

**PRIVATE FOSTERING  
POLICY AND PROCEDURE**

**Children in Need**

POLICY INFORMATION SHEET

Name of Document	Private Fostering Policy and Procedure
Reference Number	CIN/17
Service area	Children in Need Division, Children & Family Services Department
Target Audience	All Staff in Halton Borough Council Children and Family Services Department
Forum Policy/Procedure/Strategy was approved	Children and Families Services Senior Management Team
Date policy was approved	July 2022
Date last reviewed	July 2022
Date of next review	July 2023
Status: Mandatory (all named staff must adhere to guidance) Optional (procedures and practice can vary between teams)	Mandatory
Location of Document	tri.x - <a href="#">Halton Borough Council Children's Services Procedures Manual</a>
Related document(s)	The Children Act 1989 The Care Planning, Placement and Case Review Regulations 2010 Children in Need policies and procedures Child in Care policies and procedures
Superseded document(s)	Private Fostering Policy and Procedure 2012, 2017, 2021
Responsible officer(s)	Divisional Manager, Children in Need

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## 1. Introduction

- 1.1 The [Children Act 1989](#) placed a duty on local authorities to safeguard the welfare of privately fostered children.
- 1.2 The death of Victoria Climbié in February 2000, a child subject to private fostering arrangements, brought into focus the importance of making sure that these type of care arrangements are subject to rigorous assessment and review in order to safeguard and protect the welfare of the child or young person living in them.
- 1.3 The conclusions of the Inquiry into Victoria's death resulted in more detailed guidance for local authorities to assist them in identifying, assessing and reviewing private foster care arrangements.
- 1.4 Government also produced [National Minimum Standards for Private Foster Care Arrangements](#) against which local authorities are closely monitored and inspected.
- 1.5 These procedures have been devised to reflect the arrangements as outlined in the [Children Act 1989](#) and [Private Fostering Regulations 2005](#) and the [National Minimum Standards for Private Foster Care Arrangements](#).

## 2. Objectives

- 2.1 Identifying, assessing and working with private fostering arrangements is a significant challenge.
- 2.2 Therefore Halton Children and Families Service have developed these procedures to assist all staff in identifying a private fostering arrangement and then how to work towards safeguarding children and young people when they are cared for in these situations. This policy should be read alongside the [Private Fostering procedure held within the Halton Children's Services Online Procedures Manual](#).

## 3. Legal Context

- 3.1 Private Fostering is a significant part of the Children Act 1989.
- 3.2 The Children Act 1989 part IX s.67 states that:  
*'It shall be the duty of every local authority to satisfy themselves that the welfare of children who are privately fostered within their area is being, or will be, satisfactorily safeguarded and promoted and to secure that such advice is given to those concerned with them as appears to the authority to be needed.'*
- 3.3 Government has issued a number of documents clarifying the arrangements for local authorities originally enshrined in the 1989 Act.

These are:

- [The Children \(Private Arrangement for Fostering\) Regulations 2005](#)
- [Children Act 1989 Guidance on Private Fostering 2005](#)
- [National Minimum Standards for Private Fostering 2005](#)

- [The Disqualification from Caring for Children \(England\) Regulations 2002](#).

#### 4. Definition of a Privately Fostered Child

- 4.1 A private fostering arrangement is essentially one that is made privately (that is to say without the involvement of the local authority) for the care of a child under the age of 16 (under 18 if the child has a disability) by someone other than a parent or close relative with the intention it will last for longer than 28 days.
- 4.2 Private foster carers can be from a child's 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, aunt (whether of full blood or half blood or by marriage) or stepparent will not be a private foster carer.
- 4.3 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 the child.

##### **PRACTICE GUIDANCE:**

A privately fostered child as defined by the [Children Act 1989](#) is:

“a child who is under the age of sixteen and who is cared for, and provided with accommodation by someone **other** than:

- The child's parent
- A person who is not the child's parent but has parental responsibility or
- A relative of the child” (grandparent, aunt, uncle, step parent (including civil partnerships), sister or brother)

- 4.4 The private foster carer becomes responsible for providing the day-to-day care of the child in a way, which will promote and safeguard their welfare. Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with parental responsibility.

#### 5. Key Features of a Private Fostering Arrangement

- 5.1 The arrangement must be intended to last for 28 days or more.
- 5.2 The child should be cared for in this arrangement continuously and should not be broken by the occasional short break.

##### **PRACTICE GUIDANCE:**

Examples of where a private foster arrangement can stem from:

- Where adolescents become estranged from their parent(s).
- Where children are brought over from abroad with a view to being adopted or cared for by persons who fit the definition for private fostering arrangements in section 4.
- Children whose parents work unsociable hours.
- Asylum seeking children arriving from abroad and accompanied by persons who fit the definition for private fostering arrangements in section 4.

