

**Service:** Children and Young People's Services  
**Title:** Private Fostering Procedure  
**Manual:** Children in Need  
**Procedure Number:** CIN/030  
**Last Reviewed:**  
**Next Review Due:**  
**Comments To:** [Gill.Ward@durham.gov.uk](mailto:Gill.Ward@durham.gov.uk)

## INTRODUCTION

The purpose of this procedure is to detail the process social workers must follow in relation to private fostering arrangements. There is a legal duty to ensure private fostering arrangements are assessed and to ensure appropriate care is being offered to the child/children concerned (Children Act 1989, Children Act 2004, and Private Fostering Regulations 2005) see Privately Fostered Children Policy Statement.

**What is private fostering?** Private fostering is an arrangement made between a child's parents and another adult who is not a close relative (i.e. Not a sibling, aunt, uncle (even by marriage) or grandparent) to care for a child for a period of 28 days or more. This applies even if there is a short break during this period or if when notified of the arrangement it is not clear whether it will extend to the 28 days. An arrangement is only considered to be private fostering if the child is under 16 years old or 18 if they are a disabled child. It is an arrangement in which a child has not been accommodated by the local authority.

## ABBREVIATIONS

TM	Team Manager Children in Need
SW	Social Worker
PFC	Private Foster Carer
SPIAT	Senior Practitioner Initial Assessment Team
SMN	Service Manager North, Children in Need: Tel: 0191 3836027
StratM	Strategic Manager, Children in Need
PFC	Private Foster Carer
IRO	Independent Reviewing Officer

## RESPONSIBILITIES

Parents, Carers, Professionals	to notify the local authority of any private fostering arrangements at least 6 weeks prior to its commencement or in the case of an emergency arrangement within 48 hours
SPIAT	To provide advice and guidance to SW and other professionals in respect of private fostering arrangements. To arrange to publicise Private Fostering information and requirements as appropriate
SW	<p>To assess and provide a report in respect of private fostering arrangements .To visit and review according to requirements detailed below</p> <p>To ensure access to an interpreter is provided if the child's first language is not English or if they do not have verbal</p>

	communication
TM	<p>The Team Manger is responsible for ensuring that policy and procedure are followed and for signing off the report and recommendation in relation to private fostering</p> <p>If notification is received that a child is privately fostered, and that case is open to the Children in Need, or has been open within the preceding 12 weeks team it is the responsibility of that team to undertake an assessment (unless the child has moved locality)</p> <p>If notification is received on a new case the Initial Assessment Team will undertake an Initial Assessment and then pass the case for monitoring and reviewing to the Children in Need team</p>
SMN	<p>The Service Manager North is the responsible officer for Private Fostering arrangements and is the named person responsible for agency endorsement of Private Fostering arrangements. The SMN has overall responsibility for ensuring minimum standards are met, including monitoring performance. The SMN will keep a confidential record of all requirements, prohibitions, and disqualifications and will be informed immediately of any new or proposed Private Fostering arrangement.</p>
StratM	<p>The Strategic Manager, Children in Need has overall responsibility for ensuring service compliance and standards and is responsible for annual reports to Director and LSCB</p>
IRO	<p>To review private fostering arrangements after 3 months and then on an annual basis</p>

## ACTIONS

1. Notification is when the Service is made aware of an actual or potential Private Fostering arrangement. When SW or TM becomes aware of a private fostering situation they must ensure they have received written notification. The SW or TM should send the carer the written SS380 Private Fostering Notification Form. Notifications must be sent to Social Care Direct, Trimdon House.
2. The TM must allocate a SW to the case immediately notification is received. Copy of notification SS380 to be sent to SMN
3. The SW must ensure an Initial Assessment, Suitability Declaration SS381 and the SS382 Private Fostering Arrangement Assessment Report are completed within 7 working days. All areas of the Initial Assessment should be explored fully and particular focus should be given to the following areas:
  - Whether the duration is understood and agreed by the PFC and the person with parental responsibility.
  - Whether both parties understand that parental responsibility remains with parents and have agreed whether medical care is delegated.
  - Whether both parties have agreed and understand who is responsible for day to day decisions.
  - Whether contact arrangements have been agreed and contact is promoted by parents.
  - Financial arrangements.
  - Suitability of premises.
  - Wishes and feelings of the young person.
  - Whether the PFC or any member of the household is disbarred from private fostering under S68 of the Children Act or disqualification from Caring for Children Regulations 2004.

4. Additionally the following checks must be undertaken by the SW:

- CRB checks on all household members over 16 years.
- Social Services check (Durham and any other authority where the PFC has lived within the last 5 years).
- If the child is already being Privately Fostered an immediate PNC check must be made, pending the completion of the CRB check

5. The Initial Assessment can recommend:

- The private fostering assessment is appropriate (pending checks).
- More information is required and a Core Assessment is required (must be completed within 35 days).
- The private fostering arrangement is not satisfactory (in this instance the local authority can impose a prohibition in respect of this particular private fostering arrangement or in respect of them privately fostering any child, (Children Act S69(4) & Guidance 1989).

6. The TM must endorse and sign off the decision made following the Initial Assessment / Core Assessment, which must be approved by the Service Manager North. If the PFC is looking after 3 or more children who are not all siblings they must refer this to the SMN in order for an exemption to be approved.

