

## **1. INTRODUCTION**

1.1 The Children Act 1989 brings together the law relating to children's welfare within a single coherent legislative framework. It aims to strike a balance between the duty of parents to exercise their responsibilities towards their children and the duty of the state to intervene to ensure that children's welfare is safeguarded and promoted.

1.2 The legislation relevant to private fostering is set out in Part 9 of, and Schedule 8 to, the Children Act 1989, and regulations made under Part 9 of the Act, as amended by Section 44 of the Children Act 2004, and The Children (Private Arrangements for Fostering) Regulations 2005, which came into force on 1st July 2005 and replaced the Children (Private Arrangements for Fostering) Regulations 1991.

1.3 Private fostering arrangements can be a positive response from within the community to difficulties experienced by families. Nonetheless, privately fostered children remain a diverse and potentially vulnerable group.

1.4 The private foster carer becomes responsible for providing the day-to-day care of the child in a way which will promote and safeguard his welfare. Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent or other person with parental responsibility. Local authorities do not formally approve or register private foster carers. However, it is the duty of local authorities to satisfy themselves that the welfare of the children who are, or will be, privately fostered within their area is being, or will be, satisfactorily safeguarded and promoted. It is the local authority in whose area the privately fostered child resides which has legal duties in respect of that child.

## **2. DEFINITION OF A PRIVATELY FOSTERED CHILD**

2.1 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 disabled) by someone other than:

- A parent of the child
- A person who has parental responsibility for the child
- A close relative to the child

with the intention that it should last for 28 days or more.

2.2 Private foster carers may be from the extended family, such as cousin or great aunt. However, a person who is a relative under the Children Act 1989 i.e. Grandparent, brother, sister, uncle or aunt (whether of the full or half blood or by marriage) or step-parent, will not be a private foster carer.

2.3 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 a child.

2.4 The period for which a child is cared for and accommodated by the foster carer is continuous, but that continuity is not broken by the occasional short break.

2.5 If a period of care lasts less than 27 days but further periods are planned which total 28 days or more, then the private fostering procedures apply. A break in the period for the child to visit his/her parents at home for a brief period, e.g. weekend, would not effect the total calculation of the number of days of the placement. Such a break does not therefore constitute the end of the private fostering arrangement.

2.6 A child is **not** privately fostered while he/she is:

- Being looked after by the local authority
- Placed in the care of a person who proposes to adopt him/her under arrangements made by an adoption agency in line with Adoption legislation
- A protected child
- In the care of any person in compliance with a supervision order made in criminal proceedings under the CYPA1969 or a supervision requirement under the Social Work (Scotland) Act 1995
- Liable to be detained, or subject to guardianship, under the Mental Health Act 1983(7)

2.7 A child is deemed to be privately fostered where a person assumes care in a personal capacity and not as part of their duties in relation to any one of the following establishments:

- Any children's home
- Accommodation provided by or on behalf of any voluntary organization
- Any school in which he/she is receiving full-time education

- Any health service hospital
- Any residential care home, nursing home or mental nursing home
- Any other home or institution provided, equipped and maintained by the Secretary of State.

2.8 A private fostering arrangement is made by parents or a person with parental responsibility, directly with the private carers not through a voluntary agency or social care department. The arrangement is not paid for nor arranged by the local authority. If the local authority is sufficiently involved in financing and planning such a placement then the arrangement falls within the responsibilities discharged to local authorities for “Looked After Children”.

2.9 Private fostering is the arrangement made by the parent and the private foster carer. Local authorities do not approve or register private foster carers. A proper balance needs to be maintained between the rights of parents to make private arrangements for the care of their children, and other statutory duties towards privately fostered children.

N.B A Privately Fostered Child is not necessarily a ‘child in need’.

### **3. RAISING AWARENESS**

3.1 A new section (7A) of Schedule 8 to the Children Act 1989, inserted by section 44 of the Children Act 2004, places a duty on local authorities to promote public awareness, in their area, of the notification requirements. Local authorities need to develop a programme of communication activities, including local authority staff, and arrange and distribute up to date publicity materials. They also need to make available information on the notification requirements which reflect the requirements of Schedule 1 to the Children (Private Arrangements for Fostering) Regulations 2005.

