

SAFE WELL PROSPEROUS CONNECTED

# Services for Children and Young People Private Fostering - Internal

<b>Status</b>	<b>Date</b>	<b>By Whom</b>
Approved	October 2021	Paul Cowling
Last Updated	October 2021	Jane Brennan
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## Introduction

In North Lincolnshire, our One Family Approach aims to create a system that works for all children, young people and families where we work together to provide and commission integrated services for children and young people.

This procedure contributes to the assurance that the welfare of children who are privately fostered, or where it is planned that they should be so, is safeguarded and promoted with a view to them returning to or living within their living in their home or family networks, within their communities and attending their school.

We have high expectations of ourselves as partners with families and communities to deliver positive outcomes and we have high aspirations for our children and young people. Using their strengths, assets, views and experiences and by working together using our values, influence and statutory roles, we will make the best decisions regarding local services and support, to help achieve the very best for our children and young people.

This procedure is within the North Lincolnshire Children and Families Strategy 2020/24 which clarifies our integrated “One Family Approach” and commissioning intent in relation to health, social care and education for children, young people and families.

## Definition

A privately fostered child is one who:

- Is under 16 (or under 18 if disabled)
- Is provided with care and accommodation by someone who:
  - Is not a parent
  - Does not have parental responsibility
  - Is not a close relative

**Close relatives are defined by the children act as parents, step-parents, grandparents, siblings, aunts or uncles (whether of the full or half blood or by marriage)**

- Is provided with accommodation continually for 28 days or more

**This continuity is not broken by a short break in care, for example a weekend back with parents or a short stay with other relatives etc.**

See – Children act 1989 guidance on private fostering, section 44 of the children act 2004 and statutory instrument 2005 No.1533 The Children (private arrangements for fostering) Regulations 2005.

## Duties

- To ensure that the welfare of children who are privately fostered, or where it is planned that they should be so, is safeguarded and promoted.
- Ensure children’s wishes and feelings are sought and acted upon.
- To ensure that appropriate advice is given to those caring for privately fostered children and to the parents of these children.

- Ensure privately fostered children understand the arrangement and who they can seek advice from.
- Work with families to ensure children achieve and maintain stability.
- Ensure all household members in a private fostering family are considered during the assessment
- To ensure that the public and other agencies are aware of the requirement to report private fostering arrangements to the local authority.
- Make regular visits to ensure the child's welfare.
- Where 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) functions under the Children Act with respect to the child should be exercised.
- Inform the private foster carer and parents and others concerned in writing of any requirements, disqualifications or prohibitions and provide information about how they may appeal against any decisions made by the local authority in respect of the Private Fostering Arrangement
- Ensure private foster carers and all members of the household understand the role of private fostering and all are in agreement
- Provide annually to the Director of Children's Services an evaluation of the outcomes of their work in relation to safeguarding and promoting the welfare of the privately fostered children in their area
- Work with families to ensure children achieve and maintain stability.
- Promote awareness with partner agencies. This is achieved through incorporating private fostering in all safeguarding training, school registration documents, offering private fostering training and workshops periodically. Agencies are targeted and offered 1-1 training throughout the year.
- Promote awareness to the general public. This is achieved through joint information sharing with mainstream recruitment activity, social media campaigns and North Lincolnshire dedicate a week to awareness raising offering phone ins.

## Policy

1. Private Foster Care referrals will be received by the Integrated Multi-Agency Partnership (IMAP). Upon receipt of notification a discussion will take place with the Fostering Service as to who would be suited to undertake the assessment.
2. Where the placement has not yet commenced the Fostering Service will undertake assessment as to the suitability of the placement. The Fostering Service will undertake the assessment where there are no safeguarding issues highlighted. Where there may be safeguarding issues the IMAP service will undertake the assessment by way of Children's Services Assessment.
3. Where the child is considered a Child in Need the Case Management Service will undertake the support and monitoring of the placement.
4. Where the child is not considered a Child in Need the Fostering Service will undertake all support and monitoring.

5. The child should be seen within 7 working days (minimum) of the commencement of a private fostering arrangement and 6 weekly (minimum) thereafter. After the first annual review of the arrangement visits will be 12 weekly (minimum)
6. It is the duty of the local authority in which the private foster resides to ensure compliance with private fostering regulations.
7. Private fostering arrangements are made by the parent or person with parental responsibility and are not instigated by the local authority.

