children's Services will notify other agencies of private fostering arrangements and make enquiries of these agencies regarding the suitability of these arrangements. Close liaison and good communication between professionals working with children and families in private fostering arrangements is crucial to safeguarding their welfare.

6.3 Responding to Notifications -

a) New notifications on cases not already open to an Assessment, Children in Need, Looked After Children, or Disabled Children's Team

All initial information received about a proposed or actual private fostering arrangement will be referred to the Private Fostering Team Social Worker. If initial notification is received by the MASH Team, the Referral Officers will input the case details on Liquid Logic. If the initial referral is received direct to the Private Fostering Team then the Private Fostering Social worker will input the case details on Liquid Logic. Where the case is already open, referral Officer will contact the relevant Team.

On new notifications the Referrals Officer or Private Fostering Social Worker, will take the same core information as they would for any other referral, as well as asking for the specific information that is required under the Children Act Regulations (see Notification of a private Fostering Arrangement Form for detail of the information required). Where this information is not available, the Referrals Officer must explain this within their recording.

Professionals notifying of a private fostering arrangement that has come to their attention will be asked to confirm the referral information in writing. The formal referral is not completed until this information is received.

All new referrals will be subject to an Initial Assessment of the suitability of the private fostering arrangement, Disclosures and Barring Services checks and assessment of need (Sec 17 Children Act 1989) if appropriate.

Any referral which indicates a child protection concern must be discussed with the Assessment team immediately.

When advance notice of the arrangement is given, the referral must be acted on even if the arrangement is not due to begin immediately. This is because the Local Authority has to satisfy themselves of the suitability of the proposed arrangement before the child is privately fostered.

b) New notifications on cases already open to an Access, Children in Need, Looked After Children, or Disabled Children's Team

The case holder will refer existing cases where a Private Fostering situation develops to the manager. The case holder will be responsible for ensuring that the initial visit, in which the child is seen alone, takes place within 7 days.

c) Notification of change of circumstances

A private foster carer must notify Childrens Safeguarding and Rights, in advance if possible, or not less than 48 hours after the change, of

- any change in address
- any person who ceases to be part of or employed in the household
- any further offences or disqualification of which he or any person resident or employed in the household has been convicted of and also in relation to anyone who begins to be part of the household or employed at the households
- If the change of address is in the area of another Local Authority (including a local authority in Scotland, Wales, or Northern Ireland) Barking and Dagenham 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 persons with parental responsibility.

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

Responding to Unnotified arrangements

The Local Authority is required to deal effectively with situations where a private fostering arrangement has come to their attention but has not been notified in accordance with the regulations, and ensure that an appropriate decision is taken where it appears that an offence has been committed, bearing in mind the best interests of the individual child.

Discussion should take place through supervision and guidance sought from Legal Services as to whether or not an offence should be prosecuted. Ultimately the decision rests with the Group Manager and any decision to prosecute must be recorded and minutes of meetings and discussions and placed in the carers file.

6.5 Children Privately Fostered Out of the Borough

Barking and Dagenham's Children's safeguarding and rights is responsible for

assessments of private fostering arrangements made in their area. If a child from Barking and Dagenham is privately fostered outside of Barking and Dagenham, the Referrals Officer/Social Worker will pass the information on to the appropriate Local Authority. If a child from another Local Authority moves to Barking and Dagenham to a private fostering arrangement, then Barking and Dagenham is responsible for assessing the arrangement and the referral will be processed the same as a new notification on a case not already open to Children's Safeguarding and Rights.

6.6 Assessment of Need and Record Keeping

Every child who is, or will be privately fostered, is entitled to an assessment of need. Upon receipt of a new notification of a Private Fostering placement, the Private Fostering Social Worker will complete an initial assessment of need within 7 days of the service being notified of the arrangement.

In some cases, according to the child's circumstances, the case may be held by a team other than the Private Fostering Team, for example, the Disabled Children's team. In every case however, it is the relevant fieldwork team that is responsible for allocating a named worker, undertaking visits and completing a written report on each visit.

The Fieldwork teams will keep accurate records for each privately fostered child, including the reports of visits made. Fieldwork Team Managers are responsible for monitoring the content and standard of individual files, for example that there is a written report (Private Fostering Visit Report) following each visit and was the child seen alone.

If a Privately Fostered child was not seen alone, this must be indicated in the report and the reason why stated.