3.2 Local Authorities, when undertaking awareness-raising activities, should involve other agencies, such as schools and GPs’ surgeries, so as to enable professionals in turn to encourage private foster carers and parents to notify the local authority. Other agencies need also to be aware that failure by a private foster carer or parent to notify a local authority of a private fostering arrangement is an offence, and if local authorities are not aware of such arrangements they cannot carry out their duty to satisfy themselves that the welfare of the children concerned is being satisfactorily safeguarded and promoted.

3.3 Education, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not

satisfied that the local authority have been, or will be, notified of the arrangement, so that the local authority can then discharge its duty to satisfy itself that the welfare of the privately fostered child concerned is satisfactorily safeguarded and promoted. This is, of course, a matter of good practice.

#### **4. NOTIFICATIONS OF PRIVATE FOSTERING ARRANGEMENTS Parents And Private Foster Carers**

4.1 Private foster carers are required by law to notify the local authority of:

- Their intention to receive a child into private foster care at least six weeks before the placement is intended to start unless made in an emergency in which case notification shall not be more than 48 hours later.
- Detail of the name, sex, date of birth, religion, racial origin and cultural and linguistic background of the child.
- The purpose and intended duration of the placement.
- The name and address (for the last five years) of any person giving notice / proposed private foster carer / parents / those with parental responsibility
- The name and address of any person involved in the arrangement and any of the minor's siblings including arrangements for their care.
- The date the fostering arrangement began.
- The ending of the fostering arrangement and the name and address of the person who will be caring for the child.
- Any conviction, disqualification or prohibition imposed on the person giving notice, foster carer or other people living or employed at the same household.
- Any person who begins or ceases to be part of a household and any further conviction, disqualification or prohibition imposed on the private foster carer or other persons living or employed at the household.
- The death of a child.

4.2 Parents also have responsibility to notify the local authority of:

- Their intention to place their child in private foster care not less than six weeks and not more than 13 weeks before the placement is intended to start unless made in an emergency in which case notification shall be not more than 48 hours after.

- Details of name, sex, date of birth, religion, racial origin and cultural and linguistic background of the child.
- The ending of a fostering arrangement.
- The purpose and intended duration of the placement.
- Of their address and change of address.
- The name and address of any other person involved in the arrangement.
- Arrangements for the care of any siblings not included in the private fostering.

4.3 Parental participation is one of the key principles of the children Act. The local authority must give careful consideration to arrangements made for the child's parents to exercise their rights, powers and duties. Parents should be encouraged to participate in all the decision-making processes in the placement. The Department would expect the parents to:

- Participate in planning for the child's future.
- Provide adequate information to the carer's about the child's needs, including medical, cultural, educational, emotional and behavioural development.
- Clearly establish the financial arrangements for the maintenance of the child.
- Exercise their parental responsibility.

4.4 Private fostering requires parental consent. **If there is no parental consent then it is not private fostering.** However, occasionally a situation arises such as in adolescence when a child goes to stay with a friend and the parent does not consent, but takes no action to assist the child returning home. Providing there are no child protection concerns it may be appropriate to take legal advice and consider these cases on an individual basis.

### **Independent schools**

4.5 Where a child who is under 16 years old and is a pupil at a non local education authority school, lives at a school during school holidays for a period of more than two weeks, the provisions relating to privately fostered children will apply to the child as if, while he is at the school, he was a privately fostered child.

4.6 A child is deemed to be privately fostered where a person assumes care in a personal capacity and not as part of their duties in relation to any school in which

the child is receiving fulltime education, if the duration of the placement is, or is intended to be, for longer than 28 days.

4.7 The person who proposes to care for and accommodate one or more children at school in circumstances in which all of them will be treated as private foster children, must not less than two weeks before the first of those children is treated as a private foster child during the holiday in question, give written notice of his proposal, to the local authority, stating the estimated number of children.

4.8 A local authority may exempt any person from the duty of giving notice. Any such exemption may be granted for a specific period or indefinitely, and may be revoked at any time by notice in writing given to the person exempted.

4.9 Where a child who is privately fostered dies, the person caring for the child at the school, not later than 48 hours after the death must give written notice of it:

- To the appropriate local authority.
- Where reasonably practicable, to each parent of the child and to every person who is not a parent of his but who has PR.

