

**SLOUGH BOROUGH COUNCIL**  
**EDUCATION AND CHILDREN'S SERVICES**

**Private Fostering Policy and Practice Guidance**

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**Approved by:** Children and Families Management Team (CFMT)

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## **1. Introduction**

This document outlines Slough Borough Council's Policy, Procedures and Practice Guidance in relation to arrangements made under Private Fostering Regulations. This policy & procedures document should be read in conjunction with the following:

- Children (Private Arrangements for Fostering) Regulations 2005
- Replacement Children Act 1989 Guidance on Private Fostering which replaces Chapter One of Volume 8 (Private Fostering and Miscellaneous) of the Children Act 1989 guidance, which was first published in 1991, and incorporates guidance on the new measures in the Children Act 2004, and in the new Children (Private Arrangements for Fostering) Regulations 2005 as effective from July 2005.
- National Minimum Standards for Private Fostering (2005)
- Schedule 8 to the Children Act 1989.

## **2. Definition**

### **2.1. Private Fostering Arrangement**

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

A private foster carer may be from the child's extended family such as a cousin or great aunt. However a person who is a relative under the Children Act 1989 will not be a private foster carer (see below for definition of relative). 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.

The period for which the child is cared for and accommodated by the private foster carer should be continuous but that continuity is not broken by the occasional short break. Exemptions to this definition are set out in Schedule 8 to the Children Act 1989.

## **2.2. Parental responsibility**

The private foster care does not have parental responsibility for the child. Although 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.

## **2.3. Definition of relative**

A relative, as defined by the Children Act 1989, is a grandparent, brother or sister, uncle or aunt whether by full blood, half blood or by marriage or a step parent.

## **2.4. Examples of a privately fostered child**

A privately fostered child is one who is under the age of 16 (under 18, if disabled) who is cared for and accommodated for 28 consecutive days or more by someone who is not parent or a close relative by private arrangement between parent and carer. Private fostering situations could involve:

- Children sent to this country for education or health care by birth parents living overseas.
- Children living with a friend's family as a result of parental separation, divorce or arguments at home.
- Teenagers living with the family of a boyfriend or girlfriend.
- Children whose parents' study or work involves unsociable hours, which makes it difficult for them to use ordinary day care or after school care.

## **3. Duties of the local authority**

Slough Borough Council has a duty to:

- Publicise and make available advice and information to prospective private foster carers, parents and others on the requirement to notify
- Ensure relevant local authority staff are sufficiently aware of 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 Regulations
- 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 Regulations. (Parents also have a specific duty to ensure their child's welfare is promoted.)
- Ensure that privately fostered children are visited by an officer of the Authority at prescribed intervals.
- Ensure 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 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 it needs to exercise any wider powers allowed under regulations, e.g. prohibition of arrangements, or disqualification of persons.
- 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 secure that the child is looked after 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 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 Arrangement.
- Have in place systems to monitor the Borough's compliance with the various requirements of the Regulations
- Take action to improve practice where necessary
- Provide annually to the Director of Education & Children's Services an evaluation of the outcomes of the Borough's work in relation to safeguarding and promoting the welfare of the privately fostered children in their area
- Report annually to the Chair of the Local Safeguarding Children Board on how the Borough safeguards and promotes the welfare of privately fostered children, including how the Borough co-operates with other agencies in this connection.

## 4. Functions of the local authority

Slough Borough Council will carry out the above duties as follows:

### 4.1. Raising Awareness

The responsibility to promote the awareness of notification requirements, and ensure that those professionals who may come into contact with privately fostered children understand their role, rests with the Fostering Team.

The Manager of the Fostering Team will:

- Produce publicity materials that include the legal definition of a privately fostered child with examples, the notification requirements and the procedure for notifying, and the benefits of notification and possible consequences of non-notification.
- Produce publicity materials that contain the name of the person to be contacted for information about notification or other aspects of private fostering. **This person is currently Karl Davis, Group Manager, Children in Need.**
- Ensure that publicity materials are available in an appropriate range of languages and formats which are accessible to different groups of private foster carers, parents and communities within Slough Borough Council.
- Ensure that there is an information leaflet that is suitable to be given to a child or young person who is about to be privately fostered or who is already in a private fostering arrangement.
- Ensure that education, health and other professionals are aware that they should notify the local authority of a private fostering arrangement that comes to their attention where they are not satisfied that the local authority has been, or will be, notified of the arrangement.
- Ensure that this publicity material is distributed with appropriate advice to relevant professionals within Education and Children's Services and to other relevant partners e.g. Housing, Libraries, Leisure Centres, GPs, Health Visitors, Schools, Nurseries, Children's Centres and voluntary organisations.
- Enlist the support of members of the Local Safeguarding Children Board in promoting awareness via the giving of advice and the distribution of publicity material.
- Place adverts in the local papers and other relevant publications at regular intervals.
- Hold at least one annual campaign (linked to any national campaigns) where communities and professionals receive targeted information via, for example, advertisements in the local press and editorials, local radio interviews, publicity events and the distribution of posters and leaflets.
- Monitor the effectiveness of these campaigns and use the information obtained to inform future awareness raising activity.