## 6. Exemptions

### 6.1 Children are not privately fostered where:

- The arrangements last for less than 28 days and are not intended to last beyond that period.
- The child is in the care of the local authority
- The child is in the care of any person whilst living in one of the following:
  - A children's home
  - Accommodation provided by or on behalf of a voluntary organisation
  - Any school in which the child is receiving full time education (either during term time or residing there for less than 2 weeks of any school holiday)
  - Any health service hospital
  - Any care home or independent hospital
  - Any home or institution provided, equipped and maintained by the state
- Where the child is in the care of any person in compliance with
  - An order under s.63(1) of the Powers of Criminal Courts (Sentencing) Act 2000
  - Detention or guardianship orders under the Mental Health Act 1983
  - Placement for adoption by an adoption agency

#### **PRACTICE GUIDANCE:**

A person may act as a registered child minder for children under 8 years old, including overnight stays, for up to 27 days. If the intention is that such an arrangement will last continuously for more than 27 days, the placement is a private foster placement.

## 7. The Duty to Notify where a Private Fostering Arrangement is Planned or Exists

### 7.1 The Private Arrangements for Fostering Regulations require private foster carers and/or the child's parents to notify the local authority of a private fostering arrangement.

#### **PRACTICE GUIDANCE**

- A person who proposes to foster a child privately must notify the local authority of the plans at least 6 weeks before the arrangement is to begin.
- A person who is already fostering a child privately and who has not notified the local authority must do so immediately.
- Professionals who learn that a private foster care arrangement is planned have a duty to notify the local authority.

### 7.2 Private foster carers must also notify the local authority of any significant change in their circumstances, such as change of address or if someone leaves or joins the household.

## PROCEDURE FOR MANAGING PRIVATE FOSTERING ARRANGEMENTS

### 8. Managing Notifications of a Private Foster Care Arrangement

- 8.1 The integrated Contact and Referral Team (iCART) receives notice of a private fostering arrangement by parent or person with parental responsibility, private foster carer or professional.
- 8.2 When a private fostering arrangement is identified by iCART then a worklist for that child will be added and an assessment will be added for that child.
- 8.3 The referral is allocated to a social worker.
- 8.4 The allocated social worker will complete a Private Fostering Arrangement Assessment and Visit Form within 7 days on Eclipse.
- 8.5 In completing the assessment the social worker must:
  - Visit the premises where it is proposed the child will be cared for.
  - Visit and speak to the proposed private foster carer and all members of their household.
  - Visit and speak to the child alone unless this is considered inappropriate by the social worker.
  - Interview parents.

#### **PRACTICE GUIDANCE:**

When interviewing parents the social worker must ensure the parent(s) or person(s) with parental responsibility are in agreement with the proposed arrangement. Parent(s) agreement to placement must be evidenced using a consent form.

- Make a recommendation as to the suitability of proposed placement as part of the recommendations and conclusions in the private fostering arrangement assessment..
- Forward this assessment to the Principal Manager for approval.

### 9. Completing the Private Fostering Arrangement Assessment Record on Eclipse

- 9.1 The social worker will conduct a series of meetings/visits to the proposed private foster carers. The social worker will meet the proposed private foster carer on their own. They will also meet with members of the household.

#### **PRACTICE GUIDANCE**

Good practice would require the social worker to visit the private foster carer arrangement a minimum of 3 times when completing this assessment. This would be in addition to the visit(s) undertaken when completing the Private Fostering Visit Form. The child should be seen alone at each visit where possible. If this has not been possible the social worker must record the reason why and make every effort to remedy as soon as possible.

9.2 The assessment must cover the 3 dimensions of the National Framework for the Assessment of Children in Need and their Families. Therefore the assessment should include information on the following:

**Child's Needs:**

- The ascertainable wishes and feeling of the child regarding the fostering arrangements.
- The child's physical, educational, emotional, social and behavioural needs and development.
- The arrangements for the child's medical and dental care and treatment and in particular that the child is registered with a general medical practitioner.
- Whether the parents have provided:
  - An accurate medical history
  - Written general consent to medical treatment
  - The personal child health record for the private foster carer
  - Information on dietary needs
- Whether the child's needs arising from their religion, racial origin and cultural and linguistic background are being met.
- The arrangements for the child's education and in particular that the child's school has been informed of the fostering arrangement.
- Whether the contact between the child and their parents is satisfactory.

**Parenting Capacity:**

- Establishing the parenting capacity of proposed private foster carers.
- The general lifestyle of the proposed private foster carers.
- The purpose and duration of the private fostering arrangement.
- The standard of care which the child is being given.
- The agreement about disciplinary arrangements for the child.
- The extent to which household relationships will affect the placement.
- Confirm that the birth parents understand their financial responsibility.
- Whether the child's parents are exercising parental responsibility for the child.
- Whether the foster parent is being given any necessary advice.
- Whether direct provision of services to the parent by the local authority or another agency would remove the need for the parent to have the child privately fostered.