4.10 Where a child who is privately fostered ceases to be such, the person caring for him within the school will advise the appropriate authority of the change in circumstances in writing.

### **Independent schools practice guidance**

4.11 Where parents make arrangements for children to be privately accommodated to attend school on a daily basis such arrangement may constitute private fostering, and should be treated as such.

4.12 Where parents make arrangements for children from abroad to be privately accommodated for example at weekends and holiday periods, such arrangements may constitute private fostering and should be treated as such.

4.13 When parents living abroad appoint “guardians” in this country to oversee their children whilst at boarding school, they do not have PR. “Guardians” who care for and reside with a child under 16 for 28 days or more are private foster carers and must notify the local authority in the area.

4.14 Children who stay at weekends and holidays with host families may also be considered as privately fostered and again will need to be treated as such.

4.15 “Guardianship” organisations who arrange placements with “host families” have a duty to notify local authorities of the arrangement. The local authority’s primary relationship will be with the carer rather than the referring organisation.

4.16 A “guardian” who accommodates 4 or more children of any age for any period must apply to the Social Care Department in the area to register as a children’s home.

4.17 The arrangements detailed below do not come under the private fostering arrangements

Where schools make arrangements for placing children in private homes or lodgings, whether this be on site with staff or boarding out provision with a guardian or host family, the head teacher or proprietor is responsible for safeguarding and promoting the boarders welfare. The accommodation can therefore be inspected under Section 87 of the Children Act 1989 if the other circumstances of that section apply. In such circumstances the Social Care Department will be concerned with the school’s arrangements for vetting and selecting the lodgings used to provide accommodation for the pupils and the arrangements made for maintaining effective oversight of the safety and well being of the children in that setting.

Section 58(2) of the Education Act 1993 amends Section 63 of the Children Act 1989 so that an independent school with boarders must register as a children’s home if, within any 2 year period it has provided boarding accommodation for more than 3 pupils for more than 295 days during both years. This includes pupils accommodated elsewhere under arrangements made by the school, whether or not the accommodation arrangements are made by the school. Unless the parents have made the provision the welfare responsibility lies with the school. In all cases the school should write to the provider of the accommodation and the parents to confirm who has responsibility.

4.18 The school must also notify the appropriate officer in the Social Services Registration and Inspection team of any private fostering arrangement concerning children attending independent schools.

### **Language schools**

4.19 Children attending language schools may meet the criteria for private fostering. Such children are usually boarded with “host” families. If due to the length of stay, or age of the child, the child meets the criteria for private fostering then the arrangement will need to be treated as such.

## **Holiday schemes**

4.20 Where holiday schemes are organised and children are boarded with host families then the above arrangements apply.

## **Childminding**

4.21 People who carry out both childminding and private fostering have to register as a childminder and also notify the local authority each time they intend to privately foster a child.

4.22 Day care can include overnight stays of up to 27 days after which notification is required in each case.

## **Immigration and Nationality**

4.23 There is no specific provision in the Immigration Rules for children to be admitted to the UK for private fostering. However, Immigration Service Staff are required to notify the relevant SSD where a private fostering arrangement is found to be taking place.

4.24 There is concern that private fostering remains an underground activity with children living in these arrangements remaining largely invisible from both the immigration and social care departments.

4.25 Upon notification of such an arrangement refer to Chapter 8 of Replacement Children Act 1989 Guidance on Private Fostering and Chapter 7 of Child First, Migrant Second (Immigration Law and Practitioners Association) and seek management advice.

4.26 BAAF are currently writing some guidance to assist practitioners on this issue. Practice guidance will be updated as the information becomes available.

## **5. PRIVATE FOSTERING PRACTICE REQUIREMENTS**

Welfare of children who are to be fostered privately.