6.7 Initial Visit to child and private foster carers

The child must be seen alone and spoken to, unless circumstances mean it is inappropriate to do so. The initial visit in which the child is seen alone must take place within seven days of notification. Enhanced Disclosure and Barring Service checks will be initiated at the initial visit on all members of the household over 16, and anyone over 16 who stay in the household on a regular basis. The actual or proposed private foster carer and each member of his household aged over 16 should be asked to provide written consent for such a check to be carried out (Declaration of suitability to privately foster/Permission to request information. Some carers or members of the household may have had an existing check undertaken. However, the only check acceptable for this purpose will be one undertaken by Barking and Dagenham Borough Council. If an existing check undertaken by Barking and Dagenham Borough Council is presented then the check must be seen and also confirmed with Human Resources.

6.8 Wishes and Feelings of the Child

The child must be seen alone and their wishes and feelings about the private fostering arrangement ascertained, to inform the initial assessment and analysis of the suitability of the placement in meeting the child's needs.

6.9 Assessment of the Private Fostering Arrangement and Record Keeping

The responsibility for undertaking assessments of the private fostering arrangements

rests with the Private Fostering Social Worker. Following the initial Access visit the assessment of the carers will become the responsibility of the Fostering worker allocated to the case.

The focus of the Private Fostering Assessment is assessing the suitability of the private foster carers, and their household and premises, and that they provide an environment in which the child's welfare will be safeguarded and promoted. The task is not to approve the carers as foster carers, but to say whether or not that particular private fostering arrangement is acceptable, as well as referring to the *Framework for the Assessment of Children in Need and their Families (2000)* as a guide.

Parents and carers are encouraged to make a Written agreement

Once allocated it is the responsibility of the Private Fostering Worker to ensure that all safeguard checks are completed and presented to the Foster Panel. If the Panel do not clear a DBS check, the manager will decide if any further action needs to be taken.

The arrangement must be assessed, and a decision made on its suitability within 42 working days from notification, or as soon as the outcome of the DBS checks is known.

The Private Fostering Social Worker will open an individual file on each private foster carer(s) and maintain these in accordance with legal requirements. The manager will be responsible for keeping information about the numbers and types of Private Fostering known to the service and the numbers and types of enquiries made to childrens services in relation to Private Fostering.

New notifications will be recorded on the statistical data return and submitted to the Performance information team.

6.10 Formally Accepting or Rejecting the Arrangement

The Private Fostering Panel will make a recommendation to formally accept or reject arrangements. This recommendation is then considered by the Agency Decision Maker for a formal decision about the suitability of the arrangement.

The manager will be responsible for liaising with Legal Services in respect of any issues regarding requirements, prohibition and disqualification in relation to Private Foster Carers or prospective Private Foster Carers.

6.11 Exemptions

Schedule 7 to the Children Act 1989 prescribes the usual fostering limit of not more than 3 children. Similarly, in the case where a person is privately fostering, or proposes to foster privately, more than three children who are not siblings at any one time, the person needs an exemption from the Local Authority. If a privately foster carer exceeds the usual fostering limit, or where exempted, privately fosters a child not named in the exemption and in doing so exceeds the usual fostering limit, they shall be treated as carrying on a children's home. Any person who carries on a children's home without being registered in respect of the home under the Care Standards Act 2000 is guilty of an offence.

The Head of Service has the responsibility for granting exemptions and in his/her absence, any other manager at the same level or higher. The process is that the

manager completes a Limit on Number of Children Privately Fostered –Exemption Form that is signed by the decision maker. A copy of the form must be placed on the carers file and on the child's file.

6.12 Requirements

Requirements can be imposed, and advice given, regarding the standard of accommodation and equipment and can relate to an individual child or a category of children, for example those of a certain age.

Under Paragraph 6 of Schedule 8 to the Children Act 1989 the local authority has the power to impose requirements on private foster carers as to:

- the number age and sex of the children who may be privately fostered
- the standard of accommodation and equipment to be provided for them
- the arrangements to be made with respect to their health and safety
- particular arrangements which must be made with respect to the provision of care

A requirement may be limited by the authority so as to apply only when the number of children fostered by the persons exceeds a specific limit.

It is the duty of the carers named in the requirement to comply with any such requirement, before the end of such period as the Local Authority may specify unless, in the case of a proposal, the proposal is not carried out.

