

# Procedure

## Private Fostering Procedure

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**Author:** Sue Gee, Sue Finch                      **Date of Issue:** 18 May 2011  
Peter Ronan, Teresa Sloan

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### Summary

Private fostering is when a child under 16 years, or 18 if disabled, is cared for by an adult who is not a close relative for 28 days or more (not necessarily consecutive days) by private arrangement with the child's parent(s).

By law, parent, private foster carer or other persons involved in making the arrangement must notify Children's Services as soon as possible when a private fostering arrangement is made.

The Specialist Social Work Service Diverse Communities will undertake an initial assessment, and if appropriate, complete a full private fostering assessment and monitor the placement.

There is no regular financial remuneration for Norfolk County Council for private fostering arrangements.

### Policy

Children's Services must ensure that the best possible arrangements are made for children placed with private foster parents, that arrangements that are made are usually with the agreement of those with parental responsibility and that the child's best interests are served by the arrangements. All private fostering arrangements must be investigated as to their suitability.

In carrying out its duties in relation to children who are privately fostered, Norfolk Children's Services (Social Care) is committed to delivering services which are anti-discriminatory and sensitive to the needs of children and their families.

See also Norfolk County Council Statement on Private Fostering (web reference).

### Law

The Children Act 2004 (sections 44).

The Children (Private Arrangements for Fostering Regulations) 2005, Regulations 1-11.

Replacement Children's Act 1989 Guidance on Private Fostering.

### Definition

1. A privately fostered child means a child under the age of 16 years who is cared for and provided with accommodation by someone other than:
  - A parent
  - A person who is not a parent but has parental responsibility
  - A close relative
  - A local authority

For more than 27 days and where the care is intended to continue.

If a period of care is less than 27 days but further periods are planned which total more than 28 days then the procedures apply.

A close relative is defined as a grandparent, brother, sister, uncle or aunt (whether of the full-blood or half-blood or by affinity, i.e. marriage or a step parent). There is no stipulation as to the age of the relative.

A step parent is someone who is, or who has been, a party to a marriage in relation to whom the child is a child of the family. A mere cohabitee of the mother or father would not qualify as a relative.

An unmarried father qualifies as a relative whether or not he has parental responsibility. Similarly a relative of an unmarried father qualifies as a relative of the child.

2. In the case of a child with a disability the upper age limit is 18 years.
3. Private fostering is the private arrangement made between the parent and the private foster carer who becomes responsible for caring for the child in such a way as to safeguard and promote his/her welfare.
4. If a placement is arranged or facilitated by social care teams it is not a private fostering arrangement.
5. It is the duty of the Local Authority to satisfy themselves that the welfare of children who are privately fostered within their area are satisfactorily safeguarded and promoted, and to ensure that advice is given to parents and carers whenever necessary.
6. A balance needs to be maintained between parental rights to make private arrangements for the care of their children, and the Local Authority's obligations to satisfy themselves about the welfare of the children.
7. The Act prescribes a usual fostering limit of three children whether local authority or private fostering. This does not apply when the children are siblings.

### **Notifications**

All notifications or information regarding possible private fostering placements should be referred to the Specialist Social Work Service Diverse Communities under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 4. When the placement begins the social work team must be notified under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 6.

A person who is fostering a child privately and not given notification to the local authority must notify the Local Authority immediately. This will be particularly relevant to the majority of private fostering placements which are unplanned and come to the attention of the Local Authority after the placement commences under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 5.

### **Carers**

Carers must notify the Local Authority that they are proposing to receive a child to be privately fostered. The Authority must be notified no less than six weeks and no more than 13 weeks before placements are due to take place.

### **Parents**

Parents, or people with parental responsibility for a child, must notify the Local Authority in the proposed area of placement no less than six weeks and no more than 13 weeks before the placement is due to take place.

### **Others**

Any other person who is, or proposed to be, involved in arranging for a child to be privately fostered must notify the Local Authority not less than six weeks and no more than 13 weeks before the placement is due to take place.

The content of the notification is prescribed in Schedule 1 of the 2005 Regulations.

### **Initial Enquiries**

On first becoming aware of a possible, actual or planned private fostering arrangement, the Manager will contact the following and inform them of the procedure they have to follow; sending out form CH(PF)1.

- Actual or prospective carers.
- Any other person involved in the arrangements.
- The child's parent(s) or other persons with parental responsibility (if known).