5.1 The matters referred to in regulation 4(1)(e) are –

a. that the intended duration of the arrangement is understood by and agreed between –

(i) the parents of the child or any other person with parental responsibility for the child; and

(ii) the proposed private foster carer;

b. the wishes and feelings of the child about the proposed arrangement (considered in the light of his age and understanding);

c. the suitability of the proposed accommodation;

d. the capacity of the proposed private foster carer to look after the child;

e. the suitability of other members of the proposed private foster carer's household;

f. that arrangements for contact between the child and his parents, or any other person with parental responsibility for him, and other persons who are significant to him, have been agreed and understood and that those arrangements will be satisfactory for the child;

g. that the parents of the child or any other person with parental responsibility for him and the proposed private foster carer have agreed financial arrangements for the care and maintenance of the child;

h. that consideration has been given to, and necessary steps taken to make arrangements for, care of the child's health;

i. that consideration has been given to, and necessary steps taken to make arrangements for, care of the child's education;

j. how decisions about the care of the child will be taken; and

k. whether the proposed private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as seems to the authority to be needed.

## **6. RESPONDING TO ENQUIRIES OR INITIAL INFORMATION**

6.1 It is expected that the initial contact with the department by carers, parents or others, will be by telephone or letter to advise of a private foster care arrangements that is already in existence or an intention for a child to be placed with private foster carers.

6.2 On first becoming aware of a private fostering arrangement, a referral in respect of the child must be raised with the Team Manager of the Locality Based Social Work Team covering the area where the child resides.

(See appendix 1 for contact details of Locality Teams)

6.3 Once the Team Manager / Senior Practitioner has determined that it is a private fostering arrangement the case will be allocated to a qualified social worker for a private fostering assessment of the child and carer. The assessment must be completed within the timescales. **(35 days)**

The assessment should include obtaining written consent to contact all relevant agencies and necessary statutory checks.

**The Enhanced CRB Clearance will be initiated by the allocated social worker who will take the appropriate documentation to the proposed Private Foster Carers and ensure the document is fully completed.**

6.4 A Private Fostering Arrangement Assessment must be commenced on all referrals relating to private fostering within **7 working days**.

**The child must be seen and spoken to alone as part of the assessment.**

**Visits must be made at intervals of at least every six weeks following the assessment; and recorded on the Private Fostering Visit Record.**

6.5 If a child is thought to be a 'child in need' or in need of protection then an initial assessment **must** be undertaken. The local authority should discharge its duties as determined by the assessment of the child's circumstances. Support services should be provided to assist the child remaining with birth parents whenever possible.

## **7. ASSESSMENTS OF SUITABILITY OF PERSONS AND PREMISES**

7.1 The Private Fostering Arrangement Assessment should be completed within 35 working days. Privately fostered children who are assessed as being a child in need should be given information about advocacy and other support services and following completion of the IA it may be necessary to undertake a core assessment.

7.2 The allocated social worker is responsible for assessing the private foster carer and for ensuring all relevant information is recorded onto the Private Fostering Arrangement Assessment

(See appendix 2 for guidelines on what should be included in the carers assessment)

7.3 Upon completion of the Private Fostering Arrangement Assessment the completed reports should be presented to the Team Manager for ratification.

7.4 Once an assessment has been agreed as satisfactory the social worker will ensure that the relevant details of the carer are inputted onto Framework under the carers name.

7.5 Where the Team Manager is satisfied as to the suitability of the private fostering arrangement this will be confirmed in writing to both the carer and the parents.

## **8. CONCERNS RAISED DURING THE ASSESSMENT**

The Department's duty is to satisfy itself that the welfare of the child who is being privately fostered is both safeguarded and promoted.

8.1 Child protection concerns should be investigated in accordance with Blackpool's Child Protection Procedures

8.2 If the assessment raises concerns but not to the extent that the child is in need of protection, then the concerns should be raised with both the carer and the parent. The onus for determining resolution of the concerns should be left with the parents as they hold Parental Responsibility. These concerns should be shared with them in writing.

8.3 Where a local authority is not satisfied that the welfare of any child who is privately fostered within it's area is being satisfactorily safeguarded or promoted **it must**, unless it considers that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure the care and accommodation of the child is undertaken by:

- A parent.
- Any person who is not a parent, but who holds PR.
- A relative
- Consider the extent of which (if at all) it should exercise its functions under the CA 1989, in respect of the child.

## **9. REQUIREMENTS, PROHIBITIONS, DISQUALIFICATIONS Requirements**

9.1 Where a person is privately fostering, or proposes to privately foster, the appropriate local authority may impose requirements as to:

- The number, age and sex of children who may be privately fostered.
- The standard of accommodation and equipment to be provided by them.
- The arrangements to be made with respect to their health and safety.
- Particular arrangements to be made with respect to the provision of care for them.

