



Children Families & Learning Department

**Statement on Private Fostering**

Version 5

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## **1. Legal background and definition of private fostering**

- 1.1 The legal background comes from part 9 of and Schedule 8 to the Children Act 1989 which have been amended by section 44 of the Children Act 2004. The relevant regulations are the Children (Private Arrangements for Fostering) Regulations 2005.
- 1.2 Private fostering is defined by the Children Act as an arrangement for a child to be looked after for more than 27 days in the home of someone who is not a parent, guardian or relative. The child has to be under the age of 16 or under the age of 18 if he or she has a disability.
- 1.3 The definition of a relative, as applied to private fostering, comes from the Children Act and therefore only includes grandparents, brother, sister, uncle or aunt, or step-parent. If the child is living with any other relative, then this will be a private fostering arrangement if it lasts for more than 27 days.
- 1.4 The child is not privately fostered if the person caring for him or her has been doing this for less than 28 days and does not intend to carry on the arrangement for longer than 28 days.
- 1.5 BAAF has produced a very useful list of common situations in which children are privately fostered, which is summarised as follows:
  - ◆ African and African Caribbean children with parents or families overseas
  - ◆ Black and minority ethnic children with parents working or studying in the UK
  - ◆ Asylum seekers and refugees
  - ◆ Trafficked children
  - ◆ Local children living apart from their families
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The full version of this list is attached as Appendix A.

- 1.6 There is a flowchart attached as Appendix B which can be used to check whether a situation meets the definition of private fostering. This should be used whenever a social worker or another professional comes across a situation where a child is living with someone other than his or her birth mother or birth father.

## **2. The role of Middlesbrough Council in private fostering**

- 2.1 Private fostering arrangements are made directly between the parent and the foster carer and are very different from fostering placements which are arranged by the Council's Fostering Service for children looked after by the Council. The child does

not become looked after and the responsibility for safeguarding and promoting the welfare of the child stays with the parent. The child may or may not be a child in need; this will depend on the individual circumstances.

- 2.2 Middlesbrough Council does not approve or register private foster carers. Placements cannot be prevented unless the person is disqualified or a prohibition is imposed. The child cannot be removed except under an Emergency Protection Order. The role of the local authority is:
- ◆ To satisfy itself about the child's welfare
  - ◆ To receive notifications from parents, carers and third parties
  - ◆ To carry out an assessment of the suitability of any private fostering arrangements within the area of Middlesbrough Council which are notified or which come to its attention by other means
  - ◆ To visit the child regularly
  - ◆ To offer advice and support
  - ◆ To promote awareness within their area of the notification requirements.
- 2.3 The Children, Families and Learning Department has established a Private Fostering Steering Group which oversees the way in which the Private Fostering Regulations and Minimum Standards are implemented within the Department. The Steering Group is chaired by the Service Manager - Intervention and its members are a Locality Team Manager, the Family Placement Development Officer, children's Social Workers, Health, Education, Sure Start and a representative from the Review and Development Unit. The Steering Group meets quarterly to consider issues related to related to policy and practice, awareness-raising and publicity, and monitoring information and its members can offer advice on private fostering to other members of staff.
- 2.4 The Children, Families and Learning Department has established a Scrutiny Panel which meets monthly and is attended by Service Managers and a representative from the Family Placement Service. Part of the role of the Scrutiny Panel is to consider all completed assessment reports in respect of private fostering arrangements within Middlesbrough and make a recommendation on the suitability of the arrangement.

### **3. Safeguarding the welfare of privately fostered children**

- 3.1 Social workers from the Locality Teams of the Council's Children Families & Learning Department will be responsible for assessing the suitability of private fostering arrangements and for providing information, advice and support to privately fostered children, private foster carers and the parents of children in private foster care.
- 3.2 When a notification of a private fostering has been received, a social worker will visit within 7 days to gather the necessary information and make an initial assessment of the arrangement.
- 3.3 Once the initial actions have been completed, a more detailed assessment of the suitability of the arrangement will be carried out. This will include enhanced C.R.B. checks on the proposed private foster carer and each member of the household

aged over 16 years. This assessment should be completed within 42 days of the receipt of the notification and reviewed every 3 years.

