professional's guide

what is your role?

private fostering

Shropshire Council

Childrens Safeguarding

many professionals who work with children will come across private fostering situations.

professionals in police, housing, faith and cultural communities, education, health and social care fields have a shared responsibility to work together to ensure that all privately fostered children are well cared for and are safeguarded from harm.

what is private fostering?

Private fostering is very different from the care of children by local councils through approved foster carers. It occurs when a parent arranges for their child who is under 16 (or under 18 if disabled) to live with someone who is not a close relative.*

The local council will be able to provide more information about which arrangements fall within the scope of private fostering. A privately fostered child is not looked after by the local council under the Children Act 1989. Private foster carers do not hold parental responsibility.

Usually a birth parent chooses and organises a private fostering arrangement. Private fostering situations could involve children sent to this country for education and health care by birth parents living overseas, including language students living with host families, children living with a friend's family as a result of separation, divorce or arguments at home, teenagers living with the family of a boyfriend or girlfriend, or children whose parents' work or study involves unsociable hours which makes it difficult for them to use ordinary day care or after school care.

* The Children Act defines 'close relative' in relation to a child as a grandparent, brother, sister, uncle or aunt. They could be a full or half relative, and could be related by marriage. The term also includes a step-parent. A cohabitee of the mother or father would not qualify as a close relative, neither would extended family, such as great aunt/uncle or parent's cousins. Where children are cared for by a 'close relative', the situation is classified as 'family and friends care' and different arrangements apply.

what are the rules governing private fostering?

Privately fostered children are safeguarded by the Children Act 1989 (Part IX) and associated regulations.

what the private foster carer must do:

- advise their local council of their intention to privately foster a child at least 6 weeks in advance or, where a child is received in an emergency, not more than 48 hours thereafter
- notify their local council within 48 hours when a child leaves their care, giving the name and address of the person into whose care the child has been moved.

what birth parents must do:

- advise the local council of the private fostering arrangement at least six weeks in advance or, where an arrangement is made in an emergency, within 48 hours, and at the end of such an arrangement
- retain parental responsibility, participating in all decisions about their child
- provide the prospective carer with as much information about the child as possible, including their health, dietary preferences, school, hobbies, religion and ethnicity
- it is the parents' responsibility to ensure that the proposed private fostering arrangement is suitable for their child.

what the local council must do:

- check the suitability of private foster carers
- make regular visits to the child and monitor the overall standard of care provided
- ensure that advice to carers is made available when needed.

what is the problem?

Studies show that local councils are often not being notified about private fostering arrangements, despite this being an offence under the Children Act 1989. When they are, it is nearly always after the arrangement has started. This is a cause for concern, as privately fostered children, without the safeguards provided through the Children Act and associated regulations, are a particularly vulnerable group.

what should professionals do?

Private foster carers are legally required to notify their council but many do not, often because they do not know that they have to. This means that social services are unable to check whether the child is being properly cared for.

It is vital that social services are aware of such arrangements so that they can safeguard and promote the welfare of potentially vulnerable children. Ideally, notification should come from the carer and parent, but education, health and social care professionals can also play an important role, as they are often the people who have the first contact, in explaining to private foster carers and parents that they have a duty to notify the local council.

If you know that a child is being privately fostered, encourage the carer or parent of the child to notify the local council. By doing so you may help to ensure that the welfare of the child(ren) concerned is safeguarded and promoted.

If you have concerns about a child's welfare you should contact social services. If you have concerns that a child may be at risk of harm you should follow your local child protection procedures. What to do if you're worried a child is being abused (www.doh.gov.uk/safeguardingchildren/index.htm) provides guidance for the practitioners in these circumstances.

the duties of local councils

Local councils have clear duties under the Children Act 1989 towards privately fostered children. These duties are discharged through a series of home visits.

The purpose of home visits is to ensure that the children are well cared for in a safe environment. There may also be help and support available, through the local council and other agencies, to assist the carer(s).

