

PRIVATE FOSTERING

Frequently Asked Questions

Q. Am I allowed to ask about a family's personal arrangements?

Answer: Yes. In your role as a health professional it is important to explore family relationships and ask the relevant questions

Question: Is informing the local council a breach of patient confidentiality?

Answer: No. Notifying local authorities about private fostering arrangements is about identifying and safeguarding vulnerable children.

Question: Will my call to the local authority be treated confidentially?

Answer: Yes. All calls are treated as confidential.

Question: Is there a lot of work involved in notifying?

Answer: No. Your main role is to pass the information on to the private fostering social workers.

Question: Will the child be removed from the family?

Answer: Providing the arrangement is suitable then there is no need for the child to be removed.

Question: Does this only relate to the workplace?

Answer: No. Outside of work you should also be aware of private fostering. Safeguarding children is the responsibility of the whole community.

Question: In private fostering arrangements who has **Parental Responsibility (PR)?**

Answer: The parent(s) and/or other person with PR retains PR during a private fostering arrangement. They are responsible for any decisions about the child although they may wish to delegate certain responsibilities to the private foster carer, for example giving permission for immunisations and routine health care and agreeing to the child going on a school trip. Even where some powers are delegated, the parent or person with PR retains the final responsibility for the child's care.

Question: Is parental consent required for a private fostering arrangement?

Answer: Private fostering is a private arrangement made between a parent (or other person with PR) and a private foster carer to look after a child. In most situations, therefore, parental consent is implicit. However, there are other situations, for example a young person making their own arrangement with the parents of a friend, an unaccompanied asylum seeker or a trafficked child in a private fostering arrangement where parents have not been involved.

In the case of an unaccompanied asylum seeking child or a trafficked child where it is not possible to contact parents, the duty of the local authority is to ensure that any arrangement for the care of the child safeguards and promotes their welfare. In some cases this will mean accommodating the child as a 'looked after' child or seeking an interim/full care order that will give the local authority parental responsibility.

In other cases, parental consent should be sought. Where this is not given, the social worker will need to consider the age and understanding of the child and their capacity to give their consent to the arrangement. Where it is in the interests of the child, the social worker should consider ways of reuniting them with their parent(s). As part of deciding whether a private fostering arrangement is suitable, the social worker will need to consider whether this or an alternative arrangement is the best way to safeguard and promote the welfare of the child. Some 'sofa surfing' young people will be vulnerable due to a history of abuse and neglect. They are likely to be 'children in need' and some may require accommodating as 'looked after' children.

Question: Which local authority has responsibility for a privately fostered child?

Answer: The local authority in which the private foster carer resides is the local authority responsible for deciding whether the arrangement is suitable and for monitoring whether the arrangement continues to be suitable.

Question: What financial help is available to support private fostering arrangements?

Answer: The person responsible for financially supporting a private fostering arrangement is the parent (or person with PR) who has entered into the arrangement with the private foster carer. The private foster carer should ensure that they are in receipt of all welfare benefits they are entitled to, including Child Tax Credit and Child Benefit, housing benefit. If the local authority considers the child to be a 'child in need', they have the power to provide financial support under s17 CA 1989. (this answer will need updating with new rules about benefits)

Question: What happens when a privately fostered child reaches the age of 16 (or 18 if disabled)?

Answer: Once a child reaches the age of 16 (18 if disabled) they are no longer considered a privately fostered child. Under The Children (Leaving Care) Act 2000, those qualifying for advice and assistance include any young person under the age of 21 (under 24 if in education or training) who ceases to be privately fostered after the age of 16. This refers only to disabled young people who continue to be considered as privately fostered children until they are 18 years of age.

"The local authority can advise, assist and befriend such a young person if he asks for help and his previous private foster carers do not have the necessary facilities to advise or befriend him.

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." (Children Act 1989 Guidance on Private Fostering, 3.7)

This does not preclude the local authority considering that the child ceasing to be privately fostered continues to be a 'child in need'. In this case, the local authority has the power to support the young person under s17 CA 1989. Many young people continue to be vulnerable and need continuing support and assistance to enable them to make the transition to adulthood and independence.