## **4.2. Named Person with Expertise**

The person within Slough Borough Council with expertise in private fostering is currently **Tina Ryan, Team Manager, Fostering Team**. She will be available to social workers and other relevant professionals for consultation and advice.

The named person will also promote the understanding and expertise of staff within Education and Children's Services and relevant partner agencies by visiting teams, groups and individuals on an annual basis to give presentations on private fostering. The named person will also provide new members of staff with induction in respect of private fostering.

The Fostering Team holds information leaflets on private fostering for professionals, parents, private foster carers and children who are about to be privately fostered or are already subject to this arrangement.

## **4.3. Responding to Notifications**

A person who proposes to privately foster a child must notify the local authority of this at least six weeks before the date on which the arrangement is to begin; or immediately, if the arrangement is to begin within six weeks. The parent of that child or any person with parental responsibility for that child must also notify the local authority.

Schedule 1 to the Children (Private Arrangements for Fostering) Regulations 2005 lists the information that must be provided to the local authority.

The responsibility for receiving notifications rests with the social work teams within Education and Children's Services. On receipt of a notification that a person proposes to privately foster or that they are already privately fostering a child:

- A Customer Services Officer will log this notification on the ICS system under 'Private Foster Care' as the reason for contact. The case should then be progressed to a referral.
- An Initial Assessment will be completed by a social worker within CIN within seven days. The worker undertaking the assessment should:
  - (a) Visit the premises where it is proposed the child will be cared for or where the child is already accommodated
  - (b) Speak to the proposed or current private foster carer and all members of his household
  - (c) Speak to the child whom it is proposed will be privately fostered or who is already in the private fostering arrangement alone unless the worker considers this inappropriate. (An independent interpreter should always be used where the child's preferred language is not English.)
  - (d) Speak to the parents or other person with parental responsibility
  - (e) Establish the details of the arrangement (as listed in Schedule 2 of the Regulations) and record these on the child's file.

- If on completion, it is confirmed that the arrangement constitutes private fostering then the outcome of the Initial Assessment should be logged on ICS as 'Private Fostering Assessment'. The social worker should then complete the 'Private Fostering Assessment Record' (as opposed to a Core Assessment) within 35 days.
- When a worker has completed the 'Private Fostering Assessment Record' this should be sent via ICS to the Group Manager, Children in Need for authorisation. **This is currently Karl Davis.**
- In respect of a case that is already open but where a child later becomes subject to a private fostering arrangement, the allocated worker should log on to the Case Pathway on the child's ICS record and click on 'Private Fostering Arrangement Assessment Record'. This assessment record should then be completed within 35 days.
- The Team Managers supervising the social workers within the Multi-Agency Locality Teams will ensure that all new notifications are recorded and passed to the Business Information Analyst, Education and Children's Services to be included in the statistical data return to the Department of Children, Schools and Families.

#### **4.4. Subsequent Visits to a Privately Fostered Child**

The worker allocated to the child must visit them at intervals of not more than six weeks within the first year after the arrangement has become known to the local authority. For any second or subsequent years, these visits should take place at intervals of not more than 12 weeks. The child must be seen on their own unless the worker considers this inappropriate and the visit must be recorded on the child's file.

It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct an authorised offer from exercising any duty towards the child.

#### **4.5. Suitability of the private fostering arrangement**

Local authorities are expected to make a decision about the suitability of all aspects of a private fostering arrangement within 42 days from notification or as soon as the outcome of the CRB check(s) is known, whichever is the sooner.

The overall decision about the suitability of an arrangement should be signed off by the Group Manager, Children in Need. **This is currently Karl Davis.**

In addition to undertaking this assessment, the privately fostered child's worker is also expected to ascertain and record the following:

- The wishes and feelings of the child.
- The intended duration of the placement.
- That the child is registered with a GP.