7. The TM must notify the parents and carers in writing of the decision.

8. The SW of the Children in Need Team must inform the Senior Information Management Officer in the Quality and Performance Division and the SMN of any private fostering arrangements. Copies of CRB, Declaration form SS381, Initial Assessment and PF Arrangement Assessment Form SS382 to be sent to SMN within 7 days of completion. Where a Privately Fostered child is transferred from any team to another team, the new allocated SW must visit within 7 working days, and ensure a Review date is arranged.

9. Where a private fostering arrangement is not deemed appropriate the TM must inform the PFC in writing of the reasons for this and inform the PFC that they have the right to appeal to the Family Welfare Court within 14 days of receiving this written notification.

The SW and TM also have a duty to explore whether the child can live with their parents, person with parental responsibility, relative or other suitable arrangements.

10. When the private fostering arrangement is deemed appropriate (and when a Core Assessment is ongoing) the SW must visit every 6 weeks within the first year, and every 12 weeks thereafter.

11 The Children in Need Team must ensure that a separate file is made up for the Private foster carer's family. Copies of the following information should be kept on this file: SS380 Notification Form; SS381 Suitability Declaration; SS382 Private Fostering Arrangements Assessment Report, PNC and CRB. Any disqualifications, prohibitions or requirements, and decisions about any offences should be included. The Private foster carer should be added as an involved party on the child/young person's SSID/ICS record.

12. At each visit the SW must update any relevant information on the Initial Assessment and complete Part 1 of SS383 Monitoring and Review Report.

**NOTE: It is an offence for a PFC to refuse visits by the SW and the legal advice should be sought immediately.**

13. A private fostering arrangement must be reviewed by an IRO at 3 months and then once a year. The SW must use the SS383 Private Fostering Monitoring and Review Reports at the Review meeting. Prior to a Review the SW must complete both Part 1 and Part 2 of this form.

14. When a private fostering arrangement ends the SW must ensure that written notification is received from the carer and that all involved professionals are informed. The SMN must be notified.
15. If a child is returning abroad the SW must make reasonable efforts to ensure that the child is being reunited with his/her parents.
16. If the SW is not satisfied with the arrangements for care or accommodation, the SW needs to consider imposing requirements, or if appropriate prohibit the arrangement. The SW should inform the parents and take reasonable steps to ensure the child is looked after with a parent, a person with PR or a relative, unless this is not in the best interests of the child. The SW needs to consider any duties or powers to use, including assistance under s.17, or accommodation. If any of action of this nature is being considered the SMN must be involved and consulted. The decision is made by the SMN.
17. The SW needs to be able to identify if a Private Fostering arrangement is failing. Whenever possible the wishes and feelings of the child need to be taken into account, along with consideration of alternative arrangements. The child's parents should be informed. Parents may need additional support to help them make alternative arrangements. Consideration must be given to any support the child may need at this time.
18. The social worker must inform the TM of any enforcement action to be considered. Having done this the PFC should be notified of their rights and responsibilities and given time to respond as long as consistent with the needs of the child. Enforcements must be discussed and agreed with SMN and legal advisor. Any requirement and prohibitions must be put into writing, along with the reasons for the requirement or prohibition, and details of how to appeal.
19. Potential disqualifications must be considered by the TM, SMN and legal advisor. The decision will be made by the SMN. Disqualified people must be notified in writing of the decision, with the reasons.
20. If it is found that an individual is subject to an order relating to disqualification, or is a "Risk to Children" that individual may be disqualified from Private Fostering. If any member of the household of an actual or proposed Private Fostering arrangement is disqualified, the Private Fostering arrangement cannot be approved.
21. If a PFC or member of that household wishes to make a case for exemption from enforcement, this must be discussed with the SW. A written request must then be made to the SMN who will consider whether an exemption should be made. An exemption against Disqualification can only be made by the Head of Service.
22. The Local Authority has the power to prosecute individuals who do not comply with aspects of Private Fostering legislation, including the requirement to allow visits, or undertake CRB checks. In this case the SW, SMN, and Local Authority solicitor must meet within 5 days of being notified to consider action. It is the responsibility of the SW to notify the SMN.
23. Safeguarding procedures must be followed if it is suspected the child is suffering or likely to suffer significant harm.
24. When Private Fostering arrangement comes to an end, the SW must notify the SMN and Senior Information Management Officer in the Quality and Performance Division. The SW must complete the end of Private Fostering Form SS384. A copy must be sent to SMN.

### **After Care**

Disabled young people who are under 21 and have previously been privately fostered are entitled to advice and assistance.

If the child is under 18 he/she should be referred to the Disabled Children and Their Families Team.

If the young person is over 18 years they should be referred to the Physical Independence Team.

#### **RELATED DOCUMENTS**

SS380 Private Fostering Notification Form [SS380 Private Fostering Notification form](#)

SS381 Suitability Declaration [SS381 Suitability Declaration form](#)

SS382 Private Fostering Arrangement Assessment Report [SS382 Private Fostering Arrangement Assessment report](#)

SS383 Private Fostering Review Report [SS383 Private Fostering Monitor and Review Report](#)

SS384 Ending a Private Fostering arrangement [SS384 Ending a Private Fostering Arrangement](#)