**Family and Environmental Factors**

- Establishing that the premises in which caring takes place are safe for the privately fostered child. This means inspection of:
  - Sleeping accommodation
  - Standard and suitability of accommodation having regard to the child's age
  - and welfare



- Fires, electrical sockets, windows, floor covering and glass doors
- Cooking facilities and safety in the kitchen or cooking areas
- Washing and toilet facilities
- Equipment such as cots is British Standard approved
- Use of stair gates
- Safe storage of medicines and dangerous household substances
- Presence of pets and arrangements for their control
- Quality of transport e.g. car seats, safety belts
- Washing and toilet facilities
- Outside play space
- Fire safety – smoke detectors and safe storage of matches/lighters
- Access to garden, safety within it and road access

**PRACTICE GUIDANCE:**

When completing the assessment the following aspects should be considered when analysing the information presented and arriving at a conclusion as to whether the arrangement will promote and safeguard the welfare of the child.

- Under normal circumstances a privately fostered child over 2 years should not share a bedroom with a teenager, the foster carer or other adult members of the household.
- Under normal circumstances there should be no more than two children to a room, and older children should have the choice of whether to share or not.
- Bedrooms should reflect the needs and individual expectations of each child.
- In the bedroom the privately fostered child should have at least an individual wardrobe, drawer space and a single bed. They should be allowed to personalise their space with pictures, cuddly toys etc, and should be able to keep any personal possessions secure, in a locked cupboard if necessary.
- There should be sufficient space in communally shared areas for all members of the family to feel relaxed and maintain the appropriate 'personal space'. Living areas should not give the impression of being overcrowded and the useable floor area of any room must be sufficient for its specific task.
- Kitchens and bathrooms must be kept clean and adequate provision made for laundry work to be carried out. Private foster carers must make themselves aware of the many hazards, particularly to young children, and take the appropriate precautions.
- Toys, equipment, games, materials etc. should be appropriate to the age and ability of the cared for child. Any equipment must be in good repair and not dangerous for the child to use.

9.3 The private foster care arrangement assessment should also include the following:

- A completed DBS check on the proposed private foster carers
- A recommendation as to suitability of placement.

**PRACTICE GUIDANCE:**

**The local authority does not approve or register private foster carers.** It does make decisions as to whether the placement can satisfactorily safeguard and promote the welfare of the child.

- 9.4 The maximum time frame for the Private Fostering Arrangement Assessment to conclude, such that it is possible to reach a decision on next steps, should be no longer than **42 working days from the point of notification**. If, in discussion with a child and their family and other professionals, an assessment exceeds 42 working days the social worker and professionals involved should record the reasons for exceeding the time limit.

**Any concerns as to the quality of the placement should be discussed with the social worker's manager immediately.**

- 9.5 If the private foster care arrangement is assessed by the social worker as providing appropriate and satisfactory care for the child the social worker will present their assessment to the Child in Need Principal Manager to gain their agreement.
- 9.6 The result of the assessment must be communicated to the child's parent(s) or person with parental responsibility by the social worker
- 9.7 The assessment will then be passed to the Divisional Manager for Children in Need for scrutiny.
- 9.8 If the Divisional Manager is satisfied with the assessment and the proposals for support and review will satisfactorily safeguard and promote the welfare of the child, the Private Foster Carers will be notified in writing by the Divisional Manager for Children in Need.
- 9.9 If the private foster care arrangement is assessed as unsatisfactory and therefore unable to safeguard and promote the welfare of the child the Divisional Manager for Children in Need can prohibit or disqualify the private foster carers from providing care for the child. The Divisional Manager can also impose requirements on the arrangements relating to the placement or premises. (See appendix 6 for more information relation to prohibition disqualification or imposing requirements)
- 9.10 If there are issues arising from the assessment the social worker should advise the parents of the child of the outcome and advise them about whether to make alternative suitable arrangements.
- 9.11 If the parents are not able or willing to make alternative suitable arrangements, it may be necessary for the local authority to consider whether this places the child at risk and in need of protection or accommodation from the local authority.

**PRACTICE GUIDANCE**

The social worker should provide the private foster carer with a Change of Circumstances Notification Form (Appendix 7) for notification of any future changes in the arrangements.

## 10. Appeals

- 10.1 Prospective private foster carers must be notified in writing of any decision with regard to their status as private foster carers. If the private foster carer's have any concern or dispute as to the decisions made by the local authority they have fourteen (14) days in which to lodge their appeal. This appeal can be made verbally but it is necessary to the private foster carer puts their appeal in writing to the Local Authority.
- 10.2 Arrangements will then be made for the appeal to be heard in the courts and the court will make a decision on the information it receives.

### **PRACTICE GUIDANCE**

Section 65 of the Children Act 1989 states that a person disqualified from fostering a child privately cannot manage or be employed in a children's home unless they have disclosed the fact to the responsible authority (Ofsted) and obtained their written consent. Similarly, an employer cannot employ any disqualified person in a children's home unless they have disclosed the fact to the responsible authority (Ofsted) and obtained their written consent.