- That the private foster carer is aware of the child's medical history and whether the parent has agreed for the private foster carer to consent, on their behalf, to everyday medical treatment.
- That arrangements have been made for the child's education, where appropriate.
- That the private foster carer is aware of the significance of religion and/or culture in relation to the child's racial origin.
- That clear arrangements have been agreed for contact with people who are significant to the child.
- That the private foster carer has agreed with the parent the financial arrangements for his care and maintenance.

**The child's worker will support the private foster carer and the child's parent to include all the relevant issues above in a written agreement between them.**

The child's worker will also undertake the following checks:

- Whether the private foster carer is known to his local authority.
- Undertake an enhanced CRB check of the private foster carer and everyone over the age of sixteen in his household.
- If the private foster carer has school-age children to contact the relevant schools.
- Inspect the premises where the child will be, or is currently, accommodated with a view to the health and safety of the child. It is recommended that a child over the age of two does not share a bedroom with a teenager, the private foster carer or other adult member of the household.

If this assessment raises any concerns about the capability of the private foster carer to promote the welfare of the child and safeguard him, the worker will raise this with their own manager. If the child is deemed to be in need (Children Act, Section 17) or at risk (Children Act, Section 47) this manager will take the appropriate action in accordance with Slough Borough Council procedures. (See also Requirements, Prohibitions and Disqualifications)

#### **4.6. Financial Support**

As stated above, the primary responsibility for the financial support of the placement rests with the child's parents. However, in some exceptional circumstances, the local authority may help the private foster carer through a short period of financial hardship, e.g. while the child benefit is transferred from the parent to the private foster carer. In the event that a level of ongoing financial support is needed, the local authority should give consideration as to whether the child needs to become looked after rather than placed under Private Fostering Regulations.

#### **4.7. Action after assessment is completed**

Once the assessment of the capability of the private foster carer to meet the needs of the child has been completed and signed off by the Group Manager, Children in Need, the following action will be taken:

- The child's worker will visit the privately fostered child in accordance with the regulatory timescales (see Section 4.4).
- The child's social worker will take responsibility for monitoring the arrangement to ensure that the child's welfare is satisfactorily safeguarded and promoted and will ensure that the private foster carer is provided with appropriate advice regarding the care of the child, e.g. support available from other agencies.
- The child's worker will notify the Team Manager of the Fostering Team of the private fostering arrangement and send them a copy of the initial and core assessments.
- The Fostering Team Manager will allocate a worker to support and advise the private foster carer. A file will be opened in their name.

#### **4.8. Review of the private fostering arrangement**

- An annual review of this arrangement will be arranged by the child's worker and chaired by his or her manager. It will be attended by the private foster carer, the child (if of sufficient age and understanding), the parent (if able to do so) and the private foster carer's worker.
- The purpose of the review will be to ensure that the welfare of the privately fostered child is being satisfactorily safeguarded and promoted, that the private foster carer is receiving appropriate support to enable them to do so and that the child's parent is kept fully informed about the child's welfare and how the local authority is monitoring this.
- The manager of the child's worker will undertake an audit of the child's file immediately prior to the review.
- A record will be kept of the annual review on both the child's and the private foster carer's file and circulated to all those who attended.

#### **4.9. Advice and Support to Private Foster Carers**

- The child's worker will keep the private foster carer's worker informed of any significant information during the period of the arrangement.
- The private foster carer's worker will respond appropriately to this information and, in addition, will also respond to any request for information or advice from the private foster carer himself.
- The private foster carer's worker will inform the private foster carer of any relevant training that is being provided by the Family Placement Service. It may be appropriate for the worker to provide training on a one-to-one basis to the private foster carer.

- It is the responsibility of the private foster carer's worker to ensure that the private foster carer's Criminal Records Bureau check and those of members of his household (if they are over sixteen) is renewed every two years.
- The manager of the private foster carer's worker will undertake an audit of the private foster carers file immediately prior to the annual review. The opportunity will be taken to ensure that all the information is up to date, including the CRB check.
- The Fostering Team Manager will keep under review the needs of private foster carers as a group. Should their numbers increase sufficiently from the current very small numbers to make it viable to hold support groups, training or social events, this will be considered.

