

Title: **Private Fostering**

*Policy
Reference No:* **B03**

*Unit Responsible
For Updating:* **Children's Policy Team**

*Policy
Authorised by:* **SMG**

*Committee/SMG
Minute Reference No:*

Revised: **July 2004**

Contents

Section	Page
Part One: National Policy and Legal Context	1
1.1 Legal Reference	1
1.2 Definitions and Exemptions	1
Part Two: Devon Context	4
2.1 Reference Leaflet	4
Part Three: Procedural Guidance	5
3.1 Responding to Enquiries or Initial Information	5
3.2 Notifications	5
3.3 Assessment of Suitability of Persons and Premises	6
3.4 The Welfare of the Child	7
3.5 Determining the Outcome of the Assessment	8
3.6 Prohibitions and Requirements	8
3.7 Monitoring the Placement	9
3.8 Ending the Placement	10
3.9 Post Placement Responsibilities to the Child / Young Person	10
Part Four: Implementation Plan	11
Part Five: Monitoring and Review	12

Section

Page

Part Six: Further Reading

13

Part One: National Policy and Legal Context

1.1 Legal Reference

- ◆ Children Act 1989; Part IX, Schedule 7 and 8.
- ◆ Children Act Guidance and Regulations, Volume 8, Private Fostering.
- ◆ The Children (Private Arrangement for Fostering) Regulations 1991.
- ◆ The Disqualification for Caring for Children Regulations 1991.
- ◆ The Children Act Guidance and Regulations, Volume 6, Children with Disabilities.
- ◆ The Children Act Guidance and Regulations, Volume 5, Independent Schools.
- ◆ Foster Care Regulations and National Minimum Standards 2001 (DOH).

1.2 Definitions and Exemptions

A **'privately fostered child'** is a child who is under the age of 16 years (18 years for a child who is disabled) who is cared for and provided with accommodation by someone other than:

- ◆ The child's parent(s).
- ◆ A person who has parental responsibility.
- ◆ A relative of the child.

"Relative", in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of full blood or by affinity), or step-parent.

"Affinity" means by marriage to someone of blood relationship with the child.

'To foster a child privately' is to look after the child in circumstances in which he/she is a 'privately fostered child', as defined above.

Where a child is under 16 years old and is a pupil at a school and lives at the school during school holiday for a period of more than two

weeks, he/she will be subject to private fostering regulations, unless one of the exemptions below applies.

Where parents of children from abroad placed at independent schools within Devon make arrangements for their children for exeat (leave of absence) weekends and holiday periods, such arrangements may constitute private fostering agreements, as may the appointment of local "guardians" for the children.

Exemptions:

Children will not be privately fostered children:

- ◆ Where 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 (unless the person caring for the child is doing so in his/her personal capacity, rather than as part of his/her duties in relation to the establishment):
 - A children's home.
 - Accommodation provided by, or on behalf of, a voluntary organisation.
 - 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).
 - Any health service hospital.
 - Any care home or independent hospital.
 - Any home or institution provided, equipped and maintained by the State.
- ◆ Where the child is in the care of any person in compliance with:
 - An order under Section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000.
 - A supervision requirement under the Social Work (Scotland) Act 1969.
 - Detention or guardianship orders under the Mental Health Act 1983

- ◆ Where the child is placed by an adoption agency in the care of a person who proposes to adopt him, or is a protected child within the meaning of Section 32 of the Adoption Act 1976.

Notes: If the arrangements cover more than two children *from different families*, the care manager should notify the Commission for Social Care Inspection's Regional Office.

It is not essential that the arrangement to privately foster a child be for a continuous period of 28 days. A break in the period, for example, for the child to visit his/her parents at the weekend, would not affect the nature of the placement as a private foster placement. For a break to cause a restart in calculating the period, it must result from the ending of one arrangement prior to the start of a new arrangement.

A person may act as a childminder for children under eight years old, that is, look after one or more children on domestic premises for reward. If the intention is that such an arrangement will last continuously for more than 27 days, the placement is a private foster placement

Part Two: Devon Context

2.1 Reference Leaflet

The following information leaflet is available:

Private Fostering - Social Services Leaflet Ref. 41

If this information leaflet is not held within the Locality office, a supply can be obtained from either:

The General Office
Social Services
The Annexe
County Hall
Topsham Road
Exeter
EX2 4QR

Tel: 01392 382946
Outlook: Neil Burnett
E-mail: neil.burnett@devon.gov.uk

The Fostering Team
Social Services
Magdalen House
56 Magdalen Road
Exeter
EX2 4TL

Tel: 01392 383764

Part Three: Procedural Guidance

3.1 Responding to Enquiries or Initial Information

On first becoming aware of an actual or planned private fostering arrangement, the Help Desk worker or Fostering Team worker should contact the following and inform them of the procedure they have to follow:

- ◆ The actual or prospective carers.
- ◆ Any other person involved (directly or indirectly) in the arrangements.
- ◆ The child's parent(s) or other person(s) with parental responsibility (when known).

