

Private fostering – London Borough of Sutton



Private fostering - definition

Private fostering is when a child or young person, under the age of 16 (or under the age of 18 if disabled) is living with someone who is not a close relative, for 28 days or more. This might be a friend, a great aunt, a cousin or someone else known to the child or young person.

A close relative is defined as:

A grandparent, aunt, uncle, brother or step-parent by marriage. This type of arrangement is completely different to fostering arrangements where children and young people are placed with local authority approved foster carers, or via friends and family (kinship care) foster carers.

Many private fostering arrangements remain unknown to the local authority and this is a cause for concern as privately fostered children and young people, without the safeguards provided by law, are a particularly vulnerable group, and may, in extreme cases, be trafficked or abused children. The majority of these arrangements are, of course, perfectly acceptable, but they must be assessed to ensure these children are safeguarded.

It is an offence not to tell the local authority about a private fostering arrangement. There are many reasons why children and young people are privately fostered. Such examples include those listed below.

- Parental ill health
- Children or young people who are sent to this country for education or health care by birth parents from overseas.
- Children or young people who are living with a friend/boyfriend/girlfriend's family as a result of parental separation, divorce or arguments at home.
- Children or young people whose parents work or study long or antisocial hours.
- Children or young people on school holiday exchanges that last more than 28 days.
- Children or young people who are on sports or music sponsorships living away from their families.
- A parent or an agency, such as a college or sports academy, would normally make such an arrangement.

What are the council's responsibilities?

- To keep children and young people safe and support families, the Council need to assess the suitability of the private foster carer and to make regular checks of private fostering arrangements. This is because the local authority has a legal duty to safeguard the wellbeing of children and young people (The Children's Act 1989, Private Arrangements for Fostering Regulations 2005).
- The child's social worker will visit the child or young person at the placement where the child or young person will be seen and spoken with alone.

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- If the care of the child / young person or the accommodation is unsuitable, the local authority can prevent or stop a child or young person being privately fostered. The local authority can also make sure the private foster carer rectifies a problem, for example, by fitting smoke alarms or fire guards in the home.
- They can also give advice and support to private foster carers and parents involved in the private fostering arrangement.

The Children (Private Arrangements for Fostering) Regulations 2005 and the amended s67 of the Children Act 1989 strengthens the duties upon local authorities in relation to private fostering by requiring them to:

- Satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted;
- Ensure that such advice as appears to be required is given to private foster carers;
- Visit privately fostered children at regular six weekly intervals in the first year and 12 weekly in subsequent years;
- Satisfy themselves as to the suitability of the private foster carer, and the private foster carer's household and accommodation. The local authority has the power to impose requirements on the foster carer or, if there are serious concerns about the arrangement, to prohibit it;
- Promote awareness in the local authority area of the requirement to notify, advertise services to private foster carers and ensure that relevant advice is given to privately fostered children and their carers;
- Monitor their own compliance with all the duties and functions in relation to private fostering, and to appoint an officer for this purpose.

What are the responsibilities of parents and private foster carers?

- When a child or young person is privately fostered, the child or young person's parents retain parental and financial responsibility.
- The law states that anyone directly involved in arranging the placement must notify the local authority about the arrangement.
- Private foster carers are responsible for carrying out any duties agreed with the parents and must allow a representative of the local authority to visit the child or young person and the premises where the child or young person is being privately fostered, to make sure the child or young person is safe and well cared for.
- During these visits the child or young person will be seen and spoken with alone unless it is deemed inappropriate to do so.

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- Parents are expected to be fully involved in planning for the future of their child or young person and it is advisable that a written agreement is drawn up between the parent and the carer outlining the essential aspects of the arrangement.

What does it mean for the child?

Children and young people who are privately fostered have the same rights to protection and access to services as children or young people living at home with their family. Notifying the local authority ensures that the Local Authority can:

- Assess the quality of the private foster care and carry out safeguarding checks.
- Monitor the arrangement to ensure the child or young person's needs are met.
- Listen to the child or young person's wishes and feelings.
- Provide support services where appropriate.

Teachers, health and other staff working with children should make a referral to LA children's social care and the police if:

- They become aware of a private fostering arrangement which is not likely to be notified to the local authority; or
- They have doubts about whether a child's carers are actually their parents, and there is any evidence to support these doubts (including concerns about the child/ren's welfare)

Private fostering can place a child in a vulnerable position because checks as to the safety of the placement will not have been carried out if the local authority is not advised in advance of a proposed placement. The carer may not provide the child with the protection that an ordinary parent might provide. In many cases, the child is also looked after away from a familiar environment in terms of region or country.

It is your duty to notify the local authority if you are aware of, or involved in a private fostering arrangement. Please note, there are no financial arrangements between the local authority and the private foster carers in a private fostering arrangement – this is an arrangement between the parents of the child, and the person/people they have approached to care for their child.

To notify London Borough of Sutton about a private fostering arrangement or make further enquiries, please call the Multi-agency Safeguarding Hub (MASH): 020 8649 0418 or you can e-mail: mash@sutton.gov.uk