#### **4.10. Advice and Support to Parents**

- The child's worker must give parents clear information regarding his or her name and contact details.
- Parents may need advice and support to enable them to make alternative arrangements for the care of their children when the local authority considers it is not in the best interest of the child to be privately fostered.
- Parents may need to be advised on the desirability of keeping siblings together, on attachment issues, on preparation for, and the ending of, a private fostering arrangement and the importance of contact whether direct or indirect.

#### **4.11. Information and Support for Privately Fostered Children**

- The privately fostered child's worker must ensure that the child is given clear information regarding the name and contact details of his allocated worker. The child will also need to be reassured that he can contact this worker if he has any significant worries about his care or would like the social worker to visit him.
- Children and young people will need information, in an appropriate format, about their carer and his responsibilities, the meaning of their privately fostered status and the right to be safeguarded. (The Fostering Team has copies of a BAAF leaflet on private fostering for children and young people which may be appropriate to use, given the child's age and understanding.)
- It may also be appropriate to give children and young people information about advocacy services if they are deemed to be children in need (Section 17).

#### **4.12. Services for disabled children and after care**

In accordance with their general duties to disabled children, the local authority needs to consider the overall development needs of a disabled child who is privately fostered. In addition, a disabled person who is under 21 and who was (but is no longer) privately fostered at any time after his sixteenth birthday, qualifies for advice and assistance from the local authority. It will be the responsibility of the young person's worker to advise, assist and befriend him if he asks for help and his previous private foster carer does not have the necessary facilities to do so.

(Note: Local authorities only have a responsibility to advise and assist young disabled people who have been privately fostered.)

#### **4.13. Private foster carers already known to the local authority**

Where there is intent to start private fostering after a break or where an additional child is to be placed, a re-assessment must be made using the process set out above. This re-assessment process should take account of any variation in circumstance and the specific needs of the child to be placed, amongst other factors.

#### **4.14. Notifications to other local authorities**

If the carer moves to another local authority area – including Scotland, Wales and Northern Ireland, the authority receiving the notice must inform the other local authority of the new address. In informing another local authority that a private foster carer has moved to their area it is good practice to draw their attention to any important matters relating to the welfare of the child (e.g. a disability or health problem), special educational needs or the suitability of the private foster carer. It is also good practice for the local authority to notify other agencies of a change in address, e.g. the Primary Care Trust if the child has special health needs.

It is the responsibility of the privately fostered child's worker to notify the local authority and other relevant agencies where the private foster carer and the child have moved, to ensure that the private foster carer's worker is aware of the move and to close the child's file in accordance with Slough Borough Council's procedures.

It is the responsibility of the private foster carer's worker to close the private foster carer's file in accordance with Slough Borough Council procedures.

#### **4.15. Monitoring compliance with the regulations and standards**

It is the responsibility of the Group Manager, Children in Need to monitor the way in which the local authority complies with the legislative framework for private fostering.

This quality assurance process should monitor and evaluate the following area of practice:

- Action taken to raise public awareness
- How the department responds to notifications received
- Whether proper checks, and visits, are carried out within required timescales
- How disqualifications and prohibitions are handled and the process by which the department imposes requirements and monitors adherence to these requirements
- What other action, if any, is taken to ensure that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted (e.g. child protection measures)
- How appeals are handled
- How the department responds to late or failed notifications
- Arrangements for determining the suitability of all aspects of a private fostering arrangement – including the accommodation and the wider environment in which privately fostered children are placed
- The extent to which privately fostered children are visited and seen alone and the recording of such visits.
- Arrangements for providing advice to all concerned and interested parties
- Extent of cooperation with other agencies

The Team Managers supervising social workers within the Multi-Agency Locality Teams and the Team Manager of the Fostering Team will provide the Group Manager with sufficient information to enable him to carry out effective monitoring. In particular they should be mindful of their responsibilities within their own teams to:

- Record information on the numbers of privately fostered children and private foster carers living in their 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 action taken.
- Ensure that accurate, comprehensive, well-organised and confidential records are kept for each privately fostered child and private foster carers.

#### **4.16. Annual reporting**

The outcomes of the monitoring process must be reported annually by the Team Managers supervising social workers within the Multi-Agency Locality Teams and the Team Manager of the Fostering Team to:

- The Director of Education & Children's Services.
- The Chair of the Local Safeguarding Children Board. This particular report should also address how the department cooperates with other agencies in relation to private fostering matters.

### **5. Duties of Other Professionals to Notify the Local Authority**

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 has been, or will be, notified of the arrangement so that the local authority can discharge its duty to safeguard and promote the welfare of the privately fostered child.