### Notifications and timescales

- The Local Authority should be notified of a planned private foster placement at least 6 weeks before it happens. Notifications should not be more than 13 weeks in advance.
- Where a private placement happens in an emergency, the Local Authority should be notified within 48 hours of the placement taking place.
- When a person discovers that they are a private foster carer, or that their child is privately fostered (for example, following a publicity drive) they should notify us within 48 hours
- The notification of private fostering arrangements forms should be fully included to ensure all essential information is gathered. There are forms for the carer and for the parent/person with PR.
- Other agencies are also under the same obligation to notify us if they are aware of a child who is, or is to become, the subject of a private fostering arrangement.
- Write to education providers and health to notify them of children residing in private fostering arrangements.
- Private foster carers should notify children's services of any changes to their household, any convictions of household members, ceasing to privately foster, moving home or death of the child within 48 hours.

### Standards

- Private fostering referrals should be received by the Integrated Multi Agency Partnership (IMAP).
- Details of the proposed placement or current placement will be taken.
- Following discussion with the Private Fostering lead in the Fostering Service the decision will be made who undertakes the assessment.
- The relevant team will gather completed and signed notification forms from the carer and parent.
- The relevant team will undertake assessment of the suitability of the proposed private foster carers. If a child has already been placed when notification is given to Children Services, the date of notification should be regarded as the referral date.
- Leaflets about private fostering will be provided to the child, carer and parent.

- Private foster carers will have a separate CareFirst record detailing the assessment of their suitability, DBS information and visits offering advice and support.
- An annual review meeting of all privately fostered placements will be held. This meeting will include all parties involved with the child and family, including health and education etc where applicable.
- When there are concerns about the welfare of a child, a discussion should take place with the Practice Supervisor to decide whether an internal referral should be made to the Case Management team, with a view to providing Children in Need support.
- Paragraph 6 of schedule 8, CA 1989, gives the local authority the right to impose requirements on the carer together with a time scale by which the requirement(s) must be met. Such requirements should be given to the carer in writing, with the reason for imposing the requirement, their right to appeal the requirement and the time scale within which they should appeal.
- Where such requirements are met, the carer should be sent a formal written notice saying so.
- The prohibition notice is issued under section 69 (3) children act 1989. The right of appeal is contained in paragraph 8 of schedule 8 CA 1989.
- The usual fostering limit is three children unless the children concerned are all siblings with respect to each other. Other exceptions are governed by Schedule 7 of the Children Act 1989. The decision to authorise an exemption will be made by the Service Manager following discussion with the Practice Supervisor.
- Unless disabled, a child ceases to be privately fostered on reaching his 16<sup>th</sup> birthday.
- As the child reaches their 16<sup>th</sup> birth children's services need to consider future plans. Where a young person remains with the private foster carers after the age of 16, but requires continuing support, he or she should be assisted as a Child in Need.
- Should the young person move to independence, the local authority is empowered to advise, assist and befriend such as person if he asks for help and his carers or parents do not have the necessary facilities themselves. The power to provide after care arrangements applies to a person who is under 21 and was (but is no longer) privately fostered. The young person should be considered under the Leaving Care duties and responsibilities.

## Powers

The local authority may:

- Impose requirements on the person who is or intends to privately foster a child as to:
  - The number, age and sex of children who may be privately fostered by her/him.
  - The standard of the accommodation and equipment to be provided for them
  - Arrangements with respect to the child's health and safety
  - Particular arrangements relating to the provision of care which must be carried out.
- Impose prohibitions in respect of the private arrangements, in the following circumstances:
  - If the private foster carers is not suitable to care for a child under private arrangements

- If the premises are deemed to be unsuitable
- If it would be prejudicial to the child's welfare for him/her to be or to continue to be fostered by the person in the premises concerned.
- Disqualify the person from acting as a private foster carer in certain circumstances, e.g. If he/she is a parent of a child who has been made subject of a Care/Supervision Order, etc, or if he/she has been convicted of offences described in a relevant schedule. Section 68 of the Children Act 1989 deals with disqualification from being a private foster carer. The Regulations made under Section 68 are the Disqualification From Caring for Children (England) Regulations 2004

### Steps to be taken

On receiving notice that a private foster placement is planned or has happened the following procedure should be used.