The local authority may specify a period of time by which these requirements must be met (Schedule 8.Para 6(1)).

9.2 Requirements must be specific and are imposed on the private foster carer.

9.3 Examples of requirements may include:

- Maintaining a record / details of the child and his/her family.
- Discipline.
- Safety.
- Sleeping arrangements.
- This list is not exhaustive.

9.4 A requirement may be limited by the local authority so as to apply only when the number of children privately fostered with a family exceeds a certain number.

9.5 If a requirement concerns the child's safety the parents should be fully informed of the situation. They may be advised or decide to remove the child from the placement while an appeal is pending.

9.6 Before imposing a requirement good practice would be to work towards an action plan between the private foster carer and social worker to address the concerns.

9.7 Requirements shall be imposed by notice in writing (by recorded delivery) addressed to the person on whom it is imposed and informing him of:

- The reasons for imposing the requirement.
- His right to appeal against it.

- The time within which he may do so.
- A local authority may at any time vary any requirement, impose any additional requirement or remove any requirement. Consultation should take place with the legal department in respect of requirements.

9.8 The private foster carer has a duty to comply with any such requirements. Failure to do so is an offence under Section 70 of the Children Act.

9.9 A person aggrieved by a requirement under Para 6, Schedule 8 may appeal to the court. The appeal must be made within 14 days from the date on which the person appealing is notified of the requirement, variation or cancellation. While the appeal is pending the requirement, variation or cancellation shall not have effect. (Schedule 8. para 8 Children's Act 1989).

### **Prohibitions**

9.10 The local authority has the power to prohibit the person whom is proposed to foster the child privately under section 69 where they are of the opinion that:

- The person is not suitable.
- The premises are unsuitable.
- Neither the premises nor the person are suitable.
- It would be prejudicial to the child's welfare to be or continue to be, accommodated by that person in those premises.

9.11 A prohibition may be imposed on:

- A person who intends to privately foster.
- A person who is already privately fostering.

9.12 If a requirement is not met the local authority may impose a prohibition on the private foster carer. Any prohibition would not have effect unless:

- The time specified for compliance has expired.
- And the requirement has not been complied with.

9.13 A prohibition shall be imposed in writing (by recorded delivery) addressed to the person on whom it is imposed and informing him:

- The reasons for imposing the prohibition.
- His right under para 8 of Schedule 8 to appeal against the prohibition.
- The time in which he may do so.
- Consultation needs to take place with the legal department prior to serving a prohibition.

9.14 When a prohibition has been issued the child's parents should be fully informed. If appropriate the parents should be advised to remove the child. The local authority should consider whether child protection procedures are required.

9.15 The local authority has the power to cancel a prohibition, and thus to respond appropriately to action taken by the private foster carer, or new information. Consultation is needed with the legal department when considering such action.

9.16 The private foster carer should be informed in writing (by recorded delivery) where a prohibition has been lifted.

9.17 Where a prohibition has been lifted the child's parents should be notified.

### **Disqualification**

9.18 Section 68 of the Children Act renders certain persons disqualified from private fostering. A person may be disqualified where:

- He / she has been convicted of certain offences (see below).
- An order has been made at any time in respect of a child in his /her care.
- The person's rights and powers over a child have been removed at any time.
- He/she has been refused registration as a child minder or similar.
- A prohibition from fostering privately has been imposed.
- He/ she lives in the same household as somebody who is disqualified.

Unless the applicant has disclosed these facts and the local authority have consented to the applicant and have done so in writing.

9.19 The local authority has discretionary powers to allow a person who is disqualified to privately foster.

9.20 Any consideration to lifting a disqualification must be subject to a decision by the Service Manager for Assessment and Commissioning and in consultation with the legal department.

9.21 The decision should be based on whether the facts or circumstances that prevailed at the time of the offence or order still apply, giving regard to:

- Date of the offence or order.
- Nature of the offence or order.
- Person's activity and involvement with children since the offence or order.
- Background information to the offence or order.

9.22 If the local authority refuse to exercise their discretion to lift the disqualification the carer should be informed in writing (by recorded delivery) of the reasons and they should be informed of their right to appeal within time limits.