- 10.3 For further details reference should be made to the [Disqualification from Caring for Children \(England\) Regulations 2002](#), and legal advice should be sought where necessary.

## 11 Visiting the Privately Fostered Child

- 11.1 The social worker should visit the child within 7 working days of the placement, or the date when the notification was received, if later, and then at least every 6 weeks during the first year the child is in the private foster care arrangement, and at 12 weekly intervals thereafter.
- 11.2 During each visit the social worker should see the child alone. If the social worker considers this to be inappropriate the reasons should be recorded on the child's file.
- 11.3 When visiting the child the social worker should ensure the following aspects are addressed:
- That the intended duration of the private fostering arrangement is understood and agreed between the parents and the private foster carers.
  - That the wishes and feelings of the child about the arrangement are considered.
  - That the physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory.
  - That the child's needs arising from his religious persuasion, racial origin and cultural or linguistic background are being met.
  - That the financial arrangements for the care and maintenance arrangements of the child are working.
  - That the capacity of the private foster carer remains satisfactory.
  - That the suitability of the accommodation remains satisfactory.

- That the arrangements for safeguarding the health and overall well-being of the child within the private fostering arrangement are in place and working well.
- That the arrangements for safeguarding the educational arrangements of the child in the private fostering arrangement are in place and working well.
- That the standard of care provided in the private fostering arrangement is satisfactory and meets the needs of the child
- That the suitability of members of the household remains appropriate in ensuring the child's needs are met and that their welfare in the placement is adequately safeguarded.
- That any contact arrangements agreed between the child, private foster carers and parents are in place and working well.
- That any decisions taken about the care and welfare of the child are being taken appropriately, timely and with the full agreement of the parent(s).

11.4 Following the visit (recorded on the Private Fostering Arrangement Assessment and Visit Form on Eclipse), the social worker should record the results of their 6-weekly visits on the Private Fostering Regulation 8 visit form on Eclipse.

11.5 Any concerns arising from the visit should be shared with the social worker's Principal Manager.

11.6 As a result of these discussions consideration should be given as to whether an assessment under the child in need/child protection procedures is completed.

## **12. Independent Reviewing Manager (IRM) Oversight of Children in Private Fostering Arrangements**

12.1 A child who is privately fostered is a Child in Need, and the Child in Need Plan should be completed and reviewed in accordance with the [Child In Need Policies and procedures](#).

12.2 To acknowledge the particular status of privately fostered children (and the vulnerability of this group of children), An Independent Reviewing Manager (IRM) will provide oversight of the Private Fostering Arrangement to ensure compliance with legislation and Halton Borough Council's policy and procedures.

12.3 Following the allocation to a social worker the practice lead will email a notification to the safeguarding unit managers email address and a date will be confirmed for the IRM to attend a Child in Need meeting to coincide with the completion of the Private Fostering Arrangement Assessment.

12.4 The role of the IRM is to ensure themselves that the duties and functions according to the National Minimum Standards for Private Fostering arrangements are adhered to and that the plan for the child ensures their safety and wellbeing and that family with parental responsibility continue to have an active role in the child's life.

12.5 For IRM's it is important that they have a conversations with the child, parents and private foster carer prior to their attendance at this meeting to explain their role and answer any questions.

- 12.6 A copy of the most recent Child in Need Plan, Private Fostering Assessment and Regulation 8 visits should be available for the IRM on Eclipse at least three working days before attendance at the Child in Need meeting.

#### **PRACTICE GUIDANCE**

The Private Fostering Regulation 8 visit record is the equivalent to the statutory visit form completed for children in care. It is therefore necessary this document be completed after each visit the social worker undertakes to the private fostering arrangement.

- 12.7 The IRM will consider the following as part of the oversight and review of the arrangement –

1. The arrangement has been agreed by the Divisional Manager for Child in Need.
2. There is evidence of the family actively being involved and exercising their parental responsibility, there should be evidence of good communication and if there are concerns confirmation is needed to ensure someone is exercising parental responsibility for the child?
3. This arrangement is the most appropriate plan for the child in the short term and there is a clear long-term permanence plan for the child.
4. There are no safeguarding concerns regarding any of the adults living in the household with the child and all necessary checks have been completed.
5. Confirmation that the child's birth certificate, passport and any alternative identification information has been seen and confirmed. (Immigration Status checked and no evidence of trafficking)
6. Statutory requirements are completed – Visit to child within 1 week of notification and subsequent 6 weekly visits, child seen alone at each visit and bedroom seen regularly.
7. Annual review of arrangement completed and Divisional Manager updated and confirms continuation of arrangement.

- 12.8 For subsequent reviews (no longer than six-monthly) any updated assessments, most recent Child in Need Plan and up to date Statutory Visit case records will be available to the IRM at least three working days before the review.