The Manager will consult with the Head of service about the decision to impose a requirement. The discussion and outcome should be recorded on a Request to impose. Remove or vary a requirement form and placed on the carer's case file. Legal Services must be consulted prior to completing the form and their view included, as the decision to impose a requirement, may result in the authority having to go to court. The care management social worker should also be consulted and kept fully informed of any decision as it may impact on the need to seek an alternative placement.

The imposition of a requirement must be notified in writing to the carers with:

- the reasons for the requirement
- his right to appeal and
- the time limit for doing so.

The time limit will have been agreed beforehand with Legal Services. The letter must be sent by recorded delivery. Good practice would be that a requirement would only be imposed after there had been discussion and informal negotiations before with the carers in an attempt to resolve any issues. The carers must be informed of the proposed requirement in advance, if it is consistent with the welfare of the child, so that they have time to consider their position, thus preventing unnecessary appeals to court.

The Local Authority may at any time vary any requirement, impose any additional requirement or remove any requirement. A requirement does not have to wait until an assessment report is completed on the private fostering arrangement. If appropriate it may be considered at any stage from notification onwards while the private fostering arrangement is in place.

A person aggrieved by the imposition of a requirement has a right of appeal to the court.

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

A court may dismiss the appeal, or if not, cancel or vary requirements.

The Local Authority has the power to remove, vary, or add requirements. The manager is responsible for initiating action and the same process as imposing a requirement is followed.

If a private foster carer does not comply with a requirement, consideration should be given as to whether it would be appropriate to impose a prohibition on him.

6.13 Prohibitions

The Local Authority can prohibit certain placements The Local Authority has the power under section 69 of the Children Act 1989 to impose a prohibition on a person who proposes to privately foster as well as a person who actually privately fosters. A person may be prohibited from privately fostering if the Local Authority is of the opinion that:

- the person is not a suitable person to foster a child
- the premises in which the child will be, or is being accommodated, are not suitable, or
- it would be prejudicial to the welfare of the child for him to be, or to continue to be, accommodated by that person in those premises

The prohibition may prohibit the person from fostering privately:

- any child in any premises within the area of the Local Authority: or
- any child in premises specified in the prohibition
- a child identified in the prohibition, in premises specified in the prohibition

The Local Authority who has imposed the prohibition on any person may cancel the prohibition:

- on their own motion: or
- on an application made by the person prohibited

Where a Local Authority has imposed a requirement on any person under paragraph 6 of Schedule 8, they may also impose a prohibition. Any prohibition imposed does not have effect unless:

- the time specified for compliance with the requirement has expired: and
- the requirement has not been complied with.

Guidance encourages Local Authorities to use the power to prohibit where it is necessary to enforce requirements.

The Manager will be the person responsible for calling a meeting to discuss imposing a prohibition. The decision to impose a prohibition will be made after consultation with the Head of Service and will need his/her approval. The discussion and outcome should be recorded on a Request to impose or cancel a prohibition form and placed on the carer's case file. Legal Services must be consulted prior to completing the form and their view included, as the decision to impose a prohibition, may result in the authority having to go to court. The care management social worker should also be consulted and kept fully

informed of any decision as it may impact on the need to seek an alternative placement. Where appropriate it may be necessary to call a Strategy Meeting to discuss the issues with other parties/agencies.

A prohibition must be imposed by notice in writing, addressed to the person on whom it is imposed and informing them of:

- the specific reason for imposing the prohibition
- their right under paragraph 8 of Schedule 8 to appeal against the prohibition: and
- the time within s/he may do so

The time limit for appeal will have been agreed beforehand with Legal Services. The letter must be sent by recorded delivery.

The process for cancelling a prohibition is that the manager completes a Request to impose or cancel a prohibition form presenting the case why the local authority is satisfied that the prohibition is no longer justified. Consultation would have taken place with the care management social worker and other appropriate agencies. The Fostering Service Manager is the decision maker and the outcome recorded on the form and placed on the carers file.

Persons on whom a prohibition has been imposed under Section 69 are disqualified from privately fostering and from carrying on or being employed in a children's home, voluntary home, day care or childminding. The manager must forward details of any person prohibited to the Human Resources Team.

6.14 Disqualifications

The disqualification provisions contained in section 68 of the Children Act 1989 and the Disqualification from Caring for Children (England) Regulations 2002 apply. Certain persons are automatically disqualified from fostering children unless they have obtained the Local Authority's prior consent.