The information leaflet "*Private Fostering*" (Ref. 41) should be sent to all relevant parties.

3.2 Notifications

Notifications of an existing or proposed placement are required from:

- ◆ Each prospective or actual foster parent. This should be provided using:
 - Notification of Intention to Foster Privately form (SS(C)PF1).
 - A Criminal Records Bureau (CRB) Disclosure Application Form.
 - A Consent to Vetting Form (SS(C)31) and a CRB Disclosure Application form should also be completed in respect of any person aged 16 or over living or employed in the same household.
- ◆ Any other persons involved (directly or indirectly) in the arrangement. This should be provided in writing and cover the areas set out in the Social Services leaflet "*Private Fostering*" (Ref. 41).
- ◆ The parent(s) or other person with parental responsibility who is aware of the arrangement. This should be provided in writing and cover the areas set out in the leaflet "*Private Fostering*" (Ref. 41). The Social Services form SS(C)PF2 (Notification of Intention to Place a Child in a Privately Arranged Foster Placement) is included in the leaflet for the parent(s)' use.

- ◆ Each notification must be acknowledged in writing, with a copy of the notifications provided to the holder of the Private Fostering register.

3.3 Assessment of Suitability of Persons and Premises

The statutory checks required for prospective carers are the same as those required for any foster carer application (see Policy E01). These will be administered by the Fostering Team staff and given to the fostering worker for consideration.

Where it appears at an early stage that prohibitions (see Section 3.6) should be imposed, the fostering worker should discuss with the Practice Manager and seek legal advice from the County Solicitors.

In addition to all the necessary checks, the fostering worker will undertake an assessment of suitability. Where advance notice of a placement is given, the local authority should check the placement in advance of the child being placed.

This check will take the form of statutory enquiries, covering the following:

- ◆ Outcome of Social Services checks.
- ◆ Outcome of any previous applications to childmind, foster or adopt.
- ◆ Household relationships.
- ◆ Religion.
- ◆ Ethnicity.
- ◆ Suitability of accommodation.

If the above is acceptable and the Locality team have completed the child's Initial Assessment, the child can be placed / remain in the placement whilst a full assessment is undertaken.

The National Minimum Standards for Fostering 2001 state this assessment should be to the same standard as any other foster care assessment and therefore a BAAF Form F1 should be completed within 12 weeks.

The report should be shown to the applicants, subject to the usual limitations regarding third party information, and presented to Devon's Foster Panel.

3.4 The Welfare of the Child

A child in, or about to be placed in, a private foster home, should be assessed as in the same way as any other child, using a Referral Form (SS(C)1), an Initial Assessment Form (SS(C)2) and a Core Assessment Form (SS(C)6). These will be completed by Locality staff.

Regulation 2(2) of the Children (Private Arrangements for Fostering) Regulations 1991 states that the *“local authority shall satisfy themselves as to such of the matters specified [below] as are relevant in the particular circumstances”*.

- (a) The purpose and intended duration of the fostering arrangement.
- (b) The child’s physical, intellectual, emotional, social and behavioural development.
- (c) Whether the child’s needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met.
- (d) The financial arrangements for the care and maintenance of the child.
- (e) The suitability of the accommodation.
- (f) The arrangements for the child’s medical and dental care and treatment and, in particular, that the child is included on the list of a general medical practitioner who provides general medical services under Part II of the National Health Service Act 1977.
- (g) The arrangements for the child’s education and, in particular, that the local education authority have been informed of the fostering arrangement.
- (h) The standard of care which the child is being given.
- (i) The suitability of the foster parent to look after the child and the suitability of the foster parent’s household.
- (j) Whether the foster parent is being given any necessary advice.
- (k) Whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory.
- (l) Whether the child’s parents, or any other person, are exercising parental responsibility for the child.
- (m) The ascertainable wishes and feelings of the child regarding the fostering arrangements.

This should also be undertaken within eight working weeks.

3.5 Determining the Outcome of the Assessment

The actual or proposed placement is then referred by the fostering worker to a foster carer panel (see policy E02 Foster Care Panels, Section 3.1). The following documents should be forwarded to the panel:

- ◆ BAAF Form F (Form F1 for any child(ren), Form F2 for a specific child).
- ◆ The medical report.
- ◆ Two references. These should not be from relatives of the applicants. The referees should provide a written reference and be seen personally by the assessing social worker.
- ◆ The child's Core Assessment (if this is for a specific child).

