

Children and Young People's Services

Private Fostering Policy and Procedure

PROCEDURE APPROVAL			
Approved By	Emma Taylor	Position	Head of Service, Children and Families
Signature		Date Approved	May 2018
Post Responsible for Reviewing	Senior Manager Provider Services	Date to be Reviewed	April 2021

PURPOSE	This procedure clarifies the procedure for staff in Cheshire West and Chester Council's Children & Families Service. It is consistent with the principles of The Children Act 1989 and 2004, the Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards for Private Fostering 2005.
SCOPE	<p>In relation to Private Fostering, Cheshire West and Chester Council aims to:</p> <ul style="list-style-type: none"> • Promote awareness within the borough of the requirement to notify the Local Authority of all Private Fostering arrangements • To provide a comprehensive assessment and support service to privately fostered children and private foster carers
POLICY SUPPORTED	
RESPONSIBILITIES	
ENQUIRY POINT	i-ART
KEYWORDS	

DEFINITIONS

APPENDICES – Children & Young People – Private Fostering Leaflets – for the Child, Private Foster Carer, Parent & Professionals

REFERENCE DOCUMENTS

LEGISLATION

Children Act 1989

Children Act 2004

The Children (Private Arrangements for Fostering) Regulations 2005

National Minimum Standards for Private Fostering 2005

REVISION HISTORY

Version 1

Procedure

Introduction

Cheshire West and Chester Council is committed to ensuring its duties and functions in relation to private fostering are carried out in accordance with the requirements of legislation and guidance outlined in the following:

Children Act 1989

Children Act 2004

The Children (Private Arrangements for Fostering) Regulations 2005

National Minimum Standards for Private Fostering 2005

There are a number of circumstances and reasons why parents make arrangements for their children to be looked after by someone else which would constitute a private fostering arrangement. Such children can be particularly vulnerable as they can be placed a considerable distance from their parents, who may only be able to visit infrequently. This procedure seeks to ensure that children in such circumstances are safeguarded and that their needs are met.

Aims and Objectives

In relation to Private Fostering, Cheshire West and Chester Council aims to:

- Promote awareness within the borough of the requirement to notify the Local Authority of all Private Fostering arrangements
- To provide a comprehensive assessment and support service to privately fostered children and private foster carers

Definitions

Private Fostering is when a child or young person under 16 years old (or 18 if they have a disability) is looked after by someone who is not a parent, close relative, guardian or person with parental responsibility for 28 days or more without the involvement of Childrens Social Care (The Council).

Close relatives are defined as:

- Brothers and sisters
- Aunts and uncles
- Grandparents
- Step-parents (unless divorced)

An arrangement is likely to be private fostering if the child lives with:

- Cousin
- Friend
- Neighbour
- Host family
- Great aunt/uncle
- Great grandparent

- A divorced step-parent
- Independent boarding school (if the child remains for more than two weeks during the holidays)
- A adult know as aunty or uncle but who is not a blood relation

Close relatives are defined as if married, grandparents, brothers, sisters, uncles or aunts (whether of full blood, half blood or marriage/civil partnership)

A private foster carer is anyone who looks after, or intends to look after, somebody else's child for more than 28 days when they themselves are not a close relative of the child (as defined above) and do not have parental responsibility for the child.

A privately fostered child is a 'child in need 'as defined by the Children Act .It is the responsibility of the area Children in Need Team to undertake an assessment of their needs

Responsibilities of parents

Parental responsibility is a keystone of the Children Act 1989 and parents carry the prime responsibility with regard to decision making in the private fostering process. Any person whom the parent chooses to be a private foster carer does not have parental responsibility but is empowered to do what is reasonable to safeguard and promote the welfare of the child.

Parents should exercise their responsibility in a number of ways:

- Notify the Local Authority of the arrangement.
- Provide the private foster carer with as much information about the child as possible including health information, dietary needs, school/education needs, hobbies, religious preference and ethnic background.
- Ensure that financial arrangements are made and agreed with the private foster carer and are adhered to.
- Establish expectations of day-to-day management of the child's life with the private foster carers.
- Establish clearly with the private foster carer, the purpose of the arrangement to ensure that the child is not left feeling insecure or not knowing what their future is.
- Maintain contact with the child and ensure contact is maintained with siblings. Only in extreme circumstances of concern should contacts be discouraged.