As part of the safeguard checks undertaken in assessing the arrangement, carers must complete the Declaration of Suitability to Privately Foster form.

Local Authorities can in certain circumstances give their consent to a person acting as a private foster carer who would have otherwise have been disqualified, but only if they are satisfied that the welfare of the child concerned would not be prejudiced by the proposed or actual private foster carer or member of their household. A senior manager must give written consent for the person to privately foster a child.

In a situation where a carer or member of their household is disqualified from caring for children, the manager will call a Strategy Meeting with Fieldwork Services and discuss with Legal Services, to co-ordinate a response and timescales.

The Private Fostering worker will undertake a report outlining details of the disqualification, how it impacts on the private fostering arrangement and expressing a view as to whether the placement is in the child's best interests. The social worker will undertake a written assessment of the risks to the child/young person and express a view as to whether the placement is in the child's best interests.

These reports will be presented to the Panel who will make a recommendation in respect of whether or not the disqualification should be lifted. This will in turn be passed to the Agency Decision Maker. Written consent for the disqualified person to foster that particular child in that particular arrangement will be provided by the Agency Decision Maker.

Where the Local Authority decides to refuse consent to allow a disqualified person to privately foster a child, the person concerned will be notified in writing and the notification will inform them of their right to appeal and the timescales for doing so. The letter refusing consent will be signed by the Agency Decision Maker.

6.15 Appeals

a person aggrieved by

- a requirement imposed under paragraph 6 (Children Act 1989)
- 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

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

6.16 Offences

Section 70 of the Children Act 1989 specifies the offences which must be considered in connection with private fostering.

A person is guilty of an offence if they knowingly causes to be published, or publishes, an advertisement which they know contravenes paragraph 10 of Schedule 8.

Although in general failure to comply with any of the obligations imposed by this part of the Act will amount to an offence, in deciding how to deal with an individual situation the best interests of the child need to be considered before a decision is reached about prosecution. Issues that need to be considered are absence of a reasonable excuse and knowledge or intention with respect to the breach. The most significant offence is to fail to give any notice or information required by the act within a reasonable time, or to be responsible for any statement or giving of information known to be false or misleading.

Where it is alleged that a child is fostered in a household where a disqualified person is living or employed, it is a defence to show that the accused did not know, and had no reasonable ground for believing, that a disqualified person was living or employed in the premises.

Discussions about prosecution should take place through supervision and guidance sought from Legal Services as to whether or not an offence should be prosecuted. Ultimately the decision rests with the Fostering Group Manager and any decision must be recorded on a Decision to prosecute for Non -Notification form and placed in the carers

file.

6.17 Ongoing visits to the Child and Record Keeping

In line with Regulation 8(1), the child must be seen at least every six weeks in the first year and then at least every twelve weeks, or when reasonably requested by the child, carer or parent. Responsibility for doing this rests with the Private Fostering Team.

All privately fostered children will be allocated a Social Worker. The child must be given contact details of this Social Worker who will be responsible for visiting them according to regulations.

At each visit, the social worker will take into account the ascertainable wishes and feelings of the child regarding the private fostering arrangement. They will check whether the contact arrangements between the child and his parents, and any other person with whom he has contact, continue to be satisfactory for the child. They will check whether the child's needs arising from their religious persuasion, racial origin and cultural and linguistic background are being met. They will also check whether the child's physical, educational, emotional, social and behavioural needs (including those arising from his/her racial and cultural background) are being met. At each visit, the child should be seen alone and if not, the reasons why must be recorded.

A written report (Private Fostering Visit Report) *must* be made following each visit. A copy of the report must be placed on the child's file. The report must be counter-signed by the worker's line manager.

Where a report refers to imposing requirements, prohibition, or prohibition with conditions upon non-compliance with requirements, The Private Fostering Social Worker must discuss this beforehand with the manager. The lead officer in imposing requirements or prohibition will be the Fostering Team Manager.

Reports must detail changes in circumstances such as new members joining the household, change of sleeping arrangement, change of address etc that would require a re-assessment of the arrangement.

It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct an authorised officer, who has reasonable cause to believe that a privately fostered child is being accommodated or is proposed to be accommodated within the authority's area, from exercise of any duty towards the child. Private Fostering social workers including the manager who are refused entrance when making a visit, or refused access by the carers to seeing a child alone will discuss with their Head of service whether legal advice is required.