- 12.9 Following attendance at the Child in Need meeting, the IRM will provide a short summary of the discussions/questions and any recommended actions (which is to be added to the Child's plan) and distribute to all relevant parties within 5 working days. (Appendix 8)

### **13. Notifications of Change of Circumstances**

- 13.1 The private foster carer must notify the social worker in advance wherever possible of the following:

- Any change of address.
- Any further offence of which the private foster carer or person who is part of the household.

- If they or anybody in the household has been disqualified from being a private foster carer.
- Any person who leaves the household

13.2 The social worker on receipt of this information should complete the Private Fostering Change of Arrangements Form (Appendix 7).

**PRACTICE GUIDANCE:**

If it is not possible for the private foster carer to notify the social worker prior to any change happening, the private foster carer must notify the social worker within 48 hours of any change occurring.

13.3 Should the private foster carer move to a different local authority area the social worker must notify the receiving local authority area of the following:

- The name and new address of the private foster carer.
- The name and date of birth of the child who is being privately fostered.
- The name and address of the child's parent(s) or person with parental responsibility.
- Any other important information relevant to the care of the child for example additional health or educational needs.

13.4 The parent of the child or person with parental responsibility, who knows the child is in a private fostering arrangement, must notify Halton Children and Families Service of any change to their address or contact details.

13.5 The private foster carer and/or parent must notify the social worker in writing, using the Change of Arrangements form (Appendix 7).

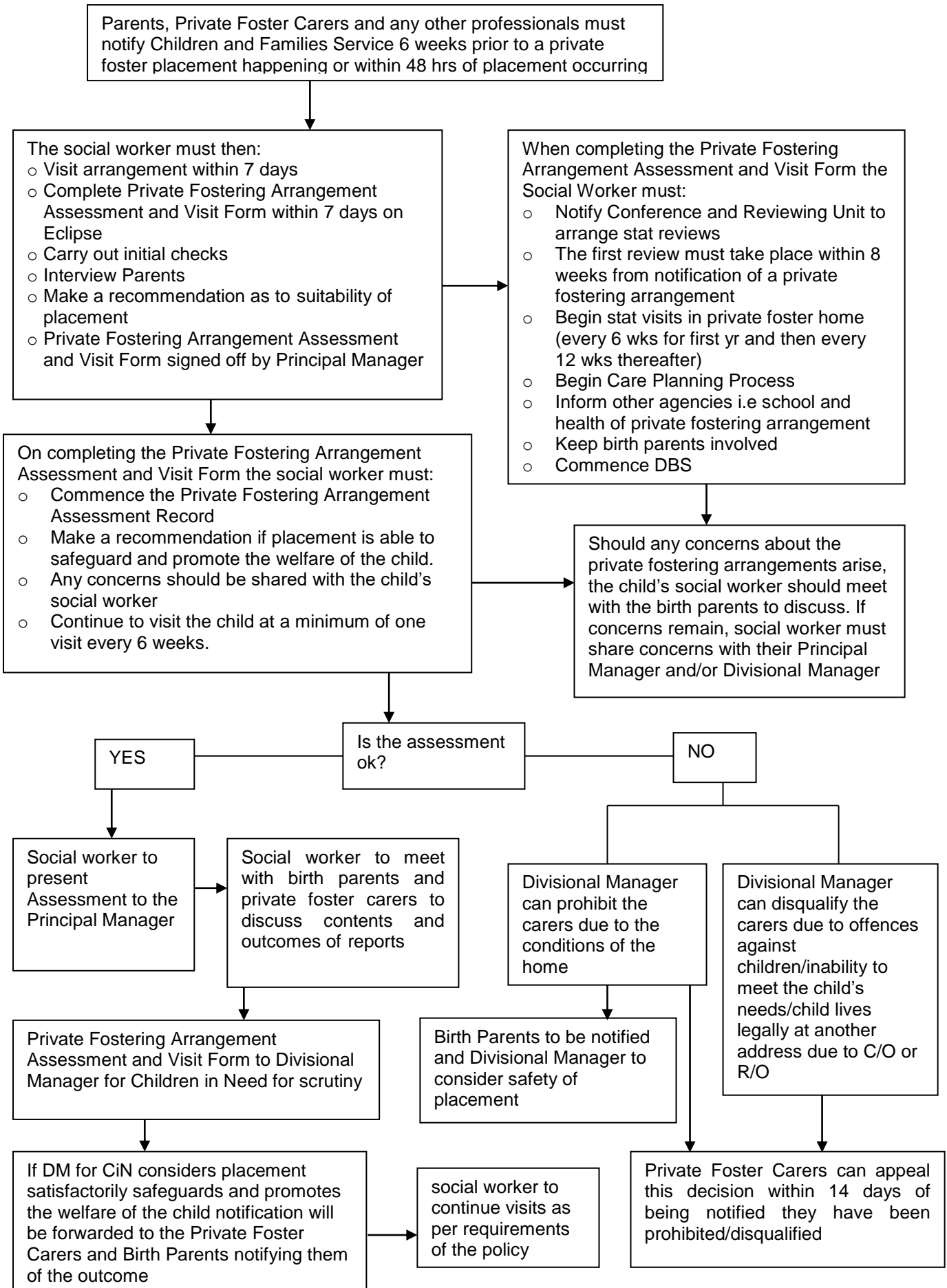
**14. Notification of a Private Fostering Arrangement Ending**

14.1 Should a private fostering arrangement end the person who had been caring for the child and/or the child's parent or person with parental responsibility, must notify the social worker within 48 hours of the arrangement ending.