No	Action	Record	Responsibility	Timescale
1	<ul style="list-style-type: none"> <li>• Complete assessment of the suitability of the foster carers and capacity to meet the child's needs</li> <li>• Check CareFirst for previous information on the child and potential carers</li> <li>• See the child in their private fostering arrangement</li> <li>• Contact family to take steps to ensure a paper notification of a private fostering placement form is completed by the principal carer and parent.</li> </ul> <p>Responsible social worker must:</p> <ul style="list-style-type: none"> <li>• Visit the premises where the child is or is proposed, to be privately fostered.</li> <li>• Complete a CareFirst private foster carer assessment or Children's services assessment.</li> <li>• Speak to the private foster carer and all members of the household and ensure that:                             <ul style="list-style-type: none"> <li>○ An explanatory leaflet for carers is issued.</li> </ul> </li> </ul>	<p>Children's services assessment or private fostering assessment</p> <p>Classification added to Carefirst</p> <p>Relationships added to Carefirst</p>	IMAP or Fostering service	<p>Visit undertaken within 7 days of notification where the child is already placed. Assessment completed with 45 days of notification.</p>

No	Action	Record	Responsibility	Timescale
	<ul style="list-style-type: none"> <li>○ An enhanced DBS form is completed by all members of the household aged 16 or over</li> <li>● Speak to and if reasonably practicable visit the child's parents and ensure that:                             <ul style="list-style-type: none"> <li>○ A paper notification by a parent of a private fostering placement form is completed by the child's parent(s)</li> <li>○ An explanatory leaflet for parents is issued</li> <li>○ A complaints leaflet is issued</li> </ul> </li> <li>● Speak to the child alone, wherever they are placed, and ascertain their views about the arrangement and ensure that an information leaflet is issued.</li> <li>● Liaise with school and health professionals to verify information gathered.</li> </ul> <p>If the carer has given any previous addresses that are outside of North Lincolnshire, check whether the local authority(s) concerned have any record of the carer or members of the carer household.</p> <p>The assessment must consider; the length of the proposed placement, the carers motivation to foster, views of all household members, suitability of the accommodation, carers experience of parenting, carers capacity to care, carers experience of and views of education, carers ability to ensure children access education and health, carers ability to support family time with those important to the child and the views of parents/those with PR.</p>			

No	Action	Record	Responsibility	Timescale
	The assessment must provide analysis of all sections of the assessment and made a recommendation regarding suitability.			
2	Social Worker discusses with Practice Supervisor who makes the decision whether the placement is satisfactory or not. The decision is recorded on the Private Fostering assessment or Children's Services form which is then authorised by the Practice Supervisor on CareFirst. If the assessment is satisfactory, go to step 3 If the assessment or visit is unsatisfactory go to step 5	Private Fostering Assessment/ Children's services assessment	Fostering Service  Practice supervisor	Once previous step has been completed  Ensure child is visited 6 weekly during this time.
3	Inform both the prospective carer and the parent that, from the information available, the placement is satisfactory and the Fostering service will undertake support and monitoring.	Information letter	IMAP or Fostering Service	Once authorisation has been granted
4	Arrange to visit the child: <ul style="list-style-type: none"> <li>• Within one week of the placement commencing and at least every 6 weeks for the first year</li> <li>• Within each 3 months thereafter</li> </ul> Following each visit complete the CareFirst visit to a privately fostered child form.  All assessments and visits should be recorded on both the child and carers Carefirst records  Letters notifying of the arrangement should be sent to school and health professionals.  Annual reviews of the arrangement should be held and review form on Carefirst	CareFirst Record- 'visit to a privately fostered child' form.	Fostering Service/ IMAP	Within one week of placement date. Within each 6 weeks thereafter for first year. Within each 3 months thereafter.