The child and private foster carer should be able to contact the allocated Private Fostering Social Worker at any time between visits. In the absence of the Private Fostering Social Worker, the Fostering Team Duty Social Worker on 0208 227 5988, will provide support to both the carer and the child.

6.18 Planning and Review

The recommendation contained within the Assessment Framework Guidance (Paragraph 4.36) is that for children in need plans, where work is being undertaken to support

children and families in the community, it is good practice to review the plan with family members at least every six months, and to formally record it.

Children's Safeguarding and Rights recognises that frequency of reviewing the child's plan as a Child in Need will vary according to the child's circumstances, needs and types of services received. Decisions about timescales rest with the Team Manager. However, in line with standards for all Children in Need Plans, those for children who are privately fostered must be reviewed at least once a year.

6.19 Case Transfer

Private Fostering cases, where the case has been initially referred to the Assessment Team will be transferred to the Private Fostering Team once any child protection concerns have been investigated. Should there be a Child Protection Plan in place, the case will be held by the Assessment Team.

Private Fostering cases initially referred to the Assessment Team but without child protection concerns, will be transferred to the Private Fostering Team by completion of a Private Fostering Notification Form, Transfer Summary and Case Chronology. Only once these documents have been completed and no child protection concerns identified will the case be accepted by Private Fostering.

Should a Private Fostering case held by the Private Fostering Team be identified as having child protection concerns, then the case will be referred to the Assessment Team until the child protection concerns are investigated and the case found to be satisfactory. Should child protection concerns be ongoing then the case will be held by the Assessment Team.

6.20 Access to After Care Services

When a young person living in a Private Fostering arrangement approaches their 16th birthday, they will be referred to the Private Fostering Step Down to CAF Pathway.

With the young person's consent, 2 months before the young person's 16th birthday, the Private Fostering Social Worker will email a Step Down Request Form to the CAF Coordinator. The Private Fostering Social Worker and the young person will work together to produce a CAF form to identify the young person's support needs up to their 18th birthday. This might include immigration, housing, college, and connexions advice. The Private Fostering Social Worker will email the CAF to the CAF Coordinator, who will instruct an ISA from the MALT Team located in the young person's locality. This ISA will be the lead professional on the CAF and will identify the names of professionals who can provide the support needs identified in the CAF. The ISA will email the names of these professionals to the Private Fostering Social Worker who will arrange the Step Down Meeting and invite the identified professionals alongside the young person and their carer. At this meeting the Private Fostering case will be transferred to the identified MALT Team who will hold the young person's case until they reach 18.

Private Fostering covers a wide range of situations. For some young people they may feel that there is no need for a Personal Advisor as they have appropriate support from family and friends. However, for those young people where there is little outside support, the Private Fostering Step Down to CAF Pathway could be beneficial in assisting them to

establish themselves independently.

Although the Step Down to CAF Pathway Plan is not a legal requirement for Private Fostering cases, this is seen as a best practice requirement by LBBD Private Fostering Team in order that young people living in Private Fostering arrangements are supported through to adulthood.

6.21 Case Closure

If the child moves, the former private foster carers must notify the Local Authority in writing within 48 hours, including the name and address of the person into whose care the child has moved.

If the child dies, the private foster carer must notify the Local Authority as soon as possible. The Local Authority may need to assist the private foster carer with notifying any person with parental responsibility.

Under Regulation 10 (4) any parent of a privately fostered child and any other person who has parental responsibility for the child, must notify the Local Authority of the ending of the fostering arrangement.

When a private fostering arrangement ends the allocated Social Worker must complete a Private Fostering Closure Form. It is important that this includes the address the child has moved on to and that this is placed on file. The manager should sign off closures.

6.22 Advice and Support to Private Foster Carers

Local Authorities should provide information to private foster carers on the advice that is available from the Local Authority and from other agencies.

Where there is an identified need for support, which is not available from other agencies, consideration needs to be given as to whether this support should be provided under section 17 of the Children Act 1989.