14.2 When notifying the social worker of the arrangement ending the private foster carer must also provide details of to whom care of the child has been transferred and the person's relationship with the child.

14.3 The social worker upon receiving this notification should complete the Private Fostering Change of Arrangements form.

## APPENDIX 1: Private Fostering Flowchart



## **APPENDIX 2: Duties of the Local Authority**

The local authority has a number of duties in order to make sure any child or young person living in private fostering arrangements is identified, the arrangement itself is assessed and that the child or young person's welfare is being adequately safeguarded.

More specifically the duties are outlined as follows:

- Ensure that there is a high level of public awareness about private fostering through an ongoing communication strategy.
- Publicise and make available advice and information to prospective foster carers, parents and professionals of the requirement to notify where there are private fostering arrangements in place or planned.
- Make sure relevant local authority staff are sufficiently conversant with the requirements of the regulations.
- Respond appropriately to notifications received, and ensure that proper checks, and visits, are carried out within required timescales.
- Satisfy themselves that the welfare of privately fostered children in their area is satisfactorily safeguarded and promoted by assessing the suitability of all aspects of a private fostering arrangement in accordance with the Private Arrangement for Fostering Regulations.
- Take steps to ensure that private foster carers, and their households and premises provide an environment in which the welfare of the child concerned will be safeguarded and promoted in accordance with the Private Arrangement for Fostering Regulations. (Parents also have a specific duty to ensure their child's welfare is promoted.)
- Make arrangements for privately fostered children to be visited by an officer of the Authority at prescribed intervals.
- Make sure that privately fostered children are seen at each visit and seen alone unless it is considered inappropriate and that a written report is made after each visit.
- Investigate any complaints made by privately fostered children.
- Provide private foster carers, parents and all concerned with such advice and information as they may need to promote the child's welfare
- Inform parents (or others with parental responsibility) of any concerns that they may have about the welfare of privately fostered children.
- Consider whether they need to exercise any wider powers allowed under regulations, for example prohibition of arrangements or disqualification of persons from fostering.
- Where they are not satisfied that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted, take steps to ensure that the child is cared for by a parent or relative of his, or someone else with parental responsibility,



and consider the extent to which (if at all) they should exercise any of their functions under the Children Act 1989 with respect to the child.

- Inform the private foster carer and parents and others concerned in writing of any requirements, disqualifications or prohibitions that it may impose during the course of fulfilling its duties and provide information about how they may appeal against any decisions made by the local authority in respect of the Private Fostering Arrangements.
- Develop systems for monitoring their compliance with their various requirements of the regulations, including the appointment of a designated person at strategy leader level with responsibility for reporting on such compliance.
- Take action to improve practice where necessary
- Provide annually, to the Director of Children's Services, an evaluation of the outcomes of their work in relation to safeguarding and promoting the welfare of the privately fostered children in their area,
- Report annually to the Halton Children and Young People Safeguarding Partnership on how they safeguard and promote the welfare of privately fostered children, including how they co-operate with other agencies.

### **APPENDIX 3: The Local Authority's Responsibility to Parents of Privately Fostered Children**

- In each case, Halton Children and Families Service will consider whether in the light of the particular circumstances, the direct provision of services or referral to another agency would remove the necessity for the parent to have the child privately fostered and where feasible and in the child's best interests and with the parent's consent, provides such services or makes such a referral.
- Parents will be provided with information, in different languages and formats as appropriate, on the advice and support that may be available from the authority itself and from other agencies.
- Parents who have placed a child with a private foster carer will be encouraged to maintain regular contact with their child and the private foster carer. (This will be addressed in the Private Fostering Agreement)
- Parents will be provided with advice and support to make alternative arrangements for the care of the child, where a private fostering arrangement has been prohibited and no other is contemplated.
- Parents are provided with the contact details of an allocated social worker who they can contact if they have any concerns about the welfare of the privately fostered child or if they wish to request a visit.