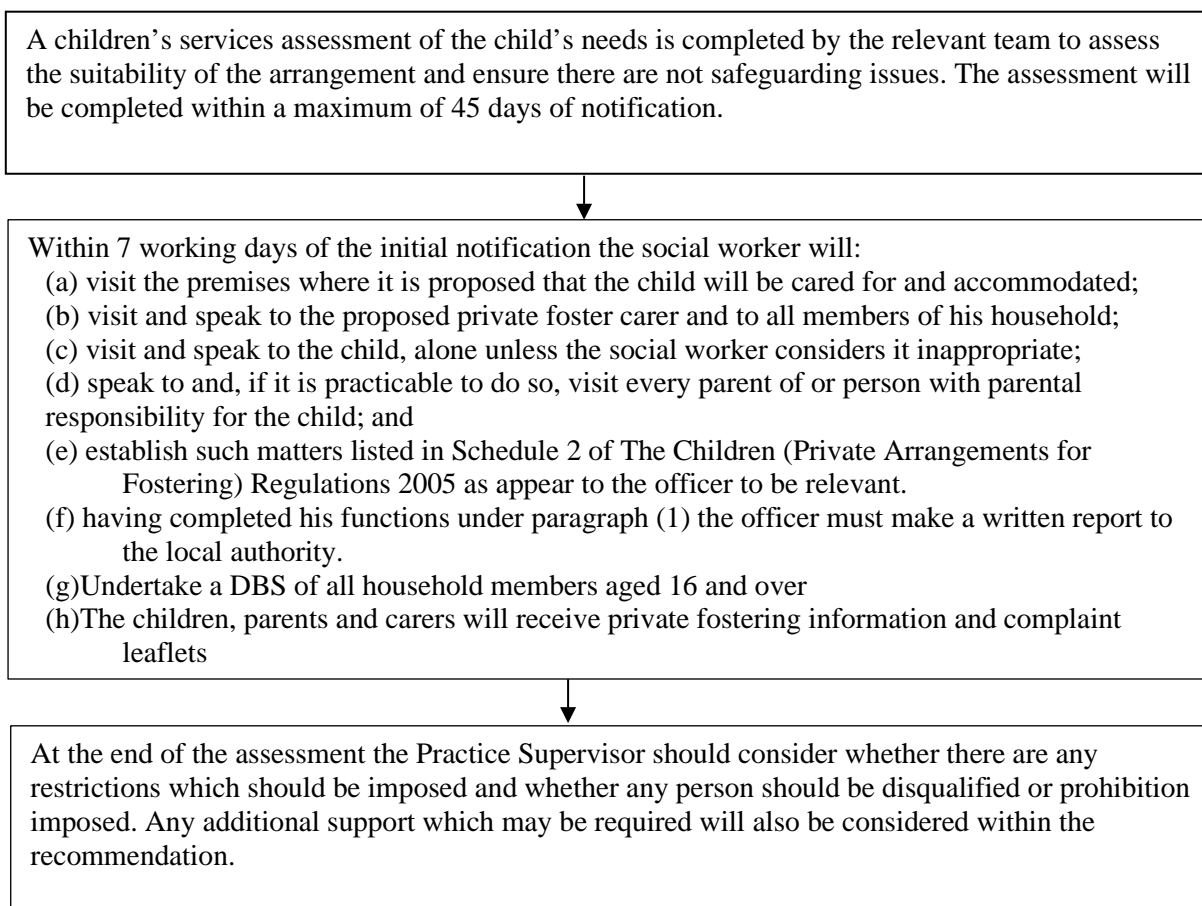


No	Action	Record	Responsibility	Timescale
	completed. Visits can be reduced to 12 weekly following this. Parents, school, health, carers and the child should all participate.			
5	A privately fostered child should be regarded as a child in need and all services available to support children in need are available to them. A family solutions meeting should be held in order to identify support and solutions. Concerns should be clearly shared with the carers and expectations regarding required improvement stated.	Carefirst	Case Management	Child in Need procedures apply.
6	If despite this, the placement continues to be unsatisfactory, action should be taken to have the child cared for by either: <ul style="list-style-type: none"> <li>• His/her parents</li> <li>• A relative</li> <li>• A local authority carer</li> </ul> The arrangements for doing this are the same as for any other child in need.	Referral	Fostering Service/ Case Management service	When required
7	If a privately fostered child is not being satisfactorily cared for, the position of any other children in the household, including the carer's own children should also be carefully considered and appropriate action taken, if necessary.	N/A	Fostering Service /Case Management service	If required
8	<b>Prohibition of a private foster carer</b> Where the care of a privately fostered child, or another child in the same household, is deemed to be unsatisfactory, and normal measures to improve the care of the child have not been successful, consideration should be given to issuing a notice of prohibition to the carer.	Notice of Prohibition	Legal tracking and decision making meeting	When required