9.23 Consideration should be given by the local authority as to what further action may be needed to safeguard the welfare of the child

## **Appeals**

9.24 Schedule 8 para 8 sets out the circumstances under which a person might appeal against the decision of a local authority.

9.25 A person may appeal to a court against:

- A refusal of consent to privately foster when disqualified.
- A prohibition impose.
- A refusal to cancel such a prohibition.
- A refusal to make an exemption against the usual fostering limit.
- A condition imposed in such an exemption.
- A variation or cancellation of such an exemption.

9.26 The person must appeal within 14 days from the date on which notification was received, to the magistrates court if the appeal is against:

- A requirement.
- A condition of an exemption against the usual fostering limit.
- A variation or cancellation of such an exemption.

9.27 These shall not have effect whilst an appeal is pending.

9.28 With all of the above private foster carers have 14 days within which to appeal to the court. Before proceeding to court consideration should be given to any new action or information concerning or from the carer which could result in an alternative way forward.

## **Offences**

9.29 Section 70 lists the following offences in relation to private fostering:

- To look after children whilst disqualified or prohibited.
- Failure to disclose the fact that a person is disqualified from being a private foster carer.
- Failure to give notice to the local authority within the specific time.
- Failure to give information within a reasonable time
- Causing or procuring another person to make a statement in a notice or provide information that is known to be false or misleading.
- Refusal to allow a privately fostered child to be visited by a duly authorised officer of the local authority.
- Intentionally obstruct an officer of the local authority from visiting a privately fostered child where there is reasonable cause to believe that such a child is being accommodated in premises within the authority's area.
- Intentionally obstructing an officer authorised by the local authority from visiting premises where it is proposed to accommodate a privately fostered child.

- Knowingly publishing an advertisement that indicates that a person will be undertaking private fostering without including the name and address of the carer.
- It is an offence for a person to privately foster more than three children who are not siblings at anyone time without a local authority exemption.
- Failure to comply with any requirement imposed by the local authority.
- Accommodating a privately fostered child in any contravention of a prohibition.

9.30 If entry is denied an application for a search warrant under Section 102 of the Children Act may be necessary to support the power of entry. The legal department will need to advise on this course of action.

9.31 If there is such a degree of concern as to pursue prosecution the child's parents should be informed and the local authority will need consider any child protection issues in accordance with procedures.

9.32 Any decision regarding prosecution would need to be sanctioned by the Assessment and Commissioning Service Manager and taken in conjunction with the legal department.

## **10. MONITORING THE PRIVATE FOSTERING ARRANGEMENT**

10.1 A social worker must visit the child within the first week of being notified of the arrangement as part of the Private Fostering Arrangement Assessment. Thereafter at intervals of no more than six weeks for the first year of the private fostering arrangement. In the second and subsequent years visits must be no at intervals of no more than 12 weeks.

10.2 The child should be seen and spoken to alone and the bedroom seen.

10.3 The carer should be involved in discussion to ensure that the arrangement continues to be suitable

10.4 The parent should be made aware of the visit and their views obtained on the above.

10.5 After each visit a report of the visit should be recorded on the private fostering visit record form on the Integrated Children's System. These forms are signed by the Team Manager.

10.6 The social worker must ensure that any advice / support needs identified in respect of the private foster carer are followed up appropriately with relevant agencies.

10.7 In the event that the placement is no longer suitable then action should be taken as appropriate. (See section 9)

10.8 It is an offence for a private foster carer or a parent to refuse to allow a child to be visited or to obstruct an authorised officer, who has reasonable cause to believe that a privately fostered child is being accommodated within the authority's area. In such an event the social worker should take legal advice.

10.9 The private fostering arrangement should be subject to review.

Following the private fostering assessment reports being ratified as suitable, the arrangement will be subject to the visits as described above.

At **six** months there will be a review to ensure that the child's welfare is safeguarded.

The review should be chaired by the Team Manager from the locality team holding case responsibility.

The child, parent and carer should be invited to attend.

The first review should consider whether the cases should transfer to the permanence team.

The arrangement should continue to be reviewed at six monthly intervals.