- The Private Fostering Social Worker should visit a child in a private fostering placement whenever reasonably requested by the private foster carers if this falls outside of the statutory visiting pattern.
- As part of the assessment report the private foster carers needs should be identified and a plan of how these will be met identified. Where appropriate, private foster carers will be facilitated to access existing training available to all childrens services foster carers. Carers should also be facilitated to access community resources.
- Where appropriate, and with the carers agreement, referral will be made to other agencies
- Where appropriate and identified a specific course will be developed for private foster carers
- Where appropriate and identified self-help groups will be developed for private foster carers

- Following acceptance of an arrangement the Private Fostering Social Workers role is to support the carers. Each situation will vary. The carer must be given the Private Fostering Social Worker's contact details in writing. As a matter of good practice, in Barking and Dagenham the aim will be to agree with the carers a pattern of visiting with a minimum of contact at least once every 6 weeks, up to the arrangement being in place for 12 months and then every 3 months. (see Private Foster Carer Annual Review Form)
- The Private Fostering Social Worker should visit when reasonably requested by the carers.
- A specific leaflet will be available for carers.
- Carers will be made aware of the complaints procedure.

6.23 Advice and Support for Parents

The Local Authority may need to give advice to parents on a range of issues, including advice enabling them to make alternative arrangements for the care of their children where the Local Authority considers that it is not appropriate for the child to be privately fostered, and where a private fostering is prohibited and no other is contemplated.

The Local Authority may need to consider whether providing support to the parents or referral to another agency would relieve the necessity for the child to be privately fostered.

The Private Fostering Social Worker should visit a child in a private foster placement when reasonably requested by a parent if this falls outside of the statutory visiting pattern.

Good practice would be to keep parents informed of any changes to the existing arrangement and the outcome of visits/reviews.

A specific leaflet will be available for parents.

Parents will be made aware of the complaints procedure.

6.24 Advice for Privately Fostered Children

Specific leaflets will be made available to privately fostered children and a further leaflet made available about after care services. All privately fostered children will be made aware of the complaints procedure.

All privately fostered children will be given the name and contact detail of their allocated worker.

7 Practice Guidance

7.1 Disabled Children

Under Section 24 of the Children Act 1989 a disabled person who is under 21 and who

was (but is no longer) privately fostered at any time after his sixteenth birthday qualifies for advice and assistance from the local authority in whose area he is residing.

The Local Authority may advise, assist and befriend such a young person if s/he asks for help and their previous private foster carers do not have the necessary facilities to advise or befriend them. Assistance may be in kind or, in exceptional circumstances, in cash, which may also be conditional on repayment, except where a person is in receipt of certain benefits.

The guidance to Section 24 of the Children Act 1989 (Chapter 2.16) includes reference to privately fostered children and should be consulted for guidance on principles and practice. It is important to note that local authorities only have a responsibility to advise and assist young disabled people who have previously been privately fostered. The powers of local authorities to contribute to expenses related to education, employment and training set out at section 24B of the Act are not applicable to young disabled people who were formerly privately fostered.

7.2 Language Schools and Host Families

Children attending Language Schools may meet the criteria for private fostering. Such children are usually boarded with 'host' families. If because of length of stay with the host family, the arrangement meets the criteria for private fostering, it will be considered a private fostering.

Where 'holiday' schemes are organised and children are boarded with host families the arrangement will be treated as private fostering if the length of stay with the host family or the age of the child meets the criteria for private fostering.

7.3 Advertising

Advertisements for private fostering are not to be published unless they state the name and address of the person offering to undertake or arrange for the child to be fostered (Sch8, para 10) A person privately fostering a child is prohibited from having an insurance interest in the life of the child (Sch 8, para 11).

7.4 International Aspects

Some children who are privately fostered are sent to the United Kingdom while their parents remain resident overseas. Most, however, are accompanied by, or have come to join their parents. Some may have only limited leave to enter or remain in the United Kingdom. A child who is privately fostered may be subject to immigration control. Their parents may be temporarily settled here to have limited leave to remain; they may be overstayers or illegal entrants or their immigration status may not be known. Local authorities should be aware of those children who are privately fostered and subject to immigration control, or who have irregular or uncertain immigration status, and give such advice as may be considered appropriate to Private Foster Carers.

Local Authorities should be aware that the welfare of children from particular ethnic minority groups who are privately fostered may become adversely affected by the deportation of their parents from the United Kingdom. Such children can lose contact with

their parent at considerable cost to their welfare. Local authorities should, in such circumstances, consider the extent to which they should exercise any of their functions under Section 67(5) of the Act to safeguard and promote the welfare of the child affected by his parent's deportation.