#### **APPENDIX 4: Local Authorities Responsibility to Private Foster Carers**

- Halton Children and Families Service will provide such advice and support to private foster carers and prospective foster carers as appears to the authority to be needed.
- Private foster carers and prospective private foster carers will be provided with information, in different languages and formats as appropriate on the advice and support that is available from other agencies, including health services, education, housing services, youth support services, voluntary organisations and community groups, information about entitlement to child and other financial benefits and any necessary advice and support which will assist them to safeguard and promote the welfare of the privately fostered child.
- Private foster carers will be encouraged and where necessary supported to promote and facilitate regular contact between the child and his or her parent(s), siblings, extended family and other significant persons, where this will promote the child's welfare
- Where appropriate, give the private foster carer advice about the child's needs arising from religious persuasion, racial origin, and cultural and linguistic background. Where appropriate the private foster carer will be given advice to enhance his/her ability to care effectively for the child, including in relation to sex, age, disability, medical condition and learning disabilities and the opportunity to utilise any training or support services that may be available.
- Private foster carers will be provided with the contact details of the allocated social worker who will be visiting them and the child they are privately fostering, and whom they can contact at any time if they have any concerns about the welfare of the child or if they wish to request a visit.

## **APPENDIX 5: The Local Authority has a Responsibility to Provide Information and Support for Privately Fostered Children**

- Privately fostered children will be provided with information, in formats appropriate to their age and level of understanding, about their private foster carer and his responsibilities, the meaning of their privately fostered status and their right to be safeguarded.
- Privately fostered children will be provided with the contact details of the social worker who will be visiting them while they are privately fostered, and whom they can contact at any time if they have any concerns about their care or if they wish to request a visit.
- Privately fostered children will be given information about advocacy services, if they are assessed as being a child in need
- The local authority will provide, in an appropriate format, to every disabled privately fostered child nearing age 18 details of its procedures for assessing eligibility for adult community care services, so that these assessments can take place in a timely manner.
- The local authority will provide information in appropriate formats about its arrangements for providing advice and assistance to privately fostered children who would be 'qualifying' children as defined by s.24(2)(e) of the Children Act 1989.

## APPENDIX 6: Power to Impose Requirements on Private Foster Carers

Under the Children Act 1989, the Local Authority has the power to impose requirements in a number of areas, which would affect the day-to-day care of the child.

These requirements, if any, can apply to a particular named child, a group of children or in other specific cases e.g. when the number of fostered children exceeds a specified number.

### PRACTICE GUIDANCE

Requirements may include provision of family support services under Section 17 Children Act 1989 for a child in need

The Local Authority must inform the proposed private foster carers of any requirements in writing, and must explain the reasons why the requirement is being imposed. **Legal advice should be sought before the imposition of any requirements.**

### PRACTICE GUIDANCE

Any concerns or requirements felt necessary should be discussed with prospective carers as part of the assessment process. In the vast majority of cases agreement on requirements to be imposed or other issues should be reached prior to the sending of a written notice.

The Local Authority must include in the written notification details of how private foster carers can appeal against the imposition of a requirement. Private foster carers have 14 days in which to appeal to the Court during which time the requirement has no effect.

The Local Authority has the power to impose requirements with regard to:

- The number, age and sex of children cared for.
- The standard of accommodation and equipment to be provided.
- The arrangements made in respect of the health and safety of the child.
- Any special arrangements necessary for the good care of a particular child.

### PRACTICE GUIDANCE

The Act prescribes a 'usual fostering limit' of 3 children in placement, except where the children are siblings. The local authority will use its powers to impose requirements on the number of fostered children, bearing in mind the number of other children in the family and the general accommodation.

If the requirement concerns the child's safety it is essential the parents are kept fully informed so they may take appropriate action in relation to the child's welfare depending on the private carer's response to the requirements.

If the requirement has not been complied with within 14 days, the local authority may then prohibit the person from private fostering

## Disqualification and Prohibition

Persons can be prevented from privately fostering through being either **disqualified** or **prohibited**, and it is important to understand the distinctions between these two processes.

### Disqualification:

Certain people are disqualified from private fostering under the [Disqualification from Caring for Children \(England\) Regulations 2002](#). They are not allowed to privately foster children unless they have disclosed their disqualification to the relevant local authority and obtained their written consent to privately foster.

The Divisional Manager, Children in Need, is the senior manager authorised to waive disqualification and agree to a private fostering arrangement.

The following is a brief summary of the grounds under which a person can be disqualified:

1. Any parent of a child who was at any time subject of a care order, or supervision order with residence requirements either removing the child from their care or preventing the child living with them.
2. Any person who has been convicted of an offence against a child within the meaning of [s26 \(1\) of the Criminal Justice and Court Services Act 2000](#), or any other offence involving bodily injury to a child.
3. Any person convicted of offences relating to importing indecent photographs of children, or of committing offences under [s7 of the Sex offenders Act 1997](#) (relating to sexual offences against children abroad).
4. Any person convicted of offences relating to abduction of a child in care.
5. Any person convicted of offences relating to child minding and day care.
6. Any person convicted of offences relating to private fostering.
7. Any person convicted of offences relating to running voluntary homes and children's homes (e.g. failure to register, contravention of regulations etc).
8. Any person who managed or had a financial interest in a children's home where registration was refused or cancelled.
9. Any person prohibited from private fostering.
10. Child minders, providers of day care and nurseries for children whose registration was refused or cancelled.