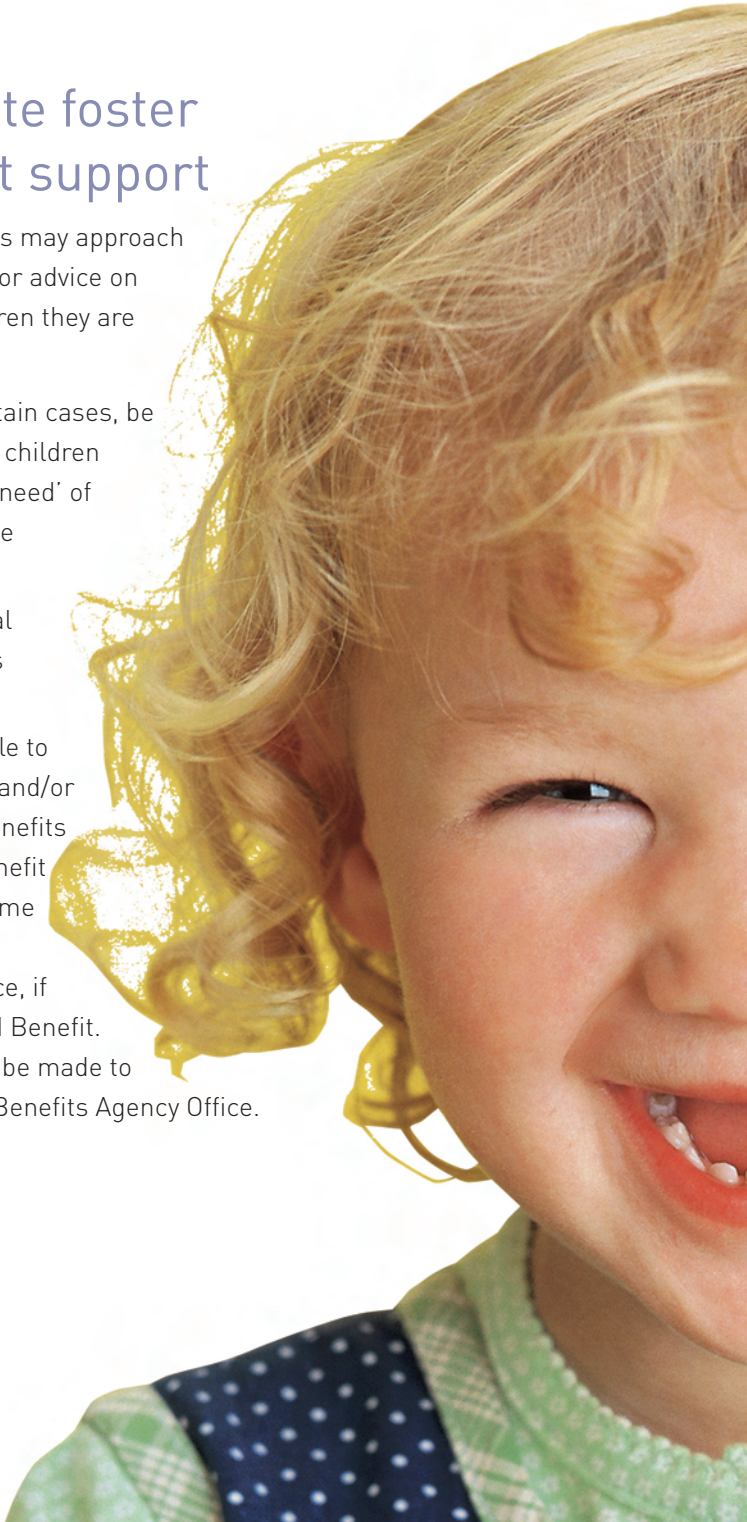
If the local council thinks that an arrangement is unsuitable, and the child cannot be returned to his or her parents, the council have to decide what action to take to safeguard the child's welfare. This might include providing support to the carer, but might also, in some circumstances, mean taking the child into care.

Local councils have powers to impose conditions and prohibit private fostering arrangements.

how private foster carers get support

Private foster carers may approach their local council for advice on caring for the children they are privately fostering.

- there may, in certain cases, be help available for children deemed to be 'in need' of services under the Children Act
- there may be local support networks for carers
- carers may be able to claim tax credits and/or social security benefits such as Child Benefit and possibly Income Support or Job Seekers Allowance, if they receive Child Benefit. Enquiries should be made to the carer's local Benefits Agency Office.



further sources of information and advice

Publications

Children Act Guidance and Regulations
vol. 8 (Private fostering and miscellaneous)
Department of Health 1991

National Minimum Standards for Private Fostering
(Department for Education & Skills)
incorporating Annex A:
The Children (Private Arrangements for Fostering) Regulations 2005

Children's Experience of Private Fostering
(OFSTED 2005)
A report by the Children's Rights Director for England.

Organisations

Department for Education
www.education.gov.uk
0370 000 2288

Fostering Network
87 Blackfriars Road
London SE1 8HA
www.fostering.net
020 7620 6400

British Association for Adoption and Fostering (BAAF)
Skyline House, 200 Union Street
London SE1 0LX
020 7593 2000

where do I go for further information?

If you require further information on the contents of this leaflet, please contact the Shropshire's Customer Service centre on **0345 678 9008**.

Safeguarding Children
Shropshire Council
Mount McKinley Building
Shrewsbury Business Park
Shrewsbury
SY2 6FG

www.shropshire.gov.uk

BAAF
www:baaf.org.uk

Shropshire Council

Childrens Safeguarding

photographs posed by models

32099 Shropshire Council **Design & Print** © **April 2013**