Local Authorities should always seek advice about children with existing or potential immigration, nationally and emigration difficulties. Sources of Advice on Immigration, Nationality and Emigration include:

- The Home Office
- International Social Service (ISS)
- Joint Council for the Welfare of Immigrants (JCWI)
- United Kingdom Immigrants Advisory Service (UKIAS).
- Nigerian High Commission.

7.5 Health Care

The three key areas are the child's medical history, consent to examination or medical treatment and registration with General Practitioner/Dentist. The parents of the child to be privately fostered should make known the child's medical history to the proposed private foster carer and ensure that the social worker is aware of any particular health conditions. In addition to basic details of the child – height, weight, etc, details in a child's medical history should include:

- immunisations given with dates and, 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, and 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 those treatments;
- information on any special dietary requirements or dietary restrictions.

Consent to medical examination or treatment 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 Practitioner to have copies of this document.

Children of sixteen and over are entitled to give their own consent to medical treatment (see *Seeking Consent: Working with Children*, Department of Health, 2001). In most cases, those over sixteen will give their own consent, but there may be occasions (if the young person is unconscious or the effects of pain or medication mean that they cannot

make an informed decision) when a person with parental responsibility can consent for them. This no longer applies when a young person becomes eighteen.

Children under sixteen may also be able to give or refuse consent depending on their capacity to understand the nature of the medical examination or treatment. It is for the doctor or other health professional concerned to determine whether the child is competent to give consent, and to keep a record of how this decision was reached in case of challenge at some future point. Children who are judged able to give consent (“competent”) cannot be medically examined or treated without their consent. The child’s attention should be drawn to his rights to give or refuse consent to examination or treatment if he is 16 or over or if he is under 16 and the health professional considers him to be competent to give or withhold consent to the examination or treatment in question. Young people should be encouraged to understand the importance of health care and to take responsibility for their own health. If a child aged under 18 refuses consent, this may be overridden by a person with parental responsibility or by the court if the welfare of the child so requires. This is likely to be only in exceptional circumstances, and those involved should consider seeking legal advice about applying to the court for a decision as to whether the child’s welfare requires his refusal to be overridden. For more information on consent issues refer to the web-site: <http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/Consent/fs/en>.

Local Authorities must establish that arrangements for the care of the child’s health are in place and, in particular, that the child is included on the list of a General Practitioner. Local authorities should check this with the relevant practice. The child should remain with the current General Practitioner, if possible. The child’s parent, or other person with parental responsibility for him, should be given the name and address of the General Practitioner with whom the child is registered, if changed. Regular visits to the dentist for checks and treatment should form an integral part of the general health care of the child. Privately fostered children are, of course, entitled to the same universal health services (e.g. immunisation programme, sight tests etc) as other children.

7.6 Health and Safety

The type of accommodation may vary from that which would be considered acceptable when assessing foster carers for the boroughs fostering service and given the diverse nature of private fostering arrangements, there will be considerable variation across the spectrum of placements. The local authority should consider whether or not the standard of accommodation is suitable having regard to the child’s age and developmental need.

7.7 Insurance

A Private Foster Carer is liable for his/her own negligence

Private Foster Carers are advised to write to their ‘home contents’ insurers and say that as well as the existing family members they have another child in the household who is privately fostered and who they treat as a family member. They are further advised to request a letter of confirmation that the child is included under the existing public liability insurance clause.

A foster parent may not be ordered to pay a criminal fine on behalf of the fostered child under CYPA 1933, s 55.

Private Foster Carers may choose to take out membership of the National Foster Care Association, which provides legal cover in certain circumstances, and access to advice on issues related to Fostering.

The NFCA can be contacted at :
National Foster Care Association
87 Blackfriars Road
London SE1 8HA
Tel: 0171 620 6400
Fax: 0171 620 6401
E-mail: nfca@fostercare.org.uk

8 Implementation

This policy will be implemented across Children's Services and all partner agencies .The Training Department will ensure that all relevant staff have an understanding of the Local Authority's duties and functions in relation to Private Fostering and that this is included within its training and induction programmes. The Private Fostering Lead will liase with the Training Department to facilitate the delivery of training.

9 Monitoring and review

In support of this process, Manager will keep information about the number of enquiries made about private fostering. The Fostering Team Manager will act as the Designated Officer with responsibility for monitoring the effectiveness of the authority's notification system. The Fostering Team Manager will be responsible for providing an annual report to the Divisional Director Safeguarding and Rights Children's Services and to the Chair of the Safeguarding Board.