### Prohibition

In addition to the above, local authorities have the right to **prohibit** people from private fostering where the local authority for the area within which a child is proposed to be, or is being fostered is concerned that:

- The foster parent is not a suitable person to foster a child
- The premises to be used for the accommodation are unsuitable.
- It would be prejudicial to the welfare of the child for him/her to be cared for by that person in that accommodation.

The prohibition may be:

- Absolute, preventing the person concerned from fostering privately any child in any premises in the authority's area;
- Specific to the premises, preventing any child from being fostered there;
- Specific to a particular child being accommodated in particular premises.

In such situations the person who has been prevented from fostering a child privately has the right to appeal against that decision.

As with **requirements** it is essential to seek legal advice before imposing a prohibition. Notice of prohibition will be sent by recorded delivery or delivered by hand. The notice will specify the reason for prohibition and inform the private foster carers they have 14 days in which to appeal to the Court.

The Divisional Manager will then give consideration to the safety of the placement and request a child in need assessment is carried out.

If the private foster care assessment concludes that the child is at risk of significant harm, the Principal Manager and the Divisional Manager for Children in Need should be notified immediately and legal advice should be sought to ensure the child's welfare is safeguarded.

## APPENDIX 7: Change of Arrangements Notification

To be completed when notifying Halton Children and Families Service of any change in a private fostering arrangement

<b>Name of Child:</b>		<b>CareFirst Number</b>	<b>Date of Birth</b>	
<b>Family Address:</b>			<b>Telephone Number</b>	
<b>Name of Private Foster Carer:</b>		<b>Home Address:</b>		
		<b>Tel Number</b>		
<b>Changes to be Notified:</b>				
<b>1.</b>	<b>Change of Address</b>		<b>YES/NO</b>	
	New Address:		Date effective from:	
<b>2.</b>	<b>Change in Household (anyone leaving or joining the household?)</b>		<b>YES/NO</b>	
	New Household Member: Name		Date of Birth	Male/Female
	Details of any criminal convictions	Offence	Date	Sentence
	Details of any person who has been prohibited or disqualified from private fostering in the past?			
<b>Household member who is leaving?</b>				



<b>3.</b>	<b>Any person already living in the household who has received a criminal conviction</b>	<b>YES/NO</b>		
	Name of Person receiving the conviction:			
	Details of Conviction	Offence	Date	Sentence

<b>4.</b>	<b>Death of Private Foster Child:</b>	<b>YES/NO</b>		
	Cause of Death			

<b>5.</b>	<b>Ending of Placement</b>	<b>YES/NO</b>		
	Reason for Ending Placement			
	Name of person taking over care of child:		Relationship to child	
	Address:			
Tel Number				

**Details of Person Completing the Form**

<b>Name</b>		<b>Relationship to Child</b>	
<b>Address</b>			
<b>Signature</b>			<b>Date</b>

## **APPENDIX 8: Private Fostering Children’s Safeguarding & Quality Assurance Unit Oversight**

**Name of child/young person**

**Eclipse i.d**

Independent Reviewing Manager –

I attended a recent child in need meeting held on the.....

### **Private Fostering Arrangement**

IRM will note down, confirm and be satisfied of the following:-

- The arrangement has been agreed by the Divisional Manager for Child in Need.
- There is evidence of the family actively being involved and exercising their parental responsibility, there should be evidence of good communication and if there are concerns confirmation is needed to ensure someone is exercising parental responsibility for the child?
- This arrangement is the most appropriate plan for the child in the short term and there is a clear long-term permanence plan for the child.
- There are no safeguarding concerns regarding any of the adults living in the household with the child and all necessary checks have been completed(DBS, social care)
- Confirmation that the child’s birth certificate, passport and any alternative identification information has been seen and confirmed. (Immigration Status checked and no evidence of trafficking)
- Statutory requirements are completed – Visit to child within 1 week of notification and subsequent 6 weekly visits, child seen alone at each visit and bedroom seen regularly.
- Annual review of arrangement completed and Divisional Manager updated and confirms continuation of arrangement.

If any of above not completed then suggest included in plan with clear timescales to complete.

### **Child/young person’s views**

If child didn’t attend who has obtained views and note here.

### **Parent’s views**

Update from parent re arrangement, how they support, exercise PR if not attended who has obtained views – all parents.

### **Private Foster carer’s views**

Update about arrangement from carer if not attended who has obtained views

### **IRO views**

IRM notes whether they think this is the most appropriate plan for you.

**Next meeting IRM will attend..... 3 months/6 months**

*Attach this form to case note which says IRM attended CIN meeting and Oversight document attached to be shared with updated CIN plan.*