Question: What is the difference between kinship care and private fostering?

Answer: The term 'kinship care' can refer to:

- a. care by a relative (as defined by CA 1989);
- b. where the child is looked after by the local authority under s20 or s31, care by a family member, friend or other significant person who is approved as a local authority foster carer;
- c. care by a family member or friend (not including relative as defined by the CA 1989) where a private arrangement has been made between the parent and the person caring for the child. Where this arrangement extends beyond 27 days and the child is under the age of 16 (or 18 if disabled), this becomes a private fostering arrangement.

Question: What is a relative?

Answer: A relative, as defined by the Children Act 1989, is a grandparent, brother, sister, uncle or aunt (whether by full or half blood or by marriage) or step-parent. If a child is accommodated by a relative this arrangement is not a private fostering arrangement.

Question: What is the difference between private fostering and local authority foster care?

Answer: Private fostering is a private arrangement made between a parent and the person who is proposing to look after their child. The child remains the sole responsibility of the parent (or person with PR). Responsibility for financially supporting the arrangement remains with the parent. The local authority has the power to support the arrangement in cash or in kind.

A child in local authority foster care is a child who is 'looked after' under either s20 or s31 CA 1989 and is placed with a foster carer who has been approved as such by the local authority (the child may be placed by the local authority with a foster carer approved, under the same regulations as a local authority foster carer, by an independent fostering provider). Where the child is accommodated under s20, PR remains solely with the parent (or person with PR). Where the child is accommodated under s31, PR is shared between the parent (or person with PR) and the local authority. A local authority foster carer will receive an allowance to cover the cost of caring for the child and, in many cases, an additional fee that is considered as income.

Question: When is a privately fostered child also a 'child in need'?

Answer: A privately fostered child will be a 'child in need' when he or she:

- a. is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under the CA;

- b. his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c. he is disabled.

If you consider that the developmental needs of the child are not being, or will not be, in a private fostering arrangement without the assistance of the local authority then the child should be considered a 'child in need' under s17 CA 1989. An assessment as to whether the child is in need of services under s17 should be undertaken in accordance with the Framework for the Assessment of Children in Need and their Families (DH, 2000). This also provides the opportunity to consider any support or services that could be provided to increase the capacity of the private foster carer to meet the needs of the child. Where a 'child in need' plan is in place, this should be reviewed at least every six months.

Where the 'child in need' plan does not result in an improvement of the care received by the child, consideration should be given as to whether the private fostering arrangement continues to be suitable, whether the child can be reunited with their parent(s), an alternative arrangement made or whether the child should be accommodated in local authority care.

Question: What if a private fostering arrangement is deemed unsuitable?

Answer: The assessment of the suitability of a private fostering arrangement may result in concerns about the quality of care offered to the child and the capacity of the carer to meet the child's needs, the suitability of the accommodation or the suitability of the members of the household. The proposed private foster carer, or a member of their household, may already be disqualified from private fostering. The decision about suitability should be made by a senior manager with responsibility for private fostering.

In some cases, the arrangement could be deemed suitable if the private foster carer complies with certain requirements. These include requirements as to the number, age and sex of children they may privately foster; the standards of accommodation and equipment in the home; the arrangements the carer makes with respect to health and safety issues; and any particular arrangements which must be made in relation to the child. In other cases, the concerns may be such that the local authority decides to prohibit the person from privately fostering. Where requirements or prohibitions are made, the person has the right to lodge an appeal.

Where the arrangement is unsuitable, the social worker will need to discuss with the parent the possibility of either looking after the child themselves or making alternative arrangements. In cases where this is not possible, the local authority may have to consider accommodating the child either with a family member or friend or in local authority foster or residential care.

Question: Who is responsible for notifying the local authority of a private fostering arrangement?