The panel **do not approve** private foster carers but decide if they are suitable for the purpose.

The fostering worker notifies the applicants of the panel decision, (see policy E02 Foster Care Panels, Section 3.5).

If the panel decide the placement is suitable, the carers and children's details will be added to the register of private foster carers. A senior officer of Social Services, designated by the Assistant Director, will hold the register.

The foster carers' suitability should be reviewed annually. The panel should be informed of the review's outcome. If there are concerns about the foster carers' suitability, this review may be referred to the panel for a decision. Any concerns noted by the Locality team when visiting children in placement should be notified to the Fostering team.

3.6 Prohibitions and Requirements

If the panel is not satisfied about:

- ◆ The applicants' suitability to foster a child **and/or**
- ◆ The premise's suitability for fostering **and/or**
- ◆ Whether the actual or proposed placement is in the child's welfare.

The fostering worker and/or the care manager should inform the parents or those with parental responsibility of the concerns.

If a satisfactory resolution cannot be achieved through negotiation with all parties, the Practice Manager should convene a meeting with legal representation to consider whether to exercise any of the following powers available to the local authority:

- ◆ To impose requirements.
- ◆ To impose a prohibition.
- ◆ To consider removal of the child.

(See the Children Act Guidance and Regulations, Volume 8, for details on the powers available to the local authority, as listed above.)

3.7 Monitoring the Placement

The minimum statutory requirements for visits by the Locality care manager to the child are:

- ◆ One visit within the first week of placement.
- ◆ A visit at least every six weeks during the first year.
- ◆ A visit at least every three months thereafter.
- ◆ The child must be seen on their own for at least some part of each visit, if appropriate. Some visits should be unannounced.

The Fostering Team also need to review annually the private foster carer (with the review to be submitted to a foster carer panel).

The general practice guidance for supporting and monitoring private foster care placements is the same as that for looked after children (see Beginning a Looked After Episode - C02, Part Three, Section 3.8, 3.9 and 3.10 practice guidance). The Children Act guidance states the purpose of visits is to:

- ◆ Ensure the child's welfare is satisfactory.
- ◆ Check that any requirements laid down are being met.
- ◆ Advise and support the foster parent(s).
- ◆ Ensure contact arrangements are working.
- ◆ Ensure the child's religious, cultural and ethnic needs are being met.

The local authority should have a copy of any written placement agreement made between the parties, including any consents to medical treatment.

The child should be registered with a GP. It is recommended that they have a medical examination prior to, or immediately after, placement. The natural parent may be charged for this.

Note: The child's bedroom should sometimes be seen and some visits should be unannounced.

3.8 Ending the Placement

The child's parent(s) and the foster parent(s) must notify Social Services of:

- ◆ The end of the arrangement within 48 hours in the case of the foster parent(s). This is not necessary if the carer intends to resume the placement within 27 days.
- ◆ Changes of address.

3.9 Post Placement Responsibilities to the Child / Young Person

The care manager (either from the Help Desk or the Personal Care Management Service, depending on the complexity of the case) should make available advice, assistance and 'befriending' as necessary, either when requested to do so or where such help is not available from the child's foster parents.

Where a disabled young person who qualifies for after care services moves to another local authority area, that local authority must be informed.

Part Four: Implementation Plan

Lead responsibilities for this policy lies with the Head of Devon's children's services but is delegated to the Group Manager (Fostering) and the Locality children's managers for operational purposes.

Devon Social Services is re-launching its policy relating to this issue. In order to do this, a development worker for Private Fostering will be appointed to provide information to all child care staff, other agencies and the public about the issues of private fostering. This policy will be published on the staff intranet, and new leaflets for parents and carers will be produced.

For new staff joining the Directorate, details of the Private Fostering Policy and processes should be incorporated into their induction process.

FAQS (to be added at a later date).

All activities relating to Private Fostering will be captured on the Directorate's electronic system "CareFirst". This system will be able to produce annual reports on Private Fostering activity. Training on the electronic recording of Private Fostering will be provided for all relevant staff.

Part Five: Monitoring and Review

This policy will be monitored and reviewed by both its annual reporting procedures and by the Group Manager and Locality managers responsible for its operation. If they feel it requires reviewing, they will refer it to the Childcare Policy Forum. The policy will also be referred to the Forum for update if there are legislative changes that affect it.

Part Six: Further Reading

"By Private Arrangement - Inspection of the arrangements for supervising children in Private Foster Care" Social Services Inspectorate 2002

"A Very Private Practice" T Philpot BAAF 2001