No	Action	Record	Responsibility	Timescale
	The decision to do so must be taken by service managers in discussion with the legal section at the.			
9	A prohibition notice should be sent by registered post or delivered by hand to the carer, together with an information leaflet informing them of their right to appeal against the notice.	Prohibition Notice  Information Leaflet	Fostering Service	When decision has been made
10	<b>If a prohibited private foster carer appeals against the prohibition</b> Inform a prohibited carer who wishes to appeal against the decision to prohibit that they should make an application to a court in writing within 14 days of the notice of prohibition being received by them.	Prohibition Notice	Fostering Service	If required
11	<b>If a prohibited private foster carer seeks to have a prohibition removed</b> Having been prohibited, a carer may be reinstated and the prohibition removed by the local authority, either on an application by the carer, followed by a thorough re-assessment (see below) or because the local authority now feel that the circumstances leading to the prohibition no longer apply (section 69(4) CA1989).	Prohibition Notice  Re-assessment	Private Foster Carer	If required
12	Before a prohibition can be cancelled, we must: <ul style="list-style-type: none"> <li>Carry out a thorough private fostering re-assessment of the carer, carried out by the relevant Social Worker and agreed by the Practice Supervisor..</li> </ul>	Private fostering Assessment Form (CareFirst)	Practice Supervisor	When required
13	Present the case to the Legal tracking and decision making meeting for service manager approval of the removal of the prohibition	Private Fostering Assessment Form	Service Manager	When assessment form is completed

No	Action	Record	Responsibility	Timescale
14	Following the decision by the Service Managers the carer must be notified of the decision in writing, and their right to appeal	Decision in Writing  Right to Appeal Information	Fostering Service	After the decision has been made
15	<b>Responding to Un-notified Private Fostering Arrangements</b>			
16	In situations where a private fostering arrangement has come to the attention of children's services but has not been notified in accordance with the regulations, a decision must be taken where it appears that an offence has been committed, bearing in mind the best interests of the individual child.	Assessment form  Carefirst record	Fostering Services Team, Service Manager	

### Private Fostering Process Map



### When the placement is satisfactory

The prospective carer and parent(s) will be informed that from the information available, the arrangement is satisfactory. GP and school will be notified that the child is residing in a private fostering arrangement.



The child will be visited every 6 weeks (minimum) for the first year and ever 12 weeks (minimum) thereafter. The child will be seen alone, unless the social worker considers it inappropriate, and seen within the home. Carers will be visited and all household members considered during visits. Training, advice and guidance will be discussed.



The child will be supported through the case management service where he is deemed a child in need. The child will be supported through the fostering service where it is assessed the child does not require a service as a child in need under s17 of the Children Act 1989.

The suitability will be reviewed on an annual basis (minimum). Reviews should include all professionals, carers, parents and the child ensuring the child's needs are being met. Once ended the classification will be ended on carefirst and the plans for the child's care post 16 clearly recorded.

### When the placement is not satisfactory

A privately fostered child should be regarded as a child in need, and all services available to support children in need are available to them. This would include convening a family solutions meeting.



If, despite this, this placement continues to be unsatisfactory the parents should be supported to identify a more suitable arrangement or prohibition should be sought.

### Prohibition of a private foster carer

A person may not foster a child privately where s/he is disqualified from doing so and has not obtained written consent from the local authority(s68 Children Act 198). If it appears a person should be disqualified legal services will serve any notice and prepare for possible appeal. On receipt of notice the private foster carer has 14 days to appeal to the court.

Where the care of a privately fostered child is deemed not satisfactory or it appears the person should be disqualified the practice supervisor should seek agreement for prohibition. The decision to do this must be taken by service managers in decision with the legal department at the legal decision making and tracking meeting.

### If a prohibition private foster carer seeks to have a prohibition removed

Having been prohibited, a carer may be reinstated and the prohibition removed by the local authority, either on an application by the carer or because the local authority feel the circumstances leading to prohibition no longer apply.



Before a prohibition can be cancelled, we must: carry out a thorough private fostering reassessment of the carer, carried out by the social worker with case responsibility.



The assessment will be agreed by a Practice Supervisor and authorised by Service Managers in the Legal Decision Making and Tracking meeting.



The carer will be notified of the decision in writing.