- 3.4 When the assessment report has been completed, it will be forwarded to the Service Manager – Intervention who will arrange for the report to be considered at the next meeting of the Safeguarding Services Scrutiny Panel.
- 3.5 Children in private foster care will receive regular visits from a social worker in order to safeguard and promote their welfare. While the private fostering assessment is being completed, visits will be made every 2 weeks. When the assessment has been completed, visits will be made at least every 6 weeks during the first year of the arrangement and thereafter every 12 weeks. On each visit the social worker will speak to the child alone and will give the child information and support in accordance with his or her individual needs.
- 3.6 As part of the ongoing work with private fostering arrangements, social workers will also offer advice and support to private foster carers and to the parents of children in private foster care. The advice given to private foster carers will include discussion of the training needs of the carer and ways of meeting these needs.

#### **4. Training and awareness raising**

- 4.1 Training will be provided to all Team Managers so that they have an understanding of private fostering and the procedures which should be followed. Team Managers will be responsible for passing this information on to members of their teams. The issue of private fostering will also be included in the induction training provided to new staff.
- 4.2 Information will be provided to other Council staff and to workers in other agencies who may come across private fostering arrangements, in order to give them a clear definition of private fostering and an awareness of their responsibility to pass on information about any children who may be in private fostering arrangements which are not already known to the Council. This will be done by means of leaflets, newsletter articles, staff notice boards, bulletin boards and other appropriate methods.
- 4.3 Information will be provided to the public in order to give them a clear definition of private fostering and the need to notify the Council of any private fostering arrangements which exist or are being planned. This will be done by means of leaflets, posters and adverts in local papers, newsletters and other publications.
- 4.4 The training needs of private foster carers are likely to be fairly diverse and due to low numbers of private foster carers within Middlesbrough, it is not thought to be practical to provide a group training program specifically for private foster carers. As stated above, the training needs of individual private foster carers will be discussed as part of the on-going support work done by the social worker. When a training need is identified, the social worker and private foster carer will discuss and agree a plan for meeting this need. It is likely that needs will be met by the one of following methods:

- ◆ Attendance at a suitable training course run within the Middlesbrough area e.g. at a Sure Start centre, at an Adult Education Centre, at a Family Learning Centre or other similar establishment.
- ◆ Attendance at a course provided by the Local Safeguarding Children Board.
- ◆ Attendance at a course provided by Middlesbrough Council's Fostering Service.

This approach will be kept under review and if numbers increase in the future, then specific training courses for private foster carers may be provided.

## **5. Local Authority named contact for private fostering**

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**List of common situations in which children are privately fostered**

◆ **African and African Caribbean children with parents or families overseas.**

These children may come from countries such as Nigeria, Ghana, the Ivory Coast, Liberia and Sierra Leone. Their parents may send them to live with distant relatives or other casual acquaintances in the hope that the children will have “a better life” and receive a good education. In these situations parents may remain in the African country and therefore be unable to exercise their parental responsibility effectively. The reason for the children entering the country, and perhaps their parentage, may not be clear at the port of entry because of anxiety about immigration restrictions. Practitioners have noted an increasing group of Caribbean children, in particular Jamaican children, whose parents are also still overseas or in some case who have died; these children are likely to be living with extended family or family friends.

◆ **Black and minority ethnic children with parents working or studying in the UK**

Generally these children are babies or very young, their parents have demanding careers or jobs, work unsocial hours (e.g. in the restaurant trade) or may be studying to improve their prospects. They sometimes arrange for their children to be cared for by extended family members (but not members of the immediate family as defined in the Children Act 1989) or by other people known to them from within their own community. Others arrange for their children to be looked after by strangers, identified often through recommendation because the carer(s) have privately fostered other children, or through word of mouth or informal advertisement.