Responsibilities of the Local Authority

- Promote awareness of the notification requirements
- Respond to notifications of private fostering arrangements
- Determine the suitability of all aspects of private fostering arrangements in accordance with the regulations
- Provide advice and support to private foster carers
- Provide advice and support to the parents of children who are privately fostered.
- Ensure that the welfare of children who are privately fostered is safeguarded and promoted.

- Monitor and report on the ways in which the Local Authority discharges its duties and functions in relation to private fostering

Notifications

Both the child's parents and the carers have a duty to notify the Local Authority of the intention to place the child in private foster care not less than six weeks before the arrangement is intended to start, unless it is made in an emergency, in which case notification shall not be more than forty eight hours after the child has been placed with the carers.

Other agencies have a clear role in assisting the Local Authority in ensuring that private fostering arrangements (both intended and existing) are notified to the Local Authority.

It is important to raise awareness of the need to notify the Local Authority of such an arrangement. Cheshire West and Chester promote awareness raising and monitor this through the annual report to the Local Safeguarding Children Board (LSCB) and the Director.

The notification must specify:

- The name, gender, date and place of birth, religious persuasion, racial origin and linguistic background of the child
- The name and address of the person giving the notice and any previous address within the last five years
- The purpose and duration of the private fostering arrangement
- The name and address of any brothers and sisters (where known)
- The name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received
- The name and address of any person who is involved directly or indirectly in making the private fostering arrangement
- The intended date of the beginning of the private fostering arrangement or the date when the arrangement began
- The particulars of any offence of which the private foster carer has been convicted
- Any disqualification or prohibition imposed on the private foster carer under Section 68 or 69 of the Children Act 1989 and any such conviction, disqualification or prohibition imposed on any other person living or employed in the household

Other Notifications

Ending a private fostering arrangement:

- If the private foster carer ceases to care for the child/ren they must notify the Local Authority. This should preferably be in advance but if the child has left, notification should not be more than forty eight hours after the change. They must also tell the Local Authority the name and address of the person who has taken over the care of the child/ren (this does not apply if the child is returning to the private foster carer within twenty seven days)

- A notification of ending a private foster placement must state the reasons for termination
- The parent or any other person who has parental responsibility for a privately fostered child must notify the Local Authority if the private fostering arrangement has ended.

Change of address

Any person privately fostering a child must notify the Local Authority of any change of address which is likely to be effective for more than six weeks

Change in household

The private foster carer must notify the Local Authority of any person (child or adult) who begins or ceases to be part of the household whether on a permanent or temporary basis. This would include another child who is to be privately fostered for whom notification requirements would apply.

Convictions

The private foster carer must inform the Local Authority of any new convictions relevant to any person living or employed in the household. Such conviction may lead to the private foster carer being disqualified from caring for children.

Death of a child

If a child dies whilst in the care of a private foster carer, the Local Authority must be informed immediately.

Notifications of changes must be made in writing to the identified Children in Need Team. Under Section 70 of the Children Act 1989, persons failing to make the above notifications may be guilty of an offence.

Assessment

If at any point in the assessment process or subsequent monitoring, any concerns emerge regarding the child's safety or well being which would constitute a child protection concern, the normal child protection processes should be used.

On receipt of a private fostering notification, the Integrated Access and Referral Team (i-ART) must notify the area Children in Need Team (CIN) a visit must be made to the child by the allocated social worker to ascertain the circumstances. Once it has been confirmed as a private fostering arrangement a referral must be made to the Safeguarding and Quality Assurance Unit with the form being submitted to the Private Fostering inbox. Every person with parental responsibility must also be spoken to and where possible visited within seven working days also. The Private Fostering Process should be started on Liquid Logic by the Safeguarding and Quality Assurance Unit.

The CIN social worker must speak to the child alone unless it is considered to be inappropriate.

An Assessment of the child will be undertaken by the CIN social worker. The child's wishes and feelings should always be sought, subject to the child's age and understanding. They should be given information in order to develop their own views and make choices. The child's parents must be involved in the assessment and their views recorded. A child in need plan will be drawn up in respect of the child/ren by the CIN social worker if deemed appropriate.

A private fostering suitability assessment of the carers will be initiated by the Safeguarding and Quality Assurance Unit to assess the capacity and suitability of the carers. Relevant checks such as DBS, departmental records and statutory checks (with Health Visitors, Schools, Education Services and other relevant professionals) will be undertaken. A Health and Safety check will be completed and the carers will be required to complete a Health Declaration form.