### **6. Other Requirements for Private Foster Carers**

#### **6.1. Change of circumstances**

Private foster carers are required to notify the local authority in writing of certain changes in circumstance, in advance if practicable, but not more than 48 hours after the change. They are required to notify the local authority of:

- any person who begins or ceases to be part of their household; and
- any new conviction, disqualification or prohibition of theirs or any person living, or employed, in their household.
- any change in their address ( if change to another local authority area see below for duty to notify other authorities)
- If the child leaves their household – or the private foster placement is otherwise ended.
- the child's death

It is the responsibility of the privately fostered child's worker to check during their regular visits or at other appropriate times that the private foster carer is aware of, and complies with, this regulation.

It is also the responsibility of the privately fostered child's worker to ensure that the private foster carer's worker is aware of any change of circumstances.

## **6.2. Notification of the end of the arrangement**

Private foster carers are required to notify the local authority in writing when they cease to privately foster a child within 48 hours of the arrangement ending. They must also notify the local authority of the name and address of the person who took over the care of the child and the relationship of that person to the child.

It is the responsibility of the privately fostered child's worker to ensure that the child's parents are aware of this move and of his current whereabouts. If the child has moved to another private fostering arrangement, the child's parents may need reminding of their duties in accordance with the regulations. If the child has returned to the care of his parents, the duties of the local authority in respect of private fostering have come to an end.

It is also the responsibility of the privately fostered child's worker to ensure that the private foster carer's worker is aware of the end of the arrangement. The private foster carer's worker will then close the carer's file.

## **7. Powers of the Local Authority**

### **7.1. Requirements**

Local authorities have the power to impose requirements on private foster carers as to:

- the number, age and sex of the children who may be privately fostered
- the standard of accommodation and equipment to be provided for them
- the arrangements to be made with respect to their health and safety
- any other particular arrangements which must be made with respect to their care.

Following the assessment of the capability of the private foster carer, the worker undertaking the assessment will discuss with their manager if it is necessary to impose any requirements. If they agree that this is necessary, a final decision in respect of the local authority imposing requirements on a private foster carer will be taken by the Group Manager, Children in Need.

### **7.2. Prohibitions**

The regulations also allow the department to prohibit individuals from acting as private foster carers, for example, if they are deemed to be unsuitable, the accommodation is unsuitable or the arrangement is contrary to the child's welfare.

Any decision to impose a prohibition of this kind will usually be taken by the Group Manager, Children in Need, in conjunction with the Assistant Director, Education and Children's Services and following consultation with the Borough's legal advisers.

Persons on whom a prohibition has been imposed are disqualified from private fostering and also from carrying on or working in a children's home or day care or childminding.

### **7.3. Disqualification**

In addition to the above, there are a number of specific circumstances where an individual may be disqualified from acting as a private foster carer, for example, where an individual has been convicted of specified offences or where he is the parent of a child who has been made subject of a care or supervision order.

Any decision to disqualify an individual will usually be taken by the Group Manager, Children in Need in conjunction with the Assistant Director for Education & Children's Services and following consultation with the Borough's legal advisors.

Local authorities can, in certain circumstances, give their consent to a person acting as a private foster carer who would otherwise be disqualified, but only if they are satisfied that the child's welfare would not be prejudiced by the proposed, or actual, private foster carer or by a member of their household. In such circumstances, the private foster carer should be provided with written consent to privately foster the specific child in question.

### **7.4. Representations**

Private foster carers may appeal against any decision to impose requirements or prohibitions or disqualify them by making representations in writing to the Group Manager, Children in Need within 28 days of receiving written notification of a decision.

In most instances, the Group Manager will make a final decision in conjunction with the Assistant Director. The Borough's legal advisors should also be consulted prior to making a formal decision to disqualify an individual from privately fostering a child.

Where the local authority decides to refuse consent to allow a disqualified person to privately foster a child an appeal may be made to the family proceedings court within 14 days of notification of that decision.