Parents may have approached the social services department hoping to find a carer but discover that only child minders are available and they cannot have children overnight for any length of time – and the parents find the fees too expensive. These children, placed outside the community, are often placed transracially in rural areas and their carers may have little understanding of racial identity and the impact of broken attachments and separation.

◆ **Asylum seekers and refugees**

These children may arrive in this country seeking asylum, travelling with other adults who may not even be known to their family in their country of origin, but because they were brought in by someone they were not considered ‘unaccompanied’ at the time of arrival. Other children, who have acquired refugee status, may be living in similar situations. Their isolation, immigration status, lack of understanding of available services and lack of knowledge of the English language, will all contribute to their vulnerability.

◆ **Trafficked children**

These children are brought into this country for the benefit of adults. They may have been ‘bought’ from their birth family in order to be sent as servants to more affluent families, sometimes from a similar background, or they may have been acquired for prostitution. They are generally young teenagers, may not speak the language and are not easily identified as they rarely attend schools. These children are privately fostered by those adults with whom they are living, even though they do not act as parents or are seen as such by the children. These children are at great risk.

◆ **Local children living apart from their families**

Children may live apart from their parents for a range of different reasons. They may have had only one parent taking responsibility for them and, due to this parent’s death, imprisonment or

working commitments away from home, the child may be living with former neighbours or kinship carers. Some infants and young children whose parents abuse drugs and alcohol may be left with different acquaintances for lengthy periods of time. Others may have parents with mental health problems or simply be unable or unwilling to care for children. Some Caribbean and African children who are born in the UK are cared for in their wider local community which is an accepted cultural practice.

◆ **Adolescents and teenagers estranged from their families**

These children may be estranged from their own families, perhaps through behaviour their parents find unacceptable. They may have run away because they are unhappy or being abused or they may have been “thrown out” as a result of arguments at home. Sometimes their parents’ own relationship may have broken down and the children are considered to be too disruptive to the reconstituted family relationships. Practitioners are observing that many privately fostered teenagers in this category appear to have similar histories and behavioural and emotional profiles to the children in the looked after system. Parents may have tried to get their children accommodated by the local authority without success. Others will have allowed their children to live with family friends or with their older sexual partners of the family home where their boyfriends/girlfriends live. Some of the adults these children find to live with will be grossly unsuitable.

◆ **Children attending language schools**

Children may be studying English at day language schools and have come from a wide range of countries. Amongst the many thousands who do so, a significant number will stay with host families for periods exceeding the 28 day period or may move between host families for a total period exceeding 28 days which still therefore falls within the private fostering definition. The children’s knowledge of English or of ‘normal’ English family life may be slight and they can be very vulnerable. The school may vet the families to some extent but others will have no safeguards in place at all. Other children may be on holiday exchanges.

◆ **Children at independent boarding schools who do not return home for holidays**

Some children may not return to their parents during holidays, particularly where the parents are working overseas, and other people are caring for them.

◆ **Children living with host families for a variety of reasons**

Some charitable organisations and other individuals arrange for children to come into this country for a variety of purposes. These include holidays for disadvantaged children, education, medical treatment and sports trainees (e.g. football). During their stay, they may be placed with host families.

◆ **Children brought in from abroad with a view to adoption**

Some children are brought into this country ostensibly for other reasons but may really be intended to be adopted. Others may form close relationships with the families caring for them and then adoption may be the plan. All of them would legally be defined as privately fostered until formal notice of intention to apply to adopt is given. In addition, some children who are also subject to a form of interim overseas adoption order or ‘entrustment’ which will be finalised in due course in their country of origin, are also considered by the DfES to be privately fostered.

Based on a handout compiled by BAAF in June 2005



**Flowchart for use when a child is living with someone other than a parent**

