

**Service:** Children and Young People's Services  
**Title:** Privately Fostered Children; Policy Statement  
**Manual:** Children in Need  
**Procedure Number:** CIN/029  
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**Comments To:** [Gill.Ward@durham.gov.uk](mailto:Gill.Ward@durham.gov.uk)

## **INTRODUCTION**

This Policy Statement is based on the principle that all children who are privately fostered have the right to expect the same outcomes we want for every child – that they should be healthy, stay safe, enjoy and achieve, make a positive contribution to society and achieve economic well-being.

Durham County Council is fully committed to its duties and to promoting best practice in relation to private fostering as specified in the Children Act 1989, the Children Act 2004, the National Minimum Standards 2005, the private Fostering Regulations 2005 and the Replacement Children Act 1989 Guidance on Private Fostering. Durham County Council aims to safeguard and promote the welfare of children and young people who are privately fostered. This policy statement sets out the principles and key strategies by which this commitment will be fulfilled.

### **Legal Definition of a privately fostered child**

A private fostering arrangement is essentially one that is made privately (that is to say without the involvement of a local authority) for the care of a child under the age of 16 (under 18, if disabled) by someone other than a parent or close relative for 28 days or more. Private foster carers may be from the extended family (ie not a relative under the Children Act, so not an aunt, grandparent, step-parent or sibling) such as cousin or great aunt. They may be a friend of the family or the child who is willing to privately foster a child.

Privately fostered children include children sent from abroad to stay with another family usually to improve their educational opportunities; children from abroad attending language schools; asylum seeking and refugee children; teenagers who, having broken ties with their parents, are staying in short term arrangements with friends or non relatives; those living with host families, including children from boarding schools who may spend long summer holidays with such carers; and local children living apart from their families.

Replacement Children Act 1989 Guidance 1.6

### **Duties and functions under Children Act 1989 and regulations**

Durham County Council will carry out its duties and functions in respect of privately fostered children in accordance with part 9 of the Children Act 1989, and Regulations made under it, which already provide a robust framework of safeguards for privately fostered children. The Council will fully implement the amendments to Section 67 of, and Schedule 8 to, the 1989 Act made by Section 44 of the Children Act 2004, which enhance that framework.

The County Council will ensure that those proposing to privately foster children know where they can get information about obtaining appropriate advice and assistance from the County Council and other agencies. The County Council has a named person who can be consulted in relation to any private fostering matter. This is the Children in Need Service Manager North.

The first time a child is seen an initial assessment will be undertaken to ascertain if he/she is in need as defined under Part III of the Children Act 1989 and whether the private fostering arrangement is appropriate. Checks (CRB and social services database) will be initiated at the point of the initial assessment. This assessment will be updated at each subsequent contact, taking into account the child's wishes and welfare.

The County Council will carry out its duties and functions under the 1989 Children Act to visit, support, review and, in certain circumstances, provide after care support to a privately fostered child throughout the duration of the arrangement. The County Council will carry out its duties and functions in respect of requirements on private foster carers; limits on the number of privately fostered children in the household: suitability of accommodation: prohibitions on a person proposing to, or actually fostering a child.

See Replacement Children Act 1989 Guidance 2.1-2.46

### **How duties and functions under Children Act 2004 and regulations are carried out.**

The County Council will promote the notification of all proposed, and any existing, private fostering arrangements through increasing the awareness within the community of these notification requirements and by ensuring that all professional who came into contact with privately fostered children understand their role in encouraging notification, through the following actions:

- Publicity campaigns. Posters, the County Council's newsletter, DCC website and briefing papers
- Formal briefings papers to the Local Safeguarding Children Board,
- Fora including the Extranet, partnerships, and Local Children's Boards
- Written briefings to all social care and health and integrated adult teams, and the launch of revised procedures and guidance notes.
- Information leaflets for parents, carers and children and young people
- Inclusion in induction programmes for all staff in Children and Young People's Services.

This process for promoting awareness and increasing notifications will be reviewed, and as required revised, annually.

When Children and Young People's Service receives notification of a proposed, or existing , private fostering arrangement, it will arrange for an officer to visit the child within one week in order to safeguard and promote the welfare of that child and, in particular, to satisfy the service of the following matters:

- that the intended duration of the private fostering arrangement has been understood and agreed between the parent of the child (or other person with parental responsibility for him) and the private foster carers;
- the wishes and feelings of the child about the arrangement (considered in the light of his age and understanding);
- the suitability of the proposed accommodation;
- the suitability of the private foster carer to look after the child;
- the suitability of other members of the private foster carer's household;
- the standard of care;
- that the agreed arrangement for contact between the child and his parent(s) (or other person(s) with parental responsibility for him) and other persons who are significant to him (e.g. siblings, other family members, close friends), are still agreed and are working;
- that the financial arrangements for the care and maintenance of the child are still agreed and are operating;
- that the arrangements for the child's medical and dental care and treatment have been made and that the child is included on the list of a General Practitioner;
- that the arrangements for the child's education have been made, and that the local education authority has been informed of the private fostering arrangement;
- that the child's 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 and linguistic background are being met;
- whether the child's parent(s) (or any other person with parental responsibility) are exercising parental responsibility for the child; and

- whether the private foster carer, the parent(s) (or any other person with parental responsibility for the child), or other person concerned with the child is being given any necessary advice.