### **Initial Action**

On receipt of a notification under regulation 5 or 6, a social worker will undertake an initial visit, within 7 working days, during which the child should be seen alone, this is under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 7.

If the notification is of intention to privately foster a child, but the child is not yet in placement, a visit to the private foster home must be undertaken within 7 working days, under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 4.

The social worker will visit the premises where the child is being, or is to be cared for and speak to the private foster carer and to all members of the household.

The social worker will also speak to, and if possible meet with, every parent or person with parental responsibility.

If the child is not seen alone, the reasons for this should be recorded. During this visit the social worker will satisfy themselves that the child's welfare is safeguarded.

### Full Assessment

Following the initial visit, an assessment must take place which should be completed within 12 weeks. If, on initial assessment, the social worker believes the proposed placement is suitable, the social worker will request local authority and statutory checks from:

- i. CRB
- ii. GP
- iii. Education
- iv. UK Borders Agency, if relevant.

These references will be taken up by the social worker using departmental reference forms.

**An assessment** is then undertaken by the social worker, which will be presented in report form (see form A3 on CareFirst). All requirements of Schedule 1, 2 and 3 of the Regulations must be addressed in this assessment- see Appendix One. This assessment report will be shared with the applicants, subject to Data Protection Act requirements.

**On completion** of the report and receipt of statutory checks, the responsible Manager will make a decision regarding the suitability of the arrangement.

Requirements can be imposed on private foster carers as to:

- a) Number, age and sex of children who may be privately fostered.
- b) Standard of accommodation and equipment to be provided by the carer.
- c) Arrangements for health and safety.
- d) Particular arrangements for care.

Legal advice must be sought before imposing additional requirements or if the carer is found to be unsatisfactory (see Appendix 2).

### Visiting Requirements and Responsibilities of Social Workers

Monitoring visits should take place:

1. Within 7 working days of notification under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 4, or under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 7 if the child is already in placement.
2. At intervals of no more than 6 weeks in the first year under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 8, see form A4 on CareFirst.
3. At intervals of no more than 12 weeks in second and subsequent years under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 8, see form A4 on CareFirst.
4. Some visits should be unannounced.

All visits must be recorded as Activities on CareFirst.

The child must be seen alone on every visit unless the social worker considers it inappropriate, and a written report including the fact that the child has been seen must be placed on file.

The report should cover:

- Welfare of child
- Whether the placement continues to be satisfactory
- Comments made by the child
- Comments made by the carer
- Health, education, religion and cultural issues
- Contact with parents
- Any child protection issues

### **After Care**

Any child, who has been privately fostered, and who ceases to be so after the age of 16 years, qualifies for advice and guidance from the Local Authority up to the age of 21 years under the Children Act 1989 S24A (as amended by the Children (Leaving Care) Act 2000). This includes children with disabilities.

The relevant Local Authority must advise and befriend and may assist such a person. Assistance may be in kind or, in exceptional circumstances, in cash.

(See full details of qualification criteria at <http://www.legislation.gov.uk/ukpga/1989/41/section/24A>)

### **Ending the Placement**

The child's parent(s) and the private foster carers must notify Children's Services of:

- The end of the arrangement (within 48 hours in the case of private foster carers) under The Children (Private Arrangements for Fostering Regulations) 2005, Regulation 10.
- Change of address

De-notifications must be recorded as a CareFirst activity.

**CONTENTS OF SOCIAL WORKERS ASSESSMENT OF  
PRIVATE FOSTERING ARRANGEMENTS**

- a) The purpose and intended duration of the fostering arrangement.
- b) Whether the need for private fostering could be avoided by provision of services (by either this or home authority) under S17 of the Children Act 1989.
- c) The ascertainable wishes and feelings of the child regarding the fostering arrangements.
- d) Assessment of the child's physical, intellectual, emotional, social and behavioural developmental needs. Where there is a child with a disability, he/she must be assessed for registration as disabled and have undergone an assessment of need and be in receipt of the services and any benefits assessed as appropriate.
- e) Expectations of the child (age appropriate), parent and carer about religious activities.
- f) The degree of the carer's understanding of the particular culture and language of the child and his/her family.
- g) Whether the child's needs arising from his/her religious persuasion, racial origin and cultural and linguistic background are being met (including opportunities for play and experiences which reflect his/her race and culture).
- h) The financial arrangements for the care and maintenance of the child.
- i) The suitability of the accommodation.
- j) 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 (a).
- k) Assessment of the child's educational needs. Arrangements for the child's education and in particular, that the school and other relevant education authorities have been informed of the child's living arrangements.
- l) Carer's attitudes and expectations of the child's education.
- m) Carer's views on discipline and physical chastisement.
- n) Assessment of the parenting capacity of each of the carer's and judgement of the standard of care which the child is being given.
- o) Account of meeting with every member of the household and any implications for the child.
- p) Assessment of the standard of living and lifestyle of the carer.

