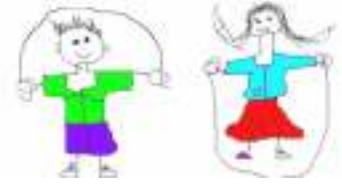




*Working Together
to Safeguard Children*



Bedfordshire Local Safeguarding Children Board

Inter agency Safeguarding Policy on Private Fostering

Date agreed by LSCB: 16/10/07
Date to be reviewed: October 2008

This document is available at www.bedfordshirelscb.org.uk

Contents

1. Introduction.....	3
2. Policy Statement:.....	3
3. Principles.....	4
4. Outcomes of this policy	4
5. How this policy will be put into practice.....	4
6. Legislation and Guidance	5
Appendix 1	7
Definition of Private Fostering	7
Appendix 2	9
Key Timescales	9

1. Introduction

- 1.1 The Government introduced new legislation on private fostering in Section 44 of the Children Act 2004 and The Children (Private Arrangements for Fostering) Regulations 2005 which came into force on 18th July 2007. These measures, together with the National Minimum Standards for Private Fostering and the new role for Local Safeguarding Children Boards in looking at private fostering are designed to focus Local Authorities' attention on private fostering in light of the Victoria Climbié inquiry.
- 1.2 Legislation requires Local Authorities to promote awareness in their area of notification requirements and to ensure that advice is given to those concerned with children who are or proposed to be privately fostered. This includes prospective/actual private foster carers, parents of privately fostered children and the children themselves.
- 1.3 The legislation places a duty on Local Authorities to promote awareness of the notification requirements amongst professionals and the wider community.
- 1.4 This Policy is designed to be read in conjunction with the Procedures for Private Fostering which specifies Children's Services practice with regard to its duties and functions with regard to private fostering.

2. Policy Statement:

- 2.1 Bedfordshire County Council accepts its responsibility to safeguarding and promoting the welfare of each privately fostered child in order to secure positive outcomes for these children and young people and reduce any risks to their welfare and safety.
- 2.2 Local Authority Children's Services will safeguard and promote the welfare of privately fostered children by effectively assessing and determining the suitability of all aspects of the private fostering arrangement in accordance with regulations. This will include assessing the capacity of the private foster carers to look after the child and to respond appropriately to the child's developmental needs. This will also include visiting and speaking to the child alone to establish the child's wishes and views about the arrangement.
- 2.3 Bedfordshire County Council will promote awareness of the notification requirements amongst professionals who may come into contact with privately fostered children and within the wider community. Targeted and current information and advice will be made available to all those professionals who may come into contact with privately fostered children, e.g teachers, health visitors, youth workers, Voluntary sector workers, GPs, etc via the Bedfordshire LSCB. This information will reinforce roles and responsibilities in relation to notification.
- 2.4 The Local Authority is required to satisfy itself of the proposed arrangement **before** it commences (where advance notice is given). The Local Authority is also required to **monitor compliance** with all its duties and functions in relation to private fostering and to appoint an officer of the authority for this purpose. Local Authority Children's Services aims to improve notification rates and compliance with the legislative framework for private fostering and to increase the number of arrangements checked out before a child is privately fostered.
- 2.5 Local Authority Children's Services will respond to notifications including changes in circumstances and deal with those arrangements that have not been notified.
- 2.6 Local Authorities have the power to impose requirements on private foster carers as to the number, age and sex of the children who may be privately fostered. Requirements must be notified in writing and if the foster carer does not comply with these, Children's Services should consider whether it would be appropriate to impose a prohibition on the carer.

- 2.7 Local Authority Children's Services may impose a prohibition on a person who proposes to or is privately fostering a child if they are of the opinion that the person is not suitable to privately foster a child. This person would then be disqualified from being a private foster carer.
- 2.8 Advice and support will be provided as required to :
- private foster carers particularly on the support that is available from other agencies
 - prospective private foster carers
 - parents of privately fostered children in the Bedfordshire area
 - children who are privately fostered in order that they are able to access information and support as needed and that they are enabled to participate in decisions about their lives. The information will be in a format appropriate to their age and understanding and will include information about private foster carers, their responsibilities and their right to be safeguarded.

3. Principles

- 3.1 Privately fostered children are a particularly vulnerable group of children whose welfare needs need to be satisfactorily safeguarded and protected. They are a diverse and particularly vulnerable group with many not having a parent figure in a position to safeguard their welfare.
- 3.2 The private foster carer becomes responsible for the day to day care of the child while overarching responsibility remains with the child's parents or other persons with parental responsibility.
- 3.3 It is an offence to fail to give the required notification of a private fostering arrangement.
- 3.4 Local Authority Children's Services will aim to ensure that there are satisfactory arrangements in place to meet the child's racial, cultural, linguistic and religious needs in order to ensure that the child develops a positive self-image and sense of identity.

4. Outcomes of this policy

- 4.1 The key outcome of this policy will be that privately fostered children in Bedfordshire are kept safe and protected.
- 4.2 In addition, through regular visits to monitor the placement, the Local Authority Children's Services will ensure that positive outcomes in relation to health, enjoying and achieving, making a positive contribution and achieving economic wellbeing are secured for privately fostered children.
- 4.3 Staff in the Local Authority Children's Services and other key agencies will be aware of their duties and functions in relation to private fostering and in ensuring the safety and welfare of privately fostered children.
- 4.4 The wider community will be aware of the notification requirements.

5. How this policy will be put into practice

- 5.1 Local Authority Children's Services will ensure that its staff are aware of their duties and functions in relation to private fostering.

