

PRIVATE FOSTERING

Private fostering is not a new concept and has been around for many years. Following the enquiry into the death of Victoria Climbié, (who was privately fostered), new legislation came into force in July 2005 and placed additional requirements on local authorities in relation to private fostering.

PRIVATE FOSTERING ARRANGEMENTS ARE COVERED BY:

- Section 44, Children Act, 2004
- The Children (Private Arrangements for Fostering) Regulations 2005
- Replacement Children Act 1989 Guidance on Private Fostering 2005
- National Minimum Standards for Private Fostering 2005

These requirements included a requirement for each LA to develop their private fostering service, that LA's should comply with the new National Minimum Standards for Private Fostering and LA's were required to promote public awareness of the legal requirements to notify the LA of such arrangements.

The Children Act 1989 defines a privately fostered child as 'a child who is under the age of 16 (or 18 if they have a disability) and who is cared for and provided with accommodation by someone who is not a close relative, guardian, or someone with parental responsibility (close relatives are defined in the Act as parents, step parents, siblings, brothers or sisters of a parent and grandparents).

SO WHAT CONSTITUTES A PRIVATE FOSTERING ARRANGEMENT?

An arrangement made *without* the involvement of the local authority between the carer and the child's parent/s or person with parental responsibility, regardless of whether money is exchanged and that arrangement is intended to last 28 days or more (the child is not a Looked After Child).

Therefore a child/ren living with any of the below constitutes a private fostering arrangement.

- a cousin
- great aunt or great uncle
- great grandparents
- a childminder
- a neighbour
- their best friends parent/s
- step-grandparents, step-aunts, step-uncles, step brother/sister
- co-habitees
- Godparent
- host families, school exchange programmes
- host families, whilst attending language school/independent schools
- sports academy centres (Portsmouth Football Club)

- Children who are sent to this country from abroad to live with members of their extended family who fit the above criteria
- A break in the period, for the child to visit their parents at the weekend for example, would not affect the calculation or the interpretation of the carers' intention. For a break to cause a restart in calculating the period it must result in a "genuinely fresh arrangement". In Surrey County Council V Battersby the arrangement was that the child would stay with a private foster carer each month but would return to the mother's care before the end of each month so that he was never away for a full 28 days. The Court held that this was a continuous arrangement as there was an intention of it continuing and therefore the private fostering provisions applied.

WHEN IT IS NOT A PF ARRANGEMENT

It is *not* a PF arrangement if a child is living with a parent, someone who has parental responsibility, a relative of the child e.g. step-parent (sometimes this may need clarification that the step parent is still married to child's mother/father, as if divorced there is no longer a legal partnership), aunt, uncle, brother, sister, grandparent. Proof of identity may be required in some circumstances, for example if a child has come from abroad and living with a person who is known to them as 'aunt' or 'uncle'.

NOTIFICATIONS

Parents and carers are required by the above legislation to notify the local authority (in which the child is to be privately fostered) at least six weeks before the arrangement is to begin or where the private fostering arrangement is to begin within 6 weeks, immediately. Where a person is already privately fostering a child and notification has not been given, they must do so immediately.

Also any person who is involved with the arrangement (directly or indirectly) Health and Education, Social Care, Volunteer agencies, Naval Welfare, Religious and Faith groups, etc. have a duty to satisfy themselves that notifications are made.

Take a few moments to think of the children you know through work and in your personal life. Are there any who have moved in with friends of the family, children's school friends or even people previously unknown to them? This may be a short-term arrangement but if there is any chance that it could continue to 28 days or more then the LA must be notified and you may be the only person involved with this child who is aware of these requirements.

Sometimes it may be unclear whether children are privately fostered or on Residence Orders, Legal Guardianship, etc. It is better to seek clarification on a case rather than for a private fostering arrangement to go unmonitored.

REFERRALS

Notifications/referrals should be made to Intervention & Assessment team (I&A) Tel: 023 9283 9111 or to Taffi Tamba Private Fostering Social Worker on 023 9268 8087 or by emailing PrivateFostering@portsmouthcc.gov.uk

Role of the PFSW

Send notifications to PF carers, parents and those with PR. Complete Schedule 2 or 3 assessments on PF carer(s). Undertake Statutory checks, DBS checks (everyone in carer's household over 16), write to carers/child's GP, child's school, carer's birth children's school requesting report on health/progress; complete household Health and Safety check, liase with parent/carers, check with Border Control Agency if appropriate and complete Capacity to Care assessment.

PFSW offers advice and support as required to the Private Foster carers but would visit at least on a 6 weekly basis and 12 weekly for placements which have continued for more than 1 year. Annual reviews of PF arrangements are held internally and are "chaired" by an Independent Reviewing Officer. Similar to a LAC Review, these reviews would request feedback from a variety of sources including the young person and their social worker, school, anyone with PR, and the carer.

PFSW prime responsibility is to raise awareness, through media advertising, leaflets and posters and presentations to Health, Education, Naval Services, Religious and Faith groups and partner agencies and organisations. It also involves collating statistics/reports for DfES (PF1), Ofsted Inspection & PSCB.

The Private Fostering functions are monitored by the Service Quality Team, an annual report is submitted to the Head of Service and the LSCB. Records and files are subject to reviews and Ofsted inspections.

Role of the Child's Social Worker

It is the policy of Portsmouth City Council that all children and young people in a Private Fostering situation are regarded as Children in Need and as such will have an allocated social worker. On occasion, these young people have been deemed to be at risk and would be subject to a Child Protection Plan and their allocated social worker would be from PACT.

The child's social worker would be required to visit in line with statutory regulations and for Private Fostering visits should be carried out at least every 6 weeks. However, as every young person will be regarded as LAC or CP, visits from the child's social worker will in reality be at least every 2 or 4 weeks. Visits should be recorded as Private Fostering Stat Visits (there is a drop down for this) and the Service Quality Team can assess the CIN/CP visiting rates from this information.