- q) The suitability of the foster carer to look after the child and the suitability of the foster carer's household.
- r) Whether the foster carer is being given any necessary advice.
- s) Whether the contact between the child and his/her parents, or any person with whom contact has been arranged, is satisfactory.
- t) Whether the child's parent(s), or any other person(s), are exercising parental responsibility for the child and the degree to which the parent(s) are encouraged and involved in major decision making in the placement.
- u) Whether consideration should be given to imposing additional requirements.

### **PROHIBITION/DISQUALIFICATION**

A person may be disqualified from private fostering if (Section 68, Children Act 1989 requirements):

- a) He/she has been convicted of certain offences.
- b) A certain type of order has been made at any time in respect of a child in his/her care.
- c) His/her rights and powers over a child have been removed from him/her at any time.
- d) He/she has been refused registration as a childminder or similar.
- e) He/she has been prohibited from fostering privately.
- f) He/she lives in same household as someone who is disqualified.

A Local Authority has the power to prohibit a person from privately fostering children where they are of the opinion that:

- a) The person is not suitable; and/or
- b) The premises are not suitable; or
- c) It would be prejudicial to the welfare of the child for him/her to be accommodated by that person in those premises.

If disqualification or prohibition is decided, the parents of the child/children should be kept informed and advised to remove the child/children. The authority may need to take other action to safeguard the child's welfare.

Carers can appeal to the court against the imposition of requirements, refusal, prohibition, condition, variation or cancellation (i.e. de-registration) within 14 days of receipt of notification of the decision.

When prohibition or disqualification is being considered, legal advice should always be sought.

### **UNSATISFACTORY CARE**

Where there are matters of concern these must be recorded and taken to the Manager for discussion. Legal advice may be also required.

A decision will be made by the Manager whether it is necessary to:

- Impose a requirement on the carer
- Impose a prohibition on the carer
- Impose a prohibition with conditions upon non-compliance
- Consider avenues for alternative care of the child in line with S67.5 of the Children Act 1989

If there is 'reasonable cause to suspect that the child is suffering or is likely to suffer significant harm' the child protection procedures must be invoked. This is the only way the Local Authority can seek to move the child against the wishes of the registered private foster carers (The parents can do so also and can be advised to do so, as they retain parental responsibility).

# Procedure

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If child protection procedures are instigated or a child requires accommodation under S20 of the Children Act 1989, the matter will be referred to the Locality Duty Team at the earliest opportunity.

# Procedure

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APPENDIX 3

### FORMS

Norfolk Leaflet	Norfolk County Council leaflet on private fostering- aimed at parents and carers
DoH Leaflet	DoH leaflet on private fostering
CRB	CRB check form
CS(PF)1	Format for formal notification of private fostering arrangement to Children's Services
CS(PF)2	Model parent/carer agreement including medical consents
CS(PF)3	Carer Declarations and Data Protection Act permission
CS(PF)5	GPs Reference request
CS(PF)6	Child's Details and Parent's Contact Details
CS (PF)8	Children Act 1989 Part IX SS66-70, Schedule 8 Letter
CS(PF)9	Private arrangements for Fostering Children
CS(PF)10	Private Fostering Regular Visit Letter
CareFirst Form A2	Notification of arrangement
CareFirst Form A3	Assessment
CareFirst Form A4	Statutory Visit Record

The main file will be under the child's name. Assessments will be recorded on form A3 on CareFirst.

Statutory visits will be recorded as Activities and on form A4 on CareFirst.

**CONTACT US**

The Specialist Social Work Service - Diverse Communities is currently based at:

Vantage House  
Fishers Lane  
Norwich  
NR2 1ET

Tel: 01603 729271  
Fax: 01603 729262