- 5.2 Local Authority Children's Services managers will be responsible for ensuring their teams are aware of this policy and the associated procedure through regular briefing and training sessions.
- 5.3 Bedfordshire's LSCB will ensure that training on the duties and powers in relation to private fostering is developed for partner agencies.
- 5.4 The Private Fostering Manager will be responsible for promoting awareness of private fostering within the wider community.
- 5.5 Local Authority Children's Services will monitor the way in which it discharges its duties and functions in relation to private fostering. This will be done through:
 - The appointment of an officer to monitor the way in which the LA discharges its duties and functions in relation to private fostering.
- 5.6 Having in place an effective recording system which monitors the way in which the Council discharges its duties and functions in relation to private fostering and improving practice as necessary where indicated by this system.
- 5.7 Local Authority Children's Services will record information on the numbers of privately fostered children in their area including the number of new notifications, and record the number and nature of enquiries received in relation to private fostering, the responses given and any action taken.
- 5.8 Local Authority Children's Services will ensure that accurate and comprehensive records are kept for each privately fostered child and private foster carer.
- 5.9 An annual written report will be prepared by the Local Authority Children Services for the Director of Children's Services which includes an evaluation of its work in relation to private fostering in Bedfordshire.
- 5.10 An annual report will also be presented by the Local Authority Children Services to the Chair of the Local Safeguarding Children Board looking at how it satisfies itself that the welfare of privately fostered children in the Bedfordshire area is being satisfactorily safeguarded and promoted, including how they cooperate with other agencies in this respect.
- 5.11 From 2006 CSCI will also inspect Children's services performance against the Regulations and National Minimum Standards in the area of private fostering.

6. Legislation and Guidance

- 6.1 Section 44, Children Act 2004. This replaces the Children (Private Arrangements for Fostering) Regulations 1991 and Chapter 1 of Volume 8 (Private Fostering and Miscellaneous) of the Children Act 1989 guidance
 - The Children (Private Arrangements for Fostering) Regulations 2005
 - Replacement Children Act 1989 Guidance on Private Fostering
 - National Minimum Standards for Private Fostering 2005
 - Working Together to Safeguard Children HM Government 2006
 - Inter agency Safeguarding Procedures 2006

- Private Fostering Bedfordshire County Council leaflet 2006

Appendix 1

Definition of Private Fostering

A private fostering arrangement is one that is made privately (that is to say without the involvement of the LA) for the care of a child:

- **under** the age of **16** (under 18 if disabled)
- by someone other than a close relative
- With the intention that it should last for **28 days** or more.
- Private foster carers may be from **the extended family such as a cousin or great aunt**.

However a person who is a relative under the Children Act 1989 i.e. a grandparent, brother, sister, uncle or aunt (Whether full or half blood or by marriage) or a step parent will not be a private foster carer.

A private foster carer may be a friend of the family, the parent of a friend of the child or someone previously unknown to the child's family who is willing to privately foster a child.

The period for which the child is cared for and accommodated by the foster carer should be continuous - but that continuity is not broken by the occasional short break. A break in the period e.g. for a child to visit his/her parents at the weekend would not affect the nature of the placement as a private foster placement. For a break to restart in calculating the period it must result from the ending of one arrangement prior to the start of a new arrangement.

Where a child is **under 16 years old** and is a pupil at an independent school and **lives at the school during the school holidays for a period of more than 2 weeks**, he/she will be subject to private fostering regulations unless one of the exemptions below applies.

Where a child under 16 is studying at a language school for more than 28 days and stays with a host family he/she will be subject to private fostering regulations.

Exemptions

These are covered in Schedule 8 of the Children Act 1989 but the main exemptions are covered below.

Children will **not be privately fostered**:

- Where the arrangements last for less than 28 days and are not intended to extend beyond that period
- Where the child is looked after by a LA
- Where the child is living in a children's home or accommodation provided by/on behalf of a voluntary organisation
- A school in which he/ she is receiving full time education (either during term time or residing there less than 2 weeks of any school holiday)

- Where the child is placed by an adoption agency in the care of a person who proposes to adopt him or he is a protected child under the Adoption Act 1976 (section 32).

Appendix 2

Key Timescales

The Regulations require that a person who proposes to foster a child privately must notify the LA in writing at least **6 weeks** before the arrangement is due to begin or **immediately** if it is due to begin within 6 weeks. When the child moves to the private foster placement the LA must be notified within **48 hours** of the move.

When the private fostering arrangement has **not** been notified to the LA in advance and the child is already in the private fostering placement, the private foster carer must notify the LA **immediately**.

When the LA has received notification about a proposed or actual private foster placement the LA must arrange for an officer of the authority to visit within **7 working days** in order to assess the suitability of the placement. This includes visiting the premises and visiting and speaking to the private foster carers and all members of the household. The child must also be visited and spoken to alone unless the officer considers it inappropriate to do. Visits must also be made to parents and those with parental responsibility if it is practicable.

LAs must make a decision about the suitability of all aspects of a private fostering arrangement **within 42 working days** from notification or as soon as the outcome of the CRB checks is known, whichever is the sooner.

Subsequently visits must be made to every child who is being privately fostered:

- In the first year of the private fostering arrangement **at intervals of not more than 6 weeks**
- In any second or subsequent year at **intervals of not more than 12 weeks**.

The LA must be notified of any change in address or circumstance **in advance if possible** or within **48 hours** of the change in circumstance.

The LA must be notified **within 48 hours** where a private fostering placement has come to an end.