Answer: The duty to notify the local authority of a private fostering arrangement lies with:

- the person proposing to privately foster the child; they should notify the local authority at least six weeks before the arrangement is to begin;
- the parent or person making the arrangement; they should notify the local authority as soon as possible after the arrangement has been made;
- a parent, or person who has PR for the child, who has not been involved in making the arrangement but know about it; they should notify the local authority as soon as they become aware of the arrangement.

Any other person aware of a private fostering arrangement should, as part of their responsibility to safeguard the welfare of children, notify the local authority. This will include teachers and other school staff, health visitors, GPs, school nurses, and a range of other people whose work brings them into contact with children.

Question: Who is responsible for assessing private foster carers and visiting children in private fostering arrangements?

Answer: The local authority must make arrangements for an officer to visit the proposed private foster carer, members of their household and see the premises within seven working days of receiving a notification. A report based on an assessment of suitability of the arrangement should be written within 42 working days. Although the regulations and guidance do not stipulate that this should be done by a social worker, assessments undertaken using the Framework of Assessment of Children in Need and their Families should only be undertaken by social workers.

The local authority must arrange for an officer to visit the child at a minimum of six weekly intervals in the first year and thereafter at intervals of no more than 12 weeks. It is good practice for these visits to be carried out by a social worker and the voice of the child must be recorded in the annual report to the LSCB.

Each local authority will have its own systems and structures for providing a private fostering service. In some large authorities, there are dedicated private fostering teams. In others, the responsibility for private fostering is located within children in need or fostering teams.

Question: How will I recognise whether a child is privately fostered or not?

Answer: If you know that a child under the age of 16 (or 18 if disabled) is not living with their parent(s), this child may be privately fostered if living away from home for a period exceeding 27 days and with an adult who is not a close relative. There are many other signs that might indicate to you that a child is privately fostered.

Checklist

Identifying when a child is privately fostered:

- } Has the child mentioned that they are no longer living at home or living with someone else?
- } Is the child accompanied to school, nursery or clinic by someone other than a parent or recognised

carer?

- } Is the carer vague about the child's routines or needs?
- } Has a patient turned up at the GP surgery with a new child or a series of different children?
- } Has a child in class at school disappeared?
- } Is there anything unclear on files or records about the child's living arrangements?
- } Is the child under the age of 16 (or 18 if disabled)?
- } Is the child living with someone other than a parent, someone with parental responsibility or a relative
- } Do you know what the child's living arrangements are (who with, for what purpose)?
- } Is it clear who the child is living with, and what relation the person is to the child?
- } Has the child been living, or is likely to live, away from home for more than 28 days, or a series of days totalling 28 days or more?
- } Has the child come from overseas? Do you know the reason for the child's entrance to the UK?
- } Is the child in the UK for the purpose of education?
- } Is the child an **unaccompanied asylum seeker**?
- } Do you think that the child may have been **trafficked**?
- } Including other signs of abuse - not 'thriving', is overly tired, withdrawn, has frequent absence or not making expected progress

Question: Some private foster carers and/or parents are hostile to the idea of notifying the local authority of an arrangement that they consider private and not the business of anyone else. Some private foster carers are concerned that local authority involvement might have a negative effect on their relationship with the parent. How do I overcome this hostility and resistance?

Answer: Focus on 'what's in it for me?' Although your paramount concern is to safeguard the welfare of children in private fostering arrangements, you are more likely to engage the resistant private foster carer and parent if they perceive you as also offering advice and support.

You may be able to offer the carer some advice on benefits they are entitled to. You can assist them in finding appropriate child care, health care and a nursery or school. If the child is deemed a 'child in need' you will be able to support the arrangement through s17. You may be able to link the carer to support groups in the area; offer advice and guidance on caring for the child, including dealing with separation and loss or ways of ensuring the child remains in contact with their family, their culture and religion.

It is important that both the private foster carer and the parent are aware that it is an offence to fail to notify the local authority of a private fostering arrangement. You may be able to help the parent by providing advice and support in helping them to care for the child themselves. You can link them to appropriate adult services. You can also reassure them that, having been notified, the local authority can monitor the suitability of the arrangement for the child.