The service will make arrangements for the child who is privately fostered, within their area to be visited by an officer (the named worker) at least six weekly (in the first year of the private fostering arrangements) and then at least three monthly; (in any second or subsequent year. The child will be seen alone at all visits, unless the officer considers it inappropriate.

A written report will be made after each visit. The objective of each visit is to ensure the child's welfare is promoted and safeguarded, and that the arrangements remain suitable.

The County Council will satisfy itself about arrangements for the child's health care and education – the child should be included on the list of a general practitioner (remain with current GP if at all possible) and the education service will be informed of the private fostering arrangements.

The County Council will encourage parents to remain as closely involved as possible in their child's life and will encourage contact and links with the child's birth family.

The named worker will ascertain the views and feelings about a private fostering arrangements (proposed or actual), subject to the child's age and understanding.

The County Council will provide advice and information to private foster carers (including prospective private foster carers), parents and others with parental responsibility, and privately fostered children – through public information leaflets, the Council Information Service (website), press and publicity campaigns, and direct consultation with the designated Team Manager.

The County Council will (through the named worker) provide information to private foster carers on the support available from other agencies, including health services, education, housing services, connexions, voluntary organisations and community groups.

The named worker will provide the privately fostered child with information, in formats appropriate to the child's age and level of understanding, including about their privately fostered status and what it means, their right to be safeguarded and the responsibilities of the adults and care for them. The child will be given the contact details of a named worker who will be visiting them while they are privately fostered, and information about the advocacy service.

The County Council will provide after care service, in terms of advice and assistance, to any young disabled person, under the age of 21 who was (but is no longer) privately fostered at any time after his/her 16th birthday.

In order to monitor the effectiveness of the way in which it discharges its functions in relation to private fostering, the County Council will:

- record information on the numbers of privately fostered children and private foster carers living in its area, including the number of new notifications.
- record the number and nature of enquiries received in relation to private fostering, the responses given and any actions taken.
- ensure that accurate, comprehensive, well organised and confidential records are kept for each privately fostered child – and that these are regularly reviewed.

### **County Council Requirements**

The County Council can impose requirements on any Private Fostering arrangement in relation to: the numbers age and sex of the children who may be Privately Fostered; standards of accommodation; safeguarding issues; and any specific care issues. See Replacement Children Act 1989 Guidance 6.13 - 6.17

## **Powers and Prohibitions**

The County Council may prohibit a person from Private Fostering if that person is not suitable, or if the accommodation is not suitable or if it would harm the welfare of the child who is Privately Fostered.

See Replacement Children Act 1989 Guidance 6.25 - 6.26

## **Disqualifications**

Under the Children act 1989 certain individual are Disqualified from Private Fostering.

See Replacement Children Act 1989 Guidance 6.27 - 6.29

## **Exemptions**

Private Foster carers can seek an exemption to a requirement, prohibition, or disqualification in regard to private fostering. Exemptions will be dealt with in accordance with the Private Fostering procedure.

See Replacement Children Act 1989 Guidance 6.25 - 6.26

## **Appeals**

Appeal can be made to the Family Proceedings court against the imposition of a requirement, prohibition or disqualification within 14 days of notification of that decision.

See Replacement Children Act 1989 Guidance 6.30

## **Offences**

Section 70 of the Children Act and the Guidance details the offences and penalties in relation to Private Fostering.

See Replacement Children Act 1989 Guidance 6.37

## **Other Agencies**

The County Council will ensure that other agencies are involved in safeguarding and promoting the welfare of privately fostered children, and carry out their roles, through an annual report to the Local Safeguarding Children's Board and The Head of Children's Services.

## **Reporting Arrangements**

The Children and Young People's Service will present an annual report to the Director of Children and Young People's Services detailing how the County Council discharges its duties and functions in relation to private fostering. A report will also be presented to the County Council's Corporate Parenting Members' Group.

## **Reviewing the policy statement.**

This policy statement will be reviewed annually in line with any changes in legislation or guidance, and will be regularly evaluated by the Head of Children and Young People's Services to ensure that the County Council's duties and functions in relation to private fostering are effectively discharged.

Date:.....07.06.2006..... Signed:.....



Director of Children and Young People's Services