The private fostering suitability assessment should be completed within forty two working days from point of notification and a recommendation submitted to the Senior Manager Safeguarding and Quality Assurance for sign off. A letter will be sent to the private foster carers, child and parents confirming this decision. The Local Authority does not approve private fostering arrangements but they do have the power to prohibit a person from privately fostering where they are of the opinion that:

- s/he is not a suitable person (S69(2)(a) of the Act)
- the premises are not suitable (S69(2)(b) of the Act)
- neither the premises or the accommodation are suitable (S69(2)(9c) of the Act)

If an arrangement is assessed as unsuitable, there are legal powers, which the Local Authority can invoke to issue a notice of disqualification or prohibition in respect of the placement.

A private foster carer may appeal to the Family Proceedings court within fourteen days of the notification of the Local Authority's decision under Schedule 8 of the Children Act.

Private Fostering Monitoring Meeting

All existing notifications and assessment will be quality assured by Senior Manager Safeguarding and Quality Assurance Unit.

The Senior Manager will consider:

1. Whether the application meets the criteria for Private Fostering Arrangements Regulation 2005
2. Any safeguarding concerns in relation to the child/children placed
3. The age of a child/children placed in relation to permanency issues
4. Prohibition decisions such as offences declared/ not declared

5. The identification of 'clusters' of concerns
6. Developing and monitoring actions plans to aid safeguarding and development

The Safeguarding and Quality Assurance Unit along with the Safeguarding Partnership monitor and review as required the:

- Private Foster Care policies and procedures
- Awareness campaigns
- Information required for the Senior Management Team, Cheshire West & Chester Council
- Information required for Safeguarding Partnership

Oversight of Arrangement

The 'welfare monitoring visits' to Privately Fostered children are undertaken by the locality Children in Need teams.

A written agreement should, where possible, be drawn up between the parent, the child and the private foster carer by the CIN Social Worker. This should give clear expectations of the role of the private foster carer and the role of the parent.

The minimum visiting requirements to the child by the Local Authority are:

- Within one week of placement.
- Thereafter at not less than six weekly intervals in the first twelve months and in any subsequent year, at intervals of not more than twelve weeks, determined by the circumstances of the case
- Whenever reasonably requested by the child or private foster carer.

When carrying out these visits, the CIN Social Worker should see the child alone unless it is inappropriate to do so.

It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct the Social Worker in the exercise of their duty. If such difficulties are encountered then legal advice will be sought from Legal Services.

A written record should be made of each visit and placed on Liquid Logic.

Reviews

Children subject to private fostering arrangements are children in need and should be subject to a CIN plan. The Children in Need Team responsible should review this plan on a six monthly basis.

Once all the assessments have been completed, and signed off, the case will be allocated to an Independent Reviewing Officer for Review. A review will be held annually but the IRO can hold more frequent reviews if they feel circumstances require.

Publicity/Training

Promoting awareness of Private Fostering rests with every agency as part of their safeguarding responsibilities. Cheshire West and Chester Local Safeguarding Partnership will oversee the process to ensure that quality assurance is met.

The Safeguarding and Quality Assurance Officer will take the lead in promoting awareness and circulating publicity material and liaising with other agencies, ensuring that leaflets are available for professionals, parents, private foster carers and children.

Additionally, information is available on the Council's website, LSCB website and Children's Trust.

The Safeguarding and Quality Assurance Unit deliver training on private fostering accountabilities both within the Local Authority and to partner agencies, workforce developments, LSCB and SPL Group. As a matter of compliance all newly qualified social workers will attend training as part of their induction.

Complaints

Cheshire West and Chester have in place a complaints procedure. If a child or private foster carer has a query or is not satisfied with the service they are receiving, every attempt will be made to solve the problem. However, should the matter become a formal complaint, the complaints procedure would be followed.

Other Information

The Safeguarding and Quality Assurance Unit can be contacted via e-mail, telephone or letter:

Safeguarding and Quality Assurance Unit
4th Floor
Civic Way
Ellesmere Port

Tel No 0151 356 6550

e-Mail: Tammy.Hayes@cheshirewestandchester.gov.uk

Appendix 1

Private fostering: Response to notification