### **7.5. Offences**

Section 70 of the Children Act 1989 covers offences in relation to private fostering:

- It is an offence to care for a child whilst:
  - a) Disqualified from private fostering without the consent of the local authority,

- b) Whilst living in the same household as someone who is himself disqualified from private fostering or at which any such person is employed or whilst prohibited. (A person found guilty on summary conviction of such offences would be liable to a term of imprisonment of not more than 51 weeks (or not more than 6 months in the case of an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003) or to a fine or both. (For all other offences the penalty would be a fine).)
- It is an offence to fail to give the notice required under Regulations 4-6 of the Children (Private Arrangements for Fostering) Regulations 2005. (See Part 1.3: Notifications) without reasonable excuse, within the time specified; or to provide any information required, without reasonable excuse, within a reasonable time.
  - It is an offence to make, or cause or procure another person to make, a statement in the notice or information, which is known to be false or misleading in a material particular.
  - It is an offence to fail, without reasonable excuse, to comply with any requirement imposed by a local authority.
  - It is an offence to refuse to allow a privately fostered child to be visited by an authorised officer of a local authority; and to obstruct such an officer in inspecting premises in which a child is privately fostered or in which it is proposed to privately foster a child, and from seeing the child there.
  - It is an offence to publish an advertisement offering to undertake or arrange for a child to be privately fostered unless it states the person's name and address.
  - It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct an authorised officer.

#### **7.6. Action to be taken by staff when an offence appears to have been committed**

The regulations may be breached in a number of different ways. Two key areas where a breach may occur are:

- Failure to notify the local authority of an intention to place a child with a private foster carer within prescribed timescales
- Failure to notify the local authority that a child has been placed with private foster carers within prescribed timescales.

Any staff dealing with a case involving late or failed notification will need to ascertain the wider circumstances leading to the breach of the regulations. e.g. was the failure to notify due to a lack of understanding of the requirements of the regulations or a flagrant breach of the notification requirements.

In most instances, the local authority will focus its activity on promoting the child's welfare, supporting the parent and carers and ensuring there is no further breach of the regulations in future rather than initiating legal action against parties. However, any decision regarding legal action will usually be taken by the Group Manager, Children in Need in conjunction with the Assistant Director for Education & Children's Services and following consultation with the Borough's legal advisors. (Note: Late notifications should also be recorded on ICS.)

## **7.7. Legal guidance**

The Borough is currently developing an agreed policy with its legal advisors in respect of a prohibition or disqualification. In the meantime, managers are advised to seek the advice of the Joint Legal Team.

## **8. International aspects**

### **8.1. Privately fostered children whose parents are in the UK for a limited period**

There is no specific provision in the Immigration Rules for children to be admitted to the United Kingdom for private fostering. However, foreign nationals and commonwealth citizens who are admitted to the United Kingdom for a limited period, for example as visitors or students or work permit holders, may be joined by their children provided certain conditions are met (e.g. parents must be able to maintain and accommodate their children without recourse to public funds.)

There is no bar to parents placing their children in private foster care during their stay, provided that they take their children with them when they leave the country and meet all the usual requirements about notice and suitability of the proposed arrangement.

Children will normally be given leave to remain for the same period as their parents.

The social worker enquiring into a proposed private foster carer in these circumstances is advised to:

- Check the child's passport in order to confirm his identity and whether or not he has leave to remain. (The date his leave to remain expires will be stamped on his passport.)
- Confirm with the child's parents that there are clear plans for the child to return to their country of origin with them, e.g. by viewing return tickets.
- Confirm that there is a clear, traceable return address in the country of origin.

If the social worker has any concerns, they should bring this to the attention of their manager. They may also find it helpful to refer to the Borough's policy on "No Recourse to Public Funds". Advice on immigration issues is available from the Borough's Legal Department.

## **8.2. Privately fostered children whose parents are living abroad**

The same checks regarding the child's status should be undertaken. All requirements regarding private fostering apply to this arrangement, including financial support to the carer.

The primary responsibility for the financial support of the placement rests with the child's parents. In the event that a level of ongoing financial support is needed, the local authority should give consideration as to whether the child needs to become looked after rather than placed under Private Fostering Regulations.

It should also be noted that if the child is seeking asylum and it is not possible to contact his parents or to do so would put him at risk, this arrangement can not be considered to be private fostering.

It is particularly important for the child's social worker to establish what the plans are for the child to be reunited with his parents. This will avoid any frustration that may arise from mistaken, confused or disappointed expectations about any proposed or actual plans for the child to return to his country of origin.

Fuller information on all issues regarding immigration and nationality can be obtained from the Borough's Legal Department.

## **8.3. Health care**

A child from overseas, who is resident in the UK lawfully and for a settled purpose, may apply to register with a General Practitioner or their parent or their private foster carer may do so on their behalf.

A child seeking NHS treatment will not be charged for this, provided they are lawfully resident in this country.

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