## **11. NOTIFICATIONS OF CHANGES IN CIRCUMSTANCES**

### **Notifying Another Authority**

11.1 Regulation 9 (3) provides that if a private foster carer moves to a new address in another local authority then the local authority who has received the notification must pass on to the authority in the locality of the new address;

- The name and new address of the private foster carer.
- The name of the child who is being privately fostered; and
- The name and address of the child's parents or any other person holding Parental responsibility for the child.

11.2 Good practice requires that the information passed on to the new authority draws attention to any important matters relating to the welfare of the child (e.g. a health or disability issue) special educational needs or the suitability of the private foster carer. It is also expected that the local authority notify other agencies of the change of address.

Good practice should also include informing the child's parents that the new local authority has been notified that the child is now living in their area. It should be made clear to the parents that the involvement will now cease with Blackpool

### **Notification Of The End Of A Private Fostering Arrangement**

11.3 Any person who ceases to privately foster a child must notify the appropriate local authority within 48 hours and must include in the notification the name and address of the person in whose care the child was received and the nature of their relationship with the child.

11.4 Where a private fostering arrangement ends due to the child's death, the local authority must inform the parent immediately. The local authority will need to consider the implications of what has happened and may need to assist the private foster carer with the formalities. The local authority must follow procedures in accordance with Local Safeguarding Children's Board.

## **12. POST PLACEMENT RESPONSIBILITIES**

12.1 A disabled child who has been privately fostered after the age of 16 years qualifies for advice and guidance from the local authority up to the age of 21 years. The local authority may advise, assist and befriend a young person if:

- He/she asks for help.
- The authority considers that he/she needs to be advised and befriended; and

The person who formerly looked after him/her (if not the local authority) does not have the necessary facilities for advising and befriending him.

12.2 Responsibility for delivery of post placement services rests with the area team.

12.3 When a young person reaches 16 years or case is closed, the address the child will be residing at must be recorded on the Integrated Children's System.

12.4 Only general sections of Section 24 of the Children Act apply to private fostering. The sections that refer to children formerly looked after do not apply.

12.5 Higher education students apply to the Local Education Authority. The regulations state that a parental contribution shall be applicable in the case of every eligible student except where he/she satisfies an exemption. This includes private fostering where the child has been provided with accommodation by the private foster carer for any three month period on or after the date on which he/she reaches 16 years and before the first day of the course provided that within this period the young person has not been under the parents charge or control. The local authority needs to be satisfied that the young person is estranged from parents.

12.6 The local authority should provide details for all privately fostered disabled children prior to reaching 18 years of age of the procedure for accessing adult community care services, so that the assessment takes place in an appropriate timescale to support the young person.

### **13. MONITORING COMPLIANCE WITH DUTIES AND FUNCTIONS**

13.1 The Local Authority will ensure that confidential records are kept on the private foster carer and on the privately fostered child.

13.2 Such records will include any information relating to disqualifications, prohibitions or requirements imposed on private foster carers. Also, decisions about offences and whether to consent or refuse to consent to a disqualified person privately fostering a child.

13.3 The records will also contain any relevant reports, assessments, write-ups, and visit reports in line with requirements.

13.4 Records will be kept and monitored about the numbers of privately fostered children and private foster carers living in the Blackpool area. The Integrated Childrens System will provide reports as and when required as all private foster carers and privately fostered children's details will be held on record.

13.5 New notifications will be recorded onto ICS at the point of referral and the Management Information team will complete the statistical data (PF1) to submit to the Department for Education and Skills.

13.6 Case files will be reviewed by team managers to ensure good practice and compliance requirements are met. Reviews of privately fostered children's case files will also be undertaken by the named lead professional within the council. (See appendix 1 for details)

13.7 A written report will be submitted annually to the Assistant Director of Children's Services, evaluating the work undertaken in respect of private fostering.

13.8 A written report will be submitted annually to the Chair of the Local Safeguarding Children's Board on how the welfare of privately fostered children is safeguarded and promoted.

This procedure was updated on 10<sup>th</sup> March 2009 and will be updated as and when required.

**APPENDIX 1**

***CONTACT DETAILS PRIVATE FOSTERING***

**DUTY AND LOCALITY TEAMS**

DUTY AND ASSESSMENT	01253477299
SOUTH LOCALITY	01253476860
NORTH LOCALITY	01253477545
CENTRAL LOCALITY	01253477670